

We all, in some occasion, have heard about a Human Right's violation case, case that we maybe don't know, but that not because of that dissappear. This time, that anonymous victims become visibles, with voice, with faces and a story to tell. Stories of struggle against impunity and fear; a tireless and worthy struggle for law enforcement and prevent oblivion cover the road to justice they deserve. "Rostros y voces de la impunidad" is the compilation of the experience of 15 women who, like many, have lost a loved one and not rest until they find the truth.



Government  
of Canada

Gouvernement  
du Canada



Rostros y voces de la impunidad

**ROSTROS  
Y VOCES**

de la impunidad

**(Faces and voices  
of impunity)**





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## Introduction

COFAVIC was born in Caracas, in early March 1989, at the doors of Bello Monte morgue, when several women, relatives of the victims of the Caracazo<sup>1</sup> realized that they were not suffering alone for the death of a loved one at the hands of the State security forces, that their pain was not exclusive. Many women had a similar history that united them as they took the first steps in the search of justice and the truth about those events.

Twenty-two years after the Caracazo, the pieces of the impunity puzzle are the same: women who refuse to stay quiet in the face of injustice, who decide not to suffer in silence and take on the cases of others as their own. These are women who relentlessly defend their story, the life of their families and their rights, without yielding one millimeter to impunity and find courage in the hugs and hands of those who assume the fight against impunity as a daily task without truce. This is the testimony that we want to present with this publication.

Two decades later, the stories of these women, 15 of which are part of this COFAVIC publication, but who are actually thousands, justify the very existence of COFAVIC, as well as other NGOs with a militant presence in the country, so that the defense of human rights ceases to be a mere proclamation and becomes a reality for all.

This publication by COFAVIC, prepared within the framework of the project “Fight against impunity in Venezuela”, with the cooperation of the Alboan Foundation and the Government of Navarre, was written and documented by Venezuelan journalist Maye Primera, who thoroughly compiled the voices and testimonies of each one of these stories. While developing the publication, these women were enthusiastically

<sup>1</sup> On february 27th of 1989, the incumbent Government announced a set of economic measures, and groups of persons in Caracas and its satellite communities took to the streets in protest, which deteriorated into plundering and a situation of social instability. The Government decreed a curfew that brought with it one of the strongest acts of repression that the people of Caracas have ever suffered in this contemporary period of democracy (begun in 1958). The official balance announced by the Public Ministry speaks of 600 persons dying during these events.

encouraged to give their testimonies with no restrictions, in a totally spontaneous and transparent manner, so memories and experiences could flow openly. They, the victims, give life to these stories. It is they who provide the evidence that reveals very serious situations, which should not be forgotten or undermined, much less remain unpunished.

This book is a compilation of testimonies from 15 women, and five articles by experts on the impact of impunity, and a series of recommendations and proposals for the eradication of this phenomenon. Each one of these stories has been formally filed with Venezuelan authorities. In each case there is at least one preliminary investigation at the Public Ministry; in some cases not even that, because the authorities “did not find sufficient evidence to investigate,” while others have been filed awaiting evidence that will never be sought. In a small percentage, there have been trials, although no judgment has been delivered despite the fact that many years have passed after the case was first reported; the accused still hold their positions within security agencies of the State to which they are assigned, and in some cases, they even have been promoted. In only one case a final judgment has been rendered, but in that same case, one of the accused escaped, and justice served has been as insufficient as the sentence issued as a punishment to the other defendant.

In all cases, however, we have witnessed prevailing threats and systematic acts of harassment against the women who now reveal their stories in this book. These women have spent years in courts and prosecutor offices without being heard, in a total state of neglect.

Ensuring that justice be served in all these cases is an urgent task for Venezuelan society and its authorities. Restraining impunity and violence is essential. The country must revalue life, truth and justice. That was, is and will continue to be the purpose of COFAVIC in Venezuela. Hopefully, the hands of these women, who today bravely denounce these actions and give faces and voices to their stories, will unclench relieved from impotence and distress, and will again weave their own dreams, rebuild their lives, and applaud their success.

With this publication, COFAVIC does not intend to exhaust the subject matter. Our goal is to contribute to a constructive debate on this delicate subject to raise awareness on the fact that human rights violations presented herein not only affect victims and their relatives, but are an insult to society and democratic values. For as long as justice is not served, criminals will grow stronger and indifference will worsen due to the climate of political polarization in the country. As a result, many of these heinous crimes continue to go unnoticed, while society remains unaware that violence and impunity may well become irreversible if we do not join efforts against them.

***Liliana Ortega Mendoza***  
***COFAVIC***

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It is always women who insist, who hope. In Venezuela, in over 80% of the cases, it is usually mothers, sisters, daughters, grandmothers, who fight for justice in the murder, enforced disappearance or torture of their relatives; crimes in which there is a suspected involvement of officers of security agencies of the State, and where impunity is perpetuated and multiplied. That persistence has stolen years of their lives and, in some cases, it has almost cost them their lives. The following pages are a portrait of fifteen such women, who have had the courage to live and tell their stories.

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Hilda Páez is the mother of Richard, killed 22 years ago, when he was only 17, by a rifle shot. It happened during the social uprising that paralyzed Venezuela between February 27 and March 3, 1989, known as the Caracazo, during which an undetermined number –maybe hundreds– of Venezuelans were killed. The relatives of these victims, Hilda among them, founded that year the Committee of Relatives of Victims of the events of February and March 1989 (Cofavic).

Inocenta Marín never saw her son Edgar after November 27, 1992 when, in the midst of a coup attempt, over one hundred inmates at the Catia Prison went missing or were killed. The only information about Edgar, who was serving a two-year sentence in that prison, was that he was shot in the head. Inocenta is still trying to find his body.

Eloísa Barrios has seen how her brothers and nephews have been killed one –sometimes even two– at a time. Between August 1998 and September 2010, six members of her family have been murdered and active officers of the Regional Police of the State of Aragua have apparently been involved in all cases. Not even the protection measures issued by the Inter-American Court of Human Rights in favor of this family have been able to bring security to the Barrios family. Alejandra

Iriarte did not know what happened to her husband, Oscar Blanco, after a group of the military arrested him and took him away in the afternoon of December 21, 1999. She tried to find him in morgues, jails and hospitals that were still standing in the state of Vargas after the landslide that devastated the central coast of Venezuela on December 15 that year. She did not find him and, one decade later, she keeps looking.

When Olga Laya de Nieto went to a hospital morgue in Caracas to claim the body of one of her children, who died in strange circumstances, she found the bodies of two of her boys, Yurmi and Rommy. They were both murdered in the early hours of April 12, 2002, but their death had nothing to do with the political convulsion experienced that day in Venezuela. Ten years later, the case has not even been to trial.

The father of Lianny Bordones, however, did die in the midst of the civil protest of April 11, 2002, which led to a coup the next day. Alexis Bordones was one of the first Venezuelans to be killed in downtown Caracas and the image of his body lying on the ground became a symbol of those events. But neither Lianny's insistence nor the public character of this case have helped to elucidate the circumstances in which he was killed.

