



Venezuela
Violations of human rights in the context of peaceful demonstrations
February 2014

From February 2, 2014 to date, Venezuela is in the midst of a strong repressive context expressed in conducts of extreme intolerance, criminalization and repression by state forces against peaceful protests, opposition party leaders, human rights defenders and journalists, identified in many cases as targets of war based on the assumption of their involvement in *coup* attempts directed from foreign countries. These conducts —with a pattern similar to the events of April 2013¹— occur this time more harshly than in the past, along with measures to censor independent media and calls for "peace" and "dialogue" issued by the Executive, which are not consistent with the excesses and repressive practices in cities across the country, the biased use of information about the causes of social unrest and serious acts of violations of human rights as a result of such practices. They are joined by repetitive discourses of intolerance, confrontation and threats issued by the highest State authorities through mandatory joint radio and television broadcasts ("cadenas"²) on national television, ignoring, disqualifying or criminalizing the legitimate complaints, claims and demands of protesters.

Protests began peacefully, led by students, opposition leaders and civil society sectors of Venezuela, as a result of the confluence of different reasons to manifest, such as insecurity, shortages and inflation, the severe public health crisis, the implementation of restrictive measures against freedom of expression, and student arrests in connection with protests that occurred on February 4 and 5³. This confluence led to the call for demonstrations in cities across the country by the student movement on February 12, commemorated as Student Day in Venezuela since 1947. This call was joined by the petition to hold street assemblies by groups of citizens to find what opponents Leopoldo López and María Corina Machado called "The Exit" or a way "to change the anti-democratic political system by constitutional means". This appeal, made at a press conference on January 23⁴ —the anniversary of the fall of the last dictatorship in Venezuela, in 1958—, was subsequently joined the Metropolitan Mayor of Caracas, Antonio Ledezma, along with other opposition party leaders.

Following the announcement of the call for a demonstration on February 12, President Nicolas Maduro coincided with other State authorities in criminalize protests *a priori*, describing them as part of an agenda to destabilize the Venezuelan government.

¹Civilis Human Rights: Situation of Human Rights in Venezuela in the context of Presidential elections on April 14, 2013. Published May 14, 2013 in: <http://www.civilisac.org/defensores/contexto-abril-2013-en-derechos-humanos> y el 25.06.13 en: <http://www.civilisac.org/defensores/venezuelas-human-rights-situation-in-the-context-of-the-presidential-elections-april-14-30-2013>

²"Cadenas" (chains) are mandatory broadcast by all national media, public and private.

³The first student demonstrations began on Tuesday, February 4, after the attempted rape of a female student the night before at the University of Los Andes campus, in the city of San Cristobal, Tachira state. During this first demonstration against insecurity, several youths were arrested and 2 of them remained in custody. In a meeting with Regional Government officials of Tachira, students denounced that during the protest the day before the State Police had violated campus and damaged facilities and buses. On Wednesday, February 5, hundreds of students protested in the cities of San Cristobal and Merida, in which Universidad de Los Andes also operates, to demand the release of their colleagues, one of whom had not participated in the protest the previous day and according to witnesses had been severely beaten. El Universal, Feb 5, 2014: Students arrested for protesting in Tachira are free. In: <http://www.eluniversal.com/nacional-y-politica/140205/liberaron-a-estudiantes-detenido-por-protestas-en-tachira>. According to the wife of the Governor of Tachira, during this protest a small group threw rocks and trash bags to the official residence. The Governor, José Vielma Mora, was not in the state at the time. The student movement denied involvement in this event; however, five students were arrested, as well as a woman who had offered them water without participating in the protests. The 6 detainees were sent to the Coro Prison Community, in Falcón state, hours from San Cristobal. Statement by Mrs. Karla Jimenez Vielma, Governor Vielma Mora's wife. In: http://www.dailymotion.com/video/x1bdaio_primera-dama-del-estado-tachira-denuncia-ataques-contr-la-residencia-del-gobernador

⁴Daily Diario de Caracas, Feb 23, 2014, Video: <http://diariodecaracas.com/politica/leopoldo-lopez-maria-corina-machado-haran-anuncios-importantes-hoy-lasalida>

On February 10, at a press conference at a meeting of the National Board of the United Socialist Party of Venezuela, Diosdado Cabello, vice president of the party and President of the National Assembly, said:

"Those who are behind the protests and student demonstrations that culminated in the attack on public institutions and family members of the Revolutionary Government are the same people who have already decided to mount 'guarimbas'⁵ and protests tomorrow aiming at re-editing the scene of violence that preceded the April 2002 coup"

At this same meeting, Héctor Rodríguez, Minister of Education, said:

"We believe this fascist plan goes against the expressed will of the majority of Venezuelans to live in a country at peace in coexistence."

