

**REPORT OF THE SECRETARY GENERAL OF THE
ORGANIZATION OF AMERICAN STATES,
CESAR GAVIRIA,
PURSUANT TO RESOLUTION CP/RES. 811(1315/02)
Situation in Venezuela**

Washington D.C. April 18, 2002

As Secretary General of the OAS, it is incumbent upon me to present to this special session of the General Assembly the report mandated by the Permanent Council in resolution CP/RES. 811 (1315/02), pursuant to Article 20 of the Inter-American Democratic Charter. This resolution directed me to carry out a fact-finding mission and undertake the necessary initiatives, including good offices, to promote as quickly as possible the normalization of the democratic institutional framework.

Once the presidents of the Rio Group had concluded their meeting in Costa Rica last Friday, April 12, I was informed of their decisions both by President Miguel Angel Rodríguez and by Foreign Minister Roberto Rojas. I was able to exchange views with them throughout the day, along with the Chair of the Permanent Council, Ambassador Margarita Escobar, and I closely followed their deliberations. At the end of the meeting, we undertook consultations with a view to following up on the Group of Rio's request that a meeting of the Permanent Council be held as soon as possible. The presidents also asked me to ascertain the political reality in Venezuela by the means I deemed most appropriate.

It should be noted that the Rio Group considered President Chávez' resignation a *fait accompli*, along with the removal of the vice president and the cabinet. Consequently, no request was made for his return to power as part of the necessary actions to defend constitutional order.

In informal and closed meetings the previous Friday evening and Saturday, under the able leadership of Ambassador Margarita Escobar, the Council examined the situation in Venezuela, condemned the alteration of constitutional order and the deplorable acts of violence, and expressed solidarity with the people of that country. On Saturday morning, the self-styled president of the transitional government called to report that there had been an alteration of constitutional order and to make other statements contained in a message that was distributed to the delegations. He also said that they wished to be represented at the meeting by an official in the Venezuelan mission, and that they would subsequently send his credentials. All of this was brought to the attention of the missions. I told him that the following day I would be traveling to Caracas pursuant to the mandate that the Permanent Council.



As authorized by the Permanent Council, the Secretary General was accompanied by Ambassador Margarita Escobar, Chair of the Permanent Council, and Ambassador Lisa Shoman, Representative of Belize and spokesperson for CARICOM. Some of the ambassadors of the Rio Group were not able to travel with me because the mission had to leave on such short notice. The ambassadors accompanying me were of great service and gave me very valuable advice, but I should make clear that everything I said during the mission--in private meetings, to the mass media, and in this report--is my sole responsibility.

You will surely understand the difficulty in presenting a report on the full range of incidents that took place. Nonetheless, I have endeavored to make a succinct presentation on the events leading up to April 11 to 13, which should in no way be interpreted as a justification of the alteration of constitutional order. It is merely a brief review of the context in which the tragic events of April 11.

Given the very difficult situation experienced by democratic institutions in Venezuela, I also thought it advisable to look at aspects of the country's institutional order in relation to the Democratic Charter.

I should begin by stating that, until it is proven otherwise, the organizers of the demonstration convened by the political opposition and many social organizations on the days prior to, and on, April 11 were different from those who usurped power, detained President Chávez, and endeavored to establish what they referred to as a provisional government. This government's rule was broadly and widely rejected not only because of its origins, but also owing to its decisions, which resulted in the closing down of institutions established by popular vote, the intervention of the Judiciary and the so-called "moral power" organizations, and in practice the derogation of the Constitution and many actions taken in accordance with it.

What we can say is that the government, which was in the process of just being established, without any democratic legitimacy, was the result of decisions taken by the military. In a letter made available to the members of the Permanent Council, the person heading the self-styled provisional government specifically recognized the constitutional breach.

Fortunately for the democratic institutions in Venezuela, this alteration of constitutional order was reversed by the reaction of a considerable number of officers of the Armed Forces and by a vigorous reaction by citizens, both defenders and opponents of the Government of President Chávez.

As part of the charge entrusted to me, I met with a broad spectrum of representatives for the country's leading institutions, such as President Hugo Chávez and his foreign minister; the leadership of the National Assembly; the Attorney General, the comptroller general, the ombudsman, the president of the Supreme Court. I also met with the Cardinal and with representatives of the Bishops' Conference, civil society groups, representatives of some daily newspapers, television and radio networks, the Confederation of Workers, members of opposition parties in the National Assembly, and other figures who came with documents expressing their opinions on the incidents and giving their interpretation of the reality in Venezuela.



