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**Punished for Protesting: Human Rights Violations in
Venezuela's Streets, Detention Centers, and Justice System
since February 12, 2014**



Mr. Chairman, Committee members:

Thank you for the invitation to appear before the Senate Committee on Foreign Relations on behalf of Human Rights Watch (HRW) to discuss the alarming human rights situation in Venezuela today. On May 5, Human Rights Watch released a report titled [*Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System*](#). Based on extensive research conducted on the ground in Caracas and three states, the report documents violations committed by Venezuelan security forces and justice officials in the context of protests since February 12, 2014. The findings of that report—the full version of which I have formally submitted to the Committee, and which I would respectfully request be included in the record of this hearing—are the basis for my testimony today.

Findings of HRW Report “Punished for Protesting”

On February 12, 2014, thousands of people across Venezuela participated in marches and public demonstrations to protest the policies of the government of President Nicolás Maduro. In Caracas and several other cities, violent clashes broke out between government security forces and protesters. Three people were killed, dozens seriously injured, and hundreds arrested. Since then, the protests have continued and the number of casualties and arrests has grown.

In the days and weeks after February 12, Human Rights Watch received reports of serious human rights violations, including abuses committed during government operations aimed at containing protest activity, as well as in the treatment of people detained at or near protests.

To investigate these allegations of abuse, Human Rights Watch carried out a fact-finding investigation in Venezuela in March. We visited Caracas and three states—Carabobo, Lara, and Miranda—and conducted scores of interviews with abuse victims, their families, eyewitnesses, medical professionals, journalists, and human rights defenders. We also gathered extensive material evidence, including photographs, video footage, medical reports, judicial rulings, and case files. In addition, we collected and reviewed government reports and official statements regarding protest activity and the response of security forces.



What we found during our in-country investigation and subsequent research is a pattern of serious abuse. In 45 cases, we found strong evidence of serious human rights violations committed by Venezuelan security forces, which included violations of the right to life; the prohibition on torture and cruel, inhuman and degrading treatment; the rights to bodily integrity, security and liberty; and due process rights. These violations were compounded by members of the Attorney General’s Office and the judiciary who knew of, participated in, or otherwise tolerated abuses against protesters and detainees, including serious violations of their due process rights.

The accounts of the victims in these 45 cases—together with corroborating evidence assembled from a diverse range of sources—provided credible evidence that more than 150 people were victims of serious abuses in related incidents. (For more on how we conducted our research and documented cases, see the “Methodology” section in this report.)

In most of the cases we documented, security forces employed unlawful force, including shooting and severely beating unarmed individuals. Nearly all of the victims were also arrested and, while in detention, subjected to physical and psychological abuse. In at least 10 cases, the abuses clearly constituted torture.

In all three states, as well as in Caracas, security forces allowed armed pro-government gangs to assault unarmed civilians, and in some cases openly collaborated with them in the attacks, our research found.

The Venezuelan government has characterized the protests taking place throughout the country as violent. There is no doubt that some protesters have used violence, including throwing rocks and Molotov cocktails at security forces. More than 200 security force members and government officials have been injured in the context of the protests, and at least nine have died, according to the government. All crimes—including those committed against security forces, protesters, and bystanders—require rigorous investigation, and those responsible should be brought to justice. Moreover, security forces have a responsibility to detain people caught in the act of committing crimes.

However, in the 45 cases of human rights violations we documented, the evidence indicated that the victims of unlawful force and other abuses were not engaging in acts of violence or other



criminal activity at the time they were targeted by Venezuelan security forces. On the contrary, eyewitness testimony, video footage, photographs and other evidence suggest victims were unarmed and nonviolent. Indeed, some of the worst abuses we documented were committed against people who were not even participating in demonstrations, or were already in detention and fully under the control of security forces.

The nature and timing of many of these abuses—as well as the frequent use of political epithets by the perpetrators—suggests that their aim was not to enforce the law or disperse protests, but rather to punish people for their political views or perceived views.

In many instances, the aim of the abuse appears to have been to prevent individuals from documenting the tactics being employed by security forces, or to punish those attempting to do so. In 13 of the cases we investigated, security forces targeted individuals who had been taking photographs or filming security force confrontations with protesters. Roughly half of these individuals were professional journalists, while the other half were protesters or bystanders using cell phones to document use of force by security forces.

In addition to the unlawful use of force and arbitrary arrests, nearly all of the 45 cases involved violations of due process guarantees. These included holding detainees incommunicado, denying them access to lawyers until minutes before they were presented to judges, and in several cases planting evidence on them before charging them with crimes. Judges often confirmed charges against detainees based on dubious evidence presented by prosecutors, without subjecting the evidence to rigorous review or inquiring into how suspects presented before them had sustained visible injuries.

Prosecutors and judges routinely turned a blind eye to evidence suggesting that detainees had been subject to abuses while in detention, such as ignoring obvious signs of physical abuse, or interrogating detainees in military installations, where it was clear they did not have access to lawyers.

High-ranking Venezuelan government officials, including President Nicolás Maduro and the attorney general, have acknowledged that government security forces have committed human rights violations in responding to demonstrations since February 12. They have pledged that



those responsible for abuses will be investigated and prosecuted, and the Attorney General's Office recently reported that it is conducting 145 investigations into alleged human rights violations and that 17 security officials had been detained for their alleged involvement in these cases. At the same time, President Maduro, the attorney general, and numerous other government officials have also repeatedly claimed that human rights abuses are isolated incidents, rather than evidence of a broader pattern of abuse.

While it was not possible for Human Rights Watch's investigation to determine the full scope of human rights violations committed in Venezuela in response to protests since February 12, our research leads us to conclude that the abuses were not isolated cases or excesses by rogue security force members, but rather part of a broader pattern, which senior officers and officials must or should have known about, and seem at a minimum to have tolerated. The fact that the abuses by members of security forces were carried out repeatedly, by multiple security forces, in multiple locations across three states and the capital (including in controlled environments such as military installations and other state institutions), and over the six-week period covered in this report, supports the conclusion that the abuses were part of a systematic practice by the Venezuelan authorities.

Prosecutors and justice officials who should have operated independently from security forces—and whose role should have led them to identify and intervene to stop violations against detainees—instead turned a blind eye, and were in some cases actively complicit in the human rights violations being committed by security forces. Prosecutors contributed to various due process violations, such as participating in interrogations without a defense lawyer present, which is contrary to Venezuelan law. Both prosecutors and judges failed to scrutinize evidence that had been planted or fabricated by security forces, and held hearings to determine charges for multiple detainees who did not have prior adequate access to legal counsel.

The scope of the due process violations that occurred in multiple jurisdictions across several states—and that persisted, at the very least, over the six-week period examined by this report—highlights the failure of the judicial body to fulfill its role as a safeguard against abuse of state power. It also reinforces the conclusion that Venezuela's judiciary has been transformed from an



independent branch of government to a highly politicized body, as has been previously documented in multiple reports by Human Rights Watch.¹

Violence by Protesters

Human Rights Watch reviewed government statements alleging that protesters engaged in acts of violence and other crimes in various parts of the country since February 12. We also collected and analyzed media reports, video footage, and photographs posted online purporting to show acts of violence committed by protesters during demonstrations. As noted below, according to the Venezuelan government there have been 41 fatalities connected to the protests, most of which the government attributes to protesters.

The most common crime attributed to protesters was the obstruction of roadways and other transit, either by fixed barricades or the presence of demonstrators who did not seek official permits for their activities. In addition, on multiple occasions, people participating in protests have attacked security forces with rocks, Molotov cocktails, and slingshots. In a handful of incidents, there were reports of protesters shooting homemade mortars.