On February 11, President Nicolas Maduro during a television program hosted by the President of the National Assembly, said there would be

"an iron fist against the plotters and fascists who try to take the country by a spiral of violence (...) if they (the opposition) have decided to embark on another coup attempt, I call on the people, the Armed Force: everyone ready. I have activated the Anti-coup Command. We have been meeting all of these early mornings. We're almost ready with maps, area by area, and name by name around the country. We will act, I say to the whole country: ready to defend democracy, the Revolution, the legacy of Comandante Chavez "⁶.

On Wednesday February 12, thousands of people attended the demonstration in Caracas, beginning with a rally at Plaza Venezuela, from where they marched peacefully to the headquarters of the Public Ministry to deliver a document to the Attorney General. At the same time, there were demonstrations in several cities around the country, such as Barquisimeto, Puerto Ordaz, Valencia, San Cristobal and Merida. Meanwhile, there was a pro-government rally in downtown Caracas, by the Presidential Palace, to commemorate the bicentenary of the Battle of La Victoria, which occurred on February 12, 1814, giving rise to Student Day.

However, when the demonstrators convened by students were withdrawing from the surroundings of the Public Ministry, there were acts of repression and violence by armed pro-government civilian groups ("colectivos"⁷) and members of the Bolivarian Intelligence Service (SEBIN), which resulted in the death of young Bassil Da Costa, participating in the student protest, and Juan Montoya, leader of "Social Colectivos", who was in the same area of La Candelaria. Both were killed by headshots⁸.

In official events celebrating the bicentenary of the Battle of La Victoria, with a military parade on the evening of February 12, President Nicolas Maduro banned unauthorized demonstrations, given the announcement of the protests by demonstrators:

"I am not going to allow them. I have given very clear instructions to law-enforcement agencies of the State to protect major cities. Whoever tries to use violence without permission to rally, will be arrested. Whoever he or she is, whatever his or her name (...) In this country you need a permit to march, in accordance with the law. It has to be done. Whoever wants to protest, march or mobilize, must comply with the law. Listen to my call military chiefs, governors and mayors, everyone with a responsibility. We

⁵ "Guarimbas" are street barricades, placed in high or low-traffic areas or even in middle-class neighborhoods, as a form of protest.

⁶ Ciudad Caracas Daily, Feb. 11, 2014: Maduro: iron fist against plotters and fascists. In: <http://www.ciudadccs.info/?p=532047>

⁷ "Colectivos" is the name given to pro-government groups working in specific low-income areas of Caracas and other cities, many of them organized as paramilitary-type gangs, heavily armed.

⁸ Daily Últimas Noticias. 19.02.2014. Video / Men in uniform and civilians fired shots at La Candelaria Feb 12. In:

<http://www.ultimasnoticias.com.ve/noticias/actualidad/investigacion/video---uniformados-y-civiles-dispararon-en-candel.aspx#ixzz2uHiVjUAP> : Daily Últimas Noticias. Feb 23, 2014. Juancho Montoya was received with gun shots. In: <http://www.ultimasnoticias.com.ve/noticias/actualidad/investigacion/a-juanchito-montoya-lo-recibieron-a-tiros.aspx>

*will implement these measures respecting our people. Nobody here will turn any public square in the country into a new Plaza Altamira*⁹.

In light of the events of February 12, the Minister of Internal Affairs, Justice and Peace, General Miguel Rodríguez Torres, said in a press conference on the 13th that after the first investigations, it could be concluded that behind the violence in Caracas:

*"there is a foreign hand, which finances and knows the profile of the leaders and their excessive ambitions, manipulating and steering them to lead to such madness (...) the darker side of Venezuelan fascism was seen clearly; those who wreaked havoc here today are the same leaders who did the same in 2002, the same who organized 'guarimbas' in eastern Caracas and supported the oil strike. The same who protected the Daktari estate, where 150 paramilitary Colombians arrived with the intention to kill President Chavez, the same fascists who have started these adventures ever since the Bolivarian process began in Venezuela"*¹⁰.