Distinguished foreign ministers: After my talks with the various sectors, I would like to make the following points.

The President of the Republic, in all of his speeches, has spoken of reflection, of rectification, of amendment. He gave assurances “that there will be no desire for reprisals, for persecution, for abuse”; that what happened serves as a “major lesson”; “that the situation calls for deep reflection”; that it is necessary to act with “patience and good sense”; that it is necessary “to correct what needs to be corrected”; that “dialogue must be reestablished.”

He spoke also of “unity while respecting differences” and noted that his first step would be to convene the Federal Council of Government as the epicenter of dialogue with all sectors, so as to reach the greatest possible degree of consensus in the economic, social, and political areas. He also stated that the president-designate of Petroleos de Venezuela (PDVSA) and the junta he appointed had resigned, which would put an end to the issue that gave rise to the recent protests.

Although a good number of representatives of organizations outside the government have accepted the call of the President for dialogue, even after the fateful events of April 11 and 12, there is excessive polarization, not only among the natural political actors, such as the government, the political parties, and opposition groups, but among almost all labor, business, and civil society groups, representatives of some other branches of government, and the media. This excessive polarization has shades of intolerance that stand in the way of democratic dialogue and the quest for agreements that would provide a degree of understanding so as to maintain social harmony. There seems to be a widespread conviction that renewed confrontation between friends and opponents of the government is inevitable and could lead to increased social protest.

I also want to note the development of a dangerous practice of debate within the armed forces. Many leaders of public affairs constantly listen for what the various armed forces have to say about political developments, and even about the orders of the Commander in Chief, Constitutional President of the Republic. Some cite an article of the Constitution as grounds for such debate.

Opposition groups and other leaders of society distance themselves from constitutional standards in different ways. In particular, they express concern about the separation and independence of the branches of government and the lack of checks and balances in the specific case of Venezuela, since they believe that the leading figures were chosen by political majorities within the Assembly. The opposition representatives in the Assembly have called attention to a recent ruling by the Supreme Court of Justice which concludes that the presidential term begins in January, 2002.

Since the events mentioned earlier, there have been increased reports of human rights violations, acts of intimidation, and significant acts of vandalism and looting, and increasing numbers of persons dead or injured. This happened before, during and after the recent crisis. We referred these cases to the IACHR and, in some cases, to the Commission’s Rapporteur for Freedom of Expression as well.



This Mission has received numerous complaints alleging that the Bolivarian Circles are responsible for these actions. The Bolivarian Circles are groups of citizens or grassroots organizations who support the President's political platform. Many sectors consider them responsible for the human rights violations, acts of intimidation, and looting.

Representatives of television network owners and a group of journalists believe that the Bolivarian Circles represent the greatest threat to freedom of the press and of expression. Several of these cases have already been submitted to the Inter-American Commission on Human Rights and to the Rapporteur for Freedom of Expression. It would be advisable for the government to work on these issues and to dispel many of the serious doubts that have arisen.

Television network representatives complain of the abrupt interruption of their private television channel signals, which they consider a violation of the Organic Telecommunications Act. This produced a systematic interruption of programming, with long statements by the President and other executive officials in the days leading up to April 11. They also demand that, in keeping with the IACHR recommendation, the Government issue "a categorical denunciation of the acts of aggression to which media personnel have been subjected."

On the other hand, authorities representing the branches of government pointed to a lack of objectivity in some media outlets' reporting on the events that led to the restoration of constitutional order. Some media organizations have noted such concerns or complaints about the events and have provided explanations. It is not my place to judge whether those explanations are satisfactory or whether the objections raised are valid.

Representatives of opposition parties in the National Assembly consider their minority rights to have been violated. They called attention to the use of mechanisms of the enabling law. This is an old provision in Venezuelan constitutions that bestows on the Executive extensive legislative powers. The government of President Chavez made wide use of these powers, and illustrated the great resistance generated by the approval of norms without parliamentary debate and without public discussion in the Assembly.