For example, photographs taken by a *Reuters* photographer on April 6, 2014, show young men who appear to be protesters firing what looks like an improvised mortar device.² The photograph's caption reads: "Anti-government protesters fire a rudimentary mortar at police during riots in Caracas April 6, 2014." Other photographs taken by the same photographer show different masked men holding and shooting what appear to be homemade mortar tubes on February 26 and

¹ Human Rights Watch, *Rigging the Rule of Law: Judicial Independence Under Siege in Venezuela*, June 2004, <https://www.hrw.org/reports/2004/06/16/rigging-rule-law-0>; Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, September 2008, <http://www.hrw.org/reports/2008/09/18/decade-under-ch-vez>; Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez's Venezuela*, July 2012, <https://www.hrw.org/reports/2012/07/17/tightening-grip-0>.

² "Anti-Government Protesters Fire a Rudimentary Mortar at Police during Riots in Caracas," *Reuters*, April 6, 2014, <http://www.trust.org/item/20140406165554-9e08n/> (accessed April 24, 2014); Jeremy Bender, "Venezuela's Street Protests Are More Terrifying Than Ever [Photos]," *Business Insider of Singapore*, April 8, 2014, <http://www.businessinsider.sg/venezuelan-protests-are-getting-intense-2014-4/#.U11471VdWSp> (accessed April 24, 2014).



27, 2014.³ According to the photographs' captions, the men holding the mortar tubes were anti-government protesters participating in protests in San Cristóbal, Táchira state.

Human Rights Watch also found multiple photographs and videos that reportedly show anti-government protesters throwing Molotov cocktails at security forces.⁴ Some images show the Molotov cocktails setting security force members or their vehicles on fire. For example, *NTN24* posted online a cell phone video showing several people throwing Molotov cocktails at an armored government vehicle, setting it on fire.⁵ *NTN24* reported that the vehicle had been shooting water and teargas as it aimed at demolishing street barricades in Caracas.⁶

Another video posted on YouTube shows around a dozen security force members retreating on a street as rocks are being thrown at them. A flaming object lands at their feet and explodes, temporarily setting at least a few of them on fire.⁷ The video was uploaded on YouTube on February 21 by a user who said it was taken on February 18, 2014, in Táchira state, and described the explosive as a Molotov cocktail. The video does not show who threw the rocks or explosive, but several news reports that covered the video alleged that they had been thrown by protesters.⁸

³ "Protests and Barricades in Venezuela, Slideshow" *Reuters*, undated, <http://www.reuters.com/news/pictures/slideshow?articleId=USRTR3FST1#a=7> (accessed April 24, 2014). See photographs 7, 10, and 25 of the slideshow.

⁴ See, for example, "President Nicolás Maduro. National Channel, February 13, 2014. Venezuela," YouTube video, uploaded on February 14, 2014, <https://www.youtube.com/watch?v=ME5gHbAnDdk> (accessed April 25, 2014); "Protests and Barricades in Venezuela, Slideshow" *Reuters*, undated, <http://www.reuters.com/news/pictures/slideshow?articleId=USRTR3FST1#a=7> (accessed April 24, 2014); "Protesters Throw Molotov at the Guard and Block Highway," YouTube video, uploaded on February 14, 2014, <https://www.youtube.com/watch?v=SWCXVtUXHSl> (accessed April 25, 2014); "Venezuela's Protests against Maduro Government Continue," *Time*, February 28, 2014, <http://time.com/12100/venezuela-protests-maduro/> (accessed April 25, 2014).

⁵ "Venezuelan Protesters Burn Armored Vehicle in Cellphone Video," *NTN24*, March 31, 2014, <http://m.ntn24.com/article.php?url=/node/126825> (accessed April 25, 2014).

⁶ *Ibid.*

⁷ "Molotov Bomb Sets National Guard on Fire in Tachira-Venezuela," YouTube video, uploaded on February 21, 2014, <https://www.youtube.com/watch?v=WlyF6BnOZVg> (accessed April 25, 2014).

⁸ "On Video: Molotov Bomb Sets a National Guard on Fire in Táchira," *Venezuela Al Día*, February 21, 2014, <http://www.venezuelaaldia.com/2014/02/en-video-bomba-molotov-prende-guardia-nacional-en-tachira/> (accessed April 25, 2014); "Venezuela – Táchira, Protesters Thrown Molotov Bombs at the National Guard," YouTube video, uploaded on February 28, 2014, https://www.youtube.com/watch?v=OBfUgk3_Fxk (accessed April 25, 2014).

According to the Attorney General’s Office, there have been 41 fatalities in the context of the protests since February 12.⁹ Those 41 deaths were classified as follows: 27 caused by firearms; six caused by motorcycle or car crashes attributed to the presence of barricades; five caused by “other circumstances” (which are not defined); two people killed by being run over by vehicles; and one person who died of stab wounds.¹⁰ Publicly available information indicates that of these 41 reported cases, nine were members of the security forces or government officials, at least 10 were civilians who participated in or supported the protests, and roughly four were civilian government supporters.¹¹

President Maduro has blamed the opposition for most of the protest-related deaths. However, to date, the government has not made public evidence to support this claim. In fact, based on official reports and credible media accounts, there are strong reasons to believe that security forces and armed pro-government gangs have been responsible for some of the killings.¹² Indeed, several security force members have been arrested for their alleged role in some of these cases.¹³

⁹ “Results of the Violent Protests February-April 2014,” Attorney General’s Office, April 25, 2014, http://www.mp.gob.ve/c/document_library/get_file?uuid=5ce038c3-ed90-4e39-8a2a-ad99c839d3d9&groupId=10136 (accessed April 27, 2014).

¹⁰ Ibid.

¹¹ David Smilde, “Keeping Track of Venezuela’s Dead—April Update,” post to “Venezuelan Politics and Human Rights,” (blog), *Venezuelablog.tumblr.com*, April 24, 2014, <http://venezuelablog.tumblr.com/post/83730482860/keeping-track-of-venezuelas-dead-april-update> (accessed April 28, 2014); “Results of the Violent Protests February-April 2014,” Attorney General’s Office, April 25, 2014, http://www.mp.gob.ve/c/document_library/get_file?uuid=5ce038c3-ed90-4e39-8a2a-ad99c839d3d9&groupId=10136 (accessed April 27, 2014).

¹² “Five SEBIN Officials Detained for the Deaths of Two People During Violent Acts on February 12,” Attorney General’s Office, February 26, 2014, http://www.mp.gob.ve/web/guest/buscador/-/journal_content/56/10136/4129646 (accessed April 29, 2014); “The Guardian: Venezuela Shows that You Can Protest to Defend Privileges,” *Agencia Venezolana de Noticias*, April 15, 2014, <http://www.avn.info.ve/contenido/guardian-venezuela-muestra-que-se-puede-protestar-para-defender-privilegios> (accessed April 29, 2014). “Seven Guards Under Investigation for the Death of Alejandro Márquez,” *Últimas Noticias*, February 25, 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/investigan-a-siete-guardias-por-muerte-de-alejandr.aspx> (accessed April 29, 2014). “Witness of Génesis’s Killing Talks: Government Supporters on Motorcycles Shot” (Habla testigo de asesinato de Génesis: Unos motorizados chavistas dispararon), *Lapatilla.com*, February 21, 2014, <http://www.lapatilla.com/site/2014/02/21/habla-testigo-de-asesinato-de-genesis-unos-motorizados-chavistas-dispararon/> (accessed April 15, 2014).

