Sessions to Consider the Situation in Venezuela
Facilitated by Luis Moreno Ocampo, Special Advisor on Crimes Against Humanity of the Secretary General of the Organization of American States

Summary of the September 14, 2017 session

The session was opened by the first speaker, Julio Henriquez, representing the NGO Foro Penal Venezolano (FPV). FPV considers there to be a state policy and systematic pattern of repression, where political persecution is an end, and is in itself, a crime against humanity. Henriquez said this pattern of political persecution includes murder, torture, cruel and inhumane treatment, sexual abuse, and arbitrary arrest or unlawful deprivation of liberty. He explained that these crimes were not a coincidence but rather part of a government plan to remain in power.

He testified that persecution is being promoted at the highest levels of government, and using the state media, anyone who participates in demonstrations or expresses dissent is labeled a “guarimbero" or a "terrorist." He noted that plans have been presented and formalized – including Plan Zamora – to instruct state security agents along with armed civilians to persecute demonstrators or dissidents with the acquiescence of the State. FPV identified the main benefit that the regime derives from this systematic persecution to be the consolidation of its power and exclusion of political opposition figures and intimidation of the population.

Henriquez stated that 11,902 individuals have been detained since 2014 and more than 5,300 since April 2017, in an effort to frighten the population and prevent them from demonstrating or dissenting. He further testified that in order to intimidate and control the judiciary, judges were detained if their judgments were against the government. He added that they were arresting students who demonstrated, in order to intimidate the student movement, and they detain members of the military who criticized government's imposition in politicizing the Armed Forces.

Henriquez said there were political prisoners in nearly every state of the country, and only 33 of the 566 political prisoners were sentenced. He profiled three different groups of political prisoners FPV has identified: one group of people whom the government seeks to exclude on political grounds; one group of people seeking to exercise their political and civil rights; and any Venezuelan who ends up being a victim of persecution in the streets, regardless of his or her ideology. His final comment was that at least 15 percent of those arrested on political grounds were victims of torture.

Tamara Suju, a criminal lawyer and Executive Director of the Center for Latin American Studies (CASLA), was the second person to testify. Suju explained that she had been collecting
individual cases of torture for 15 years. She said she launched her career as a lawyer defending dissident military personnel in 2002-2003. She cited the case of Judge María Lourdes Afiuni Mora, whom was tortured and violently raped. Citing the investigation she conducted, Suju indicated that torture has taken place since the time of President Hugo Chavez, and was used to intimidate and control the Venezuelan people. She did note, however, that torture was selective during that period, unlike today. She described the use of torture under the Nicolas Maduro regime as "disproportionate" and recurring, adding that the Bolivarian Intelligence Service (SEBIN) and the General Military Counterintelligence Division (DGIM) report to the Office of the Vice President and take direct orders from the Venezuelan executive branch.

She emphasized that “white torture”, i.e., torture not involving physical assault, had been documented. For example, Suju mentioned the case of political prisoners kept in 2 x 1 meter cells, with the lights on 24 hours a day, so that they could not tell day from night, at temperatures below 8o Celsius (46o F), with no contact with their family members. Suju indicated that the government had a torture “script”: the intent determined the pattern of torture. For example, if the intent was to punish and intimidate, rather than obtain a confession, marks were deliberately left on the face, arms and/or legs. Until 2012, Tamara visited jails and requested statements from victims, who handwrote them, marking them with an ink fingerprint to attest to the document’s authenticity. During her statement, Suju presented quantitative data that in her view showed systematization of the repression of the Venezuelan regime.

Francisco Márquez Lara, Executive Director of Visión Democrática, testified in his capacity as former political prisoner and exile. He indicated that the intent of his testimony was to represent those who are still in custody and experiencing torture in Venezuela today. He stated that impunity and injustice reigned in his country and, for that reason; all that remains are international institutions.

Márquez described the situation of his arbitrary arrest on June 18, 2016, and his experience during four months of incarceration. He indicated that when he was traveling to organize the collection of signatures for the then-active recall referendum process in 2016, he was detained at a National Guard control post. He stated that the attitude of the Guard changed when security officials realized that Márquez had in his car “Free Leopoldo” pamphlets. Márquez, along with the colleague who was traveling with him, were detained for two hours, and given no reason for their detention and no possibility of calling a lawyer. Officials of the Bolivarian Intelligence Service proceeded to interrogate him, without a lawyer present. When he refused to answer questions, they transferred him to Caracas. Márquez described the abuse to which he was subject in different jails where he was held. He mentioned that he personally witnessed the torture of another prisoner, who was beaten by six individuals for 30 minutes. What he witnessed, he stated, “corroborates the investigations presented by the experts.” He even commented that upon his release, a high prison official told him “be sure to speak ill of me,” indicating that the regime rewarded he who tortured most. He cited two names of responsible
parties within the repressive apparatus in El Helicoide, where he was imprisoned: Carlos Calderón and Ronny González.

At his time of detention, Márquez was working as director of the office of now-exiled Mayor David Smolansky. He indicated that the prosecution of mayors was an example of what happened if someone took a position opposing the regime. He stated that based on a judgment issued by the Supreme Court of Justice (TSJ), mayors were being unlawfully ordered to control demonstrations. This has led to the punishment of mayors who did not manage to control the demonstrations by declaring them in contempt of court, convicting them, removing them from office, and imprisoning them. From his experience, Márquez stated that persecutions are based on political position rather than fact; and that criminal proceedings were not governed by judicial principles but by political decisions. Lastly, he shared that he continues to receive blackmail and threats that indicating that if he publicly reports his case, the situation of other political prisoners could be affected.

That last person to testify was Johanna Aguirre, human rights activist and victim. Johanna is the widow of José Alejandro Márquez Fagundez, with whom she shared 14 years of her life. Alejandro was beaten to death by the Bolivarian National Guard in February 2014, after refusing to give up his cell phone, which he was using to record Guard raids in the La Candelaria area. Aguirre testified today to seek justice for Alejandro and to clear his name. She explained that on the night of February 19, 2014, the couple was at home after work when their neighbor and friend came to the house to ask Alejandro to go with him to watch the GNB deployment on Urdaneta Avenue, two blocks from their home. Alejandro told Johanna that he would be back soon. He left the house carrying his cell phone. About an hour later, Alejandro had not returned and Johanna began to worry. She called his cell phone but no one answered. Finally, another neighbor arrived to tell her that the GNB had taken her husband away.

Witnesses indicate and an amateur video published shows Alejandro fleeing from the GNB. Johanna described how Alejandro began to run, tripped and fell, and put his hands up to indicate surrender. Johanna explained that it was 30 minutes between when the GNB official took Alejandro away and when he left him at the hospital. She does not know where the security officials beat him. When Aguirre finally found him in Vargas Hospital, the victim was disoriented and tied to the cot with pieces of his own shirt. When they transferred him to a private hospital, where he died on February 23, Alejandro was in a coma and the back of his skull was fractured. According to his widow, the regime tried to cover up Alejandro’s murder. The trial is ongoing and some of the five officials responsible have not been suspended.

The widow indicated that she never received an explained why he was arrested. She also explained that the autopsy and first exhumation did not indicate the cause of death. Johanna said that initially, they explained that Alejandro had died from head trauma resulting from his fall. But a second exhumation found that the cause of death was trauma to the back of the head from a
blunt object. Johanna explained Alejandro had not yet been buried when Diosdado Cabello, in a broadcast of his program “Con el Mazo Dando,” had explained that Alejandro was a “hit man” and a “terrorist”.