Carmen Fernández also experienced the death of her son and of the only witness who dared to give a statement about the circumstances in which everything happened. She lives in Portuguesa: one of the states of the Central Plains, known as Venezuela's granary and one of the regions with the highest number of reported human rights violations committed by security forces. Just as the murder of Carmen's son, 19 similar cases have been reported between the years 2000 and 2003 alone.

Yelitze Moreno used to work as a human rights advocate in Machiques de Perijá, in western Venezuela, until August 23, 2003, when she became a victim after the attack where her husband Joe Castillo was killed, and where she and her one-year-old son were injured. That day, Yelitze had to leave her house and the city. Threatened as she was, she could never return.

Lesvia Carmona's son, Javier, was killed by mistake on August 1, 2003. The police were looking for the scourge of the neighborhood, who that night was dressed similar to Javier, in order to sentence him to death without trial. But they found Javier Pasero Carmona instead. Lesvia has tried everything since then to clean the image of her son. As part of this struggle, her family fell ill: she was diagnosed with breast cancer, from which she managed to recover, and her husband died of bone marrow cancer. Only one of the officers accused of killing Javier has been tried and sentenced. The other one fled the country.

Elsy de Álvarez also lost her son, on March 2, 2004. He was killed by a rifle shot in the back when he was watching, from afar, a street protest against the government taking place near his home. The authorities said that he had fired a gun, but six years later there is still no such evidence. Elsy is certain that the investigation of William's death has been hijacked by politics.

Esilda Ramírez's brother was a police officer. He was out patrolling the night of June 10, 2004, and was never seen again. She claims, and the evidence exhibited in the trial shows that his own fellow officers made him disappear, perhaps because he knew something that they wanted to hide. The death of her brother marked the future of Esilda, who was a housewife and is now studying to be a lawyer and find justice.

Ninoska Pifano believes in commitment. She has not lost any relatives at the hands of security forces of the State, but she has lost several friends, some of them human rights advocates just like her. Ninoska is the founder of the Committee of Victims against the Impunity of the state of Lara, which since 2004 records, denounces and monitors dozens of atrocities occurring in that region every month. And she knows that she is also a target.

Yajaira Forero's husband was put to the longest trial in Venezuelan history: it lasted three years and 13 days. And nevertheless, justice was not served. The Commissioner of the Metropolitan Police, Lázaro Forero, was sentenced to 30 years in prison for the deaths occurred at downtown Caracas on April 11, 2002, in the midst of the protest which led to a coup against the government of Hugo Chávez. Her husband, says Yajaira, is

blamed for giving an order to shoot, which is not proven by any evidence presented during the trial.

Luisa Viloría knew the story of her son: she knew he was a thief, that he had committed minor offences and should be punished for this. But she never thought that the punishment he would receive was to be executed, along with other four youths from the neighborhood in the midst of the events known in Caracas as La Vega Massacre. Of the five mothers of those boys, she is the one with the strongest persistence on claiming that justice be served by judges and not fingers on a trigger.

Wilmar Hernández's grandson did not have any outstanding accounts with justice, but he also, presumably, was killed by the police. His name was Esteban Javier Vargas, he was 17 years old and wanted to be detective. What saddens Wilmar the most is that they killed him twice: with bullets and with accusations of being "the scourge of the neighborhood" published against him in the newspaper the day after his death.

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They have seen everything, they have resisted everything. And their stories did not stop with these testimonies. While this book was written, many of them lost something. Lesvia Carmona lost her husband, who died of cancer; the man in the story on the death of her son referred to as Mr. J., was also killed, victim of crime. Eloísa Barrios lost another nephew: Wilmer Bravo, murdered on September 1, 2010. And in the state of Portuguesa, another woman who could be part of this book, lost another brother, who died just as the first: murdered, presumably by police officers; some years ago, she was also victim of an attack in her own house, and still fears for her life.

These pages honor the memory of all of them. But mainly, they honor these brave women. Their purpose is to prevent impunity from leaving us without voice, with fear and without memory.

*Maye Primera*

*Hilda Páez*

**Twenty-two years of impunity**



*Twenty-two years have passed since Hilda Páez lived the longest night of her life: March 3, 1989, the day her seventeen-year-old son Richard Páez was murdered during the repression prompted by the social uproar known in Venezuela as the Caracazo.*

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“You have heard about inflation, devaluation, free-market dollar; you have seen the country is in state of emergency, and it is necessary to take action. In order for you to understand this economic mess, we will explain to you what is happening. You will have to make sacrifices, too; say goodbye to your favorite snacks and start taking care of your things.” On Monday, February 27, 1989, the children edition of *El Nacional* newspaper wanted to warn their little readers about the effects that since that moment would be produced by the economic measures announced by the government of Carlos Andrés Pérez, which grown-ups had already started to suffer.

The idea was to explain to kids why dad looked so anxious and mom looked so desperate, why they came back from the supermarket with no milk, sugar, or rice, and why every Venezuelan newborn already owed one thousand dollars to the International Monetary Fund. “If you are reading this, you have to find a way to pay this terrible debt. You kids are in crisis, too (...) If you want to help, follow these recommendations.” Washing cars and carrying bags at the supermarket were cited as two reasonable options to make some money and help their families.

Ten days before, on February 16, 1989, the newly elected President had admitted there was a crisis: the international reserves were depleted, and the State had accumulated an external debt of 30 billion dollars. “Turning to the International Monetary Fund is not just an option, it is the only option”, stated President Pérez two weeks after taking office. The same day he announced the *paquetazo*, a set of measures that were to be taken by the country in order to be worthy of an IMF credit: exchange control, liberalization of lending and deposit interest rates, a price increase on all products, and –the spark that ignited Venezuela– a 30-percent increase in gasoline prices.

Early on Sunday before the measures were put into effect, food markets were full of people but short of food. One of the stallholders in a Caño Amarillo market hanged a sign on his chest reading “No milk”, which

saved him the trouble of explaining the same over and over again to the housewives who had waited five hours to buy two cans of cheap powdered milk.

On February 27, 1989, Hilda Páez had sent her two sons to school when the news started spreading about hundreds of passengers who were burning tires and buses in Guarenas. A few hours later, similar incidents broke out at the Nuevo Circo bus station on Bolívar Avenue; students of the technical college Luis Caballero Mejías were building barricades to demonstrate against the increase in transportation fares. The government-regulated fare went from 7 to 10 bolívares for the Guarenas-Caracas route, but the bus drivers were charging 12 bolívares and were not willing to accept the student preferential fare. The problems started in Petare, where Hilda lives. Demonstrators started burning and looting stores. This situation also spread to Valencia, Maracay, Ciudad Bolívar, Mérida and Maracaibo.

Metropolitan Police officers, who had gone on strike to demand a salary increase, were ordered not to intervene to avoid the arson or the looting. They were told to act only when “strictly necessary”. According to an *El Nacional* reporter who was in downtown Caracas during the demonstrations, the police had neither the instructions nor the will to act. “We have also been affected by the measures.”

