



Immigration and
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[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

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Venezuela: Treatment of opponents of President Hugo Chavez (2004-June 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

In 2004, Venezuela's human rights record reportedly continued to deteriorate under an atmosphere of "political polarization" between pro- and anti-government supporters (WOLA 22 Apr. 2004; AI 2005; HRW 2005). In an April 2004 statement prepared for the Congressional Human Rights Caucus, the Washington Office on Latin America (WOLA) noted that

the country's profound social and political polarization has created a climate that makes it exceptionally difficult to grapple constructively with the many real problems that confront the country, including human rights issues (22 Apr. 2004).

Cases in point were the widely reported incidents of February and March 2004, when state security forces reportedly used excessive force against anti-government demonstrators, resulting in the deaths of 13 (HRW 2005; WOLA 22 Apr. 2004) to 14 (AI 2005) people and injuries to another 100 (HRW 2005) to 200 (AI 2005). While HRW mentioned that "National Guard units and Chavez supporters" had attacked the demonstrators, a February 2004 *Weekly News Update on the Americas* article noted that

[m]ost news sources failed to say whether most of the victims were Chavez supporters or opponents. A *Miami Herald* article quoted a man who identified himself as a Chavez supporter, who said his friend was wounded by a bullet fired by opposition forces. Other pro-Chavez sources reported that opposition marchers provoked the National Guard by throwing rocks and bottles, and that agents from municipal and state police units controlled by opposition forces had infiltrated the crowd and fired weapons (27 Feb. 2004).

In April 2004, the WOLA concluded that "[t]he circumstances that led to these deaths and injuries remain to be clarified" (22 Apr. 2004). Nevertheless, HRW, Amnesty International and the WOLA all reported that a large number of individuals detained "during and after" (HRW 2005) the protests had reportedly been "beaten and tortured" (WOLA 22 Apr. 2004) by state security forces (AI 2005).

Also in 2004, political opponents claimed that the government's investigation into the 2002 coup attempt against President Chavez was developing into a "witch hunt" (EFE 29 Nov. 2004; see also *Country Reports 2004* 28 Feb. 2005, Sec. 1.d). In particular, EFE reported that Danilo Anderson, the prosecutor assigned to look into the facts surrounding the 2002 incident had "subpoenaed more than 300 people" reportedly involved in supporting Chavez's ouster (14 Dec. 2004). However, on 18 November 2004, Anderson was killed when a bomb "ripped apart his car," and while it was not clear who was responsible, the government linked the attack to the "terrorist leanings of some opposition sectors" (*LAWR* 23 Nov. 2004). Opposition leaders subsequently "accused the government of taking advantage of the Anderson slaying and the coup probe to unleash a campaign of 'political persecution' against its critics" (EFE 29 Nov. 2004). In November 2004, EFE reported that-without specifying whether they were pro- or anti-government-three former police officers had been arrested in connection with the death of Anderson and two suspects had been "killed in confrontations with the police." (*ibid.*).

According to *Country Reports 2004*, the government "used the justice system selectively against the political opposition, including investigations against, and arrests of, opposition leaders on charges of conspiracy and treason" (28 Feb. 2005, Sec. 1.d).

However, in March 2004, the independent electronic news publication *Vheadline* reported that the opposition was using the issue of "human rights as a political tool to discredit" President Chavez (22 Mar. 2004). Moreover, the same article noted that, according to some critics, opposition media "have been highlighting bogus complaints, which have not been lodged at the Attorney General and Ombudsman's offices or for that matter, at PROVEA [a national human rights group] or other groups" (*Vheadline* 22 Mar. 2004). In April 2004, *Vheadline* reported that the national human rights group Committee of Family Members of the Victims of the Unrest of February and March 1989 (Comite de Familias de las Victimas de los Sucesos de Febrero y Marzo de 1989, COFAVIC) "and three other (private) human rights groups" had received funding from the US government "to undermine" the efforts of the

Chavez administration (2 Apr. 2004).

A report covering 2004 and published by the Embassy of the United States in Caracas, Venezuela, said that unidentified groups that supported Chavez or were politically opposed to the government reportedly employed "terrorist tactics" during the year, including a "series of small bombs and threats" (27 Apr. 2005). Moreover, the report mentioned that the government of Venezuela claimed that "exile groups and the US government sought to overthrow or assassinate President Chavez, but offered no proof to support its claims" (US 27 Apr. 2005).

Another factor that further polarized pro- and anti-government supporters has been the country's media and the president's reactions to opposition journalists (BBC 28 May 2005; HRW 2005). According to the BBC,

[t]he president has been accused of creating a hostile and intimidatory climate for journalists, while some major private media outlets have been criticised for playing a direct role in the opposition movement against him, specifically by not covering the pro-Chavez demonstrations during April 2002's failed coup (28 May 2005).

However, Reporters Without Borders noted in its 2005 annual report for Venezuela that press freedom had "deteriorated further in 2004," and that President Chavez "continued to tighten laws concerning the media" (3 May 2005). In March 2005, HRW reported that the government amended the criminal code to "make it a criminal offense to insult or show disrespect for the president and other government authorities" (24 Mar. 2005). Specifically, individuals convicted of breaking these laws could face between 20 and 40 months of prison (HRW 24 Mar. 2005).

In April 2005, HRW also reported that criminal proceedings initiated against "prominent human rights lawyer" Carlos Ayala Corao indicated that authorities would begin using "prosecutions as a tool to harass government critics" (HRW 5 Apr. 2005). Corao had reportedly been linked to the 2002 coup attempt (ibid.). In the same report, HRW also noted that "the pro-Chavez majority in the Venezuelan legislature has severely weakened judicial independence" by appointing a number of pro-government judges to the Supreme Court in December 2004 (ibid.; see also EFE 14 Dec. 2004). Critics feared that an increasingly politicized judiciary would exacerbate political tensions in a judicial system (ibid.; see also WOLA 22 Apr. 2004) that, according to Amnesty International, had failed to "guarantee impartial and effective responses to human rights violations" (AI 2005; see also IACHR 23 Feb. 2005). In its 2004 annual report, the Inter-American Commission on Human Rights (IACHR) reported that, among other issues, it was concerned about an "alleged increase in acts of harassment" against "political dissidents" and human rights defenders (23 Feb. 2005).

In May 2005, the Associated Press (AP) reported that since 2003, about 144 Chavez opponents who held positions within the national government had been fired and some 600 other public employees had complained of harassment (AP 13 May 2005). These individuals had reportedly been "singled out" for their political views from an Internet site list of people who opposed Chavez (ibid.). According to the AP, the list has subsequently been removed from the Internet and the National Assembly approved a motion in May 2005 "condemning political discrimination" (ibid.). Moreover, the AP article pointed out that government prosecutors have begun investigating cases of individuals who were reportedly dismissed for their political opinions (ibid.).

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

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