



HUMAN  
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## PUNISHED FOR PROTESTING

Rights Violations in Venezuela's Streets, Detention Centers,  
and Justice System





# **Punished for Protesting**

## **Rights Violations in Venezuela's Streets, Detention Centers, and Justice System**

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Printed in the United States of America

ISBN: 978-1-62313-1302

Cover design by Rafael Jimenez

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## Summary

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

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

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

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

The accounts of the victims in these 45 cases—together with corroborating evidence assembled from a diverse range of sources—provided credible evidence that more than 150

people were victims of serious abuses in related incidents. (For more on how we conducted our research and documented cases, see the “Methodology” section in this report.)

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

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

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

However, in the 45 cases of human rights violations we documented, the evidence indicated that the victims of unlawful force and other abuses were not engaging in acts of violence or other criminal activity at the time they were targeted by Venezuelan security forces. On the contrary, eyewitness testimony, video footage, photographs and other evidence suggest victims were unarmed and nonviolent. Indeed, some of the worst abuses we documented were committed against people who were not even participating in demonstrations, or were already in detention and fully under the control of security forces.

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

In many instances, the aim of the abuse appears to have been to prevent individuals from documenting the tactics being employed by security forces, or to punish those attempting

to do so. In 13 of the cases we investigated, security forces targeted individuals who had been taking photographs or filming security force confrontations with protesters. Roughly half of these individuals were professional journalists, while the other half were protesters or bystanders using cell phones to document use of force by security forces.

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

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

High-ranking Venezuelan government officials, including President Nicolás Maduro and the attorney general, have acknowledged that government security forces have committed human rights violations in responding to demonstrations since February 12. They have pledged that those responsible for abuses will be investigated and prosecuted, and the Attorney General's Office recently reported that it is conducting 145 investigations into alleged human rights violations and that 17 security officials had been detained for their alleged involvement in these cases. At the same time, President Maduro, the attorney general, and numerous other government officials have also repeatedly claimed that human rights abuses are isolated incidents, rather than evidence of a broader pattern of abuse.

While it was not possible for Human Rights Watch's investigation to determine the full scope of human rights violations committed in Venezuela in response to protests since February 12, our research leads us to conclude that the abuses were not isolated cases or excesses by rogue security force members, but rather part of a broader pattern, which senior officers and officials must or should have known about, and seem at a minimum to have tolerated. The fact that the abuses by members of security forces were carried out



repeatedly, by multiple security forces, in multiple locations across three states and the capital (including in controlled environments such as military installations and other state institutions), and over the six-week period covered in this report, supports the conclusion that the abuses were part of a systematic practice by the Venezuelan security forces.

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

The scope of the due process violations that occurred in multiple jurisdictions across several states—and that persisted, at the very least, over the six-week period examined by this report—highlights the failure of the judicial body to fulfill its role as a safeguard against abuse of state power. It also reinforces the conclusion that Venezuela’s judiciary has been transformed from an independent branch of government to a highly politicized body, as has been previously documented in multiple reports by Human Rights Watch.<sup>1</sup>

## Violence by Protesters

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

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

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

For example, photographs taken by a *Reuters* photographer on April 6, 2014, show young men who appear to be protesters firing what looks like an improvised mortar device.<sup>2</sup> The photograph's caption reads: "Anti-government protesters fire a rudimentary mortar at police during riots in Caracas April 6, 2014." Other photographs taken by the same photographer show different masked men holding and shooting what appear to be homemade mortar tubes on February 26 and 27, 2014.<sup>3</sup> According to the photographs' captions, the men holding the mortar tubes were anti-government protesters participating in protests in San Cristóbal, Táchira state.

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

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<sup>2</sup> "Anti-Government Protesters Fire a Rudimentary Mortar at Police during Riots in Caracas," *Reuters*, April 6, 2014, <http://www.trust.org/item/20140406165554-9e08n/> (accessed April 24, 2014); Jeremy Bender, "Venezuela's Street Protests Are More Terrifying Than Ever [Photos]," *Business Insider of Singapore*, April 8, 2014, <http://www.businessinsider.sg/venezuelan-protests-are-getting-intense-2014-4/#.U147lVdWSp> (accessed April 24, 2014).

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

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

<sup>5</sup> "Venezuelan Protesters Burn Armored Vehicle in Cellphone Video," *NTN24*, March 31, 2014, <http://m.nten24.com/article.php?url=/node/126825> (accessed April 25, 2014).

<sup>6</sup> *Ibid.*

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

According to the Attorney General's Office, there have been 41 fatalities in the context of the protests since February 12.<sup>9</sup> Those 41 deaths were classified as follows: 27 caused by firearms; six caused by motorcycle or car crashes attributed to the presence of barricades; five caused by "other circumstances" (which are not defined); two people killed by being run over by vehicles; and one person who died of stab wounds.<sup>10</sup> Publicly available information indicates that of these 41 reported cases, nine were members of the security forces or government officials, at least 10 were civilians who participated in or supported the protests, and roughly four were civilian government supporters.<sup>11</sup>

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

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

<sup>8</sup> "On Video: Molotov Bomb Sets a National Guard on Fire in Táchira," *Venezuela Al Día*, February 21, 2014, <http://www.venezuelaaldia.com/2014/02/en-video-bomba-molotov-prende-guardia-nacional-en-tachira/> (accessed April 25, 2014); "Venezuela – Táchira, Protesters Thrown Molotov Bombs at the National Guard," YouTube video, uploaded on February 28, 2014, [https://www.youtube.com/watch?v=OBfUgk3\\_Fxk](https://www.youtube.com/watch?v=OBfUgk3_Fxk) (accessed April 25, 2014).

<sup>9</sup> "Results of the Violent Protests February-April 2014," Attorney General's Office, April 25, 2014, [http://www.mp.gob.ve/c/document\\_library/get\\_file?uuid=5ce038c3-ed90-4e39-8a2a-ad99c839d3d9&groupId=10136](http://www.mp.gob.ve/c/document_library/get_file?uuid=5ce038c3-ed90-4e39-8a2a-ad99c839d3d9&groupId=10136) (accessed April 27, 2014).

<sup>10</sup> Ibid.

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

<sup>12</sup> "Five SEBIN Officials Detained for the Deaths of Two People During Violent Acts on February 12," Attorney General's Office, February 26, 2014, [http://www.mp.gob.ve/web/guest/buscador/-/journal\\_content/56/10136/4129646](http://www.mp.gob.ve/web/guest/buscador/-/journal_content/56/10136/4129646) (accessed April 29,

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

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2014); "The Guardian: Venezuela Shows that You Can Protest to Defend Privileges," *Agencia Venezolana de Noticias*, April 15, 2014, <http://www.avn.info.ve/contenido/guardian-venezuela-muestra-que-se-puede-protestar-para-defender-privilegios> (accessed April 29, 2014). "Seven Guards Under Investigation for the Death of Alejandro Márquez," *Últimas Noticias*, February 25, 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/investigan-a-siete-guardias-por-muerte-de-alejandr.aspx> (accessed April 29, 2014). "Witness of Génesis's Killing Talks: Government Supporters on Motorcycles Shot" (Habla testigo de asesinato de Génesis: Unos motorizados chavistas dispararon), *Lapatilla.com*, February 21, 2014, <http://www.lapatilla.com/site/2014/02/21/habla-testigo-de-asesinato-de-genesis-unos-motorizados-chavistas-dispararon/> (accessed April 15, 2014).

<sup>13</sup> "CICPC Official Arrested for the Death of Student Jesús Acosta," *Agencia Carabobeña de Noticias*, April 10, 2014, <http://acn.com.ve/apresan-a-funcionario-del-cicpc-por-muerte-del-estudiante-jesus-acosta/> (accessed April 29, 2014); "Five Sebin Officials Detained for the Deaths of Two People During Violent Acts on February 12," Attorney General's Office, February 26, 2014.

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

<sup>15</sup> *Ibid.*

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

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

. Human Rights Watch also found an edited video posted on YouTube that appears to show a masked individual standing among anti-government protesters at a barricade firing a handgun at residents trying to clear a road in the Pie del Tiro area of the city of Mérida. Text shown in the video then states that, on the night of March 8, two people from Pie del Tiro were shot by protesters, including Giselle Rubilar, who died. According to credible reports, Giselle Rubilar, a Chilean pro-government activist, was shot dead that night, allegedly while attempting to clear a barricade. However, it is not clear from the video whether Rubilar was at the location when the shots in the footage were fired. "Gisella Rubilar Figueroa Killed Mérida,

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

## Unlawful Use of Force

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

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

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

***Willie David Arma**, 29, was detained on March 7 in the street outside his home in Barquisimeto, a few blocks away from an anti-government protest. He was shot repeatedly with rubber bullets, some at point-blank range, then subjected to a prolonged beating with*

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Venezuela (Video Pie del Tiro Community),” YouTube video, uploaded on March 10, 2014, [https://www.youtube.com/watch?v=tDa\\_jC\\_UNgc](https://www.youtube.com/watch?v=tDa_jC_UNgc) (accessed April 25, 2014); Attorney General’s Office, “Attorney General’s Office Investigates the Death of a Chilean in Mérida,” press release, March 10, 2014, [http://www.mp.gob.ve/web/guest/buscador/-/journal\\_content/56/10136/4199262](http://www.mp.gob.ve/web/guest/buscador/-/journal_content/56/10136/4199262) (accessed April 25, 2014); “Chilean Woman Dies After Being Shot When Trying to Remove a Barricade,” *Últimas Noticias*, March 9, 2014, <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/fallece-chilena-tras-recibir-disparo-al-intentar-q.aspx> (accessed April 28, 2014).

*rifle butts and helmets by three national guardsmen who asked him: “Who is your president?”*

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

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

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

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

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

malls. These actions by security forces threatened the wellbeing of hundreds of bystanders—children among them.<sup>19</sup>

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

## Arbitrary Arrests

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

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

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<sup>19</sup> For example, on March 7, students from the Medical School at Centro Occidental Lisandro Alvarado University in Barquisimeto were staging a protest by blocking a road located outside the campus, on which two hospitals—one of them a children’s hospital—are located. National guardsmen responded by firing teargas indiscriminately at the protesters and into the campus, in spite of the common knowledge that the hospitals were located there. Teargas that flowed into the campus affected scores of child patients and the medical professionals attending to them, the director of the hospital for adults said to Human Rights Watch. According to a nurse who works in one of the hospitals, national guardsmen continued to fire dozens of teargas canisters into the heart of the campus long after students had withdrawn from the road, with little apparent regard for the possible repercussions for patients.

<sup>20</sup> Constitution of the Bolivarian Republic of Venezuela, art. 44 (1).

*Luis Augusto Matheus Chirinos, 21, was detained on February 21 in Valencia by approximately 10 members of the National Guard at the entrance of a housing complex (urbanización), where he was standing, waiting for a friend he had gone to pick up. An anti-government demonstration was taking place nearby. He was taken to a military complex of the Guard of the People, where he was beaten, threatened, and told to repeat that Nicolás Maduro was the president of Venezuela. Matheus was held incommunicado for two days and subsequently charged with several crimes, based on what our research strongly suggests was planted evidence and a police report that says he was arrested two blocks away from where he was actually detained.*

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

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

## **Targeting of Journalists and Others Documenting the Violence**

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

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



*Dayana Méndez Andrade, 24, a journalist, was covering a demonstration in Barquisimeto on March 20 wearing a vest with the word “Press” written in large letters across the front, when national guardsmen began firing teargas and rubber bullets at protesters. Méndez fled but was cornered together with a photographer—Luis Rodríguez Malpica, 26—by several guardsmen. When she and Rodríguez put up their hands and yelled that they were journalists, a guardsman responded, “You’re taking photos of me! You’re the ones that send the photos saying ‘SOS Venezuela.’ You cause problems for the National Guard.” Then, from a distance of a few meters, the guardsman fired at them with rubber bullets, striking Méndez in her left hip and leg.*

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

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

## **Collusion with Armed Pro-Government Gangs**

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

(Armed pro-government gangs that carry out these attacks are often referred as “*colectivos*,” a term also used in Venezuela to refer to a wide range of social organizations that support and, in some cases, help to implement the government’s policies.<sup>21</sup> The vast majority of these groups have not engaged in violent behavior. For this reason, this report

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

uses the term “armed pro-government gangs” to refer to groups that carry out violent attacks that appear to be motivated by loyalty to the government. Where the term “*colectivo*” has been used, it is with the aim of accurately reflecting the way it was used by a source.)

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

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

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

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

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

*Sandro Rivas, 30, left a demonstration and was getting a ride home on the back of a motorcycle when he and the driver were stopped by four armed men driving a pick-up truck. The plainclothes men forced Rivas and the driver into the back of the pick-up, where they punched and kicked them repeatedly and threatened to kill them. Then they drove them to a National Guard checkpoint, where they told officers the detainees had been “guarimbeando”—slang the government often uses to refer to protesters who block roads. The guardsmen arrested the two men without once questioning the armed men.*

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

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

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

Similarly, on February 16, the governor of the state of Carabobo, Francisco Ameliach, issued a tweet calling on the Unidades de Batalla Bolívar-Chávez (UBCh)—a civilian group

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

formed, according to the government, as a “tool of the people to defend its conquests, to continue fighting for the expansion of the Venezuelan Revolution”<sup>23</sup>— to launch a rapid counterattack against protesters. Ameliach said the order would come from the president of the National Assembly, Diosdado Cabello, a close ally of President Maduro. The February 16 tweet, which was later deleted from his feed, said:

UBCH get ready for the swift counterattack. Diosdado will give the order.  
#GringosAndFascistsShowRespect<sup>24</sup>

## Abuses in Detention Facilities

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

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

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

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

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

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

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

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

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

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

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

*and made to sit in the sun for roughly 10 more hours before being taken to a private clinic where he was operated on.*

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

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

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

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

*Juan Sánchez, 22, was detained by national guardsmen when he was walking to the bank on the outskirts of Caracas on March 5. Earlier that day, Sánchez had participated in a protest in the neighborhood. Without warning, the guardsmen kicked him, beat him, and fired a rubber bullet from point-blank range into his right thigh. One of the guardsmen said, “Finally we got one. He’ll be our trophy so these brats stop fucking around.” Sánchez was driven to a military installation, where a dozen guardsmen forced him to take off his clothes. One guardsman, who saw his bleeding leg, asked: “Does this injury hurt?” and inserted his finger into the open wound, removed it, and then inserted it again. The second time he took something out of his leg, but Sánchez could not see if it was muscle tissue or a rubber bullet. Three guardsmen then handcuffed him to a metal pole, gave him electric shocks twice, and demanded that he tell them who his accomplices were. Afterwards, the guardsmen took Sánchez to a patio where he was forced to fight with one of them, while the rest watched, laughing and cheering. Sánchez was taken to a hospital, where the guardsmen interfered with the doctor’s efforts to treat him, and then was driven back to the military installation, where guardsmen called him a “fascist” and continued to kick him, threatening to send him to one of Venezuela’s most violent prisons.*

## Due Process Violations

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

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<sup>25</sup> Organic Criminal Code, art. 373.

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

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

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

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

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

*Albany Ottaviani went to a military installation in Caracas on February 28 to inquire about the whereabouts of her brother, **Maurizio Ottaviani Rodríguez**, 20. He had been detained earlier that day at a protest by national guardsmen. At the installation, she said a colonel told her and 15 other family members waiting outside that they could be arrested for standing in a military zone. The family members promptly left for fear their presence might*



*lead to retaliation against their relatives, who they believed were being detained on the base. The following morning, family members returned to the base, where guardsmen told them they would provide a bus to take the families to a courthouse, where the detainees were going to be tried. Families got on the bus, but guardsmen instead drove them around the city for several hours before dropping them off at a location that was not where hearings were to be held.*

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

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

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

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

Lawyers, like detainees, usually learned of the charges against detainees at the hearings,

or at the earliest, minutes before they began. They had virtually no time to review relevant court documents, such as police arrest reports or inventories of supposed evidence, which was critical to defend their clients. Lawyers told Human Rights Watch that this access was denied even in cases in which hearings were delayed for hours—time during which they could have met with detainees or reviewed case files.

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

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

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

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

*Marco Aurello Coello, 18; Luis Felipe Boada, 25; Cristian Holdack, 34; Nelson Gil, 22; Demian Martin, 19; and Ángel de Jesús González, 19; were arbitrarily detained on February 12 in six different places in or around Carabobo Park in Caracas, where a largely peaceful demonstration ended in violent incidents that led to at least three deaths, dozens of people injured, and the burning of several official vehicles. The six men—who did not know each other before that day—were subject to severe physical abuse during their arrest and at the headquarters of the investigative police in the area, where they were all held incommunicado for 48 hours. During their detention, they did not have access to their lawyers and were not permitted to see their families. At 11 p.m. on February 14, they were brought before a judge and charged with several crimes based on evidence presented by the prosecution that included clothes that security officials had stained with gasoline, and photographs of unidentifiable individuals engaged in confrontations with security forces placed alongside the men’s mug shots taken at the police station. At 5:30 a.m. on February 15, the judge confirmed the prosecution of the six men and ordered their pretrial detention. Four of them were granted conditional liberty on April 1, and released while awaiting trial.*

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

## **Officials and Security Forces Who Intervened to Help Detainees**

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

In a few instances, national guardsmen quietly passed a cell phone to detainees being held incommunicado, so that they could call their families and tell them where they were, or snuck them food or water. Some security officials furtively told human rights lawyers the whereabouts of detainees, or tipped them off as to when the detainees would be brought before a judge. In several cases, doctors and nurses in public hospitals—and even those

serving in military clinics—stood up to armed security forces, who wanted to deny medical care to seriously wounded detainees. They insisted detainees receive urgent medical care, in spite of direct threats— interventions that may have saved victims’ lives.

## Fear of Reporting Abuses

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

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

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

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

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<sup>27</sup> Human Rights Watch interview with Nizar El Fakih, Caracas, March 19, 2014.

<sup>28</sup> Ibid.

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

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

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

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

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

*Another victim who was arbitrarily detained and beaten by an armed pro-government gang said one of the reasons he had not filed a complaint was out of concern he could lose his job. An employee of a government ministry, he told Human Rights Watch, “I know that at*

*any moment they could fire me.” He said he had intentionally steered clear of political activities since the incident.*

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

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

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

## **Obstacles to Accountability**

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

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

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

President Maduro and Attorney General Luisa Ortega Díaz have acknowledged that security forces have committed human rights violations in the context of demonstrations since February 12. Both have pledged that those responsible for abuses will be investigated and prosecuted. According to the government, as of April 25, the Attorney General's Office was conducting 145 investigations into alleged human rights violations, in which 17 security officials had been detained for their alleged involvement in these cases.

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

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

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

A third reason is the fact that the Venezuelan judiciary has largely ceased to function as an independent branch of government. As Human Rights Watch has documented in past reports, the Supreme Court has effectively rejected its role as a guarantor of fundamental rights, with several justices publicly committing themselves to supporting the political agenda of the government. Lower-court judges are under intense pressure to avoid rulings that could upset government officials, as most have temporary or provisional appointments and risk being summarily fired by the Supreme Court if they rule in favor of people perceived to be opponents of the government.<sup>30</sup>

Given the chronic underreporting of abuses and lack of independence of Venezuelan investigative and judicial institutions, it is troubling that the president, the attorney

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<sup>30</sup> Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*; ; Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez's Venezuela*.

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

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

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

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

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

<sup>33</sup> Ibid.

<sup>34</sup> “Maduro: Only One Killing is Attributed to the National Guard after 16 Thousand Operations in 30 Days” (Maduro: sólo se le atribuye a la GNB una muerte tras 16 mil operaciones en 30 días), YouTube video, uploaded on March 15, 2014, <https://www.youtube.com/watch?v=By7SejjDIKo#t=13> (accessed April 25, 2014): “De acuerdo a las investigaciones, prácticamente todos los compatriotas que han fallecido, lamentablemente son imputables a la violencia de la derecha. De 29 casos, solo uno está bajo investigación ante la posibilidad de que un Guardia Nacional pueda estar involucrado en ese hecho.” On April 1, President Maduro wrote that protesters are “directly responsible for about half of the fatalities.” “Venezuela: A Call for Peace,” op-ed by Nicolás Maduro, *New York Times*, April 1, 2014, [http://www.nytimes.com/2014/04/02/opinion/venezuela-a-call-for-peace.html?\\_r=0](http://www.nytimes.com/2014/04/02/opinion/venezuela-a-call-for-peace.html?_r=0) (accessed April 29, 2014).



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

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

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

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

<sup>36</sup> “Diosdado Cabello: The Only ‘armed collectives’ are Those Responsible for the ‘Guarimbas’” (Diosdado Cabello: Los únicos ‘colectivos armados’ son aquellos responsables de las ‘guarimbas’), *video*, [http://www.dailymotion.com/video/x1nh1vt\\_diosdado-cabello-los-unicos-colectivos-armados-son-aquellos-responsables-de-las-guarimbas\\_news](http://www.dailymotion.com/video/x1nh1vt_diosdado-cabello-los-unicos-colectivos-armados-son-aquellos-responsables-de-las-guarimbas_news) (accessed April 11, 2014). The statement was made during a meeting between government officials and opposition leaders at the Miraflores Palace in Caracas.

<sup>37</sup> On April 9, 2014, the Supreme Court published its ruling sentencing Vicencio Scarano, mayor of San Diego, Carabobo state, to 10-and-a-half-months in prison and political disqualification. On April 11, 2014, the Supreme Court published its ruling sentencing Daniel Ceballos, mayor of San Cristobal, Táchira state, to one year in prison and political disqualification. Supreme Court, “Supreme Court Publishes Ruling in Scarano Case” (TSJ publica sentencia en el caso Scarano), April 9, 2014, <http://www.tsj.gov.ve/informacion/notasdeprensa/notasdeprensa.asp?codigo=11813> (accessed April 29, 2014); Supreme Court of Justice, “Supreme Court Publishes Ruling in Ceballos Case” (TSJ publica sentencia en el caso Ceballos), April 11, 2014, <http://www.tsj.gov.ve/informacion/notasdeprensa/notasdeprensa.asp?codigo=11818> (accessed April 29, 2014).