*"...the actions we saw yesterday and those we have seen in Margarita, San Cristobal, Merida and here in Caracas, are not spontaneous actions, nor is this a social protest. It is a protest of a conspiratorial character (...) this is an organization in implementation for quite some time leading the country into an irrational path, unconstitutional and violent. I think students protesting yesterday were definitely manipulated, used to mobilize students in order to bring in infiltrates, a trained vanguard, trained and prepared to generate chaos and acts of violence (...) this particular organization started between 2010 and 2012"*¹¹.

The same day, February 13, Judge Ralenys Tovar of the 16th Control Court, ordered SEBIN —at the request of the Public Ministry—, to arrest Leopoldo López, the National Coordinator of the political party *Voluntad Popular*, and the search of his residence¹². As well, an arrest warrant was issued for Carlos Vecchio, a leader of the same party. On February 17, SEBIN officers broke into the headquarters of *Voluntad Popular* without a warrant, raiding it violently¹³. Lopez turned himself in to military personnel on February 18, accompanied by a considerable number of demonstrators, whom he had convened to march with him for his voluntary presentation at the Ministry of Interior and Justice¹⁴.

Leopoldo Lopez was imprisoned in *Ramo Verde*, a military prison, where he still remains, and initially the prosecution requested charging him with the crimes of "intentional homicide executed by ignoble futile motives, frustrated intentional homicide executed by ignoble futile motives, terrorism, serious injury, public property arson, damage to public property, public intimidation offenses, incitement to crime and association to commit crime". On 19 February, at a hearing within the prison compound considered illegal by his legal counsel, the Judge established four indictable offenses under investigation by the Public Ministry: "public incitement, property damage, being the determiner in the crime of arson (mastermind) and association to commit crime"¹⁵.

⁹ Últimas Noticias Video. Feb 12, 2014. President Nicolas Maduro regarding protests. In: <http://www.youtube.com/watch?v=VLi3Yz7e4eI> (Plaza Altamira was a stronghold of protesters in 2002, in the context of unrest which led to the April 2002 *coup* attempt against ex-President Hugo Chávez.

¹⁰ Ministry of Foreign Affairs, Embassy of Venezuela in Spain, Feb 14, 2014: Internal Affairs Minister: violent acts respond to a fascist conspiracy. In: <http://embajadadevenezuela.es/noticias/2644-ministerio-de-interior-actos-violentos-responden-a-una-conspiracion-fascista>

¹¹ Press conference General Miguel Rodríguez Torres, Minister of Internal Affairs, Justice and Peace, on Feb 13, 2014. In: http://www.youtube.com/watch?v=qY5xQ_WszlE

¹² Daily El Universal. 13.02.2014. SEBIN ordered to arrest Leopoldo López. <http://www.eluniversal.com/nacional-y-politica/140213/ordenan-al-sebin-capturar-a-leopoldo-lopez>

¹³ Daily Últimas Noticias. 17.02.2014. Images and videos | Voluntad Popular headquarters raided. In: <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/fotos-y-video---allanan-sede-de-voluntad-popular-e.aspx#ixzz2uHzPvfnf>

¹⁴ Daily Últimas Noticias. Video / López will turn himself in at MIJ. Feb 17, 2014. In: <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/leopoldo-lopez-convoca-a-marcha-para-el-18-de-febr.aspx#ixzz2uHySlssl>.

¹⁵ Daily Últimas Noticias. Feb 19, 2014. Leopoldo López will be charged with four crimes. In: <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/cuatro-delitos-se-le-imputaran-a-leopoldo-lopez.aspx#ixzz2ul21mFor>

The systematic pattern of criminalization of protest by various government officials was followed again by the Ombudsman, Gabriela del Mar Ramírez —as she had done during the events of April 2013—, who publicly denied that there had been repression, arbitrary arrests and torture, since her office had not received any formal complaints¹⁶. She accused the human rights organization Provea for justifying and being part of the alleged "*coup*", when the organization demanded that she fulfill her mandate of acting against the serious events that occurred on February 12. Those included a complaint filed by Provea at the Public Ministry and the Ombudsman Office regarding the kidnapping and physical assault of Mr. Inti Rodríguez, Media Coordinator of the organization, by a paramilitary group, for his work informing about demonstrations and the wounded during that day¹⁷:



Twitter text: "I know why @_Provea doesn't do it (file a complaint) Because in a *coup d'Etat*, the objective is to attack all institutions, in order to justify it!"

