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2010 Human Rights Report: Venezuela

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Venezuela is a multiparty constitutional democracy with a population of approximately 28 million. In 2006 voters reelected President Hugo Chavez Frias of the Fifth Republic Movement party. International observer missions deemed the elections generally free and fair but noted some irregularities. On September 26, voters elected 165 deputies to the National Assembly. Voting on election day was generally free and fair with scattered reports of irregularities. However, domestic election observers and opposition political parties criticized both the electoral law, claiming it violated the constitutional principle of proportionality, and the government's partisan use of state-owned media. There were instances in which elements of the security forces acted independently of civilian control.

The following human rights problems were reported by nongovernmental organizations (NGOs), the media, and in some cases the government itself: unlawful killings, including summary executions of criminal suspects; widespread criminal kidnappings for ransom; prison violence and harsh prison conditions; inadequate juvenile detention centers; arbitrary arrests and detentions; corruption and impunity in police forces; corruption, inefficiency, and politicization in a judicial system characterized by trial delays and violations of due process; political prisoners and selective prosecution for political purposes; infringement of citizens' privacy rights; restrictions on freedom of expression; government threats to sanction or close television stations and newspapers; corruption at all levels of government; threats against domestic NGOs; violence against women; trafficking in persons; and restrictions on workers' right of association.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces were accused of committing unlawful killings, including summary executions of criminal suspects.

There were several reports that security forces allegedly committed arbitrary or unlawful deprivations of life. The human rights NGO Venezuelan Program of Action and Education in Human Rights (PROVEA) reported 237 deaths due to security force actions from October 2009 through September 2010, a 15-percent increase compared with the previous year. The causes of death were categorized as 199 executions, nine cases of excessive use of force, 16 cases of indiscriminate use of force, 10 cases of torture or cruel treatment, and three cases of negligence.

Prosecutors occasionally brought cases against such perpetrators. Sentences frequently were light, and convictions often were overturned on appeal. According to PROVEA, 463 public officials were involved in extrajudicial killings in 2009, the last year for which statistics were available. There was no information available on the numbers of public officials who received prison sentences for involvement in extrajudicial killings.

On September 1, 19-year-old Wilmer Jose Flores Barrios was killed in Aragua State, making him the sixth member of his family to be killed since 1998. Since 2004 the Barrios family, including Wilmer, had been under protection orders issued by the Inter-American Commission on Human Rights (IACHR). The IACHR "deplored the fact that members of the Barrios family in Venezuela have been executed extrajudicially without the State having adopted measures to protect the life of these persons or to investigate these crimes." The IACHR described at least five of the family's murders as extrajudicial executions perpetrated by Aragua state police agents. On July 26, the IACHR submitted the Barrios family case to the Inter-American Court of Human Rights, noting that the government "did not provide effective protection measures" and that "the facts of the case fall within a more general context of extrajudicial executions in Venezuela by regional police forces, a situation the Inter-American Commission has been following closely through various mechanisms" (see section 1.e.).

There were no known developments in the prosecution of three Merida policemen, one member of the Bolivarian Intelligence Service (SEBIN), formerly the Directorate of Intelligence and Prevention Services (DISIP), and one civilian in the January 2009 killing of eight young persons in a cafe in El Vigia, Merida. The accused remained in the Coro Penitentiary pending trial.

On October 22, the court convicted and sentenced Merida police inspector Julio Cesar Carucci to imprisonment for 17 years and six months as the material author of the April 2009 killing of student leader Yuban Ortega during a demonstration in Merida. Two other police officers, Jose Oscar Angel Davila and Pablo Emilio Parra Hernandez, were each sentenced to imprisonment for three years, one month, and 15 days for improper use of weapons and violation of international agreements.

There was no information available about the investigation into the May 2009 killing of Anderson Naranjo by 10 individuals dressed as El Valle police officials.

There was no information available about the investigation of two Caracas Police Department members, Alejandro Guerra and Jorge Corrales, for their alleged involvement in the May 2009 killing of taxi driver Freddy Jose Castillin. They remained detained at year's end.

On October 6, Yeres Smith Reyes and Victoriano Gonzalez Teran confessed and were sentenced to imprisonment for 11 years and four months for the June 2009 killing of psychologist Ana Matilde Raimondi de Bellorin. The trial against two other suspects, Wilmer Flores Monsalve and Leonel Matos Gonzalez, remained pending at year's end. The four were members of the Libertador Municipal Police Department.

On June 23, the court sentenced Lieutenant Saher Ernesto Delgado Marchan and Sergeant Dirga Miguel Rodriguez Martinez to 18 years in prison for the 2008 beating and killing of Jean Carlos Rondon in Monagas State. Three other suspects were acquitted.

There was no information available about the investigation into the 2008 killing of Roger Oscar Avila by unknown assailants dressed as Caracas Metropolitan Police.

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There were no known developments in the 2008 shooting and killing of El Rodeo jail inmate Miguel Hiroyuki Baba Barroyeta and the injuring of five individuals (inmates Alexander Jose Gonzalez Mosquera, Renato Javier Rea Noguera, and Hector Luis Solorzano Dias as well as National Guardsman Victor Eduardo Salcedo Ochoa and driver Manuel Eloy Gonzales), which occurred while the inmates were in custody and being transferred from court to prison. According to the prosecutor general, the shooting resulted from prisoners attempting to seize weapons and escape.

There were no known developments in the trial of 10 Lara state police officers charged in the so-called Massacre of Chabasquen in 2008, in which six persons (including four minors) were tortured and killed in Portuguesa State. The accused remained in prison pending trial.

There were multiple developments during the year in connection with the 1989 killings in Caracas known as the "Caracazo":

- On February 24, the Public Ministry claimed to have successfully exhumed the remains of 47 persons who may have been killed during the Caracazo. Identification of the 47 victims (10 female and 37 male) remained underway at year's end. Representatives from The Committee of Family Members of the Events that Occurred between February 27 and the First Days of March of 1989 (COFAVIC), an NGO representing the families of many of the victims, were not allowed to be present during the exhumation of victims' remains.
- Throughout the year COFAVIC urged the government to permit experts from the Argentine Forensic Anthropology Team to participate in the exhumation process, identification of the victims, and collection of forensic evidence; to designate a neutral location rather than military or police facilities to perform the forensic examinations; and to provide full access to its files by the victims' families and lawyers. By year's end the Prosecutor General's Office had not responded to COFAVIC's requests.
- In February and March the Public Ministry and COFAVIC engaged in a dispute over COFAVIC's records containing postmortem and other information on the victims. COFAVIC claimed the information had been provided confidentially to COFAVIC by victims' families. On February 26, the prosecutor general threatened COFAVIC with legal charges for failure to turn over the information, and on March 1, the director of the litigation office of the Prosecutor General's Office accused COFAVIC of refusing to cooperate with the government's investigation of the Caracazo. COFAVIC claimed the requested information had already been provided to the government by COFAVIC (on November 26, 1990, and on November 24, 2009), the Inter-American Court of Human Rights (on July 5, 1998), and family members. COFAVIC also charged that the government's statements constituted a serious threat against COFAVIC and the families of the Caracazo victims. On March 4, the World Organization against Torture, in conjunction with the International Federation of Human Rights, publicly called on the government to immediately end its harassment of COFAVIC and to guarantee the security and safety of its members.
- On March 18, the Supreme Court approved the March 1 extradition request submitted by Prosecutor General Luisa Ortega Diaz for former president Carlos Andres Perez in connection with his alleged involvement in the Caracazo; Perez died outside the country on December 25.
- The Public Ministry also announced it was investigating 336 individuals for their alleged involvement in the Caracazo.
- On March 19, the Public Ministry charged former minister of defense Italo Del Valle Alliegro with premeditated homicide and violating treaties and international conventions in connection with the Caracazo. On June 28, the Ninth Court of Appeals in Caracas dismissed the charges asserting the period for filing charges had lapsed. On July 2, the Public Ministry asked the Supreme Court to reopen the case. On July 21, the Supreme Court announced the

dismissal or suspension of 16 judges, including the dismissal of two provisional judges, Jose Alfonso Dugarte and Juan Carlos Villegas, and the suspension of the third, Angel Zerpa, involved in this case. On July 29, the Supreme Court declared the appeals court judges' decision to have been an "inexcusable error."

- On May 14, the Public Ministry charged the former Caracas Strategic Command chief, General Manuel Heinz Azpurua, with premeditated homicide and violating treaties and international conventions in relation to the Caracazo.
- On May 26, the National Assembly approved 9,282,000 BsF (\$3,570,000) in compensation for the families of 63 of the victims.
- On August 24, the prosecutor general charged retired general Jose Rafael Leon Orsoni with premeditated homicide and violating treaties and international conventions in relation to the Caracazo.
- There were no known developments in the prosecution of retired general Freddy Maya Cardona and the Metropolitan Police commander, retired general Luis Guillermo Fuentes Serra, who had been charged in connection with the Caracazo.
- There were no known developments in the retrial of two police officers for their alleged involvement in the killing of Luis Manuel Colmenares during the Caracazo. An appeals court had annulled their 2003 acquittal in 2004.

There was one development during the year in connection with the so-called El Amparo massacre in 1988, in which government security forces allegedly killed 14 persons. In January the Inter-American Court of Human Rights convoked a private hearing to obtain information from the government regarding its implementation of the court's 1995 decision that required reparations to the victims' families, continuation of the investigation of the massacre, and prosecution of those responsible. On February 4, the court issued a resolution requiring the country to implement the 1995 ruling regarding reparations and requesting that the government provide a timeline by June 25 with its planned actions to investigate and prosecute those responsible for the massacre. On October 26, PROVEA called on the Public Ministry to give the El Amparo massacre the same attention as other grave human rights abuses that occurred during the 1980s (see section 1.e.).

There was one development during the year in connection with the so-called Yumare massacre in 1986, in which nine persons were killed. In May former DISIP commissioner German Gustavo Justino Lamoglia Mendoza was arrested for his alleged involvement in the massacre. An investigation remained pending at year's end. The Public Ministry reported in August that there were 29 individuals charged in the massacre and 12 persons formally accused.

There were the following developments during the year in connection with the so-called Cantaura massacre in 1982, in which armed forces and DISIP members allegedly killed 25 persons:

- Exhumation of victims' remains continued during the year. In May the Public Ministry reported having exhumed 17 victims' remains from five separate states and Caracas. On October 1, the government announced the exhumation of another victim.
- On September 17, PROVEA published an open letter to President Chavez expressing concern about the decision of the United Socialist Party of Venezuela (PSUV) to nominate Roger Cordero Lara as a candidate for the National Assembly in the September 26 elections. PROVEA alleged that Cordero Lara had commanded one of the airplanes that participated in the bombardment of the guerrilla camp in Cantaura. Following Cordero Lara's election, PROVEA publicly demanded that the newly elected National Assembly lift his parliamentary immunity to permit an investigation to proceed.

On December 10, the Public Ministry announced that alleged paramilitary chief Sandra Barrera Cardozo would be tried for the September 2009 killing of Panamericano mayor Lluvane Alvarez in Tachira State and the August 2009 killing of Pablo Ruiz and Willer Quintero Valdez. She remained detained at the Western Penitentiary Center at year's end. Alix Xiomara Fuentes Ortega had previously been sentenced to one year and six months' imprisonment for involvement in Alvarez's

killing; two other suspects, Roberth Centeno Sanchez and Fernando Gonzalez Vergara, were also pending trial for the three killings.

Societal violence remained high. The NGO Venezuelan Observatory of Violence (OVV) reported 16,047 killings nationwide in 2009, or 70 killings per 100,000 inhabitants, and estimated 17,600 homicides in 2010. The OVV reported that during the past 10 years there were 20,743 homicides in Caracas. On August 20, the *El Nacional* newspaper cited a leaked survey by the government's National Statistics Institute (INE) reporting that 19,113 persons were killed nationwide in 2009, or 75 per 100,000 inhabitants. The OVV reported in February that in 91 percent of the 2009 homicide cases there had been no arrest. On August 13, *El Nacional* reported that in the first six months of 2010, police initiated 5,186 homicide investigations.

b. Disappearance

There were no substantiated reports of politically motivated disappearances.

Criminal kidnappings for ransom reportedly were widespread in both urban centers and rural areas. The newspaper *El Universal* reported on April 12 that 405 kidnappings had occurred in the first 100 days of the year. However, the newspaper *Ultimas Noticias* reported in June that 249 kidnappings had occurred during the first five months. The states with the largest numbers of kidnappings were Zulia (37 cases), Carabobo (29), and Anzoategui (22). According to the National Federation of Cattle Ranchers (Fedenaga), 382 kidnappings took place in 2009 and 157 in the first six months of the year. However, according to the government's INE survey covering July 2008-July 2009, 16,917 persons were victims of kidnappings, of whom only an estimated 60 percent reported the crime to authorities. Approximately 75 percent of the cases involved "express kidnappings," in which the victims were held for several hours and then released. NGOs noted that many victims did not report kidnappings to police or other authorities.

The media frequently reported the public perception of collaboration between police and kidnappers. According to the NGO Active Peace, in 2008 the average total cost to the victim of a kidnapping--based on an average of 12 days in captivity, a negotiator's fee, and ransom paid--was approximately the equivalent of 306,800 BsF (\$118,000). Human rights NGOs reported approximately 20 percent of kidnapping victims were minors or students. According to the INE survey, an estimated 30 percent of the victims were under 25 years of age.

Notable examples of the linkage between police officials and kidnappers included:

- On March 9, the Public Ministry charged two Caracas Metropolitan Police officers and a police commissioner in the March 3 kidnapping of a 33-year-old woman allegedly held for ransom inside the police headquarters of Santa Rosalia, in the El Cementerio district of Caracas. A trial was pending at year's end.
- On March 12, a group of 17 to 20 men allegedly dressed in Bolivar state police uniforms reportedly abducted Gabriel Antonio Ramirez, Jose Leonardo Ramirez, and Nedfrank Xavier Cona. According to press reports, officers on police motorcycles escorted the car transporting the abducted young men. The victims were reportedly working as laborers on new university buildings in the city of Barcelona in Anzoategui State. On May 27, the Prosecutor General's Office charged six police officers (Jhonny Moya, Simon Felice, Juan Prado, Luis Magallanes, Pedro Quero, and Hector Romero) from the Simon Bolivar municipality of Barcelona with forced disappearance, violation of the home, abuse of authority, and violating treaties and international conventions.
- On April 6, the Public Ministry charged three officers of the Scientific, Penal, and Penal Investigative Corps (CICPC) in the March 23 kidnapping of Luis Santiago de Ponce in Antimano. The officers, Erarith Rafael Frias Vegas, Jose Raul Blanco Rosales, and Wilfredo Camacho Martinez, allegedly kidnapped Ponce at gunpoint, held him in a CICPC warehouse, and forced his family to pay a ransom for his return. A trial remained pending at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution states that no person shall be subjected to cruel, inhuman, or degrading punishment, there were credible reports that security forces tortured and abused detainees. During the year the National Assembly did not act on the fourth transitional provision of the constitution requiring the assembly to adopt by 2001 either a law or a reform of the penal code to provide sanctions for torture. The NGO Network of Support for Justice and Peace reported that the lack of such a law contributed to the government's failure adequately to punish officials responsible for torture; the lack of programs providing medical, psychological, and rehabilitation services to victims; and the lack of a fund to compensate victims.