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

## Recommendations

### To President Nicolás Maduro

- Order all security forces immediately to stop mistreatment and violence against protesters already in custody, and all other uses of unlawful force during crowd-control operations, and abide by international norms on the use of force;
- Order all security forces not to collaborate with or tolerate acts of violence or other illegal acts by armed pro-government gangs; and take steps to ensure disarmament of any group in possession of illegal weapons or engaged in illegal armed activity, as well as detain them when they commit crimes;
- Ensure respect for freedom of expression, in particular ensure that journalists and ordinary citizens are allowed to record and document protest activity and the response by government security forces without suffering reprisals;
- Do not make public statements that could be interpreted as incitement to commit violent acts; ensure that other senior officials do not make such statements; and do not make unfounded accusations against protesters or political opponents, or attribute criminal responsibility to them for violent acts, which could constitute undue political interference with judicial investigations and processes and undermine the presumption of innocence of detainees;
- Order that detainees should not be held on military bases under any circumstances; and
- Ensure that Venezuela fully complies with international human rights standards by holding accountable all members of security forces who commit human rights violations.

The president should guarantee cooperation with international human rights monitoring bodies to ensure Venezuelans can have access to the international mechanisms available under human rights norms. Specifically, the Maduro administration should:

- Immediately agree to the outstanding visit requests by the Special Rapporteur on Torture, the Special Rapporteur on Freedom of Peaceful Assembly and Association, and the Special Rapporteur on the Independence of Judges and Lawyers, and

schedule them for as soon as possible, as well as issue a standing invitation to the UN Working Group on Arbitrary Detention;

- Work with the National Assembly to recognize the jurisdiction of the Inter-American Court of Human Rights, and adopt all necessary measures to comply with and implement its rulings; and
- Allow the Inter-American Commission on Human Rights to conduct in-country research in Venezuela.

### **To the Attorney General's Office**

- Review all charges brought against individuals in connection with the protests; drop charges against those who were improperly arrested, or for which authorities lack credible evidence of the criminal responsibility of the accused; and seek the immediate and unconditional release of anyone detained under such improper charges;
- Ensure that all alleged human rights violations are subject to prompt, thorough, and impartial investigations;
- Investigate cases of alleged human rights violations in which victims have filed a complaint before the Attorney General's Office, as well as serious allegations reported in the media and by international and local human rights groups;
- Carry out prompt, thorough, and impartial investigations into all acts of violence by citizens in the context of protests, independent of the political affiliation of the suspects or victims;
- Respect the due process rights of all suspects, and order prosecutors and investigative police officers to do so; and warn that justice officials who violate these rights will be held accountable; and
- Investigate, and hold to account, public officials who violate due process norms, including through ignoring or covering up abuse of suspects, employing evidence known to have been planted or manipulated, or failing to uphold the rights of suspects.

## To the National Assembly

The president of the National Assembly should take necessary actions to remedy the damage done to the independence of the judiciary over the past decade. In 2004, a court-packing law allowed the government and its supporters to pack the Supreme Court with political allies. As Human Rights Watch has documented in previous reports, the Supreme Court has largely failed to act as a check on executive power and guarantor of international human rights. The lack of judicial independence of Venezuela's highest court has had a negative impact on lower court judges, most of whom lack security of tenure and may be removed at will by the Supreme Court's Judicial Commission.

All of the current 32 Supreme Court justices were appointed after the passage of the 2004 court-packing law. At this writing, 11 positions are filled by "substitute justices," despite the legal requirement that permanent ones be appointed when there are permanent vacancies. The majority of these "substitute justices" have been acting as justices for over a year.

In March 2014, as part of the dialogue with the political opposition, President Maduro stated that the National Assembly would initiate the process of appointing permanent justices to the Supreme Court.

The National Assembly should:

- Immediately carry out the legal processes provided for in the Constitution and the Organic Law on the Supreme Court to select permanent justices to all existing vacancies in the court—by a two-thirds majority vote—through a selection process that is open, transparent, and ensures the broadest possible political consensus; and
- Repeal the provisions of the Organic Law on the Supreme Court that undermine the Court's independence by allowing justices to be removed by a simple majority vote.

## To the Supreme Court

- Restore its role as an independent guarantor of fundamental rights by upholding basic rights, no matter the political affiliation of the parties in the case; and
- End the practice by which the Judicial Commission appoints judges without granting them security of tenure and then removes them at will, and adopt mechanisms to ensure that all judges are appointed to positions with security of

tenure through open and public competitions, as required by the Venezuelan Constitution.

### **To All Leaders of the Political Opposition**

- Emphatically and categorically appeal to their supporters not to commit acts of violence;
- Emphatically and categorically condemn unprovoked acts of violence by protesters that occur in the context of demonstrations in which they participate; and
- Ask members of opposition parties in the National Assembly to actively collaborate with the legislature and engage in its actions to restore the independence of the judiciary.

### **To Protesters**

All protesters should exercise their right to demonstrate peacefully without committing acts of violence against private citizens, state agents, or private or public property.

### **To the International Community**

Foreign governments should engage with the government of Venezuela to ensure that the kinds of abuses documented in this report—including excessive use of force, abuses in detention facilities, and due process violations—are immediately brought to an end, and that those responsible are brought to justice.

In particular, Latin American governments belonging to regional bodies to which Venezuela is a party—such as MERCOSUR, UNASUR, 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.

## Methodology

This report is based on in-depth interviews with more than 90 people, including victims of human rights abuses, as well as their families, medical professionals who attended to them, journalists, and human rights defenders. Human Rights Watch researchers also interviewed more than a dozen lawyers who provided legal counsel to hundreds of people detained at or near protests when they were brought before a judge.

The interviews were conducted primarily during a Human Rights Watch research mission to Venezuela in March 2014, which included visits to Caracas, Valencia (Carabobo state), Barquisimeto (Lara state), and Los Teques (Miranda state). Some of the interviews were conducted via telephone, email, or Skype prior to and following the fact-finding mission. Human Rights Watch researchers also interviewed additional victims, lawyers and human rights defenders in the states of Anzoátegui, Barinas, Guyana, and Maracaibo, though their cases are not included among the 45 cases documented in this report.

In nearly all of the cases included here, Human Rights Watch obtained and reviewed additional evidence—such as photographs, video footage, medical reports, judicial rulings, or eyewitness testimony—that corroborated the victim’s account. Human Rights Watch also observed first-hand and photographed physical injuries the victims said had been inflicted by security forces, including gunshot wounds from live ammunition, scars, contusions, bullet wounds (from rubber pellets and metal pellets fired from less-lethal weapons), burns, and other wounds. Human Rights Watch bases its conclusions on the credibility of alleged abuses on a careful assessment of the quality of this corroborating evidence, as well as whether the detailed accounts provided by the victim were consistent, both internally and with patterns and practices documented in other cases.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. Interviewees were told they could decline to answer questions or end the interview at any time. All provided oral consent to be interviewed. None received compensation.

In most of the countries where Human Rights Watch works, the practice is to seek meetings with government officials to discuss and seek information regarding the issues it is

reporting on. This has been our practice in Venezuela as well. Between 2002 and 2007, Human Rights Watch staff held meetings with President Hugo Chávez, senior members of his administration, justices of the Supreme Court, the attorney general, members of the National Assembly, and numerous officials in multiple government agencies.

However, when conducting research for this report, Human Rights Watch deliberately chose not to establish contact with government officials or draw public attention to our presence in the country. This decision was made out of concern for possible repercussions for victims, human rights defenders, and other interviewees, the risk of compromising our ability to conduct the research, and the safety of our staff. We also took into account the fact that the Venezuelan government detained and expelled Human Rights Watch representatives from the country in 2008, and declared that our presence would not be “tolerated” there.

To obtain the government’s perspective, we contacted the Venezuelan Attorney General’s Office via fax and email to request information regarding investigations into human rights violations allegedly committed by security forces, as well as acts of violence allegedly committed by protesters.<sup>39</sup> At this writing, we have not received a response from the Venezuelan government.

We also reviewed statements made by President Maduro and several of his cabinet ministers, the attorney general, the head of the Armed Forces, top officials from the National Bolivarian Police, the Bolivarian National Guard, and the Scientific, Penal and Criminal Investigative Police, governors, mayors, and legislators. We reviewed statistics, reports, and press releases produced by the Attorney General’s Office about alleged violent incidents and human rights violations related to the protests. We conducted an extensive review of judicial documents, news accounts in state media outlets, twitter feeds of government officials, and other official sources, to evaluate the Venezuelan government’s position with respect to specific incidents in the report, as well as its evaluation of the overall performance of security forces in the context of protests.

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<sup>39</sup> Letter from Human Rights Watch to Luisa Ortega Díaz, Attorney General of Venezuela, April 23, 2014.

## Numbers of Cases of Abuse and Victims

The report describes in detail the abuses suffered by 45 victims of serious human rights violations, which we refer to as “cases.” Human Rights Watch interviewed the victims in the vast majority of these cases. In nine of them, we did not interview the victim, but obtained testimony from the victim’s family, lawyer, and/or eyewitnesses. In some of those cases, we also reviewed official court documents, photographs, and other evidence that corroborated these accounts. The most common reasons Human Rights Watch was not able to interview victims in these nine cases directly were because they were in jail, had been killed, or were prohibited from discussing their case by a judge.

Not all of the cases in the report are described in the same level of detail. Nonetheless, their inclusion indicates that we have determined, based on a careful review of evidence, that they are credible cases of human rights violations.

Many of the victims in these cases were subject to violations alongside other people, and were therefore direct witnesses to abuses suffered by others. This included abuses committed during arrests and while in detention facilities, as well as due process violations before or during judicial hearings.

In many cases, for instance, a detainee was literally handcuffed together with other detainees for hours at a time. Detainees were routinely presented before a judge in groups, thereby sharing a hearing with other detainees whose alleged charges were the same as their own. As such, detainees could speak credibly to the nature of arrests, detention conditions, due process violations, or other abuses experienced by other victims.

Only when Human Rights Watch was able to gather evidence corroborating a victim’s account of the abuses they had seen committed against other people around them—such as a separate testimony or court rulings that proved victims were indeed charged with other people—did we include these individuals within the tally of people who were victims of abuse.

To cite an example: Dayana Méndez Andrade, Luis Rodríguez Malpica, and Clipso Alberto Martínez Romero were detained on March 20, 2014, when national guardsmen on official motorcycles stormed into a protest in Valencia, Carababo state, firing teargas and rubber



bullets at demonstrators and people nearby. In separate interviews with Human Rights Watch, Méndez, Rodríguez, and Martínez all said that, in addition to them, three other people had been detained by guardsmen—a total of six detainees.

We decided that Méndez, Rodríguez, and Martínez’s claim that three additional people were detained with them was credible due to the fact that their accounts concurred, and that they were held together with the other detainees (first at a gas station and then at a military installation). Also, because Méndez, Rodríguez, and Martínez all said that they and the other detainees had been held in the same room on the military base—and that guardsmen had refused to let any of them call their families or a lawyer—we decided it was reasonable to conclude that the due process rights of all six detainees had been violated.

Therefore, while we would count the abuses against Méndez, Rodríguez, and Martínez as “cases” documented by Human Rights Watch (because we interviewed them directly), we also can credibly assert that at least three additional people detained in the same protest were the victims of incommunicado detention and other due process violations while being held on a military facility.

## Background on Venezuelan Security Forces

The security forces mentioned in this report include the following:

### National Guard

The **Bolivarian National Guard** (*Guardia Nacional Bolivariana*) is part of the Venezuelan Armed Forces, together with the Army, the Navy, and the Air Force. While the Army, the Navy, and the Air Force have primary responsibility for conducting military operations to protect national defense, the National Guard's primary responsibility is "conducting required operations to ensure internal order of the country."<sup>40</sup> (The National Guard is also charged with cooperating with other Armed Forces in protecting national defense.) On March 15, President Maduro, who is the commander-in-chief of the Armed Forces, said that 20,000 national guardsmen were being deployed in Venezuela in operations related to responding to protests.<sup>41</sup>

In 2011, then-President Hugo Chávez created the **National Command of the Guard of the People** (*Comando Nacional de la Guardia del Pueblo*) to support the operations of the National Guard,<sup>42</sup> of which it is a part.<sup>43</sup> At the time, Chávez said it would focus on preventing the commission of crimes in remote parts of the country.<sup>44</sup>

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<sup>40</sup> Constitution of the Bolivarian Republic of Venezuela, art. 329; Organic Law on the National Bolivarian Armed Forces, arts. 40-42; Bolivarian National Guard, "Mission" (Misión), n.d., <http://www.guardia.mil.ve/index.php/basamentos/misi%C3%B3n.html> (accessed April 16, 2014).

<sup>41</sup> Constitution of the Bolivarian Republic of Venezuela, art. 236 (5); "Maduro: Only one Death is Attributed to the National Guard in 16,000 Operations in 30 days" (Maduro: Sólo se atribuye a la GNB una muerte tras 16 mil operaciones en 30 días), YouTube video, uploaded on March 15, 2014, <https://www.youtube.com/watch?v=By7SejDlKo#t=13> (accessed April 16, 2014).

<sup>42</sup> Ministry of the Popular Power of Communications and Information, "Deployment of the Guard of the People in the state of Zulia" (Despliegue de la Guardia del Pueblo en el estado Zulia), January 18, 2013, <http://www.minci.gob.ve/2013/01/fotos-despliegue-de-la-guardia-del-pueblo-en-el-estado-zulia/> (accessed April 21, 2014).

<sup>43</sup> "President Chávez takes Oath to the National Command of the Guard of the People" (El Presidente Chávez juramenta al Comando Nacional de la Guardia del Pueblo), *Correo del Orinoco*, November 17, 2011, <http://www.correodelorinoco.gob.ve/judiciales-seguridad/presidente-chavez-juramenta-guardia-pueblo/> (accessed April 16, 2014).

<sup>44</sup> Ministry of the Popular Power of Communications and Information, "Deployment of the Guard of the People in the state of Zulia" (Despliegue de la Guardia del Pueblo en el estado Zulia), January 18, 2013, <http://www.minci.gob.ve/2013/01/fotos-despliegue-de-la-guardia-del-pueblo-en-el-estado-zulia/> (accessed April 21, 2014); Ministry of Defense, "National Command of the Guard of the People Will Expand in 2014 to 20 Cities in the Country" (Comando Nacional Guardia del Pueblo se expandirá en 2014 a 20 ciudades del país), December 26, 2013, <http://www.guardia.mil.ve/index.php/noticias/operativos/2939-comando-nacional-guardia-del-pueblo-se-expandir%C3%A1-en-2014-a-20-ciudades-del-pa%C3%ADs.html> (accessed April 21, 2014).

## Police

In 2008, the government of Venezuela created the **National Bolivarian Police** (*Policía Nacional Bolivariana, PNB*) and enacted measures to promote non-abusive policing proposed by a commission comprised of government and NGO representatives.<sup>45</sup> The PNB began operations in 2009,<sup>46</sup> and as of April 2014, there were 14,478 PNB officers working in 8 of Venezuela's 23 states.<sup>47</sup>

While the Venezuelan Constitution provides that public security operations will be conducted by a national police force, **states and municipalities** have concurrent policing powers in their own jurisdictions.<sup>48</sup> In the three states where Human Rights Watch conducted research, the PNB and state police forces were both involved in responding to protests; in Caracas, PNB and municipal police forces carried out operations.

The **Scientific, Penal and Criminal Investigative Police** (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas, CICPC*) is charged with carrying out investigations to support the work of prosecutors in investigating crimes.<sup>49</sup> Members of the CICPC report to the minister of the interior, justice, and peace, who in turn reports to the president.<sup>50</sup>

In 2010, then-President Hugo Chávez created the **Bolivarian National Intelligence Service** (*Servicio Bolivariano de Inteligencia Nacional, SEBIN*) to replace the National Directorate of Intelligence and Prevention Services (*Dirección Nacional de los Servicios de Inteligencia y Prevención, DISIP*). SEBIN reports to the Ministry of the Interior, Justice, and Peace, and its main responsibilities include “assist[ing] the executive branch in the elaboration of public policies on security,” “plan[ning] and execut[ing] activities to

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<sup>45</sup> “Chávez Highlighted in the show Aló Presidente 306 the Importance of the new Venezuelan Policing Model” (Chávez destacó en Aló Presidente 306 importancia del nuevo modelo policial venezolano), *Agencia Venezolana de Noticias*, May 19, 2013, <http://www.avn.info.ve/contenido/ch%C3%A1vez-destac%C3%B3-al%C3%B3-presidente-306-importancia-del-nuevo-modelo-policial-venezolano> (accessed April 16, 2014).

<sup>46</sup> National Bolivarian Police, “The National Bolivarian Police” (Cuerpo de Policía Nacional Bolivariana), n.d., <http://cpnb.gob.ve/index.php/institucion/resena> (accessed April 16, 2014).

<sup>47</sup> National Bolivarian Police, “National Deployment” (Despliegue a nivel nacional), n.d., <http://cpnb.gob.ve/index.php/servicios/vigilancia-y-patrullaje> (accessed April 16, 2014).

<sup>48</sup> Constitution of the Bolivarian Republic of Venezuela, art. 332.

<sup>49</sup> Organic Law of the Investigative Police Service, the Scientific, Penal and Criminal Investigative Force, and the National Institute of Medicine and Forensic Sciences, art. 35.

<sup>50</sup> CICPC, “Chain of command” (Línea de mando), n.d., <http://www.cicpc.gob.ve/linea-de-mando> (accessed April 21, 2014).

contribute to the Nation's stability and security,” and “perform[ing] activities as an auxiliary body of investigation in the areas of its competence.”<sup>51</sup>

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<sup>51</sup> Presidential Decree 7453, Official Gazette No. 39.463 , June 1, 2010, arts. 1, 3.

## Illustrative Cases

The five illustrative cases that follow—which occurred on different dates, in three states and Caracas—provide a detailed picture of the succession of abuses suffered by people detained at or near protests. These include the use of unlawful force at the time of their arrests; beatings and other forms of cruel, inhuman, or degrading treatment while in detention; and due process violations committed with the acquiescence or complicity of prosecutors and judges.

### Valencia, Carabobo State, March 20

At approximately 2 p.m. on March 20, between 150 and 200 people held a peaceful protest along a highway in Valencia.

Human Rights Watch interviewed four individuals separately who were present at the demonstration, and whose accounts corroborated one another:

- **Dayana Méndez Andrade**, 24, who works for the newspaper *Notitarde* and who attended the demonstration in her capacity as a journalist and was carrying press credentials;
- **Luis Rodríguez Malpica**, 26, freelance photographer, who attended the demonstration in his capacity as a journalist and was carrying press credentials;
- **Marlon José Maldonado Vargas**, 44, a lawyer, who participated in the demonstration; and
- **Clipso Alberto Martínez Romero**, 19, a student, who participated in the demonstration along with his sister.

While Méndez and Rodríguez attended the demonstration together, none of the others knew each other prior to their detention.

According to separate interviews with Méndez, Rodríguez, Maldonado, and Martínez, the demonstrators had partially blocked the road, but were allowing cars to pass.<sup>52</sup> State police officers (*policía de Carabobo*) monitored the protest throughout the afternoon without engaging with demonstrators. Around 6:30 p.m., the interviewees confirmed independently, the police told the protesters that if they did not disperse voluntarily, they would be removed. While most of the protesters left, about 50 stayed on the highway.

At approximately 6:45 p.m., a group of around five masked men arrived near the protest, set a truck on fire (with no passengers inside of it), then left. The protesters and journalists interviewed by Human Rights Watch said they did not recognize the masked men as participants in the demonstration, and that the men never approached the other remaining protesters.

Fifteen minutes later, more than 50 national guardsmen arrived on motorcycles and rode towards the protesters, firing teargas and rubber bullets at them with no warning, they said. The protesters and journalists ran off in various directions.

Martínez, Maldonado, journalists Méndez and Rodríguez, and at least two other people fled down a residential street near the highway, where they were hemmed in on two sides by national guardsmen on motorcycles.

### *Attack on Journalists*

As the guardsmen fired teargas and rubber bullets, journalists Méndez and Rodríguez took shelter in the entranceway to an apartment building. Shortly thereafter, three National Guard motorcycles stopped in front of them. Méndez and Rodríguez were both wearing gas masks; Méndez was wearing a bulletproof vest that said, “PRESS,” in large, white letters; and Rodríguez was carrying a professional camera. They yelled that they were journalists and raised their hands above their heads. One of the guardsmen yelled, “You’re taking photos of me! You’re the ones that send the photos saying ‘SOS Venezuela.’ You cause problems for the National Guard.”<sup>53</sup>

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<sup>52</sup> Human Rights Watch interview with Marlon José Maldonado Vargas, Valencia, March 23, 2014; Human Rights Watch interview with Dayana Méndez Andrade, Valencia, March 23, 2014; Human Rights Watch interview with Luis Rodríguez Malpica, Valencia, March 23, 2014; Human Rights Watch interview with Clipso Alberto Martínez Romero, Valencia, March 23, 2014.

<sup>53</sup> Human Rights Watch interview with Dayana Méndez Andrade, Valencia, March 23, 2014.

Then, from a distance of a few meters, the guardsmen fired on them with rubber bullets and lobbed teargas canisters at them. Both turned their backs. Méndez was struck with rubber bullets in her left hip area and leg, the wounds from which she showed Human Rights Watch during an interview three days after the incident.<sup>54</sup> (The injuries sustained were later confirmed by a doctor who attended to Méndez.<sup>55</sup>) When they had stopped shooting, the guardsmen told the journalists to stay where they were, and then left.

Within a minute or two, a different group of National Guard members on motorcycles stopped in front of the doorway, yelling “We’ve got two here.” Again, Méndez and Rodríguez yelled that they were journalists, and again national guardsmen fired on them without provocation. Rodríguez said that the guardsmen fired in the direction of their heads and that—had he not pushed Méndez’s head out of the line of fire—she would have been hit in the face.<sup>56</sup> Rubber pellets struck the arm he had used to push her head out of the way, and one grazed her face.<sup>57</sup>

After firing on them, a guardsman approached Méndez and asked why she was wearing a bulletproof vest. When she responded that it was because she was a journalist, the guardsman said, “You’re not a journalist, you’re a bitch made of shit.” (*No eres una periodista, eres una perra de mierda.*) The guardsman pulled off her gas mask and then Rodríguez’s. He pointed a rifle at Rodríguez’s face, saying, “Give me everything you have.” The guardsman took Rodríguez’s backpack, containing his IDs and press credentials, demanded the memory card of his camera, and left. Within minutes, a third wave of guardsmen arrived on motorcycle, firing teargas towards the doorway where Méndez and Rodríguez were still trapped, now without gas masks.<sup>58</sup> A guardsman took Méndez’s cell phone and her bulletproof vest, and detained the two journalists.

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<sup>54</sup> Ibid. Photographs of the wounds are on file with Human Rights Watch.

<sup>55</sup> Email from medical professional to Human Rights Watch, March 31, 2014. The name of the person, who is employed by the Secretary of Defense, remains confidential.

<sup>56</sup> Ibid. The medical professional’s email confirmed that Méndez’s face had been grazed by a rubber pellet. Méndez showed Human Rights Watch the mark on her face left by the pellet.

