

**Results of in-depth interviews regarding personal liberty, due process and
allegations of torture and ill-treatment
Second Progress Report**

I. Introduction

As a follow up to the work of legal assistance to detainees, the Centre for Human Rights of the Andres Bello Catholic University (CDH-UCAB) began conducting in-depth interviews, in order to obtain additional and specific information, based on testimonies, about personal liberty, due process and allegations of torture and ill-treatment. The first 30 interviews were collected between February 24 and March 7, 2013, in Caracas and the neighboring area of *Altos Mirandinos* (Municipalities of Los Salias, Carrizal and Guaicaipuro, Miranda state).

Data was collected through interviews using a questionnaire adapted to international standards on the rights violated; the report also reflects the experience of CDH-UCAB lawyers in relation to the case studies. This is a small sample that demonstrates troubling patterns whose size is not greater because of the difficulty of persuading many victims to provide testimony, given persisting fears of reprisals and distrust in state institutions.

Some victims asked the CDH-UCAB to keep the information provided confidential; therefore, it will not be presented in detail, beyond the statistical record, respecting the victims' will and in accordance with the criteria for confidentiality mechanisms and special international procedures of protection of human rights.

II. Profile of victims

Of the 30 people interviewed, 4 were female and 26 male. 23 of the victims are between 18 and 25 years of age, 4 are adolescents and 3 are adults.

The large majority of people interviewed are students (27), and three are professionals, one of them works in media communications.

Seven of those interviewed requested that their information be kept confidential.

III. Information on detentions

Most of the detainees (16) were brought to court within 48 hours; however, in many cases, hearings began after long waits extending even until dawn, which prolonged their detention beyond the period stipulated by law. Some detainees (5) were not brought to court because no charges were presented against them, or their presentation was made in less than 24 hours. In 6 other cases detainees remain in custody, deprived of liberty, pending trial. In only 3 cases detainees were brought to court after the 48-hour limit established by law.

After being detained, seven of the interviewees were first brought to the headquarters of the Scientific and Criminal Investigations Corps (CICPC) at Parque Carabobo in Caracas. Various branches of the Regional Command N° 5 of the National Guard (CORE 5, GNB) were mostly reported as the first site of detention following arrest: at its headquarters in Fuerte Tiuna, at El Pinar and the Military School Pedro María Ochoa Morales (PMOM) in *Altos Mirandinos*, for a total of 18 of the 30 arrests, reflecting the preponderance of the military component in controlling demonstrations. A smaller number of detainees have been transferred to the headquarters of the National Bolivarian Police (PNB) in Catia (4 cases), and the Bolivarian Intelligence Service (SEBIN, 1 case).

Most of the detainees were transferred around different detention sites. During these transfers no official and transparent information was provided on the detainees' fate and whereabouts, thus hindering their access to family members and contact with lawyers, configuring what in Venezuela is known as the practice of "*ruleteo*", which involves bouncing detainees around several detention sites without specifying their location. This practice has facilitated keeping detainees incommunicado for periods ranging from 24 hours to the entire lapse of detention, allowing them to contact their families and lawyers minutes before their Court hearings, in violation of their right to due legal representation and facilitating practices contrary to the prevention of torture.

Thus, only 9 detainees had access to a lawyer of their choice or representative of a human rights organization; of these, only 4 had such access during the first 12 hours of detention: As well, only 4 of the 9 detainees were allowed to meet privately with members of human rights NGO's or private attorneys.

IV. Information of allegations of torture and ill-treatment

The current definition of torture, as contemplated in the Convention against Torture of the United Nations¹, is assumed in preparing this Report, as it is also reflected in the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment².

¹ Ratified by Venezuela on July 29th, 1991. Article 1.1. The Law Approving the Convention published in Official Gazette No. 34.743, June 26th, 1991. Our emphasis.

² Official Gazette N°. 40.212, July 22nd, 2013. Article 5.2. Our emphasis.

The Convention against Torture (CAT) defines it as:

...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

In turn, the Venezuelan Special Law on this matter defines torture as:

...acts by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he has committed, or intimidating or coercing him or others, or for any reason based on discrimination of any kind, when such suffering is inflicted by a public official or another person acting in an official capacity, or at the instigation of or with the consent or acquiescence of a public official.