PROVEA reported that between October 2009 and September 2010 it received complaints alleging torture involving 36 victims and cruel, inhuman, and degrading treatment involving 350 victims, an 18 percent decrease from the 427 cases in the previous year. (PROVEA defines "torture" as methods used by state security force members to extract information from victims and "cruel and inhuman treatment" as methods used by those members to punish or intimidate victims.) PROVEA reported that 10 persons died while in state custody as a result of torture or cruel treatment (see section 1.a.).

In August 2009 the Public Defender's Office reported that allegations of torture by the police had increased by 10 percent during 2008. Of the 87 complaint cases filed that year, 66 resulted from alleged physical torture and 21 from alleged psychological torture; 62 percent of the victims were men between 20 and 34 years of age. The Public Defender's Office did not publish statistics regarding allegations of torture by police for 2010.

Human rights groups continued to question the commitment of the prosecutor general and the public defender to conduct impartial investigations. There were no data available on convictions in cases of alleged torture.

Press and NGO reports of beatings and humiliating treatment of suspects during arrests were common and involved various law enforcement agencies. Torture and other cruel, inhuman, or degrading treatment or punishments of prisoners were reported during the year. Among the more notable examples were:

On June 16 two police officers from the municipality of Guanta in Anzoategui State were sentenced to four years, two months, and 17 days in prison for the April 1 torture of a private citizen held in custody at the police headquarters of the town. The officers, Ramon Ernesto Garcia Figueroa and Robert Jose Alcala Sabino, were found guilty of inflicting personal injury, torture, abuse of authority, and violating treaties and international conventions.

In July the NGO Venezuelan Observatory of Prisons (OVP) publicly denounced five cases of alleged torture during June of prisoners in the newly opened Yare III penitentiary and requested that the Public Ministry conduct an immediate and impartial investigation. The OVP did not receive a response to its request. These five cases included allegations that guards committed the following abuses:

- burned Mayker Alfredo Plazola Quintero on his nipples with a lighter, subjected him to electric shock, and beat him with a bar;
- beat Eric Jose Coello with an aluminum bat and a club for five days while he was in an isolation cell and then transferred him to the Puente Ayala penitentiary in Anzoategui State;
- beat Jhonny Anibal Hernandez with a bat and subjected him to electric shocks, reportedly in the presence of the prison's director, and as a punishment for complaining, transferred him to the Puente Ayala penitentiary in Anzoategui State;
- removed Mohamad Adul Raman from the general population during a roll call, placed him in an isolation cell, reportedly beat him with a shovel, burned his left shoulder with a cigarette, and transferred him to a prison hospital for medical treatment the following day after he suffered a series of convulsions; and

- allegedly beat 20 inmates who were being transferred from Yare I and reportedly later transferred them to four separate facilities around the country.

Prison and Detention Center Conditions

Prison conditions were harsh due to poorly trained and allegedly corrupt prison staff; violence and alleged extortion by guards and inmates, some gang-related and fueled by trafficking in arms and drugs; severe overcrowding in some prisons; and food and water shortages. The NGO A Window to Liberty reported that there were approximately 43,460 inmates in the country's 33 prisons and penitentiaries as of October and that these prisons were filled 300 percent beyond capacity. Leading prison-monitoring NGOs estimated that there was capacity for only 12,500-14,000 inmates nationwide.

Security forces and law enforcement authorities often held minors together with adults, even though separate facilities existed. Because reform institutions were filled to capacity, hundreds of children accused of infractions were confined in juvenile detention centers where they were reportedly crowded into small, unsanitary cells. Women and men generally were held in separate prison facilities. The OVP stated that while no prison had good conditions, women's facilities were generally less violent and healthier than those for men.

The National Guard and the Ministry of Interior and Justice have responsibility for prisons' exterior and interior security, respectively. The government failed to provide adequate prison security. On November 5, the IACHR released an annex to its press release on its 140th session that noted a report that the number of deaths in prisons had increased 25 percent from 2009, with 352 deaths in prison as of that date, and a 31 percent increase in injuries, with 736 reported through the third quarter of the year. Most such deaths and injuries resulted from prisoner-on-prisoner violence, riots, fires, and generally unsanitary and unsafe conditions.

PROVEA reported that, in the first nine months of the year, four inmates died and 113 were injured as a result of inmate-organized knife fights, commonly known as "the coliseum," which occurred in the Uribana penitentiary in Lara State as a way to settle differences among prisoners. On November 9, the IACHR denounced the "coliseum" violence and stressed the government's obligation to ensure the safety of inmates.

During the year prisoners conducted hunger strikes and violent uprisings to protest administrative delays and harsh prison conditions. While prisoners and detainees were permitted religious observance and had access to visitors, in some cases prison officials allegedly harassed or abused visitors. On June 24, Amnesty International reported that guards at the Fuerte de Macoa military jail in Zulia State forced three female relatives of jailed indigenous Yukpa leader Sabino Romero Izarra to undress, touched them inappropriately, and threatened them with imprisonment (see section 6).

On May 11, the press reported that more than 1,000 inmates started a hunger strike at Los Teques prison, claiming the National Guard mistreated relatives waiting to visit them and subjected them to unnecessary physical inspections. Beginning on May 14, the press reported that prisoners at the Penitenciaría General de Venezuela, the Internado Judicial de San Juan de los Morros, La Planta, Rodeo I, and Rodeo II launched hunger strikes demanding a dialogue with the Ministry of Interior and Justice to discuss judicial delays and alleged mistreatment of family members during visiting hours. According to the press, the hunger strike quickly spread to 15 prisons and the list of complaints grew to include prison overcrowding and visitation policies. The strike was short-lived, but some prisoners and their family members continued to demand that the government declare a prison state of emergency and that Supreme Court President Luisa Estela Morales visit the prisons and initiate a dialogue on prison reform. National Director of Penitentiary Services Consuelo Cerrada issued a press statement on May 26 claiming that "every time there is a little incident in a penitentiary facility, the media magnify it with the sole purpose of destabilizing the national territory."

During the year there were numerous prison riots that resulted in inmate deaths and injuries. Among some notable examples were:

- According to the Public Ministry, on January 27, eight inmates were killed and more than 17 wounded during an exchange of gunfire at La Planta (El Paraiso) prison in Caracas. On January 28, the Public Ministry launched an investigation into the incident. The results of that investigation were not available.
- On April 12, the OVP reported that seven inmates at the Western Penitentiary Center Santa Ana in Tachira State died in a prison riot. On May 4, eight inmates died in a second violent confrontation among prisoners. According to information released by the authorities, three of the victims were killed with firearms and three with bladed weapons, while two were burned to death.
- According to official and press reports, on September 27, prisoners began a riot at the Tocoron prison in Aragua State that lasted for several days and resulted in 16 deaths and 35 injuries. The government sent 800 National Guardsmen and military forces to end the riot. On October 1, approximately 5,000 prisoners at Tocoron launched a hunger strike to protest the military presence and the suspension of family visits. They were joined by an estimated 18,000 inmates at 11 prison facilities nationwide, according to the OVP. On October 5, 300 family members joined the hunger strike to protest the planned transfer of inmates to other facilities. Government officials announced on October 7 the resumption of family visits and the establishment of provisional courts in the prison to ease the case backlog. Following this agreement, prisoners at all but one of the prisons ended their hunger strikes. Inmates at a prison in Bolivar State continued to demand the removal of the warden, improved conditions, and attention to their trial delays. On November 24, the Inter-American Court of Human Rights determined that the situation at Tocoron Prison was one of "extreme gravity" and ordered the government to take definitive and immediate measures to protect the inmates.

Human rights observers continued to experience lengthy administrative delays and restricted access to prisons and detention centers. The International Committee of the Red Cross (ICRC) did not have access to prisons except for the two controlled by SEBIN and the military for security detainees. The public defender did not generally advocate on behalf of prisoners and detainees for alternatives to incarceration.

Throughout the year the IACHR issued several statements calling on the government to improve prison conditions and adopt appropriate measures to prevent similar outbreaks of violence. On January 30, in response to the deaths of prisoners at La Planta prison, the IACHR urged the government to ensure that inmates were adequately protected and to adopt appropriate measures to prevent similar outbreaks of violence. In March in response to a prison riot at Yare I, the IACHR called on the government to adopt measures necessary to ensure that similar events were not repeated. On May 7, in response to the deaths at the Western Penitentiary Center, the IACHR issued a statement that reiterated its concern over the high rates of violence in the country's penitentiaries and the presence in several prisons of criminal organizations in possession of large-caliber weapons, and it reminded the government of its duty to take immediate action to guarantee the physical, mental, and moral integrity of inmates, as well as their right to life.

The Inter-American Court of Human Rights continued its supervision of Venezuelan penitentiaries pursuant to its 2006 decision regarding the need for improvement of prison conditions. Since February the court required the government to submit bimonthly reports with specific information on actions taken to "protect the life and integrity" of prisoners, but there was no information publicly available about the government's compliance with this requirement.

There was no information available about the progress of the government's High-Level Prison Council, established in 2008, to design policies to improve the penitentiary system. However, in July the Venezuelan embassy in London issued a fact sheet regarding the government's efforts to "humanize" its prisons. The fact sheet claimed that recent government reforms had led to a "significant reduction in prison violence and improved conditions for inmates." Among the reforms

cited were improved methods for confiscating weapons in prisons, the establishment of an itinerant judges program to oversee judicial proceedings against those in detention, the establishment of Human Rights Defense Councils within prisons to resolve community problems between inmates and prison authorities, improved visitation policies to permit visits throughout the week rather than on weekends only, and the construction of 15 "prison communities" to "ensure inmates their rights and social services." In addition the fact sheet reported that in June the Ministry of Interior and Justice and the National Experimental Polytechnic University of the Armed Forces signed an agreement to provide vocational training to prisoners and courses on human rights, prison administration, and conflict resolution to prison personnel. The fact sheet also noted that the government offered cultural opportunities to inmates, including participation in orchestra, theater, and sports. Penitentiary Director Cerrada stated in June that 2,045 inmates had participated in the symphony orchestra program and 6,000 were receiving formal education, 909 at the college level.

d. Arbitrary Arrest or Detention

The constitution prohibits the arrest or detention of an individual without a judicial order; provides for the accused to remain free while being tried, except in specific cases where state law or individual judges may supersede this provision; and provides that any detained individual has the right to immediate communication with family and lawyers who, in turn, have the right to know a detainee's whereabouts (see section 1.e.).

On March 22, Oswaldo Alvarez Paz, a former governor of Zulia State and a 1993 presidential candidate, was arrested, held at the SEBIN detention facility, and charged with conspiracy, public instigation to commit a crime, and dissemination of false information for statements he made during a March 8 interview on Globovision's "Hello, Citizen" talk show. In that interview he alleged that high-level government officials had links to groups involved with drug trafficking and terrorism, specifically the Revolutionary Armed Forces of Colombia and the Basque terrorist organization ETA. He also claimed the government's record on these issues was being compiled for potential prosecution in international tribunals and that "the problem is the head of state could fall." On March 9, National Assembly Deputy Manuel Villalba filed a complaint with the Prosecutor General's Office requesting an investigation into Alvarez Paz's comments. On May 7, the prosecutor general withdrew the conspiracy charge, which legally requires the involvement of two persons in the criminal act, and on May 13, the judge granted Alvarez Paz conditional release pending trial on the condition that he not leave the country, report to the judge every 15 days, and not discuss his case publicly. The judge deferred the start of the trial, originally scheduled for October, until early 2011.

On July 6, the Public Ministry charged four directors of the country's largest brokerages, who had been detained in a May sweep of brokerages and foreign exchange houses, with "illegal commercialization of hard currency" and conspiracy. The four directors were indicted under the Partial Reform Law on Illegal Foreign Exchange Transactions, which only took effect on May 17, despite the fact that the law did not provide for its retroactive application. The law states that any legal actions underway at the time of its adoption would be decided according to the prior law.

On April 6, Richard Blanco, the opposition prefect of the Caracas Metropolitan District, detained since August 2009, was provisionally released pending trial. Blanco had been arrested on charges of "injurious and law-breaking behavior" following a scuffle between police and opposition protesters during an August 22 demonstration even though video footage showed him intervening to protect a plainclothes police officer.

Role of the Police and Security Apparatus

The National Guard, a branch of the military, is largely responsible for maintaining public order, guarding the exterior of key government installations and prisons, conducting counternarcotics operations, monitoring borders, and providing law enforcement in remote areas. The Ministry of Interior and Justice controls the CICPC, which conducts most criminal investigations, and the SEBIN (formerly DISIP), which collects intelligence within the country and is responsible for

investigating cases of corruption, subversion, and arms trafficking. The police include municipal, state, and national-level forces. Mayors and governors generally oversee municipal and state police forces, except in Caracas, where the Ministry of Interior and Justice assumed authority over the Caracas Metropolitan Police in 2008. The government began the process of gradually incorporating local and state police into the new Bolivarian National Police (CPNB).

During the year Minister of Interior and Justice Tareck El-Aissami issued graduation certificates to 3,803 new recruits of the new CPNB, which was established in December 2009 and was originally assigned to one Caracas municipality. In October the Ministry extended the responsibilities of the CPNB to other areas of the city and to the protection of railways and the metro system. On December 22, CPNB Director Luis Fernandez said the CPNB had a total of 4,222 officers and would increase its strength by 12,500 new officers in 2011. He also announced CPNB's plan to extend its presence throughout the Caracas metropolitan district and to the states of Anzoategui, Tachira, Carabobo, Zulia, Lara, Aragua, and Miranda during 2011. He claimed that, since its creation, the CPNB had arrested 3,214 individuals and, in the areas where it worked, had reduced the most violent crimes by 57 percent, including homicide by 44 percent, gender-related violence by 64 percent, robbery by 62 percent, and assault by 64 percent.

Impunity remained a problem in the police forces. Although Public Defender Gabriela Ramirez stated on June 19 that the number of cases of police abuse had declined from previous years, "it continues to generate concern." The Public Ministry's annual report for 2009 cited 9,610 complaints of human rights violations by presumed police and military officers, of which 315 (3.28 percent) resulted in prosecutions and 177 in decisions: 82 confessions, 57 convictions, and 38 acquittals. There was no information available for 2010.

