



Foro Penal
venezolano

Report on State Repression in Venezuela

January 2014 - June 2016



Executive Summary



This report was elaborated and coordinated by Alfredo Romero and Gonzalo Himiob Santomé, with the collaboration of Mariela Suárez and is based upon information furnished by regional coordinators of Foro Penal (The Penal Forum) and attorneys who are members of the organization.

Foro Penal Venezolano (FPV) – Venezuelan Penal Forum is an NGO that has worked defending human rights since 2002, lending assistance at no cost to victims of repression by the State, including arbitrary arrests, serious violations of Human Rights, torture and cruel, inhuman or degrading treatment. Today, the Venezuelan Penal Forum has approximately 200 volunteer attorneys and more than a thousand activists throughout Venezuela dedicated to lending assistance and legal support to the victims. The Venezuelan Penal Forum has been awarded diverse national and international prizes by virtue of its defense of human rights.



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EXECUTIVE SUMMARY

Despite the fact that the Penal Forum has been reporting an escalation in repression by the State since 2002¹, starting in 2014 we have observed that the repression and political detentions have been increasing significantly in Venezuela to such a degree that today this has become a pattern of behavior or policy of State.

As a matter of reference, when Nicolás Maduro became president in 2013, the Penal Forum had knowledge of 11 political prisoners. Nevertheless, since January of 2014, the number of political prisoners and detainees has increased exponentially, to which ends the judiciary has been used as a weapon of political persecution and as a “façade” for hiding a repressive régime.²

From January of 2014 until 30 June 2016, the Venezuelan Penal Forum has recorded **5,853** detentions, arrests or incarcerations related to different protest demonstrations, statements made over the social networks, and protests against food shortages, programmed electrical blackouts and a water shortage, directed against the government in Venezuela. Currently, **1,998** people are being subjected to restrictions placed on their liberties and are being subjected to judicial processes, and **96** are being kept behind bars. In Aroa, in the state of Yaracuy, **20** people are still under detention despite the fact that on 9 June 2016 a court ordered their release on bond, yet they are still incarcerated as a result of procedural irregularities.

It is noteworthy that there is a “revolving door effect,”³ in other words, the régime detains certain people, incarcerates others, and releases others in such a way that despite the fact that the number of detainees is very high, the average number of people behind bars has been kept at an average of 80 approximately. At the moment of this report, the number of incarcerated persons (96) exceeds the average.

A matter of particular concern is the systematic actions carried out with absolute impunity by the police corps of the Bolivarian Intelligence Service (SEBIN), as well as by some officers of the Bolivarian National Guard, in cases of torture and arbitrary detentions. Despite multiple denunciations at hearings before the courts, even by the victims directly, there are no serious investigations underway in cases of cruel, inhuman or degrading treatment, yet the torturers are able to

keep their jobs, and they are even promoted whenever they are denounced or reported.

In that regard, since 2014 we have recorded **145** cases of torture and other cruel and inhuman treatment. Thus, we discovered that on several occasions the political prisoners and detainees have been not just the target of arbitrary detentions but also of torture and cruel, inhuman and degrading treatment. There have been cases of people being tortured or subjected to cruel and inhuman treatment and have even been victims of homicide resulting from such actions. Such is the case of **José Alejandro Márquez**, who was beaten to death by officers of the Bolivarian National Guard in Caracas in 2014, or **Geraldine Moreno** and the 14-year-old adolescent **Kluibert Roa**, both murdered during protests, the former in 2014 in Valencia, State of Carabobo and the latter in San Cristóbal, State of Táchira, in 2015, both as a result of being hit in the head by pellets fired by officers of the State’s security forces. Likewise, in 2016 Jenny Ortiz was murdered in San Cristóbal, State of Táchira under the same circumstances.

One case that stands out is that of student **Joselyn Prato**, age 23, incarcerated in August of 2015 in a highly dangerous prison in Coro, State of Falcón, where she was subjected to severe beatings and cruel and inhuman treatment at the moment of her arrest as well as during her detention. For food she was given worms and she had to sleep naked as a consequence of being subjected to inhumanly high temperatures in the small cell she shared with nine other female inmates at the penitentiary in Coro. On 16 September 2015 her family was notified that Joselyn Prato was suffering from anal bleeding, a difficult situation to manage because the *Hospital de Coro* lacks the necessary equipment for evaluating her condition. After her release, she has continued to suffer from a stomach condition and has had bouts of depression. You may watch the video testimony at <https://foro-penal.com/historico-privados>.

