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Venezuela: The results of the recall referendum and any reports of violence that may have occurred during or after the referendum (15 August 2004-15 September 2004)

Research Directorate, Immigration and Refugee Board, Ottawa

Referendum results

Several sources reported the announcement by the National Election Commission that 58 per cent of the Venezuelan population voted against an option to recall the presidency of Hugo Chávez in a referendum that took place on 15 August 2004 (*Le Monde* 17 Aug. 2004; *New York Times* 17 Aug. 2004; *Washington Post* 17 Aug. 2004). International monitors, including the Carter Center and the Organization of American States (OAS), had declared that the voting process had been "fair and accurate" (*ibid.*), and "legitimate" (*New York Times* 17 Aug. 2004). Final results of the referendum placed Chávez's support at 59 per cent and opposition to him at 41 per cent (BBC 27 Aug. 2004; *The Economist* 2 Sept. 2004; *The National Catholic Reporter* 3 Sept. 2004).

Despite allegations of fraud by opposition groups (*ibid.*; BBC 27 Aug. 2004; *New York Times* 17 Aug. 2004; *Washington Post* 17 Aug. 2004), the Electoral Observation Mission of the OAS concluded that Venezuelan citizens participated "freely, without hindrance or restrictions on the expression of their will" during the recall referendum (OAS 18 Aug. 2004). On 26 August 2004, the OAS adopted a resolution calling on all parties in Venezuela to accept the National Election Commission referendum results, which were endorsed by the OAS, the Carter Center and other international observation groups (OAS 26 Aug. 2004).

In the Carter Center's *Audit of the Results of the Presidential Recall Referendum in Venezuela* dated 26 August 2004 that compared a sample of votes rendered by electronic machines with ballot box receipts, the conclusion stated the following:

Based on the sample [of 200 polling stations] analyzed above, it is safe to say that the results transmitted by the voting machines have been fully validated by the results obtained during the manual recount of the voting receipts.

In the discrepancies encountered, no bias has been detected favoring either one of the options.

In a 2 September 2004 *Economist* article, Jennifer McCoy, the director of the Carter Center's observer mission in Venezuela, stated that based on verification tests of the electronic voting system and audits of the paper slips, there was no evidence of fraud and that the referendum vote was "secret and free." In an *Analysis of Voting Data from the Recent Venezuela Referendum*, Edward W. Felten of Princeton University and Aviel D. Rubin and Adam Stubblefield of Johns Hopkins University carried out a statistical analysis of the vote results from 19,055 voting machines to test the claims of fraud made by the opposition in Venezuela (1 Sept. 2004). The summary states the following:

After the August 15 referendum in Venezuela on whether or not to recall president Chávez, opposition groups examined the polling data and made accusations of fraud due to statistical anomalies in the reported election results that they claim could not have occurred if the election were run fairly. However, our analysis of the same data, based on simulations, did not detect any statistical anomalies that would indicate obvious fraud in the election.

We emphasize that a lack of statistical evidence does not imply the absence of fraud. Rather, it rules out certain classes of fraud. In any case, the fraud that is alleged is not the type that we would expect a cheating government to employ. In particular, we believe that the forms of election fraud that are most likely to succeed, such as voting machines silently switching some fraction of Yes votes to No votes inside the computer, would not produce observable statistical anomalies.

Electronic voting is more susceptible to widespread fraud than less automated mechanisms. The fact that the opposition is highly suspicious of the outcome is due, in part, to the choice of electronic voting machines in a simple Yes/No election. While we did not find any statistical evidence for the claims of caps on the machines or other specific accusations of fraud, we are concerned that wide scale unobservable fraud is much easier to realize in electronic voting machines than in, for example, precinct based paper systems (Felten et al. 1 Sept. 2004).

For additional information on the verification of referendum results, please consult the complete report at <http://www.venezuela-referendum.com/paper_en.pdf>, as well as the report produced by the Carter Center on 26 August 2004 entitled *Audit of the Results of the Presidential Recall Referendum in Venezuela* available at <<http://cartercenter.org/documents/1820.pdf>>.

Incidents of violence

Several sources reported incidents of violence related to the referendum (HRW 17 Aug. 2004; *El Universal* 17 Aug. 2004; *Washington Post* 17 Aug. 2004). Human Rights Watch (HRW) reported that while most of the day of the referendum was peaceful, it was concerned about one incident in Altamira, a district of Caracas, where alleged Chavez supporters opened fire on opposition supporters who were participating in a protest, killing one woman and wounding eight others (17 Aug. 2004). However, *El Universal* reported for the same incident that one woman was killed and 10 others were wounded, including Ernesto Alvarenga, a member of the National Assembly (17 Aug. 2004). The report added that the protesters were [translation] "attacked by official squadrons" in the Plaza of Altamira (ibid.). No other reports of violence were found among the sources consulted by the Research Directorate.

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

Publications: *Latinamerica Press*, *Latin American Regional Reports: Andean Group Report*.

Internet sites, including: Globovisión, Inter-American Commission on Human Rights, *El Mundo*, *El Nacional*, PROVEA, *Tal Cual*, *Ultimas Noticias*.

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