According to a July report by the NGO Citizen Observatory of the Penal Justice System, the lack of sufficient prosecutors made it difficult to prosecute police and military officials allegedly involved in human rights abuses. It claimed that in 2008 there were only 64 prosecutors responsible for investigating police abuses, resulting in an average of 174 cases of police abuse per prosecutor. The NGO Network of Assistance for Justice and Peace reported on July 30 that more than 99 percent of the human rights cases under investigation had not been resolved with a definitive sentence. Of the total number of complaints received by the NGO between 2000 and 2009, 19 percent of the alleged violations were committed by CICPC officials and 15 percent by the Caracas Metropolitan Police.

In March, Prosecutor General Luisa Ortega Diaz announced that the Public Ministry had created a new forensic unit to investigate human rights violations committed by police officers. She said this initiative was a form of attacking impunity, "which has been our slogan during this administration."

On July 20, the Public Ministry named two additional prosecutors to respond to citizen complaints of police abuse. According to the ministry, two prosecutors appointed in July 2009 conducted 78 preliminary investigations between January and June 30.

On June 19, Public Defender Ramirez announced the establishment of a new Office for Victim Assistance, created pursuant to the Organic Laws on Police Service and the Bolivarian National Police and a March 19 resolution, to deal with crime and abuse by police. The offices were to be located independently from police stations and staffed by interdisciplinary personnel to guarantee "fair, respectful, equal, and nondiscriminatory" treatment and to protect "the privacy of the complainants, guaranteeing their safety and that of their relatives and witnesses." Ramirez stated that "the State cannot be indulgent or complacent with regard to police abuse in the disproportionate use of force. And the police who act against the law incur personal responsibility for this type of crime and should be sanctioned firmly."

In March the Public Ministry announced it would train 1,500 police and military officials on human rights issues. On September 18, the public defender announced that 7,000 police officials would receive human rights training by the end of the year. There was no information available about the implementation of these training programs. The ICRC provided

training in human rights and humanitarian law at the Bolivarian National Police training institute. Some local police forces also offered human rights training for their personnel. For example, the Chacao municipality of Caracas continued to provide mandatory human rights training to all new police recruits. Amnesty International worked with the municipality to offer workshops on domestic violence case processing. On November 30, the prosecutor general announced the establishment of a permanent chair for human rights at the National School for Prosecutors.

In October the new National Experimental University for Security (UNES) was inaugurated to professionalize further the security services, including the CPNB, state and local police forces, firefighters, civil protection authorities, the CICPC, and prison personnel. UNES was created in response to a recommendation in 2006 by the National Council for Police Reform. The official media reported that 3,047 students from Caracas and the neighboring states of Miranda and Vargas were selected out of 8,000 applicants for the five-year program leading to incorporation into the CNPB. Approximately 22 percent of the new students were women. UNES Director Soraya El Achkar stated that "the new national police will be trained with respect for human rights, since it is a preventive police that is close to the community and works with the community."

Arrest Procedures and Treatment While in Detention

A warrant is required for an arrest or detention. A detention is possible without an arrest warrant when the individual is caught in the act of committing a crime. Individuals were sometimes apprehended without warrants from judicial authorities. Detainees must be brought before a prosecutor within 12 hours and before a judge within 48 hours to determine the legality of detention. A person accused of a crime may not be detained for longer than the possible minimum sentence for that crime or for longer than two years, except in certain circumstances, such as when the defendant is responsible for the delay in the proceedings. The law requires that detainees be promptly informed of the charges against them, and that requirement was generally met in practice.

Although there is a functioning system of bail, it is not available for certain crimes. Bail also may be denied if a person is apprehended in the act of committing a crime or if a judge determines there is a danger that the accused may flee or impede the investigation.

Pretrial detention was a problem. In its 2009 annual report, the IACHR noted that more than 65 percent of inmates had not received final convictions. PROVEA reported that as of June 7, approximately one-third of the prison population was formally convicted and sentenced, while two-thirds were in preventive detention or pending or undergoing trial. On October 29, the NGO A Window to Liberty reported to the IACHR that only 15 percent of the inmate population was convicted and sentenced.

In July the NGO Citizen Observatory of the Penal Justice System attributed trial delays to the shortage of prosecutors and penal judges. Based on the Public Ministry's annual report for 2009, the NGO concluded that approximately 1,300 prosecutors had to process an estimated 260,000 cases in 2008, an average of 200 cases per prosecutor. The NGO also questioned the low number of penal judges, which it calculated to be 2.84 per 100,000 inhabitants in 2009 and which resulted in each penal judge being responsible for approximately 317 cases in 2008. It also noted that the budget for the judicial sector accounted for only 2.6 percent of the national budget in 2009.

In March NGOs testifying before the IACHR estimated that, on average, a prosecutor received nearly 2,000 complaints of criminal activity a year but investigated only 50. Of those 50 cases, only 20 ended up in court and only two resulted in convictions. According to the Public Ministry's annual report for 2009, 373,044 crimes were investigated during the year, of which only 6 percent (23,540) resulted in criminal charges and only 11,976 in convictions. In more than half the cases (213,962), prosecutors did not find sufficient evidence to bring charges and/or take the case to trial.

On May 21, the Supreme Court restored normal court hours of operation to address the judicial backlog; the government had reduced the hours as part of an electricity rationing program implemented in December 2009.

The law requires that detainees be provided access to counsel and family members, and that requirement was generally met in practice.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, judicial independence remained compromised according to many observers, and there were allegations of corruption and political influence within the Prosecutor General's Office.

On May 18, the Appeals Chamber of the Supreme Court denied the appeals of former Caracas Metropolitan Police commissioners Ivan Simonovis, Henry Vivas, and Lazaro Forero and also disqualified them from running for political office in the September National Assembly elections. Along with seven police officers, they remained in the SEBIN detention facility serving three- to 30-year sentences for their alleged involvement in the killing of pro-Chavez demonstrators during events related to the 2002 attempted coup. They continued to maintain their innocence and to assert that their prosecution was politically motivated. The defendants claimed that the verdicts were reached despite a lack of key forensic evidence and asserted that the court ignored exonerating video, audio, and eyewitness-testimonial evidence.

There were several developments in the case involving the 2004 car bombing that killed prosecutor Danilo Anderson. In November a former trial witness and Anderson's relatives separately alleged that former senior government officials had tampered with the investigation and witnesses. On December 14, the Supreme Court authorized the foreign ministry to request the extradition of Johan Humberto Pena and Pedro Vladimir Lander, charged as material authors in Anderson's homicide for their alleged involvement in the preparation and placement of the explosive device. The three persons convicted in 2007 for Anderson's killing remained in a SEBIN detention facility on 27- to 30-year sentences despite the 2008 claim by a former prosecutor that their convictions were based on false and perjured testimony.

According to PROVEA, in 2009, 51 percent of lower court judges were provisional and temporary. There were no 2010 statistics available. The Supreme Court's Judicial Committee may hire and fire temporary judges without cause or explanation, and it did so. Provisional and temporary judges, who legally have the same rights and authorities as permanent judges, were allegedly subject to political influence from the Ministry of Interior and Justice and the prosecutor general. PROVEA reported that between October 2009 and October 2010 the Supreme Court rejected 90 percent of judicial cases against the main organs of government (the Presidency, National Assembly, Comptroller General, National Electoral Council, and Prosecutor General's Office) and all 21 legal actions against President Chavez.

Trial Procedures

Defendants are considered innocent until proven guilty. The law provides for open, public, and fair trials with oral proceedings for all individuals. Defendants have the right to be present and consult with an attorney. Public defenders are provided for indigent defendants, but there continued to be a shortage. Defendants have the right to question witnesses against them and present their own witnesses. Defendants and their attorneys have the right to access government-held evidence, but in practice this access often did not occur. Defendants and plaintiffs have the right of appeal. Trial delays were common.

The law provides that trials for military personnel charged with human rights abuses after 1999 be held in civilian rather than military courts.

Political Prisoners and Detainees

The Union of Democratic Organizations of America (Unoamerica) reported on August 25 that the government was investigating 29 individuals for political reasons. At year's end the NGO Venezuelan Awareness Foundation listed 25 individuals as political prisoners.

In some cases political prisoners were held in SEBIN installations and the Ramo Verde military prison. Authorities permitted the ICRC access to these individuals.

In a March 25 statement, the IACHR and its Office of the Special Rapporteur for Freedom of Expression noted "their deep concern over the use of the punitive power of the State to criminalize human rights defenders, criminalize peaceful social protests, and persecute through the criminal justice system persons the authorities consider political opponents in Venezuela."

Some examples of persons claiming to be political detainees include:

- On May 7, a Venezuelan military tribunal sentenced retired General Raul Baduel, former minister of defense and former ally of President Chavez, to seven years and 11 months in prison on corruption-related charges. He had been detained at the Ramos Verde military prison since April 2009. He continued to claim his arrest and imprisonment constituted political retaliation by President Chavez for his public opposition to the president's proposed constitutional reforms and encouragement of the "no" vote in the December 2007 constitutional reform referendum.
- On May 17, the 50th tribunal ordered the prosecution of Judge Maria Lourdes Afiuni on corruption charges despite the prosecutor's statement "that it has not been determined that she [had] received money or anything else" to approve the release of banker Eligio Cedeno, who had been detained for more than two years without a conviction. The court also denied Judge Afiuni's request to be released pending trial as well as subsequent repeated requests for medical treatment by her own physician. In December 2009 Judge Afiuni had been arrested and charged with corruption, aiding in the evasion of justice, abuse of authority, and conspiracy, and imprisoned after ordering the conditional release pending trial of Cedeno; in her decision she cited a September 1 opinion of the UN Working Group on Arbitrary Detention that determined that "the deprivation of freedom of Mr. Eligio Cedeno is arbitrary." Two days after her arrest, President Chavez publicly called for her imprisonment for 35 years as a lesson to other judges. At year's end Judge Afiuni remained in the Women's Detention Facility where women she had previously sentenced were imprisoned and where, according to her attorney, she was routinely subjected to harassment, threats, and attacks by other inmates. On January 11, Judge Afiuni was granted precautionary protection measures by the IACHR. On December 10, the Inter-American Court of Human Rights ordered the government to adopt immediate measures to guarantee the "life and physical, psychological, and moral integrity" of Judge Afiuni, to ensure her detention in a facility appropriate to her circumstances, to permit her to be seen by doctors of her choice, and to report every two months to the court on the measures taken.
- Jose "Mazuco" Sanchez, former Zulia state security chief, was released from prison and placed under house arrest on October 7 following his September 26 election and September 30 certification by the local election board as a National Assembly deputy. Despite article 200 of the constitution, which provides for immunity for deputies "in the exercise of their functions from their proclamation until the conclusion of their term," the Supreme Court ruled on October 26 that parliamentary immunity did not take effect until the deputies were sworn into office. It also ruled that the charges against Mazuco would be suspended, but remain pending, during his term as deputy. On November 29, however, police took Mazuco into custody again and forcibly moved him from Zulia State to Caracas, where a trial against him began. On December 22, the court found Mazuco guilty of having authorized the killing of a purported military intelligence police informant in jail in 2007 and sentenced him to 19 years' imprisonment. Mazuco denied the charges and claimed the trial constituted political persecution because of his association with opposition leader Manuel Rosales (to whom Peru later granted asylum [see section 3]). Mazuco's lawyers stated they planned to file

an appeal and claimed that Mazuco could not be permanently disqualified from holding public office as long as there was no final sentence against him.

Regional Human Rights Court Decisions

In January the Inter-American Court of Human Rights admitted a petition by Eloisa Barrios and others alleging that the government was responsible for violations of the rights to life, humane treatment, personal liberty, a fair trial, and judicial protection set forth in the American Convention on Human Rights in connection with the deaths of her family members. A February 4 resolution by the court referred to "the state's failure to comply with the measures ordered by the court" and described the situation as one "of extreme gravity and urgency that puts in grave risk the life and integrity" of the members of the family. On November 25, the court issued a resolution that said the deaths of Eloisa Barrios' family members "showed the inefficacy of the provisional measures, representing serious non-compliance by the state." It ordered the government to adopt "immediate and effective" measures to guarantee the safety of the petitioners, including permanent guards at their homes, and to report to the court every two months on the measures taken (see section 1.a.).

On September 3, the acting president of the court issued a resolution declaring "manifestly inadmissible the global attack against the Court" contained in the government's June 7 submission in the case of Leopoldo Lopez, the former mayor of the Chacao municipality of Caracas, who challenged the government's 2005 decisions to administratively disqualify him from running for public office on one charge until 2011 and on a second until 2014. The government's letter alleged that the court and the justices lacked impartiality. The court decided to continue its consideration of the case with the same justices. In 2008 Lopez had challenged his administrative disqualification in the IACHR, which referred the case to the court in December 2009. No date was set for the hearing by year's end (see section 3).

Civil Judicial Procedures and Remedies

There are separate civil courts that permit citizens to bring lawsuits seeking damages. Like all courts in the country, however, the civil elements of the judiciary remained subject to strong executive control.

In the past there were administrative remedies available, but they were generally inefficient. The current consumer protection mechanism is enforced by the Institute for Defense of the People in Accessing Goods and Services (INDEPABIS) under the auspices of the Commerce Ministry. INDEPABIS is empowered to use reconciliation, mediation, and arbitration to settle disputes and is able to sanction providers of goods and services who violate the law. INDEPABIS also has authority to expropriate goods and services. Other entities that provide administrative or civil remedies include the National Securities Commission and the superintendencies for banks, insurance, cooperatives and savings accounts, and the promotion and protection of free competition.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of the home and personal privacy; however, in some cases government authorities allegedly infringed on citizens' privacy rights by searching homes, seizing properties, or interfering in personal communications.