From both definitions, essentially identical, it follows that:

- Torture is an intentional act;
- Torture is not limited to physical damage, but also includes mental suffering;
- Torture cannot be defined exclusively as that action to obtain information or a confession;
- Torture also encompasses any intentional damage oriented intimidating and coercing a person or others;
- At the international level, and therefore applicable to Venezuela, torture is not only used against a person who committed an act, but against a person suspected without proof of having committed such an act.

Allegations of torture and ill-treatment occurred in various detention centers and many detainees were abused in more than one detention site and even during transfers.

According to information provided, detainees were subjected to torture or ill-treatment in the following facilities³.

³ The total does not coincide with the 30 interviewees because frequently events occurred in more than one site.

Table 1: Number of events reported by place of detention

Detention site	Nº of events reported
CICPC	10
DURING TRANSFERS	10
CORE 5 (FTE. TIUNA)	7
SEBIN HELICOIDE	4
GNB PMOM	4
PNB CATIA	4
CICPC BAE	3
PNB SANTA FE	3
GNB EL PINAR	1

When grouped by responsible body, most reports refer to CICPC with 13 cases, followed by GNB with 12 records.

a. Ill-treatment and physical torture

The type of physical abuse most reported was blows with fists and kicks, the latter frequently with military boots having a reinforced toe, so the impact of pain and injury inflicted is greater. Also recorded were blows with the handle of handguns or rifle butts, repeatedly, as was the case of Joaquin Sumalla who says: *"I was hit by between 5 or 6 people, I got like seven blows in the head, together with kicks all over my body"*.

Although the best known case of aggression with the helmet of a member of the GNB is that of Marvinia Jiménez in Carabobo state, not documented in this report, it is noteworthy that one-fifth of the detainees interviewed by the CDH-UCAB reported this type of abuse, which is not part of Venezuela's guidelines on the use of force. In addition to the brothers Di Silvestre (apprehended in *Altos Mirandinos* on February 24), who reported being beaten with helmets, there are testimonies of three other detainees, including Edberg Cantillo, arrested on February 28, who relates that when he was apprehended he was run over by a GNB motorbike, while others started hitting him on the head and back with their clubs, until he lost consciousness and was awakened by electric shocks while lying in the street. They carried him on a motorcycle to a bus, where he was beaten with helmets during the ride to Detachment 52 of the GNB.

Some detainees had neck pain at the time of their interviews, made at least two weeks after the incidents, since they were forced to keep their heads down to avoid identifying their captors. Placing bandages or cloths or even the shirts of the detainees over their heads was another mechanism used to prevent identification of officers.

Four people reported to have suffered injuries and bruises after being thrown hard against the floor or dragged on the pavement, and two said that guns had been aimed at them, even though they had not resisted arrest.

Other detainees reported ill-treatment that without involving physical violence caused unnecessary and unjustifiable suffering, such as keeping them overnight in the open, preventing them from getting water or other drinks or restricting access to food brought by relatives. Eleven detainees said they were kept kneeling for long periods and in two of these cases they were made to kneel on culverts, causing them more suffering. Angel Gonzalez reported that kept for about 5 hours kneeling against a wall. He reports that he cannot remain long in that position because of knee problems. While kneeling, he suffered abuse such as beatings in the head with notebooks; if they turned around their foreheads were banged against the wall; other officers (women) trod on their toes with their high-heels and pulled their hair. He expressed that the officers said nothing, just went on with these practices every time they walked by them.

Several detainees reported the application of chemicals such as pepper gas and fuel. Demian Martin reports the use of pepper spray, not as an element to reduce him for the arrest, but as a means to cause damage. From where he was captured and as he was taken to the CICPC offices nearby, officials formed a line or arc and as he walked through officers hit him and shouted, at him in particular: "*damned opponent!*", "*damned!*", "*do you think you are tough, damned kid?*". He was hit in the head and neck with helmets. Then he felt a very strong blow on the back of the head that left him unconscious; pepper gas was sprayed on his face all the way from Parque Carabobo to the CICPC detention site. One of the officers lifted his face for another to sprinkle his face with pepper spray; they were in plainclothes. After hitting him with helmets he was brought inside the CICPC headquarters, where officers who passed by him beat him and one kicked him so hard in the stomach that left him breathless. He was then taken into a room where he is kept standing for a tall and burly officer to hit his face; another officer walked in and did the same. Later, as he sat down unable to breathe well, asphyxiated by the pepper spray, officials laughed mocking him and saying, "*look at this dude, puking on his shirt!*". He had a burgundy shirt and his face was red due to his choking and difficulty to breathe.