Another case is that of **Daniel Morales**, age 18, detained by the SEBIN on 18 May 2016, allegedly for having participated in protests calling for the referendum to recall Nicolás Maduro. He was brutally beaten and subjected to electrical shocks, as a way of forcing him to make statements implicating the chief of security detail at the National Assembly, also being held prisoner. Today Daniel is being held incommunicado at *El Helicoide*, the main SEBIN jail.

Another case that draws attention is that of **Gerardo Carrero**, who has been imprisoned by the régime for more than two years, without ever having been convicted. On 21 August 2014, officers of the SEBIN forcefully removed Gerardo from his cell and **handcuffed him and left him hanging by his wrists from a pipe in the ceiling for twelve hours straight**, after being careful to wrap his wrists in newspaper and adhesive tape so as to minimize any telling scuffs or bruises. He was brutally beaten using three wooden boards that they batted against his body. After this was reported to

1 See Gonzalo Himiob Santomé. *El Gobierno de La Intolerancia*, Libros El Nacional, Caracas: 2009; and Alfredo Romero. *Relatos de muerte en vivo*, Foro Penal Venezolano, Caracas: 2012.

2 For greater detail and support on the use of the “Rule of Law as a facade” we make available for you the work by Alfredo Romero, “The Rule of Law Facade: A Playbook for Regimes.” You may request it at info@foropenal.com

3 This concept has been derived from a research study that is currently being conducted by the executive director of The Penal Forum, Alfredo Romero, while a Fellow at Harvard University, as part of a project and study group on political prisoners led by the aforementioned attorney.

the prosecutor's office and to the court, where disclosure was made of the full name of the torturer, who was an officer of the SEBIN. Instead of investigating the torture and transferring Gerardo to a safe place, he was confined to a place known as "The Tomb," which is likewise supervised by the SEBIN, in other words, the police entity that had tortured him earlier. They kept Carrero there for 6 months, without any possibility of a visit by his attorneys, and with the air conditioning set at very cold temperatures, with no access to sunlight or medical assistance, with artificial light that is kept on for 24 hours a day and isolated from the outer world.

Following completion of research into the typology for political prisoners⁴, it has been determined that in Venezuela there are three types of political prisoners and detainees, by virtue of the political objective or motive of their detention.

1. Those individuals who are prisoners or detainees for being political or social leaders and who individually represent a threat to the government. In these cases the objective of the detention is to exclude the person from the political world by isolating him or her from the rest of the population. (For example, **Leopoldo López and Antonio Ledezma**, leaders of the political opposition and political prisoners for more than two years in the case of the former, and more than one year in the case of the latter).
2. Those persons who are detained, not because they represent an individual political threat to the régime, but rather because they are part of a social group, such as students, defenders of human rights, judges or members of the military, with the objective of intimidating that social group (For example, **Daniel Morales**, a student from the opposition, or **Marcelo Crovato**, an attorney who defends human rights).
3. The third category consists of those persons who do not represent a political threat to the government, neither as individuals nor as part of a social group, but are being used instead as a justification for a campaign or for political propaganda. (For example, **Manuel Morales**, the owner of the Día a Día supermarket chain, who was detained with the objective of shifting the blame onto him for the food shortage. He has been presented by the government as being one of those responsible for the "economic war" allegedly being waged by business owners).

