

killed when their plane was mistaken for a drug-trafficker's aircraft and shot down by a Peruvian fighter jet.

According to a press statement issued by the Association of Baptists for World Evangelism (ABWE) in March, "after being warned nothing would be done for our missionaries unless we agreed to release the U.S. government from responsibility for any payment for losses to our organization, ABWE has chosen to grant a release." Human Rights Watch learned that the United States was considering giving Peruvian pilots sole decision-making responsibility when the program was resumed, making it easier for the United States to deny responsibility for future mistakes resulting in death or serious injury. In August, Human Rights Watch wrote to President Toledo urging him to reject any such program if it entailed the unlawful use of lethal force against civilians, whether drug-traffickers or not.

VENEZUELA

Venezuela experienced extreme political turmoil in early 2002, which culminated in a failed attempt to oust President Hugo Chávez in April. After the attempted coup, Venezuelan society remained deeply polarized, political protests continued, and economic conditions worsened, leaving the country at risk of further violent conflict and jeopardizing democracy and the rule of law. The human rights situation was also marked by problems in the administration of justice, police abuses, and threats to freedom of expression.

HUMAN RIGHTS DEVELOPMENTS

Opposition to the Chávez government began to mount at the end of 2001, following the passage, by presidential decree, of forty-nine economic laws, including legislation covering land reform and tightening the government's control over the oil industry. On December 10, 2001, Venezuela's leading business association, Fedecámaras, led a one-day general strike to protest the new laws. Thousands of businesses across Venezuela, as well as the country's largest labor union confederation, the Confederation of Venezuelan Workers (Confederación de Trabajadores de Venezuela, CTV), participated in the strike. Members of the armed forces also began to take an overtly critical position; in February 2002, several high-ranking military officers called for Chávez's resignation.

On April 9, following labor disputes at Venezuela's national oil company, CTV and Fedecámaras called another general strike. Tensions increased when, on April 11, labor groups, business organizations, the political opposition, and members of civil society participated in a massive protest march to support the strike and to demand Chávez's resignation. Marksmen in civilian clothes in nearby buildings opened fire as some five hundred thousand people marched to the presidential

palace in downtown Caracas, where Chávez's supporters had gathered to oppose the march. Eighteen civilians died and more than 150 others were injured during the protest. Victims included both government supporters and members of the opposition, as well as a press photographer covering the event.

In the immediate wake of the violence, a group of senior military officers forced President Chávez from office. Pedro Carmona Estanga, head of Fedecámaras, acted briefly as the country's self-declared president. This rupture of the constitutional order gave way to a broader attack on the rule of law as Carmona dissolved the legislature, the Supreme Court, and the country's new constitution, which had been approved under Chávez in 1999 by a constituent assembly and a popular referendum vote. In addition, authorities conducted illegal searches and detentions of Chávez supporters during the days following the coup.

Street protests by Chávez supporters continued after he was removed from office, and rioting and looting occurred in the poor, western areas of Caracas. Some forty to sixty people were killed during this second eruption of violence. Most were believed to have been killed by security forces, including by the Metropolitan Police. Rapidly, military units also began to rise up in support of Chávez. Under mounting popular and military pressure, the short-lived Carmona government folded, and Chávez returned to power on April 14.

Although democratic institutions were restored, democracy remained at risk. Amid growing polarization in the military, further street protests, and the threat of more strikes, dialogue between the government and the opposition broke down, while Chávez continued to publicly disparage the opposition and the largely anti-government media. Sectors of the opposition continued to seek both constitutional and extra-constitutional means to oust him from office.

Street violence broke out again on August 14 when the Supreme Court, previously considered to be loyal to Chávez, voted by eleven votes to eight to dismiss charges against four senior military officers accused of plotting his overthrow in April. Chávez responded to the verdict by announcing that the judges responsible for the vote would be investigated for drunkenness and falsifying documents, and said he was considering reforms to the constitution. Meanwhile, opposition leaders advocated a referendum and the filing of criminal charges against the president.