In other cases, the application of fuels such as gasoline or kerosene, as well as gunpowder was used to incriminate the detainees. One of them, Gil Nelson, said that officials checked police records to see if they had had any previous convictions and that several of the detainees, including him, "*were selected to incriminate us for things we had not done, such as setting police cars on fire, and we were taken (one by one), to a room or a bathroom!*". He said that in this room a CICPC officer held him while another sprayed his hands with gasoline and told him to dry them in his pants. While this was happening, he thought that they were looking to incriminate him. Something similar happened to Marco Coello who said that while he was kneeling officers filled his hands with a substance which he believed was gunpowder, because afterwards they did a ballistics test.

Another more serious use of fuels was to soak detainees with gasoline, followed by threat of being burned. Such are the cases of Luis Boada and Marco Coello. Boada relates that upon reaching CICPC he was taken to a room. He did not know where because he was hooded with his own t-shirt. He was sprayed with gasoline all over his body and felt suffocated. The first thing he thought was that they were going to set him on fire, as the police told him "*I am going to set you on fire, I will burn you!*".

Other torture techniques applied in order to leave no external marks of injury were also reported. Marco Coello reports that while kneeling officers presented him with a written statement and said "sign this statement in which you declare that you are responsible for the burnt police patrols". Coello replied "I cannot sign for something of which I am not responsible." By refusing to sign the statement, he was again threatened with beatings and he responded "You may beat me to death but I am not going to sign". For refusing to sign the statement, one official said "are you brave?", and he was then picked up by the handcuffs and took him to a dark room, where they wrapped his body with foam rubber held together with masking tape which was also put around his neck. He was repeatedly beaten with bats, golf clubs and fire extinguishers. He was also given three electric shocks and kicks. These acts were executed by approximately seven officials.

It is important to note that many of the physical sequels of pain as well as bruises and wounds, remained present at the time of the interviews, even though they were made after more than ten days of the occurrence of the abuse and torture. This is evidence that physical abuse was meant to cause pain or suffering, regardless of if its purpose was to obtain information or the intimidation and coercion of detainees.

Table 2: Type and frequency of ill-treatment and torture reported

Repeated punches	18	Kept from receiving food brought by family	2
Kicks	14	Sprayed by pepper gas	2
Kneeling for lengthy periods	9	Blows with books	2
Repeated blows with gun handles or rifle butts	7	Electric shock	2
Repeated blows with helmets	6	Asphyxiation	2
Stepped or walked on	5	Sprayed with gasoline or kerosene	2
Keeping heads down for lengthy periods to avoid identification of captors	4	Tightly handcuffed for lengthy periods	2
Pulled hardly by the hair	4	Cover body with cloth or foam rubber to prevent bruising from blows with bats	2
Bandages or cloths over the eyes	4	Hits on the knuckles with a stick	1
Thrown violently to the ground	3	Kicked in the testicles	
Banged against the walls	3	Blows with fire extinguisher	1
Kept in the open overnight	3	Dragging on the pavement	1
Kept without drinking water	3	Blows with a glass bottle until it broke	1
Kneeling on culvert	2	Blows with a pipe	1
Gun aimed at even if not resisting arrest	2		

b. Torture and psychological ill-treatment

It is of great concern recording six reports of threats of sexual abuse, to which four men and two female victims were exposed, one of whom was a minor. The journalist Andrea Jimenez was threatened with rape, with the mutilation of her extremities, with death and with being jailed at

the INOF (a women's prison), where she would be sexually abused. Besides being threatened to be shot at, Lisette Francis' captors made insinuations that constitute sexual harassment when they referred to her as "*fresh meat*". The minor, whose identification is being withheld, was told that she would be sexually abused and killed. She was not allowed to have contact with lawyers until a few hours before the Court hearing. One of the most egregious cases is narrated by Pier Di Silvestre, who, along with other detainees, was told of the case of sexual abuse of a young man in Valencia (violated allegedly with a one-barrel rifle), and threatened that **the same would be done to them**.

