

## United States

Amid scandalous revelations about the criminal activities of Vladimiro Montesinos, the U.S. press published details about Montesinos' long association with the U.S. Central Intelligence Agency (CIA) and his pivotal role in U.S. anti-drug efforts in Peru. In September 2000, the *Washington Post* reported that the CIA defended Montesinos in inter-agency reviews and dismissed as "unproven and irrelevant" reports that he had "orchestrated" human rights violations in the early 1990s. The United States maintained its association with Montesinos well into 2000, according to the newspaper, until evidence emerged that Fujimori's advisor had been involved in the illegal sale of assault rifles to left-wing guerrillas in Colombia. In June, the National Security Archive (NSA), a U.S. non-governmental freedom of information advocacy group, published documents declassified under the Freedom of Information Act about the U.S.'s early links with Montesinos in the 1970s. Other documents showed that the U.S. received reports of Montesinos' growing influence over Fujimori as early as 1990. Apparently following a top-level decision finally to break off ties with Montesinos, the Federal Bureau of Investigation gave Peruvian police vital assistance in apprehending him in Caracas in June.

In July, Human Rights Watch wrote to President George W. Bush to express concern about the shooting down of a plane during a joint U.S.-Peruvian drug surveillance operation on April 20, causing the deaths of Veronica Bowers, a missionary, and her infant daughter. Human Rights Watch urged that surveillance pilots be issued with clear instructions not to use lethal force in the absence of an imminent threat of violence. A joint U.S.-Peruvian report released by the State Department in August put the blame for the tragedy on lax procedures and the failure of the Peruvian pilot to give proper warning.

## VENEZUELA

**A**s in the past, the most pressing human rights issues facing the government of President Hugo Chávez involved crime and the criminal justice system. High levels of violent crime placed great stress on public institutions, whose level of professionalism was often low. Corruption and violence in the police forces and the prison system remained endemic, while the judiciary—under-funded, inefficient, and often corrupt—was incapable of dispensing justice in an efficient manner.

The extrajudicial execution of criminal suspects by police continued to be a major human rights problem. A disturbing recent development was the emergence in some states of organized death squads, acting with impunity and even publishing their hit lists in local newspapers.

President Chávez's frequent outbursts against his political and media critics,

coupled with his authoritarian style of governance, raised fears of encroachments on civil liberties and free expression. However, as in previous years, Chávez's rhetoric was generally more aggressive than his actions.

## HUMAN RIGHTS DEVELOPMENTS

In the state of Portuguesa, a death squad composed of off-duty members of the state police and National Guard was believed responsible for up to one hundred killings of criminal suspects over the last two years, mainly in the cities of Acarigua and Araure. Calling itself the "extermination group," it selected its victims from lists of wanted criminals openly published in the press. Given the apparent indifference of the state government, police, and judges to the incidents, the killers reportedly took to operating in broad daylight aboard police patrol cars. According to press reports, they extorted large sums of money from those on their hit list and killed them if they were unable to pay up.

In October 2000, members of the group murdered twenty-three-year-old Jimmy Rodríguez, a third year law student, and his friend César Agray Meléndez. Both were well known locally and neither was believed to have criminal connections. In May, Rodríguez' father, José Ramón Rodríguez, who had campaigned publicly to bring his son's killers to justice, was himself gunned down. A few days later, Belmiro Gutiérrez, one of the principal witnesses in the Rodríguez-Agray killings, was also murdered. In July, the government sent two prosecutors and large contingent of police from Caracas to investigate these incidents. Many witnesses received death threats.

Human rights groups accused Rodrigo Pérez Pérez, the chief of public security of the Portuguesa state government, and the former chief of the State Police, Carlos Navarro, of complicity in the activities of the death squad, but neither had been charged by October. At least six state police officers, however, were arrested in connection with the killings. On September 25 a large National Guard and police contingent, acting on the orders of the attorney general, Isaías Rodríguez, raided the state police headquarters. According to the press, they found that four of the six detained officers were not in their cells, which contained liquor and cell phones. The police also reportedly found illegal weapons, drugs, and the registration documents of stolen cars in the building.

In June, Attorney General Isaías Rodríguez announced that the government was also investigating death squad activity in the states of Yaracuy, Miranda, Anzoátegui, and in metropolitan Caracas. The nongovernmental human rights group Venezuelan Program for Education and Action on Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA) denounced a pattern of extrajudicial killings in the states of Barinas (with thirty-two such deaths between January 2000 and June 2001), and Zulia, where ninety-eight people died in "clashes" with police in 2000, and forty-three in the first four months of 2001. Police often attempted to disguise deliberate killings by claiming that the victims were killed in firefights.