Public transportation was suspended the entire day and by 8:00 p.m., thousands of city dwellers were still trying to get back home, walking through the smoke and the barricades all over town. In that moment, and with no signs of the President, the Minister of Internal Affairs, Alejandro Izaguirre, appeared on national television to say: “We reassert the will of the government to establish a dialogue. Nevertheless, we also reassert our strong will not to let this dreadful situation that has taken place and has affected Venezuelan citizens today to continue. The assaults, the looting, and the burning of automobiles and buses, robbery and violence are not part of the multiple expressions of a democratic society, and the government shall not tolerate this.” By that moment, Hilda’s sons had returned home in La Fila Street, Maca sector in Petare, where the family

lived by that time. “Soon afterwards we went to bed; we thought it was over, but...”

As soon as Carlos Andrés Pérez returned to Caracas from Barquisimeto, on the morning of the 28th, he saw from the car the broken windows and the much of the city reduced to rubbles. When he arrived at the Government Palace, he called the Minister of Defense and ordered: “Major General, mobilize the military.”

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When he finished speaking, Major General Ítalo del Valle Alliegro launched an Air Force-Army joint operation, under which fourteen military battalions were sent to Caracas from all over the country in less than 48 hours. Between the morning of February 28<sup>th</sup> and noon of March 1<sup>st</sup>, more than nine thousand eight hundred soldiers arrived at La Carlota Air Base on Hercules C-130 aircrafts and Sikorsky and Bell helicopters. These soldiers were carrying assault rifles and driving AMX-30 tanks in order to restore public order.

“All the security forces are working today on the streets to bring peace to all citizens, who for the second day are protesting against the increase of the transportation fares”, reported Paúl Esteban, a news anchorman on the morning edition of El Observador on February 28<sup>th</sup>. As the news was being broadcast, President Pérez promulgated decree 49, which until further notice suspended all constitutional rights to individual freedom, inviolability of the home, free passage, freedom of speech, and all the rights to peaceful gathering and protest. “The suspension—explained later the President to all Venezuelans—will allow us to act without the limitations of the regular legislation on the rights of the citizens. The suspension of the rights will also allow the National Armed Forces to regulate the curfew, to ensure the streets are calmed at certain hours. Thus, we will be able to control the situation.”

The riot squads of the National Guard and the Army squads had taken over all of Caracas west and southwest neighborhoods with the help of

the Metropolitan Police (PM), the Judicial Technical Police (PTJ) and the Direction of Intelligence and Prevention Services (DISIP). In places like El Valle, San Martín, Catia, Petare, 23 de Enero, Propatria and El Cuartel, a crowd of men and women rushed to the halfway open doors of the stores; first bakeries, supermarkets and butcher’s shops; then liquor, clothing and appliance stores. In every street there was a military convoy ready to stop the furious horde with bullets.

The smell of tear gas and burning tires and the sound of gunshots, police car and ambulance sirens filled the city. At the end of the 23<sup>rd</sup> Street of the Ángel Lamas neighborhood, the dead body of Alexis (no last name) was lying on a pool of blood with two gunshots in the back; you could see his right hand was reaching for a pack of butter. Not far, on the roof of a bakery, there was another nameless corpse that the police patrols had not removed.

By noon of February 28, there were countless casualties and injured. The Pérez de León Hospital in Petare was bursting with people looking for their relatives who had been shot at their homes, just as Richard Páez, Hilda’s eldest son, was murdered at 1:30 p.m. on Friday March 3, 1989.

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On Friday morning, there was a truce. After four days of riots and looting during which 28 neighbors died and 200 were wounded, housewives could finally go to the Petare square and buy some food. Out of the 400 soldiers and 350 Metropolitan Police officers who were stationed in the area, about ten were protecting trucks laden with potatoes, onions and tomatoes, serving an endless line of costumers. Others were patrolling the streets, checking people’s identity cards and inspecting their bags of food.

Hilda’s pantry was also empty; in that morning’s shopping at the square she could only buy some bananas and a couple of packs of cigarette, even though she was trying to quit smoking. After that, she walked back around La Gruperá bend, and then, she went up the 53 steps to her street,

La Fila Street. They actually built that alley, she and her family; her sisters-in-law and her friends lived in that alley. Her next-door neighbor is Leo, and then there is Marbelis, Toquito, Chichita, Justina, Adolfo and Yadira. Hilda had moved there when the area was just a bare mountain. She used to work as a kindergarten assistant and she was pregnant with José Luis, her second son; Alí, her husband, used to work as a mechanic a car shop. With some zinc sheets someone gave them, some planks and cardboard sheets they had brought from the banks of the Guaire River, close from their backyard, they built their first house. “We had a life, and we felt good with the few things we could get.” That afternoon, when Hilda came back from the market with almost nothing, did not have to be an exception. But it was.

Richard, Hilda’s eldest son, had been talking with his aunts and uncles. They say he was saying good-bye. The last house he visited was Leo’s. At 1:30 in the afternoon, he was in the backyard watching the kids fly kites on the roof. By that time, a Metropolitan Police squad began to shoot from what the neighbors call “the grupera bend”, towards the backyard, where Richard was shot. One bullet impacted his gluteus, went through his abdomen and stopped in his chest, before exploding inside his body. Six officers knocked on Leo’s door; they wanted to pick up the body. According to Leo, they first said they wanted to arrest a boy who was inside, then they said the boy was dead, that they had seen him fall from the rooftop and break his neck. The neighbors gathered in front of the house and started to ask “what happened?”, “Hilda’s son was killed”, the rumors began to spread, reaching also Hilda’s ears. “All I did was run... I ran and I threw myself on the ground at the end of the street. I didn’t even see him lying there because I said that couldn’t be my son.”

Richard’s body lay on Leo’s backyard until 6 p.m. Then, the medical examiners arrived and started to question witnesses and take pictures of the scene. His body was put in the back of a pick-up truck and taken away, no one knows where. Alí, Hilda’s husband and Richard’s father, tried to find him at the Pérez de León hospital morgue in Petare, which was packed with mothers trying to find their children’s bodies, but he did not find him. Furthermore, somebody stole the list with the names

of the deceased persons. The pictures of the officers who were working on March 3rd in the operation on La Fila Street also vanished from the Metropolitan Police files. “One agent who also lived in the neighborhood altered the evidence and we didn’t notice. I was so shocked by his death that it is only now that I understand what happened. I just remember it was the longest night of my life” says Hilda.

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The stench coming from the Bello Monte morgue invaded the malls and nearby homes. The scared neighbors were claiming the stink could cause an epidemic. Ramón Velasco, director of the Legal Medicine Division, was handling the criticism the best he could: “Just as a butcher’s shop smells like meat, the morgue has to smell like that. The smell of corpses does not go away. We want the media to help us spread the news so that the relatives can come and claim the bodies as fast as possible, we have no room left,” he said to reporters on Thursday, March 2<sup>nd</sup> as he walked quickly down the halls at the Legal Medicine Institute.

By 1 a.m., 214 corpses had arrived, plus 23 during the early hours of the morning. At Pérez Carreño Hospital in La Yaguara alone, there were 30 corpses to be removed but there were not enough vehicles. Moreover, on Thursday, the water supply was cut off at the morgue and as a result, all autopsies were suspended too.