Mockery by officers in regards to incommunicado detention (registered six times) is also a form of emotional suffering, to the extent that it makes detainees feel even more vulnerable and defenseless. Thus, Angel Gonzalez reports that at the CICPC they were not given the right to make a call; they were just told: "*You have the right to make a call, but only when we please*". Other detainees, like Tomas Contreras and the group with which he was in the PMOM, were forced to buy phone cards from military personnel in order to be able to call their families.

The mechanisms of intimidation to try to prevent detainees from denouncing the violations of their rights, included mentions that something could be done to them "*later*" or "*somewhere else*", while one detainee was warned "*do not say anything, I have the keys to your home and I know where you live*". In another case, when a group was leaving the detention center, officers threatened them saying "*be careful on the street, we will be following you; do not be outside at night because we can catch you, you will be followed by SEBIN, beware, do not walk alone*".

In at least four cases, detainees were asked to hear the blows and screams that occurred in another room where another person was being subjected to ill-treatment or torture. In the case of Mr. Pierluigi Di Silvestre, besides being insulted with terms like "*fascist*", "*decrepit*", "*rat*" and "*escuálido*" (a derogatory term used to refer to government opponents), he separated from his three sons as they were being transferred by the GNB, and was later forced to be present while members of the GNB beat his children.

It should be stressed that once the visible physical injuries pass, psychological injuries persist much longer, as was documented in a study by an expert from the International Committee of the Red Cross, "*inexperienced reviewers often discard 'threats and insults' considering them as an unavoidable part of the torture*", despite the fact that "*the worst scars are in the mind*"⁴. Likewise, the study refers to seemingly insignificant details, such as covering the eyes of a person, since "*to the mental distress caused by the inability to see where the next blow will come from, a real physical component must be added. The uncertainty makes the body's muscles contract in advance so that the blows are even more painful, even more so in the case of an electric shock.*"

⁴ REYES, Hernán: *Torture and its consequences*. Journal TORTURE, volume 5, number 4, pp. 72-76, 1995

Table 3: Type and frequency of psychological ill-treatment reported

Threatened with sexual abuse	6	Threats of aggression " <i>later</i> " or " <i>somewhere else</i> "	1
Denied a phone call and mocked for being unable to reach family	6	Threats of being burnt	1
Photographed with own cell phones or those of officers	6	Officials took money from detainee's wallet, bought arepas; ate them in front of him, throwing pieces to his face	1
Theft or destruction of belongings with derision	5	While kneeling, hands were filled with powder and then made a ballistic test	1
Threats with death or execution	4	Not allowed to go alone to the toilets, they were taken handcuffed with others	1
Threats of incrimination	3	Hooded with own t-shirt to incriminate them	1
Told to be qualified as political prisoners and therefore sent to the "large ones" (prison)	3	Taken out of the cell to see his mother crying; refrained from talking to her, and taken back to the prison cell	1
Made to listen / watch torture / blows on others	3	After being repeatedly tortured was told to " <i>not say anything, I have the keys to your home and I know where you live</i> "	1
Threatened with sharing detention with common criminals	2	Officers told him " <i>you are already dead</i> "	1
Pointed at with a gun in the forehead	2	Threatened with disappearance " <i>it is easy for us to make you disappear</i> "	1
Hand sprayed with gasoline in order to incriminate	2	"Careful in the streets <i>because we will be following you do not be outside at night because we will get you, SEBIN will be after you, be careful, do not wander alone</i> "	1
Threats of mutilation	2	Made to watch beating of his sons	1

c. Verbal abuse

A considerable number of detainees were subjected to various insults that, as referred to above, also have a psychological impact on the detainee. It must be highlighted, additionally, that to these general insults (which can be assumed are applied to any detainee) are added others such as "*escuálido*", "*traitor*", "*bourgeois*" and "*guarimbero*" (barricade-builder), denoting an inappropriate political stance by officials, since their function is to serve the entire Venezuelan population, without discrimination based on political orientation or otherwise. Similarly, there are inadequate and equally unacceptable homophobic expressions used to treat detainees, as recorded in two cases.