¹³ “CICPC Official Arrested for the Death of Student Jesús Acosta,” *Agencia Carabobeña de Noticias*, April 10, 2014, <http://acn.com.ve/apresan-a-funcionario-del-cicpc-por-muerte-del-estudiante-jesus-acosta/> (accessed April 29,



In those cases where public officials have presented evidence purporting to demonstrate protesters' responsibility for killings, that evidence has been far from conclusive. For example, in one case, a governor affiliated with President Maduro's political party presented video footage showing two masked men on a rooftop who appear to be shooting a rifle or rifles in the direction of the street.¹⁴ The governor claimed the gunmen were anti-government protesters and suggested they were responsible for the shooting death of a state worker, Juan Orlando Labrador Castiblanco.¹⁵ In a separate speech, President Maduro said Labrador had been killed by "right-wing snipers."¹⁶ The video shown by the governor does not indicate whether the men on the roof were anti-government protesters, nor is it possible to determine based on the footage whether the shots apparently fired from the rooftop hit anyone (Labrador is not shown in the video). No evidence was supplied regarding the trajectory of the bullet or bullets that killed Labrador. Several press reports confirming Labrador's death during or around the time of a protest (which was taking place at the time on the Avenida Cardenal Quintero) included accounts—from neighbors and the mayor—claiming that armed pro-government gangs, allegedly acting in tandem with government security forces, had shot him dead.¹⁷ In the face of contradictory claims, the importance of a

2014); "Five Sebin Officials Detained for the Deaths of Two People During Violent Acts on February 12," Attorney General's Office, February 26, 2014.

¹⁴ "Videos: A Dead Person and Various Injured By Grave Acts of Violence in Mérida," *Alba Ciudad 96.3 FM*, March 23, 2014, <http://albacidad.org/wp/index.php/2014/03/videos-una-persona-muerta-y-varias-heridas-por-personas-que-dispararon-desde-edificios-en-merida/> (accessed April 25, 2014).

¹⁵ *Ibid.*

¹⁶ "President to (sic) Nicolás Maduro to (sic) Capriles for Death of Pregnant Adriana Urquiola," YouTube video, uploaded on March 24, 2014, <https://www.youtube.com/watch?v=6vNxTL665CU> (accessed April 25, 2014).

¹⁷ "Shootouts in Mérida Leave One Dead Person," *Últimas Noticias*, March 23, 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/un-fallecido-deja-enfrentamiento-a-tiros-en-merida.aspx> (accessed April 25, 2014); "Three More Deaths in Venezuela as Both Sides March," *Associated Press*, March 22, 2014, <http://online.wsj.com/news/articles/SB10001424052702304756104579455851754046762> (accessed April 30, 2014).

. Human Rights Watch also found an edited video posted on YouTube that appears to show a masked individual standing among anti-government protesters at a barricade firing a handgun at residents trying to clear a road in the Pie del Tiro area of the city of Mérida. Text shown in the video then states that, on the night of March 8, two people from Pie del Tiro were shot by protesters, including Giselle Rubilar, who died. According to credible reports, Giselle Rubilar, a Chilean pro-government activist, was shot dead that night, allegedly while attempting to clear a barricade. However, it is not clear from the video whether Rubilar was at the location when the shots in the footage were fired. "Gisella Rubilar Figueroa Killed Mérida, Venezuela (Video Pie del Tiro Community)," YouTube video, uploaded on March 10, 2014, https://www.youtube.com/watch?v=tDa_jC_UNgc (accessed April 25, 2014); Attorney General's Office, "Attorney General's Office Investigates the Death of a Chilean in Mérida," press release, March 10, 2014, http://www.mp.gob.ve/web/guest/buscar/-/journal_content/56/10136/4199262 (accessed April 25, 2014); "Chilean Woman Dies After Being Shot When Trying to Remove a Barricade," *Últimas Noticias*,

thorough, impartial, credible investigation that includes all available forensic and crime scene evidence and witness accounts is critical.

Unlawful Use of Force

Security forces routinely used unlawful force against unarmed protesters and other people in the vicinity of demonstrations. The perpetrators included members of the National Guard, the National Police, the Guard of the People, and various state police agencies. The most common abuses included:

- severely beating unarmed individuals;
- firing live ammunition, rubber bullets, and teargas canisters indiscriminately into crowds; and
- firing rubber bullets deliberately, at point-blank range, at unarmed individuals, including, in some cases, individuals already in custody.

*When the restaurant where he worked in a shopping mall in El Carrizal closed on March 5 due to nearby protests, **Moisés Guánchez**, 19, left to go home. But he found himself trapped in an enclosed parking lot behind the mall with around 40 other people, as members of the National Guard fired teargas canisters and rubber bullets in their direction. When Guánchez attempted to flee the lot, a guardsman blocked his way and shot toward his head with rubber bullets. The shot hit Guánchez's arm, which he had raised to protect his face, and he was knocked to the ground. Though Guánchez offered no resistance, two guardsmen picked him up and took turns punching him, until a third approached and shot him point blank with rubber bullets in his groin. He would need three blood transfusions and operations on his arm, leg, and one of his testicles.*

***Willie David Arma**, 29, was detained on March 7 in the street outside his home in Barquisimeto, a few blocks away from an anti-government protest. He was shot repeatedly with rubber bullets, some at point-blank range, then subjected to a prolonged beating with rifle butts and helmets by three national guardsmen who asked him: "Who is your president?"*

March 9, 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/fallece-chilena-tras-recibir-disparo-al-intentar-q.aspx> (accessed April 28, 2014).



Under international law, government security forces may use force in crowd control operations as a last resort and in proportion to the seriousness of the offense they are seeking to prevent. They may use lethal force only as self-defense or defense of others against the imminent threat of death or serious bodily injury. They may use teargas only when necessary and in a proportionate and non-discriminatory manner—and should not use it in a confined area or against anyone in detention or already under the control of law enforcement.

Human Rights Watch found that Venezuelan security forces repeatedly resorted to force—including lethal force—in situations in which it was wholly unjustified. In a majority of the cases documented by Human Rights Watch, the use of force occurred in the context of protests that were peaceful, according to victims, eyewitnesses, lawyers, and journalists, who in many instances shared video footage and photographs corroborating their accounts.¹⁸

In several of the cases we investigated, small groups of individuals committed acts of violence at the protests, such as throwing stones or bottles, or burning vehicles. In some instances, the evidence suggests these acts were committed without provocation; in others, they appear to have been committed in response to aggression by security forces. Regardless, eyewitnesses and journalists who observed the protests consistently told Human Rights Watch that the people who committed acts of violence at protests were a very small minority—usually less than a dozen people out of scores or hundreds of people present.

Yet despite the fact that acts of violence were isolated to small groups, security forces responded by indiscriminately attacking entire demonstrations, and in some cases bystanders. In at least six incidents we documented, the indiscriminate use of force endangered people in nearby hospitals, universities, apartment buildings, and shopping malls. These actions by security forces threatened the wellbeing of hundreds of bystanders—children among them.¹⁹

¹⁸ In some of these protests, the participants blocked roadways—setting up barricades, most often made of trash, tree branches, and pieces of concrete, which they sometimes set on fire, while others blocked roads with their physical presence alone. Cars were often allowed to pass through these barricades, albeit at reduced speeds, participants and witnesses said, though sometimes passage was cut off altogether.

¹⁹ For example, on March 7, students from the Medical School at Centro Occidental Lisandro Alvarado University in Barquisimeto were staging a protest by blocking a road located outside the campus, on which two hospitals—one of them a children’s hospital—are located. National guardsmen responded by firing teargas indiscriminately at the protesters and into the campus, in spite of the common knowledge that the hospitals were located there. Teargas

Rodrigo Pérez, 21, felt several rubber pellets strike his back and head as he was running away from state police officials who had opened fire with rubber bullets at demonstrators. The demonstrators had been partially blocking traffic in Puerto La Cruz on March 7 to protest the government. Pérez—who was hit as he ran into a nearby mall’s parking lot—hid in a store after being wounded, and saw several members of government security forces enter the mall’s food court and fire at unarmed, fleeing civilians, injuring two others.

