

Forum for Life
Coalition of Venezuelan Human Rights Organizations



**Alternative Report to the combined Third and Fourth Periodic Reports of
the Bolivarian Republic of Venezuela, due in 2004 to the Committee Against
Torture**

Information update: February – June 2014

October 2014

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Summary

- From February 2014 onwards, when a series of protests took place in Venezuela, severe violations of the right of personal integrity were committed; for that reason, an update from the report previously submitted is necessary.
- The State still has not delivered reliable, public and verifiable statistical information regarding the cases of torture. The limited information provided has not been disaggregated according to victims' profiles and the liable state body.
- Peaceful protests were repressed mainly with a military response, at the hands of officials not qualified for the control of public order. Therefore, military officers were the main responsible for the violations of human rights.
- In April 2014, the Supreme Tribunal of Justice issued a restrictive interpretation of the right of peaceful assembly, according to which a permission to manifest is required and the use of public force is authorized when that requirement is not met. From that moment on, the repression of demonstrations and judicialization of those who took part in them incremented.
- Although the phenomenon of paramilitary groups has been present for many years, the coordination of these irregular groups with state forces was evidenced in the first semester of 2014. A total of 437 attacks of armed groups against manifestations were registered between February 12 and April 15, some of them after public announcements of high-ranking officials exhorting civilians to assume the function to control public order. These groups also participated in the arrest of demonstrators.
- In spite of the recent adoption of the Special Law to Prevent and Sanction Torture and other Cruel, Inhuman and Degrading Treatment, in the absence of standards to prevent torture was noted, including incommunicado detentions, defenders who were not allowed to speak to their defendants, obstruction or omission of independent medical examinations to ostensible victims of torture or cruel treatment and unjustified judicial delay. The allegation of "superior orders" was constantly used.
- Denunciations of torture and cruel treatment took place in police detention centers and military or intelligence premises.
- Denunciations of torture and cruel treatment included physical and psychological harm of different dimensions, including attacks and threats of sexual violence. Frequently, they came with insults of political nature and, in some cases, of homophobic nature.
- Between February and May, 854 injuries in the context of protests were registered. Of them, 138 were due to gunfire, 330 to pellets, 72 due to beatings, 34 to blunt objects and 280 fell within the category of "others", which included electroshock, stabbing, getting hit by a car, among others. Most injuries were the result of disproportionate use of force in the control of manifestations or during arrest. This number does not reflect those who suffered asphyxia as a consequence of the use of toxic substances by security forces, since it affected an indeterminate number of individuals.
- In at least 14 states, systematic and generalized attacks against residences or residential areas were registered, during which the zones affected were subjected to military occupation. Pro-government armed groups participated in at least a fourth of the attacks.
- More than 3,000 people were arbitrarily arrested in the context of protests. The majority were brought to court and charged with public incitement, resisting authority, criminal association, blockade of roads, damage to property and even terrorism.
- The situation of the detainees was treated in a rather obscure and illegal manner, even the cases when the person required medical assistance. The lack of transparency included the destruction of medical evidence, providing care for civilians in military premises and coercion on the victims and doctors to hamper a possible complaint.
- Human rights defenders were publicly attacked by high-ranking officials, labeled as "conspirators" and some of them even processed.

I. Introduction

1. The present Update Report encompasses the first semester of 2014, considering the serious violations of the right to personal integrity that occurred during that period. It is presented by a group of organizations that belong to the Forum for Life¹ (hereafter “the Forum”) as an *addendum* to the report already submitted², with the objective of informing the Committee Against Torture (hereafter “the Committee”) on recent issues that have raised concern regarding the fulfillment of international commitments made by the Bolivarian Republic of Venezuela under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter “CAT”).
2. In early February 2014, a series of student protests unfolded in several cities, all spontaneous, mainly due to personal insecurity. Except for one that took place in Táchira state, none of them were repressed.
3. Subsequently, on February 12, during a protest in remembrance of Student Day, more than 80 arrests took place in Caracas. The message was clear: even with due “*permission*”, more protests would not be tolerated. According to authorities, these were product of a destabilization plan. Thus, it was intended to discredit the social character of the demonstrations placing them on a political level. The task of arresting, presenting criminal charges, imprisoning thousands of people - mostly young students- and even denying the allegations of torture, was assumed by all branches of power in a coordinated way.

II. Preliminary General Observations

a. Limited statistical information

4. The report previously submitted noted that the State has not complied with the requests to develop a disaggregated statistical systems organized by victims’ profile and to create an official body to register and track alleged suspects. This situation has not changed in the period covered by this Update Report.
5. In June 2014, the Office of the Public Prosecutor presented a report titled “Outcome of the violent manifestations. February - June 2014”³, in which the term “torture” is explicitly used for the first time. The report indicates that, until June 11, 2014, the Office was carrying out two investigations for torture and 185 for cruel treatment. However, it fails to provide information on the victims’

¹ The Forum for Life is a Venezuelan Human Rights Non-Governmental Organization with over 20 years of experience in the field, conformed by 20 NGOs from all over the country. Its objective is to ensure the complete fulfillment of Human Rights and the Rule of Law. The Forum monitors the political process in order to assess its coherence with Human Rights and the democratic principles; to influence in the elaboration and implementation of public policies, and to accompany its members in the process of denouncing Human Rights violations through Urgent Actions, public declarations, counseling, among others. The present Update Report is subscribed by: Acción Ciudadana contra el SIDA (ACCSI), Centro de Derechos Humanos de la Universidad Católica Andrés Bello (CDH-UCAB), Civilis Derechos Humanos, Espacio Público and Programa Venezolano de Educación – Acción en Derechos Humanos (Provea); all of them already fully identified in the Alternative Report previously submitted.

² Forum for Life: Alternative Report to the combined Third and Fourth Periodic Reports of the Bolivarian Republic of Venezuela, due in 2004 to the Committee Against Torture.

³ Digital version available in: http://www.mp.gob.ve/c/document_library/get_file?uuid=fe445f9f-62cf-43a2-8c35-89c93f9cdf56&groupId=10136 Last visit: September 24, 2014.

profile and on the government bodies where the alleged perpetrators are appointed. In these cases, there have been 5 criminal indictments, 22 dismissals and 2 closed cases for cruel treatment, for a total amount of 10 public officials indicted of cruel treatment. There has not been any further advance in the last two cases of torture known by the Office of the Public Prosecutor.

b. Increasing militarization of citizen security

6. The response of State institutions to the protests from February until May 2014 reflects the absence of a democratic culture capable of guaranteeing the right of peaceful manifestation and, at the same time, the maintenance of public order in compliance with the Constitution, the law and international standards. The numerous cases of violations of the right to physical and psychological integrity of the demonstrators and the reiterated excessive use of force by armed law enforcement officials indicate the magnitude of the repression during those four months, as will be pointed out below.
7. The Bolivarian National Guard (Guardia Nacional Bolivariana – GNB), the main agency responsible for the control of protests, holds the largest amount of denunciations due to the excesses committed during the exercise of its functions. Excessive use of force, the use of firearms and toxic substances during manifestations, cases involving torture and cruel, inhuman and degrading treatment of detainees, are the main complaints that victims and human rights organizations have documented regarding the performance of this body of the Bolivarian National Armed Force (Fuerza Armada Nacional Bolivariana – FANB) in the context of protests from February until May 2014.

c. Restrictive interpretation of the Constitution

8. On April 24, 2014, the Constitutional Chamber of the Supreme Court (SC), issued decision No. 276, by which it interprets Article 68 of the Constitution of the Bolivarian Republic of Venezuela on the right to protest, as well as articles 41, 43, 44, 46 y 50 of Law of Political Parties, Public Meetings and Demonstrations (LPPRPyM)⁴.
9. After the issuance of this decision and the reprisals against demonstrators observed, the CDH – UCAB published a report⁵ identifying the factual and legal constraints to the exercise of peaceful assembly and demonstration.
10. The report reflects how, after April 24, the development of marches has been impeded, even those duly notified. Likewise, mass arrests have become more common, with the record number of more than 350 arrests in only two episodes in Caracas.
11. The number of citizens brought before court have increased, as well as the use of bail as a mechanism to delay the release of detainees, sometimes by more than 10 days. The monetary cost of bails has incremented, hindering the possibility to find guarantors in a brief period. Imprisonment has spiked 150% in Caracas, compared to the three previous months.