No less troubling and contradictory is that military officials have beaten detainees with fists, rifles, boots and helmets, keeping them blindfolded, while calling them "fascists", as was the case of the brothers Di Silvestre, Ricardo Rodriguez and Tomas Contreras. The term "fascists" is widely used and repeatedly by various government spokesmen, in circumstances such as those described, which shows the total ignorance of a term resembling more the behavior displayed by the aggressors. A definition of "fascism" indicates that it has an intellectual basis that "aims at the submission of reason to the will and action, applying a nationalism strongly based on identity, with victimizing or revanchist components, which lead to violence either of the indoctrinated masses or the security corporations of the regime against those whom the state defines as enemies by an effective propaganda machine"⁵.

Table 4: Type and frequency of verbal abuses reported

General insults	9	Funcionarios decían "ustedes tienen derecho a una llamada pero solamente cuando a nosotros nos dé la gana"	2
Insults referred to the supposed opposition stance (<i>escuálido, traitor, bourgeois, guarimbero, etc</i>)	4	An officer stole his pone saying "my daughter needs a phone"	1
Fascist	4	"Your mother is a whore"	1
Homophobic insults	2	Victimization of the aggressor: "Because of you (detainees) we cannot rest, we are not allowed to visit our families"	1

V. Acceso a funcionarios y recursos para la defensa

The guarantees of any detainee include both those for the protection of their rights as detainees and before the law, such as those related to the prevention of torture and other cruel, inhuman or degrading treatment.

The guarantees of the detainee before the law include:

Article 9.2 of the International Covenant on Civil and Political Rights: "Everyone who is arrested shall be informed, at the time of arrest, of the reasons therefore, and shall be promptly informed of any charges against him."

Article 14.3 of the International Covenant on Civil and Political Rights, paragraph a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; and paragraph b) to have adequate time and adequate facilities for the preparation of his defense and to communicate with counsel of his choice.

⁵ Fascism in Wikipedia: <http://es.wikipedia.org/wiki/Fascismo>

Respondents were asked whether they had been interviewed by officials of the Public Ministry, to which only one-third responded affirmatively and two-thirds responded negatively. Most had no clarity if the representative of the Public Ministry was the prosecutor who would present the charges against them or if he or she was there to ensure their rights, on behalf of the Department of Fundamental Rights of the Public Ministry. The truth is that the experience of the CDH-UCAB advocates who have participated in court hearings shows that detainees were interviewed by the prosecutor, without the detainees' legal counsel, which is contrary to international principles and Venezuelan regulations. In some cases, this irregularity was noted during presentation hearings, requesting the annulment of the acts taken by public prosecutors in the absence of defense lawyers.

Of the 10 cases in which there was an interview with a representative of the Public Ministry, four were conducted in private and six in the presence of others, including officials of custody. Therefore, if prosecutors were members of the Department of Fundamental Rights, the detainees could not talk to them free of coercion or retaliation on possible future abuse. If the detainees were interviewed by accusing prosecutors, this should have never been done in private without the presence of a defense attorney. Hence, in only two cases, the detainees had enough privacy to report abuse and in both cases the Public Ministry official noted the information.

Although a detainee must be informed promptly of the reasons for his or her arrest, civilians or military personnel in charge of detention and custody did not give accurate information; when they did, they would merely say that detainees would be charged as "*coup mongers*" or "*terrorists*", thereby increasing the uncertainty and tension of the detainee. In only 3 of the 30 cases the interview with a representative of the Public Ministry took place in less than 8 hours after the time of arrest.

At least in the case of Christian Holdack, in the place of detention there were two tables: in one of them, data on him was collected; in the other, where he believes was a female prosecutor, he signed a statement. This prosecutor asked him if he wanted to communicate with his family and he said yes. The prosecutor said she was taking note of his request. When he contacted his family during the court hearing, he learned that they had never been called.

In two cases of detainees who were "*ruleteados*" by various detention centers, they were told that they now were "*political prisoners*" and that if the prosecutor was in a bad mood, they would be sent to the "*big ones*" (prisons). In another detention site, they were told that if they were caught protesting again they would not be let free. This all happened without the presence of representatives of the Public Ministry or the Ombudsman's Office.