Therefore, the Forensic Institute made an agreement with the funeral directors, to send their hearses to the hospitals, pick up the bodies, then stop at the Bello Monte morgue, where they could process the death certificates without much paperwork. The funeral homes were also so high in demand, that they offered a service called the “hospital-cemetery” mortuary package, without a wake, for half the price –for around four thousand bolívares. That is why during the early hours on Friday March 3<sup>rd</sup>, over 30 rotten corpses were removed from the morgue in a Civil Defense truck and were buried in a mass grave at the Cementerio General del Sur in La Peste sector.

On Saturday morning, when Hilda Páez arrived at the morgue to claim the body of his son, a dozen mothers, sisters and wives with handkerchiefs and masks, were upset about the disappearance of their relatives' bodies. Alí, her husband, had to enter the deposits and move the corpses around with his bare hands to find Richard among them. "Thank God at least I could find my son's body", says Hilda. The group of women who started gathering and protesting every day at the doorsteps of the morgue eventually founded the Committee of Relatives of the Victims of the events of February and March 1989 (COFAVIC). Many of these women could not retrieve the bodies of their relatives. "Our only choice was to demand justice, we couldn't just stay home, so we decided to come together and create COFAVIC. We felt we had to sacrifice our lives for our children. The people who died during the Caracazo were worthy human beings."

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From the morgue, Hilda and the other relatives of the Caracazo victims went to the streets and squares, demonstrating and telling everyone about the magnitude of the massacre that had occurred. Until that moment, the official casualty figures were at 276, and the government did not admit the existence of the mass graves. But during the first four days of the uproar, more than 300 corpses were brought to the morgue in Bello Monte. The workers at Cementerio General del Sur and neighbors of the area told the story of how trucks full of corpses drove up to La Peste escorted by soldiers and how they threw the bodies inside plastic bags in a large hole. After doing this, they covered the grave with cement and built a sidewalk.

The women of the COFAVIC put their best effort into finding out what was inside the mass graves. "There were many people missing, poor people. We had to go through many procedures to dig up the bodies from the graves; we went to the Ministry of Health and to the Ministry of Defense because the case file was under military justice. All the files were there and we worked very hard to make them public and processed by civil justice." Nevertheless, one year after the tragedy, even the media had neglected them.

On the first anniversary of the Caracazo, in April 1990, Hilda and the women of the COFAVIC decided to chain themselves to the doors of the Miraflores Presidential Palace in order to draw the attention of politicians and the mass media. "The police arrived, they started to throw tear gas bombs at us and I didn't know how to get out of the chains. But finally, it was all over the 12 o'clock news. People really saw the news." A few months later, the General Prosecutor Office issued the order of exhumation and the court set the date, November 26, 1990, to begin the process, to be conducted by the Argentine Forensic Anthropology Team, the same team that identified the mortal remains of Ernesto "Che" Guevara.

The women then moved to La Peste. First, they put up a tent and later built a house so they could "stay all day long watching over our dead relatives". "Our dead relatives", says Hilda, in plural, regardless of the fact that her son was not among the missing persons, but buried in a plot of municipal land in La Guairita Cemetery.

On November 28, 1990, two days after the exhumation, the first human remains appeared in lot number six at the Cementerio General del Sur. Out of the 130 corpses found, 68 were victims of the Caracazo.

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In 1995, COFAVIC started the procedures to file the case with the Inter-American Commission on Human Rights in order to denounce the violations of rights committed by the Venezuelan State between February and March 1989, during its attempt to stop the social uproar known as the Caracazo. After countless procedures, responses and retorts, on June 7, 1999, the IACHR brought charges before the Court requesting a statement declaring that the Venezuelan State had violated the right to life, individual freedom, personal integrity and the judicial rights of the 46 Venezuelan citizens who were victims of these events. Later, on November 11, 1990, the Court ruled in favor of the claimants and ordered to open a procedure of reparations and costs.

On August 29, 2002, the Court ruled that the Venezuelan State had to

pay the relatives of the victims a compensation for pecuniary and non-pecuniary damage. The State also had to cover the procedural costs in which the Committee of Relatives of the Victims of the Events of February and March 1989 had incurred. The Venezuelan State fulfilled its payment obligations. What Venezuela has not fulfilled yet, is its duty of investigating thoroughly the events that resulted in so many casualties, and of prosecuting and punishing the perpetrators. The State has neither found the missing people, nor established the proper guarantees so that such events never happen again.

Twenty-two years later, the only thing that Hilda Páez knows about the officer who allegedly murdered her son is what Leo, the only person from the neighborhood who was called for an identification parade, remembers: he was dark-skinned, tall and strong; nothing else. She is always amazed by what she has seen all this time: “It is incredible that we have been doing things for twenty-two years. Since we started this struggle, human rights have been constantly violated in Venezuela. We continue working on other cases. Nevertheless, since 1989, citizens started to protect their rights. Unfortunately, many things have happened ever since, but what we want is for people to become aware of them.”

In 2009, the General Prosecutor Office announced its will to continue with the investigations and ordered new exhumations in the La Peste graves. The remains were taken to the military facilities of Fuerte Tiuna for examination.

Twenty-two years later, the relatives of the victims are not yet allowed access to their case files, or to get a copy so they can be legally advised. There is also no access for international experts contacted by the families to take part of the investigation. The new official policy is that the commanding officers and soldiers who participated in the events in 1989, who are now high ranking officers, should find the “truth” about those events.

## ***Inocenta Marín***

**“All I want is my son’s remains”**



*For almost a decade Inocenta Marín has been demanding authorities to inform her about the whereabouts of her son’s body, Edgar Peña Marín, who was presumably murdered by security forces of the Catia Prison, during the coup attempt on November 27, 1992.*

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Water, a clean change of clothes, toothpaste, hot food. If Edgar was still alive he was going to need the same as any other living man at the Catia Judicial Detention Center. Water, a clean change of clothes, toothpaste, hot food. Maybe more, if he was lucky to be only injured. But with all the rush, trying—unsuccessfully—to find him at the morgue and hospitals, Inocenta could barely pack the four things she was carrying on her bag. And she left again for the prison to try to find out what had happened there five days earlier, on November 27, 1992, when dawn broke with a battle in the skies of Caracas and another in the hell that was Catia Prison.

At four in the morning on Friday, November 27<sup>th</sup>, a group of armed men took over the country's three television transmitting antennas, including the antenna of the State-owned network, Venezolana de Televisión. They started broadcasting a message recorded by the lieutenant colonel Hugo Chávez, who was at the time in prison at the San Carlos barracks. On the four-minute message, the commander of the February 4 failed coup attempt promised that this time “for now and forever” the tyrant Carlos Andrés Pérez would fall, a “patriotic junta” would take charge of the government and the ignominy that devastated the country would end. The recording was broadcast six times, during the two and a half hours that the rebels had the control of channels 8, 2 and 4. The broadcastings were interspersed with a speech by an officer—sleeves rolled up—cheering for the rebel group “Ezequiel Zamora” and announcing the victory of the “July 5th Movement”, unknown until that moment. Insurgents had also taken control over Maracay's Libertador Airbase and with it, over F-16, Mirage and Bronco aircrafts that bombarded La Carlota Airbase, the Disip (Intelligent Service) headquarters, Fuerte Tiuna (Military Base) and the Miraflores Presidential Palace.

