

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Prosecutors, Judges Complicit in Rights Violations

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(Washington) Venezuelan security forces have used unlawful force in response to antigovernment demonstrations, severely beating unarmed protesters and shooting them at point blank range, Human Rights Watch said in a report released today. Security forces also subjected detainees to severe physical and psychological abuse, including in some cases torture, and justice officials failed to safeguard detainees due process rights.

The 103-page report, [Punished for Protesting: Rights Violations in Venezuelas Streets, Detention Centers, and Justice System](#), documents 45 cases from Caracas and three states, involving more than 150 victims, in which security forces have abused the rights of protesters and other people in the vicinity of demonstrations. Security forces have also allowed armed pro-government gangs to attack unarmed civilians, and in some cases openly collaborated with the gangs.

The scale of rights violations we found in Venezuela and the collaboration of security forces and justice officials in committing them shows these are not isolated incidents or the excesses of a few rogue actors, said [Jos Miguel Vivanco](#), Americas director at Human Rights Watch. Rather, they are the part of an alarming pattern of abuse that is the worst we have seen in Venezuela in years.

Human Rights Watch carried out a fact-finding investigation in [Venezuela](#) in March 2014, visiting Caracas and the states of Carabobo, Lara, and Miranda, and conducted scores of interviews with abuse victims, their families, witnesses, medical professionals, journalists, lawyers, and human rights defenders. Human Rights Watch also gathered extensive material evidence, including photographs, video footage, medical reports, and judicial rulings, and reviewed government reports and official statements regarding protest activity and the response of security forces.

The Venezuelan government has characterized 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.

However, Human Rights Watch's research shows that Venezuelan security forces have repeatedly used unlawful force against unarmed and nonviolent people. Some of the worst abuses documented in the report were against people who were not even participating in demonstrations, or were already detained and fully under the control of security forces.

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

In many instances, the aim of the abuse appears to have been to prevent people from documenting the security force tactics or to punish those attempting to do so. The incidents involved both professional journalists and people who had been taking photographs or filming security force confrontations with protesters.

It is critical for opposition leaders to continue to reject any acts of violence by protesters, and to do so as emphatically as possible, Vivanco said. But let's be clear, nothing justifies the brutal tactics by the Venezuelan security forces.

In most of the cases Human Rights Watch documented, abuse victims were arbitrarily arrested and held for up to 48 hours or longer frequently in military installations. There they were subjected to further abuse, including brutal beatings and, in several cases, electric shocks or burns.

Detainees with serious injuries such as wounds from rubber bullets and broken bones from beatings were denied or delayed access to medical attention, exacerbating their suffering, despite their repeated requests to see a doctor. In several cases, national guardsmen and police also subjected detainees to severe psychological abuse, including threatening them with death and rape.

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

The fact that the abuses 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 Human Rights Watch reviewed supports the conclusion that the abuses were part of a systematic practice, Human Rights Watch said.

Nearly all of the 150 victims were denied basic due process rights. Many were held incommunicado and denied access to lawyers until minutes before their judicial hearings, which were often scheduled in the middle of the night without any plausible justification. Prosecutors and judges routinely turned a blind eye to evidence suggesting that detainees had been abused in detention, including obvious signs of physical abuse.

The scope of these and other due process violations in multiple jurisdictions across several states highlights the failure of the judicial body to fulfill its role as a safeguard against abuse of state power, Human Rights Watch said.

Venezuela should end all human rights violations committed by security forces in the context of protests and ensure prompt, thorough, and impartial investigations of abuses that have occurred, bringing those responsible to justice, Human Rights Watch said. All acts of violence by others in the context of protests should also be thoroughly and impartially investigated and prosecuted, regardless of the political affiliation of suspects or victims.

According to the government, as of April 25, the Attorney General's Office was conducting 145 investigations into alleged human rights violations, and 17 security officials had been detained for their alleged involvement in these cases.

Given the lack of judicial independence in Venezuela today, and the fact that prosecutors and judges are directly implicated in many of the abuses we documented, it's difficult to expect that the people responsible for these crimes will be brought to justice, Vivanco said. For these efforts to be credible, the Venezuelan government should seek the involvement of UN rights monitors and take immediate steps to secure the independence of the judiciary.

The Venezuelan government should agree to the outstanding requests to visit the country by the UN special rapporteur on torture, the UN special rapporteur on freedom of peaceful assembly and association, and the UN special rapporteur on the independence of judges and lawyers, and schedule them for as soon as possible. The government should also issue a standing invitation to the UN Working Group on Arbitrary Detention.

The Venezuelan National Assembly should restore the credibility and independence of the judiciary by selecting new permanent justices to fulfill 11 vacancies on the Supreme Court (out of 32 seats) by a two-thirds majority vote, as stipulated the Constitution, through a selection process that is open, transparent, and ensures the broadest possible political consensus.

Latin American governments belonging to regional bodies to which Venezuela is a party such as the Union of South American Nations (UNASUR), MERCOSUR, and the Organization of American States should uphold their commitments to protect and promote basic rights and respect democratic institutions, by engaging the Venezuelan government and insisting that these serious human rights problems be addressed, Human Rights Watch said.

The international community and particularly the members of UNASUR who engage regularly with the Venezuelan government should forcefully condemn the appalling abuses Human Rights Watch documented, Vivanco said. They should insist that the Maduro government halt these violations, release the people wrongly detained, and bring to justice the state security personnel and the armed gangs responsible for attacks on unarmed protesters.

For selected cases, please see below.

Selected cases documented in Punished for Protesting:

On February 19, 2014, 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 antigovernment 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 mangled 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.

Juan Snchez (pseudonym), 22, was detained by national guardsmen when he was walking to the bank on the outskirts of Caracas on March 5. Earlier that day, Snchez 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. Hell be our trophy so these brats stop fucking around. Snchez 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 Snchez 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 Snchez to a patio where he was forced to fight with one of them, while the rest watched, laughing and cheering. Snchez was taken to a hospital, where the guardsmen interfered with the doctors 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 Venezuelas most violent prisons.

Dayana Mndez Andrade, 24, a journalist, was covering a demonstration in Valencia 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. Mndez fled but was cornered together with a photographer **Luis Rodrguez Malpica**, 26 by several guardsmen. When she and Rodrguez 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 Mndez in her left hip and leg.

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 Daz**, 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. Daz 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.

When the restaurant where he worked in a shopping mall in El Carrizal closed on March 5 due to nearby protests, **Moiss Gunchez**, 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 Gunchez attempted to flee the lot, a guardsman blocked his way and shot toward his head with rubber bullets. The shot hit Gunchez's arm, which he had raised to protect his face, and he was knocked to the ground. Though Gunchez 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.

Jos Alfredo Martn Ostermann, 41, and **Carlos Spinetti**, 39, were detained on March 12 by armed civilians as they walked near a progovernment 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.

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