Arbitrary Arrests

In the scores of cases of detentions documented by Human Rights Watch, the majority of the detainees were participating in protests at the time of their arrests. However, the government routinely failed to present credible evidence that these protesters were committing crimes at the time they were arrested, which is a requirement under Venezuelan law when detaining someone without an arrest warrant.²⁰ On the contrary, victim and eyewitness accounts, videos, photographs, and other evidence indicate that victims were participating peacefully in demonstrations and not engaging in any criminal activity.

Some of the people detained, moreover, were simply in the vicinity of protests but not participating in them. This group of detainees included people who were passing through areas where protests were taking place, or were in public places nearby. Others were detained on private property such as apartment buildings. In every case in which individuals were detained on private property, security forces entered buildings without search orders, often forcing their way in by breaking down doors.

Luis Augusto Matheus Chirinos, 21, was detained on February 21 in Valencia by approximately 10 members of the National Guard at the entrance of a housing complex (urbanización), where he was standing, waiting for a friend he had gone to pick up. An anti-government demonstration was taking place nearby. He was taken to a military complex of the Guard of the People, where he was

that flowed into the campus affected scores of child patients and the medical professionals attending to them, the director of the hospital for adults said to Human Rights Watch. According to a nurse who works in one of the hospitals, national guardsmen continued to fire dozens of teargas canisters into the heart of the campus long after students had withdrawn from the road, with little apparent regard for the possible repercussions for patients.

²⁰ Constitution of the Bolivarian Republic of Venezuela, art. 44 (1).

beaten, threatened, and told to repeat that Nicolás Maduro was the president of Venezuela. Matheus was held incommunicado for two days and subsequently charged with several crimes, based on what our research strongly suggests was planted evidence and a police report that says he was arrested two blocks away from where he was actually detained.

***Pedro González, 24,** was visiting a friend on March 3 who lives in an apartment building near a public square in Caracas where a demonstration was taking place. When teargas began wafting into the apartment, González went to the building’s enclosed courtyard to get some air. Minutes later, police burst into the building’s entrance, pursuing a protester. They grabbed González, threw him to the ground, and dragged him out of the building, arresting him for no apparent reason.*

***José Romero, 17,** was stopped on March 18 by national guardsmen when he was coming out of a metro station in downtown Caracas. A guardsman asked to see his ID and, when Romero presented it, slapped him across the face. Romero was detained without explanation and taken to a non-descript building, where he was held incommunicado, threatened with death, beaten, and burned.*

Targeting of Journalists and Others Documenting the Violence

In 13 of the cases of physical abuse documented by Human Rights Watch, security forces targeted individuals who had been taking photographs or filming protests. All but two were then arbitrarily arrested. Roughly half of these individuals were professional journalists, while the other half were protesters or bystanders using cell phones to document use of force by security forces.

In these cases, when assaulting or arresting the victims, security force members reprimanded them for taking pictures or filming. In several instances, security force members told victims they were getting what they deserved for trying to undermine the reputation of security forces, or told them they did not want the images circulating online.

***Dayana Méndez Andrade, 24,** a journalist, was covering a demonstration in Barquisimeto on March 20 wearing a vest with the word “Press” written in large letters across the front, when national guardsmen began firing teargas and rubber bullets at protesters. Méndez fled but was cornered together with a photographer—Luis Rodríguez Malpica, 26—by several guardsmen. When*

she and Rodríguez put up their hands and yelled that they were journalists, a guardsman responded, “You’re taking photos of me! You’re the ones that send the photos saying ‘SOS Venezuela.’ You cause problems for the National Guard.” Then, from a distance of a few meters, the guardsman fired at them with rubber bullets, striking Méndez in her left hip and leg.

Ángel de Jesús González, 19, was taking photographs of a burnt out car after a march in Caracas on February 12 when he was approached by four armed men in plainclothes. One of the men told him to hand over his phone, which he did. Then the men (who González later learned were government security agents) began to beat him for no apparent reason, and detained him.

In these cases—as well as others involving the detention of protesters and bystanders—national guardsmen and police routinely confiscated the cell phones and cameras of the detainees. In the rare instances when detainees had these devices returned to them, they routinely found that their photographs or video had been deleted.

Collusion with Armed Pro-Government Gangs

Security forces repeatedly allowed armed pro-government gangs to attack protesters, journalists, students, or people they believed to be opponents of the government with security forces just meters away. In some cases, the security forces openly collaborated with the pro-government attackers.

(Armed pro-government gangs that carry out these attacks are often referred as “*colectivos*,” a term also used in Venezuela to refer to a wide range of social organizations that support and, in some cases, help to implement the government’s policies.²¹ The vast majority of these groups have not engaged in violent behavior. For this reason, this report uses the term “armed pro-government gangs” to refer to groups that carry out violent attacks that appear to be motivated by loyalty to the government. Where the term “*colectivo*” has been used, it is with the aim of accurately reflecting the way it was used by a source.)

²¹ These include, among others, educational, environmental, feminist, and labor groups. “Venezuelan Colectivos: Representatives of the Communal and Popular Power” (Colectivos venezolanos: representantes del Poder Comunal y Popular), *Telesur*, February 13, 2014, <http://www.telesurtv.net/articulos/2014/02/13/colectivos-venezolanos-representantes-del-poder-comunal-y-popular-4204.html> (accessed April 15, 2014).

The response of government security forces to armed pro-government gangs ranged from acquiescence and omission to direct collaboration. In some instances, security forces were present when armed gangs attacked protesters, but did nothing to disarm the gangs or protect their victims. Rather, security forces stood by idly, or left an area shortly before pro-government gangs attacked.

In other incidents, we found compelling evidence of uniformed security forces and pro-government gangs attacking protesters side by side.

*National guardsmen and national police opened fire with teargas and rubber bullets on students who were demonstrating in and around the campus of the University Centro Occidental Lisandro Alvarado in Barquisimeto on March 11. **Wladimir Díaz**, 20, who participated in the protest, said government security forces operated side by side with more than 50 civilians, many of whom were armed with pistols and fired live ammunition at the students. Díaz was shot in the abdomen when a mixed group of government security forces and armed, masked civilians opened fire on the university building where he was taking shelter.*

In some cases documented by Human Rights Watch, armed pro-government gangs detained people at or near protests, and then handed them over to security forces. Those security forces, in turn, falsely claimed to have caught the abducted individuals in the act of committing a crime, and prosecutors subsequently charged them before a judge.

***José Alfredo Martín Ostermann**, 41, and **Carlos Spinetti**, 39, were detained on March 12 by armed civilians as they walked near a pro-government rally in Caracas. The victims were taken in plain sight of three national guardsmen, who did nothing to intervene. The armed men beat Ostermann and Spinetti, shouted insults at them that were political in tone (for example, accusing them of being “traitors to the fatherland”), threatened to kill them, and photographed Spinetti holding a planted weapon, before handing them over to police. Rather than questioning the armed civilians, police detained the two victims.*

***Sandro Rivas**, 30, left a demonstration and was getting a ride home on the back of a motorcycle when he and the driver were stopped by four armed men driving a pick-up truck. The plainclothes men forced Rivas and the driver into the back of the pick-up, where they punched and kicked them*

repeatedly and threatened to kill them. Then they drove them to a National Guard checkpoint, where they told officers the detainees had been “guarimbeando”—slang the government often uses to refer to protesters who block roads. The guardsmen arrested the two men without once questioning the armed men.

All of the people we interviewed who were abducted, or taken captive, or attacked by pro-government gangs told us they were beaten severely, or subjected to threats or insults that were political in nature.