At 7:20 in the morning, President Carlos Andrés Perez regained his power in front of Televen cameras to announce that half an hour earlier the troops loyal to his government had recovered control over the Armed Forces, and that soon they will also regain the media, that the Hugo

Chávez who was on TV was still in jail and harmless at the San Carlos barracks.

When Inocenta Marín turned on the TV at six thirty in the morning, she did not see Chávez or Pérez on the screen. She found the news that a pitched battle had broken out at Catia Prison, where her son Edgar had been imprisoned for two years, waiting to be tried for robbery. She stood still, like the picture of Chavez that still appeared without audio on Venezolana de Televisión, in front of the boiling water on the stove.

She does not remember when her legs walked down the eastern alley of the Mario Briceño Iragorry neighborhood in Propatria, to the main entrance of Los Flores de Catia Judicial Detention Center. What Inocenta remembers is that, when she arrived “there was a nonstop shooting, tear gas cans and Metropolitan Police water cannon trucks” repelling inmates' relatives so they could not get close. The street leading to the prison was filled with mothers, sisters and wives yelling the names of inmates and looking through the gates at the corps piled up on the prison yard, to see if they could spot their relatives.

The burst of machine guns coming from inside could still be heard, when the Metropolitan Police zone 2 commander, Rafael Barrios, informed the media that there had been a riot at the prison but that the situation was under control. On each window there were more hands than bars, holding banners made with sheets, saying what could hardly be heard at the distance and over the gunshots: “Call human rights, they're killing us”.

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There are two versions about the events of November 27, 1992 at the Catia Judicial Detention Center. They both end in the same way: with the Metropolitan Police shooting from the sentry box and some 63 inmates killed, 52 injured and 28 missing.

The shooters plead that prisoners were trying to escape. Survivors say that guards yelled ‘escape’ so they could shoot them.

The story of the 80 inmates of the observation block, where Inocenta's son Edgar José Marín was, starts at five in the morning. They all had their eyes on the TV where the faces of Hugo Chavez y Carlos Andrés Pérez alternated, when one of them informed the rest of the inmates with a scream: "the government fell!" Then a voice was heard "Go out, you are all free", say the prisoners the guards told them. Douglas Liscano, from block two, remembers that the policemen who opened the cells asked money from the inmates to let them go: "if the inmates paid, they would let them go. Those who didn't, were killed. Those who stuck their heads out without paying were shot in the head". A cellmate says that Edgar Marín did not pay, and the director of the prison shot him in the head, and that was the end of his story.

The testimony offered the next day by the Metropolitan Police to the press was that when someone shouted "coup", inmates took over sentry box number four. They killed the guard there and, armed with his machine gun, they subdued the rest the guards. The so-called riot was appeased in less than one hour, on Sunday, November 29th in the afternoon, when five hundred national guards commanded by the brigadier general Jesús Rafael Caballero, head of the Regional Command number five, took control of the prison. And at least general Caballero did not found the machine gun the Metropolitan Police officers were talking about: "We haven't found any firearms, except for one or two pipe guns. What we did seize was about 500 prison-made knives of different sizes, but no firearms", declared Caballero to the press the next day.

The only firearms were in the hands of security forces in charge of "restoring order". According to the report submitted fourteen years later by the Law and Order Squad of the Metropolitan Police before the Inter-American Court of Human Rights, 485 police officers were on the trench between November 28th and 29th, 1992, holding 126 firearms to control the riot. Autopsy protocols revealed that at least 63 inmates were killed and other 52 were injured, on the back and sides, with these firearms.

Another report filed with the court by Catia prison head of services determined that one day before the rebellion, on the morning head count

of November 26, 1992, there were 3,618 inmates in the penitentiary. On the next count, in the morning of November 30, 1992, after the search and confiscation performed by the National Guard, there were 2,540. About 900 inmates had been transferred to other prisons of the country. The difference is that undetermined number of deceased, injured and missing inmates hovering over the closed case files, which no court has still defined with certainty.

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It was not the tear gas what dispersed the mothers at the gates of the Catia prison at 10:00 .p.m. on November 27<sup>th</sup>. It was the rumor that dozens of inmates who were killed or injured were transferred to nearby hospitals and morgues. Many had seen how the guards piled up corpses on the aisles of several buses of the Ministry of Justice to take them to the morgues, already packed with all the people killed during the military rebellion.

With that information, Inocenta crossed the street separating Los Magallanes de Catia Hospital from the prison. When she got to the emergency room, she mentioned Edgar's name but no one knew anything about him. She went back home, and on Saturday November 28th, she went to the morgue of the Technical and Judicial Police's Legal Medicine Institute, in Bello Monte (Caracas) but her son was not on the list of deceased inmates provided to the pathologists. It was almost dusk when Inocenta took two buses to get to La Guaira Hospital, where she asked about Edgar in the morgue but they did not know anything, either. Meanwhile, the country was still in shock due to the second coup attempt against the government of Carlos Andrés Pérez.

Constitutional rights, such as freedom of movement, had been suspended. So Inocenta had to spend the night in La Guaira, walking between the hospital and the beach, until six in the morning, Sunday 29th, when the curfew was lifted and she could return safely to Caracas.

On Sunday, the National Guard had taken control over the prison. There were more lists on the wall. List of deceased persons. List of injured

persons. Edgar's name was still nowhere to be found. Waiting was the only advice a guard gave to Inocenta: Wait until Wednesday, December 2<sup>nd</sup>, the regular visiting day. Until then, there was nothing she could do. On Wednesday, Inocenta carried her bag with food, water and clean clothes for six hours on an endless line of relatives waiting to visit the inmates. While the slow procession moved, no other guard gave her information about her son. "Pants down, crouch down, shake and push", shouted, as usual, the policewoman who each Wednesday and Sunday was on charge of searching visitors. Carlos, her husband, who waiting on the men's line and had no packages to be checked, was allowed in before her. When Inocenta found him inside, one of Edgar's cellmates was consoling him, with his hand over Carlos's head. "What happened?" asked Inocenta. "Stay calm, ma'am," answered the inmate. "Your son was killed".

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Edgar could not be guilty, said Inocenta Marín, because he had served his country. Only one year before being accused of armed robbing a bus that stops at Propatria's block number eight, Edgar Marín had served his military duty at the barracks, not because he was drafted but because he wanted to. His recruit card said on the back: "Irreproachable behavior".

The day of the alleged robbery, Edgar paid a visit to Inocenta at her house on the eastern alley of the Mario Briceño Iragorry neighborhood in Propatria. He was wearing blue overalls with glue stains, because a few days earlier he had gotten a job at a footwear factory. Less than an hour after saying goodbye to her mother and leaving, a neighbor knocked at the door: "Your son was arrested in a bus and taken away", she said to Inocenta. He was accused of robbing a passenger.