<sup>57</sup> Human Rights Watch interview with Luis Rodríguez Malpica, Valencia March 23, 2014. Rodríguez showed Human Rights Watch the wounds on his arm from where he had been hit by the rubber bullets. Photographs of Rodríguez’s wounds on file with Human Rights Watch.

<sup>58</sup> The guardsmen were all wearing gas masks, according to the victims, and so were not affected by the gas.

### *Attack on Unarmed Protesters*

Martínez, who had been participating in the protests, also fled when National Guard motorcycles approached, and was trapped on the same street as Méndez and Rodríguez.<sup>59</sup> There, he was knocked to the ground by a passing guardsman on a motorcycle, and then surrounded by about a dozen guardsmen, who kicked him repeatedly all over his body though he offered no resistance, he told Human Rights Watch.

When the beating stopped, he lifted himself up and held out his wallet to the officers, saying it was the only thing he had on his person. In response, he said, the guards, “Grabbed me by the head, threw me to the ground, put a boot on my face and shot me.” He was shot him in the thigh at point blank range. The rubber bullet struck a set of keys in his pocket, blowing metal fragments from several keys into his leg. He said he did not feel any pain at first due to the shock, but reached down and touched an exposed part of the bone on his leg.

Maldonado, who was trapped on the same street, did not know Martínez, but saw what happened. He described Martínez’s beating, recounted how Martínez was shot at point blank range, and provided other details corroborating Martínez’s account.<sup>60</sup>

Maldonado said Martínez was one of four people that he saw national guardsmen shoot on the street from point blank range. He told Human Rights Watch that, from his vantage point halfway down the street, he saw one of the guardsmen give orders to others to shoot the individuals. None were resisting arrest or posed a flight risk, Maldonado said. In each instance, the guardsman gave the same order: “Give it to this one,” after which the individuals were shot.

Maldonado was then himself stopped by national guardsmen and interrogated. He told them he was moving his car, which was on that street, and they let him go.<sup>61</sup> (Maldonado believed he aroused less suspicion because he was older than the other demonstrators and, having come from work, was dressed in business attire. In addition, his car was actually located on the street; he had parked it there before the protest.)

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<sup>59</sup> Human Rights Watch interview with Clipso Alberto Martínez Romero, Valencia, March 23, 2014.

<sup>60</sup> Human Rights Watch interview with Marlon José Maldonado Vargas, Valencia, March 23, 2014.

<sup>61</sup> Ibid.



After the guardsmen left, Maldonado collected several of the shell casings of the bullet rounds fired and individual pellets from weapons shot by the guardsmen. In addition to rubber pellets, he found a handful of metal pellets on the ground where officers had been firing, which he showed to Human Rights Watch.<sup>62</sup>

According to Maldonado, one of the victims who he had witnessed being shot from point blank range had fled when guardsmen moved on to pursue another person. The wounded man had been given refuge in a house on the street, and was not detained by police. Maldonado, concerned for the man's wellbeing after the incident, had tracked him down in a clinic where several wounded protesters had gone to seek treatment. Maldonado shared photographs with Human Rights Watch of the wounds the man had suffered. The photographs show entry wounds to the victim's upper right buttocks and left foot.<sup>63</sup> Despite the abuses he suffered, the victim told Maldonado he did not want to file a complaint with the prosecutor's office, fearing he would be falsely charged with committing a crime for having participated in the protest.

### *Abuses in Detention*

Despite the fact that they were not committing a crime and police did not have an arrest warrant, Méndez, Rodríguez, and Martínez were detained by the National Guard, along with at least five other individuals at and around the protest. At least one of those detained was a boy, according to the three detainees interviewed by Human Rights Watch, who spoke with the boy while they were being detained.<sup>64</sup>

They were made to walk nearby gas station, where they were held temporarily. Martínez said guardsmen forced him to walk quickly, at some points even forced him to jog, despite the serious wound he had suffered and the visible pain it caused him. When he slowed down, he said, he was beaten and threatened. One of the guardsmen yelled at him, "Hurry up! Hurry up! Because if you don't we're going to break a rifle on your head."

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<sup>62</sup> Ibid. Maldonado brought the pellets to the interview with Human Rights Watch, which we determined, based on weight and texture, were not made of rubber or silicone. Photographs of pellets on file with Human Rights Watch.

<sup>63</sup> Photographs on file with Human Rights Watch.

<sup>64</sup> Human Rights Watch interviews with Dayana Méndez Andrade, Luis Rodríguez Malpica, and Clipso Alberto Martínez Romero, March 23.

At the gas station, they asked each of the detainees who they were and what they were doing at the demonstration. The boy who had been detained, who told guardsmen he was 14, said he had been dropped off by his grandmother near the demonstration.<sup>65</sup> She was trying to drive him to his father's house but could not get through on account of the demonstration, so she'd left him nearby and told him to walk. The boy said he had been walking towards his father's house when he had been picked up by national guardsmen, beaten, and detained. Despite saying his age, none of the officers accorded him special treatment appropriate for his status as a child.

When Méndez's turn came, she said that she was a journalist covering the gathering for *Notitarde*. A guardsman responded, "*Notitarde* is fascist. You're the fascist squalid ones that are attacking the government. Now live with the consequences." Arriving next at Martínez, one of the guardsmen asked what had happened to his leg. When Martínez told him, according to Méndez, the guardsman said, "That it was nothing—that he had fallen."

From there, the detainees were loaded into state police vehicles and driven to a military facility (*Destacamento 24*), according to three of the detainees. When they arrived at the facility, each of the detainees was subjected to a full body search.

Martínez said an armed guardsman took him into a room and told him to remove all of his clothes. On seeing his leg covered in blood, the officer made no effort to inquire about his wound, or whether he needed medical attention. According to Martínez, as he was putting his clothes back on, the officer said, "When you are done getting dressed, you'll clean this," pointing to the blood on the floor from his wound. When Martínez said it would be difficult to bend over because of the pain in his knee, the officer said, "You clean this or you'll get a broomstick to the head." Martínez cleaned the floor with his own shirt.

After their body searches, the detainees were made to kneel with their hands on the backs of their heads for approximately three hours. During this time, Rodríguez said, those who moved were struck on the backs of their heads.

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<sup>65</sup> Human Rights Watch interviews with Dayana Méndez Andrade and Luis Rodríguez Malpica, Valencia, March 23, 2014.

Martínez said that, over the course of several hours, he repeatedly requested medical attention, as did several of the other detainees on his behalf. But their requests were denied. Multiple times, guardsmen forced Martínez to clean his blood off the floor with his shirt.

The room where the detainees were being held was extremely cold, with an air conditioner blasting cold air in the direction of where they were squatting. Martínez was so cold that he began to shudder uncontrollably, his suffering likely exacerbated by his loss of blood. Martínez said that when he asked an officer to turn off the air conditioner, the officer responded, “Lower it for you? Are you fucking kidding?” Then, he said, the officer turned up the cool air to full blast. Méndez and Rodríguez both independently witnessed the same exchange, and recounted it to Human Rights Watch in nearly identical terms. During this time, several officers came by to see Martínez, pointing and laughing at his wound, and a few took pictures of it on their cell phones.

Méndez, seeing that Martínez had lost a lot of blood and was drifting in and out of consciousness, asked for permission to tie a tourniquet around his leg, which guardsmen allowed her to do. Around 10:30 p.m., guardsmen took Martínez, Méndez and a third detainee, who had suffered a fractured nose from a kick to the face, to a military medical clinic.

### *Obstruction of Medical Treatment*

A medical professional at the clinic described to Human Rights Watch the injuries with which the three arrived, corroborating the victims’ accounts. Martínez, the professional said, had a “wound by gunfire in the lateral femur region of the interior left side, which was of large magnitude, with an entry wound but not an exit wound, compromising deep muscular tissue.”<sup>66</sup> Martínez was also experiencing “a hypertension crisis as well as a rapid heart arrhythmia associated with the psycho-traumatic state in which he found himself,” and was suffering from hypothermia. According to the medical professional’s “knowledge and the characteristics of the wound, it appeared to have been produced by a rifle with bullets of the silicone type and inflicted at point blank range.”<sup>67</sup>

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<sup>66</sup> Email from medical professional to Human Rights Watch, March 31, 2014. .

<sup>67</sup> Ibid.

As the medical professional was inspecting Martínez's wounds, three national guardsmen who were present began taking pictures with their cell phones. The medical professional told the guardsmen this made the professional "uncomfortable and was not permitted."<sup>68</sup> One of the guardsmen responded that the photos were needed for the Attorney General's Office, but did not explain further, and continued to take pictures.

The medical professional said that the other detainee appeared to have suffered a fracture of the nasal passage or septum; and that Méndez had suffered "multiple wounds" from pellets to her face, limbs, abdomen, and other parts of her body, as well as a hematoma on her right knee.

The medical professional insisted that Martínez and the other detainee be taken promptly to the hospital, because the military clinic was not properly equipped to care for their urgent needs.<sup>69</sup> The ranking guardsmen—a captain—said they would transport the detainees. Afraid they would be taken back to the base, the medical professional obligated the captain to sign a form taking responsibility for the lives of the detainees if they were not immediately taken to the hospital, which the captain signed.<sup>70</sup> According to the professional, Martínez's wound "could cost him his life if it was not attended to immediately by a specialist."<sup>71</sup>

Martínez's mother said that, upon learning that her son had been detained, she went to the Guard of the People and the National Guard to see if they were holding her son, but both denied any knowledge of Martínez's arrest or whereabouts.<sup>72</sup> She said she learned what had happened to him only because a person at the military medical clinic where her son had been treated notified her secretly that he was being taken to the hospital.

National guardsmen tried to handcuff Martínez when he arrived at the hospital, but medical staff refused, he said, leading to a ruckus. They also tried, on several occasions, to enter the room where he was being treated, but hospital staff would not allow them in.

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<sup>68</sup> Ibid.

<sup>69</sup> Ibid; Human Rights Watch interview with Dayana Méndez Andrade, Valencia, March 23, 2014.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Human Rights Watch interview with mother of Clipso Alberto Martínez Romero, Valencia, March 23, 2014.

When Martínez's mother arrived at the hospital, she found approximately five national guardsmen armed with rifles and pistols outside of the patient room where he was being treated. Martínez's older brother, who was with his mother, told the guardsmen there was no need to hover around his room, because he posed no flight risk, and that they were terrifying his brother and mother.<sup>73</sup> In response, one of the guardsmen pointed at him and warned, "We know who you are. Let's see what happens to you."

Martínez was operated on at 2 a.m., and a second time the following day, at 6 p.m. According to Martínez's mother, doctors told her that the impact was only millimeters away from an artery that, if it had been struck, likely would have killed Martínez. The surgeons removed five fragments of the keys that were in his pocket, as well as a handful of rubber pellets. A copy of the medical report obtained by Human Rights Watch confirms Martínez arrived at the hospital on March 21,<sup>74</sup> and that he arrived with a "large orifice" caused by a gunshot to his knee.<sup>75</sup> The report confirmed that, in surgery, doctors found "multiple projectiles" and "metal objects made of various fragments of keys."<sup>76</sup>

Medical documents provided by Martínez's family confirmed his injuries and that the incident had caused severe mental trauma. A medical report dated March 22—two days after the incident—said that Martínez continued to experience a "persistent pain of strong intensity," from the gunshot wound, and that he needed to remain hospitalized to monitor his condition and prevent infection.<sup>77</sup>

On his second night in the hospital, Martínez said, he awoke to find one of the guardsmen standing next to his bed, staring at him. He began to scream and the guard left the room. Martínez said he felt, that the moment his family and medical professional left him alone,

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<sup>73</sup> Human Rights Watch interview with Eduardo Salas, brother of Clipso Alberto Martínez Romero, Valencia, March 23, 2014.

<sup>74</sup> The medical report of the hospital to which Martínez was taken shows that he did not arrive until March 21, which proves that, at the very least, he was not taken to the hospital until after midnight on March 20, the day he was shot around 7 p.m. Medical Report (Informe médico), Hospital Metropolitano del Norte, March 21, 2014. On file with Human Rights Watch. The doctor's name has been omitted out of concern for his/her security of tenure.

<sup>75</sup> In addition to the medical report, the size and location of Martínez's wound was confirmed by photographs of the injury taken by his family, which are on file with Human Rights Watch.

<sup>76</sup> Medical Report (Informe médico), Hospital Metropolitano del Norte, March 21, 2014.

<sup>77</sup> Medical Report (Informe Médico), Patient: Clipso Martínez, Hospital Metropolitano del Norte, March 22, 2014. Document 25090256. Copy on file with Human Rights Watch. The doctor's name has been omitted out of concern for his/her security of tenure.

the guardsmen would take him away and terrorize him. He added, “I see a guard and I get nervous,” and said he needed to be sedated to sleep in the hospital.

An exam conducted by an independent clinical psychologist, and provided by Martínez’s family, diagnosed Martínez with “severe stress disorder,” describing his state as “frightened,” disoriented, and exhibiting signs of “shock.”<sup>78</sup> The psychologist who examined Martínez also said he was experiencing regular flashbacks, causing him to relive the traumatic experience he had undergone.

Human Rights Watch interviewed Martínez on March 23, 2014, in the hospital, where he was still confined to bed. Four national guardsmen stood guard outside his door; his family said they were always there. Martínez said he and three other detainees have been charged with use of an adolescent to commit a crime (*uso de adolescente para delinquir*); obstruction of a public roadway (*obstaculización de vía pública*); public incitement to commit crimes (*instigación pública*); and resisting authority (*resistencia a la autoridad*).

Méndez, for her part, was returned to the military base after she was examined by the doctor. She and Rodríguez were released the following morning, at 4:30 a.m., without being charged.

## El Carrizal, Miranda State, March 5

At 8 a.m. on March 5, **Moisés Guánchez**, a 19-year-old student, went to his day job at a fast food restaurant in La Cascada mall, in the municipality of El Carrizal, Miranda state.<sup>79</sup> Since early that morning, a demonstration had been taking place on the highway that passes in front of the mall. He said he began to hear shots as early as 10 a.m. Around 12:30 p.m., his boss decided to close the restaurant, and he and his co-workers began to clean up. When they went to leave around 2 p.m., they found that private security guards employed by the mall had locked its main entrance, locking several employees and customers inside the mall complex. By then, teargas had begun to waft into the mall, and

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<sup>78</sup> Psychological Report (Informe Psicológico), Patient: Clipso Martínez, March 22, 2014 (on file with Human Rights Watch). The psychologist’s name, a specialist in clinical and community psychology, has been omitted out of concern for his/her security of tenure.

<sup>79</sup> Human Rights Watch interview with Moisés Guánchez and his mother, Monica Jezbel Díaz, Miranda state, March 20, 2014. Guánchez provided Human Rights Watch with copies of photographs related to the incident taken by eyewitnesses, which corroborate parts of his testimony.

Guánchez, who is asthmatic, made his way to the mall's open-air parking lot, which was located between the mall and the street, and enclosed by a gate.

Approximately 40 other people were in the lot, he said, including six children. From there, he observed National Guard members firing teargas canisters towards protesters on the highway and people in apartment buildings throwing bottles down on the highway.

Guánchez told Human Rights Watch that national guardsmen began launching teargas canisters and firing rubber bullets at people who were trapped in the parking lot. Then, approximately four official National Guard motorcycles, with 2 guardsmen on each, broke into the parking lot, firing rubber bullets as they drove towards the group. Guánchez said he and others started running towards the mall to seek refuge.

Guánchez found his path blocked by a motorcycle, turned, and began running in the other direction, towards a parking lot exit. As he ran, he said he heard a guardsman yell, "There! There! Shoot him!" The guardsman riding on the back of the motorcycle behind him fired five or six times in his direction, but none of the shots hit him. At that moment, Guánchez saw another motorcycle in front of him stop, while a guardsman on the back raised his rifle towards his face. He reflexively raised his arm to protect his face, and felt an impact on his arm, where he had been shot. Again Guánchez changed directions, and as he ran he heard several more shots fired. He felt several impacts on his buttocks, and fell to the pavement.<sup>80</sup>

By this point, he said, between eight and ten National Guard motorcycles had entered the parking lot. Two guardsmen walked towards him and picked him up. A man with a video camera and a bullet proof vest that said "Operations Command" (*Comando Operaciones*) in white lettering was filming as guardsmen assaulted him, Guánchez said. Amateur photographs taken by a witness show Guánchez cornered against a gate by national guardsmen, while a man with a video camera in their company appears to be filming.<sup>81</sup> Each national guardsman took hold of one of his arms and started punching him repeatedly in the ribs. (Guánchez and his mother said they were unaware whether investigators had recovered the video from the cameraman, whose face is clearly visible in the photographs.)

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<sup>80</sup> Guánchez provided Human Rights Watch with copies of photographs showing the injuries produced by the impacts on his arm and buttocks. Copies on file with Human Rights Watch.

<sup>81</sup> Copies of photographs on file with Human Rights Watch.

Then, a third guardsman approached Guánchez—who was offering no resistance—pointed his rifle at his genitals, and fired. Guánchez moved his leg defensively, causing the shot to strike him directly in the leg and graze his testicles. According to a forensic medical report, Guánchez had injuries produced by “multiple bullets [shot at] at close range.”<sup>82</sup>

Guardsmen forced Guánchez—whose pants were soaked in blood and was experiencing severe pain from the several shots he had sustained—to walk across the parking lot and get on a motorcycle between two guardsmen. The guardsman sitting behind him pointed a handgun at his head and threatened to kill him if he moved.

When the guardsmen found the gate to the parking lot locked, they forced Guánchez to get down from the motorcycle and made him jog over to the highway, where he was made to wait. The pain from his wounds was extreme, he said.

A group of pro-government civilians on motorcycles were congregated on a bridge above where Guánchez was held, he said. The men yelled down at the guardsmen that they should let him bleed to death, and said they would kill him themselves if he did not die, and would run him over with their motorcycles. Guánchez said that one of the guardsmen laughed. The presence of the men on motorcycles was corroborated by photographs shared with Human Rights Watch, which show men on motorcycles above where Guánchez was held, apparently yelling down at him.<sup>83</sup>

After about 15 minutes, the guardsmen handcuffed Guánchez and loaded him onto a black pick-up truck with no license plates.<sup>84</sup> During the ride, the guardsmen riding with him mocked Guánchez, saying he would never be able to have children, and called him a “fag” (*marica*). The guardsmen also said that if he bled to death on the way over, they were going to dump his body in a canal. The guardsmen threatened to rape him with a broomstick,<sup>85</sup>

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<sup>82</sup> Ruling by Judge Nancy Marina Bastidas, Case No. 4C-13930-14, March 7, 2014. Copy on file at Human Rights Watch.

<sup>83</sup> Ibid. In several of the photographs, it is possible to recognize blood stains in Guánchez’s groin region on his khaki-colored pants and soaking his left inner thigh and down his entire right leg, while he is standing surrounded by national guardsmen.

<sup>84</sup> Copies of photographs of the black pickup truck on file with Human Rights Watch.

<sup>85</sup> Human Rights Watch interview with Moisés Guánchez and his mother, March 20, 2014. According to Guánchez, a guardsman told him, “that they were going to stick a broomstick in my rectum.”



and send him to prison with rapists. They stole his money, two cell phones, his backpack, and a gold chain, all of which his mother later reported as stolen to the National Guard.<sup>86</sup>

The guardsmen brought Guánchez to a hospital. Upon arriving, they did not allow hospital staff to bring a stretcher to carry him into the emergency room, forcing him to instead walk, despite the excruciating pain it caused. Guánchez collapsed upon entering the emergency room. When doctors asked guardsmen to help lift his body onto a stretcher, they refused.

When doctors asked guardsmen to remove Guánchez's handcuffs, they at first claimed they had lost the key. It was only when a doctor threatened to have the handcuffs cut off that one of the guardsmen produced the key and unlocked Guánchez. The guardsmen would not leave the emergency room, despite repeated requests by the medical staff.

When the doctors learned the guardsmen had not notified Guánchez's family, one obtained his father's number from him and contacted him.

He was given three blood transfusions and operated on immediately to remove five rubber bullets from his leg, which Guánchez's mother later showed Human Rights Watch.<sup>87</sup> Doctors also located rubber bullet wounds in his arm (from when Guánchez said he had protected his face) and his buttocks. Guánchez was also operated on for damage to one of his testicles, which a medical report shared with Human Rights Watch confirms.<sup>88</sup> Photographs of Guánchez's wounds and additional medical reports were also provided to Human Rights Watch.<sup>89</sup>

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<sup>86</sup> Attorney General's Office, Fiscalía Primera de la Circunscripción, Miranda State, File 15F1-0416-14, Expediente No. MP 99623-2014, March 10, 2014. The request was sent from the Attorney General's Office on behalf of Guánchez's mother, Monica Jezbel Díaz, to the Comando Regional No. 5, Destacamento No. 56, Segunda Compania, Los Teques, of the National Guard. It includes a list of items that Díaz requests the National Guard return to her, which belonged to her son and were confiscated during his detention. Copy on file with Human Rights Watch.

<sup>87</sup> The doctors who operated on Guánchez and removed the rubber pellets handed them over to his mother as evidence. Guánchez's mother showed them to Human Rights Watch researchers when they visited their home. Photographs of rubber pellets on file with Human Rights Watch.

<sup>88</sup> Centro Médico de Caracas, "Medical Report," March 14, 2014, copy on file with Human Rights Watch. The name of the doctor who signed this report remains confidential to avoid repercussions in the person's place of employment.

<sup>89</sup> Ibid; Medical report, March 9, 2014; Medical report, Medical Institute La Floresta, March 28, 2014. The names of the doctors remain confidential to avoid repercussions in their place(s) of employment. Copies of medical reports on file with Human Rights Watch.

That same day—according to Guánchez’s mother, who arrived at the hospital shortly after being notified by doctors—a National Guard colonel arrived at the hospital and asked the doctors for information on her son’s health. The colonel ordered two armed guardsmen to remain stationed in the hallway outside of Guánchez’s room. Guánchez’s mother said she and the medical staff found their presence very intimidating.

On March 7, a hearing was held in Guánchez’s hospital room. A prosecutor charged him with public incitement to commit crimes (*instigación pública*) and attacks undermining security on public roads (*atentado contra la seguridad en la vía*). The prosecution evidence was a police report that said Guánchez had a teargas mask in his backpack, and that they had found “in the place where he was detained” (*en el lugar donde fue detenido*) 19 Molotov cocktails, 12 *miguelitos*, and 30 meters of barbed wire in his backpack.<sup>90</sup> (“*Miguelitos*” refer to small objects with protruding nails used to puncture the tires of vehicles or motorcycles.)