The situation of access to representatives of the Ombudsman is not much different. Again, only 10 detainees said they had met with officials of the institution and only four of them said they were in private. They were able to report abuses in five cases (four in private interview and one in an area with the presence of officials); respondents claim that in 4 of the 5 cases, one did not register the complaint. Only in two cases, the interview with representatives of the Ombudsman occurred during the first 8 hours after the arrest.

It is noteworthy that in its Report "*February 2014: a Coup to Peace*", released on March 8, the Ombudsman has a record of 152 arrests for the metropolitan area of Caracas and Miranda state, with information gathered by the institution until February 26, which was the date on which the CDH-UCAB sent the Ombudsman a detailed record of 258 arrests (of which the Ombudsman's Delegate Office of the Metropolitan Area of Caracas accused receipt, which was recorded). This means 100 arrests underreported, in only two entities in the country. This situation raises questions about the possibility of underreporting in other areas of the Ombudsman's report, further affecting the levels of credibility of the agency responsible for ensuring the human rights of all Venezuelans. Tomás Contreras affirms he did not meet with representatives of the Ombudsman; however, he reports that after leaving the detention center a family member told him of an officer of the Ombudsman who had informed his family that he had visited and talked to the detainees and that they were in good condition. Besides the fact that the detainee claims to have had no contact with officials from the Ombudsman, during his detention he was beaten with fists and combat boots, was forced to remain outdoors overnight and was not allowed access to food sent by his family; therefore, it was impossible to describe his situation as being "*in good condition*".

Regarding access to lawyers of their choice or to representatives of human rights organizations, only 9 of the 30 detainees claim to have been able to have this access during their arrest; of them, only 4 were able to have an interview without the presence of officials. In most cases (7 out of 9) attorneys or representatives of human rights organizations gained access to detainees only after more than 12 hours. Six of the detainees were able to report abuse, while three others were not, due to the constant presence of officials.

Article 11 of the Convention against Torture provides that "*Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, to prevent any case of torture.*" Considerations reflected here show that there is no systematic review of the "*rules, instructions, methods and practices of interrogation*" nor of the "*arrangements for the custody*"; therefore, there is a lack of standards to ensure the prevention of torture and, in the event it does happen, there are no guarantees to the people's right "*to present a complaint and to have their case promptly and impartially examined by the competent authorities*", as established in article 13 of the same Convention.

VI. Medical records

Although two weeks had elapsed from the time of arrest to the interview, 21 of the 30 detainees said they had wounds or injuries due to mistreatment / torture received during detention.

The injuries reported were: eye hematoma for being hit (2), numbness or pain in a finger (3), pain in ribs and body in general (4), hematoma (6), pain and sensitivity in teeth due to the loss of a tooth (1), headaches (1), neck pain (1), swelling of a limb (1), abdominal thoracic trauma (1), whiplash syndrome (1), stroke/left elbow injury and eye injuries with pellets (1), pellet injuries in various parts of the body (1).

Fourteen detainees had to receive medical or paramedical assistance to care for the wounds/injuries provoked during arrest, which evidences that there was physical injury in almost half of the detainees during their arrest which required immediate assistance. Three of the respondents required hospital care, and two of them had to remain hospitalized.

Genghis Pinto 's testimony is eloquent:

"I was in Farmatodo (drugstore) the night of February 19; GNB arrived and we all left running. I heard shots, when a National Guard in a motorcycle came and asked me to stop. When I turned, he was pointing at me (with a pellet gun), I covered my face and he shot me. Another GNB threw me to the floor, hit me and gave me at least 4 electric shocks. They made me kneel next to the other prisoners and a guard walked by checking who was chained and took them off. They insulted us, 'it would cost us nothing to disappear you'. Another guard took my watch and when I tried to see who they were, they beat me, telling me not to see their faces. They checked my wallet and took the money I had.

Then they asked us to take off our shoelaces and tied our hands behind our backs with them. They kept us kneeling for about an hour. We rode in trucks and were taken to the PMOM.

When we arrived at PMOM, they made us kneel against the wall, hands tied with the shoelaces. There we were taken one by one to a room where they photographed us with a cell phone; they sent us back to where we were before kneeling. I saw others beaten and told things. They were kicked.