Edgar was in solitary confinement for fifteen days at the Judicial Technical Police headquarters in Propatria. Then, he was transferred to the observation block of the Catia Judicial Detention Center, where he was imprisoned for two years without trial: a forty-square-meter room, no toilet, where over eighty alleged criminals waited for months, years, for a judge to rule whether they were guilty or not. The prison—which

consisted of one small two-story building for administrative offices, two five-story towers with cells, a workshop area and a cafeteria—was originally built for 600 inmates, and after it was remodeled, it could accommodate 900. But in 1992, there were more than three thousand inmates living there, in an average 30 centimeters per person, which they had to share with garbage, sewage, feces, flies and worms. Authorities did not know exactly how many men they had put behind those bars, much less what their legal situation was.

At that time, Inocenta Marín worked as a street vendor on Catia Boulevard: she sold corn flour, beans. "She made the money to bring food to Edgar on the weekends". But she never made enough money to afford a lawyer. Edgar José's source of food and defense was Inocenta, and nothing else. "She went through all the procedures at the courts, prosecutor offices", remembers her husband, Carlos Barreto. Public attorneys had too many cases piled up on their desks to take care of this one.

One day, someone gave hope to Inocenta, telling her that her son could be brought to trial, after one and a half years in prison. "There was a guy who told me that Edgar was going to be released, but I had to pay him some money and he had to confess to the armed robbery. That is what my son told me, that when someone goes to jail for the first time they always tell him the same: 'say this and that and you'll be free'". The alleged cost of Edgar's freedom was 300,000 bolívars, more than 20,000 dollars at that time, too many months' worth of work.

"Since I didn't have the money, I borrowed it. When you are new at these things you find a way to pay the money and maybe that money doesn't go anywhere, maybe the guy that got it didn't even move the file. We live in a world where people take advantage of circumstances". At least on Edgar's case, the status of the case file remained unchanged.

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Whether Edgar is dead or alive, seventeen years later, Inocenta does not know. But she has her suspicions. His legal status on the case files on

the Catia Prison massacre, covered with dust at the General Prosecutor Office is “missing”. What Inocenta knows for sure is where he is not.

After visiting all the morgues in the metropolitan area of Caracas on the days following the massacre, and searching Edgar—to no avail—in the prison cells, Inocenta received a phone call. “We have news about the boy, he was found and he’s dead,” said a voice on the other side of the phone, calling from the General Prosecutor Office. “But there is even worse news—continued the voice—the body was buried today, at two in the afternoon”.

They gave Inocenta the address of the San Pedro de los Altos cemetery, a few kilometers away from Caracas. She and her husband found the grave, but did not receive any information, no sign that Edgar José was buried there. On Tuesdays, the couple tried their luck on the morgue of Victorino Santaella Hospital in Los Teques, which kept a record of all the names and photographs of all the inmates buried in San Antonio de los Altos. “Are you prepared for what you are about to see?” asked the pathologist before showing them one by one the pictures of the corpses that were delivered to the morgue in an already advanced state of decomposition. “Despite the state of the bodies, you know your family, and Edgar’s picture wasn’t there”, still maintains Edgar’s stepfather, Carlos Barreto. “Since then, this has been an odyssey, especially for my wife”.

Inocenta doesn’t know what to think. “I don’t know if he’s buried there or if he was swept by the Guaire river”, she says, because many of the inmates’ bodies were thrown to the sewage gutter behind the south wall of the penitentiary. In the last 17 years, she has exhausted all search methods, for her son’s body and for justice. She does not remember to how many prosecutors have worked on her son’s file or how many hours she has had to wait to be heard at the courts.

The case represented by Inocenta Marín, and 37 other families of Catia prison inmates, where filed in 1996 with the Inter-American Commission on Human Rights. Eight years later, in October 2004, the Commission

declared the claim admissible, which was brought in 2006 to the Inter-American Court. It was not until July 5, 2006 when the court ruled in favor of the relatives, proving the responsibility of the Venezuelan State for the deaths occurred at Catia prison on November 27, 1992. In their ruling, the Court urges the State to take all the necessary actions to identify, prosecute and punish all people responsible for the violations committed that day, and to undertake all actions necessary to locate and deliver the body Edgar Jose Peña Marín to his relatives.

This and other rulings from the Court have not been observed by the Venezuelan government, who Inocenta holds accountable for everything that happened. “First, my son was taken away from me by the government when he served his military duty for two years, and then they took him away forever, because my son was killed by the government”. But Inocenta chooses to insist: “Not insisting would be a mistake. I must insist until the last consequences, to see what comes out of all this, because if we can find who is responsible, we are preventing this from happening again. I’m only waiting for the day when they say ‘these are the remains of your son’ and that they give them to me for a proper burial, so he can rest in peace”.

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## ***Eloisa Barrios***

### ***The six deaths of the Barrios family***



*Six of Eloisa Barrios's brothers and nephews were murdered between August 1998 and September 2010: Benito, Narciso, Luis, Oscar, Rigoberto and Wilmer. They were allegedly executed by officers of the State of Aragua Regional Police. She and the rest of her family are still under threat.*

The Barrios had resigned themselves to the idea that on August 28, 1998, one of the family members was going to die. At 4:00 p.m., the father of twelve children fell into a coma, after several days of agony caused by an illness that caused water to accumulate in his lungs. The doctors called everyone to come to the hospital, thinking that the patient would not make it through the night. Only Benito Barrios, the fifth brother, stayed home, taking care of the children and his mother, who lived a few houses down the street. That night, for reasons nobody can remember anymore, four police officers arrested him and then killed him. His 76-year-old father lived four days longer and never heard a word about his son's death. He also never knew that, from that moment, and for the next twelve years, six of his children and grandchildren would be killed in the same way, one after the other.

“My father did not die that night”, says Eloísa Barrios. “And all my brothers went back to town, to Guanayén, because my mother went to the hospital very early in the morning and told one of them: ‘Benito was arrested last night, you have to go back there, to Barbacoa, to get him back’. They all went back, and when they arrived at Benito's house, a hearse driver was already there, saying that someone from the family had to go identify the body, because Benito was dead in the Barbacoa Hospital”.

Eloísa Barrios is the oldest woman in this family of twelve siblings. She has four children, she is divorced and she used to work as a hairdresser. She quit that job because of the promise she made to each and every one of her dead family members, that she would search for justice on their behalf, and in that search she missed several days of work. Now she makes a living out of manufacturing furniture made of fabric that she sells for less than 50 dollars in a traffic circle in Maracay, a city two hours away from her hometown, Guanayén and one hour away from Caracas. She does not make a lot of money with her new job, but she has enough time to go from one office to another every week, asking the authorities to investigate the murders of her brothers Benito, Narciso and Luis, and

her nephews Oscar, Rigoberto and Wilmer, all of which occurred between 1998 and 2010.