Despite credible evidence of crimes carried out by these armed pro-government gangs, high-ranking officials called directly on groups to confront protesters through speeches, interviews, and tweets. President Maduro himself has on multiple occasions called on civilian groups loyal to the government to “extinguish the flame” of what he characterized as “fascist” protesters. For example, in a speech on March 5 transmitted live as a mandatory broadcast (*cadena nacional*), Maduro said:

... These groups of *guarimberos*, fascists and violent [people], and today now other sectors of the country’s population as well have gone out on the streets, I call on the UBCh, on the communal councils, on communities, on *colectivos*: flame that is lit, flame that is extinguished.²²

Similarly, on February 16, the governor of the state of Carabobo, Francisco Ameliach, issued a tweet calling on the Unidades de Batalla Bolívar-Chávez (UBCh)—a civilian group formed, according to the government, as a “tool of the people to defend its conquests, to continue fighting

²² “Maduro: Flame that is lit, flame that is extinguished” (Maduro: Candelita que se prende, candelita que se apaga), YouTube video, uploaded on March 5, 2014, <https://www.youtube.com/watch?v=riE8er2gvmQ&noredirect=1> (accessed April 15, 2014): “...Estas bandas de guarimberos, fascistas, y violentos, hoy también la población de otros sectores del país ya han salido a las calles, yo les hago un llamado a la UBCh, a los consejos comunales, a las comunas, a los colectivos: candelita que se prenda, candelita que se apaga.” “Maduro: The Enemies of the Revolution Have Decided to Destroy Venezuela” (Los enemigos de la Revolución han decidido destruir Venezuela: Maduro), *Telesur*, March 5, 2014, <http://multimedia.telesurtv.net/web/telesur/#!es/video/los-enemigos-de-la-patria-han-decidido-destruir-la-revolucion-maduro> (accessed April 15, 2014). Maduro has made similar calls in other public events carried out on March 5, 2014, on the first anniversary of former President Hugo Chávez's death. For example, “President to the People: Flame That Is Lit, Flame That Is Extinguished” (Primer mandatario al pueblo: candelita que se prenda, candelita que se apaga), *Radio Mundial YVKE*, March 5, 2014, <http://www.radiomundial.com.ve/article/primer-mandatario-al-pueblo-candelita-que-se-prenda-candelita-que-se-apaga-audio> (accessed April 15, 2014).

for the expansion of the Venezuelan Revolution”²³— to launch a rapid counterattack against protesters. Ameliach said the order would come from the president of the National Assembly, Diosdado Cabello, a close ally of President Maduro. The February 16 tweet, which was later deleted from his feed, said:

UBCH get ready for the swift counterattack. Diosdado will give the order.
#GringosAndFascistsShowRespect²⁴

Abuses in Detention Facilities

In most of the cases documented by Human Rights Watch, detainees were held incommunicado for up to 48 hours, before being presented to a judge. In many instances they were held in military installations.

During this period, security forces subjected detainees to severe physical abuse, including:

- beatings with fists, helmets, and firearms;
- electric shocks or burns;
- being forced to squat or kneel, without moving, for hours at a time;
- being handcuffed to other detainees, sometimes in pairs and others in human chains of dozens of people, for hours at a time; and
- extended periods of extreme cold or heat.

*Maurizio Ottaviani Rodríguez, 20, was detained on February 28 when he was leaving a demonstration in Plaza Altamira in Caracas. Despite having offered no resistance during the arrest, Ottaviani told Human Rights Watch, the guardsmen beat, kicked, and stepped on him. He was forced to board a school bus with **more than 40 other detainees**, including several women and three minors. Each detainee was handcuffed to the person on his or her side, and they were held on the bus for two hours, during which time they were not allowed to open the windows to alleviate the heat inside, which was stifling. The guardsmen hit people inside the bus with batons, threatened to throw a teargas canister inside the bus, and told detainees they would be sent to a*

²³ Elías Jaua Milano, "The UBCH" (Las UBCH), *Telesur*, n.d., <http://www.telesurtv.net/articulos/2013/11/10/las-ubch-5820.html> (accessed April 15, 2014): "instrumento del pueblo para la defensa de sus conquistas, para seguir luchando en la profundización de la Revolución venezolana."

²⁴ Image of tweet by @AmeliachP on file at Human Rights Watch: "UBCH a prepararse para el contra ataque fulminante. Diosdado dará la orden #GringosYFascistasRespeten."

violent prison. Detainees were then taken to the military base Fuerte Tiuna, where they were held for almost a day, and were not allowed to speak with their families or lawyers. As soon as they arrived, they were all taken to a chapel and separated into three groups: men, women, and the three minors. During this time, the men were handcuffed to each other in a human chain.

Detainees also described being subjected to intrusive physical exams by guardsmen, ostensibly to search for weapons or drugs, which involved removing their clothes and being forced to perform squats while naked. At least one of the detainees subjected to these degrading exams was a boy.

Detainees with serious injuries—such as wounds from rubber bullets and broken bones from severe beatings—were denied or delayed access to medical attention, exacerbating their suffering, despite their repeated requests to see a doctor.

In the few instances in which detainees with serious injuries were taken to a hospital or clinic, security officials interfered with their medical care. Security officials refused to leave restricted medical areas when asked; denied doctors the right to speak privately with patients or carry out medical procedures without national guardsmen or police present; and in some instances tried to take detainees out of facilities before they had received adequate treatment or their condition had stabilized, against doctors' advice.

*On February 19, a national guardsman fired at the face of **Gengis Pinto**, 36, from point blank range with rubber bullets, despite the fact that he had already been detained and was offering no resistance. Pinto had been participating in an anti-government rally in San Antonio de los Altos, where hundreds of protesters had blocked off part of a highway. Pinto raised his arm to block the shot, which struck his hand, badly mangling several of his fingers, and embedded several pellets in his forearm. Despite serious pain, loss of blood, and several requests, guardsmen refused to take Pinto to a doctor. Instead, they beat him, threatened to kill him, and took him to a military base for questioning. Approximately six hours after being shot, guardsmen took Pinto to an emergency clinic, where they refused to let the doctor examine him privately. Though the doctor told guardsmen that Pinto needed immediate specialty care that the clinic could not provide, guardsmen ignored his advice and took Pinto back to the military base. There, he was handcuffed to another detainee and made to sit in the sun for roughly 10 more hours before being taken to a private clinic where he was operated on.*

In several cases, national guardsmen and police also subjected detainees to severe psychological abuse, threatening them with death and rape, and telling them they would be transferred to the country's extremely violent prisons, even though they had yet to be charged with a crime.

In other cases, guardsmen and police warned victims not to denounce the abuses they had suffered, suggesting false stories that detainees should use to explain the physical injuries they had suffered at the hands of security forces.

In at least 10 cases, Human Rights Watch believes that the combination of abusive tactics employed by security forces constitutes torture.

Clipso Alberto Martínez Romero, 19, was participating in a demonstration in Valencia on March 20 when national guardsmen on motorcycles rode towards the crowd firing teargas and rubber bullets. He was knocked to the ground by guardsmen and kicked repeatedly, though he and several eyewitnesses said he offered no resistance. Then a guardsman stepped on Martínez's head and fired rubber bullets at point-blank range in his thigh. The shot struck a set of keys in his pocket, dispersing metal shards as well as rubber pellets into his leg. Despite the serious pain it caused, guardsmen forced Martínez to jog, then took him to a military facility where he was made to strip naked for an invasive body search. Officers repeatedly forced Martínez to clean his blood off of the floor with his own t-shirt. He repeatedly asked to see a doctor, but was instead forced to kneel with other detainees for several hours. The room where they were held was kept at a very cold temperature by an air conditioner. When Martínez asked an officer to turn it down, the officer responded by turning it up full blast. Guardsmen came into the room where Martínez was being held to mock him, and several took photographs of his bullet wound on their cell phones. He was not taken to an emergency medical clinic until roughly three hours after he had been shot. There, the medical professional said he was suffering from hypothermia and heart arrhythmia likely caused by trauma, and that he had lost so much blood that he would die if he was not immediately treated at a hospital.