Among the more notable cases of arbitrary interference were:

- On May 1, officials from the National Land Institute and armed soldiers occupied the 914-acre family farm of Diego Arria, a former UN ambassador. Vice President Jaua claimed the land was unused and that Arria did not have clear title. During a May 7 television broadcast, President Chavez held up a picture of the colonial ranch house and said, "It looks like 'Falcon Crest'... Tremendous pool. That's the bourgeoisie... This is now in the hands of the people, of the revolution." Arria charged that the expropriation was political retribution for his critical public description of President

- Chavez in a March 25 radio interview as a "natural candidate for international criminal courts." During the April 26-29 Oslo Freedom Forum, Arria spoke about his efforts to bring former Serbian president Slobodan Milosevic to justice. In televised interviews on Globovision and CNN following the expropriation, Arria stated that "the sword of international justice is hanging over the head of Hugo Chavez Frias." On May 11, National Assembly Deputy Escarra asked the assembly's Commission on Internal Politics and the Public Ministry to investigate Arria for those statements, claiming they were an incitement to assassination and a coup. In mid-June a 100-acre orange orchard belonging to Arria was also expropriated. In an open letter to President Chavez on June 22, Arria claimed the expropriation was in retaliation for his international campaign to denounce Chavez for human rights violations.
- On September 22 and 23, several days before the September 26 National Assembly elections, government-owned Venezolana de Television, on its La Hojilla and Dando y Dando programs, broadcast a recording of a private telephone conversation between a prominent pollster and an unnamed person. On September 24, government-owned newspaper Diario Vea printed a transcript of the taped conversation. The pollster was recorded as predicting favorable results for the government's candidates in the elections as a result of President Chavez' strong leadership qualities. The media did not explain under what authority it had obtained the recording.
 - On August 30, agriculturalist Franklin Brito died as a result of medical problems caused by the prolonged hunger strikes he had undertaken to protest the government's failure to resolve remaining compensation issues related to the 2003 seizure of part of his lands in Bolivar State by the National Land Institute. Despite the government's return of the land, compensation for damages, and provision of resources to reactivate production, Brito continued to insist on a public acknowledgement by the government that his land rights had been violated. The government had forcibly kept Brito at the Military Hospital since December 2009, when the Public Ministry claimed responsibility for safeguarding his life and officials took him to the psychiatric ward of the hospital for his own "protection." On August 21, Brito met with Minister of Agriculture and Land Juan Carlos Loyo, after which he reportedly agreed to resume intravenous support. However, one of Brito's lungs ceased to function properly on August 22, and he suffered a heart attack and died on August 30. On September 3, the Public Ministry asked the court to dismiss a complaint lodged by a citizen alleging that Brito's family had induced him to commit suicide through its support for his repeated hunger strikes.
 - During the year the government took no action to stop organized land invasions by squatters of two properties owned by the Catholic Conference of Bishops in Caracas and seven belonging to evangelical communities.

NGOs expressed concern over official political discrimination against, and the firing of, state employees whose views differed from those of the government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the combination of laws and regulations governing libel and media content, as well as legal harassment and physical intimidation of both individuals and the media, resulted in practical limitations on these freedoms and a climate of self-censorship.

The law makes insulting the president punishable by six to 30 months in prison without bail, with lesser penalties for insulting lower-ranking officials. Comments exposing another person to public contempt or hatred are punishable by one-to-three-year prison sentences and fines starting at 55 bolivares fuertes (Bs.F) (approximately \$26). Inaccurate reporting that disturbs the public peace is punishable by a two-to-five-year prison term. The requirement that media disseminate only "true" information was undefined and open to politically motivated interpretation.

The government took reprisals against individuals who publicly expressed criticism of the president or government policy.

- On February 5, National Guardsmen arrested Miguel Angel Hernandez during a baseball game and held him at the SEBIN detention facility. The Public Ministry charged him with "offending the chief of state" for wearing a Homer Simpson T-shirt bearing scatological language directed at President Chavez's revolution. Hernandez remained free pending trial, which was scheduled for early 2011.
- On July 5, President Chavez called Cardinal Urosa Savino a "troglodyte" for the cardinal's June 27 comments charging that the president was leading the country down a "socialist-Marxist" path "that leads to ruin, the destruction of the economy, [and] much greater poverty... We are on the road to a new Cuba." On July 12, government-controlled television stations rereleased an advertisement claiming that the cardinal had written a letter saying that only wealthy children should have access to higher education and good jobs; the cardinal publicly called the letter a forgery. On July 14, President Chavez called for a review of the 1964 concordat with the Vatican, an agreement regulating church matters, and on July 16, the foreign ministry recalled its ambassador to the Vatican. In response to a formal request by the National Assembly, on July 27, the cardinal appeared before a five-hour, closed-door session of the assembly to explain his remarks.
- On August 11, military prosecutors charged retired brigadier general Antonio Rivero with "slander against the armed forces" and "publicly revealing private information and military secrets" for his April 22 public denunciation of excessive Cuban influence in the military. Rivero's comments were made during his announcement of his resignation from the armed forces. The indictment occurred several days after CNN Espanol broadcast the documentary, "Chavez's Guardians," in which Rivero was interviewed and expressed deep concern about the potential for serious political violence as a result of the government's alleged arming of its supporters. Rivero's prosecution in a military tribunal contravened a 2009 Inter-American Court decision requiring the government to limit military jurisdiction to active-duty military for crimes related to their function and to delimit the criminal behavior covered as an "offense to the armed forces." On August 13, a military judge prohibited Rivero from leaving the country, required him to appear before a judge every 15 days, and prohibited him from speaking publicly about the charges against him. At year's end Rivero remained free pending trial.
- On December 22, the Public Ministry announced that it had opened a criminal investigation against Noel Alvarez, the president of the national chamber of commerce, Fedecamaras, to determine whether his statement earlier that morning violated the law by encouraging the armed forces to disobey orders. In a press conference to discuss the government's recent land expropriations and package of socialist legislation (see section 3), Alvarez urged the armed forces to "exercise their freedom of conscience... to reject orders that they consider violate the constitution," recalling both article 25 of the constitution, which provides that public officials who implement measures that violate constitutional rights bear administrative, civil, and criminal responsibilities, and the existence of the International Criminal Court.

The country's major newspapers were independently owned. Some print media tended to exercise caution in order to secure government advertising. Two national newspapers, *Diario Vea* and *El Correo del Orinoco*, received direct financial support from the government. In 2009 a new Caracas newspaper, *Ciudad CCS*, debuted; the newspaper was run by the presidentially appointed Capital District vice president and received funding from the mayor of the Libertador municipality of Caracas.

Two private television stations dominated the national airwaves, receiving the bulk of audience share despite the government's ownership of six channels, two with nationwide coverage. The government also set up and funded 244 community radio stations and 36 community television stations with programming aimed at local audiences throughout the country.

In January, as a result of regulatory changes implemented by the National Telecommunications Commission (CONATEL), the government's regulatory agency, cable operators ceased broadcasting the privately owned cable television station

RCTV (see below). In July, President Chavez expressed interest in using the shares the government obtained through its intervention of Banco Federal to gain representation on the executive board of Globovision, the major privately owned and opposition-oriented cable news station, which broadcasted nationally on cable and over the air in Caracas and Valencia. Nelson Mezerhane, the former owner of Banco Federal, was a minority shareholder of Globovision (see below).

On December 21 and 28, respectively, the Reform of the Law of Social Responsibility for Radio and Television (RESORTE) and the Reform to the Organic Law for Telecommunications went into effect. The RESORTE law extended government content regulations to the electronic media for the first time (see below). The law prohibits all media from disseminating messages that incite or promote hate or intolerance for religious, political, gender-related, racial, or xenophobic reasons; incite, promote, or condone criminal acts; constitute war propaganda; foment anxiety in the population or affect public order; do not recognize legitimate government authorities; incite homicide; and incite or promote disobedience to the established legal order. Penalties range from fines to the revocation of licenses.

The telecommunications law declares telecommunications a "public interest service," thereby giving the state greater authority to regulate the content and structure of the radio, television, and audiovisual production sectors. The law reduces the maximum period for concessions from 20 years to a renewable 15-year period; establishes the "personal" character of the concessions, thereby making them nontransferable to individuals or successor companies; provides that concessions be issued only to persons domiciled in the country; and provides that the government can suspend or revoke licenses when it judges such action necessary to the interests of the nation, public order, or security.

On December 17, the National Assembly adopted the Enabling Law, which granted President Chavez authority to govern by decree for 18 months (see section 3) and to "issue or reform regulatory norms" in the telecommunications sector.

National and international groups, such as Reporters without Borders and the Committee to Protect Journalists, condemned government efforts throughout the year to restrict press freedom and to create a climate of fear and self-censorship. The domestic media watchdog NGO Public Space reported that, as of the end of November, 195 journalists, editors, or media outlets either were attacked or had their individual rights violated. The same NGO was targeted for harassment and criminal investigation (see section 5). During a December 16 demonstration in front of the National Assembly against the new media laws, a progovernment militant threw a traffic cone into the group of protestors, hitting Carlos Correa, the director of Public Space, and causing injury to his head; the militant also reportedly shouted a death threat against him.

During the year journalists and media facilities were subject to violent attacks and several journalists were killed. However, the widespread violence in the country often made it difficult to determine whether the attacks were the result of common criminal activity or specifically directed against the media. Among the most notable cases were:

- On March 1, Israel Marquez, the director of the newspaper Diario 2001, was shot six times and killed during an attempted robbery of his vehicle by four men. His son was quoted in the press on March 2 as saying "the attack was a product of the insecurity in which the country lives." According to Chief of the Homicide Division of the CICPC Ramon Silva Torcat, the weapons used in the crime had been stolen from the CICPC in 2007. Two suspects, Walter Perez Canizalez and Yorman de Jesus Elias, reportedly members of a car-theft ring, were charged with first degree murder, attempted robbery of a vehicle, and carrying a illicit weapon. The accused remain imprisoned at Rodeo I prison pending trial at year's end.
- On June 7, unknown attackers threw five Molotov cocktails into the Capriles Press Tower in Caracas where the headquarters of the newspaper Ultimas Noticias was located. No one was injured. The Public Ministry ordered an investigation into the incident; there was no information publicly available about the results of that investigation.
- On July 1, two motorcyclists shot into the reception area of the newspaper El Nuevo Dia in Coro, resulting in the injury of a 15-year-old student, who received a bullet wound to his neck.

Among events regarding cases that occurred in prior years:

- There were no known developments in the prosecution of the suspect accused in the January 2009 killing of El Impulso journalist and photographer Jacinto Lopez.
- In May authorities convicted and sentenced former Carabobo police officer Rafael Segundo Perez to 25 years in prison for the January 2009 killings of investigative journalist Orel Sambrano and veterinarian Francisco Larrazabal. Two additional suspects, Jose Duque Daboin and David Antonio Yanez Inciarte, remained in detention pending completion of their trials. On August 20, the Public Ministry requested the extradition from Colombia of accused narco-trafficker Walid Makled, whom it charged in various crimes, including as the "intellectual author" of Sambrano's assassination.
- In December a Carabobo state appeals court annulled the conviction of journalist Francisco "Pancho" Perez, restored his political and professional rights, and cancelled the fines levied against him. In October 2009 the mayor of Valencia had charged Perez with libel for a March 2009 article in which he charged the mayor with nepotism.
- There were no known developments in the investigation of the 2008 killings of Pierre Fould Gerges, vice president of Reporte Diario de la Economia, and columnist Eliecer Calzadilla, a contributor to the regional newspaper Correo del Caroni.

Progovernment media personnel also faced violence. For example:

- On January 8, in Portuguesa State, unknown assailants abducted Diario Panorama Sub-Director Wilmer Ferrer. Sometime during the 33 days before his body was discovered, Ferrer was shot and killed. On February 22, police arrested a suspect, Oscar David Cabrera Fernandez, and on April 8, the government formally charged him with first-degree murder while executing a robbery. The accused remained imprisoned pending completion of the trial.
- There were no known developments in the government's investigation of the August 2009 killing of Ministry of Communication and Information journalist Daniel Ivan Escamez.

Senior federal and state government leaders actively harassed and intimidated privately owned and opposition-oriented television stations, media outlets, and journalists throughout the year using threats, property seizures, and criminal investigations and prosecutions. Government officials, including the president, used government-controlled media outlets to accuse private media owners, directors, and reporters of fomenting antigovernment destabilization campaigns and coup attempts. Officials made such allegations against Guillermo Zuloaga, president and majority shareholder of Globovision; Nelson Mezerhane, a minority shareholder of Globovision; Marcel Granier, president and chief executive officer of RCTV; Miguel Henrique Otero, director of El Nacional newspaper; Andres Mata, owner and editor in chief of El Universal newspaper; and Teodoro Petkoff, director of the Tal Cual newspaper. Members of the independent print media privately said they regularly engaged in self-censorship due to fear of government reprisal.

Among the most notable examples of government harassment of private media owners and journalists associated with the independent media were:

- During the year the government repeatedly took measures to harass and prosecute Globovision President Guillermo Zuloaga. On March 25, authorities detained him upon his return from a meeting of the Inter-American Press Association (IAPA) in Aruba for his remarks during the conference that allegedly criticized the government's actions to "repress the media" and reportedly accused President Chavez of having ordered soldiers to shoot protesters during the April 2002 coup attempt; he was released the same day. On June 1, the Public Ministry issued an arrest warrant for Zuloaga and his son, Guillermo Jr., for "usury" related to May 2009 charges involving Zuloaga's car dealership that were widely considered to be politically motivated. The warrant was issued eight days after President Chavez publicly complained that only a "weakness" in the judicial system had allowed Zuloaga to "walk about freely"

after having made the critical remarks about the president in Aruba. On June 2, the Public Ministry initiated an investigation of Zuloaga for "environmental crimes" for his possession of hunting trophies. On July 13, SEBIN seized Zuloaga's private airplanes, and on July 29, officials from the National Land Institute confiscated Zuloaga's farm in San Fernando de Apure. On August 17, the Supreme Court authorized the foreign ministry to submit an extradition request for Zuloaga and his son, who remained outside the country at year's end. On November 20, several days after Zuloaga reportedly criticized the government during a November 17 forum in Washington, DC, President Chavez accused Zuloaga of conspiring against the government and of involvement in an assassination plot against him. The following day he demanded that Zuloaga return to the country to face pending charges or "it would be necessary to take actions against his companies, among them Globovision, which is blasting the government, the people, distorting the truth, every day." In a televised special session of the National Assembly on November 23, President Chavez said the government could not remain quiet while Zuloaga was going to the "Congress of the empire to attack Venezuela and still has a television channel here."

- On June 9, La Manana journalist Yunior Lugo reported receiving telephone threats following the June 8 publication of his photographs showing tons of decomposed food in government-owned warehouses in Falcon State (see section 4). The callers allegedly identified themselves as members of the "government of Hugo Chavez" and accused Lugo of committing perjury against the government. Local political leaders denounced Lugo and threatened to bring criminal charges against him. The National Union of Press Workers (SNTP) and the Graphic Reporters Circle of Venezuela denounced the threats and "deplored the harassment and intimidation committed by representatives of state government and the executive branch against press workers who are doing their job."
- On July 20, the National Assembly adopted a resolution calling on the Public Ministry to "deepen its investigation" into foreign financing of civil-society members and journalists, including those who had participated in exchange programs, to determine whether their activities "could be considered crimes." Among the journalists denounced were Miguel Angel Rodriguez, Maria Fernanda Flores, Pedro Flores, Reynaldo Trompeta, Ewald Scharfenberg, Jesus Torrealba, Ana Karina Villalba, Aymara Anahi Lorenzo, and William Echeverria.

