

Political Crisis in Venezuela
Human Rights Watch Press Backgrounder
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Former President Jimmy Carter will travel to Venezuela on July 6, 2002, to mediate talks between the government and the country's political opposition. President Carter has an invaluable opportunity to help overcome the political impasse that has existed since the failed coup of April 12, 2002.

Human Rights Watch recently returned from its own five-day mission to Venezuela to assess the human rights situation in the country. During the mission, Human Rights Watch representatives met with President Hugo Chávez, governmental ministers, and family members of people killed during the April 11-14 violence, among others.

We have grave concerns regarding Venezuela's political stability. In light of the seriousness of the current political crisis, we urge President Carter to remind members of both the government and the opposition of their obligation to respect democracy and the rule of law. This backgrounder sets out the preliminary findings of our mission to Venezuela, as well as summarizes some of our recommendations for improving the political situation there.

Democracy

Although the coup against President Chávez in April failed, democracy remains at risk. The political situation is extremely polarized, with neither Chávez nor the opposition indicating a willingness to compromise or negotiate. The possibility of violent unrest, including another coup attempt, is very real.

Role of the opposition

We are seriously concerned that the leaders of the opposition continue to seek an extra-constitutional exit to the political crisis. The opposition refuses to characterize the events of April 11-12 as a coup, and, indeed, has not even condemned them as a break in the constitutional order. Opposition leaders continue to insist that Chávez leave power prior to the expiration of his term, and some show little concern for the legality of the mechanism by which his exit from office is accomplished. The only political solutions that the opposition supports are Chávez's resignation or a referendum to remove him from power followed by an election in which he would not be permitted to be a candidate.

We reminded members of the opposition of the importance of safeguarding Venezuela's democratic institutions, and of the grave human rights violations that frequently follow in the wake of any break in the constitutional order. We encouraged them to seek resolution of the political crisis only through legal mechanisms such as a constitutional amendment.

Role of the military

Human Rights Watch is concerned that active-duty members of the armed forces continue to play political roles within the government. We urged President Chávez and other members of the government to take measures to keep the military out of politics, and to ensure that the military is subordinated to civilian control.

Freedom of Expression

Venezuela's record on freedom of expression has attracted a great deal of international criticism. It should be emphasized, however, that there is no prior censorship in Venezuela, journalists are not imprisoned, and the press is free to say whatever it wishes. Indeed, much of the media clearly sympathizes with the opposition, acting as an advocate for opposition positions and using aggressive language to attack the government.

Unfortunately, even though the political debate in Venezuela is vigorous, there is little indication that it is constructive.

President Chávez's aggressive language

President Chávez regularly verbally attacks members of the news media during his weekly *Alo Presidente* program, using strong and intimidating language. Given the polarized political situation, his critical statements may be read by his supporters as incitement to violence against the media. Indeed, local journalists have received serious threats and, in some instances, been subject to violent physical attacks. We therefore urge President Chávez to condemn all forms of violence against those he is criticizing. He should state, in unequivocal terms, that his critical statements are not meant to justify physical attacks by his supporters against the press or the opposition.

Threats and attacks against media

In addition to condemning such attacks and calling on President Chávez to condemn them, Human Rights Watch urged the Attorney General to undertake thorough, serious investigations into these incidents of intimidation and violence.

Right to truthful information

Article 58 of the Venezuelan Constitution gives citizens the right to receive timely, impartial, and truthful information. Because the requirements of speed, impartiality and accuracy place an unnecessary burden on the media's ability to report freely, the provision is inconsistent with international human rights norms. (See Article 7 of the Declaration of Principles on Freedom of Expression, issued by the Inter-American Commission on Human Rights, which specifically judges such requirements to be "incompatible with the right to freedom of expression.")

In June 2001, the Venezuelan Supreme Court issued a ruling that addressed Article 58. Although the court did not find that the right to truthful information violated international human rights norms, it qualified the right by subordinating it to the right to timely information. The court found that because journalists must publish the news quickly, they cannot be expected to investigate their sources exhaustively. Thus, if the

media has taken minimal steps to verify its information, only willful or intentional misstatements of fact will give rise to a legal claim based on the right to truthful information. This matter is currently under review by the Inter-American Commission on Human Rights.