Juan Sánchez, 22, was detained by national guardsmen when he was walking to the bank on the outskirts of Caracas on March 5. Earlier that day, Sánchez had participated in a protest in the neighborhood. Without warning, the guardsmen kicked him, beat him, and fired a rubber bullet

from point-blank range into his right thigh. One of the guardsmen said, “Finally we got one. He’ll be our trophy so these brats stop fucking around.” Sánchez was driven to a military installation, where a dozen guardsmen forced him to take off his clothes. One guardsman, who saw his bleeding leg, asked: “Does this injury hurt?” and inserted his finger into the open wound, removed it, and then inserted it again. The second time he took something out of his leg, but Sánchez could not see if it was muscle tissue or a rubber bullet. Three guardsmen then handcuffed him to a metal pole, gave him electric shocks twice, and demanded that he tell them who his accomplices were. Afterwards, the guardsmen took Sánchez to a patio where he was forced to fight with one of them, while the rest watched, laughing and cheering. Sánchez was taken to a hospital, where the guardsmen interfered with the doctor’s efforts to treat him, and then was driven back to the military installation, where guardsmen called him a “fascist” and continued to kick him, threatening to send him to one of Venezuela’s most violent prisons.

Due Process Violations

Under Venezuelan law, a detainee arrested while committing a crime should be brought before a prosecutor within 12 hours of his or her arrest. The prosecutor has up to 36 additional hours to investigate the case and bring the detainee before a judge at a hearing, in which the detainee may be charged with a crime or released.²⁵ During this period, detainees have the right to communicate with their families, lawyer, or person of trust, and to be immediately informed of the charges against them.²⁶

Human Rights Watch found that these fundamental due process guarantees were violated in the vast majority of cases documented in this report.

²⁵ Organic Criminal Code, art. 373.

²⁶ Under the Venezuelan Constitution, “no one can be subject to penalties, torture, or cruel, inhuman or degrading treatment” and “every person deprived of [his or her] liberty will be treated with the due respect of human dignity.” In addition, it states that “any person who is arrested must be taken before a judge within 48 hours of the arrest,” and has the right to “communicate immediately with [his or her] family members, lawyer, or person of trust, and they, at the same time, have the right to be informed about where the person is detained.” All detainees also have “the right to be immediately notified of the reasons of the detention, and to include written information in the judicial file regarding the physical and psychological conditions of the detainee.” The Constitution specifically provides for the right of defense and legal counsel, and states that: “every person has the right to be notified of the charges for which [he or she] is being investigated, to have access to evidence, and to have time and sufficient medium to exercise [his or her] defense.” Constitution of the Bolivarian Republic of Venezuela, arts. 44, 49.

The detainees were routinely held incommunicado for extended periods of time, usually up to 48 hours, and sometimes longer. While, in a few exceptional cases documented by Human Rights Watch, detainees were released before being brought before a judge, in the overwhelming majority of cases prosecutors charged them with several crimes, regardless of whether there was any evidence the accused had committed a crime.

Six people, two of them children, were detained on February 18 for allegedly vandalizing the property of CANTV, the government telephone and internet provider, in Barquisimeto. Yet while police reports claimed the accused were caught fleeing the CANTV offices, various witnesses and a video show at least four of the detainees were detained in a different location. Apart from the police report, the only evidence presented by the prosecutor against the detainees was an abandoned gas container found near CANTV. In spite of the lack of evidence, a judge charged the detainees with eight crimes, including damages to public property, the use of an adolescent to commit a crime, and instigation to hate.

In virtually all of the cases we investigated, detainees were not permitted to contact their families during the initial 48 hours of their detention despite repeated requests to do so. Meanwhile, relatives of detainees were routinely denied access to information regarding whether family members had been detained and, even when they knew detentions had taken place, where they were being held. Family members described traveling from one security force facility to another in search of their loved ones, only to be told they were not there. In several instances, authorities deliberately misled families and lawyers regarding the whereabouts of detainees. When families were able to determine the location of detainees—most often through the unrelenting searches of lawyers and local human rights defenders—they were consistently denied access to them, even when those detained were adolescents.

*Albany Ottaviani went to a military installation in Caracas on February 28 to inquire about the whereabouts of her brother, **Maurizio Ottaviani Rodríguez**, 20. He had been detained earlier that day at a protest by national guardsmen. At the installation, she said a colonel told her and 15 other family members waiting outside that they could be arrested for standing in a military zone. The family members promptly left for fear their presence might lead to retaliation against their relatives, who they believed were being detained on the base. The following morning, family members returned to the base, where guardsmen told them they would provide a bus to take the*

families to a courthouse, where the detainees were going to be tried. Families got on the bus, but guardsmen instead drove them around the city for several hours before dropping them off at a location that was not where hearings were to be held.

*Angélica Rodríguez went to look for her husband, **Jesús María Toval**, on a military installation in Barquisimeto on February 21—the day after he had been detained by an armed pro-government gang and handed over to national guardsmen. She said a guardsman told her that there was no list with names of detainees being held there, so they could not tell her where her husband was on the base. Two hours later—only after Rodríguez broke down crying—a different guardsman approached her and quietly told her that Toval was indeed being held at the base. Yet Rodríguez and her husband’s lawyer were not allowed to see Toval until two days later, when he was brought before a judge for his hearing.*

Lawyers told Human Rights Watch that detainees were routinely moved from one detention center to another during their incommunicado detention—a practice referred to as “taxi driving” (*ruteo*)—without informing detainees, their families, or lawyers where they were being taken, or when they would be taken before a judge.

Detainees were also denied access to legal counsel during their detention. Lawyers who were able to determine where detainees were being held—in many cases by deducing where they would be taken based on eyewitnesses’ accounts of where they had been detained, and by which security force—were not allowed to meet with them, despite repeated requests.

Virtually all detainees were not allowed to meet with their defense lawyers until minutes before their initial hearing before a judge. Lawyers and detainees alike told Human Rights Watch that these meetings usually occurred in the hallways outside of courtrooms, in front of police and court officials as well as other detainees (to whom they were sometimes handcuffed), denying their right to a private audience.

Lawyers, like detainees, usually learned of the charges against detainees at the hearings, or at the earliest, minutes before they began. They had virtually no time to review relevant court documents, such as police arrest reports or inventories of supposed evidence, which was critical to defend their clients. Lawyers told Human Rights Watch that this access was denied even in



cases in which hearings were delayed for hours—time during which they could have met with detainees or reviewed case files.

Hearings were routinely and inexplicably held in the middle of the night, a practice that lawyers interviewed by Human Rights Watch had not experienced in other types of cases. Lawyers told Human Rights Watch that, night after night, they were forced to wait for hours in courts, in military facilities, or in other where places hearings were held, without receiving any plausible justification for the delay. This routine was physically exhausting, wasted time they could have dedicated to defending other detainees, and made it even harder for them to provide an adequate defense.

According to various lawyers and detainees—as well as judicial files to which Human Rights Watch had access—prosecutors’ accusations, and the eventual charges brought against detainees, were based almost exclusively on police reports and, in several instances, on what detainees plausibly said was planted evidence. In addition, individuals who were detained separately, at different times or in different locations—and who in many cases did not even know each other—were sometimes charged by prosecutors in a single hearing with the same crimes, sometimes using the same piece of evidence for all of the accused, such as a piece of barbed wire.

Instead of thoroughly reviewing the evidence provided by prosecutors and detainees—the latter’s physical appearance alone in many cases provided compelling evidence of abuse—judges routinely rubber-stamped the charges presented by prosecutors.

While most of those charged were granted conditional liberty in the cases we investigated, judges repeatedly placed conditions (*medidas cautelares*) on detainees’ freedom that prevented them from exercising their fundamental rights to freedom of assembly and expression, such as prohibiting them from participating in demonstrations or talking to the media.