The government sometimes engaged in direct press censorship. On August 14, Prosecutor General Luisa Ortega Diaz opened an investigation of the opposition-oriented El Nacional for its August 13 front-page photograph showing naked and half-naked bodies piled on tables and on the floor of the Caracas morgue. The photo, taken in December 2009, was accompanied by an article reporting on Caracas's high homicide rate. Ortega alleged that the publication violated the Organic Law for the Protection of Boys, Girls, and Adolescents. On August 16 and 17, opposition-oriented dailies Tal Cual and Correo del Caroni reprinted the photograph. A juvenile court judge issued injunctions on August 16 and 17 against El Nacional and Tal Cual as well as all other print media that prohibited them from publishing "violent content or images" for a 30-day period, which generally coincided with the official campaign period leading to the September 26 legislative elections, in which insecurity was a key campaign issue. The judge ruled that the constitutional rights of children had to be "favored" over the constitutional rights to freedom of expression and information. On August 19, the judge limited the ban to the publication of violent images for the period until the case was decided. Journalists and human rights advocates claimed the decision violated the constitutional prohibition against prior censorship. The case remained pending at year's end.

The government also used administrative measures and criminal investigations to indirectly censor private cable television stations RCTV and Globovision that were critical of the government.

For example, on January 21, CONATEL notified RCTV of a new regulation that reclassified the station as a "national" rather than an "international" audiovisual producer, thereby requiring it to provide live coverage of certain mandatory government broadcasts, including most speeches by President Chavez. The regulation also affected five smaller cable stations; those stations eventually re-registered under the new regulation. However, RCTV President Marcel Granier

called the redesignation an effort to "silence the voice of protest of the Venezuelan people" and filed an appeal with the Supreme Court. Cable operators ceased to broadcast RCTV as of January 24. On February 22, RCTV changed its position and submitted applications to CONATEL to register as both a "national" and an "international" producer. On March 4, CONATEL denied both applications, arguing that the station had missed the registration deadline and had submitted an incomplete application. On November 24, the Supreme Court denied RCTV's request to be registered as a "national producer." At year's end RCTV remained off the air and was only able to broadcast via Internet.

During the year the government threatened Globovision's owners and directors in an apparent effort to change the station's editorial line.

- On February 18, Globovision Director Alberto Ravell announced his resignation, alleging that Energy Minister Ali Rodriguez and Central Bank President Nelson Merentes had pressured Globovision shareholders Guillermo Zuloaga and Nelson Mezerhane to fire him and controversial talk show host Leopoldo Castillo and to soften the station's anti-Chavez orientation.
- In June and July, the government took actions against Nelson Mezerhane, former president of Banco Federal. On June 14, the government took control of the bank, and on July 1, it issued an arrest warrant against him. The government alleged the bank suffered from insufficient liquidity and other irregularities, and the prosecutor general claimed the Public Ministry had evidence that Mezerhane had taken money from Banco Federal depositors and state-owned companies out of the country for personal gain. On July 2, President Chavez stated the government might use Mezerhane's 20 percent share of Globovision to reimburse depositors of Banco Federal; on July 20, he claimed that by seizing Mezerhane's shares, the government could own up to 45.8 percent of Globovision's shares and have the right to name a representative to its executive board, suggesting several progovernment television journalists as possible candidates. However, according to a statement released by Globovision, the election of board members required a vote representing 55 percent of the corporation's shares.
- On August 1, National Guardsmen conducted a search of Mezerhane's residence. According to press reports, the security forces prevented his attorney, Magaly Vasquez, from witnessing the search, as required by law. On August 3, President Chavez alleged the search had uncovered evidence of Mezerhane's links to a Colombian paramilitary group. Mezerhane denied the allegations and accused the government of using the bank intervention as a way to pressure Globovision.
- On December 3, the Superintendence of Banks and Other Financial Institutions assumed control of the Mezerhane-owned Sindicato Avila C.A., which held 20 percent of the shares of Globovision. On December 8, the IACHR's Office of the Special Rapporteur for Freedom of Expression issued a statement expressing concern about the possible intervention by the government in Globovision.
- There were no developments in CONATEL's 2008 investigation of Globovision for its broadcasts of comments allegedly encouraging the assassination of the president and of a speech by the Carabobo state governor-elect that allegedly incited violence.

The government also exercised control over the media through its application of licensing and broadcasting requirements.

The law requires that practicing journalists have journalism degrees and be members of the National College of Journalists, and it prescribes three- to six-month jail terms for those practicing illegally. These requirements are waived for foreigners and opinion columnists.

The telecommunications law empowers the government to impose heavy fines and cancel broadcasts for violations of its norms, and CONATEL oversees the law's application. Media observer organizations called on the government to appoint an independent body to regulate the implementation of the law, which it had not done by year's end.

On August 3, the Official Gazette published a decree transferring responsibility for CONATEL from the Ministry of Transportation and Communication to the Vice Presidency. In announcing the transfer on August 4, Vice President Jaua said the decision was taken "considering that telecommunications is a strategic area for Venezuelan democracy and for political stability." Telecommunications and human rights advocates claimed the decree violated both the Organic Law on Telecommunications of 2000, which established CONATEL as an "autonomous institute," and the constitution, which does not give the vice presidency direct responsibility for any ministry or agency of the government. The reform of the telecommunications law adopted in December retained CONATEL's character as an "autonomous institute."

The government also sought to exercise control over the press through the Center for National Situational Studies (CESNA), created pursuant to a June 1 decree published in the Official Gazette. This new government entity, under the jurisdiction of the Ministry of Interior and Justice, is responsible for "compiling, processing, and analyzing" both government-released and other public information with the objective of "protecting the interests and objectives of the state." The government named Colonel Jose Adelino Ornelas Ferreira as the head of CESNA on December 29. The National Journalist Association (CNP) and five domestic NGOs publicly expressed concern about the potential for abuse and censorship on national security grounds by CESNA. On July 15, the NGO Public Space, the CNP, and SNTP filed a complaint contesting the formation of CESNA with the Political and Administrative Chamber of the Supreme Court, which referred the case to the Constitutional Chamber on November 17. The court did not act on the complaint by year's end.

During the year the IACHR and its Office of the Special Rapporteur for Freedom of Expression expressed their "serious concern about the situation of the right to freedom of expression in Venezuela."

Five radio stations belonging to the National Belfort Circuit were among 34 radio stations CONATEL ordered closed and the 240 ordered reviewed in July 2009. On April 15, the Inter-American Court dismissed the IACHR's February 26 request for provisional measures on behalf of Belfort Isturiz and others to have the government adopt measures to temporarily reestablish the stations' right to operate. The court decided that the request did not meet the requirements of the American Convention for "cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons." On November 24, the Supreme Court rejected Belfort's legal challenge of the July 2009 regulation.

On July 16, IAPA issued a statement expressing concern about the "authoritarian tendencies" and restrictions of freedom of expression in Latin America, particularly in Venezuela. IAPA President Alejandro Aguirre said that "Venezuela is one of the countries where freedom of expression is most in danger."

Internet Freedom

During the year there were no government restrictions on access to the Internet, and individuals and groups could engage in the expression of views via the Internet, including by e-mail. However, some NGOs expressed concern that the government monitored e-mails and Web searches. In April *El Universal* reported that nearly 8.8 million inhabitants, or approximately 31 percent of the country's population, used the Internet, and more than two-thirds were from the poorest sectors of society.

During the year the government expressed interest in developing regulations limiting the Internet.

On March 13, President Chavez ordered the prosecutor general to open an investigation of the Web site *Noticiero Digital* for falsely reporting the assassination of Minister of Housing and Public Works Diosdado Cabello and progovernment talk show host Mario Silva. The president warned that "the Internet cannot be something open where anything is said and done. No, every country has to apply its own rules and norms." *Noticiero Digital* responded by explaining that it did not practice prior censorship of comments posted by visitors to the site, but it removed comments it considered inaccurate or irresponsible. *Noticiero Digital* removed the comments regarding Cabello and Silva from its site within three hours and

permanently barred the authors from future postings. The Web site announced it would be "taking measures so that these types of incidents do not occur again." On September 21, the president of the National Assembly Committee on Science, Technology, and Communications requested that the prosecutor general open an investigation against Web site Noticias 24 for allegedly "inciting hate" through its coverage of the false report; there were no known developments in the investigation.

On June 6, President Chavez again called for an investigation of Noticiero Digital for a June 2 column in which the author claimed that high-level retired and active-duty officers were working together to achieve a civil-military transition in 2010 or early 2011. President Chavez stated that "there keep appearing incitements to a coup and that cannot be permitted...this has to be investigated urgently... Noticiero Digital keeps saying that rebellion is the path." On June 8, the Public Ministry opened another investigation against the Web site; there were no known developments in the investigation at year's end.

On July 8, police arrested two users of the social networking and microblogging service, Twitter, Luis Enrique Acosta Oxford and Carmen Cecilia Nares Castro, in Ciudad Bolivar for allegedly spreading false rumors about the banking system via the network. The government charged them with violating article 448 of the Law on Banking and Financial Institutions, which prohibits the dissemination of false information about banks and carries a possible prison term of up to 11 years. Both remained free pending trial.

On March 15, Prosecutor General Luisa Ortega Diaz called for the National Assembly to consider approving regulations on the Internet. However, on March 18, President of National Assembly Committee on Science and Technology Manuel Villalba announced that the Assembly was not planning to introduce legislation to regulate the Internet. Nevertheless, on December 20, the National Assembly passed a reform to the RESORTE law that made Internet and Internet providers subject to government regulations for the first time (see above). The law prohibits the dissemination of messages or information that could incite violence, promote hatred and intolerance, lead to crime or murder, foment anxiety in the populace or disturb public order, or be considered disrespectful of public offices or officeholders. It puts the burden of filtering electronic messages on service providers, provides that CONATEL can order them to block access to Web sites that violates these norms, and sanctions them with fines for distributing prohibited messages. Human rights and media freedom advocates complained that the law further limited freedom of expression. On December 15, the IACHR concluded that the RESORTE and telecommunications laws "represent a serious setback for freedom of expression that primarily affects dissident and minority groups that find in the Internet a free and democratic space to disseminate their ideas."

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom and cultural events. On December 22, the National Assembly passed a controversial University Education Law that eliminated the principle of university autonomy, established the construction of socialism as the goal of higher education, and transferred most responsibilities for the management of universities, including admission standards and budgets, from the universities to the Ministry of University Education. The government stated the law was needed to democratize university education. Organizations representing students, professors, and rectors criticized the law as violating the constitutional principles of university autonomy and respect for "all currents of thought" in education. The law was not officially promulgated in the Official Gazette by year's end.

Government supporters often disrupted university classes, marches, and rallies and used violence and intimidation to protest university policies and to discourage students from political participation.

On February 17, unknown assailants shot multiple bullets and threw a Molotov cocktail (which did not explode) into the office of the rector of the Central University of Venezuela, Cecilia Garcia Arocha. In the weeks before the attack, progovernment students had protested the rector's decision to erect security doors at the school's entrance for greater

protection. The Public Ministry opened an investigation into the incident on February 18; no information was available at year's end on the results. On February 24, Garcia Arocha publicly stated that between November 2007 and February 2010 the university had been subject to 27 violent attacks with little to no response from the police.

On May 18, approximately 35 armed progovernment students took over the rector's office at the Experimental Pedagogical University Libertador in Caracas and held the rector hostage for 24 hours in protest of his alleged "malpractice" and "aggressive policies...of the right." The students released the rector after a meeting with the vice minister of academic development.

On December 15, a group of purportedly progovernment militants threw bottles and rocks at students from the Catholic University Andres Bello (UCAB) protesting the pending University Education Law, resulting in 13 injuries. UCAB student representatives told the press on December 17 that they were collecting video and photographic evidence of the incident to submit to the Prosecutor General's Office.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right in practice.

Human rights groups continued to criticize the 2005 penal code revision for its strict penalties on some forms of peaceful demonstration. PROVEA expressed concern over the law's "criminalization" of protests.

PROVEA noted that 3,315 demonstrations occurred in the country between October 2009 and September 2010, a 24 percent increase over the 2,893 that occurred during the same period one year earlier. PROVEA reported that 98.5 percent (3,266) of the demonstrations were peaceful in nature. Of the total number of demonstrations, PROVEA reported that police and security forces repressed 150, a reduction of 4.6 percent compared with the previous year. PROVEA further noted a decrease in the number of injuries, detentions, and deaths resulting from security-force interventions: 368 injuries, 575 detentions, and no deaths, compared with 584 injuries, 676 detentions, and four deaths during the previous year. PROVEA noted that rallies and street closings were the principal forms of protest. However, it also concluded that the increased number of hunger strikes, 105 compared with one during the previous year, represented a radicalization of protests.

NGO Public Space reported that Monagas state police shot and killed a student, Miguel Hernandez, on July 13 during protests over electricity outages in the city of Chaguaramal. The press reported that a member of the Monagas police special brigade, Sub-Inspector Enrique Gustavo Romero Diaz, also was killed during the protests. There was no information regarding any government investigation of the killings.

During the year government security forces used tear gas, water hoses, and rubber bullets to suppress peaceful protests. Among the notable examples were:

- Between January 24 and February 4, the press reported that hundreds of students nationwide held demonstrations to protest the closing of RCTV (see section 2.a.), electricity and water shortages, and the general situation of the country. Government security forces responded to the demonstrators often dressed in full riot gear using tear gas, water hoses, and rubber bullets. The media reported that nationwide 174 persons were admitted to hospitals for injuries related to inhaling tear gas, 83 were injured by rubber bullets, and approximately 85 were briefly detained by police. On January 28, President Chavez threatened governors and police who failed to halt the protests and replaced the head of the state-owned Venezolana de Television who met with student protesters the previous day. On February 2, the IACHR called on the government to engage in dialogue and allow the peaceful exercise of the

right of assembly. A few days later, President Chavez called the student protesters "fascists, subversives, violent, and filled with hate and anger," and he praised the security services for their "firm" response. On February 7, he accused the student protestors of wanting "to have deaths and wounded people for the fascist television cameras behind them, so that they can transmit to the world the idea that this is a repressive government."

- On January 25, the press reported that progovernment Tupamaro militants in Merida mobilized a counterdemonstration to that held by opposition students. Sixteen persons were wounded and two students were killed at the University of the Andes (ULA): progovernment 15-year-old Yorsinio Carrillo Torres was struck by a stray bullet and killed while inside the Domingo Salazar Residence Hall, and 28-year-old opposition student Marcos Rosales Suarez was attacked and killed by progovernment motorcyclists at a McDonald's restaurant near the ULA campus. On January 26, the National Guard and police repelled the progovernment militants throughout a 20-square-block area of the city with tear gas and rubber bullets. In a January 27 conflict between the Tupamaros and the National Guard, six National Guardsmen were wounded, two by bullets. The same day the minister of the interior and justice announced a temporary suspension of the electrical and water outages in an effort to end the protests. The Public Ministry later announced that two suspects were arrested in connection with the killing of the two students: Freddy Orta Anez was charged in the death of Carrillo Torres, and Ruben Dario Valero was charged with Rosales' death. The courts ordered trials to proceed against Orta Anez and Valero on May 20 and September 30, respectively. At year's end both remained in custody at the Andean Regional Penitentiary pending the conclusions of their trials.
- On May 5, according to press reports, state police in Merida fired rubber bullets against students demonstrating against quotas on subsidized public transportation tickets. The press reported that seven students were injured, including one student who reportedly received more than 65 bullet wounds on his arms, neck, back, and legs.