The judge, however, ruled there was no evidence to charge Guánchez with any crime, and that he was to be granted liberty.<sup>91</sup> Guánchez’s family showed the ruling to Human Rights Watch.<sup>92</sup> According to a medical report reviewed by Human Rights Watch, Guánchez was told he could not resume his studies nor work at least until April 14.<sup>93</sup> On April 11, Guánchez had a second operation to remove fluid from his wounded testicle. His mother said he was in pain and remained in bed.<sup>94</sup>

## Caracas, February 12

On February 12, **Marco Aurello Coello**, 18; **Luis Felipe Boada**, 25; **Cristian Holdack**, 34; **Nelson Gil**, 22; **Demian Martin**, 19; and **Ángel de Jesús González**, 19, were arbitrarily detained in six different locations near the Carabobo Park in Caracas.<sup>95</sup> That day, a largely peaceful demonstration in the area ended in violent incidents that led to at least three deaths, dozens of injuries, and the burning of several official vehicles.

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<sup>90</sup> Ruling by Judge Nancy Marina Bastidas, Case No. 4C-13930-14, March 7, 2014. Copy on file with Human Rights Watch.

<sup>91</sup> Human Rights Watch telephone interview with Magaly Vázquez, lawyer, Caracas, March 8, 2014.

<sup>92</sup> Ruling by Judge Nancy Marina Bastidas, Case No. 4C-13930-14, March 7, 2014. Copy on file with Human Rights Watch.

<sup>93</sup> Medical report by Dr. Bernardo Cuomo Auvert, March 25, 2014.

<sup>94</sup> Human Rights Watch email communication with Monica Jezbel Díaz, April 14, 2014.

<sup>95</sup> Human Rights Watch interviews with Marco Aurello Coello, Luis Felipe Boada, Cristian Holdack, Nelson Gil, Demian Martin, and Ángel de Jesús González, Caracas, March 21, 2014. Human Rights Watch asked the same questions to each of the six detainees in two group interviews to three men each.

The six men—who did not know each other before that day—were picked up separately and subjected to severe physical abuse during their arrest and at the headquarters of the investigative police in the area (CICPC), where they were all held incommunicado for 48 hours. The six, whom Human Rights Watch researchers interviewed in the detention facility where they were being held at the time, describe how they came to be detained:

- Coello said he had been running away from where violent confrontations had erupted between protesters and security forces when a teargas canister hit his leg. He fell to the street and was engulfed in teargas. As he was struggling to breathe, a group of about eight men in plainclothes assaulted him, beating him as he lay on the ground. They then grabbed him and took him to the nearby CICPC station, where three police officers took him to a bathroom, pointed a gun at his head, and doused his shirt and body with gasoline. They wrapped a thin mat around his body, tied it with tape, and approximately 10 officers kicked him and beat him with sticks, a golf club, and a fire extinguisher on his ribs and upper body. When they took off the mat, they gave him three electric shocks on his chest, he said. Throughout the whole time, the police officers told him he should confess he had burned official vehicles that day. Coello said he did not confess because he had not done it.
- Boada said that when he heard gunfire he ran away from the confrontation and hurried into the lobby of a nearby apartment building. CICPC officers broke into the building, beat him, and detained him. When he arrived at the CICPC station, he was also taken to a bathroom where officials doused his clothes with gasoline, and threatened to set him on fire. He had his hands handcuffed behind his body, and more than 10 officials hit and kicked him in his back and ribs. After one of them beat his head using a helmet and he fell, another whipped him with a wet rag in his back and face.
- Holdack was filming civilians beating demonstrators when approximately four men—whom he told Human Rights Watch were officers—grabbed him by his hair, beat him, and detained him. When he arrived at the CICPC headquarters, he was thrown to the floor, where officials kicked him. One of them said: “We don't want those videos circulating in social networks.”
- Gil was grabbed by three officers in plainclothes in the plaza, who immediately started punching him in the ribs and the face. He said that the officers doused his hands in gasoline while taking him to the CICPC headquarters. By the time he arrived,

one of his eyes was swollen shut from a punch. When another officer asked him what had happened, Gil said he had been beaten by police. The officer told him he was wrong—and that in fact he had fallen. Another officer threatened to kill him.

- Martin was taking photographs of the confrontations with his cell phone when four men in plainclothes, armed with pistols, approached him and tried to take him away. He told us that because the men never identified themselves, he feared they were armed civilians, and tried to flee. The men grabbed him by his ponytail, sprayed his face with pepper spray, and beat him all over his body, yelling “damn opposition member” (*maldito oposito*). They continued to beat him on the head using a helmet as they transported him to the CICPC police station.
- González said he was taking photographs of burned cars when five armed men in plainclothes approached him, confiscated his phone, and detained him. Though he offered no resistance, he said he was beaten on the way to the CICPC headquarters.

After they were detained, all six men were forced to kneel facing a wall, with their hands handcuffed behind their backs, for approximately four hours. Human Rights Watch obtained a copy of a picture that an unknown source inside CICPC took of the men kneeling against the wall and had shared surreptitiously with their families.<sup>96</sup> Police officers repeatedly kicked the detainees, or hit them on the back of the head, slamming their faces into the wall.<sup>97</sup>

During their two-day detention at the CICPC station, the six men did not have access to lawyers and were not permitted to see their families. Coello’s mother told Human Rights Watch that on February 13 she visited another CICPC station and headquarters of the intelligence police (SEBIN) to find out where her son was detained, and officials would not tell her whether his son was detained there.<sup>98</sup>

On February 14 at 11 p.m., the six men were brought before a judge together with **10 other people** detained on February 12. They were only allowed access to lawyers half an hour or less before the hearing, and were forced to speak to them in front of officers from the

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<sup>96</sup> Copy on file with Human Rights Watch.

<sup>97</sup> Human Rights Watch interviews with Marco Aurello Coello, Luis Felipe Boada, Cristian Holdack, Nelson Gil, Demian Martin, and Ángel de Jesús González, Caracas, March 21, 2014.

<sup>98</sup> Human Rights Watch interview with Dorys Coello, Marco Coello’s mother, Caracas, March 19, 2014.

National Guard, who stood nearby. The defense lawyers were only able to see the prosecution's evidence a few minutes before the first hearing.<sup>99</sup>

The prosecution presented the fact that the detainees' clothes were stained with gasoline as evidence, the detainees said. They also presented photographs of the detainees' faces, taken when they were held in detention, alongside photographs of unidentifiable individuals engaged in confrontations with security forces, according to lawyers present at the hearing. For example, the evidence presented to implicate Gil included two photographs: a mug shot of him taken at the CICPC and another of a man seen from behind as he is throwing a stone towards security forces. The prosecution showed the photograph of a man who was wearing different clothing from what he was wearing when detained, Gil said. Similarly, in some of the other cases, the prosecution presented photographs of men throwing rocks at security officials, photographed from behind, or with their faces covered by bandanas or hoods, alongside the mug shots taken of the detainees by the police. The prosecution also presented photographs of a bottle with gasoline, and signs that demonstrators had held during the rally lying on the street.<sup>100</sup>

At the hearing, which occurred during the night and lasted several hours, the prosecutor charged the six men with incitement to commit crimes (*instigación a delinquir*), fire (*incendio*), property damage (*daños*), and association to commit crimes (*agavillamiento*). The six were accused of collaborating with each other in the commission of crimes, despite the fact they had never met before being brought to CICPC station for their detention. At 5:30 a.m. on February 15, the judge confirmed the charges against the six men and ordered they be held in pretrial detention. The judge granted the other 10 detainees conditional liberty.<sup>101</sup> There was no explanation given at the hearing as to why the two groups were treated differently.

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<sup>99</sup> Ibid.; Human Rights Watch interview with lawyers from the Venezuelan Penal Forum, Caracas, March 19, 2014.

<sup>100</sup> Human Rights Watch interview with lawyers from the Venezuelan Penal Forum, Caracas, March 19, 2014.

<sup>101</sup> The ruling only lists the names of eight others, but all six detainees told Human Rights Watch that there were ten other people accused of the same crimes at the hearing. Decision by Judge Janeth Jeréz, February 15, 2014. Copy on file with Human Rights Watch.

The judge ruled that there had been no violation of the detainees' due process rights because they had been taken before a prosecutor and a judge within the timeframe provided for by Venezuelan law.<sup>102</sup>

The six men were then moved to the Polichacao police station in Caracas, where they were not mistreated, they told Human Rights Watch. A month and a half later, on April 1, a judge re-confirmed the charges against them.<sup>103</sup> At this writing, only Coello and Holdack remained in pretrial detention; the other four had been released on conditional liberty.<sup>104</sup>

### **Barquisimeto, Lara State, March 11**

On March 11, civil engineering student **Wladimir Díaz**, 20, participated in a protest in Barquisimeto, in Lara state, in and around the Universidad Centro Occidental Lisandro Alvarado (UCLA), together with hundreds of students from the university and others in the area.<sup>105</sup> In the morning, students closed off part of the road outside of the school, but allowed cars to pass, Díaz said. Around 40 to 50 pro-government demonstrators arrived around midday, and yelled insults at the students.

Around 1:30 p.m., a National Guard armored anti-riot vehicle drove towards the students on the road, from which officers fired rubber bullets and teargas.<sup>106</sup> Some students threw rocks at the vehicle, while most retreated onto the campus, which is encircled by a wall. National guardsmen and police on foot also began to fire teargas and rubber bullets on the retreating students, Díaz said. They were joined by around 50 to 60 men in civilian clothes, most of whom had covered their faces with red bandanas. Díaz said some of the plainclothes men were from the group of pro-government demonstrators who had confronted student demonstrators earlier. Many were now armed with pistols, he said, and began to open fire on the students with live ammunition.

Despite standing meters away and seeing these armed men fire on the students, national guardsmen and police made no effort to disarm them and at several points conferred with

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<sup>102</sup> Decision by Judge Janeth Jeréz, February 15, 2014. Copy on file with Human Rights Watch.

<sup>103</sup> Under Venezuelan criminal law, a prosecutor has up to 45 days to bring charges against a detainee, archive the case until further evidence is obtained, or determine that there is no evidence to move forward with the prosecution. Criminal Procedures Code, art. 250.

<sup>104</sup> Human Rights Watch communication with lawyers from the Venezuelan Penal Forum and Fundeci, Caracas, April 1, 2014.

<sup>105</sup> Human Rights Watch interview with Wladimir Díaz, Barquisimeto, March 22, 2014.

<sup>106</sup> Human Rights Watch telephone interview with Wladimir Díaz, April 10, 2014.

them, Díaz said. His testimony was corroborated by various photos taken by students who participated in the protest that day, copies of which were obtained by Human Rights Watch.<sup>107</sup> Human Rights Watch also interviewed three professors, who, when they heard gunshots, hid in an office on campus with over a dozen students. They said they heard “constant firing” over the course of next several hours.<sup>108</sup>

As Díaz retreated into the campus, one of the plainclothes men pointed at him and said, “You’re going to get some lead.”

Díaz then went to the university’s dining hall; while he was there, a group of approximately 20 national guardsmen, five national police officers, and five armed civilians with their faces covered entered an unlocked building that was connected to the dining hall, and started firing at students. Díaz said he felt an impact in his abdomen, “which felt like a kick,”<sup>109</sup> and turned to flee. After a few steps, he felt blood coming out of the wound and could not run.

Other students carried the injured Díaz to a different part of the campus, and then took him, via motorcycle, to a nearby clinic. From there an ambulance took him to the Hospital Pastor Oropeza. At the hospital, members of the National Guard and the investigative police (CICPC) told the medical staff Díaz should be transferred to a military hospital, according to Díaz and his mother. They said it was unclear to them and doctors at the facility why security forces believed that they had a right to say where he was treated, and that he and his family found the armed guardsmen intimidating.<sup>110</sup> Díaz’s mother insisted he be taken to a different private clinic, where he was operated on.

Part of Díaz’s intestine was removed in the operation, he said. The doctor who operated on him said that the size of the bullet hole, and the fact that it passed through his body and exited out his back, was consistent with a wound caused by live ammunition rather than a

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<sup>107</sup> Photographs on file with Human Rights Watch.

<sup>108</sup> Human Rights Watch interview with Teresa Orellana, Mirian Alvarado, and Virginia Torres, UCLA professors, Barquisimeto, March 22, 2014.

<sup>109</sup> Acta de Comparecencia (Act of Testimony), P-14-361, Milagros Granadillo Cañizales (mother of victim), Defensoría del Pueblo, March 24, 2014 (on file with Human Rights Watch).

<sup>110</sup> Human Rights Watch interview with Wladimir Díaz, Barquisimeto, March 22, 2014; Human Rights Watch interview with Milagros Granadillo Cañizales (mother of Wladimir Díaz), Barquisimeto, March 22, 2014.

rubber bullet. A medical report provided to Human Rights Watch also stated that Díaz had a wound inflicted by a “firearm.”<sup>111</sup>

## San Antonio de los Altos, Miranda State, February 19

On February 19, around 500 demonstrators, including men, women, and children, closed off a section of the highway in San Antonio de los Altos with makeshift barricades. **Gengis Pinto, 36**, had been at the protest since the afternoon,<sup>112</sup> while **Luis Alberto Gutiérrez Prieto, 26, and his brother** arrived around 7 p.m.<sup>113</sup> Pinto and Gutiérrez, who did not know each other at the time and whom Human Rights Watch researchers interviewed separately, told us that while protesters had closed off part of the road, demonstrators were allowing cars to pass at reduced speed.

Around 8 p.m., a group of riot police from the National Guard arrived, firing teargas at demonstrators. Several demonstrators responded by throwing rocks and glass. At this time, several of the guardsmen fired live ammunition at protesters, according to Pinto and Gutiérrez, who said they saw them firing handguns, which are not used to fire rubber bullets. Gutiérrez said he also was able to distinguish the sound of a bullet being fired from the sound of rubber bullets being fired.<sup>114</sup> The guardsmen withdrew after approximately 15 minutes. Gutiérrez said he recovered at least 10 bullet casings after they had left.

Not long after, a metrobus (used for public transport) approached the barricade. Rather than slowing down, it sped up, nearly hitting several demonstrators, according to Pinto and Gutiérrez. Several protesters responded by throwing rocks and bottles at it. Government officials said the bus driver was removed from his vehicle and physically assaulted by demonstrators. Venezuela’s transportation minister, for example, said in a tweet that “violent people...beat [the driver] with brutality.”<sup>115</sup> Pinto and Gutiérrez, who

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<sup>111</sup> Medical report, Number: 20920941 Policlínica San Javier del Arca c.a., Barquisimeto, March 19, 2014 (on file with Human Rights Watch).

<sup>112</sup> Human Rights Watch interview with Gengis Pinto, San Antonio de los Altos, March 20, 2014.

<sup>113</sup> Human Rights Watch interview with Luis Alberto Gutiérrez Prieto, Caracas, March 18, 2014.

<sup>114</sup> According to Human Rights Watch senior arms researcher Mark Hiznay, the recoil produced by firing rubber bullets is greatly reduced when compared to live ammunition, producing a sound that is significantly less loud.

<sup>115</sup> Transportation Minister (Ministro del Poder Popular para Transporte Terrestre de Venezuela) Haiman El Troudi issued several tweets on the night of the incident. They contained pictures of what the minister said was the metrobus, and of injuries allegedly sustained by the driver after being the victim of an attack. Haiman El Troudi (@HaimanVZLA), “Our threatened compañero of the Metrobus is out of danger after being victim of punches, shows contusions” (“Nuestro



were at the demonstration at the time and said they witnessed the incident, told Human Rights Watch the bus had not been stopped and the driver had not been taken off it. By this time, the number of protesters had dropped to around 200, as the majority of children and elderly people left.

Around 9:30 p.m., a large group of security forces from the National Guard arrived on the scene by motorcycle. According to Pinto and Gutiérrez, between 50 and 100 motorcycles—often with two officers on each one—rode towards the barricade, with the officers on them firing teargas and rubber bullets. An amateur video of the incident filmed from an apartment complex overlooking the highway where the barricade had been placed corroborates their account.<sup>116</sup> Gutiérrez, Gutiérrez’s brother, Pinto, and many others fled.

Gutiérrez said he was soon surrounded by guardsmen who told him to lie face down with his hands and legs extended away from his body. As he lay there, he heard guardsmen beating and insulting another person nearby, as the detainee pled with them to stop. At that moment, he said, he heard the footsteps of someone approaching, and then felt a piercing impact on the left side of his face, where an officer had kicked him. He said the impact made a loud crack and blood immediately began to pour from his face. Within moments, he said, he felt difficulty breathing. A guardsman picked him up and walked him to a wall along a parking lot, where he counted six other detainees. They were all forced to get on their knees, facing the wall, with their hands on their heads.

Pinto also fled, but was soon surrounded by approximately 10 guardsmen, and placed his hands in the air. He said a guardsman approached him with his rifle pointed at his face. When the officer was between two and three meters away, Pinto lifted his arm to protect his face. At that moment, he said, he heard the sound of a shot and felt multiple impacts. The main blow was to his hand, which had been directly in front of his face. Had it not been there, he said, the main impact would have struck him in the center of his face. Later, doctors would remove 8 rubber pellets from the area around his eye, hand, shoulder and chest.

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compañero d Metrobus agredido esta fuera d peligro tras ser víctima d golpes, presenta contusiones”) 19 Feb. 2014, 6:32 pm, Tweet. <https://twitter.com/HaimanVZLA/status/436322667223080960>.

<sup>116</sup> The video, provided by Pinto to Human Rights Watch, shows footage of more than 20 motorcycles riding towards the location of the barricade firing their weapons. Subsequently, it shows security forces lining up detainees on the wall bordering the parking lot, corroborating the accounts by Pinto and Gutiérrez. Video on file with Human Rights Watch.

Pinto fell to the ground where, within moments, he felt three or four bursts of electric current applied to his body (he did not see the device that was used to apply the shocks), and multiple kicks to his body. He was then picked up off the ground and taken to the nearby wall bordering the parking lot.

Pinto and Gutiérrez said that they were among the first detainees to be brought over to the wall. Within a half hour, more than 40 people—including four women and four boys, they said—would be brought there, where they too were made to kneel with their hands on their heads.<sup>117</sup>

Pinto and Gutiérrez estimated they were there between an hour and two hours. They said that guards would come by every few minutes and, if the detainees were moving—and in some cases for no apparent reason—strike them on the backs of their heads with their helmets or their fists.<sup>118</sup> Guards came by and told them to remove their shoelaces, which they then used to bind their wrists. Another guard came by and robbed all of the detainees of their valuables, taking cell phones, wallets, watches, and bracelets.

More and more motorcycles arrived behind them, and several guards came by to threaten them. Gutiérrez said one of the guards said to the group of detainees that they were going to strip them naked, soak them with water, and lock them in a small room where they were going to throw teargas canisters, so that their skin would burn from the gas. Pinto remembered one saying, “we’re going to disappear you.”

Around 11 p.m., the 44 detainees were loaded into the backs of pick-up trucks. Gutiérrez said they were packed tightly with other detainees in the back of one of the trucks. By the time officers went to load Gutiérrez into a truck, there was no room left. As a result, officers forced him to squat on the backs of other detainees. Because his wrists were still bound, preventing him from holding onto anything, he was terrified he would fall out of the truck on a turn. He said when he told the guards this they laughed.

The detainees were brought to a military installation (*Liceo Militar Pedro María Ochoa Morales, PMOM*), where they were called one by one to be interviewed by a woman in

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<sup>117</sup> Ibid. The video provided by Pinto shows dozens of detainees being held along the wall, after having been brought over by guardsmen.

<sup>118</sup> Ibid. In the video, guardsmen can be seen beating the detainees with batons, helmets, and their fists.

uniform, who others referred to as “lieutenant.” She took their photo and asked for their names and ID numbers. Gutiérrez said that, upon seeing the blood and significant swelling on his face from where he had been kicked, the lieutenant said, “Ouch, they gave it to you bad.”

Pinto and Gutiérrez said they both repeatedly told the guardsmen they were in serious pain, and needed medical care. Pinto said several of his fingers had been disfigured from the shot, and his hand was in serious pain, while Gutiérrez said he was having trouble breathing as a result of the kick, which had fractured several bones in his face. Pinto, Gutiérrez, and three other seriously wounded detainees—who had been shot with rubber or else beaten badly—were separated out from the others.

One of the seriously injured was a boy. His ribs had been badly bruised from a kick by a guardsman who detained him, he told Gutiérrez after they were separated out from the other detainees. The boy was having difficulty breathing from the pain in his ribs, he said.

While they were separated out from the other guards, Pinto and Gutiérrez both confirmed independently, multiple guardsmen approached them to ask how they had been injured, and to suggest an alternate version of what had happened. Gutiérrez said a guardsman approached him and asked, “What happened to you?”

“A kick,” Gutiérrez answered.

“From whom?” the guardsman asked

“From the guardsmen,” Gutiérrez said.

“That won’t work,” the guardsman said. “What happened to you is you ran into a streetlamp. Better, a friend of yours broke a bottle on your face so you would continue to man the barricade.”

### *The Hospital*

It was not until approximately 2 a.m.—roughly three hours after they had arrived at the military facility, and over four hours after they had been detained—that the seriously wounded detainees were taken to see a doctor.

Pinto said more than six guardsmen accompanied them into the hospital. One doctor, upon seeing the condition they were in, reprimanded the guards in front of the detainees,

calling them “savages” for what they had done to the detainees. In response, one of the guards said to him, “You tend to them now, or I’ll lock you up.” The doctor responded, “Are you going to kill me too?” according to Gutiérrez.

The guardsmen forbade the doctors from recording the arrival of the patients, according to Gutiérrez and Pinto, as was their standard practice. Gutiérrez said that his mother, who is a nurse, later went to the hospital to check its register for that evening, in which the names of all of the patients are entered. She said there was no record of the five detainees that night.

When doctors asked to contact the family members of the detainees, the guardsmen also refused. One doctor insisted the families be called, saying they had a right to know. A guardsman responded that if the families showed up at the hospital, the doctors were going to have problems, Pinto told Human Rights Watch.

After reviewing the injuries of the detainees, the doctors said that they needed specialized medical care, which they were not equipped to provide at the facility. The ranking officer refused to transfer the detainees to another facility, telling the doctors they had explicit orders to take the detainees back to the military base. One of the five detainees was taken to a different part of the hospital; Gutiérrez and Pinto did not see him again. The remaining four were handcuffed together in pairs and, around 5 a.m., returned to the military base, against the doctors’ recommendation.