All injuries I have are prior to arrival at PMOM.

At 2:00 am they took us the 5 wounded to the [Hospital] Victorino [Santaella], there the doctors did what they could. The guards argued with doctors and even wanted to arrest one of them. They cleaned my wound and bandaged me, but they had no specialists or materials to care for us. A doctor at the Victorino contacted my mom, because I was not allowed to contact my family. We left at around 5:00 am. They took the other kid in a different car, and I did not hear from him anymore.

At around 5:00 am we reached the PMOM. The rest of the detainees were handcuffed in pairs; they put us apart. Our families brought us food and they gave it to us at around 9:00 am

We were taken to another place that was like a square because where were before they were going to celebrate a mass or something like that. Then we went back until the PTJ came to register us. Then they took us 10 by 10 to the coroner; the doctor had absolutely nothing, not even bandages to cure me, he made a report and asked me to bring him the medical report after they operated on me. He saw the medical report of the Victorino .

Then they took us to the PMOM, left the others there and took Luis and me to the El Paso Medical Center, always under custody.

At the clinic they saw us immediately; they made me take the presurgical tests, etc. The guards followed me everywhere, checked the rooms to see if I could escape or something; they wanted to stay in the room but the doctor ordered them out. I was hospitalized for 2 nights. The guards put VTV [Public TV], in my room and slept in the couch next to me. I had surgery Thursday and the hearing was on Saturday night. "

Thirteen of those arrested had to be treated by private physicians because of the wounds and injuries. This attention was not immediate, and in most cases (10) occurred when they were released without charges or on probation.

Although many detainees had different types of injuries, only 11 were taken to forensic medical examination; only one was taken to the examination in less than 8 hours after being arrested. None of the detainees retain copies of the forensic examination.

A serious case is that of Thomas Contreras, who reported that a public prosecutor expressed his opposition to their being taken for their forensic examination.

Article 13 of the Convention against Torture also states that "*measures will be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of the complaint or the testimony given*". However, in many cases, in addition to being victims of threats, they did not have information on their forensic examination in order to formalize a complaint.

In the report presented on March 8, the Ombudsman says "*In Venezuela, for the evidence to be considered by a court, it should be practiced under strict observance of the laws. In this regard, it is noted that the National Institute of Forensic Medicine and Sciences is the only body competent to practice forensic physical examinations and/or of mental health, so that they hold full evidentiary value (Article 74.5 of the Organic Law of Investigations Police, the Scientific, Penal and Criminal Investigations Corps and the National Institute of Forensic Science and Medicine)*"⁶.

Such an interpretation does not tally with the international obligations that bind Venezuela in regards to the prevention of torture and the guarantees of physical integrity of any detainee. In this regard, the Special Rapporteur on Torture had warned in the document *Follow up on the recommendations of the Special Rapporteur reflected in his report on his visit to Venezuela in June 1996*⁷ and ratified in the 2006 report⁸, that Venezuela should implement the *Joint principles for the Protection of All Persons under Any Form of Detention or Imprisonment* including:

Anyone arrested or detained shall be offered an appropriate medical examination as promptly as possible after his or her admission to the place of detention or imprisonment.

Subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment, a detained or imprisoned person or his or her counsel shall be entitled to seek permission from a judge or other authority for a second medical examination or a second medical opinion.

⁶ Ombudsman. February 2014: A coup to Peace. Available in: <http://www.defensoria.gob.ve/dp/phocadownload/userupload/varios/27F2014.pdf>

⁷ United Nations, Ecosoc. E/CN.4/1997/7/Add.3, Paragraph. 85

⁸ United Nations, Ecosoc. E/CN.4/2006/6/Add.221 March 2006, Paragraph 422 a 424

It shall be duly recorded the fact that a detained or imprisoned person has been subjected to a medical examination, the doctor's name and the results of the examination. Access to those records shall be ensured.