The year 2016 unfolds with a high incidence of repression in the country. The protests against the food shortage have increased during the first six (6) months of the current year, and the Penal Forum has registered **two thousand and thirty (2030) political detentions**. The repressive practices that are used the most are arbitrary detentions. Likewise, cruel and inhuman treatment, torture and in some cases

sexual abuse. On the other hand, health problems among the political prisoners, and the lack of medical assistance, have become something regular, which the Venezuelan Penal Forum has denounced on several occasions. On 19 June 2016, at one of its checkpoints, the Bolivarian National Guard detained two attorneys belonging to the opposition political party *Voluntad Popular*, **Francisco Márquez** and **Gabriel San Miguel**, both Venezuelan citizens, the former also a United States citizen, and the latter also a citizen of Spain. They were indicted for alleged money laundering while on their way to support the process of signature validations in the State of Portuguesa in preparation for the referendum to recall President Maduro. These two can be added to the list of political prisoners in the country, and they are being confined to the *Penitenciaría 26 de Julio* in the State of Guárico.

Defenders of human rights, particularly attorneys belonging to our organization, the Venezuelan Penal Forum, have been subjected to intimidating interrogations and investigations, including their detention. Thus, we note the case of **Tamara Sujú** (today a political refugee in the Czech Republic) and **Celia Dao**, both of whom were interrogated and were victims of political persecution by the SEBIN. There is an ongoing systematic campaign of making defamatory, intimidating and discrediting comments over the State's broadcast media against the executive director of the Penal Forum, **Alfredo Romero**, who himself was the target of attempted aggression using firearms in February of 2015, and against his family, as well as against other members of the leadership of this same NGO, such as **Gonzalo Himiob**. This has compelled the Inter-American Human Rights Commission to formally request from Venezuela's national government protective measures for members of the Penal Forum, measures that have not been taken in any way, shape or form. Likewise, the UN High Commissioner for Human Rights, in his annual report of 17 August 2015, concerning "cooperation with the United Nations, its representatives and mechanisms in the field of human rights," demonstrated his concern stemming from the national government's intimidating scheme directed against Alfredo Romero and the attorneys of the Venezuelan Penal Forum.

The case of **Marcelo Crovato**, an attorney and member of the Penal Forum and defender of human rights is emblematic. Today Marcelo is under house arrest and is in frail health. During his 10 months at Yare III, a very dangerous prison where temperatures are extremely high, Marcelo twice tried to commit suicide. For more than 2 years, Judge Denisse Boccanegra has deprived Marcelo of his liberty, even without completion of the preliminary hearing pertaining to his case. In other words, Marcelo has not had the least opportunity to discover the evidence being used against him or to defend himself legally. More than 2 years have transpired without his trial being initiated and without his being charged formally, a situation that under Venezuelan law would normally lead to his immediate release,

⁴ Taken from Alfredo Romero, "Tipología de los presos políticos." Unpublished study by Alfredo Romero resulting from his research as an invited Fellow and head of the Political Prisoners Initiative at the Carr Center for Human Rights Policy of the J.F. Kennedy School of Government at Harvard University.

something that has not happened despite it having been formally petitioned before the court handling the case.

We have discovered that the lack of medical assistance and the health problems of the political prisoners are being utilized as mechanisms of cruel and inhuman treatment. Thus, in the present report we make reference to **26 cases of political prisoners who are poor health** and have reported the absence of medical assistance.

In addition to being tortured, **Efraín Ortega Hurtado** has been denied adequate medical assistance. In July of 2016 Efraín will have been in jail two years. He was detained in July of 2014 without an arrest warrant and has been the victim of torture and other cruel and inhuman treatment. On various occasions he was handcuffed and severely beaten several times on his chest, head and face. They covered his face with a rag while beating him as they shoved him into a vehicle in which he was transferred to the Office of Inves-

tigations Against Terrorism of the Corps of Scientific, Penal and Criminal Investigations in Caracas. They placed him on his knees for more than 7 hours, and while his hands and feet were shackled together they wrapped his body and face in newspaper and cardboard. They stuck packing tape to his head, stomach, ankles and feet. This was done to minimize the resulting scuffs and bruises as they brutally beat him with a bat. While he was handcuffed with his arms behind his back they picked him up by yanking him by his hands so as to inflict injuries to his shoulders. He was subjected to electrical shocks on his neck, head and ears for 7 hours. All of this was done to obtain information about the names of alleged accomplices or funders he had never met.

We have observed, especially since 2014, that repression by the State directed against dissidents and political opponents is a systematic scheme that the incumbent régime in Venezuela has been utilizing for purposes of remaining in power.

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