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Venezuela: The agreement signed between the opposition parties and the government in May 2003, including whether articles 10 and 11 have been implemented (May 2003-September 2004)

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Several sources reported on the agreement signed on 29 May 2003 between the Venezuelan government and opposition members on the terms of recalling President Chávez and the respect for human rights (Carter Center n.d.; *Latinnews Daily* 30 May 2003; *Libération* 30 May 2003). The Carter Center and the Organization of American States (OAS) had helped in the negotiations and were witnesses to the signing of the agreement by both parties (Carter Center n.d.). The agreement dated 23 May 2003 is entitled *Agreement of the Forum for Negotiation and Agreement in Venezuela* and articles 10 and 11 state the following:

10. We agree to undertake a vigorous campaign to effectively disarm the civilian population, on the basis of the law passed by the National Assembly, making sovereign use of all mechanisms and resources provided for therein, and with the technical support of the international institutions. We, the parties, shall abide by the conclusions of the Forum for Dialogue conducted by the National Assembly in its quest for a consensus plan for disarmament of the civilian population.
11. We urge the parliamentary groups of opinion represented in the National Assembly to finalize the law on the formation of the Truth Commission, to enable it to help shed light on the events of April 2002 and cooperate with the judicial bodies in identifying and punishing those responsible (OAS 23 May 2003).

Disarming the civilian population

On 29 May 2004, a year after the government and the opposition signed the agreement, Globovisión reported that neither side had contributed much to implementing its obligations under the agreement. The report adds that the campaign to disarm the civilian population under article 10 of the agreement had still not begun (Globovisión 29 May 2004).

In its 29 December 2003 *Report on the Situation of Human Rights in Venezuela*, the Inter-American Commission on Human Rights (IACHR) states that some of the Bolivarian Circles, community groups enshrined in the Venezuelan constitution, have been accused of "being chiefly intended to act as shock troops to verbally and physically attack people identified as enemies of the political process," of possessing firearms and of being the instigators of the violence in April 2002 when President Chávez was temporarily removed from office (29 Dec. 2003b; see also *Latinnews Daily* 30 May 2003). The government had denied the accusations of violence associated with the Bolivarian Circles, and the cases for which the circles had been accused of violent acts have largely remained unresolved (IACHR 29 Dec. 2003b). To address concerns about the armed status of civilian groups, the government approved the Civil Population Disarmament Law, which was published on 20 August 2002 (ibid.).

El Universal reported on 29 January 2004 that the Ministry of Defence had recalled 224 weapons that were in civilian or military hands, as well as 48 military vehicles that were in the hands of [translation] "dissident" military officials. Minister of Defence Jorge García Carneiro was acting in accordance with the Civil Population Disarmament Law when he made the request (*El Universal* 29 Jan. 2004). An announcement in one of the national dailies asked the officials, who the government believed to be responsible for the 11 April 2002 events, to return their arms (ibid.). The list of officials included the names of a couple of mayors, a businessman, a former government minister and a deputy (ibid.).

To conform with provisions under the Venezuelan Penal Code (*Código Penal Vigente*) and the Civil Population Disarmament Law (*Ley para el Disarme*), the Venezuelan government passed a resolution on 23 April 2004 to [translation] "suspend the importation of firearms until the current weapons registration system is implemented and automated" (Venezuela 23 Apr. 2004). However, some critics state that the objective of the government resolution is to [translation] "retaliate against members of the opposition to the regime" (Globovisión 28 June 2004). Other critics state that the measure violates citizens' right to self-protection and would be used to disarm those who are legally armed, while those armed in paramilitary groups, such as the Tupamaros or Carapaicas, would be ignored (ibid.).

Truth Commission

The IACHR reported that the Venezuelan National Assembly had approved the first draft bill on the creation of the Truth Commission on 14 May 2002, but subsequent debates in the National Assembly between May and September 2002 stalled its adoption (IACHR 29 Dec. 2003a). By mid-2003, the Truth Commission had still not been established (ibid.). *Últimas Noticias* reported on 25 April 2003 that the National Assembly had approved the discussion and approval of the bill to create the Truth Commission for 6 May 2003. No other reports indicating whether the National Assembly had approved the creation of the Truth Commission could be found among the sources consulted by the Research

Directorate. According to Globovisión, article 11 on the creation of a truth commission has been a [translation] "lost cause" (29 May 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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