⁴ Official Gazette No 6.013 December 23, 2010

⁵ Complete report available at: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/licencia%20para%20protestar.pdf

12. The report also verified a significant escalation of attacks against University campuses. Only in May, the number of attacks exceeded those recorded in the three previous months combined.
13. The report reviews actions of public prosecutors destined to prevent private and human rights defenders from being sworn in or to leave them out of the cases they represent, falsely promising the defendants that their cases will be better served if they are taken over by public defenders.

d. Participation of *Vigilante* groups

14. According to data provided by Provea, a total amount of 437 attacks on manifestations perpetrated by pro-government armed groups were registered between February 12 and April 15 in Venezuela. The deployment of such groups has coincided with declarations of top government officials that have somewhat endorsed their intervention in certain situations. There is sufficient evidence to affirm that many of those attacks were coordinated and undertaken jointly with the Bolivarian National Police (Policía Nacional Bolivariana – PNB) and the National Guard. Although the phenomenon of paramilitary groups is not new to the country, their coordinated action with State forces was evidenced during the first semester of 2014.
15. On February 21, President Nicolás Maduro announced the formation of “Popular anti-Coup d’Etat Commands” (Comandos Populares Antigolpe) throughout the country, oriented to “*counteract the fascist Coup d’Etat with the mobilized and organized people.*”⁶ These commands are led by the President of the National Assembly, Diosdado Cabello, and have the task of monitoring and controlling activities classified as terrorism and conspiracy, in coordination with the National Bolivarian Armed Forces and State security forces.
16. A press release published on February 25 by the Venezuelan News Agency (AVN), describes the performance of the “Popular Anti-Coup d’Etat Commands” in Monagas state. According to it, after patrolling and intelligence work conducted in the state capital, Maturín, the commands reported the security forces on the installation of “*18 disturbance focal points*” in different zones of the city, thus facilitating the arrest of seven demonstrators in a joint operation carried out by State security officials and civilians.⁷
17. During a speech televised on March 5, President Nicolás Maduro exhorted civilians to adopt measures in order to maintain public order. He stated: “*I summon all the people, the Bolívar Chávez Battle Fronts, communes, social movements, youth movements, workers, farmers, women, I summon all the people to assert the order of our Commander Hugo Chávez in their communities: flame that is lit, flame that is extinguished along with the organized people, in order to ensure peace in our country.*”⁸
18. There have been many denunciations about demonstrators being apprehended by unidentified civilians or by civilians belonging to pro-government groups. Many of these demonstrators claim

⁶ *Gobierno Nacional conformará Comandos Populares Antigolpe en todo el país.* YVKE MUNDIAL, 21.02.2014. En: <http://www.radiomundial.com.ve/article/gobierno-nacional-conformar%C3%A1-comandos-populares-antigolpe-en-todo-el-pa%C3%ADs-audio>

⁷ *En Monagas comando popular antigolpe ayuda a mantener la paz ciudadana.* AVN, 25.02.2014. En: <http://www.avn.info.ve/contenido/monagas-comando-popular-antigolpe-ayuda-mantener-paz-ciudadana>

⁸ *Primer mandatario al pueblo: candelita que se prenda, candelita que se apaga.* Radio YVKE MUNDIAL, 05.03.2014. En: <http://www.radiomundial.com.ve/article/primer-mandatario-al-pueblo-candelita-que-se-prenda-candelita-que-se-apaga-audio>

that the unidentified civilians carried arms; that they acted in coordination with police and military forces and that they often patrolled the streets in motorcycles or pickup vans.

19. An emblematic case is that of a victim of attacks and intimidation by a pro-government group denominated “colectivo” on March 12, 2014, while he was passing through Plaza Venezuela, a sector in Caracas. The victim affirms that he was detained alongside two friends by what they believe were plain-clothed officials. His testimony was taken by the CDH-UCAB and his name will remain secret at his request:
20. *“... They were bearing arms. They took our identification documents away and transmitted information via radio in a military fashion, they used keywords and alphanumeric codes (...) At that time, there were about 5 officials from the National Guard, but they went away and left us at the mercy of the colectivos. They did not protect us, there were roughly 40 members of the colectivos. The National Guard did not arrest us, the colectivos did.”* The victim notes that later *“the members of the colectivos handed us to 5 officials from the Libertador District Police that had arrived in motorcycles. Thereafter, they drove us to a Caracas Police Department checkpoint, where they requested our identification documents. We told them that we had given them to their supervisors and that they had been very rude to us. The police officials said those were not their supervisors, those were members of colectivos.”* This victim was a witness of how the referred armed groups handed other young man to the police forces. Subsequently, they were taken to an office of the Scientific and Criminal Investigations Corps (CICPC) and to the Identification Bureau (SAIME) to set their criminal record: *“They took us a photograph with our names, ID number and a poster with the word ‘guarimbero’ (term used by the government officials to identify demonstrators that block streets with objects such as tires and garbage that they usually set on fire), even though we were not participating in a guarimba. We guess this is the way to justify the fact that they held us without reason.”* He concludes his testimony expressing his fear of reprisals: *“I had to move out of my apartment”*.
21. The case of aggression against student Jaime Yéspica from the Central University of Venezuela (UCV) on March 19 in Maracay, Aragua state, was taped on security cameras from a residential building, which made it possible to identify armed civilians severely beating the victim, later joined by a police officer in uniform. Yéspica presented fractures in the forehead (frontal sinus), the septum and the nose, and severe injuries in the arms and abdomen caused by the beating. The video was uploaded and circulated on YouTube⁹, as well as the testimony from the victim¹⁰, which led to the arrest of the police officer. Nonetheless, there is yet no information on the civilians that started the attack.
22. In Zulia state, the report from the Inter-Institutional Commission of Human Rights from the Law and Political Science School of the University of Zulia, the Law School of the Rafael Urdaneta University and the Human Rights Commission of the Association of Lawyers describes the case of the student Andrés Acosta, who was arrested on February 19, 2014. The victim made the following statement: *“A group of armed civilians and some pickup vans approached us and seized me, they attacked me physically to get me in the back of the pickup alongside others who had also been seized (...) The pickup that took us was a white Toyota Tacoma (...) Another pickup was a beige Toyota 4Runner. None of them were identified with any official body. After we arrived at the regional police*

⁹ Available at: <https://www.youtube.com/watch?v=T9Ni7yrSkIA>

¹⁰ Available at: https://www.youtube.com/watch?v=O_-cGmb3xs

department, located in the Delicias Avenue, in front of the Delicias Plaza Mall; they made us kneel and took photographs, which they later published in the Twitter account @batalladeideas, depicting us as the leaders of the protest in Republic Square.”¹¹

III. Articles 1 y 4

23. The first element that generates concern is the absence of standards to prevent torture, in spite of the recent adoption of the Especial Law to Prevent and Sanction Torture and other Cruel, Inhuman and Degrading Treatment. In a preliminary report presented by the CDH-UCAB on February 18, 2014, the conditions in the center of detentions and the situation of the detainees are described. The most significant are pointed out:
- *In almost all the cases, family members have been arbitrarily denied access to the detainees. This has occurred, principally, in the CICPC (investigation police) and Guardia Nacional (National Guard) detention centers. In every case, these denials by the authorities have been based on an argument of “orders from their superiors”.*
 - *The conditions of the places that have been used as detention centers are, in some cases, absolutely inadequate, as is the case of the National Guard post in La Dolorita, in which 18 young people – in their majority, students– were detained for 2 days. They were all detained in a small room, without a functioning bathroom, with no ventilation, no beds or mattresses and no food. These conditions were witnessed directly by lawyers from the CDH-UCAB, who also verified that an official from the General Attorney’s Office was present and that, regardless of the inhuman conditions, did not provided any information on this.*
 - *In some cases, not even family members were allowed to have telephone contact with the detainees during the 48 hours or more that they were detained. This not only violated their rights (both of the detainees and their families) but also created some accusations of disappearances that ceased later. These situations could have been avoided by providing updated information about the whereabouts of the detainees.*
 - *Many detainees were not brought before a judge within the 48 hours established by the law. Some spent 56 to 60 hours without seeing a judge.*
 - *In the vast majority of the cases, lawyers have not been able to have private conversations with detainees. When they have been allowed to see them, there is always a government official present during the whole conversation, thus limiting the possibility of a free and clear exchange of information about the facts and the treatment they have received while in detention.*
 - *Practically all the detainees have denounced that they have been psychologically assaulted and many physically assaulted.*
 - *In some cases, there are undue delays to initiate court hearings. This means that, in addition to the hours of detention (that in many cases exceed the maximum allowed time of 48 hours), some 10 to 12 hours are added to the time that the detainees remain under custody.*
24. The Public Prosecutor’s Office published a report¹² summarizing the events during protests until June 2014. The balance of the “violent” protests presented is: 42 deceased, 873 injured, 3,306 prosecuted and 148 under police custody before trial from February until June 2014¹³.