In July, the Supreme Court granted a habeas corpus writ filed on behalf of

Roberto Javier Hernández Paz, who “disappeared” after intelligence agents arrested him in his home in the state of Vargas in December 1999. The court ordered the prosecutor to renew investigations into Hernández’ “disappearance” and bring to justice those responsible. Hernández was one of four people who “disappeared” when intelligence agents and army paratroopers committed serious abuses during efforts to control looting during flooding in Vargas state. In September the public prosecutor brought charges of enforced disappearance against Jose Yañez Casimiro, a DISIP officer implicated in the “disappearance” of Oscar Blanco Romero, and against Justiniano Martínez Carreño for covering up Blanco’s illegal arrest.

The progressive new code of penal procedures, introduced in 1999 under the government of Rafael Caldera, came under fire as the public security crisis worsened. With the code being scapegoated for the weaknesses of law enforcement, calls multiplied for its reform, in particular, to tighten its provisions on parole and pre-trial release, and to eliminate jury trials.

Prison conditions remained inhumane and, because of inter-prisoner violence, often life-threatening. Despite a significant reduction in the numbers of prisoners awaiting trial, levels of inmate violence were extremely high, abetted by insufficient staffing and equipment, widespread corruption among guards, and the unchecked entry into prisons of narcotics and firearms. In March, two prisoners died and forty-one were wounded in a gun battle between rival gangs in the El Rodeo prison in Miranda state. One of the dead, Edgard Alexander Bazán, was killed when he picked up a hand grenade another prisoner had thrown toward him. The prison with the worst record of inmate violence was Yare I, in Miranda state, where at least twenty inmates died in separate incidents from April to August, as gangs competed to control the market in drugs and weapons.

Venezuela’s treatment of refugees from neighboring Colombia raised serious concerns. In October 2000, Venezuelan authorities forcibly returned at least seven asylum seekers who had fled paramilitary violence in their villages, having barred access to the group by the United Nations High Commissioner for Refugees (UNHCR). In February human rights and church groups expressed concern about the plight of hundreds of Colombians who had crossed into Zulia state to escape political violence in Colombia. The refugees, whose presence both the Venezuelan and Colombian governments initially denied, were reported to be undocumented and suffering from malnutrition and disease. In March, the Inter-American Commission on Human Rights issued an urgent appeal to the Venezuelan government not to return the 287 refugees and to guarantee their safety, provide them with humanitarian assistance, and consider their applications for refugee status.

In August, the National Assembly approved an Organic Law on Refugees and Asylum Seekers, drafted with the participation of nongovernmental human rights groups. The new law prohibited the forcible return of asylum seekers and established a National Commission for Refugees to consider asylum applications. According to PROVEA, more than one hundred such applications had been awaiting consideration since July 1999.

President Chávez’s authoritarian tendencies continued to reveal themselves in efforts to undermine civil society institutions such as labor unions and the press.

Yet, even as Chávez threatened severe measures—as in May when he proposed declaring a state of emergency—his actions were rarely as drastic as his more alarmist critics expected.

On December 3, 2000, at Chávez's behest, the government held, and won, a national referendum to remove the leadership of the country's discredited trade union federations. The proposal was in breach of treaty obligations mandating that the government respect the autonomy of labor organizations. After repeated postponements, new union elections held under the auspices of the National Electoral Council, a state body, were scheduled for October.

Although press freedom was generally respected, Chávez continued to deliver blistering attacks on his press critics in his weekly television show and other public appearances, as well as in calls placed by him to radio and television networks. Chávez's aversion to criticism was also evident in his June announcement that "foreigners who come here to slander Venezuela will be expelled." His words were believed to be a reaction to comments made during a visit to Venezuela by Peruvian presidential candidate Lourdes Flores, who had compared Chávez's government to that of deposed President Alberto Fujimori of Peru.

Also in June, the Supreme Court issued a decision interpreting a controversial clause in Venezuela's new constitution, a document drafted under Chávez' direction. In a much-criticized ruling, the court found that article 58 of the constitution guaranteeing the right to "timely, truthful, and impartial information" imposed enforceable obligations on the media. The court held that media outlets must avoid "publishing false news or news that is manipulated with half truths; disinformation that denies the opportunity to know the reality of the news; and speculation or biased information to obtain a goal with regard to someone or something." The court also concluded that article 58 required publications to be ideologically pluralistic unless their editorial line was made explicit.

The Supreme Court ruling raised fears that article 58 would be used to gag press critics of the government. Indeed, in October, the National Commission of Telecommunications (Comisión Nacional de Telecomunicaciones, CONATEL) began an investigation into the conduct of the Venezuelan television network Globovisión, for allegedly having broadcast "false, misleading or tendentious information," an offense under Venezuela's Radiocommunications Regulations. In September, the network aired the statement of a taxi driver who claimed that nine colleagues had been killed by criminals, when in fact only one had died. President Chavez urged the station to "reflect before it is too late," and threatened to "apply mechanisms for the defense of the national interest, the truth, and public order." For its error, which it promptly corrected, the station was potentially liable to a fine or the suspension of its broadcasting license.