—Here is the thing: when I first started the procedures to procure justice for the death of Narciso, the second of my brothers to be killed, I never imagined that the others would all fall right in front of me. I thought all I was doing would protect my other brothers, but after a while I started to believe I actually made things worse. After Benito’s death, I didn’t do anything because there was really nothing I could do. I had no idea of the procedures I had to follow. Then, when Narciso died, we started the procedures. If the authorities had actually punished the offenders as they should have, the other deaths would not have occurred. With the criminals behind bars, paying for what they did, the others would not have dared to go that far. But the murderers are still doing it. With the exception of the Barrios, the dozens of families of the state of Aragua victimized by these people, are now more afraid to report them to the police.

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One time Benito got into a fight, in which not only fists were involved, but also broken bottles. His opponent was badly injured and Benito was sentenced to serve two years in prison. He did his time, but when he was released, the police did not stop chasing him: every once in a while he was arrested, beaten up and then released again, without further procedures or charges against him. August 28, 1998 was the last time they arrested him.

Jorge Barrios—the older of Benito’s two children—was 9 years old at the time, and he recalls that everyone at home was asleep when six officers of the Aragua Police came into the house, beat up and handcuffed his father in front of the family. Jorge tried to scream, but one of the agents covered his mouth. After he let him go, he ran to his grandmother’s house to tell her what happened. When he returned, they had already taken Benito. It was about 2:00 a.m.

The next morning, Eloísa went to the morgue of the Barbacoa outpatient clinic to identify the body of his brother: he had two gunshot wounds, one in the chest and one in the abdomen. He was battered and bruised and his body was covered with dirt, signs that he had been beaten up and knocked to the muddy ground. The driver of the hearse, who knocked at the Barrios’ door first thing in the morning, said that Benito passed away at 6:00 a.m., as soon as he was taken to the hospital.

Eloísa visited first the newspapers of Maracay, Aragua’s capital city, to report what happened. She then went to the state’s Legislative Assembly. Next, she went to the Department of Internal Affairs of the Regional Police. Then, she went to the Main Office of the Public Prosecutor in Villa de Cura, a neighboring town. The journalists, congressmen, police inspectors, prosecutors, all listened intently and took note of her statement and her family’s. But after the first year, not one of them, not the journalists, or the congressmen or the police inspectors or the prosecutors did anything. They did not investigate any further.

—I kept going to the General Prosecutor Office, hoping they would give me some answers, and then one day the prosecutor handling the case told me she had transferred the case file to a court in Maracay. I did not know much about the proceedings that needed to be fulfilled, and she practically left me with my hands tied. She said: “Go and look for the file, see how it goes”, without giving me a number or anything. When my second brother, Narciso, was murdered, I contacted Mr. Luis Aguilera, from the Justicia y Paz organization, and he advised me on what I had to do.

Narciso Barrios was murdered on December 11, 2003, five years and four months after Benito. His family says that Narciso tried to stop three state police officers from arresting two of his nephews that day, in the middle of a raid: Jorge—Narciso’s oldest son, 15 at the time—and Oscar—the son of his sister Elvira, 16.

—He went running after the police, they were taking about 12 boys arrested, on foot. When Narciso caught up to them, he yelled: “Let them

go and take me instead!” That’s when the cops shot him. They shot every bullet in every gun they had on them, in front of everyone. He dropped dead on the garden area of the liquor store, and even after he fell to the ground they kept on shooting him. All the boys they had arrested ran off. Narciso Barrios was 23 years old and had two children. His body, with nine gunshot wounds, was taken directly to the morgue of the CICPC (Forensic and Criminal Investigation Agency). According to the statements of the Barrios family given at the Prosecutor Office, two weeks before his death, he and his brother Luis Barrios had a brawl with the regional police, which ended up with the raid of the homes of their sisters Elvira, Brígida and Justina.

They knocked down the doors of Eloísa’s house, and as shown in the records at the Public Prosecutor Office, the policemen took all the appliances they found: the TV, the blender, the iron, the fan. They did the same thing at Justina and Elvira’s houses. In none of the cases the officers had a search warrant.

Luis’s house was also raided and burned down, and a few months later, he was also killed.

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The night of September 20, 2004, Luis Barrios was awakened by the sound of rocks hitting his roof. He went out to the courtyard with his wife, to find out what was happening. They did not see anything and went back to bed. They heard the noise again. Luis went back out, this time by himself, all around the house, and when he was in the yard—a witness recalls—he was shot by three hooded men. The first shot, which killed him on the spot, was made with a shotgun and hit him right in the head. The other three bullets that hit him came from a revolver.

—At the time, we could not identify the killers, but Luis had been previously threatened. Even the police officers involved in Narciso’s death had told him several times that if they saw him around they would kill him. They had it against the family, against the men of the family,

particularly. Ever since Benito’s death those officers took it out on the other brothers who were still alive and on the nephews. The reports of all those threats are at the 20th Prosecutor Office of Maracay, which was handling of the cases of Benito and Narciso’s deaths, and then Luis’s, says Eloísa Barrios. Next on the list was Rigoberto Barrios, Eloísa’s nephew, son of Maritza Barrios. He was 16 years old when two armed men stopped him on January 9, 2005 and shot him eight times. His girlfriend, Carolina Martínez, was with him at the time and told the prosecutor that one of the men asked her to look down and pointed a gun at her; the other man asked Rigoberto what his name was and said: “Don’t run away, we’re from the government”. Then he ordered the girl to leave the place. She heard the gunshots from the distance.

Rigoberto survived the injuries for eleven days. Before dying, on January 20, 2005 in Maracay Central Hospital, he said he recognized one of his attackers: he was an active officer of the Aragua Police. According to Rigoberto, the cause of the attack was related to a complaint filed a year ago by his aunt Eloísa with the Prosecutor Office, stating that he had been arrested and savagely beaten up by a group of police officers. Just as his uncles Luis and Narciso, Rigoberto had been the target of death threats.

—Rigoberto was arrested once. They took him to a river and shot a revolver close to him, five times. This caused him an ear bleeding. They cut his hair with a knife, they punched him, they even put his head in the toilet. That’s what those officers did to those kids. I took him to a forensic doctor and everything. After I filed the complaint, every time the officers saw Rigoberto, they would catch him and beat him up, says Eloísa.

Rigoberto and his cousin, Oscar Barrios—son of Elvira Barrios and Eloísa’s nephew—were both recipients of provisional protective measures granted by the Inter-American Court on Human Rights. They both witnessed some of the abuse committed by the regional police reported by the family, and their lives were presumably in danger. The Court was right: on November 28, 2009, Oscar was the fifth member of the Barrios family to be murdered by alleged police officers. He was 22 years old and

was killed in the same way that his uncles and cousins: two hooded men dressed in black, shot him with a revolver and a shotgun.

—Oscar and his mother (Elvira) had already left town and were living in Valencia. The day he was killed, he was in town for a visit. When he lived in Guanayén, he used to play soccer and the boys from his team had a game that day and invited him to play. So he went to play and when he was leaving, he met an old friend, who practically grew up with him. Just then, those men appeared out of nowhere and started shooting. They killed him and the other boy, says Eloísa Barrios.

The other boy was Eduardo Martínez and was born the same day as Oscar: July 23, 1989. They were born and died the same day.