¹¹ Comisión Inter-Institucional de Derechos Humanos de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia, Escuela de Derecho de la Universidad Rafael Urdaneta, Comisión de Derechos Humanos del Colegio de Abogados: Informe preliminar sobre derechos humanos en el marco de las protestas. Digital version available in Spanish: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/INFORME%20FINAL%20CDDHH%20ZULIA.pdf

25. In regard to the deceased, the report reflects that 23 deaths were caused by gunfire, 6 by clashes with barricades, 5 died cleaning the barricades, 1 death was caused by stab wounds and other 5 were caused by unspecified circumstances¹⁴. Likewise, the report reflects declarations made by the General Attorney's Office in reference to investigations carried out by the Protection of Fundamental Rights Department. According to it, 189 investigations had been made: 2 for homicide, 2 for torture and 185 for cruel treatment. It remains unknown whether these cases are under investigation in conformity with the recently adopted Especial Law to Prevent and Sanction Torture and other Cruel, Inhuman and Degrading Treatment.
26. On March 13, 2014, Luisa Ortega Díaz, Attorney General of the Republic, stated before the XXV Session of the United Nations Human Rights Council that the protests that took place from February onwards "*turned into violent and chaotic events that have caused deaths, numerous injured and significant material losses*"¹⁵. She indicated that "*the right of peaceful demonstration is a mechanism stablished and protected by the Constitution, but if it is used to commit crimes, the State has the obligation to defend the citizens and apply sanctions to the perpetrators, according to the law.*" She also declared that "*it is necessary to call on all United Nations bodies and the international community to analyze the whole reality of the country with complete objectivity, responsibility, and strict adherence to the truth, not through small fragments of information that do not reflect everything that has happened*".¹⁶
27. She also pointed out that "*we have attended those who have filed complaints claiming that they were subjected to mistreatment during their detention. Immediately after receiving such complaints, criminal investigations have been undertaken by specialized prosecutors in the protection of fundamental rights*"¹⁷. However, data from various human rights organizations do not correspond with the declarations of the General Attorney.

IV. Articles 2 and 16

a. Torture and Cruel Treatment in the context of protests

28. As a follow up to the work of legal assistance to detainees, the Centre for Human Rights of the Andres Bello Catholic University (CDH-UCAB) began to conduct in-depth interviews, in order to obtain additional and specific information, based on testimonies, about personal liberty, due process and allegations of torture and ill-treatment. The first 30 interviews were carried out between February 24 and March 7, 2014, in Caracas and the neighboring area of *Altos Mirandinos* (Municipalities of Los Salias, Carrizal and Guaicaipuro, Miranda state).

¹²Informe del Ministerio Público: *Resultado de las manifestaciones violentas*, Febrero-Junio de 2014

http://www.mp.gob.ve/c/document_library/get_file?uuid=fe445f9f-62cf-43a2-8c35-89c93f9cdf56&groupId=10136

¹³ Idem. Pages. 2, 7 and 9

¹⁴ Idem. Pages 5 and 6

¹⁵ *Article of the Public Prosecutor: Attorney General: demonstrations in Venezuela turned into chaotic and violent events*

http://www.mp.gob.ve/web/guest/articulos-de-opinion-fiscal-general;jsessionId=A2D0ADC073032912293221DE723A5763?p_id=62_INSTANCE_PJc6&p_p_lifecycle=0&p_p_state=maximizad&p_p_mode=view&_62_INSTANCE_PJc6_struts_action=%2Fjournal_articles%2Fview&_62_INSTANCE_PJc6_groupId=10136&_62_INSTANCE_PJc6_articleId=4229149&_62_INSTANCE_PJc6_version=1.0

¹⁶ Idem.

¹⁷ Idem.

29. Profile of victims: of the 30 people interviewed, 4 were female and 26 male. 23 of the victims are between 18 and 25 years old, 4 are adolescents and 3 are adults. The large majority of people interviewed are students (27), and three are professionals, one of them works in media communications.
30. After being detained, seven of the interviewees were first brought to the headquarters of the Scientific and Criminal Investigations Corps (CICPC) at Parque Carabobo in Caracas. Various branches of the Regional Command N° 5 of the National Guard (CORE 5, GNB) were mostly reported as the first site of detention following arrest: at its headquarters in Fuerte Tiuna, at El Pinar and the Military School Pedro María Ochoa Morales (PMOM) in *Altos Mirandinos*, for a total of 18 of the 30 arrests, reflecting the preponderance of the military component in controlling demonstrations. A smaller number of detainees were transferred to the headquarters of the National Bolivarian Police (PNB) in Catia (4 cases), and the Bolivarian Intelligence Service (SEBIN, 1 case).
31. Most of the detainees were transferred around different detention sites. During these transfers, no official and transparent information was provided on the detainees' fate and whereabouts, thus hindering their access to family members and contact with lawyers, configuring what in Venezuela is known as the practice of "*ruleteo*", which involves bouncing detainees around several detention sites without specifying their location. This practice facilitated keeping detainees incommunicado for periods ranging from 24 hours to the entire lapse of detention, allowing them to contact their families and lawyers minutes before their Court hearings, in violation of their right to due legal representation and facilitating practices contrary to the prevention of torture.
32. Only 9 detainees had access to a lawyer of their choice or representative of a human rights organization; of these, only 4 had such access during the first 12 hours of detention. As well, only 4 of the 9 detainees were allowed to meet privately with members of human rights NGO's or private attorneys.
33. Allegations of torture and ill-treatment occurred in various detention centers and many detainees were abused in more than one detention site and even during transfers. According to information provided, detainees were subjected to torture or ill-treatment in the following facilities¹⁸.

Table 1: Number of events reported by place of detention. Source: CDH-UCAB

Detention site	Nº of events reported
CICPC	10
DURING TRANSFERS	10
CORE 5 (FTE. TIUNA)	7
SEBIN HELICOIDE	4
GNB PMOM	4
PNB CATIA	4
CICPC BAE	3
PNB SANTA FE	3
GNB EL PINAR	1

¹⁸ The total does not coincide with the 30 interviewees because, frequently, events occurred in more than one site.

34. The type of physical abuse most reported was blows with fists and kicks, the latter frequently with military boots having a reinforced toe, so the impact of pain and injury inflicted is greater. Also recorded were blows with the handle of handguns or rifle butts, repeatedly. One detainee relates that when he was apprehended he was run over by a GNB motorbike, while others started hitting him on the head and back with their clubs, until he lost consciousness and was awakened by electric shocks while lying on the street. They carried him on a motorcycle to a bus, where he was beaten with helmets during the ride to Detachment 52 of the GNB.
35. Some detainees had neck pain at the time of their interviews —carried out at least two weeks after the incidents—, since they were forced to keep their heads down to avoid identifying their captors. Placing bandages or cloths or even the shirts of the detainees over their heads was another mechanism used to prevent identification of officers. Four people reported to have suffered injuries and bruises after being thrown hard against the floor or dragged on the pavement, and two said that guns had been aimed at them, even though they had not resisted arrest.
36. Other detainees reported ill-treatment that, without involving physical violence, caused unnecessary and unjustifiable suffering, such as keeping them overnight in the open, preventing them from getting water or other drinks or restricting access to food brought by relatives. Eleven detainees said they were kept kneeling for long periods and in two of these cases they were obliged to kneel on culverts, causing them more suffering.
37. Several detainees reported the application of chemicals such as pepper gas and fuel. In other cases, the application of fuels such as gasoline or kerosene, as well as gunpowder was used to incriminate the detainees. Another more serious use of fuels was to soak detainees with gasoline, followed by the threat of being burned. Other torture techniques applied in order to leave no external marks of injury were also reported. A detainee told he was picked up by the handcuffs and taken to a dark room, where they wrapped his body with foam rubber held together with masking tape, which was also put around his neck. He was repeatedly beaten with bats, golf clubs and fire extinguishers. He was also given three electric shocks and kicks. These acts were executed by approximately seven officials.
38. It is important to note that many of the physical sequels of pain as well as bruises and wounds remained present at the time of the interviews, even though they were made after more than ten days of the occurrence of the abuse and torture. This is evidence that physical abuse was meant to cause pain or suffering, regardless of if its purpose was to obtain information or the intimidation and coercion of detainees.