In September, in an effort to block demonstrations, the government restricted freedom of movement in the areas surrounding six key military installations, a state radio, and a state television center, designating them as "security zones." The constitutionality of the move, based on a little-used 1976 law, was questioned by the opposition and human rights groups.

Anti-Chávez strikes and marches continued. On October 22, a group of fourteen military officers, including some generals and admirals, declared that they were in "legitimate disobedience" of the Chávez government and called on other members of the armed forces to join them. The generals said that they considered the square where they read out the declaration—the Plaza Francia, in Caracas's upscale Altamira district—to be "liberated territory." The opposition used the square for further protest activities, and began to collect signatures for a referendum to force Chávez's resignation. Meanwhile, more generals joined the group. On November 4, scores of people were injured, including an Ecuadorian cameraman who was shot

but saved by his flak-jacket, when pro-government demonstrators tried to prevent government opponents from presenting a list of referendum signatures to the National Electoral Council.

Human rights conditions suffered in this highly polarized environment. By early November, only four people had been detained in connection with the April shootings. Video footage taken during the protest march suggested that two members of the Metropolitan Police (under the command of an anti-Chávez mayor), one member of the National Guard, and at least eleven civilians fired their weapons. Most of the civilians were said to work for, or to have worked for, the Chávez government. Efforts by the legislature to establish a truth commission to determine responsibility for the April deaths stalled when government and opposition legislators were unable to agree on its composition and authority. A draft truth commission law proposed in May by a group of nine human rights nongovernmental organizations (NGOs) was weakened during initial deliberations in the legislature. Membership criteria were relaxed, and the powers of the proposed commission were reduced, casting serious doubts on its future credibility, independence, and effectiveness. By early November, the law had still not been approved.

This failure to make progress in investigating the April violence was symptomatic of endemic problems within the Venezuelan justice system as a whole. The attorney general's office and the judiciary—under-funded and inefficient—proved incapable of dispensing justice efficiently and impartially.

“Social cleansing”-type killings by police forces continued to be a grave problem, especially in the provinces. In the state of Portuguesa, a self-styled “extermination group” composed of off-duty members of the state police and National Guard was responsible for killing alleged street criminals and drug-users. In a study released in October 2001, the Human Rights Ombudsman, a state body charged with the promotion and defense of human rights, reported that a second extermination group had appeared in the state, and that these groups were believed to have committed 105 killings in Portuguesa in 2000-2001. They were reportedly financed in part by local storekeepers. Similar extermination groups were reported to be active in the states of Falcón, Yaracuy, Anzoátegui, Bolívar, Miranda, Aragua, and Zulia.

At this writing, fourteen policemen were in detention in Barquisimeto, state of Lara, facing charges for killings in Portuguesa. In most cases the judiciary either failed to detain and charge those responsible for killings attributed to the police, or trials were subject to excessive delays. Victims' family members and lawyers suffered death threats. Miguel Ángel Zambrano, a former inspector of the Portuguesa police who had carried out investigations into the activities of the death squads, kept receiving anonymous death threats by telephone, and was beaten and threatened by police officers who confronted him in person. Unidentified individuals he believed to be linked to the police shot at him twice, leading him to go into hiding. In Falcón, the state police commander lodged criminal complaints against people who denounced killings for “insulting the police.”

Prison conditions in Venezuela remained inhumane. Levels of inmate violence were extremely high, abetted by insufficient staffing and equipment, widespread corruption among guards, and the unchecked entry into prisons of narcotics and firearms. Five prisoners died and some twenty were injured during a May prison

riot in El Rodeo prison in Guatire. According to interior and justice ministry figures, there were eighty-four shooting deaths and forty-two stabbing deaths in Venezuelan prisons between January and May.