The Venezuelan Confederation of Workers (CTV) (Central de Trabajadores de Venezuela) demanded that the Executive accept the CTV leaders chosen in the election called at the initiative of the national government itself. This confederation and its leaders are recognized by the International Labour Organization (ILO) and this demand can also be viewed in light of Article 10 of the Democratic Charter. The CTV leaders also call for the convocation of tripartite dialogue.

For those reasons, at meetings with various sectors, I took the liberty of proposing actions I believe should be taken immediately to prevent further expressions of discontent that could bring about other tragic events like those of April 11 and 12. In any case, it is important to reiterate some of the preambular and operative paragraphs of the Permanent Council resolution, especially as they regard repudiation of any breach of the constitutional order and condemnation of the violent events in which a number of people lost their lives.

The OAS, its member countries, the international community, and other organizations such as the Catholic Church, via the *Conferencia Episcopal*, could assist in fostering dialogue to ensure that these incidents are not repeated.



I would like to highlight, as well, some measures that must be taken to defuse some of the more serious conflicts, to regain governability, to achieve political stability, and to foster economic recovery.

It is fundamental that all sectors of society, at least all those I have referred to, seek mechanisms or agreements which ensure that respect for the Constitution is the foundation and framework of action for everyone in Venezuelan public life.

It is imperative that an agreement be reached so that Article 350 of the Constitution is not interpreted as everyone's right to rebellion. Such an interpretation might well lead to worse violence than that which has already occurred. Everyone must do their part to reach that understanding.

It is essential that the government, opposition, social actors, human rights organizations and the media commit to rejecting any participation in political debate on the part of the military, and to supporting military regulations which penalize this behavior. It is also essential that we abandon the interpretation held by some that that article of the constitution can serve as the basis for actions of any officials of the armed forces. I would like to reiterate that if we do not move in this direction, we could see new acts of insubordination against the civilian authorities. This General Assembly should be categorical in pointing out the obligation of constitutional subordination of all state institutions to the legally constituted civilian authority, as enshrined in Art. 4 of the Democratic Charter.

It is an absolute necessity to resort only to peaceful measures. The state, and let there be no doubt about this, must retain a monopoly on the legitimate use of force. The accusations that certain sectors are jeopardizing the legitimate use of force must be investigated. In all cases, any use of force must occur under authorization and within the normative framework to which the military adheres.

It is very important for Venezuela's democracy that the investigations into the tragic events surrounding the demonstrations of April 11 are conducted in such a way that their conclusions are accepted by all and that those responsible meet head-on the full weight of the law. What I say should not be interpreted as undermining the legitimately constituted authorities. With a good dose of political will, this can be achieved. In any case, we must learn from this experience because demonstrations with hundreds of thousands of people brings enormous risks.

We have been informed that the Assembly is considering setting up a commission of 25 members would be in charge of investigating the facts. There are differences with respect to the name of such a commission, the manner of its establishment and its composition.

The government and opposition should do everything within their reach to guarantee the separation of powers and effective checks and balances. Beyond the importance of establishing the supremacy of the Constitution, it is essential to re-establish complete confidence in the rule of law and ensure that all the pillars of society are to heed it. That is spelled out in Art. 4 of the Democratic Charter.



Whatever agreement is reached among the different sectors of Venezuelan society should, as the Democratic Charter indicates, fully respect freedom of expression and therefore of the press. It should be clear that any complaint or deficiency on this should be resolved in accordance with the Declaration of Chapultepec. This Secretariat publicly expressed its confidence that the government of President Chávez would resolve in a satisfactory manner concerns about security and intimidation alleged by representatives of the media with whom I met.

On the issue of television, it is important to come to an agreement on a code of conduct which, beyond the issue of laws, ensures compatibility between public interest television transmissions and the media's normal programming.

The international community should provide support to Venezuela to ensure that political parties and other political groups or movements once again become the principle actors in Venezuelan politics. The current vacuum, which other social sectors have sought to fill, has clearly demonstrated its limitations. Here we could look to actions under Art. 5 of the Democratic Charter.

This Mission would like to acknowledge the hospitality and support received from the government of President Chavez. I hope that, by presenting this report for your consideration, I have fulfilled the mandate of the Permanent Council. The OAS is at the disposal of the government and people of Venezuela, so that from the tragic experience we might glean lessons to ensure that these events are never repeated.

Thank You.