Table 2: Type and frequency of ill-treatment and torture reported. Source: CDH-UCAB

Repeated punches	18	Kept from receiving food brought by family	2
Kicks	14	Sprayed by pepper gas	2
Kneeling for lengthy periods	9	Blows with boots	2
Repeated blows with handles or rifle butts	7	Electric shock	2
Repeated blows with helmets	6	Asphyxiation	2
Stepped or walked on	5	Sprayed with gasoline or kerosene	2
Keeping heads down for lengthy periods to avoid identification of captors	4	Tightly handcuffed for lengthy periods	2
Pulled hard by the hair	4	Cover body with cloth or foam rubber to prevent bruising from blows with bats	2

Bandages or cloths over the eyes	4	Hits on the knuckles with a stick	1
Thrown violently to the ground	3	Kicked in the testicles	1
Banged against the walls	3	Blows with fire extinguisher	1
Kept in the open overnight	3	Dragging on the pavement	1
Kept without drinking water	3	Blows with a glass bottle until it broke	1
Kneeling on culvert	2	Blows with a pipe	1
Gun aimed at even if not resisting arrest	2		

40. Of great concern were six reports of threats of sexual abuse, to which four men and two women were exposed, one of whom was a minor. The journalist Andrea Jiménez was threatened with rape, with the mutilation of her extremities, with death and with being jailed at the INOF (a women's prison), where she would be sexually abused. Mockery by officers in regards to incommunicado detention (registered six times) was also a form of emotional suffering, to the extent that it made detainees feel even more vulnerable and defenseless. The mechanisms of intimidation to try to prevent detainees from denouncing the violations of their rights included mentions that something could be done to them "later" or "somewhere else", while one detainee was warned "do not say anything, I have the keys to your home and I know where you live". In another case, when a group was leaving the detention center, officers threatened them saying "be careful on the street, we will be following you; do not be outside at night because we can catch you, you will be followed by SEBIN, beware, do not walk alone". In at least four cases, detainees were asked to hear the blows and screams that occurred in another room where another person was being subjected to ill-treatment or torture.

Table 3: Type and frequency of psychological ill-treatment reported. Source: CDH-UCAB

Threatened with sexual abuse	6	Threats of aggression "later" or "somewhere else"	1
Denied a phone call and mocked for being unable to reach family	6	Threats of being burnt	1
Photographed with own cell phones or those of officers	6	Officials took money from detainee's wallet, bought arepas; ate them in front of him, throwing pieces to his face	1
Theft or destruction of belongings with derision	5	While kneeling, hands were filled with powder and then made a ballistic test	1
Threats with death or execution	4	Not allowed to go alone to the toilets, they were taken handcuffed with others	1
Threats of incrimination	3	Hooded with own t-shirt to incriminate them	1
Told to be qualified as political prisoners and therefore sent to the "large ones" (prison)	3	Taken out of the cell to see his mother crying; refrained from talking to her, and taken back to the prison cell	1
Made to listen / watch torture / blows on others	3	After being repeatedly tortured was told to "not say anything, I have the keys to your home and I know where you live"	1
Threatened with sharing detention with common criminals	2	Officers told him "you are already dead"	1
Pointed at with a gun in the forehead	2	Threatened with disappearance "it is easy for us to make you disappear"	1
Hand sprayed with gasoline in order to get incriminated	2	"Careful in the streets because we will be following you. Do not be outside at night because we will get you, SEBIN will be after you, be careful, do not wander alone."	1
Threats of mutilation	2	Made to watch the beating of his sons	1

41. A considerable number of detainees were subjected to various insults. It must be highlighted, additionally, that to these general insults (which can be assumed are aimed at any detainee) are added others such as "escuálido", "traitor", "bourgeois" and "guarimbero", denoting an inappropriate political stance by officials. Similarly, there are inadequate and equally unacceptable homophobic expressions used to treat detainees, as recorded in two cases.

b. Municipal Justice and citizens involvement

42. In the Fourth Report presented before the Human Rights Committee, the Venezuelan State affirms that "in cases of *flagrante delicto* detention, the nearest competent authority is required to place the detained person at the disposal of the Public Prosecution Service within 12 hours from the time of arrest; similarly, no later than 48 hours following arrest, the detained person must be brought before a municipal court judge, who will decide whether to continue with the precautionary measure of deprivation of liberty or impose a less harsh measure such as trial on bail."¹⁹. None of the people arrested in April 2013 or between February and June 2014 were brought before a municipal court, they were all brought before ordinary criminal courts. Some of the detainees were charged with criminal offences under the Organic Law Against Organized Crime and Financing of Terrorism. Between February and June 2014, more than 3,000 people were arrested in the context of protests; most of them were brought before justice. Only few were released without charges and 81 are still deprived of liberty and awaiting for their hearing.

c. Disproportionate use of force and criminalization of protests

43. Alongside the National Guard (GNB), national police forces such as the Bolivarian National Police (PNB), Bolivarian Service of National Intelligence (SEBIN), and the Scientific and Criminal Investigations Corps (CICPC), head the list of denounces **for excessive use of force** and violations to the right of physical integrity of demonstrators and citizens in general.

44. Even though the State has fostered training programs on the adequate use of force to control manifestations, the institutional message sent to those who infringe regulations is clearly contradictory with the training received. The Executive branch of power has encouraged repression by publicly congratulating officials who have cracked down on peaceful protesters. An example would be the public acknowledgment for the "*impeccable work*" that the Ministry of Internal Affairs, Justice and Peace, Miguel Rodríguez Torres, extended to the National Guard officials who on May 8, 2014 participated in the eviction of peaceful demonstrators who had occupied different public squares in Caracas²⁰.

45. On May 9, the Office of the UN High Commissioner for Human Rights (OHCHR) issued a statement expressing the Commissioner's concern about "*information received regarding excessive use of force by the authorities in response to the protests*" and reiterated her call on the government to

¹⁹ Human Rights Committee. Venezuela. Fourth Periodic Report that the State parties had to submit in 2005. CCPR/C/VEN/4. December 19, 2012. Paragraph 109

²⁰ GNB y PNB levantan campamentos ilegales en el Este de Caracas en la madrugada de este jueves. AVN, 08.05.2014. En: <http://www.avn.info.ve/contenido/gnb-levant%C3%B3-campamentos-ilegales-este-caracas>

guarantee that the exercise of the right of peaceful assembly and freedom of expression would not be criminalized.²¹

46. The Executive branch of government has progressively assumed some practices typical of the National Security Doctrine²² to sustain and justify the criminalization of those who exercise their constitutional right of peaceful demonstration. Pretexts such as the maintenance of public order and the right of free passage, among others, have been used to vindicate repression and the violation of human rights of demonstrators.
47. Excessive use of force by the security forces, the involvement of civilians and paramilitary groups in repression of protests and violations to the right of physical integrity have occurred since the beginning of the protests in Venezuela, back on February 2.
48. The National Constitution, article 68, **explicitly forbids the use of firearms and toxic substances to control demonstrations**²³; however, complaints gathered by human rights organizations reflect numerous situations when the security forces have resorted to firearms in order to disperse demonstrators or to fire against residential buildings in places where protests were developing.
49. On February 12, during a student protest heading to the headquarters of the Office of the Public Prosecutor, SEBIN officials – who do not have the competence to maintain public order – were photographed and recorded on video while shooting against protesters in Parque Carabobo, a sector in Caracas, acting in collaboration with armed paramilitary members. A significant amount of people were injured and two citizens, Juan Montoya and Bassil Da Costa, lost their lives ostensibly as a result of the shooting, in the South 11 Avenue and the Tracabordo Corner, respectively. High-ranking government officials rapidly held the students accountable for the events. However, an investigation carried out by reporters from the *Últimas Noticias* newspaper²⁴ discredited initial accusations and forced the President to admit the participation of SEBIN officials, which resulted in the dismissal of the Director of that body.²⁵ Likewise, People’s Guard officials were also photographed and recorded on video while using their firearms to repel demonstrators in La Isabelica, a sector of Valencia, Carabobo state capital²⁶. Another documented case is the aggression committed by Bolivar state police officials against protesters in Puerto Ordaz. They were also caught on tape while using their firearms to disperse a protest in a residential zone of that city²⁷. Similar situations have been broadly documented in different states of the country, where police and military forces have made use of their firearms to control manifestations.

²¹Venezuela: la Alta Comisionada de la ONU preocupada por nuevos actos de violencia. PNUD, 09.05.2014. En: <http://www.pnud.org.ve/content/view/422/1/>

²² The National Security Doctrine was consolidated by Southern Cone dictatorships during the Cold War. It defended the idea that only State security could guarantee security to the rest of the society. This doctrine introduced the concepts of external and internal enemies. The first group made reference to citizens that represented a threat to national security and therefore had to be controlled through military force and repression. The National Security Doctrine values the security of the State as more important than rights and democratic liberties.