Pinto and Gutiérrez were taken to an open-air courtyard of the military installation, where the other approximately 40 detainees were being held. The sun rose around 6 a.m., and the detainees were left in the intense sun all day. Gutiérrez and Pinto said they and the other detainees repeatedly asked for medical attention, but it was denied. Both said they were experiencing serious pain, due to the fact that the doctors at the clinic had only been able to clean their wounds, but were not able to treat the serious injuries they had.

Around 3 p.m., investigative police came and took their names, identification numbers, and fingerprints. Then, the detainees were taken in groups of 10 people for a medical inspection, a procedure during which military officers were present.

Pinto said he was taken to a private clinic at approximately 6 p.m., nearly a full day after he had been detained. There, according to a medical report, he was treated for wounds to his

right hand, his left elbow, and his left eye.<sup>119</sup> During the interview, Pinto showed Human Rights Watch X-rays of his left elbow and right hand that showed multiple rubber pellets embedded under the skin, and provided a copy of the X-ray analysis.<sup>120</sup> An ophthalmology exam found that Pinto’s left eye suffered trauma from the shots, noting pain, tearing up, and blurred vision as a result of the injury to his eye.<sup>121</sup>

Gutiérrez arrived at the emergency room at the same time—approximately 2 a.m.—where he was diagnosed with “facial cranial trauma,” serious nasal bleeding and “disfigurement” of his frontal and nasal region.<sup>122</sup> A subsequent, more extensive physical examination found severe disfigurement of his nasal pyramid, with crushed bones and multiple fractures in his face.<sup>123</sup> Gutiérrez required multiple surgeries to reconstruct and realign the bones in his face and nasal area, and said a metal bridge had to be implanted in his forehead and another in his nasal area.

Hearings before a judge for Pinto and Gutiérrez were held in the medical facilities where they were being treated. Both were charged with obstruction of roadways (*obstrucción de vías*), resisting arrest (*resistencia al arresto*), damage to public property (*daños a bienes públicos*), and association to commit a crime (*asociación para delinquir*).

### *An Eyewitness Account of their Detention at the Military Installation*

On February 21, a lawyer from the Venezuelan Observatory of Prisons (Observatorio Venezolano de Prisiones), a Venezuelan human rights organization, was briefly granted access to the military installation where Pinto and Gutiérrez had been held until 6 p.m. on February 20, and where other people detained in the same incident were still being held. The lawyer’s account corroborates many of the conditions that Pinto and Gutiérrez described, as well as ongoing abuses against the other detainees.

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<sup>119</sup> Medical report, Name of Patient: Gengis Pinto, Centro Medico Docente El Paso, C.A., Los Teques, Estado Miranda, February 22, 2014. Copy on file with Human Rights Watch.

<sup>120</sup> X-Ray examination (Informe radiológico), Centro Medico Docente El Paso, C.A., Los Teques, Estado Miranda, February 20, 2014. Copy on file with Human Rights Watch. The exam says that his right hand “shows evidence of rubber bullet” in a finger, while in his left elbow multiple pellets are visible.

<sup>121</sup> Ophthalmology exam, February 29, 2014. Copy on file with Human Rights Watch. The name of the ophthalmologist has been kept confidential.

<sup>122</sup> Medical report, Name of patient: Luis Gutiérrez. Centro Medico Docente El Paso, C.A., Los Teques, Estado Miranda, February 22, 2014.

<sup>123</sup> Medical report II, Name of patient: Luis Gutiérrez. Centro Medico Docente El Paso, C.A., Los Teques, Estado Miranda, February 22, 2014.

The lawyer had been in touch with several detainees' families on February 20, who had informed her that their relatives were being held on the military base.<sup>124</sup> She went there early in the morning of February 21, and found many families congregated outside of the main entrance. The families told her they had not been allowed to enter, and that the national guardsmen at the gate would not confirm whether their relatives were being held inside.

After repeated requests to meet with a ranking official to find out who was being held at the installation, the lawyer was brought onto the military base by a captain. The captain took her to a room that resembled a cafeteria and told her to wait there. The room looked out onto the courtyard where dozens of detainees were being held, she said. "The men were all handcuffed in pairs, including the minors, only the women escaped this situation," she told Human Rights Watch.<sup>125</sup> The detainees were sitting on the ground, and were only allowed to move when they were taken to the bathroom; even then, she said, their handcuffs were not removed. "I could see that all of them had been beaten up," she said.

The lawyer also observed an officer in uniform yelling at the detainees for trying to talk to one another. "Shut up! You're not going to talk anymore!," he yelled. Ten minutes after she had been brought to the cafeteria, a lieutenant noticed her standing there and asked what she was doing. When she tried to explain she was a human rights lawyer who had been brought there by another officer and told to wait, the lieutenant yelled at her, saying she should not be there. He told another guardsman to take her to another location, out of view of the detainees. There, she found other lawyers of detainees waiting.

The lawyer said she and the other lawyers waited until approximately 7 p.m., but were not allowed to speak with detainees. From the time she arrived, she noticed prosecutors were also present on the military base, and were speaking with guardsmen. She approached a group of prosecutors to ask when the detainees would be brought before a judge. According to the lawyer: "Their answer was that they didn't know, that they had fulfilled their duties on time, and that the rest was not their responsibility. They also indicated that my presence there was not necessary and didn't make sense because the [detainees] rights had been respected at all times and that 'clearly they weren't beaten.'"<sup>126</sup>

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<sup>124</sup> Human Rights Watch interview with Andrea de Sousa de Nobrega, Caracas, March 20, 2014.

<sup>125</sup> Email communication from Andrea de Sousa de Nobrega to Human Rights Watch, April 20, 2014.

<sup>126</sup> *Ibid.*

The lawyer said that when the hearings before judges were about to begin, she overheard a nearby conversation between guardsmen (including the lieutenant who had yelled at her earlier) and prosecutors. She said that the guardsmen said there was “a problem with some X-rays,” which “would cause the case [against a detainee] to collapse, so they should make [the case] disappear.” Shortly thereafter, she was told that she had to leave the base by orders of a judge, and was escorted out by guardsmen.

The lawyer told Human Rights Watch that she waited outside of the base that night. She spoke with several of the detainees who were released after having been charged. She said they told her they had been made to sign a document—which stated that they had not been abused by officials and that their due process rights had been respected—before they were allowed to speak with their lawyers. They also told her they did not get to meet with their lawyers until their hearings before a judge began.

## Abuses in the Street

### Barquisimeto, Lara State, February 12

On February 12, **Juan Carlos Briceño**, a 24-year-old student, participated in a peaceful demonstration in Barquisimeto in which hundreds of people, including families with children, protested against shortages of basic goods.<sup>127</sup>

When the march arrived at the entrance of a National Guard complex (*Brigada 14*) at around 4:30 p.m., approximately 50 guardsmen started insulting protesters, calling them “*esquálidos*”—a derogatory term meaning “squalid ones” that government officials and supporters routinely use to refer to political opponents—and firing rubber bullets into the air, according to Briceño. When a group of protesters reacted by throwing rocks at the guardsmen, he turned to flee.

As he was running away from the National Guard complex, he was shot in his lower back with a bullet, and fell to the ground. He lay there until other protesters carried him inside a nearby building, where they waited for half an hour until the violence on the street subsided so they could drive him to a hospital.<sup>128</sup> Briceño told Human Rights Watch he saw at least two other patients whom he said were shot by live ammunition during the same protest arrive at the hospital that day.<sup>129</sup>

According to a medical report reviewed by Human Rights Watch, doctors had to operate on Briceño to remove a bullet from his body and reconstruct part of his spine. The spinal injury left Briceño paraplegic and in severe pain, according to the report.<sup>130</sup> When Human

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<sup>127</sup> Human Rights Watch interview with Juan Carlos Briceño, Barquisimeto, March 22, 2014; see also photographs published by a local newspaper corroborating key aspects of Briceño’s statement: “Photographs and video: Student protest in Barquisimeto” (Fotos y Video: Jornada de Protesta de los estudiantes en Barquisimeto), *La Prensa de Lara*, February 12, 2014, <http://www.laprensalarara.com.ve/2014/02/12/fotos-y-video-jornada-de-protesta-de-los-estudiantes-en-barquisimeto/> (accessed April 12, 2014).

<sup>128</sup> Human Rights Watch interview with Juan Carlos Briceño, Barquisimeto, March 22, 2014. Human Rights Watch reviewed photographs of his injuries and of the moment in which he was being transported by other protesters to the hospital. Copies on file with Human Rights Watch.

<sup>129</sup> Ibid.

<sup>130</sup> Medical report by Dr. Victor Manuel González from the Clinical Center Valentina Canabal, February 23, 2014. Juan Carlos provided Human Rights Watch a copy of an X-ray showing the bullet inside his spine, and of a photograph of the bullet they removed from his back. Copy on file with Human Rights Watch.



Rights Watch interviewed Briceño on March 22, he had recovered partial use of his legs and was just beginning to walk with the help of a walker.

## **Barquisimeto, Lara State, February 12**

On February 12, **Adrián Montilla Pérez**, 20, was attending a demonstration in Barquisimeto when, around 4:30 p.m., national guardsmen opened fire with teargas and rubber bullets.<sup>131</sup> Montilla said he turned and ran in the other direction when he spotted a woman who had been shot in the leg and fallen to the ground. According to a complaint he placed before the Ombudsman's Office, Montilla said, "I stopped to help her and after I'd taken three steps I felt an impact in my right knee."<sup>132</sup>

Montilla said the bullet entered from behind, from the direction from which national guardsmen were firing on protesters, meaning he was shot as he was fleeing. He said he called for help because he could no longer carry the wounded woman due to the pain in his leg, and another person came to relieve him. As he continued to limp away from the national guardsmen, he told Human Rights Watch that he saw a National Guard tank drive towards fleeing protesters, firing teargas, while National Guard motorcycles rode through the crowd, beating protesters. Montilla also witnessed several national guardsmen subdue a protester on the ground. The guards pulled aside the man's arms, which he was using to cover his head, and kicked him repeatedly in the head, Montilla said.

Montilla's friend helped him reach a shopping mall, where she took him into a store and tied a tourniquet around his leg to stop the bleeding, then hid him in the bathroom. He said that, after the national guardsmen had left the immediate area, she took him to the Hospital Central Antonio María Pineda. There, he was operated on immediately.

Doctors told his family that the bullet wound came from live ammunition, rather than rubber pellets.<sup>133</sup> Two X-rays provided to Human Rights Watch also show a bullet in Montilla's thigh, and the accompanying X-ray report confirms the presence of a bullet.<sup>134</sup>

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<sup>131</sup> Human Rights Watch interview with Adrián Montilla, Barquisimeto, March 22, 2014.

<sup>132</sup> Act of Testimony (Acta de Comparacencia), Expediente P-14-212, March 24, 2014 (on file with Human Rights Watch).

<sup>133</sup> Ibid.

<sup>134</sup> Ecodoplar Report (Informe de Ecografía Doppler), Centro Profesional Arca, Barquisimeto, February 13, 2014. Copies of two of the victim's X-rays on file with Human Rights Watch.

Montilla said doctors told him they would need to wait approximately one month before trying to remove the bullet from his leg.

## Caracas, February 15

The night of February 15, **Gabriel Osorio**, a 43-year-old journalist, was taking pictures of a demonstration in Caracas when clashes broke out between members of the National Guard and demonstrators.<sup>135</sup> Osorio sought refuge at the entrance of an apartment building to wait for the teargas to dissipate.

When Osorio was able to see more clearly, he noticed a guardsman standing 10 meters away from him. Osorio told Human Rights Watch he put his hands up in the air, showed him his press credentials, and shouted, "Press!" Without any warning, the guardsmen started shooting in his direction, so Osorio ran away. Approximately four guardsmen ran after him, shooting in his direction, until he was hit and fell in the middle of the road.

The guardsmen grabbed Osorio by the arms, picked him up, and one of them hit him with the back of a firearm in his head. Osorio fell to the ground again, and felt another blow on his head, while six guardsmen, all of them with their faces covered, surrounded him and started kicking his head, body, and testicles. He told them again that he was a journalist and one of the guardsmen simply responded: "The camera!" and attempted to take it away from him. One of the guardsmen then pulled his backpack to try to take it away and could not do so—because Osorio had tied two of the strings across his stomach—so he started pulling Osorio backwards on the street, while the rest continued to kick him.

The guardsmen left, leaving Osorio lying in the middle of the street. Osorio told Human Rights Watch he stood up, passed out, and woke up some time later when neighbors were assisting him.

Medical reports, X-rays, and pictures reviewed by Human Rights Watch are consistent with Osorio's account, and show that Osorio suffered two broken ribs and several bruises on his leg, back, and head (including two that required stitches). One of the reports also

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<sup>135</sup> Human Rights Watch interview with Gabriel Osorio, Caracas, March 24, 2014.

states the doctor observed wounds to his body consistent with injuries left by rubber bullet.<sup>136</sup>

## Barquisimeto, Lara State, February 18

Six people—**Moisés Evencio Río**, 43; **Wilson Octavio Vásquez**, 18; **Jesús Alejandro Escalante**, 18; Escalante’s 16-year-old cousin; and two others, one of whom was 16—were arbitrarily detained in Barquisimeto, in Lara state, at approximately 8:30 p.m. on February 18.<sup>137</sup>

According to a copy of a police report on their detention obtained by Human Rights Watch, national police responded to reports that the local station of CANTV, the official government telephone and internet service provider, was being vandalized. According to the report, when the police arrived:

...[W]e observed the presence of approximately 15 people of the male sex exiting the interior of the offices of CANTV through the door that forms part of a gate...[[U]pon noticing the police presence, [the men] fled at a quick run; we immediately gave the order to stop, identifying ourselves as active functionaries of the Bolivarian National Police...[I]gnoring the order to stop an encircling action was taken a few meters from the action, with the aim of capturing the subjects...<sup>138</sup>

Contrary to the claims in the police report, the detainees were not in fact detained while fleeing the CANTV station, nor were they detained a “few meters” from the station. According to the detainees’ testimony before authorities, they were picked up blocks away from the station;<sup>139</sup> and the victims’ relatives told Human Rights Watch that the victims

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<sup>136</sup> Medical report by Dr. Olivia García Fridman, Íntegra Medical Services (Íntegra Servicios Médicos), February 13, 2014; Medical report by Dr. Margiori Everón from the Municipal Institute of Cooperation and Attention to Health (*Instituto Municipal de Cooperación y Atención a la Salud*), February 15. Copy of report, pictures, and X-ray on file with Human Rights Watch.

<sup>137</sup> Human Rights Watch interview with Medardo Deroy (brother of Moisés Evencio Río), Barquisimeto, March 22, 2014; Human Rights Watch interview with María Fernanda Cadena (mother of Jesús Alejandro Escalante), Barquisimeto, March 22, 2014; Human Rights Watch interview with Octavio Vásquez (father of Wilson Octavio Vásquez), Barquisimeto, March 22, 2014.

<sup>138</sup> Centro de Coordinación Policial Iribarren, “Police Act CPNB-LA-GD-0088-14 (*Acta Policial*)”, Barquisimeto, February 18, 2014, Expediente KP01-P-2014-003603, pp. 2-9 (on file with Human Rights Watch).

<sup>139</sup> Criminal Judicial Courts of Lara state, 10th Prosecutor’s Office of Lara state, File (*Expediente*)KP01-P-2014-003603 (on file with Human Rights Watch). The CANTV station is located on the corner of Avenida Venezuela and Calle 10, whereas according to witnesses and the video footage obtained by Human Rights Watch, the detainees were arrested on the corner of Carrera 25 and Calle 11. For detainees to have fled from the CANTV station to the location where the police claimed to have arrested them, they would have had to have taken one of two routes before being caught: 1) fled down the full length of a block of

were with them when the attack on CANTV occurred.<sup>140</sup> Video footage of their detention filmed by neighbors and reviewed by Human Rights Watch corroborates this.<sup>141</sup>

Río had stepped out to move his car, his brother told Human Rights Watch. Escalante and his 16-year-old cousin had left Escalante's parents' house minutes earlier, and were walking to get something to eat. They were outside the cousin's home, who lived on the block where they were detained.<sup>142</sup>

At 8:35 p.m., several national police on motorcycles closed off the two ends of the street. A group of police set upon Escalante and his cousin, who was a child, and, without provocation, began to beat them. The cousin's mother was a witness and immediately called Escalante's mother to tell her what had happened.<sup>143</sup> Escalante tried to shield his younger cousin, and was beaten more aggressively as a result. Escalante later told his mother that after he had been separated from his cousin, an officer gave him an electric shock on his arm, even though he was offering no resistance. The cousin's mother, who came outside and tried to intervene to stop police from detaining her son, was also beaten by police officers.

Río, who suffers from serious heart problems and spinal issues, was thrown against the side of a building, breaking the glass of a window from the force. He was then handcuffed and pushed into the back of a pick-up truck.<sup>144</sup> Because his hands were bound at the time he was loaded in, he could not break his fall, and fell face-first into the truck, badly bruising his face. Escalante, his cousin, and the three other detainees were loaded into the same pickup, and beaten over the duration of their ride to a police facility.

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Avenida Venezuela, then taken a left on Calle 11, and then ran another full block to the far end of the street; or 2) fled the full length of a block of Calle 10, taken a right, fled down another full block of Carrera 25, and then taken another right on Calle 11. By either route, the distance was significantly more than "a few meters" from the CANTV station. Casting further doubt on the police's account is the fact that Moisés Evencio Río was unable to run due to chronic spinal and heart problems, according to his brother (Medardo Deroy), so would not have been able to flee from police if he had been spotted near the CANTV station.

<sup>140</sup> Human Rights Watch interview with Medardo Deroy, March 22, 2014; Human Rights Watch interview with María Fernanda Cadena, March 22, 2014; Human Rights Watch interview with Octavio Vásquez, March 22, 2014.

<sup>141</sup> The video, which was recorded by a neighbor, shows the detention of Escalante and Río, as they are being loaded in handcuffs into a pick-up truck. The street depicted reveals that the detention did not occur outside of the CANTV facility, as reported by police, but rather on a different block. Human Rights Watch later visited the location of the arrest shown in the video, which was confirmed by a witness as the place of detention, and we confirmed it was not directly next to the CANTV facility. A copy of the video, provided by the detainees' relatives, is on file with Human Rights Watch.

<sup>142</sup> Human Rights Watch interview with María Fernanda Cadena, Barquisimeto, March 22, 2014.

<sup>143</sup> Ibid.

<sup>144</sup> Human Rights Watch interview with Medardo Deroy, Barquisimeto, March 22, 2014.

The six were held incommunicado at a police facility until February 21—more than 48 hours after their detention—at which time they were charged with eight crimes: resisting authority (*resistencia a la autoridad*), damages to public patrimony (*daños al patrimonio público*), obstruction of public roadways (*obstaculización de vías*), instigation to commit a crime (*instigación a delinquir*), use of an adolescent to commit a crime (*uso de adolescente para delinquir*), burning of buildings (*incendio de edificaciones*), aggravated public intimidation (*intimidación pública agravada*), and instigation to hate (*instigación al odio*).<sup>145</sup> While three of the detainees were granted conditional liberty after being charged, Río, Vásquez, and Escalante were held in jail until April 8, 2014, at which time they were granted conditional liberty awaiting their trial.<sup>146</sup>

### Valencia, Carabobo State, February 20

On February 20, 2014, **Óscar Tellechea**, a 27-year-old communications student who works for a news agency, was taking pictures and covering a peaceful demonstration in Valencia that turned violent after security forces used force to disperse it, Tellechea told Human Rights Watch. Tellechea, who said that at the time he was wearing a hat with the name of the agency he works for and had his press credentials visible, told Human Rights Watch that a member of the National Guard stopped him, pointed a shotgun at his head, and ordered him to delete all pictures he had in his camera. After doing so, the guardsman allowed him to go. Tellechea was leaving when another guardsman stopped him and confiscated his camera. He also kicked Tellechea as he was walking away, he said.<sup>147</sup>

### Valencia, Carabobo State, February 24

On February 24, 2014, **Marvinia Jiménez**, a 36-year old seamstress, was attacked by a member of the Guard of the People after she filmed officials using her cell phone as they shot teargas canisters at protesters.<sup>148</sup>

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<sup>145</sup> Criminal Judicial Courts of Lara state, 10th Prosecutor's Office of Lara state, File (*Expediente*) KP01-P-2014-003603 (on file with Human Rights Watch), pp. 199-200.

<sup>146</sup> Email communication from Medardo Deroy to Human Rights Watch, April 9, 2014.

<sup>147</sup> Human Rights Watch interview with Óscar Tellechea, Valencia, March 23, 2014.

<sup>148</sup> “Marvinia Jiménez: I thought I Had Been Attacked by a Gorilla” (Marvinia Jiménez: Yo creí que me había atacado una gorila), *El Carabobeño*, March 2, 2014, <http://www.el-carabobeno.com/portada/articulo/76639/marvinia-jimenez-yo-cre-que-me-haba-atacado-una-gorila> (accessed April 23, 2014); “Marvinia Jiménez Tells Us about Her Attack” (Marvinia Jiménez nos relata cómo fue su agresión), YouTube video, uploaded on March 6, 2014, <https://www.youtube.com/watch?v=yRtQ2BO8Mk> (accessed April 23, 2014); “Marvinia Jiménez. Testimony. Attacked by Guard of the People. La Isabelica. Carabobo” (Marvinia Jiménez. Testimonio. Agredida por Guardia del Pueblo La Isabelica. Carabobo), YouTube video, uploaded on February 28, 2014, <https://www.youtube.com/watch?v=yaHDpKyZTsA> (accessed April 23, 2014). Human Rights

A guardsman spotted Jiménez and tried to take away her phone, but she threw it far away so he could not take it, according to various accounts Jiménez gave of her attack. Immediately afterwards, a guardswoman threw her to the pavement and sat on her, beating her, hitting her repeatedly in the head with a helmet, spitting on her and biting her. The beating was filmed and photographed by several eyewitnesses, whose footage corroborates her account. Jiménez’s face and head were seriously bruised in several places, and she had to wear an orthopedic neck brace while recovering from the injuries.<sup>149</sup>

After the beating, Jiménez was handcuffed, but guardsmen did not tell her why she was being arrested. At 2 p.m., she was driven to a military complex of the Guard of the People, where she was detained along with three other individuals who had been beaten by national guardsmen, including a man who was vomiting blood from his injuries, Jiménez said. Around 6 p.m., she was taken to receive basic medical care, and subsequently driven to a police station where she spent the night sleeping on the floor.