Marco Aurelio Coello, 18; Luis Felipe Boada, 25; Cristian Holdack, 34; Nelson Gil, 22; Demian Martin, 19; and Ángel de Jesús González, 19; were arbitrarily detained on February 12 in six different places in or around Carabobo Park in Caracas, where a largely peaceful demonstration ended in violent incidents that led to at least three deaths, dozens of people injured, and the burning of several official vehicles. The six men—who did not know each other before that day—were subject to severe physical abuse during their arrest and at the headquarters of the

investigative police in the area, where they were all held incommunicado for 48 hours. During their detention, they did not have access to their lawyers and were not permitted to see their families. At 11 p.m. on February 14, they were brought before a judge and charged with several crimes based on evidence presented by the prosecution that included clothes that security officials had stained with gasoline, and photographs of unidentifiable individuals engaged in confrontations with security forces placed alongside the men's mug shots taken at the police station. At 5:30 a.m. on February 15, the judge confirmed the prosecution of the six men and ordered their pretrial detention. Four of them were granted conditional liberty on April 1, and released while awaiting trial.

Dozens of lawyers and human rights defenders told Human Rights Watch that, in a country where prosecutorial and judicial independence has been significantly undermined in recent years, they had grown accustomed to encountering obstacles to defending detainees. However, all said the situation had worsened dramatically after February 12. Never before, they said, had they encountered such a comprehensive battery of obstacles affecting so many cases.

Officials and Security Forces Who Intervened to Help Detainees

It is important to note that not all of the security force members or justice officials encountered by the victims in these cases participated in the abusive practices. Indeed, in some of the cases, victims told Human Rights Watch that security officials and doctors in public hospitals had surreptitiously intervened to help them or to ease their suffering.

In a few instances, national guardsmen quietly passed a cell phone to detainees being held incommunicado, so that they could call their families and tell them where they were, or snuck them food or water. Some security officials furtively told human rights lawyers the whereabouts of detainees, or tipped them off as to when the detainees would be brought before a judge. In several cases, doctors and nurses in public hospitals—and even those serving in military clinics—stood up to armed security forces, who wanted to deny medical care to seriously wounded detainees. They insisted detainees receive urgent medical care, in spite of direct threats—interventions that may have saved victims' lives.

Fear of Reporting Abuses

Many victims and family members we spoke with said they believed they might face reprisals if they reported abuses by police, guardsmen, or armed pro-government gangs. Victims also expressed fear that, were they to report abuses, the Attorney General's Office would fabricate charges against them, or—in cases in which victims had already been accused of crimes—that judges would punish them by wrongfully convicting them, or revoking their conditional liberty if it already had been granted.

A lawyer from the Catholic University Andrés Bello, who coordinates the work of a team of criminal lawyers who have assisted hundreds of detainees in Caracas, told Human Rights Watch that “in almost no cases” do victims have the confidence to file a complaint with the Attorney General's Office.²⁷ He added, “People don't bring complaints because they don't trust institutions. They fear who will protect them if they do.”²⁸

Many victims traced these fears to threats they received from security forces during their detentions. Not only were detainees subject to repeated death threats, but several victims of severe physical abuse said that security forces had explicitly told them not to say how they had been hurt. In several cases we investigated, government security forces even went so far as to suggest false stories that victims of abuse should use to explain how their injuries had been sustained. Others were told they would not be released unless they signed documents saying they had not been abused during their detentions. Victims saw these exchanges as a clear threat not to tell the truth about what had happened to them.

Guardsmen told Gengis Pinto, 36, who had been beaten, given electric shocks, and shot at point-blank range by guardsmen after being detained at a protest, to say that he had run into a post and been hit in the face with a bottle by a fellow demonstrator.

Nelson Gil, 22, who was beaten by plainclothes police, was told by investigative police who observed his injuries to say he fell and was punched by fellow protesters.

²⁷ Human Rights Watch interview with Nizar El Fakih, Caracas, March 19, 2014.

²⁸ Ibid.

Keyla Brito, 41, her 17-year old daughter, and six other women who were detained in a military installation where they were beaten and threatened by guardswomen, were forced to sign a document saying they had not been abused in exchange for authorities releasing them without charging them with a crime.

Lisandro Barazarte, 40, a photographer for the newspaper “Notitarde” in Valencia, said he feared for his life after his photographs of armed pro-government supporters firing pistols on protesters were published. Barazarte received multiple death threats after the photos appeared in the newspaper. “I live in suspense, because I don’t know from where they are going to shoot at me,” he said. “At any moment something could happen to me.” At the time he spoke to Human Rights Watch, he had not placed a complaint about the threats with officials, out of fear he would be targeted for revenge attacks.

Several victims expressed fear that reporting crimes could lead to the loss of employment for them or their family members who worked for the government. In several instances, these threats were made explicit.

A victim who was beaten, shot, and threatened with death after being arbitrarily detained by national guardsmen told Human Rights Watch that, not long after he was released, members of the intelligence services (Servicio Bolivariano de Inteligencia Nacional, SEBIN) brought in his father for questioning. The victim said his father was a career officer in the Venezuelan military. SEBIN officers told the father that if his son continued to take part in demonstrations or filed a complaint, the father would be considered a “counterrevolutionary” and would lose his job. The victim said that he had stopped participating in demonstrations since his father’s conversation with SEBIN, and would not file a complaint with authorities for the abuses he had suffered, for fear it would cost his father’s job.

Another victim who was arbitrarily detained and beaten by an armed pro-government gang said one of the reasons he had not filed a complaint was out of concern he could lose his job. An employee of a government ministry, he told Human Rights Watch, “I know that at any moment they could fire me.” He said he had intentionally steered clear of political activities since the incident.

The reluctance to report abuses is compounded by a deep and widespread distrust of the justice system itself. Victims and their lawyers were extremely skeptical that prosecutors and judges who belong to the same institutions as those who had violated their rights would act with impartiality and professionalism when handling their abuse claims.

José Alfredo Martín Ostermann, 41, who was abducted by members of an armed gang as he walked with a friend near a pro-government rally in Caracas, beaten in plain view of national guardsmen, and then handed over to police, said he did not plan to file a complaint with authorities because they were collaborating directly with his abusers. “I was beaten, threatened, and detained in front of the National Guard—which is supposed to be a state body—and they simply turned around and walked away.” He added, “They know [about this] at the prosecutors’ office and the police, and they are not doing anything.” Placing a complaint, he said, “may even be counterproductive. It could lead to vengeance.”

Victims’ lack of confidence in the justice system was underscored by cases in which government officials informed detainees and their families that the cases against them were being pursued on political grounds.

Obstacles to Accountability

The Venezuelan state should ensure that any acts of violence or serious crimes are rigorously investigated and that those responsible for them are held accountable. These include crimes allegedly committed by protesters, as well as abuses committed by government security forces.

Under international law, the Venezuelan government also has an obligation to conduct prompt, thorough, and impartial investigations of human rights violations, including those documented in this report, as well as other abuses reported by victims and local human rights defenders and abuses reported in the press.²⁹

President Maduro and Attorney General Luisa Ortega Díaz have acknowledged that security forces have committed human rights violations in the context of demonstrations since February 12. Both

²⁹ Constitution of the Bolivarian Republic of Venezuela, art. 29; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 2.



have pledged that those responsible for abuses will be investigated and prosecuted. According to the government, as of April 25, the Attorney General's Office was conducting 145 investigations into alleged human rights violations, in which 17 security officials had been detained for their alleged involvement in these cases.

While these investigations are a welcome start, there are good reasons to doubt the ability of Venezuelan authorities to ensure that the abuses are investigated in an impartial and thorough manner and that those responsible for them are brought to justice.