²³Venezuelan Constitution, article 68: *“The use of firearms and toxic substances to control peaceful demonstrations is prohibited. The activity of police and security corps in maintaining public order shall be regulated by law.”*

²⁴Video: Uniformados y civiles dispararon en Candelaria el 12F. *ÚLTIMAS NOTICIAS*, 19.02.2014. En: <http://www.ultimasnoticias.com.ve/noticias/actualidad/investigacion/video---uniformados-y-civiles-dispararon-en-candel.aspx>

²⁵Destituyen a director del Sebin y nombran a Gustavo González. *EL UNIVERSAL*, 18.02.2014. En: <http://www.eluniversal.com/nacional-y-politica/140218/destituyen-a-director-del-sebin-y-nombran-a-gustavo-gonzalez>

²⁶Video: COMPLETO: GNB golpea con casco a una mujer y la arrastra del pelo | Agresión | La Isabelica <http://youtu.be/5My2H0IMtzE>

²⁷Video: Puerto Ordaz #12M - 1era parte <http://youtu.be/D5s1gsSukxA>

50. In none of these cases the police and military forces acted in accordance with proportionality criteria in the use of force, established to minimize the damages caused: protesters throwing rocks and blunt objects were repelled with firearms.
51. During protests, the use of **toxic substances forbidden by the Constitution** has also been reiterative. A report published in the *Últimas Noticias* newspaper²⁸, revealed the excessive use of these substances to disperse the protests called up by students from the Central University of Venezuela (UCV) on March 12. According to it, officers from the National Police and the National Guard used approximately 2,310 teargas bombs to impede the march, which could not complete its route. The residues of the bombs were later collected by students and employees of the university. That day, according to denunciations made by the Students Centers Federation and the Doctors for Health organization, at least 25 persons had to be attended at the University's hospital due to asphyxia caused by the tear gas.
52. During the period of time covered by this Update Report, several denunciations were made about the utilization of expired teargas bombs, used excessively and aimed not only against protesters, but also against bystanders or residents of the zones where demonstrations were taking place. The negative effects of the excessive use of these substances will be explained below.
53. Between February and April 2014, Provea registered a total amount of 854 injured in the context of protests: 138 wounded by gunfire, 330 wounded by pellets, 72 by repeated punches, 32 by blunt objects and 280 injured were included in the "others" category, that comprises electric shock, stabbing, getting run over by a car, among others.
54. The wounded by gunfire represent 16% of the total amount, and the wounded by pellets 38%.

Table 4: Type of injury registered in the context of manifestations. Source: Provea

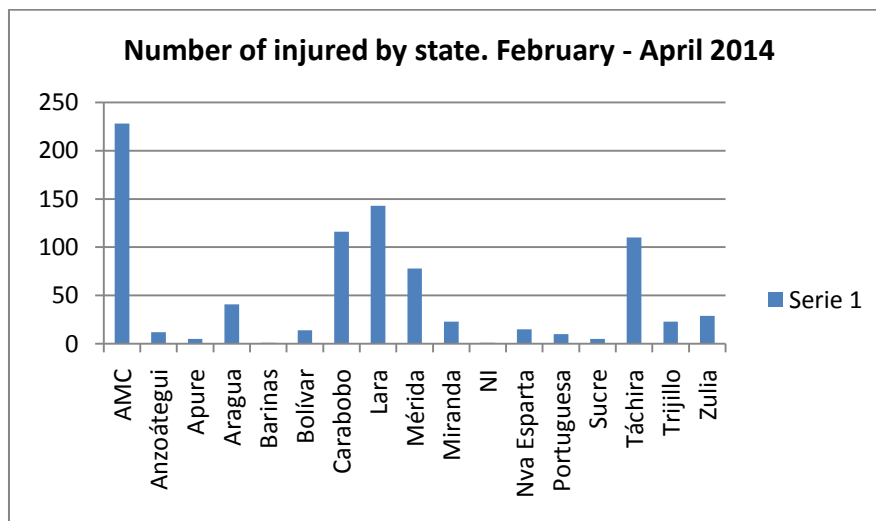
Type of injury	Cases
Beating	72
Pellets	330
Gunfire	138
Blunt objects	34
Others	280
Total	854

55. This registry does not reflect the cases of asphyxia due to the utilization of toxic substances by the security forces, since the number of citizens affected is indeterminate. Data collected by Provea shows an increase of 270% of injured persons in comparison with the total amount of 2013, when 316 victims of injuries in the context of demonstrations were registered. 2014 registered the highest number of injured in the last 10 years.
56. It must be noted that the Bolivarian National Guard is still the security body involved in the largest amount of cases. Like in 2013, the institution was denounced for the majority of injuries inflicted in the context of demonstrations between February and April 2014, which represents 38.9% of the

²⁸Video: *Brasil vende casi todas las bombas lacrimógenas*. ÚLTIMAS NOTICIAS, 23.03.2014. En: <http://www.ultimasnoticias.com.ve/noticias/actualidad/investigacion/video---brasil-vende-casi-todas-las-bombas-lacrimo.aspx>

total. Joint operations carried out by military and police forces – in many cases accompanied by civilians and/or paramilitary members – were responsible for 25.7%. These operations included the participation of the National Guard, the Intelligence Service (SEBIN), regional police forces, the Bolivarian National Police (PNB), Scientific and Criminal Investigations Corps (CICPC), armed civilians and paramilitary groups. Lastly, the protesters caused 74 of the cases, which represent 8.6% of the total.

57. Several wounds by pellets were shot at point-blank and intended to cause as much damage as possible. The cases of Moisés Guanchez²⁹, shot with pellets at the groin by the National Guard in Carrizal, Miranda state; and Geraldine Moreno³⁰, wounded in the eye by the National Guard in Valencia, Carabobo state; are emblematic cases very well documented that support this affirmation.
58. With the figures provided by Provea, injured persons were traced in 15 states and in the Metropolitan Area of Caracas (AMC); most of them (228) in the Metropolitan Area of Caracas. Lara (143), Carabobo (116), Táchira (110), Mérida (78) and Aragua (41) also presented significant numbers.



Source: Provea's Data base

59. Criminalization, repression and violation of human rights in the context of manifestations between February and May 2014 acquired a new dimension and escalated quickly with the **generalized and systematic attacks against civilians in residential zones for exercising the right of assembly and peaceful demonstration**. This situation was reported in at least 14 states where protests against government policies were taking place. At the beginning, this sort of attack was an extension of repression and arrest of demonstrators systematically carried out by the security forces in avenues and public streets. Soon after, they became a pattern of its own to intimidate and harass inhabitants and residents of zones where demonstrations took place. Accesses to these places were blocked as a consequence of the risk of being attacked or arrested.

²⁹Tribunal otorgó libertad plena a Moisés Guanchez, detenido y agredido por la GNB en Carrizal, y ordenó investigar a efectivos involucrados. PROVEA, 07.03.2014. En: <http://www.derechos.org/ve/2014/03/07/provea-remitio-a-defensoria-del-pueblo-nueva-denuncia-de-presunta-agresion-de-funcionarios-de-la-gnb-contra-ciudadano-en-carrizal-estado-miranda/>

³⁰Murió la estudiante Geraldine Moreno. Nota de prensa de El Universal, 22.02.14. En <http://www.eluniversal.com/nacional-y-politica/140222/murio-la-estudiante-geraldine-moreno>

60. During the attacks, the affected zones were subjected to military control and to a non-declared state of emergency, with the excuse that public order ought to be restored. The repressive force was extreme and indiscriminate. Civilian aggressors participated in these events, in many cases coordinated with and under the protection of military and police officials, resulting in collective and multiple violations of human rights that caused physical and psychological damage and important material losses. The facts described do not only classify as a pattern of excessive and disproportionate use of force and the violation of legal standards for the control of demonstrations, they should also be assessed as a grave pattern in which the combined branches of the State systematically harassed a sector of the population, which was identified as an enemy of the State.
61. CIVILIS Human Rights undertook the task of documenting attacks against residences. In only 4 states, 204 attacks were registered between February and May 2014. Táchira state took the first place with 73 attacks on 38 residences; Lara state the second place with 59 attacks on 33 residences, Zulia the third place with 49 attacks on 22 residences and residential complex and lastly Bolívar with 23 attacks on 12 residences. On average, each zone was subjected to at least two attacks.
62. Most attacks occurred in March; however, February 19 to 25 registered a spike: 64 attacks that represent 31% of the total. The dates coincide with the militarization of Táchira state.