As well, some governors joined the ruling party in fighting the alleged "*coup*". Among them, the governor of Carabobo state, Francisco Ameliach, who on February 16 tweeted a call to the "Battle Units Bolívar-Chavez" (UBCH) for a "fulminating counter-attack", and identified Diosdado Cabello, President of the National Assembly, as the person who would give the order¹⁸. On February 18, students reported the attack against them by armed men in motorcycles. The students were demonstrating in the city of Valencia¹⁹, where 23-year-old Genesis Carmona was shot in the head, passing away the following day²⁰.



Twitter text: "UBCH, get ready for the fulminating counter-attack. Diosdado will give the order #Respect, Gringos&Fascists"

¹⁶ Interview of Ombudswoman Gabriela Ramírez by Ernesto Villegas at public TV channel VTV: Video

1 http://www.dailymotion.com/video/x1cw5j2_defensora-del-pueblo-esperamos-resultados-del-examen-forense-para-confirmar-violacion-a-joven_news ; Video 2 http://www.dailymotion.com/video/x1cw679_defensora-del-pueblo-funcionario-que-viole-la-norma-va-a-ser-apartado-e-investigado_news ; Video 3 http://www.dailymotion.com/video/x1cw84g_defensora-del-pueblo-violencia-en-tachira-ha-dejado-19-personas-heridas_news ; Video 4 http://www.dailymotion.com/video/x1cw84g_defensora-del-pueblo-violencia-en-tachira-ha-dejado-19-personas-heridas_news

¹⁷ Front Line Defenders: Venezuela: defamation campaign against human rights defender Humberto Prado and arbitrary arrest of Inti Rodríguez – More in: <http://www.frontlinedefenders.org/node/25019#sthash.uakvLZgL.dpuf>

¹⁸ Daily El Universal. Feb 17, 2014. Ameliach's call to get prepared for a "fulminating counter-attack". In: <http://www.eluniversal.com/nacional-y-politica/140217/ameliach-llamo-a-prepararse-para-el-contraataque-fulminante>

¹⁹ Daily El Carabobeño. Feb 18, 2014. Men in motorcycles attacked opposition protest in Avenue Cedeño. In: <http://www.el-carabobeno.com/sucesos/articulo/75909/motorizados-atacaron-marcha-opositora-en-la-avenida-cedeo>

²⁰ Daily El Universal. Feb 19, 2014. Genesis Carmona, Miss Turismo Carabobo 2013, passes away. In: <http://www.eluniversal.com/sucesos/140219/murio-genesis-carmona-miss-turismo-carabobo-2013>

From 13 February until the closing date of this note, demonstrations continued in several states and there has been an escalation of violent confrontation between protesters and military and pro-government paramilitary groups, which have also involved families and communities in order to protect the demonstrators, given the increased repression and discourses of intolerance, intransigence and criminalization by national government authorities.

As a result, there are so far 13 deaths, some of them as a consequence of the use of fire arms by law-enforcement and military officials, as well as by paramilitary groups acting with impunity in plain view of those officials²¹; numerous people wounded, as a result of abuses and the disproportionate use of force by law-enforcement officials²²; over 600 people detained, the majority arbitrarily; denunciations by detainees of torture, and cruel, inhuman and degrading treatment²³; over 40 violations of the right to freedom of expression²⁴; the militarization of Tachira state, with military armored vehicles patrolling the streets and war planes flying over the capital city, San Cristobal, while local media was censored, all of which brought Governor Vielma to express his rejection²⁵; as well as the suspension of transportation services²⁶ and threats of interrupting the supply of gasoline in some areas of the country for allegedly being tied to violent acts as part of the supposed *coup* attempt, regarding which no investigation by the Public Ministry is known²⁷.

12 days after the beginning of protests, still President Maduro and other government authorities insist in stating that they are related to a *coup* attempt and have therefore requested the National Assembly to establish a "Truth Commission" in order to investigate all of the events which, according to the President,

"demonstrate the intentions of the Venezuelan right, with foreign support, to stage a coup d'Etat in the country"²⁸, (...) and it should investigate all of the fascist crimes. I hope one day there will be justice regarding this fascist siege"²⁹.



