



RESPONSES TO INFORMATION REQUESTS (RIRs)

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21 May 2004

VEN42695.FE

Venezuela: Current situation of employees of the state oil company Petróleos de Venezuela (PDVSA) who were discharged following their participation in strikes during December 2002 and April 2003; work reintegration; access to the public service and the private sector; whether private companies are instructed not to hire workers fired by PDVSA; remedies undertaken by unions to reinstate strikers in their former positions; whether strikers are targeted by harassment

Research Directorate, Immigration and Refugee Board, Ottawa

In January 2003, the daily *El Universal* reported that Juan Fernández, the President of Petroleum People (Gente del Petróleo), a Venezuelan organization that represents the employees dismissed by the state oil company Petróleos de Venezuela (PDVSA) (*Country Reports 2003* 25 Feb. 2004, Sec. 2.b), refused PDVSA's offer to rehire the fired workers, and said that [translation] "freedom cannot be negotiated" (*El Universal* 16 Jan. 2003). Fernández also said that PDVSA had published a list of the dismissed employees' names in the national newspapers (*ibid.*; BBC Mundo 10 Feb. 2003). According to an article published by BBC Mundo, Fernández and Horacio Medina, another spokesperson for the employees, were also on the list (*ibid.*).

In February 2003, *The Economist* and Agence France Presse (AFP) reported that the Venezuelan President, Hugo Chávez, had refused to rehire the strikers who had been laid off (*The Economist* 8 Feb. 2003; AFP 9 Feb. 2003). Chávez was also reported to have had every intention of taking the strikers to court (*ibid.*). BBC Mundo noted that Chávez believed that a large number of the fired workers [translation] "should go to jail" (10 Feb. 2003). That same month, several PDVSA employees asked the National Assembly to block a motion to dismiss 9,000 more strikers who were accused of [translation] "acts of sabotage," according to BBC Mundo (10 Feb. 2003). Energy and mines minister Rafael Ramírez said "the government will not countenance an amnesty for strikers (though it will consider the reinstatement of people who were ill, or on leave, at the time of the strike)" (*Latin American Weekly Report* 11 Feb. 2003).

On 27 February 2003, AFP reported that a court had ordered the arrest of six former PDVSA executives because they had organized the December 2002 strike. Among the six managers were Juan Fernández, Horacio Medina and Edgar Quijano (AFP 27 Feb. 2003). According to their lawyer, the arrest was made [translation] "on political rather than legal grounds" (*ibid.*). *Latin American Regional Reports* noted that an arrest warrant was issued against seven former PDVSA managers, who "were accused of sabotage and damage to property" (4 Mar. 2003). *Latin American Weekly Report* indicated that a Caracas appeals court dismissed the arrest warrants on 18 March 2003 because of "violations of due process, the norms of competence, the rights of the accused, the right to defence and the absence of jurisdictional control" (25 Mar. 2003).

On 13 March 2003, approximately 50 discharged employees held a demonstration in front of the Embassy of France in Caracas to express their dissatisfaction with French companies working with PDVSA (AFP 13 Mar. 2003).

In May 2003, *El Universal* reported the creation of the Funds for Resistance (Fondo de Resistencia), an organization formed by some 18,000 fired PDVSA workers that apparently offers employment projects in the oil industry, as well as financial aid to families who have been the most seriously affected by the lay-offs, because some have had trouble paying for basic medical care (30 May 2003). The association was to offer its management expertise in the oil industry to about 45 companies (*El Universal* 30 May 2003). With this initiative, 3,424 former employees were to benefit from medical insurance with a private company at an affordable price; furthermore, 21,000 kilograms of food was distributed to the most needy families (*ibid.*). *El Universal* indicated that the association is entirely funded by donations and the income earned by members of the Funds for Resistance (*ibid.*). Members number approximately 5,000 and must contribute 24,000 bolívares per month (*ibid.*), or about CAN\$17 (Bank of Canada 21 May 2004).

El Universal reported that five employees who were laid off by PDVSA have died as a result of their difficult financial situation; four committed suicide, and the fifth was killed by members of organized crime while working as a taxi driver to make ends meet (30 May 2003). Most of the employees dismissed were executives (*Latin American*

Weekly Report 11 Feb. 2003).