Table 5: Number of attacks and states affected (February – May 2014). Source: CIVILIS

State	Attacks	%	N° of attacked residences	%	Average by residence
Bolívar	23	11	12	11	2
Zulia	49	24	22	21	2
Táchira	73	36	38	36	2
Lara	59	29	33	31	2
Total	204	100	105	100	2

63. Attacks were characterized by the indiscriminate use of chemical products and pellets against people, houses and buildings, which affected the inhabitants for extended periods of hours, days or intermittently. The objective was to get the demonstrators out of the residences or to punish inhabitants that had built barricades. In several opportunities, teargas bombs were thrown to the interior of houses or apartment buildings, causing asphyxia and injuring those who were inside of them. The shooting of pellets also caused injuries to many persons. The number is indeterminate since most of them were attended by voluntary doctors or paramedics inside the residences. Officials also used marbles and threw rocks with slingshots. 81% of the attacks were conducted by the National Guard, state police participated in 17%, the Army in 12% and the Bolivarian National Police in 8% of them.
64. It was found that military and police officials made use of forbidden weaponry. Frequently, they picked up the caps from the streets in order to cloak evidence. In the states where the Army participated, the officials were seen carrying their rifles, which were shot in some occasions. In many cases, officials from the National Guard pointed and shot pellets at citizens that were documenting the attacks, using pans and pots to generate noise or that complained about the abuses they were subjected to. Windows were destroyed and people were injured inside their own homes.

65. There were also groups of civilians that used blunt objects, hand-made bombs and firearms while military and police officers were detonating teargas bombs, pellets and fireworks. These groups were involved in 53 attacks, 26% of the total. Lara had the highest percentage in this matter: 37%. In 64% of the cases, they proceeded in collaboration with military and police officers. Civilians collaborated with security forces in 100% of the cases in Bolívar and 86% of the cases in Lara. In several sectors where they acted on their own, military and police officers did not act to protect the inhabitants, even though they were warned about the situation. Members of these groups arrived mainly in motorcycles or were transported in vehicles to the area. Residents of surrounding communities and street vendors also took place in some of the attacks.
66. Military and police officers did not allow the entrance of ambulances and firefighters to the zones under attack, and impeded the supply of food and basic goods during those days. In most cases, journalist and non-residents could not enter the perimeter while the attacks were taking place. In some zones and apartment buildings, residents were searched whenever they entered or left their houses.
67. In 36% of the cases, private property was destroyed, mainly surveillance cabins, security cameras, facades, gates, windows and vehicles. Some apartments caught fire due to the teargas bombs or the home-made bombs thrown inside of them. Windows and bodies of cars were also destroyed; some of them were deliberately set on fire. Bolívar was the state with the highest number of destroyed private property, it reached 50% of the total. There are two registered cases on military officials setting barricades on fire and throwing them to the interior of buildings.
68. Illegal raids were executed in 34% of the cases. The aim was to capture or arrest people inside those residences. In several cases, buildings were militarily occupied after forcing or bringing their gates down with armored vehicles. Punishable crimes were simulated, and homes considerably damaged. In Táchira, in 21% of the cases, raids were carried out during or after the attacks. Again, it was in Bolívar where this procedure became more common: it was carried out in 61% of the attacks.
69. This documentary work also registered some attacks against universities and other premises, considering they were related to those against residences. It is the case of the FM radio station of the University of the Andes and the Moncricket hotel in San Cristóbal, capital of Táchira state, which are only a short distance away. Armed civilians participated in both cases. Before it, they had attacked a residence and shot against a student vigil, killing one of them. Other cases were the setting on fire and destruction of the Science and Computer Deanery of the Center-Occidental Alvarado University and Fermín Toro University, which are located near attacked residences in Barquisimeto, the state capital of Lara.

V. Article 11

70. Between February and May 2014, 3,127 arbitrary detentions were registered in the context of demonstrations. This figure reflects mainly people taking part in the protests, but also passers-by with no relation to them, who were still brought before court. By September 30, of the total amount of detainees, 81 were still kept under custody, about 2,000 were under precautionary measures and other 400 were released without charges. From August 2014 onwards, the Public Prosecutor's Office ordered or solicited the dismissal of 16 cases that affected at least 643 people; nevertheless, 6 requests of the Public Prosecutors Office that involved 64 people have not yet

received an answer from the tribunal. In only four months of 2014, the number of detainees in the context of protests became the highest from the last 25 years, doubling the figures registered in the years 1989 – 1990, during the second period of the ex-President Carlos Andrés Pérez.

71. Some of the modifications introduced to the Criminal Code (CC) in the partial reform of March 2005³¹, evidence the progressive adoption by the institutions of practices that criminalize some historical and legitimate modalities of protests. In article 357, the reform introduced the blockade of streets as a criminal offense with a penalty of 4 to 8 years in prison. Although this article establishes that it shall only be applied in cases when the blockade is intended to cause an accident³²; judges and prosecutors have used it arbitrarily. Moreover, they determine the degree of danger of the blockade and even assume the adverse character of certain manifestations *a priori*, pleading reasons of national security.
72. From February until May 2014, 2,463 citizens had been arrested in the context of protests, many still waiting for trial. The majority of charges formulated against them were: public incitement (art. 285 CP), resisting authority (art. 296), criminal association (art. 286 CP and art. 37 of the Law against Organized Crime and Financing of Terrorism) blockade of roads (art. 357), violence against property (art. 474) and terrorism (art. 52 Law against Organized Crime and Financing of Terrorism).
73. Article 49 of the Constitution guarantees defense and legal assistance as inviolable rights at all stages and levels during investigation and proceedings³³. This guarantee has been systematically violated by impeding the defenders to meet or even see their defendants.
74. The CDH-UCAB provides a detailed description of the facts and violations registered by their team during the legal assistance tasks performed between February 12 and February 18. In a report

³¹Official Gazette N° 5.768 of 04/13/2005

³²Venezuelan Criminal Code, article 357: “Anyone who places obstacles in the road of any mean of transportation, open or closes the access to them, forges signs or commits any other act with the intention of preparing an accident, shall be imprisoned for four to eight years.”

³³Venezuelan Constitution, article 49: “All judicial and administrative actions shall be subject to due process, therefore:
(1) Legal assistance and defense are inviolable rights at all stages and levels during the investigation and proceeding. Every person has the right to be notified of the charges for which he or she is being investigated, to have access to the evidence and to be afforded the necessary time and means to conduct his or her defense. Any evidence obtained in violation of due process shall be null and void. Any person declared guilty shall have the right to appeal, except in the cases established by this Constitution and by the law.
(2) Any person shall be presumed innocent until proven otherwise.
(3) Every person has the right to be heard in proceedings of any kind, with all due guarantees and within such reasonable time limit as may be legally detained, by a competent, independent and impartial court established in advance. Anyone who does not speak Spanish or is unable to communicate verbally is entitled to an interpreter.
(4) Every person has the right to be judged by his or her natural judges of ordinary or special competence, with the guarantees established in this Constitution and by law. No person shall be put on trial without knowing the identity of the party judging him or her, nor be adjudged by exceptional courts or commissions created for such purpose.
(5) No person shall be required to confess guilt or testify against himself or herself or his or her spouse or partner, or any other relative within the fourth degree of consanguinity or the second degree of affinity. A confession shall be valid only if given without coercion of any kind.
(6) No person shall be punished for acts or omissions not defined under preexisting laws as a crime, offense or infraction.
(7) No person shall be placed on trial based on the same facts for which such person has been judged previously.
(8) Every person shall request from the State the restoration or remediation of a legal situation adversely affected by unwarranted judicial errors, and unjustified delay or omissions. The foregoing is without prejudice to the right of the individual* to seek to hold the magistrate* or judge* personally liable, and that of the State to take action against the same.”

published in March 2014³⁴, the CDH-UCAB affirms that, in practically all cases assisted, the judges imposed the precautionary measure of prohibition to manifest, a sanction that is not expressed in the law and that violates the right of assembly and peaceful demonstration established in the article 68 of the Constitution. Likewise, in almost all cases the authorities arbitrarily denied the families of the detainees to meet them, mainly in the detention centers of the National Guard and the Scientific and Criminal Investigations Corps (CICPC).