Freedom of Association

While the constitution provides for freedom of association and freedom from political discrimination, the government only partially respected this right. Although indicating that they generally operated without interference, professional and academic associations complained that the National Electoral Council (CNE), which is responsible for convoking all elections and establishing dates and procedures for them, repeatedly interfered with their attempts to hold internal elections.

c. Freedom of Religion

For a complete description of religious freedom, please see the 2010 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

The law prohibits forced exile, and it was not used.

Protection of Refugees

Laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to

countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The UNHCR reported 16,413 (cumulative) applicants for refugee status in the country from 2002 through September 2010, of whom 2,226 applied during the year. The UNHCR estimated that there were a total of 200,000 persons in need of international protection. On December 6, the National Commission for Refugees reported that the government recognized 2,700 individuals (cumulative) as refugees as of May, an increase from the 1,313 recognized refugees (cumulative) as of the end of 2009.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The National Committee for Refugees had limited physical and human resources to address refugee issues, in addition to a lengthy process for examining individual refugee applications.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right through periodic free and fair elections based on universal suffrage.

Elections and Political Participation

On September 26, voters elected 165 deputies to five-year terms in the National Assembly in an election in which voter participation reached 66.5 percent. Voters also elected 12 deputies to the Latin America Parliament ("Parlatino"). The CNE did not invite international election monitoring missions to observe the electoral process. However, domestic electoral observers and opposition political leaders generally considered the elections free and fair despite scattered delays due to problems with old voting machines, generalized reports of improper electioneering by the official PSUV party, and isolated examples of voter intimidation.

However, one CNE rector and opposition political parties criticized the electoral law and the electoral redistricting for allegedly violating the constitutional principle of proportionality. Opposition parties claimed the changes led to PSUV candidates winning approximately 59 percent of the National Assembly seats (98) despite winning only 49 percent of the national vote. Opposition candidates won approximately 40 percent of the seats (65) with 48 percent of the national vote. A third party won the remaining two seats with approximately 3 percent of the vote.

One CNE rector and the domestic electoral observation NGO Ojo Electoral also criticized the government's partisan use of state-owned media in the months before the election and during the official month-long campaign period. The NGO specifically cited the CNE's failure to enforce its regulations providing for "equality of conditions" in access to the media, especially the president's use of frequent and lengthy mandatory broadcasts (cadenas) for partisan campaign purposes.

On December 5, gubernatorial and mayoral elections were held in two states and in 11 municipalities. The elections were considered generally free and fair.

On December 10, claiming he needed the authority to govern by decree to address the emergency caused by the severe flooding in the country during late November and early December, President Chavez called on the National Assembly to pass an enabling law (Ley Habilitante) to permit him to legislate by decree, the fourth since he took office in 1999. On December 17, the outgoing National Assembly, with the constitutionally required three-fifths majority, adopted the Enabling Law, which gave the president the authority to decree laws for a period of 18 months in the areas of flood relief, infrastructure, telecommunications, public services, housing, use of urban and rural land, financial and tax matters, citizen security, the judiciary, national defense, international cooperation, and the "socioeconomic system of the nation."

Opposition leaders claimed the president already had the legal authorities necessary to respond to the flood emergency and accused him of taking advantage of the flood crisis to "impose his political project" and to circumvent the newly elected National Assembly, which was scheduled to take office on January 5, 2011. Critics also claimed the National Assembly did not have the authority to cede legislative powers to the president beyond its own term of office and that "decree laws" issued after January 5 would be unconstitutional. In a December 14 letter to Organization of American States Secretary General Jose Miguel Insulza on behalf of the opposition's "Unity Table," Ramon Guillermo Aveledo said the Enabling Law usurped the competencies of the newly elected deputies, "which constituted an evident violation of the popular will and constitutional norms relative to legislative authority." The letter said the situation was "so serious" that it "suggests a violation of the norms" contained in the Inter-American Democratic Charter. On December 15, the IACHR expressed concern that the law failed "to set the limits necessary for the existence of true control over the executive branch's legislative power."

Opposition leaders also criticized two other laws adopted by the outgoing National Assembly that restricted the freedom of the newly elected deputies:

- The Law on Political Parties, Public Meetings, and Demonstrations, adopted on December 21, prohibits deputies from voting against legislation proposed by the political organization that supported their candidacies; "making common cause" with "contrary" positions, parties, or organizations; and changing parliamentary blocs. At the request of 0.1 percent of the voters and upon the approval of a simple majority of the deputies, the comptroller general can penalize a deputy for "fraud against the electorate" with disqualification from public office. Critics claim the law violates article 201 of the constitution, which provides that deputies are subject only to their consciences and that their votes are "personal."
- On December 22, the National Assembly adopted the Law on Internal Rules and Debate, which reduces the amount of time a deputy can speak on the floor, lowers the threshold necessary to sanction a deputy for violating the rules of debate, and restricts access by private television media to the National Assembly.

Opposition political parties operated in an atmosphere characterized by intimidation and restricted media access because of the fewer number of independent television and radio stations (see section 2.a.). The government used "administrative disqualifications" as one way to restrict access of opposition leaders to public office. According to the annual report presented by Comptroller General Clodosbaldo Russian on August 11, during the year a total of 55 citizens were administratively disqualified from public office as a result of allegations of misuse of public funds, including eight National Assembly candidates, bringing the total to 622 citizens administratively disqualified since 2002 (see section 1.e.). On May 24, the comptroller general administratively disqualified former Maracaibo mayor and 2006 presidential candidate Manual Rosales for a period of 12 months; in 2009 Rosales was charged with corruption and left the country.

The government also prosecuted opposition figures on questionable charges. For example, on March 26, the National Assembly lifted the legislative immunity of Deputy Wilmer Azuaje so he could be prosecuted on charges of insulting a public official and violence against women for a purported scuffle with a female police officer the previous day. Azuaje had repeatedly and publicly accused the president's family of corruption as well as complicity in the February 2009 killing of his brother Carlos. On March 27, the Supreme Court ruled that Azuaje could not exercise his legislative duties or run for reelection while the case against him remained open. The court ordered him to appear every 20 days, prohibited him from leaving the country, ordered him to be evaluated by a court dealing with violence against women, and sent him to a center for gender violence awareness training. Azuaje publicly criticized his prosecution as "political." On November 1, the Official Gazette published the October 27 decree signed by Russian administratively disqualifying Azuaje from public office for 12 months; the decree alleged that Azuaje had submitted an "untruthful" financial disclosure statement. On May 5, a court

convicted and sentenced to 20 years' imprisonment a second person in the killing of Azuaje's brother; another person had been convicted and sentenced in November 2009.

There were no developments in the comptroller general's October 2009 investigation of opposition Miranda state Governor Henrique Capriles Radonski for alleged corruption, tax evasion, and other financial crimes. There was also no information regarding the case against Capriles for alleged involvement in a 2002 violent demonstration outside the Cuban embassy. Prosecutors reopened the case after a court of appeals annulled an October 2008 acquittal.

The National Assembly that was to take office on January 5, 2011, had 28 female deputies. During 2010 women headed four of the five branches of government (legislative, judicial, electoral, and citizen) and occupied six cabinet positions. There were 13 women among the 32 justices on the Supreme Court at year's end.

The constitution reserves three seats in the National Assembly for indigenous persons. Three deputies were elected for these seats on September 26. There was one indigenous member of the cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for corruption by government officials; credible observers alleged the government did not implement the law effectively or fairly and frequently prosecuted its political opponents selectively on corruption charges to harass, intimidate, or imprison them.

The World Bank's governance indicators reflected that government corruption was a serious problem. According to a study by the INE that was leaked to the press in August, survey results of "corruption by officials reveal figures of an elevated occurrence, while in official statistics its level is minimal" (see section 1.a.). There was a perception of widespread corruption at all government levels.

The Comptroller General's Office is responsible for investigating and sanctioning corruption by public officials. The Public Ministry and the Public Defender's Office investigate abuses by police and military officials. The National Assembly can order the Public Ministry to undertake investigations.

Journalists reported many cases of apparent corruption involving government officials at all levels, and the Public Ministry regularly reported indictments and prosecutions of low-level local officials. In its 2009 annual report, released in June, the Public Ministry reported 2,722 complaints regarding corruption in both the private and the official sectors, of which 594 resulted in indictments and 268 in convictions. The report also claimed the Public Ministry's fight against corruption was "positive, since it achieved for the first time in its history accusations against two former governors and 16 mayors or former mayors for irregularities committed in the exercise of their responsibilities." Both governors charged in 2009 were former government allies who had become critics, Eduardo Manuitt and Didalco Bolivar. Both left the country during 2009. On April 21, the Supreme Court reaffirmed the arrest warrant against Bolivar. There were no known developments in the case against Manuitt during the year.

There was no information publicly available about any investigations of high-level officials associated with the government. Among the most notable examples of allegations of high-level corruption by public officials were:

- In June the national media reported on the so-called Pudreal scandal, in which thousands of tons of decomposed food intended for distribution through the government's subsidized food programs were found at government warehouses throughout the country. According to the economic daily newspaper *El Mundo* on July 12, high-level government officials, including the then vice president Ramon Carrizales, were aware of large amounts of food waiting in the ports as early as January 2009. On August 11, Comptroller General Russian dismissed media inquiries about a possible criminal investigation by observing "there are no conclusive reports about this case." Despite calls

from the opposition and NGOs for an investigation, the government pursued charges against only three current or former employees of PDVAL, the food import and distribution unit of the national oil company PDVSA. PDVAL Director Luis Pulido Lopez, former executive director of operations, Mercedes Vilyeska Betancourt Pacheco, and former general manager Ronnal Jose Flores Burgillo were arrested in early June on charges of speculation and detained at the SEBIN facility in Puerto Cabello; on December 16, the Supreme Court annulled the proceedings and ordered a retrial in a different trial court. The defendants remained detained awaiting trial at year's end.

- On July 11, El Nacional reported that seven current or former high-ranking government officials whom President Chavez had selected as candidates for the National Assembly had pending accusations of corruption in the Comptroller General's Office or the Public Ministry that had not been investigated, prosecuted, or sanctioned.
- On October 23, securities regulator Rafael Ramos de la Rosa was arrested in Miami on charges of allegedly attempting to extort \$1.5 million from the former owner of a brokerage firm seized by the government in late 2009. Subsequently the head of the securities regulatory agency stated that Ramos de la Rosa was not a government employee despite the fact that he had been appointed to his position by the agency.

On August 11, Comptroller General Russian expressed frustration that his office's annual reports continued to observe "the same recurrent flaws and deficiencies in government administration." He criticized public servants who "neither resolved nor even addressed" the problems of citizens, "unnecessarily delayed" decisions, or made them "arbitrarily or capriciously." He cited one government investigation involving a project initiated in 2005 to erect 12,000 prefabricated houses purchased from Uruguay. The investigation by the Comptroller General's Office found that the project had resulted in the completion of just 11 of the houses despite the disbursement of \$71 million--almost half the project's total. The report criticized the Ministry of Public Works and Housing and the state-owned oil company PDVSA for "reckless mismanagement of public funds." However, there was no information available about any government investigation or prosecution of those responsible.

Corruption was a major problem in all police forces, whose members were generally poorly paid and minimally trained. Impunity for corruption, brutality, and other acts of violence were major problems explicitly acknowledged by some government officials.

According to the INE study, police and National Guard members were responsible for almost one-eighth of all crimes and a high proportion of the crimes of corruption, deprivation of liberty, and extortion. The study reported that 19,177 police or National Guard members committed crimes between July 2008 and July 2009, of which 4,268 involved corruption and 1,334 extortion. In October 2009 Interior and Justice Minister Tareck El Aissami stated that police committed approximately 15-20 percent of the country's crimes, including the most violent ones.

Public officials as well as all directors and members of the board of private companies are required to submit sworn financial disclosure statements pursuant to the Organic Law on the Comptroller General of the Republic and the National Fiscal Control System and the Law against Corruption, respectively (see section 3). The law also provides for citizen access to government information. However, human rights groups reported that the government routinely ignored this requirement and their requests for information, did not make government information available, and usually did not give a reason for not providing it. On July 15, the Constitutional Chamber of the Supreme Court declared that the salaries of public officials were confidential information. The NGO Pro-Access Coalition complained that the court's ruling constituted a setback in the public's right to access information and to transparency in public administration.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated with some government restrictions. Major domestic human rights NGOs conducted investigations and published their findings on human rights cases. There was no indication the government took action in response to their reports or recommendations.

Many domestic NGOs reported government threats and harassment against their leaders, staff, and organizations. Among the most notable examples of government harassment were:

- On March 4, two human rights NGOs requested that the Inter-American Court on Human Rights grant provisional measures to representatives of COFAVIC because of a series of attacks against the organization and its leadership by government officials and the official media. The IACHR had granted COFAVIC protective measures in 2002. On May 28, the court denied the request for provisional measures.
- On May 11, Rocio San Miguel, director of the military watchdog NGO Civil Association of Citizen Control in Venezuela, filed a complaint with the Public Defender's Office and the Public Ministry claiming that she had received threatening telephone calls and was the victim of attacks in the official media following her May 6 public allegation that 14 high-level military officials were registered and active in the PSUV despite the constitutional prohibition against membership by military officials in political parties. On May 17, the Observatory for the Protection of Human Rights Defenders, the World Organization against Torture, and the International Federation of Human Rights issued a joint statement denouncing the "harassment, threats, and defamation against San Miguel" and urging the government "to take immediate action to ensure the physical safety of San Miguel."
- On May 28, OVP Director Humberto Prado submitted a complaint to the Public Defender's Office regarding a surveillance operation in the vicinity of his home conducted the previous day by seven armed militants on motorcycles. The surveillance occurred a week after Prado's participation in a May 20 peaceful protest by families of prisoners over delays in the judicial process and prison conditions. Prado had been subject to previous harassment and had been granted a provisional measure by the IACHR in November 2009.