According to an EFE News Service article, former PDVSA employees and pro-government demonstrators clashed in July 2003 in the State of Zulia, in western Venezuela (EFE 11 July 2003). PDVSA asked the courts to forcibly evict strikers from the company's housing complex (AP 22 July 2003). A spokesperson for Petroleum People (Gente del Petróleo), Edgar Paredes, said that armed men "were trying to violently evict the former oil workers from company-owned housing" (EFE 11 July 2003). A pro-Chávez demonstrator said that "since the former workers had been fired from the company, they should vacate the firm's housing units" (*ibid.*). According to Paredes and Froilan Barrios, a representative of the CTV, the largest union in Venezuela, "the national guard had 'illegally' arrested between 14 and 17 people" in the commotion (*ibid.*). The Associated Press (AP) reported that in several housing complexes, such as Tia Juana, Cardon and Amuay, fired employees were fighting not only "eviction from their homes at the hands of the National Guard and Chávez activists," but also the possibility that their children will be "yanked out of company schools" (22 July 2003). AP indicated that during a demonstration in Tia Juana, Chávez supporters "shouted epithets and waved rocks" at fired workers (AP 22 July 2003).

The AP also mentioned that Unapetrol, a union founded by strikers, had petitioned the courts to reinstate fired workers who had not received any severance pay and had had their pensions and savings accounts frozen (*ibid.*). Furthermore, the publishing of strikers' names has made it very difficult for them to secure other employment (*ibid.*).

On 20 July 2003, the *Weekly News Update on the Americas* reported the death of a striker who had been fired from PDVSA; he was shot dead by a National Guard soldier during a demonstration in the State of Anzoategui, in which protesters demanded the rehiring of some 18,000 fired PDVSA workers.

In accordance with the Labour Act, PDVSA President, Alí Rodríguez Araque, announced on 11 August 2003 that fired workers would not lose any of their benefits (*El Universal* 11 Aug. 2003). However, Araque also said that former employees were to vacate housing properties belonging to PDVSA (*ibid.*). A few days later, on 14 August 2003, *El Universal* reported that benefits for the fired workers would be cancelled.

According to *Weekly News Update on the Americas*, "[s]ome 400 National Guard soldiers and 50 state police agents used tear gas and rubber bullets . . . as they evicted fired oil workers and their families from houses belonging to Venezuela's national oil monopoly, Petroleos de Venezuela SA (PDVSA)," in Punto Fijo, State of Falcon (28 Sept. 2003). The Venezuelan Program of Action and Education in Human Rights (Programa Venezolano de Educación y Acción en Derechos Humanos, PROVEA), a non-governmental organization (NGO), "called for an end to violent evictions" (*Weekly News Update on the Americas* 28 Sept. 2003). In November 2003, *El Universal* published an article on the PDVSA's decision to postpone evicting former employees until the following year (26 Nov. 2003). According to this newspaper, several fired workers believe that they have the right to continue living in PDVSA houses because litigation cases against the oil company are still pending (*El Universal* 26 Nov. 2003).

On 15 May 2004, a representative of PROVEA provided the following information in correspondence sent to the Research Directorate.

Some fired PDVSA workers, particularly those who made public statements or held senior public service positions, face [translation] "real difficulties" in finding employment in the public sector because of the [translation] "unofficial veto" against hiring them in the public service. The representative did note, however, that the situation is less difficult for other fired workers, but, according to him, the situation in Venezuela is such that anyone who signs a statement against a member of the political opposition will find it difficult to secure employment in the private sector, and anyone who signs a statement against the Venezuelan president will find it difficult to secure employment in the public service. Much depends on whether a person has signed the petition to impeach President Chávez.

The PROVEA representative indicated that some private companies involved in the oil industry have been instructed not to hire fired PDVSA workers. However, he had heard of cases of employees being hired in the private sector, in the electrical power sector in Caracas, for example.

The PROVEA representative concluded by stating that a handful of fired PDVSA workers were victims of acts of [translation] "repression or violent evictions from houses belonging to PDVSA," and he noted that strikers were not targeted by ill-treatment, except in [translation] "very isolated" cases.

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

Attempts to contact Gente del Petróleo and the Organización no gubernamental para la protección y promoción de los derechos humanos (COFAVIC) were unsuccessful.

Internet sites, including: Amnesty International (AI), European Country of Origin Information Network (ECOI),

Freedom House, Human Rights Watch (HRW), *El Mundo*, U.S. Committee for Refugees, World News Connection (WNC).

Publications: *Latin American Politics and Society*.

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