Although Venezuela's record on freedom of expression attracted a great deal of international criticism, there were some positive aspects: There was no censorship of print media prior to publication, journalists were not imprisoned, and the press was free to say what it wished. Indeed, much of the media clearly sympathized with the opposition, advocated opposition positions, and used bold language in criticizing the government.

Nonetheless, on occasion the government openly interfered with private television programming by forcing private media stations to transmit government-supplied broadcasts. This interference was particularly pronounced during the week of the failed coup, when the Chávez government repeatedly interrupted scheduled programming to air its views on the political situation. On April 11, the Chávez government temporarily halted the transmission of the main private television stations altogether.

State interference with private programming diminished dramatically following the events of April. However, as before, President Chávez launched regular tirades against members of the news media during his weekly *Aló Presidente* radio program, using strong and offensive language. Given the polarized political situation, Chávez's aggressive attacks on his press critics risked being interpreted by his supporters as an incitement to violence.

Indeed, local journalists did receive serious threats and, in some instances, were subject to violent physical attacks. At least twenty-five journalists sought protective measures from the Inter-American Commission on Human Rights. On February 21, Chávez supporters disrupted an anti-Chávez protest at the University of Venezuela (Universidad de Venezuela), reportedly attacking members of the press with sticks and stones, and injuring a journalist and a cameraman. Lina Ron, a prominent Chávez supporter who participated in the incident, was arrested and briefly jailed for her alleged involvement in the riot.

In addition, an unidentified assailant threw an explosive device at the offices of the Caracas newspaper *Así Es La Noticia* on January 31. Another unidentified attacker threw a grenade at the Caracas offices of the television station Globovisión on July 9. In the early morning of September 13, the station of Promar TV in Barquisimeto, was hit by fire bombs. Previously the station director had received death threats. Although no one was injured in these attacks, they caused material damage and intimidated employees. No arrests were made in connection with these incidents.

The Chávez government continued to undermine the independence of labor unions. New union elections held under the supervision of the National Electoral Council (CNE), a state body, occurred in the fall of 2001. On October 25, 2001, Venezuela's largest trade union federation, CTV, participated in the state-supervised election process and elected Carlos Ortega as its president. However, the CNE refused to approve the results of the election, claiming that there had been irregularities. Although the Supreme Court urged the CNE to make a final decision as to the election's legitimacy, by November it had not done so.

Applications for asylum by Colombians more than doubled in the first eight months of 2002, probably because of the breakdown of peace negotiations in neighboring Colombia in February. Most Colombian asylum seekers lived in complete economic insecurity and legal limbo. In October 2001, a new Organic Law on Refugees and Asylum Seekers entered into force, prohibiting the forcible return of asylum seekers until their applications had been decided, and establishing a National Commission for Refugees to consider asylum applications. By the end of October, however, legislation regulating the composition and powers of the commission had still not been approved, meaning that there was no body to process applications. In September, William Spindler, a spokesperson of the regional office of the United Nations High Commissioner for Refugees, said that more than a thousand refugees from Colombia were awaiting a decision, of whom about half had filed their applications in 2002. They included human rights lawyers and trade unionists who had received death threats from both paramilitaries and guerrillas.

DEFENDING HUMAN RIGHTS

Human rights defenders came under increasing pressure in 2002. In April and May, Liliana Ortega, executive director of the Committee of Relatives of Victims of the Events of February-March 1989 (Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989, COFAVIC), a respected nongovernmental human rights group, received threats via telephone and electronic mail. The Venezuelan authorities provided her and COFAVIC with police protection, and the attorney general opened an investigation into the threats. However, COFAVIC reported that little progress was made in this investigation.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

On April 15, in the immediate wake of the failed coup, U.N. Secretary-General Kofi Annan called President Chávez to express satisfaction that the restoration of constitutional order in Venezuela was underway. He appealed for national reconciliation and stressed the importance of maintaining an inclusive democratic system. As coup rumors intensified again in early October, the secretary-general issued a statement urging patience and moderation, and supporting international efforts to promote dialogue.