The government also threatened NGOs with criminal investigations for allegedly illegal receipt of foreign funds:

- On July 15, the Public Ministry named a prosecutor to investigate allegations by the PSUV and the progovernment NGO Necessary Journalism Movement that certain NGOs had illegally received foreign funding through the Pan American Development Fund, in particular the Press and Society Institute and NGO Public Space. On July 14, President Chavez had asked the Public Ministry to deepen its investigation into foreign funding of NGOs, which he claimed was undermining the country's sovereignty. On July 20, the National Assembly's Permanent Committee on Science, Technology, and Social Communication adopted a resolution calling for a "deepening of the investigation" of foreign-funded programs to determine whether NGOs and journalists had committed any crimes. The resolution specifically listed more than 35 foreign and domestic organizations and 18 individuals. Human rights defenders publicly called the resolution "a witch hunt" and an attempt by the government to "criminalize" human rights work. There were no known developments in the government's investigation by year's end.
- On July 22, in a decision on a case brought by the NGO Sumate challenging the legality of the 2009 constitutional referendum, the Supreme Court noted that "obtaining financial resources, whether directly or indirectly, coming from foreign states with the intention of being used to the detriment of the Republic, the People,...political, social, or economic acts... might eventually constitute" a punishable crime under the penal code.
- On December 21, the National Assembly adopted the Law on the Defense of Political Sovereignty and National Self-Determination. The law prohibits individuals, political organizations, or organizations involved in the defense of "political rights" from receiving resources from any non-Venezuelan person or entity. It penalizes individuals and organizations with fines and/or a potential 5-8 year disqualification from running for political office, notwithstanding penalties established under other laws. The law defines political organizations as those involved in promoting citizen

participation, exercising control over public offices, and promoting candidates for public office. Organizations involved in the defense of political rights include those that "promote, disseminate, inform, or defend the full exercise of the political rights of citizens." The law also prohibits foreign nationals who are sponsored by Venezuelan individuals or political organizations from "issuing opinions that offend the institutions of the state, its high officials or go against the exercise of sovereignty." The law's adoption followed President Chavez's November 23 appeal to the National Assembly for a "severe law" to prohibit "political parties, NGOs, and people against the revolution to continue to be financed with millions and millions of dollars from the Yankee empire...to destabilize our country." In a December 20 letter to the National Assembly, Sumate advised that the law violated the rights guaranteed in the constitution to freedom of association, political participation, and equality and the right to receive resources to promote human rights contained in article 13 of UN General Assembly resolution 53/144.

Domestic NGOs spoke out against government harassment of NGOs and threats against organizations receiving foreign assistance. On July 16, the Forum for Life, a coalition of human rights NGOs, publicly rejected what it characterized as "politics of harassment and a public campaign to discredit the work of Venezuelan human rights NGOs" and stated that international treaties signed by the government, the constitution, and article 13 of the UN Declaration on Human Rights Defenders allow for NGOs to receive international funding.

International NGOs and the IACHR also expressed concern about the situation of NGOs in the country. On March 25, the IACHR issued a statement expressing "profound concern about the use of the punitive power of the State to criminalize human rights defenders." On August 12, 34 members of the International Coalition of Human Rights Organizations of the Americas denounced the criminal investigations the government launched against NGOs involved in human rights and media freedom issues. On August 24, the NGO Human Rights Watch issued a statement urging the government to "end its apparent campaign of harassment" against Carlos Correa, the director of the NGO Public Space.

During the year the government expressed hostility toward international human rights bodies (see section 1.e.). The government refused to permit a visit by the IACHR, although several working-level officials from the OAS visited Caracas for one day in December 2009 to meet with NGOs and other groups. The government has not permitted a visit by the IACHR since 2002. The government also rejected the IACHR's 2009 report, *Democracy and Human Rights in Venezuela*, publicly released on January 22, which identified the following problems preventing the full exercise of human rights in the country: the lack of effective separation of powers, the lack of guarantees for freedom of expression for all viewpoints, use of the government's punitive power to intimidate or sanction contrary views, the lack of conditions for human rights defenders and journalists to work freely, and impunity in cases of violence. President Chavez said on February 25 that the report was "pure garbage" and threatened to withdraw from the organization, saying that "someday the OAS needs to vanish." He publicly told Foreign Minister Maduro that the report "wasn't worth responding to" and instructed him to look into withdrawing from that "awful commission." He also criticized IACHR Secretary General Santiago Canton, calling him "pure excrement." Public Defender Gabriela Ramirez also disputed the report's findings and accused the IACHR of unfairly taking some statistics out of context and using others selectively to show a pattern of political repression and abuses by the government.

On June 18, in response to UN Special Rapporteur for Freedom of Opinion and Expression Frank LaRue's charge that, in the case of Globovision President Zuloaga (see section 2.a.), the government was "silenc[ing] critics or those who oppose the state with criminal proceedings," the country's UN Ambassador Jorge Valero stated that these "declarations, without any basis, constitute a new and unacceptable interference by LaRue in the internal affairs of our country, and they show the rapporteur's identification with the political plans of the coup mongering opposition." The ambassador also accused LaRue of "undue use and abuse of his functions in a case that does not have anything to do with freedom of expression" and said the country would file a request with the UN Secretary General for the rapporteur's dismissal. The government did not respond to LaRue's 2009 request to visit the country.

Although the public defender, appointed by the National Assembly, is responsible for ensuring that citizen rights are protected in a conflict with the state, human rights NGOs claimed that the Public Defender's Office was not independent and rarely acted on public interest cases; they also alleged that the public defender was chosen in 2007 in a nontransparent process. Reports or recommendations issued by the office were not widely available.

The National Assembly's subcommission on human rights played an insignificant role in human rights debates.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, sexual orientation, disability, language, or social status; however, discrimination against women, persons with disabilities, and indigenous persons and discrimination based on sexual orientation were problems.

Women

The law prohibits rape, including spousal rape. It is punishable by a prison term of eight to 14 years, although cases often were not reported to the police. A man may avoid punishment by marrying his victim before sentencing. There were no reliable statistics on the incidence of, or prosecutions or convictions for, rape. Women faced substantial institutional and societal prejudice with respect to reporting rape and domestic violence. The INE survey reported that from July 2008 to July 2009 there were 5,005 victims of sexual abuse, 927 involving rape. According to the study, 5 percent of the victims of sexual abuse were children.

The law criminalizes physical, sexual, and psychological violence in the home, the community, and at work, as well as sexual harassment and slavery. The law punishes domestic violence with penalties ranging from six to 27 months in prison. The law requires police to report domestic violence to judicial authorities and obligates hospital personnel to notify the authorities when they admit patients who are victims of domestic abuse. Police generally were reluctant to intervene to prevent domestic violence. The law also establishes women's bureaus at local police headquarters and tribunals specializing in gender-based violence. According to a July 1 announcement by the Public Ministry, 57 prosecutors were assigned to handle cases of violence against women.

Violence against women continued to be a problem. On April 13, the Public Defender's Office cited statistics that every 15 minutes in the country a woman was the victim of abuse by her partner, and every 10 days in Caracas a woman died from domestic violence. In a July 20 statement, the NGO consortium Network of Support claimed that only 10 percent of abused women filed complaints with government authorities.

In April in a press note announcing a course for public officials to improve treatment of victims of domestic violence, the Public Defender's Office stated that the Public Ministry received 101,750 complaints nationwide of violence against women; courts had more than 50,000 cases involving domestic violence; and the specialized courts for women had approximately 12,000 cases. In June, Luisa Rodriguez Andarcio, vice minister for social strategies of the Ministry of Women, stated in a televised interview that, in the first five months of the year, there were 200,000 complaints of violence against women. On September 16, Prosecutor General Luisa Ortega Diaz stated that since January 1, the Public Ministry had received 65,464 complaints of violence against women through August 30. She said the figure reflected a lessening in the fear and shame attached to reporting these crimes. There was no publicly available information regarding the number of indictments, prosecutions, or convictions resulting from these investigations and cases. However, in its 2009 annual report, the Public Ministry reported that the tribunals specializing in gender-based violence had issued a total of 570 sentences during 2009, of which 410 (72 percent) were convictions, 121 (21 percent) were acquittals, and 39 (7 percent) were confessions. El Nacional reported on November 25 that a total of 120,217 complaints of violence against women

were filed in the specialized courts, of which 118,417 were in the investigative phase, 1,735 were in trial phase, and 60 had concluded with final sentences.

The government sought to combat domestic violence through public awareness campaigns and a national victim-assistance hotline administered by the Ministry of Women's Affairs, which succeeded the National Women's Institute in 2009. On March 8, the government-sponsored newspaper *Correo del Orinoco* reported that the hotline had received 31,921 calls since its creation in 1999. It also reported that the National Defenders Office for Women, established in 2001, had provided legal and other assistance to a total of 21,553 women and that two government-run shelters had saved the lives of 184 women, 155 girls, and 137 boys. In August the Public Ministry announced the planned creation of technical units staffed by medics, psychiatrists, and/or psychologists with specialized training to provide assistance to women, children, and adolescents who were victims of violence.

The April 18 killing of Jennifer Carolina Viera by her husband, ex-world lightweight boxing champion Edwin "Inca" Valero, put a public spotlight on the problem of violence against women and highlighted some limitations in the government's response to these situations. Valero, who committed suicide shortly after confessing to the killing, had been questioned or charged with numerous acts of violence and aggressive behavior against his wife and other female members of his family since 2006. On March 25, police had detained him on charges of harassment, making threats, and resisting arrest after his wife was hospitalized with two broken ribs and other injuries; the court issued a restraining order against him. However, Viera asked that the charges be dropped.

Sexual harassment is illegal and punishable by a prison sentence of one to three years. Sexual harassment was allegedly common in the workplace, but cases were rarely reported.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men were generally given equal access to diagnostic services and treatment for sexually transmitted infections. The Population Reference Bureau reported 70-percent use of contraception among married women between ages 15 and 49. A 2008 UN inter-agency report estimated the maternal mortality rate at 68 deaths per 100,000 live births in 2008. Maternal health information and online resources were generally available.

Women and men are legally equal in marriage, and the law provides for gender equality in exercising the right to work. The law specifies that employers must not discriminate against women with regard to pay or working conditions. According to the Ministry of Labor and the Confederation of Workers, these regulations were enforced in the formal sector, although women reportedly earned 30 percent less than men on average. In its preliminary report to the 11th Regional Conference on Women in Latin America and the Caribbean in July, the government reported that it provided between 60 and 80 percent of the minimum wage to needy homemakers. The Ministry of Women worked to protect women's rights but did not make statistics publicly available.

The law provides women with property rights equal to those of men. In practice, however, women frequently waived these rights by signing over the equivalent of power of attorney to their husbands.

Children

Citizenship is derived by birth within the country's territory. According to the UN Children's Fund (UNICEF), thousands of children were not officially registered at birth.

According to UNICEF and NGOs working with children and women, child abuse, including incest, occurred but was rarely reported. Although the judicial system acted to remove children from abusive households, public facilities for such children were inadequate and had poorly trained staff.

Under the law sexual relations with a minor under age 13 or an "especially vulnerable" person, or with a minor under age 16 when the perpetrator is a relative or guardian, are punishable with a mandatory sentence of 15 to 20 years' imprisonment. The law prohibits inducing the prostitution and corruption of minors. Penalties range from three to 18 months in prison and up to four years in prison if the minor is younger than 12 years old. If the crime is committed repeatedly or for profit, it is punishable by three to six years' imprisonment. Prison sentences for inducing a minor into prostitution are increased by up to five years if various aggravating circumstances occur. Penalties for several crimes relating to child prostitution do not apply if the perpetrator marries the victim.

Child marriage was not a widespread problem. There were some reports of child sexual exploitation during the year, including reports of trafficking in children for the purpose of commercial sexual exploitation. The law prohibits the production and sale of child pornography and establishes penalties of 16 to 20 years' imprisonment. There was no publicly available information regarding the number of investigations or prosecutions of cases involving the commercial sexual exploitation of minors or child pornography.

According to a March 3 announcement by the Public Ministry, a total of 67 prosecutors were assigned to handle cases specializing in the protection of children.

The NGO For the Rights of Children and Adolescents estimated that 15,000 children lived on the streets. Authorities in Caracas and several other jurisdictions imposed curfews on unsupervised minors to attempt to cope with this problem, but with institutions filled to capacity, hundreds of children accused of infractions, such as curfew violations, were confined in inadequate juvenile detention centers. The government's social service mission, Mision Negra Hipolita, provided assistance to street children and the homeless.

The country is a party to the 1980 Hague Convention on Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including anti-Semitism.

There were an estimated 9,500 Jews in the country. Jewish leaders reported that much of the anti-Semitic graffiti that appeared in 2009 had not been painted over and was still publicly visible. New anti-Semitic graffiti appeared on the Episcopal Conference's downtown Caracas commercial buildings after their February 7 expropriation by President Chavez; press reports indicated that the buildings were erroneously rumored to be Jewish-owned. The 11 suspects in the January 2009 vandalism and desecration of the Tiferet Israel synagogue in Caracas remained in prison awaiting trial at year's end.

Jewish community leaders publicly expressed concern about anti-Semitic expressions carried in official and government-affiliated media. These expressions often increased following government criticism of Israeli government policies or actions. For example, on June 2, following the Gaza flotilla incident, President Chavez called Israel a "genocidal state" but said he was not an "enemy of the Jews," that Venezuelan Jews "have our affection and our respect," and that he "could not believe that a Venezuelan Jew...would support this kind of massacre." On July 11, an anti-Israel advertisement produced by Tatuy TVC and Phantom Studios aired on government-owned Venezolana de Television during a World Cup soccer game; it showed an Israeli soccer team attacking a pregnant woman, an elderly man, and children, followed by the text, "It's not a game, it's a massacre," and, "We are all Palestinians." In the advertisement boot sounds were audible in the background. On July 12, government-owned newspaper Diario Veja published an article that claimed that "to avenge

the Shoah, the Jews commit their own genocide, [they] massacre families and perpetrate other atrocities, like starving the children of Gaza until they die." On July 13, *Diario Ve* published a political cartoon depicting Israeli Foreign Minister Lieberman, with half his face as Adolf Hitler, holding up his hand that was tattooed with a skull with sharp teeth and an Israeli flag on its forehead. Government-affiliated Web site *Aporrea.org* published an article on August 6 claiming that "the people are the new enemy of the degenerate neo Zionist fascist race, who are a new edition of Hitler's Nazi thinking and his racial superiority madness, which has been recovered by Zionist Jewish and Catholic thieves and assassins."

On August 9, Foreign Minister Maduro met with representatives of the Latin American Jewish Congress, who later stated publicly that the foreign minister had promised to provide security to the Jewish community during the Jewish High Holidays and to monitor anti-Semitism in the media. The government provided increased security to Jewish religious and community centers in response to their concerns.

On September 16, Jewish community leaders met with President Chavez and issued a communique which stated that they had expressed their "profound concern" to the president regarding the "anti-Semitic statements, practically daily, which started years ago, in the official and government-affiliated media." They noted the possible negative consequences of expressions of hate, such as threats to the security and integrity of Jewish institutions and individuals, and "officially requested the President of the Republic to intervene and stop these expressions." In a televised September 17 meeting with PSUV party representatives, President Chavez said the Jewish community had his "respect and affection and can count on the respect of the revolution, of the PSUV, and of the Bolivarian state." With respect to the request to end anti-Semitic expressions in the media, President Chavez called "for all of us to respect the Jewish community in Venezuela as another community, as other Venezuelans." After a temporary lull, Jewish community representatives reported a renewed rise in anti-Semitism in the media. On October 13, government-affiliated Web site *Aporrea.com* published an article recommending the anti-Semitic book, *The Protocols of the Learned Elders of Zion*.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical and mental disabilities in education, employment, health care, and the provision of other state services. Persons with disabilities had minimal access to public transportation, and ramps were practically nonexistent. The law requires that all newly constructed or renovated public parks and buildings provide access and prohibits discrimination in employment practices and in the provision of public services; however, the government did not make a significant effort to implement the law, inform the public of it, or combat societal prejudice against persons with disabilities. Online resources and access to information were generally available to persons with disabilities.

