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Venezuela: Description of organized crime or its operations; whether the government has taken measures against organized crime; measures taken by the government to guarantee the safety of witnesses to crimes (2004 - February 2006)

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Specific information on organized crime was limited among the sources consulted by the Research Directorate. Nevertheless, many sources provided enough details to draw a picture of crime in Venezuela.

The Venezuelan Program for Human Rights Action and Education (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA), a non-governmental organization, indicated that crime has been on the rise since March 2004, with the exception of a decrease of one per cent in September 2005 (2005, 513).

According to the United States Department of State, a significant portion of cocaine and heroin traffic goes through Venezuela (*INCSR 2005* Mar. 2005, Sec. II). In its annual report for 2004, the International Narcotics Control Board (INCB) indicated that Venezuela is among the countries most affected by drug trafficking (2 Mar. 2005, para. 343). The United States Department of State reported that Colombian cartels routinely move illegal drugs through Venezuela (*INCSR 2005* Mar. 2005, Sec. II).

According to a 22 March 2005 article in *El Nacional*, Venezuelan authorities patrolling the border regions confront criminal organizations that "have an important arsenal that offers them a comparative and material advantage that is hard to match with the resources available."

According to Roberto Briceño León, professor of social sciences at the Central University of Venezuela, the number of kidnappings in Venezuela "ha[s] increased 300 per cent in the last three years" (*Latinamerica Press* 21 Sept. 2005).

At the beginning of January 2006, the mayor of Maracaibo asked the government to intervene to fight organized crime in the western state of Zulia and coordinate efforts to restore stability in the area (FBIS Report 3 Jan. 2006).

Human Rights Watch (HRW) reported that criminal gangs have taken control of Venezuela's prisons and that many violent prison deaths occur every year (18 Jan. 2006).

Measures taken against organized crime

Under the Venezuelan criminal code, the fact that a crime is committed by a member of a criminal organization is considered an aggravating circumstance (20 Oct. 2000, art. 292). Also, the simple instance of [translation] "associating with the intent to commit crimes" is punishable by a prison sentence of two to five years (Venezuela 20 Oct. 2000, art. 287).

El Nacional indicated that the Venezuelan authorities have taken several measures to combat organized crime, including the creation on 10 March 2005 of the National Commission for the Anti-Kidnapping and Anti-Extortion Struggle, which comprises many government bodies, such as state security agencies (military and police) (22 Mar. 2005). The Anti-Extortion and Anti-Kidnapping Group, dismantled after certain of its members were found to be involved in the abduction of Colombian Rodrigo Granda, has resumed operation (*El Nacional* 22 Mar. 2005).

In addition, a military unit called the "Theater of Operations No. 4 (TO-4)" has been deployed in the northern part of the state of Zulia "to fight crimes in the border region" (FBIS Report 22 June 2005).

Some sources reported corruption, lack of effectiveness (Freedom House 2005; *INCSR 2005* Mar. 2005, Sec. III), and use of illegal tactics in the fight against organized crime (*Country Reports 2004* 28 Feb. 2005, Sec. 1.f), and expressed concern about the level of "violence and lawlessness of Venezuela's police forces" (HRW 18 Jan. 2006).

For Human Rights Watch (HRW), the large number of extrajudicial executions committed by Venezuelan police is one of the country's most serious human rights problems (*ibid.*; see also PROVEA 2005, 509). "Widespread arbitrary detention and torture of suspects, as well as dozens of extrajudicial killings by . . . military security forces and the police, have increased as crime continues to soar," according to Freedom House (2005).

Freedom House also reported that "the effectiveness and impartiality of the judicial branch remains tenuous" and that "police salaries are inadequate" (2005). Moreover, the same source made reference to an "unwieldy new judicial code, which . . . has hampered some law enforcement efforts, resulting in low rates of conviction and shorter jail terms even for convicted murderers" (Freedom House 2005).

In the aftermath of a Colombian drug trafficker's escape from custody, senior officials with the Intelligence and Prevention Services Administration (Dirección de Servicios de Inteligencia y Prevención, DISIP) were relieved of their duties (EFE 17 June 2005). An EFE article indicated that the DISIP was scheduled to change its name in June 2005 to the National Intelligence Administration, and that it was to "switch from battling organized crime to counter-intelligence activities" (*ibid.*).

The Venezuelan National Guard's Anti-Drug Command, specialized in fighting drug trafficking, is specifically charged with [translation] "dismantling organizations dedicated to producing and distributing drugs" (Venezuela n.d.b). The Interior and Justice Minister, Jesse Chacón, indicated that Venezuelan authorities had "exceeded the seizure quotas not only with respect to narcotics but precursor chemicals" (FBIS Report 25 Sept. 2005; see also INCB 2 Mar. 2005, para. 346).

According to the 2005 *International Narcotics Control Strategy Report*, the "Venezuelan Prosecutor's Drug Task Force (PDTF) conducted successful investigations and operations throughout 2004," including seizure and arrest operations against two narcotics trafficking organizations in particular - the Hasbun and the Ibarra (Mar. 2005, Sec. III).

The Website of Venezuela's Ministry of the Interior and Justice indicated that a [translation] "citizen safety plan" had been implemented [translation] "to reduce insecurity" through preventive and control measures aimed at decreasing the high crime rate and restoring public safety (Venezuela n.d.a).

According to the United States Department of State, a Law Against Organized Crime, first proposed in 1999, had still not been approved by the end of 2004, even though it would have "resolve[d] the lack of legislation on money laundering, terrorist financing, judicial corruption, and conspiracy, to name a few" (*INCSR 2005* Mar. 2005, Sec. III). The text of the Law Against Organized Crime, which outlines control measures for organized crime and provides for the creation of a "Council Against Organized Crime," was discussed during the plenary session of the National Assembly in August 2005 (FBIS Report 25 Aug. 2005). According to the sources consulted, the content and scope of the Law Against Organized Crime was much debated (FBIS Report 22 June 2005) before the law was passed by Venezuela's congress (FBIS Report 25 Sept. 2005). The Website of Venezuela's National Assembly indicated that the organized crime law came into effect on 27 September 2005 (Venezuela 2005). No information regarding the enforcement of the law could be found among the sources consulted by the Research Directorate.

Very little information on measures implemented to protect witnesses to crimes could be found among the sources consulted by the Research Directorate.

However, *Country Reports 2004* indicated that "witnesses to abuses by security forces reported instances in which their family members later were harassed, threatened, or killed" (28 Feb. 2005, Sec. 1.f). Amnesty International reported that witnesses "were threatened and intimidated" and that "no effective protection was granted to them despite calls by the Inter-American Court of Human Rights for the authorities to do so" (May 2005).

The Foundation for the Protection of Victims of Common Criminality (Fundación para la Protección a las Víctimas de la Criminalidad Común, FUNDAPROVIC) is a non-profit organization that provides victims of crime with access to psychological, medical and legal services (Venezuela n.d.c).

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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Additional Sources Consulted

Oral sources: The Comisión Andina de Juristas (CAJ) did not provide information within the time constraints of this Response.

Internet sites, including: Comisión Andina de Juristas (CAJ), Embassy of Venezuela in the United States, Foro Venezolano de Criminología, Organization of American States (OAS), Segured.com, Transparency International,

Tribunal Supremo de Justicia de Venezuela, United Nations Office on Drugs and Crime, World News Connection.

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