VI. Article 13

75. In interviews carried out by the CDH-UCAB to 30 detainees, members of the organization noticed difficulties to file complaints for torture and cruel treatment or for being denied timely medical assistance.
76. Although two weeks had elapsed from the time of arrest to the interview, 21 of the 30 detainees said they had injuries due to ill-treatment/torture during detention. The injuries reported were: eye hematoma for being hit (2), numbness or pain in a finger (3), pain in ribs and body in general (4), hematoma (6), pain and sensitivity in teeth due to the loss of a tooth (1), headaches (1), neck pain (1), swelling of a limb (1), abdominal thoracic trauma (1), whiplash syndrome (1), stroke/left elbow injury and eye injuries with pellets (1), pellet injuries in various parts of the body (1).
77. Detainees had to receive medical or paramedical assistance to take care of the wounds/injuries provoked during arrest, which evidences that there was physical injury in almost half of the cases, which required immediate assistance. Three of the respondents required hospital care, and two of them had to remain hospitalized. Thirteen of those arrested had to be treated by private physicians because of the wounds and injuries. This attention was not immediate, and in most cases (10), it was given after they were released without charges or on probation.
78. Although many detainees had different types of injuries, only 11 were taken to forensic medical examination; only one was taken to the examination in less than 8 hours after being arrested. None of the detainees retain copies of the forensic examination.
79. Several detainees were threatened to keep them from filing a complaint, added to the fact that they did not had a copy of their forensic examination.
80. In the report presented on March 8, the Ombudswoman stated *"In Venezuela, for the evidence to be considered by a court, it should be practiced under strict observance of the laws. In this regard, it is noted that the National Institute of Forensic Medicine and Sciences is the only body competent to practice forensic physical examinations and/or of mental health, so that they hold full evidentiary value (Article 74.5 of the Organic Law of Investigations Police, the Scientific, Penal and Criminal Investigations Corps and the National Institute of Forensic Science and Medicine)"*³⁵. Such interpretation does not tally with the international obligations that bind Venezuela in regards to the prevention of torture and the guarantees of physical integrity of any detainee. The rule invoked by

³⁴ CDH-UCAB: Documentación de casos de violaciones de derechos humanos en Venezuela durante el mes de febrero de 2014

Libertad personal, debido proceso e integridad personal. Informe preliminar. Versión digital disponible en: http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/Informe%20preliminar%20CDH%20UCAB.pdf

³⁵ Ombudsman. February 2014: A coup to Peace. Available in: <http://www.defensoria.gob.ve/dp/phocadownload/userupload/varios/27F2014.pdf>

the report of the Ombudsman shows that even the internal rules are not fully compliant to international commitments that oblige Venezuela, as it continues to claim as the only valid evidence the test performed by medical examiners, which results cannot be accessed by the victims, without the alternative of a second professional opinion in a timely manner. Forensic tests are performed by a body of research pertaining to many of those responsible for the events alleged by the victims, so there is no guarantee of the independence of the investigation.

81. The Peace and Life Committee for Human Rights from Barinas state provided Provea some denunciations on arrests and cruel treatment against adolescents that took part in protests. They were arrested by the Barinas state police and the National Guard on February 21.
82. In a report submitted to the Public Prosecutor and the Ombudsman of the state, the Committee indicated that, at the request of the families of these adolescents, members of the organization went to the court circuit of the state in order to check the physical integrity of the detainees and to determine what type of treatment they had received in the state police headquarters and the National Guard headquarters. Among other things, the report describes the following:
 - *“The adolescents were beaten, terrorized, obliged to get naked, handcuffed and exposed to public shaming when they were forced to walk approximately 500 meters down the streets from downtown Barinas. They were not allowed to receive visits from their parents or representatives. They had to sleep on the floor, they were beaten and one of them was forced to get a haircut. They were told to squat for 15 minutes and then the police chief told them to remain in the squatting position. They had to stand on their feet for over 3 hours.*
 - *Given the seriousness of these events, parents and representatives were told to file a complaint before the state body in charge of violations of human rights, which could be also be sent to the NGO Peace and Life.”*
83. The report affirms that the state police arrested young people that were not related to the protests, consciously misleading regarding their role. As part of the complaint, the Committee also sent a communication to the Chief Judge of the state Courts’ Circuit, in which an interview was requested to denounce irregularities committed by regional police and National Guard officials in the premises of the Courts’ Circuit. In it, they demanded an explanation in regards to some information provided by the police officers, who stated that *“keeping adolescents naked is a normal procedure”*.
84. On the other hand, the cases of demonstrators that require medical assistance due to injuries caused by excessive force are given a rather obscure and unlawful treatment. The lack of transparency includes the destruction of medical evidence, civilian detainees attended in military premises and constraints on the victims and doctors to keep the events under control and avoid the filing of a complaint.
85. In several cases the CDH-UCAB has registered that even though victims presented serious injuries, they were transferred by authorities, without the consent or notice to the families, to military medical institutions, such as the Military Hospital Vicente Salias Sanoja, also known as *Hospitalito*, within the premises of Fort Tiuna, and Dr. Carlos Arvelo Military Hospital.

86. The presence of the National Guard in health centers was recurrent: any sort of communication between the injured and their families or lawyers was impeded; information on the cases was heavily monitored and in many cases the wounded could not be treated by their trusted physician.
87. In several occasions, the detainees were brought before court without regard to their health conditions; many of them were still under the effects of medication or had their treatment suspended because they were taken to court. Some of them even had their hearings at the hospital, given the seriousness of their condition.
88. In some cases, officers of the National Guard exerted pressure on the victims to keep them from declaring the accurate facts and to make them sign a document stating that their injuries had been caused by external facts and not during detention.
89. In some occasions, the judge exceptionally ordered an investigation on the causes of the injuries, which has generated an even more persistent coercion by officials. An emblematic case is that of Moisés Guánchez, shot three times at point-blank by National Guard officers while he was getting arrested. He was wounded in the groin, a buttock and in the right arm and had to be taken immediately to a hospital. The arraignment took place in a hospital room. The judge dismissed the accusations of possession of incendiary substances, which was supported by planted evidence. The judge also released Guánchez without charges and ordered an investigation against the liable military officers. Since then, Guánchez underwent three surgeries and had to keep rest for some months. He has received the visit of some National Guard officials at home, at his work place and study place with the excuse of an ostensible administrative investigation. Due to these pressures, the victim felt compelled to quit his job and drop his studies.
90. It is important to point out that, according to the revision of some police files carried out by the CDH-UCAB, the injuries inflicted to the detainees were justified by the authorities with the allegation that they had attacked other persons. However, these files do not present any element to verify such allegation; there are no statements of the alleged victims and no forensic examination to support the accusations; to the point that the Public Prosecutor omitted those charges when the detainees were brought before court. In Nueva Esparta state, 15 people were charged for an alleged aggression against an officer with a rock. It is impossible to imagine the collective liability of 15 individuals for throwing one rock. The file does not contain any forensic examination to support the accusation.
91. One case in which the Public Prosecutor did presented charges against a citizen was that of Marvinia Jiménez. Marvinia was recording People's Guard officials using firearms to disperse a protest on February 24 in Valencia, Carabobo state capital. For that reason, an officer threw her to ground and brutally beat her with her helmet, which caused Marvinia several injuries. Although this event was broadly documented in videos and photos, on February 27 she was charged with five criminal offenses: public incitement, blockade of public roads, personal injuries against the officer, resisting the authority and damaging private property. She was released with the precautionary measures of presentation every 45 days and prohibition to leave the country. The alleged injuries caused to the officer remain unknown. Later, an arrest warrant against the officer was released, but she fled and has not yet faced justice.

VII. Rights of specially vulnerable population

a. Human rights defenders

92. On May 1, 2014, approximately between 3:00 am and 4:00 am, officials of the Bolivarian Intelligence Service (SEBIN), raided a house in Caracas, headquarters of "A World Without Gags" (Un Mundo sin Mordaza) and "Human and Free" (Humano y Libre). This house was also the headquarters of the National Student Federation of High School Education "FENEEM". As part of the search, computers were checked, and the watchman of the building, Yeimi Valero, was arbitrarily arrested by the hooded unidentified officials, taken to the headquarters of SEBIN and interrogated for more than four hours³⁶. The President of the organization "A World Without Gags", Rodrigo Diamanti, rejected the arbitrary procedure performed outside the legal framework, describing the situation as a "Witch Hunt" held to intimidate and terrorize defenders of human rights organizations. Diamanti said the raid was in reaction to the "SOS Venezuela" campaign developed by the organization³⁷. On May 7 in the evening hours, Diamanti would be arrested by SEBIN officers³⁸.
93. The same day that the search occurred, around midday, the Minister of Internal Affairs, Justice and Peace gave a press conference in which he claimed to have information on suspected "national and international" insurrectional plans against the government of Nicolas Maduro, attacking Venezuela from different fronts, including the issue of human rights: "They gather information through so-called proconsuls, such as Maria Corina Machado, Diego Arria, among others, manipulating information to show the world that in Venezuela human rights are violated"³⁹. The long list of alleged conspirators includes student leaders and human rights defenders.
94. Also, at the press conference on May 1, the Minister reiterated serious charges against Humberto Prado, director of the NGO "Venezuelan Prisons Observatory." According to the press release from the official news agency, the official said "the director of the Venezuelan Prisons Observatory, Humberto Prado, also participated in this plan that was presented in Mexico, which consisted in demonstrations within prisons to generate greater violence"⁴⁰. The "plan" was allegedly being prepared since 2012. Already on February 13, 2014, the Minister had raised accusations against Prado, which prompted strong reactions of concerns in the international human rights community. The organization Frontline Defenders recalled that "Humberto Prado Sifontes has been subjected to