The following morning, a man who identified himself as a representative of the Ombudsperson’s Office<sup>150</sup> asked her to sign a document stating she was in good health, according to Jiménez. She refused, stating she had a severe headache, and the man responded, “That is not my problem because I am here to certify that you do not have anything.”<sup>151</sup>

## Caracas, March 3

At 12:30 p.m. on March 3, **Pedro González**, a 24-year-old university student, went to his friend’s apartment near Plaza Altamira—a public square that had been the site of regular

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Watch interviewed lawyers from the Venezuelan Penal Forum and the Bar Association of the state of Carabobo assisting in Jiménez’s defense, who corroborated the details of her detention and severe beating. Human Rights Watch interview with lawyers from the Venezuelan Penal Forum, Caracas, March 19, 2014; Human Rights Watch interview with lawyer from the Bar Association of the state of Carabobo, Valencia, March 23, 2014.

<sup>149</sup> “National guardsman that brutally beat Marvinia Jiménez remains free” (GNB que golpeó brutalmente a Marvinia Jiménez sigue libre), *La Patilla*, March 14, 2014, <http://www.lapatilla.com/site/2014/03/14/gnb-que-golpeo-brutalmente-a-marvinia-jimenez-se-encuentra-libre/> (accessed April 23, 2014); “Marvinia Jiménez: a victim that the Venezuelan system disregards” (Marvinia Jiménez: una víctima que el Sistema desprecia en Venezuela), YouTube video, uploaded on February 28, 2014, <https://www.youtube.com/watch?v=d1eyCZ2cFNw> (accessed April 23, 2014).

<sup>150</sup> The Ombudsperson’s Office (Defensoría del Pueblo) is an official government institution created in 1999 for the promotion and defense of human rights guaranteed in the Venezuelan Constitution and international human rights treaties.

<sup>151</sup> “Marvinia Jiménez: I Thought I had been Attacked by a Gorilla” (Marvinia Jiménez: Yo creí que me había atacado una gorila), *El Carabobeño*, March 2, 2014, <http://www.el-carabobeno.com/portada/articulo/76639/marvinia-jimenez-yo-cre-que-me-haba-atacado-una-gorila> (accessed April 23, 2014).

protests in Caracas.<sup>152</sup> He and his friend spent the afternoon in the apartment. Around 5:30 p.m., teargas began to waft into the apartment, so González went down to the building's enclosed, open-air courtyard to get some air. About a dozen other residents had also come down to the courtyard, including several who congregated in the building's entrance. From there, they looked out on the street, where, around 5:55 p.m., they observed police firing teargas and rubber bullets at protesters, and protesters throwing the canisters and stones back at police.

González says he was standing in the courtyard when five or six national police officers charged through the entrance of the building. As he turned to run away, several officers grabbed him and, though he offered no resistance, threw him to the ground and dragged him out of the building.

The forcible entry of the police into the apartment building, as well as the arbitrary arrest of González with no apparent justification, was captured on at least four videos, shot from different vantage points, which corroborate his version of what happened. They include: surveillance camera footage from cameras within the building (one overlooking the courtyard, and the other overlooking the building's entrance); a recording by a professional cameraman, who had been standing in the building's doorway when police barged in, grabbing González; and amateur footage shot from an apartment on one of the higher floors of the same building.<sup>153</sup> González provided Human Rights Watch with all four videos.

One of the surveillance videos shows González pacing around the enclosed courtyard minutes before his arrest, and then walking towards the building's entrance. Suddenly, various residents begin to flee away from the building's entrance, and into the courtyard, including González. Uniformed police officers follow closely behind them, and two of them grab González, throw him to the ground, and drag him out of the building.

The video shot by the professional cameraman standing in the entrance of the apartment building shows police firing teargas towards protesters in the street, while protesters respond by throwing stones at police. Then, at least one protester flees past the

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<sup>152</sup> Human Rights Watch interview with Pedro González (pseudonym), Caracas, March 24, 2014. The identity of the victim has been withheld out of concern for the individual's safety.

<sup>153</sup> Four videos provided by González to Human Rights Watch. Copies on file with Human Rights.

cameraman and into the building. Next, the video captures police charging through the entrance of the building, grabbing González, and forcibly dragging him out.

González was taken to a police car nearby, where officers threatened to kill him, saying, “So you are going to throw stones? You’re going to be sorry.” Police took his cell phone, wallet, keys, and backpack and held him incommunicado in the Helicoide jail until the following day, during which time he was handcuffed together with two other individuals.

At his hearing, which was held at approximately 5 p.m. on March 5, prosecutors accused him of throwing stones at police, and charged him with instigation to public disorder (*instigación al desorden público*) and resisting authority (*resistencia a la autoridad*). The only evidence presented against him, he said, were razor wires allegedly found in the area. The judge told him that his conditional freedom would be revoked if he participated in any future protests.

### **Barquisimeto, Lara State, March 7**

On March 7, **Willie David Arma Menéndez**, 29, was standing on the corner outside his home in Barquisimeto with three friends, when he saw several national guardsmen driving towards them in official vehicles and motorcycles.<sup>154</sup> Arma and his friends turned and ran from the guardsmen. As he ran, Arma was shot in the back of his neck, and fell to the ground. Three guardsmen detained him, and began to drag him towards an official vehicle. He told Human Rights Watch that although he offered no resistance, other guardsmen shot him several more times.

Medical reports reviewed by Human Rights Watch show that he was hit by 14 rubber-bullet pellets in different parts of his body, including in his neck, leg, stomach, and right thigh.<sup>155</sup> Six of the pellets were imbedded in his body and had to be removed by doctors, suggesting they had been fired from close range.

Arma was held in a National Guard vehicle for almost an hour, during which time three guardsmen beat him with helmets and the butts of their rifles, kicked him, and stuffed a

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<sup>154</sup> Human Rights Watch interview with Willie David Arma Menéndez, Barquisimeto, March 22, 2014.

<sup>155</sup> Medical report by Dr. Jorge Luis Pico, March 7, 2014. Copy of the report and pictures of Arma’s injuries on file with Human Rights Watch.



cloth into his mouth. As they assaulted him, the guardsmen asked him: "Who is your president?" No matter what Arma responded, he said, the guardsmen continued to beat him.

The guardsmen then took him to a military installation (*Destacamento 47*), where he was forced to sit with his head between his legs for approximately four hours, until he was released without charge. Despite the fact that he had several rubber bullet wounds, he was not given medical attention during his detention.

## Caracas, March 14

On March 14, 2014, **Rafael José Montilla Isturiz**, a 35-year-old photographer who works for a news agency that provides information to a Russian paper, was detained by members of the National Guard while he was filming a demonstration in Plaza Altamira, Caracas.<sup>156</sup>

According to Montilla, who is a Rastafarian and had dreadlocks that reached his waist, a guardsman pulled his hair, threw him to the ground, and took away his bag. Despite the fact that he said he was a journalist, the guardsman took away his camera and detained him. He was driven in an official vehicle to a military installation. When he arrived, Montilla was taken, handcuffed, to a kitchen, where a guardsman told him they would cut his hair "so he becomes a man" (*para que seas un hombre*). The guardsman cut off his hair, while the others laughed, even though he explained to them the dreadlocks were closely associated with his religious beliefs as a member of the Rastafari movement.<sup>157</sup>

He was brought before a judge on March 16, together with 13 others that had been detained that day. A prosecutor charged all of them, including Montilla, with public incitement to commit crimes (*instigación pública*), obstructing public roads (*obstaculización de la vía pública*), and resisting authority (*resistencia a la autoridad*). Two of the fourteen were also charged with possessing flammable substances (*detención de sustancias incendiarias*). Despite the fact that different private lawyers argued that their

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<sup>156</sup> Summary of Hearing (*Acta de audiencia*), March 16, 2014, signed by Judge Dr. Franx Ceballos Soria and prosecutor Mereys Lucena. Copy on file with Human Rights Watch; Human Rights Watch interview with Nizar El Fakih, lawyer present at the hearing, Caracas, March 19, 2014.

<sup>157</sup> Summary of Hearing (*Acta de audiencia*), March 16, 2014, signed by Judge Dr. Franx Ceballos Soria and prosecutor Mereys Lucena. Copy on file with Human Rights Watch.

defendants had been arbitrarily detained or abused, the judge confirmed all charges, and ordered the conditional release of the 14 detainees.<sup>158</sup>

## Valencia, Carabobo State, March 21

At approximately 12 p.m. on March 21, 2014, **Daniela Rodríguez** was filming a demonstration using her cell phone near her home in the municipality of San Diego, in Valencia, when violence broke out between the Carabobo state police and protesters.<sup>159</sup>

According to an eyewitness interviewed by Human Rights Watch, Rodríguez ran into her home and locked the gate. Approximately 30 police officers and members of the intelligence police (SEBIN) forcefully entered her home and detained Daniela and her brother, **Luis Rodríguez**. According to the Venezuelan Penal Forum, they were both granted conditional liberty on March 23.<sup>160</sup>

The eyewitness's testimony was corroborated by pictures of the Rodríguez siblings' detention by police posted online and on Twitter by witnesses, in which uniformed officers are visible.<sup>161</sup> In addition, the eyewitness took Human Rights Watch to the Rodríguez family's home in Valencia on March 23 (two days after the incident), and showed where the gate had been broken by government security agents.<sup>162</sup>

## Caracas, March 22

At approximately 4:30 p.m. on March 22, members of the National Guard searched the home of **Mildred Manrique**, a 31-year-old journalist who has been covering the protests since February 12, and lives across the street from Plaza Altamira in Caracas.

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<sup>158</sup> Ibid.

<sup>159</sup> Human Rights Watch interview with eyewitness, Valencia, March 23, 2014. The identity of the eyewitness has been withheld out of concern for the individual's safety.

<sup>160</sup> The Venezuelan Penal Forum is a network of criminal lawyers from different states in Venezuela who have been working pro-bono to provide legal defense to people detained at or near protests since February 12. Their website has an online, searchable database with basic information of detainees, including name, ID number, date and place of detention, date of release (if applicable), and whether the detainee was granted conditional release. Venezuelan Penal Forum database, <http://foropenal.com/listadetenidos> (accessed April 16, 2014).

<sup>161</sup> Tweet by @ReporteYa, March 21, 2014, <https://twitter.com/ReporteYa/status/447079118166052864> (accessed April 13, 2014); Tweet by @VenezuelanTruth, March 22, 2014, <https://twitter.com/VenezuelanTruth/status/447392427595161600> (accessed April 13, 2014).

<sup>162</sup> Photographs of gate on file with Human Rights Watch.

Approximately 20 guardsmen broke into her apartment, destroying the door, and searched her home for two hours without showing Manrique a warrant.<sup>163</sup>

Manrique told Human Rights Watch that the general in charge of the search told her she had to accompany them because they had found “*guarimba* material and that constituted terrorism.” At the entrance of her home, a general told the press that they had found “materials that do not correspond with peaceful activities” and mentioned they were taking as evidence chairs similar to those that had allegedly been thrown at guardsmen earlier that day, gloves that were used to grab teargas canisters, teargas masks, a computer, and propaganda “against the legally constituted government.”<sup>164</sup> According to Manrique, they took four computers, teargas masks that she carried for work and her family used inside their home when security forces used teargas in Plaza Altamira, a handful of T-shirts with political propaganda from official and opposition parties (which she said she got at different rallies she covered as a journalist), and winter gloves.

Manrique was detained for two-and-a-half hours at a military installation (*Comando Regional 5*) but, after news about her arrest started circulating in the social media, she was told that she was there “as a witness”—although they never explained what she had “witnessed” that required her being there. She was taken to an office, asked to answer several questions regarding who lived in her apartment and what had happened that day prior to the search, signed a “declaration,” and was allowed to leave.<sup>165</sup>

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<sup>163</sup> Human Rights Watch interview with Mildred Manrique, Caracas, March 24, 2014.

<sup>164</sup> “Apartment in Altamira from where National Guardsmen were Injured this Saturday is Searched” (Allanado apartamento en Altamira desde donde hirieron este sábado a GNB), YouTube video, uploaded on March 22, 2014, <https://www.youtube.com/watch?v=SHOpok7JNkM> (accessed on April 9, 2014). “En el allanamiento también hemos encontrado elementos que vinculan a actividades que no son de una actuación pacífica. Hemos incautado, de las 19 sillas que encontramos en todo el lugar, 10 en el apartamento, y nueve ya habían sido arrojadas a los funcionarios. Hemos encontrado guantes que se utilizan para agarrar lo que es la parte del material disuasivo cuando actúa la policía. Hemos encontrado máscaras antigás en este apartamento. Hemos encontrado también, pues, vamos a hacer las experticias correspondientes, una computadora. Y elementos que son utilizados por supuesto para propaganda en contra del gobierno legalmente constituido.”

<sup>165</sup> Ministry of Defense, “Document of Interview” (Acta de Entrevista), n.d. Copy on file with Human Rights Watch.

## *Cases Involving Armed Pro-Government Gangs*

### **Caracas, February 12**

At 9:30 p.m. on February 12, approximately 20 men dressed in black with their faces covered abducted **Inti Rodríguez**, the media coordinator of the Venezuelan Program for Education and Action on Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA), a Venezuelan human rights organization, as he was leaving his office in downtown Caracas.<sup>166</sup>

Rodríguez told Human Rights Watch that the men carried him on a motorcycle without license plates to the neighborhood “23 de enero,” an area in Western Caracas allegedly controlled by armed pro-government gangs. Rodríguez said that the men held him for two hours, beat him, kicked him, and threatened to kill him and his family. The men reviewed his cell phone contacts, asked him for information on people working at PROVEA, and interrogated him about the organization's human rights work. Before letting him go, the men confiscated his ID, and said: “We know who you are and where your family lives. If you report [this] and start talking, we’ll break you.”<sup>167</sup>

According to Rodríguez, the men never identified themselves but the group’s leader used police language, and he overheard conversations that suggested the men were in contact with security forces.<sup>168</sup>

### **Valencia, Carabobo State, February 18**

On February 18—less than 48 hours after the Governor of Carabobo over Twitter urged pro-government groups to launch a “rapid counterattack”—**Ángel Enrique Parra**, 37, participated in a peaceful demonstration in which approximately 20,000 people marched to the courthouse (*Palacio de Justicia*) in Valencia.<sup>169</sup> When the demonstration ended, a

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<sup>166</sup> Human Rights Watch telephone interview with Inti Rodríguez, February 17, 2014.

<sup>167</sup> “Media coordinator of Provea is kidnapped and attacked” (Secuestrado y agredido coordinador de medios de Provea), *Provea press release*, February 13, 2014, <http://www.derechos.org.ve/2014/02/13/secuestrado-y-agredido-coordinador-de-medios-de-provea/> (accessed April 15, 2014): “Sabemos quién eres y donde vive tu familia. Si denuncias y te pones a hablar guevonadas los vamos a quebrar.”

<sup>168</sup> Human Rights Watch telephone interview with Inti Rodríguez, February 17, 2014.

<sup>169</sup> The city’s mayor also said the demonstration had been peaceful before its participants came under fire from armed men in plainclothes. Human Rights Watch interview with Ángel Enrique Parra, Valencia, March 23, 2014; “Press release of the Mayor of Valencia” (Comunicado del Alcalde de Valencia), n.d., <https://twitter.com/PProgreso/status/436574592585322497/photo/1> (accessed April 18, 2014).

group of around 150 people circled back following the same roads that they had taken on the march to the courthouse.

As Parra and the others walked back, a group of civilians wearing red T-shirts—the color typically associated with support for the government party—called them “fascists,” “*escuálidos*,” and chanted, “Chávez is alive, the fight continues.” Parra told Human Rights Watch that all protesters put their hands up in the air to show they were unarmed and continued walking. Before long, they spotted another group of around a dozen civilians wearing red shirts, sitting on their motorcycles. All were armed with shotguns, and their faces were covered with red cloths.

Parra said that when he and the other marchers reached a corner, they turned and started to run away from the armed men. As he ran, he said, he heard several shots and was struck in the back by a bullet. Human Rights Watch reviewed a medical report—along with an X-ray and photographs of the injuries sustained from the shot—indicating a bullet had entered through his back and lodged in his chest.<sup>170</sup>

Parra told Human Rights Watch that other protesters took him to a hospital, where he saw at least six other people arrive with gunshot wounds inflicted by live ammunition during the same incident.<sup>171</sup>

One of the injured protesters who arrived at the hospital was **Génesis Carmona**, a 22-year-old student, who had been shot in the head. According to a student who was near Carmona during the protest, a group of armed civilians who had arrived on motorcycles, some of them wearing red shirts, opened fire and hit Carmona. The student carried Carmona on a motorcycle to a hospital.<sup>172</sup> According to the doctor who treated her, Carmona arrived to the emergency room with a bullet lodged in her head, which had

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<sup>170</sup> Medical report by Dr. Oswaldo Reyes from the Medical Center Dr. Rafael Guerra Méndez, February 18, 2014. Copy of medical report and pictures of X-rays and injuries on file with Human Rights Watch.

<sup>171</sup> Human Rights Watch interview with Ángel Enrique Parra, Valencia, March 23, 2014. Parra provided pictures and a list of people injured with live ammunition prepared by an academic in Valencia that corroborate his account.

<sup>172</sup> Testimony of Gabriel Cegarra, available at: “Interview to Gabriel Cegarra Feb 2014” (Entrevista a Gabriel Cegarra Feb 2014), YouTube video, uploaded on February 24, 2014, <https://www.youtube.com/watch?v=FKhiFixL97I> (accessed April 14, 2014). Another witness’s account is available at: “Witness of Génesis’s Killing Talks: Government Supporters on Motorcycles Shot” (Habla testigo de asesinato de Génesis: Unos motorizados chavistas dispararon), *Lapatilla.com*, February 21, 2014, <http://www.lapatilla.com/site/2014/02/21/habla-testigo-de-asesinato-de-genesis-unos-motorizados-chavistas-dispararon/> (accessed April 15, 2014).

fractured her cranium and caused severe brain injuries. Carmona died of the head wound the following day.<sup>173</sup>

Despite pictures published in social networks showing armed civilians allegedly pointing shotguns towards demonstrators,<sup>174</sup> Justice Minister Miguel Rodríguez Torres said on February 19 that Carmona had “died from a bullet that came from [the protesters’] own ranks.”<sup>175</sup>

## Barquisimeto, Lara State, February 20

On the night of February 20, **Jesús María Toval**, a 38-year-old chef, was standing with a group of neighbors inside the housing complex (*urbanización*) where he lives in Barquisimeto, protesting by banging pots (*cacerolazos*). A group of approximately six armed men, wearing black vests, parked a white van in front of a National Guard station (*Comando Regional 4*) located across the street from Toval’s housing complex, according to Toval’s wife, Angélica Rodríguez, who was inside their home at the time. A pro-government neighbor opened the complex’s gate for the men.<sup>176</sup>

The armed men walked into the complex, grabbed Toval by his arms, surrounded him, and led him to the National Guard station, Rodríguez said. As they forced him out of the complex, called him a “fascist” and shouted, “You’re dead!”

Rodríguez—who left her home after the men dragged her husband away—shared a video on her cell phone with Human Rights Watch that shows several men forcefully taking a person across the road while neighbors yell at them to let him go. In the video, a white van

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<sup>173</sup> Radio interview with Dr. Carlos Rosales, “Medical report of Génesis Carmona is Revealed” (Revelan parte médico de Génesis Carmona), February 20, <http://www.lafm.com.co/audios/revelan-parte-medico-de-155634> (accessed April 15, 2014); “Criminal Court [of the Supreme Court of Justice] evaluates Evidence in the Case of Génesis Carmona” (Sala de Casación Penal evalúa pruebas en caso de Génesis Carmona), *Agencia Venezolana de Noticias*, March 29, 2014, <http://www.avn.info.ve/contenido/sala-casación-penal-evalúa-pruebas-caso-génesis-carmona> (accessed April 15, 2014).

<sup>174</sup> Image of tweet by @GranValencia, available at <http://www.lapatilla.com/site/2014/02/19/en-fotos-colectivos-de-paz-disparando-en-ataque-fulminante-a-marcha-donde-hirieron-de-muerte-genesis-carmona/> (accessed April 15, 2014); “Génesis Carmona Beauty Queen” (Génesis Carmona Reina de belleza), YouTube video, uploaded on February 22, 2014, <https://www.youtube.com/watch?v=2mcN5vq1KcQ> (accessed April 14, 2014).

<sup>175</sup> “Nicolás Maduro and Miguel Rodríguez Torres on the Génesis Carmona case” (Nicolás Maduro y Miguel Rodríguez Torres sobre caso Génesis Carmona), YouTube video, uploaded on February 20, 2014, <https://www.youtube.com/watch?v=-abs7L2nCW> (accessed April 15, 2014): “murió por una bala que salió de sus propias filas.”

<sup>176</sup> Human Rights Watch interview with Angélica Rodríguez, Jesús María Toval’s wife, Barquisimeto, March 22, 2014.

is visible, parked in front of the National Guard station. Rodríguez told Human Rights Watch the man in the video was her husband.<sup>177</sup>

After the men turned Toval over to the National Guard, the guardsmen transported him to another military installation (*Destacamento 47*), where he was held incommunicado for three days. During his detention, he was beaten by national guardsmen, who threatened to transfer him to a prison where he would spend the rest of his life.<sup>178</sup>

The morning after his detention, on February 21, Rodríguez visited the installation and asked if Toval was there, but she was told by the guardsman who attended her that there was no list available with names of detainees. Two hours later, only after she broke down crying, another guardsman approached her and told her privately that Toval was detained at that location. Yet Rodríguez and Toval's lawyer were not permitted to see him until February 23—when he was finally brought before a judge.

During his detention, Toval was forced to stand before a white wall with dozens of glass bottles and wires placed on the ground by his side while they photographed him.<sup>179</sup> The photograph was then distributed via Twitter—presumably by someone within the National Guard or a government supporter—using the hashtag #Chavez's Troops (#Tropa De Chávez). The tweet said: “This peaceful student of Barquisimeto, detained today by the National Guard, when he was going to classes, with 72 Molotov cocktails, 150 *miguelitos*.”<sup>180</sup>

At the February 23 hearing, a prosecutor charged Toval with public incitement to commit crimes (*instigación pública*), public intimidation (*intimidación pública*), and association to commit crimes (*asociación para delinquir*), based on evidence that had been planted on him, including Molotov cocktails and *miguelitos*, according to his wife. The judge confirmed the charges, but granted him conditional liberty. One of the conditions was that he did not participate in any demonstrations or talk about his case.<sup>181</sup>

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<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Image of tweet by @valeracat on file at Human Rights Watch: “Este pacífico estudiante de Barquisimeto, detenido hoy x la GNB, cuando iba a clase, con 72 Molotov, 150 Miguelitos.”