One reason is that many abuses are likely to go unreported because of the widespread and well-founded fear and distrust that victims feel toward the Venezuelan justice system.

Another reason is that, in many of these cases, the investigative police, the Attorney General's Office, and the judiciary are themselves implicated in serious due process violations, as well as in failing to intervene to address abuses by security forces against detainees. Consequently, any thorough investigation will require these institutions to investigate their own misconduct—which is likely to give rise to serious conflicts of interest and severely compromise the credibility of their findings.

A third reason is the fact that the Venezuelan judiciary has largely ceased to function as an independent branch of government. As Human Rights Watch has documented in past reports, the Supreme Court has effectively rejected its role as a guarantor of fundamental rights, with several justices publicly committing themselves to supporting the political agenda of the government. Lower-court judges are under intense pressure to avoid rulings that could upset government officials, as most have temporary or provisional appointments and risk being summarily fired by the Supreme Court if they rule in favor people perceived to be opponents of the government.³⁹

Given the chronic underreporting of abuses and lack of independence of Venezuelan investigative and judicial institutions, it is troubling that the president, the attorney general, and other senior government officials—while acknowledging the need for accountability—have repeatedly said

³⁹ Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*; Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez's Venezuela*..

abuses against protesters have been rare and publicly defended the conduct of security forces. The attorney general, for example, claimed abuses by security forces were “isolated incidents” and that security forces generally “respect human rights.” Meanwhile, President Maduro said that only a “very small number of security forces personnel have also been accused of engaging in violence,” and that the government had “responded by arresting those suspected.”³¹

It is also troubling that the government has repeatedly sought to blame its political opponents, or simply the opposition as a whole, for the violence without providing credible evidence. For example, on March 14, President Maduro said that, “[a]ll of the cases of people who have been killed are the responsibility of the violence from protests (*la violencia guarimbera*)—all of them—from the first to the last.”³² While, at that time, Maduro said the investigation into these and other crimes had made significant progress and provided numbers of alleged protesters detained, he did not indicate that anyone had been convicted for the crimes.³³ On March 15, President Maduro said that, “practically all Venezuelans who have died, regretfully, are the responsibility of the violence of the right.”³⁴

Similarly, despite compelling evidence of attacks by armed pro-government gangs on civilians, ranking government officials have denied their existence, or accused them of pertaining to the opposition. For example, on April 13, President Maduro said that, “the opposition had not provided any evidence that shows that the revolutionary *colectivos* are responsible for violent

³¹ “Venezuela: A Call for Peace,” op-ed by Nicolás Maduro, *New York Times*, April 1, 2014, http://www.nytimes.com/2014/04/02/opinion/venezuela-a-call-for-peace.html?_r=0 (accessed April 29, 2014).

³² Ministry of the Popular Power of Communication and Information, “Responsibility for All Cases of Deaths from Violent Acts,” (Imputables todos los casos de fallecidos por actos violentos), March 14, 2014, <http://www.minci.gob.ve/2014/03/imputables-todos-los-casos-de-fallecidos-por-actos-violentos/> (accessed April 29, 2014). According to Maduro: “Todos los casos de personas fallecidas, son imputables a la violencia guarimbera, todos, desde el primero hasta el ultimo.”

³³ Ibid.

³⁴ “Maduro: Only One Killing is Attributed to the National Guard after 16 Thousand Operations in 30 Days” (Maduro: sólo se le atribuye a la GNB una muerte tras 16 mil operaciones en 30 días), YouTube video, uploaded on March 15, 2014, <https://www.youtube.com/watch?v=By7SejjDIKo#t=13> (accessed April 25, 2014): “De acuerdo a las investigaciones, prácticamente todos los compatriotas que han fallecido, lamentablemente son imputables a la violencia de la derecha. De 29 casos, solo uno está bajo investigación ante la posibilidad de que un Guardia Nacional pueda estar involucrado en ese hecho.”

On April 1, President Maduro wrote that protesters are “directly responsible for about half of the fatalities.”

“Venezuela: A Call for Peace,” op-ed by Nicolás Maduro, *New York Times*, April 1, 2014, http://www.nytimes.com/2014/04/02/opinion/venezuela-a-call-for-peace.html?_r=0 (accessed April 29, 2014).



actions.” He added that, in contrast, the government had detained “supporters of the right [wing] for committing terrorist acts.”³⁵

Cabello also said on April 10 that the only “armed *colectivos*” belonged to the opposition, and are the ones “who kill people at the *guarimbas*.” His statement implied not only that there were no armed pro-government gangs, but also that killings at barricades had been committed by anti-government armed groups, an assertion for which he did not provide proof, such as cases in which people had been convicted for these crimes.³⁶

In another example of blaming the opposition for the violence, the government accused Leopoldo López, a prominent opposition leader, of being the “intellectual author” of the protest-related deaths on February 12. The Attorney General’s Office promptly sought his arrest for several alleged crimes—initially including homicide, a charge it was forced to drop when video footage appeared showing security force members shooting at unarmed protesters on the date in question. López has been held in pretrial detention on a military base for more than two months despite the government’s failure to produce credible evidence that he committed any crime. The Attorney General’s Office has also obtained arrest warrants for Carlos Vecchio and other opposition figures, while the Supreme Court has summarily tried and sentenced two opposition mayors to prison terms, in judicial proceedings that violated basic due process guarantees.³⁷ The Supreme Court’s rulings are not subject to appeal, which violates the right to appeal against a criminal conviction.³⁸

³⁵ “Maduro: Criminalization of *Colectivos* Attempts to Justify Violence” (Maduro: Criminalización de los colectivos pretende justificar la violencia), *Agencia Venezolana de Noticias*, April 13, 2014, <http://www.avn.info.ve/contenido/maduro-criminalizaci%C3%B3n-colectivos-pretende-justificar-violencia> (accessed April 15, 2014).

³⁶ “Diosdado Cabello: The Only ‘armed collectives’ are Those Responsible for the ‘Guarimbas’” (Diosdado Cabello: Los únicos ‘colectivos armados’ son aquellos responsables de las ‘guarimbas’), *video*, http://www.dailymotion.com/video/x1nh1vt_diosdado-cabello-los-unicos-colectivos-armados-son-aquellos-responsables-de-las-guarimbas_news (accessed April 11, 2014). The statement was made during a meeting between government officials and opposition leaders at the Miraflores Palace in Caracas.

³⁷ On April 9, 2014, the Supreme Court published its ruling sentencing Vicencio Scarano, mayor of San Diego, Carabobo state, to 10-and-a-half-months in prison and political disqualification. On April 11, 2014, the Supreme Court published its ruling sentencing Daniel Ceballos, mayor of San Cristobal, Táchira state, to one year in prison and political disqualification. Supreme Court, “Supreme Court Publishes Ruling in Scarano Case” (TSJ publica sentencia en el caso Scarano), April 9, 2014, <http://www.tsj.gov.ve/informacion/notasdeprensa/notasdeprensa.asp?codigo=11813> (accessed April 29, 2014); Supreme Court of Justice, “Supreme Court Publishes Ruling in Ceballos Case” (TSJ publica sentencia en el caso



Mr. Chairman and Committee members, thank you for your attention to this critical issue, and for including this submission.

For Human Rights Watch's full report, *Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System*, please visit: <http://www.hrw.org/node/125192>

For more of Human Rights Watch's research on Venezuela, please visit:
<http://www.hrw.org/americas/venezuela>

Ceballos), April 11, 2014, <http://www.tsj.gov.ve/informacion/notasdeprensa/notasdeprensa.asp?codigo=11818> (accessed April 29, 2014).

³⁸ Organic Law of the Supreme Court of Justice, 2010, art. 3; ACHR, art. 8.2.h; ICCPR, art. 14.5.