³⁶ See press note:

<http://sinmordaza.org/libertad/?p=560> and <http://www.venezuelaaldia.com/2014/05/presidente-de-un-mundo-sin-mordaza-denuncia-atropellos-del-sebin-durante-allanamiento-video/>

³⁷ See press note: El Universal

<http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140502/un-mundo-sin-mordaza-dice-que-buscan-sembrar-miedo-en-defensores-de-dd> <http://www.lapatilla.com/site/2014/05/01/allanamiento-de-un-mundo-sin-mordaza-sera-el-comienzo-de-una-caceria-de-brujas/>

³⁸ See press note Globovisión: <http://globovision.com/articulo/mundo-sin-mordaza-denuncia-detencion-del-presidente-de-la-organizacion>

³⁹ See press note and video: <http://www.vtv.gov.ve/articulos/2014/05/02/ministro-rodriguez-torres-presenta-pruebas-sobre-hostilidad-de-eeuu-contra-venezuela-video-2318.html>

⁴⁰ See press note AVN: "Subversión política de la derecha comenzó desde que Chávez era candidato". Versión digital disponible en: <http://www.avn.info.ve/contenido/rodr%C3%ADguez-subversi%C3%B3n-pol%C3%ADtica-derecha-comenz%C3%B3-desde-que-ch%C3%A1vez-era-candidato>

*a campaign of defamation and intimidation that has intensified since the last elections in Venezuela*⁴¹.

95. On the night of May 7, Rodrigo Diamanti, Director of the NGO "A World Without Gags" was arrested at Simon Bolivar International Airport in Maiquetia, by SEBIN officers, and transferred to its headquarters in Caracas to be "interviewed"⁴². It should be recalled that days before his arrest, the organization's headquarters was searched. Civil society in the region spoke out against the arrest of Diamanti expressing disapproval of the "arbitrary" detention by intelligence agents and warned of SEBIN's "relapsing" in an attempt to intimidate members of the organization that Diamanti belongs to⁴³. On May 9, the hearing against Diamanti took place. He was brought before the 27° Court of Caracas Metropolitan Area which, according to a lawyer from CDH-UCAB who represented him at the hearing, ordered a precautionary measure of prohibition to leave the country. He was charged by public prosecutors with the offenses of obstruction of public roads and possession of explosive devices in the headquarters of the NGO⁴⁴. Diamanti was called again to court on September 25 by the Office of the Public Prosecutor, which would supposedly make a "formal accusation". Although Diamanti went to the subpoena, new charges were not produced, but precautionary measures are maintained against him.

b. Attacks against members of sexual minorities

96. Even though sexual minorities have not been directly attacked in the context of protests during the first semester of 2014, there is a known case of an activist that affects the work of LGBT rights defenders and that has become an emblematic case of forged "false positives" based on anonymous denunciations, with serious consequences on the right to due process and on the conditions of detention. This is the case of Rosmit Mantilla, a Media Communications student in the Santa María University and an activist that has been involved in the promotion and defense of the rights of lesbians, gays, bisexuals, transsexuals and intersexuals for years. After a "patriota cooperante" (cooperating patriot) allegedly informed the government that Rosmit had received money from the GeoFenix Company to encourage barricades, a search warrant was solicited. The search was executed by the Bolivarian Intelligence Service (SEBIN) in the early hours of May 2. Mantilla denounced that the officials had found a sachet with money that did not belong to him and that was the cause of his arrest, although there was no arrest warrant against him. The figure of the "cooperating patriot" is new and functions outside the scope of legality. It is associated with the Law against Organized Crime and Financing of Terrorism, which contemplates the possibility of legalizing anonymous denunciations made by alleged informants that "cooperate" with security forces to find people committing crimes that could affect the stability of the State institutions.

97. On the other hand, that same day in the afternoon, General Miguel Rodríguez Torres, Minister of Internal Affairs, Justice and Peace, publicly accused Rosmit Mantilla in a press conference of being

⁴¹ Frontline defenders: Defamation *campaign* continues against human rights defender Dr Humberto Prado Sifontes. <http://www.frontlinedefenders.org/es/node/22600>

⁴² See press note Globovisión: <http://globovision.com/articulo/mundo-sin-mordaza-denuncia-detencion-del-presidente-de-la-organizacion>

⁴³ See press note RedLad: Detención y violación de derechos de Rodrigo Diamanti <http://www.redlad.org/2014/05/detencion-y-violacion-de-derechos-de.html>

⁴⁴ See press note El Nacional: http://www.el-nacional.com/politica/Liberado-Rodrigo-Diamanti-medidas-cautelares_0_406159659.html

part of a conspiracy plan and of financing the protests that had taken place in the country since February 2014. Until that moment, Rosmit, his family and lawyers had no knowledge of the charges against him, even the Public Prosecutor had not made any comment about it. Mantilla was brought before a court 96 hours after his arrest (Venezuelan law establishes that this must be done within 48 hours after the arrest) and only after that he could have contact with his lawyer. Afterwards, he spent 8 days incommunicado, until he was finally able to see his mother.

98. Mantilla was charged with public incitement with the degree of “determinant actor”, offense established in article 85 of the Criminal Code (CP), public intimidation (art. 296 in relation with art. 297 of the Criminal Code), blockade of roads (art. 357 CP), starting fires in public and private buildings (art. 323 CP), violent damages (art. 473 in relation with art. 474 CP) and criminal association (art. 37 of the Law against Organized Crime and Financing of Terrorism). Offenses established in the Law against Organized Crime and Financing of Terrorism are punishable with 10 years or more of imprisonment and the defendants do not have the right of trial in freedom. Mantilla is currently detained in the SEBIN headquarters in a cell with only one small window. He gets sunlight only twice a week, for an hour. His hearing has been suspended four times without explanation.

c. Attacks against journalists

99. The NGO Espacio Público (Public Space) published in May a report on the situation of freedom of expression in Venezuela from January until April 2014. During that period of time, 174 cases involving 325 violations of freedom of expression were registered. This figure represents an increase of 240% compared with the same period of time in 2013. The types of violations, including diverse forms of violations of the right of personal integrity, fall within the following categories:

Type of violation	Total	%
Aggression	67	20,62
Threats	65	20,00
Intimidation	61	18,77
Censorship	38	11,69
Verbal harassment	38	11,69
Attacks	27	8,31
Judiciary harassment	19	5,85
Administrative restrictions	9	2,77
Death	1	0,31
Total amount	325	100

100. During the first four months of the year, 325 violations of freedom of expression were registered, which represents an increase of 112% compared with the total number of all 2013 (289). Denunciations include 37 arrests, 67 attacks, 31 thefts, a person injured by gunfire and a death: José Alejandro Márquez, an engineer violently beaten by National Guard officials the night of February 19, for video recording protests in La Candelaria, a sector in Caracas. He died due to the injuries on February 23, in a private health center.

VIII. Conclusions and recommendations

101. The violations of human rights presented in this Update Report have had severe effects on the right of personal integrity. The verification of massive, generalized and, on occasions, systematic patterns of violations of human rights must be emphasized.
102. These are not isolated or exceptional events. On the contrary, in April 2013, in the context of repression against manifestations, similar situations took place, although concentrated in certain regions of the country, like Lara state; which makes it possible to affirm that conditions described back then are not only still present, but that they have reached another dimension in 2014; reflecting the absence of preventive and corrective practices and policies.
103. The Especial Law to Prevent and Sanction Torture and other Cruel, Inhuman and Degrading Treatment, adopted in June 2013, and training programs on the proper use of force for officials in charge of enforcing the law are necessary but insufficient steps to prevent, sanction and eradicate torture and to compensate the victims. It is essential for the State to implement political measures and to develop practices in accordance with the standards established in the Convention Against Torture, and to send unequivocal messages to the liable parties in order to fight impunity and to provide assistance to the victims.