On January 7, members of the Directorate of Military Intelligence (Dirección de Inteligencia Militar, DIM) detained lawyer and academic Pablo Aure Sánchez in response to a letter he wrote ridiculing the army that was published in a national newspaper. Aure was stripped of his clothes and spent the night in a cramped cell without access to a toilet. Although he was released for health reasons three days later, Aure faced charges under an article 505 of the code of military justice, which mandates a three- to five-year sentence for anyone who "insults, offends or dispar-

ages the armed forces.” Disregarding objections made by the attorney general and the human rights ombudsman, who argued that military jurisdiction over civilians was unconstitutional, the military prosecutor refused to turn the case over to the civilian courts.

On June 24, Venezuelan military intelligence agents arrested Vladimiro Montesinos, the shadowy head of Peru’s National Intelligence Service and the power behind the throne of deposed President Alberto Fujimori, in Caracas. Montesinos was promptly deported to Peru, where he was imprisoned on charges of corruption and human rights abuse. Since Montesinos fled Peru amidst a bribery scandal in October 2000, persistent rumors had circulated that he was hiding in Venezuela with the protection of government officials. The strongest suspicions centered on members of the Directorate of Intelligence and Prevention Services (Dirección de los Servicios de Inteligencia y Prevención, DISIP) and on its director, Eliecer Otaiza, who was fired by Chávez days before Montesinos’ arrest. However, investigations by the Attorney General’s Office and two parliamentary commissions of inquiry failed to clarify questions regarding the government’s involvement.

## **DEFENDING HUMAN RIGHTS**

The year began with positive overtures by the Chávez government toward human rights groups, but little real cooperation resulted. In January, Human Rights Watch was present as an observer at a meeting on public security convened by Minister of the Interior and Justice Luis Alfonso Dávila with representatives of the Venezuelan human rights community, and attended by cabinet ministers, the attorney general, the president of the Supreme Court, and the human rights ombudsman. The participants agreed to form a permanent advisory commission to ensure an ongoing dialogue between the government and human rights groups, particularly on crime control policy. However, by October the proposal had not been implemented.

In January, the press reported that Liliana Ortega, executive director of the respected Committee of Relatives of Victims of the Events of February-March 1989 (Comité de Familiares de los Víctimas de los Sucesos de Febrero-Marzo de 1989, COFAVIC), was on a list of persons under investigation by DISIP for “plotting against the government.” The following month, however, DISIP’s director denied the allegations.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

In March the Human Rights Committee reviewed Venezuela’s record of compliance with the International Covenant on Civil and Political Rights. In its concluding observations, the committee expressed grave concern at reports of “disappearances” and extrajudicial executions, and regarding the failure of the state

authorities to investigate them and bring those responsible to justice. It also urged Venezuela to pass a law codifying torture as a crime, and expressed concern that the extended reform of the judiciary could threaten its independence. In May, the Committee on Economic, Social and Cultural Rights called on Venezuela to ratify the 1951 Convention on the Status of Refugees and to issue asylum applicants with appropriate documentation. It considered that Venezuela's failure to do so "seriously hinders their enjoyment of economic, social and cultural rights, including the rights to work, health and education."

### **Organization of American States (OAS)**

In its annual report for the year 2000, the Inter-American Commission on Human Rights expressed concern about restrictions on freedom of expression in Venezuela. The special rapporteur on freedom of expression raised the case of Pablo Aure as an example of the continuing problems posed by contempt of authority laws.

In February the Inter-American Commission on Human Rights issued an urgent appeal to the Venezuelan government with regard to criminal defamation proceedings targeting journalist Pablo López Ulacio. The proceedings, brought by a prominent businessman whom Ulacio had accused of corrupt business practices, were flawed by the evident partiality of the judges. Yet the government failed to take the measures requested by the commission, and in July a Caracas judge issued another order for López' arrest.

Venezuela also continued to flout a 1996 ruling of the Inter-American Court on Human Rights. The court had ordered Venezuela to compensate the relatives of fourteen fishermen extrajudicially executed at El Amparo in Apure state in October 1988, and to bring to justice those responsible.

### **United States**

Neither the Clinton nor Bush administrations commented publicly on human rights. The State Department's *Country Reports on Human Rights Practices for 2000* highlighted the problem of extrajudicial executions and "disappearances," noting that the perpetrators acted with "near impunity." High-level Venezuelan officials, including Defense Minister José Vicente Rangel and Foreign Minister Luis Alfonso Dávila, criticized the report.