Indigenous People

The law prohibits discrimination based on ethnic origin, and senior government officials repeatedly stated support for indigenous rights. However, some NGOs complained of government mismanagement and paternalistic attitudes toward the indigenous population. Of the country's approximately 300,000 indigenous persons in 27 ethnic groups, many were isolated from urban areas, lacked access to basic health and educational facilities, and suffered from high rates of disease. The government included indigenous persons in its literacy campaigns, in some cases teaching them to read and write in their native languages as well as in Spanish.

The law provides for three seats in the National Assembly for deputies of indigenous origin and for "the protection of indigenous communities and their progressive incorporation into the life of the nation." Nonetheless, NGOs and the press reported that local political authorities seldom took account of indigenous interests when making decisions affecting indigenous lands, cultures, traditions, or the allocation of natural resources. Indigenous persons called on the government to recognize lands traditionally inhabited by them as territories belonging to each respective indigenous group. The Yukpa indigenous group also called on the National Assembly to recognize the jurisdiction of indigenous courts to handle criminal cases involving its members.

Conflict between cattle ranchers/landowners and indigenous persons occurred sporadically. Civil-society organizations criticized a government land-transfer program, which gave private dairy farms in Zulia State to the Yukpa indigenous group, for causing tension and violence in the region.

On July 7, 80 Yukpas began a vigil in front of the Supreme Court to demand a response to their request that murder charges against Yukpa leader Cacique Sabino Romero and two Yukpa members, Alexander Fernandez and Olegario Romero, be handled through their own indigenous legal system. The three were arrested in October 2009 in connection with the killing of three Yukpa members in a dispute over alleged cattle thefts.

The protestors cited article 260 of the constitution and article 141 of the Organic Law on Indigenous Peoples and Communities, which provide for indigenous communities to handle certain crimes in their own judicial system. The Supreme Court did not respond to the protestors' request; however, it transferred jurisdiction of the case from Zulia to Trujillo State, stating the decision to change venues was made to avoid "local interests." On October 18, Jose Maria Korta, the 81-year-old Jesuit founder of the Indigenous University of Venezuela, announced a hunger strike to demand that the three Yukpas be judged according to indigenous traditions. Korta ended the hunger strike on October 25 when Vice President Jaua met with him to discuss indigenous jurisdiction and the National Demarcation Process of Yukpa ancestral lands in Sierra de Perija.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution provides for equality before the law of all persons and prohibits discrimination based on sex or social condition. On this basis the Supreme Court ruled in 2008 that no individual may be discriminated against by reason of sexual orientation in any way that implies treatment in an unequal fashion.

Violence against lesbian, gay, transgender, and bisexual (LGBT) communities reportedly occurred during the year.

On October 29, the president of the NGO Diversity and Sexual Equality before the Law testified before the IACHR on the rights of LGBT persons. According to her testimony, based on a 2008 study involving more than 750 interviews, more than 50 percent of lesbians and gays reported suffering from societal violence or police abuse. In cases of transgender persons, 83 percent reported having been victims of such violence or abuse. She also claimed the government systematically denied legal recognition to transgender persons by preventing them from obtaining identity documents required for accessing education, employment, housing, and health care. She said the Supreme Court had not yet acted on her 2004 petition for legal recognition.

On July 14, the NGO Diverse Venezuela reported that six transgender persons were killed in Caracas in 2009. Nationwide statistics of violence against transgender persons were unavailable. Media frequently reported on hate crimes against transgender persons, but NGOs reported difficulties in following individual cases.

The media and leading advocates for the rights of LGBT persons noted that victims of hate crimes based on sexual orientation frequently did not report the incidents and were often subjected to threats and/or extortion if they filed official complaints with local police or authorities.

On May 5-7, the Public Defender's Office hosted an international seminar on sexual diversity in Caracas in order to promote discussion on ways to eliminate discrimination against the LGBT sector. The public defender said the event was undertaken as a way to help public defenders develop the methodological and conceptual tools to process complaints by LGBT persons of human rights violations.

Other Societal Violence or Discrimination

According to the NGO Citizen Action against AIDS, persons diagnosed with HIV/AIDS frequently were discriminated against at the workplace and often were refused access to government health services.

The prison monitoring NGO A Window to Liberty and the media reported that a La Planta inmate, under the pseudonym "Jesus Sotillo," was denied HIV/AIDS treatment and medicine by Second Metropolitan Tribunal Judge Jorge Timaury on August 6 because his case was not deemed critical enough to warrant medical attention. Sotillo alleged he contracted the disease following a 2003 attack by 20 inmates who, upon learning of his homosexuality, reportedly beat and sexually abused him. Sotillo claimed he had not received any medical treatment by prison officials in more than 10 months.

On November 19, the Ministry of Interior and Justice published in the Official Gazette guidelines for the National Police and its officers relating to respect for gender identity and sexual orientation.

Section 7 Worker Rights

a. The Right of Association

The law provides that all private and public sector workers (except armed forces members) have the right to form and join unions of their choice. However, according to labor sources and media reports, the government continued to undermine this right by restricting the composition of union leadership and refusing to negotiate collective bargaining agreements. Approximately 10 percent of the 13-million-person total labor force was unionized. According to INE statistics cited by PROVEA, approximately 6.8 million workers were in the formal sector as of August.

The government provided no statistics on newly registered trade union organizations during the year, but other sources estimated that the number of such organizations increased slightly to approximately 6,500. According to labor leaders, the government was responsible for the creation of many of these organizations, because it sought to create "parallel" unions to dilute the membership and effectiveness of traditional unions. In general these new unions were not subject to the same government scrutiny and requirements regarding leadership elections.

The CNE has the authority to administer internal elections of labor unions, federations, and confederations. By law elections must be held at least every three years. The law prohibits union leaders from engaging on anything beyond administrative tasks, including representing workers in negotiations, if CNE-administered and -certified elections are not held within this time period. Labor unions complained of long delays in obtaining CNE concurrence to hold such elections and in receiving certification of the election results. The International Labor Organization (ILO) noted that it repeatedly found cases of interference in trade union elections by the CNE that were incompatible with ILO Convention 87. On June 21, the ILO Governing Body determined that the intervention of the CNE in the elections of the SNTP executive board "seriously violated" ILO Convention 87. In the cases of the SNTP and the Single Organized National Trade Union of Workers of the Judiciary, the governing body urged the government to prevent any interference by the CNE in the elections to the executive boards of these unions, to refrain from invoking alleged irregularities or appeals to prevent them

from engaging in collective bargaining, and to take measures to amend or repeal legislation that allows interference by the CNE in trade union elections.

On August 1, in his weekly column "Lines from Chavez," President Chavez claimed "that in Bolivarian Venezuela we do not have unionists assassinated." PROVEA issued a statement on August 3 challenging that claim and subsequently published a list of 122 unionists killed between June 2008 and August 2010, mostly in conflicts allegedly related to obtaining jobs.

In its November 12 report, the ILO Committee on Freedom of Association expressed grave concern about the allegations of contract killings of 200 workers and the June 2009 murder of three union officials and noted that freedom of association could be exercised only when fundamental rights relating to human life and personal safety were fully respected and guaranteed. It called on the government to intensify its judicial investigations into these killings. It also called on the ILO Governing Body to pay special attention to this case "because of the extreme seriousness and urgency of the matters."

There was no new information regarding the prosecution of Julio Cesar Arguinzonez for his alleged role in the 2008 killings of three trade union leaders (Richard Gallardo, Carlos Jose Requena, and Luis Hernandez) in Aragua State at the time of a collective-bargaining dispute.

Although the law recognizes the right of all public and private sector workers to strike in accordance with conditions established by labor law, public servants may strike only if the strike does not cause "irreparable damage to the population or to institutions." Replacement workers are not permitted during legal strikes; however, the president may order public- or private-sector strikers back to work and submit their disputes to arbitration if the strike "puts in immediate danger the lives or security of all or part of the population."

In November the ILO Committee on Freedom of Association called on the government to take the necessary steps to immediately release six PDVSA workers detained for their participation in a June 2009 strike and to drop the criminal charges against them. It also called on the government to amend the INDEPABIS law (see section 1.e.) to exclude services "which are not essential in the strict sense of the term and so that in no event may criminal sanctions be imposed in cases of peaceful strikes," and to partially amend the Organic National Security Act, whose criminal penalties of five to 10 years' imprisonment for "activities to disrupt or adversely affect the organization and operation of public services" could apply to the lawful exercise of the right to strike.

At year's end the government continued to refuse to adjudicate or resolve the cases of 19,000 state-owned petroleum-company employees who were fired during and after the 2002-03 national strike. The Ministry of Labor continued to deny registration to UNAPETROL, a union composed of these workers.

b. The Right to Organize and Bargain Collectively

The law provides that all public- and private-sector workers have the right to conduct their activities without interference and protects collective bargaining; however this right is restricted in practice. The law stipulates that employers must negotiate a collective contract with the union that represents the majority of their workers but does not allow minority organizations to jointly negotiate in cases where no union represents an absolute majority. The ILO objected to this provision and requested that the government amend it. In practice CNE delays in administering union elections and certifying their results hampered unions' ability to bargain collectively because union leaders were not permitted to represent workers in negotiations (see section 7.a.). During the year a report by the International Trade Union Confederation noted that more than 3,700 collective bargaining agreements in both the public and private sectors were expired. The government's refusal to negotiate or renew the public-sector agreements meant that only 9 percent of the

sector's workers were covered by them. According to PROVEA, more than two million public-sector employees worked under expired collective agreements during 2009; the Ministry of Labor provided no comparable statistics for 2010.

The leader of the largest national union federation, the National Workers' Union, stated that the framework agreement for public administration had not been discussed for five years and the one covering Labor Ministry employees had not been discussed for 18 years. There were no developments reported during the year concerning the formal complaint lodged with the ILO by the Teachers' Federation and its 27 affiliated organizations to request that the government restore its collective bargaining rights, which were blocked in 2006.

In November the ILO Committee on Freedom of Association requested that the government immediately release and compensate union leader Ruben Gonzalez, who was detained in September 2009 for protesting the state-owned iron ore mining company's alleged violation of a collective agreement.

There are no special laws or exemptions from regular labor laws in the sole export processing zone.

c. Prohibition of Forced or Compulsory Labor

While the law generally prohibits forced or compulsory labor, including by children, there were isolated reports of trafficking in children for employment purposes, particularly in the informal economic sector (see also section 7.d.). International organizations and NGOs also reported that there were men, women, and children from Brazil, China, and Colombia subjected to forced labor, although there was no information available regarding the extent of the problem.

Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. The Ministry of Labor and the National Institute for Minors enforced child labor policies effectively in the formal sector of the economy but less so in the informal sector.

Children most frequently worked in agriculture, retail trade, hotels, restaurants, manufacturing, and community and social services. Hundreds of thousands of minors were believed to be working but not receiving the salary and benefits due them under the law. According to the government, in 2006, 131,902 boys and 10,196 girls worked in the agricultural sector, 3,772 boys and 10,285 girls worked in industrial manufacturing, and 36,106 boys and 746 girls worked in construction.

There were reports that children were trafficked for exploitation as domestic servants and forced begging. (Also see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.)

The law sets the minimum employment age at 14 years and permits children aged 12 to 14 years to work only if the National Institute for Minors or the Ministry of Labor grants special permission. Children aged 14 to 16 years may not work without the permission of their legal guardians. Those under 16 years of age may work no more than six hours per day or 30 hours per week. Minors under the age of 18 may work only between 6 a.m. and 7 p.m. Minors may not work in mines or smelting factories and in occupations that risk life or health or could damage intellectual or moral development.

Fines are established for employing children ages eight to 11 and for employing 12- or 13-year-olds without authorization. Employing a child younger than eight years of age is punishable by one to three years' imprisonment. Employers must notify authorities if they hire a minor as a domestic worker. The law establishes sentences of one to three years' incarceration for forced child labor. There were no substantiated reports that these penalties were enforced.

The Ministry of Education, Culture, and Sports ran educational programs to reincorporate school dropouts and adults into the educational system, and the government also continued to provide services to vulnerable children, including street

children, working children, and children at risk of working. However, there was no independent accounting of the effectiveness of these and other government supported programs.

e. Acceptable Conditions of Work

On May 5, the government announced a 25-percent increase in the monthly minimum wage and in the salaries of all public-sector employees, implemented in two stages, which raised the minimum wage to 1,223.89 Bs.F (approximately \$470). However, the 25-percent increase was below the country's recent annual inflation rate of 28-30 percent. Moreover, the real annual purchasing power of the minimum wage was reduced with the devaluation of Bs.F from 2.15/\$1 to 2.60/\$1 for goods the government defined as essential and the establishment of a second 4.30/\$1 official exchange rate on January 8 for goods the government deemed nonessential. According to the INE, as of October the basic food basket cost 1,353 Bs.F, although the NGO Workers' Center for Documentation and Analysis reported that for the same month a basic food basket cost 2,428 Bs.F--almost twice the minimum wage. The Labor Ministry enforced minimum wage rates effectively in the formal sector, but approximately half the population worked in the informal sector, where labor laws and protections generally were not enforced.

The law stipulates that the workweek may not exceed 44 hours. Managers are prohibited from obligating employees to work additional time, and workers have the right to weekly time away from work. Overtime may not exceed two hours daily, 10 hours weekly, or 100 hours annually and may not be paid at a rate less than time-and-one-half. The ministry effectively enforced these standards in the formal sector.

While the constitution provides for secure, hygienic, and adequate working conditions, authorities conducted infrequent inspections to implement the health and safety law. Employers are required to report work-related accidents, and the law obligates employers to pay specified amounts (up to a maximum of 25 times the minimum monthly salary) to workers for accidents or occupational illnesses, regardless of who is responsible. Workplaces must maintain "sufficient protection for health and life against sickness and accidents," and penalties range from one quarter to twice the minimum monthly salary for first infractions. While statistics are not publicly available, PROVEA and the press reported some industrial accidents and at least one fatality during the year stemming from accidents at facilities operated by PDVSA and other heavy industrial operations. Numerous complaints of unsafe conditions continued in Bolivar State. In practice ministry inspectors seldom closed unsafe job sites. Under the law workers may remove themselves from dangerous workplace situations without jeopardy to continued employment; there is no information about whether this right was respected in practice.

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