Venezuela was expected to defend its record in implementing the rights codified in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment before the Committee against Torture in May. However, due to the failed coup attempt, the committee granted Venezuela an extension until November. In previous reviews of Venezuela's record of compliance, the committee expressed grave concern with the high number of cases of torture and abuse in the country, as well as with the state's failure to bring those responsible to justice.

Organization of American States

The Organization of American States (OAS) applied the newly-created Inter-American Democratic Charter for the first time during the April political crisis in Venezuela. Approved by the Permanent Council of the OAS and subsequently ratified by the foreign ministers of OAS member states in September 2001, the charter was designed to protect democracy in the region. It codifies the OAS's power to suspend member states deemed undemocratic and sets up mechanisms for responding to coups and other threats to democracy.

As prescribed in the charter, the Permanent Council convoked an emergency meeting regarding the coup on April 13, following a request by Latin American foreign ministers. The Permanent Council issued a resolution condemning the alteration of constitutional order and stating that the alteration justified an application of the charter. The Permanent Council further resolved to send a mission headed by the OAS secretary general to Venezuela immediately to promote democratic normalization. At an emergency meeting of the General Assembly on April 18, the secretary general presented the findings of this mission, noting concern for the excessive polarization in Venezuelan society and the dangerous practice of political advocacy within the armed forces.

The OAS sent two additional fact-finding missions to Venezuela in 2002. First, the executive secretary of the Inter-American Commission on Human Rights (IACHR) of the OAS traveled to Venezuela in February to investigate the status of freedom of expression in the country. He expressed concern regarding the violence that had occurred against members of the media and noted that statements by high-ranking public officials against the media could lead to acts of intimidation or self-censorship. Second, the president of the IACHR led a mission in May to evaluate the human rights situation in Venezuela. Among other things, the president underscored the need for an in-depth, impartial, and objective investigation into the crimes committed in April.

Continuing to monitor democracy in Venezuela, the General Assembly of the OAS adopted a resolution on June 4, pledging to provide Venezuela with support to consolidate the democratic process and urging the Venezuelan government to accept OAS assistance in promoting national dialogue in its reconciliation process. In September, the OAS, the United Nations Development Program, and the Carter Center formed a tripartite group aimed at facilitating dialogue. Following a five-day visit to Venezuela, the group drafted a Declaration of Principles for Peace and Democracy, committing government and opposition to reject violence and seek peaceful agreement. By the end of October, the government and some opposition parties, excluding the two largest, had signed the declaration.

In August, the Inter-American Court of Human Rights ordered Venezuela to pay compensation amounting to U.S.\$1,559,800 to the relatives of thirty-seven people killed by security forces during a February 27, 1989 popular revolt, known as the Caracazo.

European Union

In May, the European Parliament adopted a resolution on the second Summit of Heads of State and Government of Latin America, the Caribbean and the European Union, expressing “concern over the events that took place in Venezuela in connection with the attempted coup d’état against President Chávez.” On October 8, the European Union issued a statement backing the mediating efforts of the tripartite group and the OAS secretary general.

United States

In contrast to the reaction of Latin American governments, the United States failed to immediately condemn the April coup as an interruption in the constitutional order. Rather, on April 12, in an initial State Department statement, the U.S. blamed the Chávez government itself for precipitating the coup, stating that “undemocratic actions committed or encouraged by the Chávez administration provoked” the crisis. But the next day, as the illegal actions of the de facto government continued, the U.S. voted in favor of the OAS resolution condemning the coup attempt. In September, amid further coup rumors, the U.S. embassy in Venezuela issued a declaration unequivocally stating its opposition to any illegal disruption of constitutional rule in Venezuela.

The United States also supported OAS efforts to mediate the political crisis in Venezuela. On June 3, at an OAS General Assembly meeting in Barbados, U.S. Secretary of State Colin Powell said that Venezuela should avail itself of OAS mechanisms to strengthen democracy.