The principles add an element of independence into the allegations of torture and cruel, inhuman or degrading punishment, stating that: *The judicial complaints against police officers should invariably be investigated by a body independent of the police force whose officers are subject to the complaint.*

Since the recommendations of international bodies to protect human rights mean commitments by the State beyond current governments, the rule invoked by the report of the Ombudsman shows that even the internal rules are not fully compliant to international commitments that oblige Venezuela, as it continues to claim as the only valid evidence the test performed by medical examiners, whose results cannot be accessed by the victims, without the alternative of a second professional opinion in a timely manner. Forensic tests are performed by a body of research pertaining to many of those responsible for the events alleged by the victims, so there is no guarantee of the independence of the investigation.

VII. Retention and removal of belongings

Retention and/or theft of personal belongings could be verified with 29 of the 30 people interviewed. Cell phones were the element retained the most (and sometimes stolen or destroyed in front of the detainee).

Table 5: Inventory of retained or destroyed belongings

Object	Quantity
Cellphone	25
Wallet or purse	8
Keys	8
Money	8
Jewelry / valuable objects	7
Documents	4
Vehicle	2
Camera	1
Pendrive	1
Clothing	1

Only two people had all of their belongings returned. The reasons given for not returning them were: evidence for the investigation (6), a complaint should be brought before the Public Ministry (4), "lost" during transfer (5), belonging (cell phones) destroyed in front of the detainee (1). In 11 cases the authorities simply gave no reason.

If the seized belongings included a personal cell phone, interviewed detainees were asked to report if information was downloaded and none said yes; 15 said they information (address or telephone contacts) was not downloaded, and 10 expressed not knowing if this had occurred. One person said that his photographic material was downloaded although in three cases officials claimed that their phones could contain "*compromising material*". Of these three cases, the following reasons for the discharge of information were given: they were items of evidence in crimes, that the photos downloaded constituted sufficient evidence to beat or kill the detainees, and they had to check everything since the detainees were "*terrorists*".

It is worth noting that in none of the cases an injunction was filed to proceed to review the contents of phones. Also, it is noteworthy that contact data or information other than photographic materials were not revised, which seems to suggest that officials were not looking for information on the activities of the detainees. The search for information (one of the two alleged cases of torture and ill-treatment) does not seem to have been the main motivation for the arrests. This, however, leaves open the second premise, which is equally disturbing and reprehensible: to intimidate or coerce. Therefore, again, the proposed reduction by the Ombudsman of torture as an act that seeks to obtain information is incomplete and minimizes the degree of physical and mental suffering that detainees were subjected to.

VIII. In conclusion

The levels of physical and mental suffering to which this group of detainees were subjected, in some cases constituted cruel, inhuman and degrading treatment; in others they meet the definition of torture.

While it would be desirable to expect that the cases in this report do not reflect the situation of the detainees in general, there are enough stories that allow us to state that these are not 30 isolated cases, especially given that many detainees assisted by the CDH-UCAB in places of detention and court hearings have expressed fear, reservation and skepticism about the value of presenting their complaints, because there remains a great deal of mistrust on the independence of official bodies in charge of the administration of justice and the protection of human rights.

These testimonials reflect in particular the existence of patterns of repression and control of public order contrary to the proportional use of force, minimum guarantees of any individual subjected to any form of detention and basic standards of prevention of torture and other cruel, inhuman or degrading punishment or treatment. Therefore, rather than *a priori* denying the allegations, the authorities should pay attention to correct the circumstances that allow them to occur.

It is unacceptable that in light of serious incidents such as those contained in this report, a State representative limits his or her position to encourage "*giving the names of those responsible*", given the fact that captors often did not identify themselves, protected their identity, avoided being seen by the detainees and even threatened them.

It is also not possible to deny the facts and to dispense with *ex officio* investigations, under the excuse that investigations can be moved only if the victim formalizes the complaint. There is sufficient evidence to support the conclusion that these practices have been committed in various detention centers, which are under the control of identifiable persons under guard systems and records. These are facilities which the authorities have not accessed in a permanent and timely manner, and where detainees had no guarantees of presenting their grievances freely and with confidence.

The identification of patterns and of the chain of command under which human rights violations occur are the first step for subsequent individual identification, on the understanding that, in the case of imprescriptible offenses such as torture and cruel, inhuman or degrading punishment or treatment, responsibility encompasses not only the perpetrator but also anyone who acts either as an accomplice or abettor, through various actions and omissions.

Caracas, 12 March, 2014