



Venezuela - Researched and compiled by the Refugee Documentation Centre of Ireland on the 23 October 2014

Information on the security situation in Venezuela

A report by the *International Crisis Group* states:

“The lull in the street battles that raged across many of Venezuela’s cities this spring belies the violent civil conflict still threatening the country. From February to June, dozens of people died, hundreds were wounded and several thousand more were detained during conflict between protesters and government security forces.

Repression, exhaustion and disorganization have quieted protesters for the moment, but they will certainly return given the government’s failure to address the causes of the country’s polarization. With its vast oil reserves — by some measures the world’s largest — and its complex network of regional relations, Venezuela’s meltdown would be a disaster not only for its people but for the entire hemisphere.” (International Crisis Group (24 September 2014) *Crisis in Venezuela Worsening*)

The report continues:

“Popular discontent is compounded by a parallel deterioration in the quality of Venezuelan democracy. The institutions that should serve as safety valves for popular anger — the justice system, the electoral authority and even the media — are dominated by the government. Anti-government dissent is branded as treason.

The opposition is torn between engaging via the ballot-box (despite its distrust of the institutions) or taking direct action on the streets. Neither of these approaches has won over that crucial part of the population that wants change but fears a return to the situation in the 1990s before Hugo Chávez came to power.” (ibid)

A report by *Freedom House* under the heading “Rule of Law” states:

“Politicization of the judicial branch increased dramatically under Chávez, and high courts generally do not rule against the government. Conviction rates remain low, the public defender system is underfunded, and nearly half of all judges and prosecutors lack tenure, undermining their autonomy. The National Assembly has the authority to remove and appoint judges to the TSJ, which controls the rest of the judiciary. In December 2010 the outgoing legislature appointed nine new TSJ judges who are generally viewed as friendly to the government. In April 2012 a fired and exiled TSJ judge, Eladio Aponte, accused administration officials of instructing judges on how to rule in sensitive cases. Judge María Lourdes Afiuni was released from house arrest in June 2013, though her trial on corruption charges was ongoing at year’s

end. She was arrested in 2009 after angering the government by ordering the release of a prominent banker who had been held without conviction for more than the maximum of two years.

Venezuela's murder rate is among the world's highest. The nongovernmental Venezuelan Violence Observatory cited at least 24,700 murders in 2013, a figure that represents a rate of approximately 79 homicides per 100,000 citizens. The government claimed a figure of 39 murders per 100,000, but offered no further details. The police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings. In 2009, the justice minister admitted that police were involved in up to 20 percent of crimes; few officers are convicted, partly due to a shortage of prosecutors. Several anticrime initiatives formulated during Chávez's second term received praise from policy analysts and rights groups, but a continued rise in violence prompted Maduro to deploy National Guard forces to the streets in May 2013, leading the same observers to decry the trend toward militarization. Prison conditions in Venezuela remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported 289 violent deaths within prison walls in the first six months of 2013, including at least 61 during a massive riot in January at a prison in Barquisimeto." (Freedom House (23 January 2014) *Freedom in the World 2014 – Venezuela*)

A report by *Human Rights Watch* under the heading "Excessive Use of Force against Demonstrators (Articles 7, 9, 10 and 21)" states:

"Beginning on February 12, 2014, members of the Bolivarian National Guard, the Bolivarian National Police, and state police forces routinely used unlawful force in response to anti-government protests, including the severe beating of unarmed protesters and bystanders. They fired live ammunition, rubber bullets, and teargas indiscriminately into crowds, and on occasion fired rubber bullets deliberately, at point blank range, at unarmed individuals already in custody.

They also allowed armed pro-government gangs to attack unarmed civilians, and in some cases openly collaborated with the gangs.

In instances involving both professional journalists and people who had been taking photographs or filming security force confrontations with protesters, the aim of the abuse appears to have been to prevent those individuals from documenting the security force tactics or to punish those attempting to do so.