<sup>181</sup> Decision by Judge Leila-ly Ziccarelli de Figarelli, Document granting liberty (Boleta de Libertad), February 23, 2014.

## San Antonio de los Altos, Miranda State, February 24

**Sandro Rivas**, 30, attended an opposition rally on the morning February 24 in San Antonio de los Altos. He told Human Rights Watch that government supporters held a counter-demonstration nearby. Rivas got into an argument with a government supporter that escalated into a fistfight in which he was wounded. A fellow protester with a motorcycle offered him a ride home.<sup>182</sup>

As they were leaving the protest area, Rivas and the driver were intercepted by a pick-up truck carrying two men in front and two in the back, all armed with handguns. The men forced Rivas and the driver into the back of the pick-up at gunpoint and pulled their shirts over their heads. As they drove, they punched both men repeatedly and threatened to kill them. Minutes later, they arrived at a checkpoint of the National Guard, where the armed men handed Rivas and the driver over to the guardsmen. They claimed Rivas and the other detainee had been manning the barricade (“*guarimbeando*”) and had closed off a roadway. The guardsmen at no point asked him or the other detainee where they had been detained, nor did they question the identities of the armed men who handed them over, whom they appeared to recognize, Rivas said.

Rivas and the other man were handcuffed by the guardsmen and placed in an official vehicle. At one point, the vehicle stopped and another guardsman reached in saying, “Put this on him,” dropping *miguelitos* into the car. They were driven to a National Guard station (*Comando Regional 5*), where Rivas was taken to a small room. Guardsmen slammed his head against a wall, punched him in the eye, and hit him repeatedly in the back with the butt of a rifle.

Rivas was then taken to an area with 17 additional detainees—two of them women, and one boy—and held there for approximately four or five hours. The detainees were subsequently taken to headquarters of the intelligence police (SEBIN) for questioning. There, Rivas was given a medical exam, and interviewed by a prosecutor. Subsequently, the detainees were taken to a military facility (*Liceo Militar Pedro María Ochoa Morales, PMOM*), where they were held overnight. The 16 male detainees were bound together with

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<sup>182</sup> Human Rights Watch interview with Sandro Rivas (pseudonym), Caracas, March 21, 2014. The identity of the victim has been withheld out of concern for the individual’s safety.



handcuffs in a single human chain, which were not even taken off when they slept that night on mattresses on the floor, Rivas said.

Rivas and the other detainees were held incommunicado until their hearing before a judge the next day. He was only allowed to speak to a lawyer for 15 minutes before his hearing, during which all 18 detainees were charged with the same crimes based on the same evidence, which he said consisted of some cables and *miguelitos* that security forces had planted on them after they were detained. The accused were charged with seven crimes, including resisting authority, protesting in a violent manner, closing off public roadways, and terrorism, according to Rivas.

## Caracas, March 12

At approximately 1 p.m. on March 12, **José Alfredo Martín Ostermann**, 41, his friend **Carlos Spinetti**, 39, and two other friends were walking near Plaza Venezuela in Caracas, nearby where a pro-government rally was to take place later that day.<sup>183</sup>

Two armed men in civilian clothes stopped Spinetti, who was trailing behind his other three friends. When Ostermann noticed his friend had fallen behind, he turned around to see what was happening. As Ostermann approached, he heard the men saying they had seen Spinetti taking photos of them and other pro-government demonstrators with his phone, and that they wanted to review the pictures. Spinetti said he had not taken any photos—that he had been texting with his girlfriend—according to Ostermann.

Then, without provocation, one of the men punched Ostermann in the head. Another man hit Spinetti, and within moments a group of approximately 10 men had encircled them. The men kicked Ostermann and Spinetti repeatedly, and hit them in the head with motorcycle helmets, Ostermann said. All of the men were armed with handguns. The man who appeared to be giving orders wore a black motorcycle helmet and a light blue shirt atop a bulletproof vest; another wore a jacket that said “Venezuelan Militia” (*Milicia Venezolana*). Three national guardsmen, who were also in the circle, watched as the two were beaten and then walked away. At this point, Ostermann told Human Rights Watch, he believed the men assaulting them were police officers, because they were armed and in the company of the national guardsmen.

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<sup>183</sup> Human Rights Watch interview with José Alfredo Martín Ostermann, Caracas, March 24, 2014.

By then, a group of around 30 to 40 pro-government supporters had congregated around Ostermann and Spinetti, and were shouting insults at them, many of which were political in tone. They called them traitors to the fatherland (*traidores de la patria*) and “*manitos blancas*” (literally “the white hands,” implying they were upper class snobs), and said the “opposition” used violence, whereas government supporters were peaceful. At one point, one of the armed men asked another, “What do we do with these two white hands? We finish them off there or we take them elsewhere?”

One of the armed men asked Ostermann and Spinetti for their IDs, and then for their addresses. The man, in turn, relayed this information over a walkie-talkie he carried with him. He said that his group had detained the men, and reported their current location. The fact that the armed man was communicating with others via walkie-talkie indicated that the armed men belonged to a broader network and that their actions were coordinated. The armed men placed Ostermann and Spinetti against a wall and took several photographs of them. They did not say for what purpose they planned to use the photos. In several of the photographs, they forced Spinetti to pose holding a handgun, which they had planted on him, and then took back, Ostermann said.

Next, the armed men took Ostermann and Spinetti to a local outpost of the municipal police (*Policía del municipio Libertador*), and handed them over to the police. According to Ostermann, the armed men had a brief discussion with approximately eight or nine police officers gathered there, which he did not hear, and then left. Yet Ostermann said that the way they addressed one another suggested that they were not meeting for the first time.

Police then transported Ostermann and Spinetti to the main police headquarters, where an officer asked them for their identification. The reported exchange that follows was recounted by Ostermann to Human Rights Watch: When Ostermann said they had handed over their IDs to the plain-clothes police that detained them, the police officer responded that the men who had detained them were not the police. “All police have the obligation to wear uniforms with their names displayed on them,” the policeman said, telling him the armed men belonged to a “*colectivo*”. When Ostermann asked how it was possible that armed men were allowed to detain people at random and hand them over to police, the police officer responded, “Unfortunately, the *colectivos* are the ones who rule out there.” Ostermann asked the officer how it was possible that these men were allowed to operate. Speaking quietly so as not to be overheard, the policeman told Ostermann and Spinetti

that, “according to orders from higher up, we can’t pursue these groups.” The officer added that if they detained these “*colectivos*,” they would lose their jobs.

Ostermann and Spinetti were seated in handcuffs on a bench next to the entrance to the police headquarters. After approximately 30 minutes, Ostermann said, he saw five motorcycles enter the courtyard in front of the headquarters. He recognized two of the riders as ones who had attacked them, including the leader who was wearing the light blue shirt, bulletproof vest, and black helmet, and the man wearing the jacket that said “Venezuelan Militia.”

On the back of one of the motorcycles was a young man whose wrists were bound with his shoelaces. The armed gang members had a brief discussion with several police officers, handed over the bound young man, and then left. The young man was eventually brought to sit next to Ostermann and Spinetti, and told them a story of having been picked up without any justification and beaten just as they had been.

After roughly two hours, the three detainees were transported to police headquarters, where the police checked if they had criminal records. They were then taken to the investigative police (CICPC) and immigration services for similar checks. Ostermann said that the two detectives who were transporting them even apologized for their having been detained, and said that municipal authorities had given the “*colectivo*” that had detained the three a “green light to detain.” The detectives said their “hands were tied,” and could do nothing to rein the “*colectivos*,” on orders of their superiors, according to Ostermann.

Ostermann and Spinetti were eventually returned to the police headquarters, where they were asked to provide testimony of what happened, and then photographed with a sign that said their name and, beneath it, “*guarimbero*” (slang for the person who mans a *guarimba*, the term the government uses for opposition barricades). Ostermann said the mugshot was taken despite the fact that he had not been detained at a barricade. Although his account made clear he had been beaten and abducted by an armed pro-government gang, in full sight of two members of the National Guard—and that the gang’s members had been in direct contact with multiple members of the municipal police in two locations—the police did not note down a formal complaint from Ostermann, or report the alleged human rights abuses he had sustained to the prosecutor’s office.

## Valencia, Carabobo State, March 12

On March 12, **Lisandro Barazarte**, 40, a photojournalist at the newspaper *Notitarde* in Valencia, was sent by editors to cover a protest in the housing complex (*urbanización*) La Isabelica. When he arrived around 1 p.m., there was a standoff between approximately 50 to 100 demonstrators, on one side, and approximately the same number of pro-government civilians, on the other, he said.<sup>184</sup> There were no national guardsmen or police officials on hand. Barazarte said people on the pro-government side, many of whom had covered their faces with bandanas, fired handguns multiple times in the direction of demonstrators. He also saw some demonstrators throw stones at pro-government civilians.

Barazarte noticed that several of the armed pro-government supporters were wearing t-shirts bearing the logos of government agencies, including Industrias Diana<sup>185</sup> and Petrocasa,<sup>186</sup> the logos of which were visible in the photographs he took.

Barazarte said that the confrontation took place approximately 60 to 80 meters from a regional station of the National Guard (*Comando Regional Número 2 de la Guardia Nacional*). Shooting, he said, had started before he arrived, and pro-government armed men continued to shoot at protesters over the 25-minute period during which he took photographs. Barazarte said the shots would without question have been audible to the national guardsmen stationed nearby, but they did not respond, suggesting they chose not to intervene. At least eight people were wounded, and two killed, in and around the demonstration at La Isabelica.

Photographs taken by Barazarte appeared in the March 13 print edition of *Notitarde*, accompanied by a news article about the demonstration and the protesters wounded and killed.<sup>187</sup> The photos depict armed government supporters on foot and on motorcycle firing

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<sup>184</sup> Human Rights Watch interview with Lisandro Barazarte, Valencia, March 23, 2014.

<sup>185</sup> Industrias Diana is a government-run company that makes cooking oil. “Industrias Diana C.A.,” <http://www.industriasdiana.gob.ve/> (accessed April 24, 2014).

<sup>186</sup> Petrocasa is a Venezuelan government program to construct affordable housing using materials produced by Petroquímica de Venezuela (Pequiven). A Petrocasa factory is located in Carabobo state. “Communities Transform Their Ranches into Dignified Homes Thanks to Petrocasa” (Comunidades transforman sus ranchos en viviendas dignas gracias a Petrocasa), *Agencia Venezolana de Noticias*, <http://www.avn.info.ve/contenido/comunidades-transforman-sus-ranchos-viviendas-dignas-gracias-petrocasa> (accessed April 15, 2014).

<sup>187</sup> “Gunmen on Motorcycles Fire Against Protesters in La Isabelica” (Pistoleros en motos dispararon contra los manifestantes en La Isabelica), *Notitarde*, March 13, 2014 (copy on file with Human Rights Watch); “Three Dead and 15 Wounded in Disturbances in La Isabelica and Mañongo” (Tres muertos y quince heridos en disturbios en La Isabelica y Mañongo),

on protesters; a series of photos show a man wearing the shirt of a government agency (*Petrocasa*) covering his face with another t-shirt; and other pictures showed at least four armed men in plainclothes firing on demonstrators. At 10 a.m., the newspaper received the first of multiple death threats over the phone against the man the caller referred to as “the photographer who took the pictures” in that day’s paper, according to the editor-in-chief of *Notitarde*, Francisco Briseño. “Now we have identified him,” the caller told a person at *Notitarde*, “We are going to kill him.”<sup>188</sup> Barazarte’s neighbors also told him they had heard he was going to be killed.<sup>189</sup>

That afternoon, investigative police (CICPC) called the newspaper, said they wanted to speak with Barazarte, and requested copies of the photographs that had appeared in the newspaper, according to Briseño.<sup>190</sup> Briseño told the police that if they wanted to interview Barazarte and obtain copies of the photographs, they would need to send formal written requests to *Notitarde*. They sent two requests that afternoon.<sup>191</sup> The first document requested that Barazarte appear before homicide detectives from the prosecutor’s office that same day as “an eyewitness,” regarding an open criminal investigation.<sup>192</sup> The second document requested that “print copies” of the photographs he had taken be provided with “extreme urgency.”<sup>193</sup> The second request said the photographs were critical to an investigation into “crimes against property”, but did not mention an investigation into the people killed or wounded the previous day.

Barazarte went to the CICPC at approximately 6 p.m., accompanied by a lawyer. He said that he presumed he was going to be questioned about the shootings, but instead investigators focused their questioning on how many photographs he had taken, whether other photographers had covered the incident, and where he kept the original versions of his photographs. They did not ask any questions about who had been shooting, Barazarte

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*Notitarde*, March 13, 2014, <http://www.notitarde.com/Valencia/Tres-muertos-y-quince-heridos-en-disturbios-en-La-Isabelica-y-Manongo/2014/03/13/313471> (accessed April 24, 2014).

<sup>188</sup> Human Rights Watch interview with Francisco Briseño, editor-in-chief of *Notitarde*, Valencia, March 23, 2014.

<sup>189</sup> Human Rights Watch interview with Lisandro Barazarte, Valencia, March 23, 2014.

<sup>190</sup> Human Rights Watch interview with Francisco Briseño, editor-in-chief of *Notitarde*, Valencia, March 23, 2014.

<sup>191</sup> *Ibid.*

<sup>192</sup> Attorney General’s Office, Fiscalía Vigésima Séptima del Ministerio Público, Document (Oficio) 08-F27-0593-2014, request sent to director of *Notitarde*, Laurentzi Odriozola Echegaray, March 13, 2014. Copy on file with Human Rights Watch.

<sup>193</sup> CICPC, Document (oficio) 9700-080-01512, File (expediente) K-014-0080-01668, request sent to director of *Notitarde*, March 13, 2014. Copy on file with Human Rights Watch.

said. Nor, when Barazarte said he had received death threats, did they offer protective measures or say they were going to investigate.

The lawyer who accompanied Barazarte said the questioning gave the impression that investigators were more concerned with interrogating the photographer than determining who had shot protesters.<sup>194</sup> The lawyer also told Human Rights Watch that, while Barazarte was speaking with investigators, a prosecutor pulled him aside and said that he recognized one of the armed civilians in the photographs as the leader of a government worker's union in Valencia.<sup>195</sup>

On March 14, prosecutor Edgar Gallego (*fiscal auxiliar 27*) arrived at the offices of *Notitarde* to pick up the photos, according to the editor-in-chief, Briseño.<sup>196</sup> Briseño said that, when they handed him a folder with printed versions of the photographs, the prosecutor said he needed the digital versions of the images on a CD. Briseño said the prosecutor did not explain why he need digital rather than print versions of the photographs; nonetheless, Briseño feared digital versions of the images could be manipulated. Briseño said that the CICPC's request had not asked for digital versions of the photos, but only print copies, and that if investigators wanted digital copies, they would need to submit another request. The prosecutor grew angry, and accused the newspaper of obstructing his investigation, then stormed out of the office, according to Briseño.

## Caracas, March 19

On March 19, 2014, approximately 150 students were holding a student meeting in the lobby of the School of Architecture of the **Central University of Venezuela**, when they noticed that eight men in the eighth floor of the building were taking down a banner that students had placed on a wall. The banner, which originally read "Security. Liberty. Justice. Respect" was changed to "Chávez is Liberty. Justice. Respect."<sup>197</sup>

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<sup>194</sup> Human Rights Watch interview with Alfonzo Granadillos, vice president of Carabobo State Bar Association, Valencia, March 23, 2014.

<sup>195</sup> Ibid.

<sup>196</sup> Human Rights Watch interview with Francisco Briseño, Valencia, March 23, 2014.

<sup>197</sup> Human Rights Watch interview with three students present during the incident, Caracas, March 24, 2014. The identities of the victims have been withheld out of concern for their safety.

The students asked other students and professors in the building to leave, and sent two pro-government student representatives to talk to the eight men who were taking down the banner. By the time the students had reached an agreement with the eight to leave without incident, there were approximately **50 students** left in the lobby. The students were still waiting for the men to leave when another man entered the lobby. Wearing civilian clothes, but with his head covered with a dark cloth and a firearm in his hand, the man shouted: “The *colectivos* have arrived, assholes, here we are!”

The man threw two teargas canisters inside the building, three of the students present told Human Rights Watch, and approximately 20 more people in civilian clothes with their faces covered entered the lobby. The students started running away from them, but the new arrivals, one of whom was a woman, cornered them at the end of a hallway. For approximately 20 minutes, the intruders beat the students with their fists, tubes, and broomsticks; kicked them; and forced several of them to undress; while shouting: “*guarimbero*, overthrow the government now! We are the government!”

According to three students present, all of the students were beaten and at least 30 were injured, including three with cuts on their heads, one with a broken nose, and another with a broken arm. Human Rights Watch reviewed photographs of several students who were injured, which corroborate these statements.<sup>198</sup>

Before leaving, the intruders wrote on the wall of one university building, “This shit is from the left!” and, “Chávez is alive!”<sup>199</sup> One of the students told Human Rights Watch that she saw at least four intruders walk away without being stopped by university private security guards or firefighters, who were posted at the entrance of the building.

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<sup>198</sup> Copies of photographs on file with Human Rights Watch.

<sup>199</sup> Human Rights Watch obtained copies of photographs with these statements written on the walls. Copies of photographs on file with Human Rights Watch.

## Abuses in Detention Facilities

### Valencia, Carabobo State, February 13

At approximately 10 p.m. on February 13, **Juan Manuel Carrasco**, 21 ran away from a demonstration in El Trigal, a neighborhood in Valencia, with two friends when national guardsmen started to shoot rubber bullets and teargas canisters at demonstrators.<sup>200</sup>

The three men reached the car of one of them, which was parked nearby, and as they got into it, they saw guardsmen drive up on approximately 15 motorcycles. The guardsmen fired rubber bullets at the car's windows, forced the three to get out, and beat them with their fists and the butts of their rifles. The guardsmen took their personal belongings, including their wallets and cell phones, and then set the car on fire.

The guardsmen took the detainees to a nearby park, where they were forced to lie down on the ground with nine others, including a minor.<sup>201</sup> The guardsmen continued to kick and beat the 12 detainees, and stomp on their heads with their boots. They were then taken to another outdoor space nearby, where the guardsmen forced the men to lie on their sides in fetal position and threatened them to kill them.

Carrasco told Human Rights Watch that, while he was lying down in fetal position, he felt that one of the guardsmen placed what he thought was a rifle on his neck, moved it slowly down his back, pulling down his underwear and penetrating his rectum once. Human Rights Watch reviewed a copy of a medical report of February 20 that states that Carrasco had suffered a rectal hemorrhage.<sup>202</sup>

Three of the other detainees were told to lie down facing upwards, and a guardsman ran over their legs three times with a motorcycle, Carrasco said.

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<sup>200</sup> Human Rights Watch interview with Juan Manuel Carrasco, Valencia, March 23, 2014; Human Rights Watch interview with Antonio José Marval Jiménez, lawyer, Valencia, March 23, 2014; Human Rights Watch interview with lawyers from the Venezuelan Penal Forum, Caracas, March 19, 2014. Human Rights Watch reviewed pictures and medical reports, and obtained a summary of the hearing prepared by the detainees' legal defense team, which corroborates key parts of their testimonies.

<sup>201</sup> Carlos Enrique Bertrand Ballester, 23, Gerni Wuiston Lombano Barreto, 20, César Osmel Luciani Linarez, 25, Oswaldo José Torres Ceguer, 25, Yean Pier José Rodríguez Sotillo, 21, Daniel Alejandro Santiago Queiroz, 23, Eduardo José Añez Burgos, 22, Andrés Javier Rincon Lamas, 25. The name of the minor does not appear in court documents reviewed by Human Rights Watch because he was taken before another judge.

<sup>202</sup> "Medical Report" (Informe Médico) by Dr. José Luis Maldonado, from the Centro Policlínico Valencia, February 20, 2014.



All the detainees were taken in an official vehicle, where they continued to be beaten, to a military installation of the National Guard (*Comando Regional 2*). When they arrived, several guardsmen threw pepper spray into their eyes, and continued to beat them with the butts of their rifles, helmets, and fists. They also doused gasoline on the detainees' clothes, forced them to shower, and to put the dirty clothes back on. The men were denied the right to contact their families or a lawyer.

The following morning, a prosecutor arrived at the military facility to interview them. Despite the fact that the detainees told her they had suffered abuses and asked her for help, she did not do anything, according to one of the detainees. The guardsmen then gave them clean clothes that their families had brought them, and told them to turn over the dirty ones to authorities.

At 5 p.m. on February 15, 11 detainees were brought before a judge in a hearing that was held inside the military installation where they were detained (the minor was taken before a specialized court). They did not have access to their lawyers during their detention, and only spoke to them five minutes before the hearing. At the hearing the prosecutor presented as key evidence against them a police record of their detention that said they had burnt a truck during the demonstration, according to their lawyers.

At 4 a.m. on February 16, the judge rejected all requests by the defense team to reject the evidence presented by the prosecutor and confirmed the charges against all detainees, according to Carrasco and lawyers present at the hearing. They were charged with violent damage to property (*daños violentos a la propiedad*), interfering with public roads (*obstaculización de la vía pública*), using adolescents to commit crimes (*uso de adolescente para delinquir*), public intimidation (*intimidación pública*), and association to commit crimes (*asociación para delinquir*). The judge ordered home arrest for six of them, and conditional liberty for the rest. Days later, all of them were released on conditional liberty, according to Carrasco.

Despite his evident injuries, Carrasco told Human Rights Watch he only had access to medical care eight days later, when a judge authorized him to go to a clinic.

## Valencia, Carabobo State, February 21

At 3 p.m. on February 21, **Luis Augusto Matheus Chirinos**, a 21-year old student, was detained by approximately 10 members of the National Guard at the entrance of a housing complex (*urbanización*) in Valencia, where he was standing, waiting for a friend he had gone to pick up. He was detained while an anti-government protest was taking place a few blocks away. His lawyer told Human Rights Watch that he was taken to a military complex of the Guard of the People, where several guardsmen beat him on the head with their fists, and threatened to send him to one of Venezuela's most violent prisons. The guardsmen ordered him to say that Nicolás Maduro was the president of Venezuela, and to chant: “Chávez is alive, the fight continues.”<sup>203</sup>

The following day, Diosdado Cabello, the president of the National Assembly, announced at a press conference in Caracas that authorities had seized 360 Molotov cocktails, 16 kilos of gunpowder, 450 *miguelitos*, 220 liters of gasoline in plastic containers, two tires, 45 candles, and 20 kilos of nails in Carabobo state, and mentioned that Matheus and another person had been detained by the Attorney General's Office in Valencia.<sup>204</sup>

Matheus was held incommunicado until February 23, when he was brought before a judge for his first hearing. He only had access to his lawyer 10 minutes before the hearing, and could not see his family until then.