Fotos El Carabobeño, 24.02.2014. Represión en el estado Carabobo. En:

[http://www.flickr.com/photos/el-](http://www.flickr.com/photos/el-carabobenio/)

²¹ Testimonies: Feb 20, 2014. Mother of a student wounded in Valencia. Video <http://www.youtube.com/watch?v=2XeeYc2dg-k>; Daily El Universal. Feb 20, 2014. Armed "colectivos" march in downtown Caracas. In: <http://www.eluniversal.com/caracas/140220/marcha-de-colectivos-recorre-la-avenida-urdaneta>

²² Daily El Universal. Feb 22, 2014. "When Geraldine fell down, they shot her in the face again". In: <http://www.eluniversal.com/nacional-y-politica/140222/cuando-se-cayo-geraldine-le-dispararon-en-la-cara-otra-vez>

²³ Daily El Nacional. Feb 22, 2014. "We were forced to get naked and they threatened to rape us". In: http://www.el-nacional.com/politica/obligaron-desnudarlos-amenazaban-violarnos_0_359964248.html

²⁴ Espacio Público, February 2014, The Difficulties of Freedom of Expression. En: http://espaciopublico.org/index.php/biblioteca/doc_download/492-

²⁵ Interview with José Vielma Mora, Governor of Tachira state, Onda Radio, hosted by Alba Cecilia Mujica and Sergio Novelli. En: <http://ondasuperestacion.com/categorias-principal/vielma-mora-converso-en-exclusiva-con-alba-y-sergio-sobre-la-situacion-de-protestas-en-tachira/>

²⁶ Press conference by Transportation Minister, Haiman el Trouidi. Feb 15, 2014. In: <http://www.youtube.com/watch?v=I08FvVQHnMk>

²⁷ Daily El Universal. Feb 21, 2014. Ramírez evaluates suspending gasolina supplies "in areas under siege". In: <http://www.eluniversal.com/economia/140221/ramirez-evalua-suspender-despacho-de-combustibles-en-zonas-en-asedio>

²⁸ Daily Ciudad Caracas, Feb 23, 2014: Maduro will request the National Assembly to establish a commission to investigate the coup attempt. In: <http://www.ciudadccs.info/?p=536474>

²⁹ Daily El Universal, Feb 24, 2014: Maduro asks the National Assembly to create a "Truth Commission". In: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140224/maduro-pidio-a-la-an-creacion-de-una-comision-de-la-verdad>

Given the serious acts of violation of human rights and the escalation of violence in the Venezuela, which can result in an even more lamentable balance, situation in which the authorities of the Venezuelan State have a responsibility, it is essential to enforce their obligation to guarantee freedom of the protesters in the legitimate exercise of their right to peaceful protest, as well as their rights to life and personal integrity, guaranteeing them likewise to journalists, human rights defenders and communities in which demonstrations are being carried, all in accordance with the provisions of the Venezuelan Constitution and international covenants on human rights signed by the Republic. This includes the proportional and differential use of force in those situations in which protesters engage in acts of verbal or physical violence. It is also their obligation to put an end to speeches of intolerance and to the systematic criminalization of peaceful protests: instead of framing them in destabilizing agendas as part of a coup, they must address the legitimate grievances and demands of an important part of the Venezuelan population³⁰.

Peaceful demonstrations are one of the ways in which the aspirations of the people in terms of democratic freedoms, social justice and respect for human rights are expressed. The democratic character of a government is manifested, among other conditions, in its ability to meet the demands of its citizens. If the peaceful demonstration is one of the last resources to which citizens resort in order to be heard in their demands and aspirations, it is the obligation of the states to listen to them, as a way to preserve peace and coexistence. In this regard, it is imperative that the Venezuelan government and state institutions as a whole recognize the legitimate right of citizens to the expression of opinions critical of their handling of public affairs and to open channels to attend their claims. Likewise, it is also imperative for demanding rights through protests and demonstrations, that they remain peaceful at all times, as a necessary condition to support the legitimacy of the claims of protesters.

³⁰ Among the points raised by opposition leader Henrique Capriles in a peaceful demonstration on February 22 are: 1. Freedom for all detainees in the context of protests and amnesty for all those undergoing judicial proceedings; 2. Freedom for Leopoldo López; 3. Humanitarian measure for ex Metropolitan Police Commissioner Ivan Simonovis; 4. Return of all Venezuelans in exile; 5. Justice for all killed in the protests and for the brutally repressed; 6. Immediate disarmament of all paramilitary groups; 7. End to repression and lifting of the militarization of Táchira; 8. Respect for the right to peaceful protest; and 9. Transform protests into a social movement together with low-income sectors.