Detainees were often held incommunicado on military bases for 48 hours or more, before being presented to a judge. Detainees routinely suffered a range of violations that included severe beatings, electric shocks or burns, and being forced to squat or kneel, without moving, for hours at a time. In some cases, the ill-treatment clearly constituted torture." (Human Rights Watch (29 July 2014) *Venezuela before the UN Human Rights Committee Submitted to the UN Human Rights Committee in advance of its Pre-Sessional Review of Venezuela*)

In a section titled “Lack of Judicial Independence and Due Process Rights (Article 14)” it states:

“President Hugo Chávez and his supporters in the National Assembly conducted a political takeover of the Supreme Court in 2004. Since then, the judiciary has largely ceased to function as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers, publicly pledged their commitment to advancing the government’s political agenda, and repeatedly ruled in favor of the government, validating the government’s disregard for human rights.” (ibid)

A report by *the United States Department of State* under the heading “Arbitrary or Unlawful Deprivation of Life” states:

“Although the government reported no statistics on arbitrary or unlawful killings, NGOs received numerous reports that such killings occurred, including involvement by national, state, and municipal police entities, as well as the armed forces. The Public Ministry’s Office of Fundamental Rights is charged with investigating cases involving security force killings. The NGO Venezuelan Program for Education/Action on Human Rights (PROVEA) reported 138 extrajudicial killings in 2012.

Although there was no official information available on the number of public officials prosecuted or sentenced to prison for involvement in extrajudicial killings, the media reported that in 2011 the government reported 8,813 killings committed by police but classified those killings as “resistance to authority.” Of those, 97 percent were dismissed or remained pending with no action taken by the Public Ministry.

The Committee for the Families of Victims of February 1989 (COFAVIC) reported that in 2012, 37 percent of killings classified as “resistance to authority” by the government involved members of the Scientific, Penal, and Criminal Investigative Corps (CICPC), and 21 percent involved regional and municipal police. According to NGOs, prosecutors occasionally brought cases against such perpetrators, but prosecutions often resulted in light sentences, and convictions often were overturned on appeal.” (United States Department of State (27 February 2014) *Country Reports on Human Rights Practices for 2013 Venezuela*)

In a section titled “Role of the Police and Security Apparatus” it states:

“Corruption, inadequate police training and equipment, and insufficient central government funding, particularly for police forces in states and municipalities governed by opposition officials, reduced the effectiveness of the security forces. There were continued reports of police abuse and involvement in crime, including illegal and arbitrary detentions, extrajudicial killings, kidnappings, and the excessive use of force. According to a PROVEA report, of the 164 killings committed by security forces in 2012, CICPC officials were responsible for 45 deaths and the FANB and GNB for 13.” (ibid)

It also states under the heading “Freedom of Assembly”

“During the year government security forces used tear gas, water hoses, and rubber bullets to suppress peaceful protests. According to press reports, during April 15 and April 16 protests in which opposition supporters marched to their regional CNE headquarters to demand a full recount of the April 14 election results, security forces clashed with some protesters, and the GNB arrested others. On September 18, the attorney general announced that nationwide, nine individuals had been killed, 108 wounded, and 62 criminal investigations opened against individuals for inciting violence. The attorney general also stated her office was considering charging opposition leaders and holding them responsible for masterminding postelection violence, but no further action was taken at year’s end. In Lara state, 93 individuals were detained by the 47th Detachment of the National Guard. According to the human rights NGO Funpaz, the individuals were beaten on the head with frozen water bottles, forced to run in circles while yelling and singing songs expressing loyalty to President Nicolas Maduro, and forced to sign documents stating they would remain loyal to the “Bolivarian cause.” On August 20, attorneys filed a formal complaint with the Public Ministry against Freddy Hernandez Parababi, commander of the 14th Infantry Brigade, and Octavio Chacon, brigadier general of the Fourth Regional Command in Lara state.” (ibid)

A report by *Amnesty International* under the heading “Human Rights Violations during the Protests” states:

“The death toll between the start of the protests on 5 February and up to 27 March is of at least 37 victims, including demonstrators for and against the government, bystanders and eight members of the Bolivarian National Guard. According to the Attorney General’s Office, more than 550 people were injured in the same period, including 180 police and military officers. According to reports of local human rights organizations, amongst those injured, more than 120 were shot with live ammunition or rubber bullets.

The Attorney General’s Office announced that more than 2,100 people were detained in the period up to 12 March, of which 168 remain in detention. Most detainees have been released pending investigations, while a further 66 were released unconditionally.

Between 12 February and 12 March, Amnesty International received scores of complaints of human rights violations. These included cases of excessive use of force by the Bolivarian National Guard, other security forces, and the Bolivarian National Intelligence Service, as well as cases of torture and other cruel, inhuman or degrading treatment against detained demonstrators, both at the time of arrest and while in custody, particularly in police custody and in some cases while in the National Guard military barracks. Many detainees complained about the violation of their right to due process after being denied access to a lawyer.” (Amnesty International (1 April 2014) *Venezuela: Political spiral of violence a threat to the rule of law*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to

the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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