As evidence of his criminal responsibility, prosecutors presented a police report that said he was detained while he and approximately 25 others were throwing rocks at members of the National Guard. According to the report, Matheus was near a white pick-up truck containing tools “used to generate violence during protests.” Prosecutors also described a long list of what they presented as incriminating evidence allegedly found in the pick-up truck.<sup>205</sup>

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<sup>203</sup> Human Rights Watch interview with Antonio José Marval Jiménez, Luis Augusto Matheus Chirinos' lawyer, Valencia, March 23, 2014.

<sup>204</sup> “Diosdado Cabello: 360 molotov cocktails were seized in Carabobo” (Diosdado Cabello: 360 bombas molotov se incautaron en Carabobo), Youtube video, uploaded on February 22, 2014, <https://www.youtube.com/watch?v=cApjnulp9cw> (accessed April 2, 2014).

<sup>205</sup> According to the prosecutors, the police had found in the pick-up truck four 20-litre bottles with gasoline, five 3-litre bottles with gasoline, 41 plastic containers with 100 grams of gun powder each, two home-made shields made of wire, 60 *miguelitos* (10 cm long each), 10 half-kilogram packs of nails, 9 pyrotechnics, 20 black hoods, 18 rubber tires, 216 Molotov cocktails, 30 pieces of wood, and an empty box of bullets with a label saying it belonged to the San Diego Mayor's Office (an opposition stronghold at the time). “Criminal Investigation Record” (Acta de Investigación Penal Nor. GNB-CNGP-RC-DIP-059/14), February 21, 2014. Copy on file with Human Rights Watch.

Google Earth pictures shown to Human Rights Watch by Matheus's lawyer show that the apartment complex where Matheus was detained was located two blocks away from where the police report says he was detained.<sup>206</sup> In addition, Human Rights Watch reviewed a video of his detention, filmed by an eyewitness, which shows him being detained by security forces outside the apartment building, as his lawyer had told Human Rights Watch.<sup>207</sup>

Nonetheless, the judge ruled that the evidence outlined in the police report and the investigation carried out by prosecutors provided sufficient evidence to charge Matheus with interfering with public roads (*obstaculización de la vía pública*), incitement to commit crimes (*instigación pública*), resistance to authority (*resistencia a la autoridad*), and association to commit crimes (*asociación para delinquir*). He ordered his pretrial detention.<sup>208</sup> On March 22, Matheus was granted conditional liberty.<sup>209</sup>

## San Antonio de los Altos, Miranda State, February 25

Around 2 a.m. on February 25, **12 residents** of a housing complex (*urbanización*) in San Antonio de los Altos—including 10 men, one woman, and a 16-year-old girl—set up a barricade at the entrance to the complex, partially obstructing traffic. At approximately 5 a.m. they were standing inside the gated community when the father of one of the 12 drove up and offered to drive them home. All 12 had climbed into the back of his pick-up truck when approximately 20 members of the National Guard riding on motorcycles entered the complex. The guardsmen stopped the vehicle and ordered all of the passengers to get out.<sup>210</sup>

Upon examining the 12 people, a guardsman said he detected the odor of a flammable substance on the hands of one resident. He asked another guardsmen, “Sergeant, what do we do with the others, who don’t have anything?” The guardsman responded: “Put them all on the truck, and we’ll see,” one of the detainees told Human Rights Watch.<sup>211</sup>

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<sup>206</sup> Human Rights Watch interview with Antonio José Marval Jiménez, Luis Augusto Matheus Chirinos' lawyer, Valencia, March 23, 2014.

<sup>207</sup> “Video: Shocking: Moment in which the National Guard kidnaps Valencia student Luis Augusto Matheus Chirinos” (Video: Impactante: Momento en el que la GNB secuestra al estudiante de Valencia Luis Augusto Matheus Chirinos), *Venezuela al día*, March 8, 2014, <http://noticiasvenezuela.org/2014/03/video-impactante-momento-en-el-que-la-gnb-secuestra-al-estudiante-de-valencia-luis-augusto-matheus-chirinos/> (accessed April 14, 2014).

<sup>208</sup> Decision by Judge Toredit Alfredo Rojas Acevedo, March 6, 2014. Copy on file with Human Rights Watch.

<sup>209</sup> Human Rights Watch interview with Antonio José Marval Jiménez, Luis Augusto Matheus Chirinos' lawyer, Valencia, March 23, 2014.

<sup>210</sup> Human Rights Watch interview with one of the detainees, Caracas, March 18, 2014. The identity of the victim has been withheld out of concern for the individual's safety; written statement by another detainee, provided to the Venezuelan Penal Forum, n.d.

<sup>211</sup> Human Rights Watch interview with one of the detainees, Caracas, March 18, 2014.

The guardsmen put the 12 people back on the truck and told the father to follow them, escorting them first to a traffic circle (*redoma*) in San Antonio, where the guardsmen told the detainees to get out of the truck, according to two of the detainees. They forced the men to squat, with their hands on the back of their heads, one of them said. The guardsmen confiscated their money and cell phones, beat the detainees, and covered their heads with the hoods of their own sweatshirts, the detainee told Human Rights Watch.<sup>212</sup> According to two statements, the guardsmen harassed them throughout the night with insults of a political nature, calling them, for example, “damn bourgeoisie who want to destabilize the country” and “coup-plotters.”<sup>213</sup>

The guardsmen then drove the detainees to an unidentified building under construction, where they took off the shirts of some of the men and then beat them, wrapping a towel around each one’s torso before beating them with batons, one of them told Human Rights Watch.<sup>214</sup> The guardsmen ripped the earring out of the ear of one of the detainees, and threatened to kill all of them.<sup>215</sup> While the women were not subjected to beatings, the guardsmen threatened to rape them, and said female prisoners would sexually assault them once they were sent to prison, according to two detainees.<sup>216</sup>

After the beatings, the police doused gasoline on the detainees’ clothes and forced them to rub their hands on the tires of a car to soil them, which one of them said he believed was to make it appear they had all been burning objects.<sup>217</sup> All of the detainees were brought before a judge on the night of February 25, and charged with several crimes.<sup>218</sup> In the hearing, which was held at a military installation, the judge confirmed the charges against the detainees but granted them provisional liberty with the condition that they not participate in violent demonstrations.<sup>219</sup>

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<sup>212</sup> Ibid.

<sup>213</sup> Human Rights Watch interview with one of the detainees, Caracas, March 18, 2014; written statement by another detainee, provided to the Venezuelan Penal Forum, n.d.

<sup>214</sup> Human Rights Watch interview with one of the detainees, Caracas, March 18, 2014.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid. Written statement by another detainee, provided to the Venezuelan Penal Forum, n.d.

<sup>217</sup> Human Rights Watch interview with one of the residents, Caracas, March 18, 2014.

<sup>218</sup> Ibid; written statement provided by another resident to the Venezuelan Penal Forum, n.d.

<sup>219</sup> Written statement provided by another resident to the Venezuelan Penal Forum, n.d.

## Caracas, February 28

On February 28 at around 7 p.m., four members of the National Guard detained **Maurizio Ottaviani Rodríguez**, a 20-year old student, while he was leaving a demonstration in Plaza Altamira in Caracas.<sup>220</sup> He told Human Rights Watch that despite having offered no resistance during the arrest, the guardsmen beat him with batons and their fists, and kicked him and stepped on him when he was lying on the ground. The guardsmen placed Ottaviani between two of them in a motorcycle and drove him to an area where there were other detainees. There he was beaten again by the guardsmen, who threatened to kill him. Human Rights Watch reviewed photographs of Ottaviani's face (taken after his release) showing bruises that corroborate his statement.<sup>221</sup>

Ottaviani was then forced to board a school bus, in which he counted **more than 40 other detainees**, including several women and three minors.<sup>222</sup> Each detainee was handcuffed to the person on his or her side, and all the detainees he could see had visible bruises. They were all held on the bus and not allowed to open the windows to alleviate the heat inside, which was stifling. The guardsmen continued to hit people with batons inside the bus, threatened to throw a teargas canister inside the bus, and told detainees they would be sent to *El Rodeo* or *Yare*, two violent prisons in Venezuela.

Two hours later, a woman who identified herself as a prosecutor entered the bus. The guardsmen stopped abusing detainees, but the prosecutor did not ask them what had happened, according to Ottaviani.

After 10 p.m., the detainees were taken to the military base Fuerte Tiuna, where they were held for almost a day. As soon as they arrived, they were all taken to a chapel and separated into three groups: men, women, and the three minors. During this time, the men were handcuffed to each other in a human chain, and if they needed to go to the bathroom, they had to go to the bushes, handcuffed to another detainee.

While detained at Fuerte Tiuna, Ottaviani was formally presented to a prosecutor, taken to a room where other security officials identified him, and then interviewed by

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<sup>220</sup> Human Rights Watch interview with Maurizio Ottaviani and his sister, Albany Ottaviani, Caracas, March 21, 2014.

<sup>221</sup> Photographs on file with Human Rights Watch.

<sup>222</sup> The Venezuelan Penal Forum, which defended Ottaviani, provided Human Rights Watch with a list of 36 names of people they defended who were detained in the same incident. Copy on file with Human Rights Watch.

representatives of the intelligence police (SEBIN), who asked him about his family, who was with him at the demonstration, and his nicknames in social networks.

When Albany Ottaviani, his sister, went to look for Ottaviani at Fuerte Tiuna on the night of his arrest, a colonel told her and 15 other family members they all could be arrested because they were standing inside a military zone. The family members promptly left, fearing their presence could prompt retaliation against detainees. Ottaviani was allowed to make a phone call to his home that night at 1 a.m. by a guard who lent him a cell phone without official authorization. The following morning, family members returned to Fuerte Tiuna and guardsmen told them they would be providing a bus to take them to the courthouse where the detainees were going. The family members were, however, driven around the city and dropped off at a different location several hours later.

All of the detainees arrived at the courthouse at 6 p.m. on March 1, and were handcuffed in a human chain, Ottaviani told Human Rights Watch. When Ottaviani saw his lawyer minutes before the hearing began at 1 a.m. that night, he had to speak with him with other detainees still handcuffed to him.

The judge heard the testimony of only 14 detainees during the hearing, but nonetheless confirmed the charges against more than 40 of them, accusing them of having explosives or incendiary devices (*porte de artefactos explosivos o incendiarios*), disturbing public order (*alteración del orden público*), and association to commit crimes (*asociación para delinquir*), Ottaviani said. Most of the detainees were granted conditional liberty, while two others—an Italian journalist and a Portuguese citizen—were released without charge.

## Miranda State, March 5

On the morning of March 5, **Juan Sánchez**, a 22-year-old student, participated in a peaceful demonstration with approximately 20 people, holding signs protesting the scarcity of goods and high levels of violence in Venezuela. The demonstration partially cut off traffic along an avenue on the outskirts of Caracas.<sup>223</sup> Afterward he headed home and several hours later, around 1:30 p.m., left his house again on foot to go to the bank.

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<sup>223</sup> Human Rights Watch interview with Juan Sánchez (pseudonym), Caracas, March 21, 2014. The identity of the victim has been withheld out of concern for the individual's safety.

On his way to the bank, he was assaulted by approximately 10 members of the National Guard who stopped him on the street and, without warning, started kicking him and beating him with their fists and the butts of their rifles, landing blows on his head, stomach, arms, and legs. He initially tried to protect his head and face from the blows but eventually decided to offer no resistance, he told Human Rights Watch. At that moment, one of the guardsmen fired a rubber bullet from point blank range into his right thigh. Another guardsman said, “Finally we got one. He’ll be our trophy so these brats stop fucking around.”<sup>224</sup>

Upon arriving at a military installation (*Liceo Militar Pedro María Ochoa Morales, PMOM*), approximately 12 other guardsmen forced him to take off his clothes and, wearing only his underwear, walk barefooted on the soil to get his feet dirty with grease, presumably so they could accuse him of having been at the barricades. One guardsman, who saw his bleeding leg, asked: “Does this injury hurt?” and inserted his finger into it, removed it, and then inserted it again. The second time he took something out of his leg, but Sánchez could not see if it was muscle tissue or a rubber bullet.

Three guardsmen then took Sánchez into a bathroom where he saw the metal structure of a bed with springs lying against a wall. The guardsmen handcuffed Sánchez to a metal pole behind the bed, with his back towards the bed, and gave him electric shocks twice, and demanded that he tell them who his accomplices were.<sup>225</sup>

Afterwards, the guardsmen took Sánchez to a patio where the other officers were waiting, and ordered him to kneel down and walk with his hands on the soil so they would get dirty as well. He refused and one of them said, “Ah, you want to fight?”<sup>226</sup> Sánchez was then forced to fight with the guardsman, while the rest watched, laughing and cheering.

Only when a female officer appeared and told them to stop did the guardsmen allow Sánchez to get dressed and drove him to a hospital. However, despite requests by doctors that they leave the hospital so the doctors could treat Sánchez, the guardsmen refused to do so, and insisted on taking him away as soon as possible. The doctor in charge could

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<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Ibid. “Ah, tú quieres pelear?”

only provide Sánchez basic medical care, and forced the guardsman who insisted in taking Sánchez away to sign a document stating he was doing so assuming the responsibility for Sánchez's health, according to Sánchez.

Sánchez was driven back to the military installation, where the guardsmen forced him to undress once again. He shared a room with another detainee overnight. Once back at the military installation, the guardsman who took him away from the hospital shouted at him, "You fascists who want to destroy the revolution! This is true socialism!" He was given something to eat.<sup>227</sup> During the night, approximately five guardsmen stopped by and kicked him, occasionally threatening him that he would be sent to prison.

The following morning, the guardsmen gave Sánchez back his clothes, which were dirty with grease, and ordered him to wear them during the hearing before the judge. Sánchez told Human Rights Watch that when they were leaving the military installation to go to the courthouse he saw guardsmen put six Molotov cocktails, 26 *miguelitos*, and a 9 mm firearm in the trunk of an official vehicle.

Sánchez was driven around the city all afternoon. At 5 p.m., he arrived at the courthouse and a prosecutor interviewed him. Despite the fact that Sánchez was limping, and had dried blood and visible marks of abuse on his face, the prosecutor did not ask him what had caused his injuries, he said.

At the hearing, the prosecutor presented the *miguelitos*, his clothes, and the firearm as evidence to charge him with incitement to commit crimes (*incitación a la violencia*), obstruction of public roads (*obstrucción a la vía pública*), and carrying firearms (*porte de armas de fuego*), according to Sánchez. The judge ruled that prosecutors had not presented sufficient evidence to accuse him, however, and ordered that he be released.

Sánchez only had access to his lawyer immediately before the hearing. He was able to call his mother from the hospital, using a cell phone that a nurse lent him, but had no further contact with his family until the hearing in which the judge ordered his release.

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<sup>227</sup> Ibid. "¡Uds fascistas que quieren destruir la revolución! ¡Esto sí es socialismo!"



## Barquisimeto, Lara State, March 12

At 5:30 p.m. on March 12, **Keyla Josefina Brito**, 41, and her **17-year-old daughter** were going to a butcher's shop in Barquisimeto when neighbors told them that National Guard troops had recently been dispatched to disperse a nearby demonstration.<sup>228</sup> They took shelter inside an apartment building for the next hour and a half until neighbors told them that the clashes between the guardsmen and demonstrators had ended, they said. Shortly after walking back into the street, they saw a pedestrian get hit by a car. The driver fled the scene, leaving the wounded woman in the street. According to Brito and her daughter, they flagged down a pick-up truck that was passing by, and persuaded the driver to take the wounded woman to the hospital. Fearing that more violence could erupt in the area, they decided to get a ride as well. Five additional women and four men also got on the back of the truck, apparently to avoid being caught in the street if there was more violence.

According to Brito and her daughter, after driving for a few blocks, the truck was stopped by approximately 20 National Guard motorcycles. One of the guardsmen told the driver to drive with his passengers to a nearby military installation (*Destacamento 47*), and the motorcycles escorted the truck there, they said.

Brito and her daughter were held at the military installation with the six other women who had been detained with them—including the woman who had been hit by the car and appeared to be suffering from serious injuries—for several hours, they said. Female members of the National Guard beat them with batons, helmets, and fists, and cut off their hair. The guardswomen told the detainees they would be raped, and threatened to kill them. The guardswomen also repeatedly insulted the detainees calling them “*guarimberas*,” and one of them said, “While María Corina [Machado, a leading opposition politician] is relaxing, you are getting beaten up” (*María Corina echándose aire en el culo y ustedes llevando cuero*), according to Brito.

The detainees were then moved to another area of the military installation, where guardsmen told them they would be released if they signed a document stating they had not been mistreated, which they all signed, according to Brito and her daughter.<sup>229</sup> The

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<sup>228</sup> Human Rights Watch interview with Keyla Josefina Brito and her daughter, Barquisimeto, March 22, 2014. The identity of the daughter has been withheld out of concern for the individual's safety.

<sup>229</sup> Ibid. Human Rights Watch reviewed pictures and medical reports that corroborate Keyla's statement.

eight detainees were never charged with a crime, nor were they ever brought before a judge, they said.

## Caracas, March 18

**José Romero**, 17, was coming out of a metro station around 6 p.m. on March 18 in the Chacao district of Caracas when he was stopped by three national guardsmen, who asked to see his identification.<sup>230</sup> The metro station is near Plaza Altamira, a regular site of demonstrations by students. When Romero held his ID up for them, he said, a guardsman said to him—for no apparent reason—“You are very rebellious,” and slapped him with an open hand across the side of his face. Another guardsman grabbed his shirt by the collar and yanked him towards a motorcycle. Romero was placed on a motorcycle between the driver and another guardsman, who sat behind him.

Romero was taken to a tent-like structure that did not appear to be an official government building, where he saw six other men facing a wall, on their knees, with their hands on the back of their heads. Guardsmen told Romero to do the same, and told him that if he moved, he’d be beaten. He was forced to stay in that position for the next 12 hours, without being given food, water, or the chance to go to the bathroom, he said.

Over the course of the night, guardsmen threatened to rape and kill Romero and the other detainees. Often, they made politically motivated insults, such as saying: “You are fascists,” or “You’re against the government,” he told Human Rights Watch.

At one point during the night, a man—who he did not see because he was on his knees facing the wall—came up behind him and told him to lift up his shirt. Then, Romero said, he heard the sound of a lighter being struck, and felt a burn on his back. He was burned three more times on his back and torso.

Around 7 a.m., a guardsman asked, “Which of you was the one with the ID?” When Romero said it was he, the guard told him to stand up and turn around. Then, with no explanation, he walked Romero out towards a narrow street and told him he was free to go. Romero said no guardsman had ever explained why he had been detained. He did not know what

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<sup>230</sup> Human Rights Watch interview with José Romero (pseudonym), Caracas, March 19, 2014. The identity of the victim has been withheld out of concern for the individual’s safety, and because he is a child.

happened to the other six detainees, who were still on their knees, facing a wall, when he left. When released, he did not even recognize what part of the city he was in. (He waved down a taxi and, because guardsmen had stolen his money, promised to pay the driver when he arrived home.)

## Acknowledgments

This report was researched and written by Human Rights Watch research staff. It was edited by Daniel Wilkinson, Americas managing director at Human Rights Watch; Joe Saunders, deputy program director; Aisling Reidy, senior legal advisor; and José Miguel Vivanco, Americas executive director. Americas Division associate Teresa Cantero contributed to research logistics and production. Americas Division interns Amanda McCullough, Ines Dawson, Shaw Drake, Argemira Flórez, and Alonso Gurmendi provided valuable research support.

Human Rights Watch would like to thank the numerous Venezuelan organizations and individuals that contributed to this report, many of whom asked not to be identified. We are very grateful for the support provided by CIVILIS Human Rights (Civiles Derechos Humanos); the Committee of Family Members of Victims of Events of February 27 to early March 1989 (Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989, COFAVIC); Public Space (Espacio Público); the Venezuelan Penal Forum (Foro Penal Venezolano); the Justice, Solidarity and Peace Foundation (Asociación Civil Fundación Justicia, Solidaridad y Paz, FUNPAZ); the Venezuelan Observatory of Prisons (Observatorio Venezolano de Prisiones); the Venezuelan Program for Education-Action on Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA); and the Human Rights Office of the Archdiocese of Caracas (Vicaría de Derechos Humanos de la Arquidiócesis de Caracas). We would also like to thank Andrés Colmenarez, Nizar El Fakih, Nelson Freitez, Alfonso Granadillo Malavé, and Magaly Vásquez for their invaluable support in contacting and arranging interviews with victims.

Human Rights Watch is deeply grateful to the victims and their family members who shared their testimonies with us. Human rights violations inflict often deep wounds on victims and their families, and recounting such stories can be very painful. Many of the victims who spoke with us expressed the hope that, by telling their stories, they could help prevent others from suffering the same abuses.

# PUNISHED FOR PROTESTING

## Rights Violations in Venezuela's Streets, Detention Centers, and Justice System

On February 12, 2014, thousands of people across Venezuela participated in public demonstrations to protest the policies of the administration of President Nicolás Maduro. In several locations, violent clashes broke out between security forces and protesters. Since then, dozens of people have been killed, hundreds injured, and many more arrested in the context of ongoing demonstrations.

The Venezuelan government has characterized the protests as violent. There is no doubt that some protesters have used violence, such as throwing rocks and Molotov cocktails at security forces. However, our research shows that Venezuelan security forces have repeatedly used unlawful force against unarmed and nonviolent individuals.

*Punished for Protesting* documents 45 cases, involving more than 150 victims, in which security forces committed serious human rights violations against protesters and bystanders, including severely beating unarmed individuals and shooting them at point blank range. Nearly all of the victims were also arrested and, while in detention, subjected to physical and psychological abuse. In at least 10 cases, the abuse clearly constituted torture. Security forces have also allowed armed pro-government gangs to attack unarmed civilians, and in some cases openly collaborated with them.

The abuses were compounded by prosecutors and judges, who either turned a blind eye or were party to violations of detainees' due process rights, including the denial of access to legal counsel and holding unfair hearings. Justice officials routinely failed to intervene when detainees presented to them were visibly injured, or to scrutinize evidence that had been fabricated or planted by security forces.

Venezuela should ensure that human rights violations committed in the context of protests are brought to an end, and that the abuses that have occurred are subject to prompt, thorough, and impartial investigations that bring the perpetrators to justice. All acts of violence by non-state actors in the context of protests should also be thoroughly and impartially investigated and prosecuted, regardless of the political affiliation of suspects or victims.



*Members of the National Bolivarian Police detain a demonstrator at anti-government protests in Caracas, Venezuela, March 22, 2014.*  
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