Sessions to examine whether the situation in Venezuela warrants being submitted to the International Criminal Court

Summary of the session on November 16, 2017

The first person to testify was Kerling Sánchez, the wife of political prisoner Lt. Colonel Ruperto Sánchez of the Venezuelan Air Force. She explained that since Hugo Chávez took office as President in 1999, Lt. Colonel Sánchez had been ordered to talk to his troops about socialism in the twenty-first century. However, her husband talked to them about the Constitution, military regulations and the Rome Statute. His superior officers accused him of not supporting the revolutionary process in Venezuela.

On May 15, 2014, Kerling received a phone call telling her that her husband was in prison in the Military Counterintelligence Bureau. She said that he spent three months shut up in a basement, and that it was there that he learned that nine other officers had been imprisoned for the same reason. He was sent to the Ramo Verde Military Prison, where he remained until February 2015, which is when his trial began in the Caracas Military Court. These ten officers were prosecuted for the so-called “Operation Jericho”. They were not allowed to present witnesses. She said that the military prosecutor presented 96 witnesses, three of whom had criminal records that would be closed if they testified at the trial. However, she said that when these witnesses were asked, “Were you incited by Lieutenant Sánchez?” they all said no.

They were accused of having held two meetings conspiring to bomb the Miraflores Palace and other State institutions. The public prosecutor invited experts to one of the hearings to analyze the truth of the matter, and it was they who explained that, given the characteristics of the Air Force base where the officers worked, such an event would not have been possible. After 25 hearings, despite the fact that there was no proof against him, Sánchez was found guilty of instigating a military rebellion, and was sentenced to 7 years and 3 months in prison. The judge changed the site of her husband’s incarceration to a prison located more than 10 hours away from her home. He has been there for three years.

Throughout this process, the officers sentenced suffered mistreatment, and mocked and disparaged by the President of the Republic, who on national television accused the officers of plotting a coup, claiming they were traitors financed by the Government of the United States. Kerling Sánchez believes that what happened to her husband was not an isolated event, but part of the government’s strategy to send a clear message to other officers of the Venezuelan Armed Forces about what could happen to them if they declare themselves against the regime of Nicolás Maduro.

She stated from the moment the sentence was passed, her life has become a picture of cruelty, which also involves her minor children, who have to suffer humiliating searches in the prison in order to be able to visit their father. She also testified that since he has been in prison, her husband has contracted back pain and respiratory infections, and suffered a tooth abscess for eight months without receiving treatment for the pain or any other type of medical care. An appeal was recently filed with the Criminal Appeals Bench of the Supreme Court of Justice, since the appeal that was first filed with the Military Court was denied. “These military officers have only the voice of their families to see justice done,” she said.
Fabián Urbina was a seventeen years old victim of the systematic, brutal and extreme repression carried out by the security agencies of the Venezuelan State, according to his father, Iván Urbina, the second person to testify. On June 19, 2017, Fabián travelled to Caracas to participate in a peaceful protest called by members of the opposition: “The Taking of Caracas”. However, members of the Bolivarian National Guard who were present during the protest unholstered their weapons and fired. Five young people were wounded, including Fabián, who would die moments later from the gunshot wounds to his chest near his collarbone. He emphasized that the National Guard prevented the people who were protesting alongside his son from helping him after he was wounded. Instead, they continued to subdue other protesters. “He was killed because he wanted a better Venezuela, a democratic Venezuela,” his father said.

He confirmed that there are videos from that day posted on social media, showing officers of the Bolivarian National Guard with weapons pointed at the protesters. He affirmed that, “Bearing arms under those circumstances is prohibited by the Constitution of Venezuela.” There are currently three officers detained in relation to the incident in the Ramo Verde Military Prison, who have not been sentenced because the three hearings scheduled so far have been postponed. The Truth Commission created by the Constituent Assembly has been in touch with Fabián’s family to state its interest in meeting with them to clarify the case. However, the Commission declared publicly that at no time did the National Guard violate the protesters’ human rights, and because of that, he said he preferred to refuse the offer.

The third speakers were José Pernalete and Elvira Llovera, the parents of Juan Pablo Pernalete, aged twenty, who was killed by the Bolivarian National Guard while he was demonstrating peacefully on April 26, 2017 in a protest organized by the opposition. A tear gas bomb was launched like a projectile directly into Juan Carlos’s chest from a distance of 15 meters. It caused cardiogenic shock that minutes later, led to his death.

Although the Public Ministry has investigated the case, no one has been charged, because the National Armed Forces refuse to provide the information needed to incriminate those who caused Juan Pablo's death. They affirmed that on the same day that their son died, Diosdado Cabello, a member of the Venezuelan National Assembly, asserted that the National Guard was not present at the time their son was killed, and that it must have been the demonstrators themselves who killed him. Pernalete and his wife explained that other government officials, such as Pedro Carreño, Ernesto Villegas, Vladimir Padrino López and Delcy Rodriguez, have used official government media to issue false statements about what happened. The Pernalete family filed complaints and asked for probable cause hearings for cover-up and obstruction of justice against these officials. “We are not afraid. What is driving us is justice for our son and the other young people who were killed because they thought differently. We’ve lost everything,” they said.

On May 24, 2017, the Attorney General of the Republic at that time, Luisa Ortega Díaz, having examined evidence and statements from a number of witnesses, publicly declared that the death of Juan Pablo Pernalete was the result of the impact of a tear gas bomb, and not by a captive bolt pistol as the government-affiliated media had claimed. Following this statement, Pedro Carreño asked for a medical
board to be formed to look into the Attorney General’s mental health. They said that so far, the member of the National Guard that killed their son has not been identified.

Dr. George Simon and Dr. Federica Dávila of the Cruz Verde of the Cruz Verde (Green Cross) were the last to testify. An organization of professionals and students from the Central University of Venezuela set up in response to the vacuum evident in the streets during the protests: “Nobody was helping the people wounded in the demonstrations,” they said. They are currently a group of approximately 250 volunteers who have helped more than 5,000 people at 60 demonstrations in 2017.

“When we began our work in April, the volunteers were given an introductory course on managing wounds in situations of armed conflict. All of the wounds discussed during the course were anecdotal. By the end of three months of work, we unfortunately had the opportunity to deal with all the types of wounds,” they said. The pattern of the wounds escalated as time went on. They said that when the demonstrations began, they had teams who were on foot, but they had to be replaced with teams who moved about on motorcycles because it was not safe for them to remain in the midst of the demonstrations to stabilize the wounded. They said that the local governments, despite their limited personnel and equipment, began with their pre-hospital emergency personnel to take a more active role during the demonstrations.

In their statement, they said that the most significant pathologies that they treated included: a) asphyxia resulting from irritation of the airways and other mucosa, as the result of exposure to tear gas, which in some cases caused respiratory failure; b) burns and wounds from explosions; c) open and closed trauma to the chest, head and abdomen resulting from impacts from different blunt instruments; and d) gunshot wounds, caused both by rubber and lead bullets (sometimes, because they were used at close range, the cartridges penetrated further into the patients’ bodies).

They stated that the numbers of deaths rose considerably during the month of July 2017, as did serious trauma cases. The use of firearms also increased during that period.

They testified that on a number of occasions, green helmet volunteers had been wounded during the demonstrations, particularly as the result of attacks by security forces. However, government officials have not offered any public apology for what happened.