Investigation into the Events of April 11-14, 2002

Facts as we understand them

More than two months after the failed coup, there is still little agreement about who is responsible for the violence that occurred between April 11-14. In fact, there is not even agreement on a complete list of victims. During our visit to Venezuela, we heard several conflicting versions of what took place during and in the wake of the failed coup. Despite the clear lack of agreement on many factual questions, we were able to confirm the following:

- Eighteen people were killed and 150-185 people were injured, some quite seriously, during the April 11 protest march. Of those killed, most were members of the opposition. However, supporters of the official party, as well as one member of the press, were also killed.
- Both sides bear responsibility for the shootings. At least eleven civilians have been identified as having fired weapons during the march. Most of these civilians occupy or have occupied governmental positions. In addition, at least one member of the National Guard fired his weapon. Finally, at least two members of the Metropolitan Police, which is under the command of an anti-Chávez mayor, also participated in the shooting.
- Between April 12-14, another forty to sixty people were killed. Much of this violence was associated with the widespread looting and protesting that took place during that period. Many of the victims died in the poor, western area of Caracas, where there is a high concentration of Chávez supporters.

Evaluation of the investigation into the violence of April 11-14

Only three people are currently detained in connection with the violence of April 11-14, 2002, but arrest warrants have been issued for three others. Families of the victims expressed dissatisfaction with these results, as well as an extreme lack of confidence in the investigation generally. In some cases, they complained that the prosecutors assigned to their cases were unqualified, failed to follow-up on their cases actively, or failed to attend important forensics meetings. Some reported that they had so little confidence in the investigation that they had not even filed a criminal complaint.

Many people we interviewed also complained that the Attorney General is too partisan to conduct an independent investigation. We would agree that, because he was previously vice-president under Chávez, as well as a congressman for the official party, his impartiality might be questioned. However, he was elected by a majority of the National Assembly, including by members of the opposition. We have not seen any evidence of obstruction of justice, bias in the results of the investigation, or willful failure to investigate.

We encouraged the Attorney General to conduct a thorough, serious, and independent investigation into the violence of April 11-14, and expressed our grave concern that those guilty of the violence might escape prosecution.

Prosecution of coup plotters

Only one civilian, Pedro Carmona, has been charged in civilian courts with crimes associated with participating in the failed coup. Carmona acted briefly as president on April 12-13 prior to Chávez's restoration to power. He fled house arrest on May 16, 2002, and was subsequently granted asylum by Colombia. He is now in Miami.

Rebellion charges have been brought against nine high-ranking military officers for their alleged participation in the failed coup. The Supreme Court has opened preliminary judgment of merit proceedings ("*antejuicio de mérito*") in four of these cases to determine whether the officers will, in fact, be tried.

Truth Commission

The National Assembly is currently debating the passage of a law to create an independent truth commission to investigate the April violence. We think that this could be a positive step that might help to restore confidence in the investigation. However, a truth commission will only be valuable if it has the appropriate budget and authority, is composed of persons who are experienced in human rights, and is truly apolitical and independent. Moreover, both the opposition and the government must have confidence in its composition. There have been a number of delays in the passage of the law that would create the commission. We have called upon the National Assembly to expedite the legislation's passage.

Human Rights Organizations

The polarized political situation has had a negative impact on the situation of Venezuelan human rights organizations. In particular, we are concerned that the human rights organization COFAVIC has been the object of discrediting remarks and threats since April 11. COFAVIC and other human rights organizations, such as PROVEA, the Red de Apoyo, and the Vicaría Episcopal de Derechos Humanos, have performed an important and difficult role in defending and promoting human rights in Venezuela. Human Rights Watch has maintained a close working relationship with these groups for many years.

In our meetings with President Chávez and other members of the government, we defended these groups, noting that they conduct serious and independent investigations into human rights abuses. We particularly called upon the Attorney General to seriously investigate the threats made against COFAVIC.