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On September 1, 2010, the sixth member of the Barrios family was murdered: Wilmer Bravo, son of Maritza Barrios and brother of Rigoberto. He was riding his motorcycle, just entering the town of Guanayén, when two men with their faces covered with T-shirts blocked his way. They forced him to kneel down and then they shot him in the back and neck with a shotgun. His brother Caudy, upon hearing the shots, ran to his aid. But when they finally made it to the nearest hospital, Wilmer was already dead.

Nobody knows exactly who killed Wilmer, but the Barrios do know that the officers they suspect are responsible for the deaths of Luis, Rigoberto and Oscar, are still active in the Aragua Police. They know their names, they run into them on the town streets, and every once in a while, one of them directs a threat to the surviving family members.

One of those police officers was hanging around Eloísa's house on November 29, 2010, the same day the family had gathered to commemorate at mass the first anniversary of Oscar's death. It was a bad omen for the Barrios. In less than a week, another member of the family was attacked.

Néstor Caudi Barrios, son of Maritza Barrios, was no longer living in Guanayén, as he left town to escape the violence against his family. But on December 31, 2010, he went back to celebrate New Year's. He was parking his motorcycle in front of aunt Eloísa's house, on January 2, 2011, when men on motorcycles, their faces hidden under their helmets, approached him and started shooting at him. Eight gunshots were fired, from a revolver and a shotgun.

Néstor let himself fall down, did not move, and his attackers thought he was dead. When his family found him, his left arm was shattered. They took him to the hospital in San Juan de los Morros, where, until May 2011, he waited for the supplies and the money necessary for his operation, which never came. If Néstor does not undergo the required surgery soon, he risks losing his left arm.

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The Barrios family file, sitting at the 20th Prosecutor Office of Maracay, is far from being closed; instead, new pages have been added and has been gathering dust for years. Out of the six murders committed against members of this family, only the one of Benito Barrios has been taken to court: the prosecutor accused four officers of the Aragua regional police as responsible, but 13 years later, the preliminary hearing in which they should be indicted for trial, has not taken place.

“Benito's case has been stuck there for years, in the Courthouse. It is already in stage of trial, but they always send out the subpoenas but then the hearing is rescheduled. I think they have already rescheduled it more than twenty times”, says Eloísa.

Eloísa had previously been warned, when she decided to search for justice for the dead, that she needed to be patient, that it would be a long process.

But nobody warned her about the consequences that her determination would have on her and her family. Apart from the murders, Eloísa and

her sisters have been forced to leave town to try and escape the chase. Eloísa moved to Cagua, a town one and a half hours away from Guanayén, but even there she was subject to the harassment of the regional police. A couple of years ago, one of her children, Víctor Daniel, was arrested for alleged drug possession and sent to the Aragua Penitentiary Center, a prison for common offenders, known popularly as the Tocarón prison. After 45 days, they did not find any evidence against him, so Víctor was released. After this incident, Eloísa's son moved to a third city in a different state, to avoid another murder out of revenge. Eloísa has also considered leaving the state, but she has not done it: leaving would mean being away from the Prosecutor Office and the courts, and maybe losing a decade of legal proceedings.

—Now that I've been doing this for years, I can understand why so many people, when they kill their relatives, would rather keep quiet, and not do anything about it. When you are in the search for justice, the only thing you find is more humiliation. How many times have I been walked over when I have to talk to a prosecutor or with the CICPC officers? Every time I go to a hearing by myself they do whatever they want with me. My mother is always telling me to be careful, that I should not go alone. But I keep going anyway. I can assure that pain and impotence and rage take the fear away.

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As this text was being printed, the Barrios family suffered the loss of yet another member. Juan José Barrios was murdered, presumably by officers of the Aragua Police on May 28, 2011, one week before the hearing at the Inter-American Court on Human Rights.

*Alejandra Iriarte de Blanco*

### **The distress of not knowing**



*Ever since December 21, 1999, Alejandra Iriarte de Blanco has never stopped looking for her husband. Oscar was seized by Disip officers amidst the flooding in Vargas state. She is certain that he did not disappear. They made him disappear.*

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When she could not walk any longer, she settled at the beach or where the beach used to be. The tragedy gave the coast of Vargas a new topography. She went there to see how “rockers” finished sketching the landscape. They called rockers the huge trucks that piled all the debris left by the mudslides of December 15, 1999: rocks, fallen trees and corpses of thousands of missing persons dragged by the waves of mud that came sliding from the mountain. With a little bit of luck, Alejandra might find the body of her husband amidst the debris.

Oscar Jose Blanco Romero did not disappear. They made him disappear. The police made him disappear. His wife Alejandra Iriarte does not know why or how. There are hundreds of versions of the story. They all begin at 2:30 in the afternoon of December 21, 1999, when a group of soldiers opened fire on the door of their unidentified house on Alberto Lovera Street in Valle del Pino neighborhood.

Alejandra learned later on that the soldiers were troops of the Paratrooper Battalion of the Army. They were searching for weapons, drugs, money or stolen home appliances.

The military took control of the security in the state of Vargas on December 18, 1999. Three days earlier, a river of mud, trees and rain ran from the Avila mountain range towards the Caribbean Sea. It buried two thirds of the state and a large part of its population. By then, there was no food, roads nor electricity. In the midst of shortage and darkness, houses and stores that were still standing were looted. There were also rapes and murders. The Battalion troops arrived to “bring order” to Vargas. They searched for things and potential criminals in shacks. In a house made of scrap metal sheets and clay bricks, two TV sets, two fridges or two microwave ovens meant the second set of appliances was stolen, and the owner of the house, thus, a thief. After this instant trial, soldiers fired their guns on the appliances, threw the remains down the mountain and arrested anyone who looked like a “suspect”.

It happened in Oscar and Alejandra’s house. There were no two sets of stuff, but they tore everything: apart: furniture, walls, shelves, the gifts for the kids, and clothes they had packed to spend Christmas away from the disaster zone. They were leaving that afternoon. “Tear all that shit!” Alejandra heard Lieutenant Ventura say. Lieutenant Ventura was in charge of the operation according to a ruling of the 3rd Court of First Instance of the Criminal Judicial Circuit of the State of Vargas. It was dated August 14, 2009, and was repealed by the Criminal Cassation Chamber of the Supreme Court of Justice. It was then revised by the Constitutional Chamber, ordering a new trial.

“His name is Federico Jose Ventura”. She won’t forget it. The whole family was at home that day. Grandma Prudencia, Oscar and Alejandra, and their four children who would not stop crying. They were twelve, seven, six and two years old. “Tell them to shut up!” the lieutenant yelled at Alejandra. She took them all to a neighbor’s house. She kept hearing shots as they went down the stairs. Oscar stayed with the soldiers. At 5:30 p.m., a soldier came down looking for her. Some 20 soldiers had torn down their house. Now six officers of the Direction of Intelligence and Prevention Services (Disip) had joined them. They wore gray camouflage uniforms and winter masks. They took control of the operation. “They came looking for me to get the house keys. Then, they took Oscar away. The only thing he said was: ‘Watch out, honey’. That’s it. I asked the officers where they were taking him and they said: ‘We might let him go in a while. We are not arresting anyone’. That ‘while’ has been ten years and I still haven’t found Oscar”.

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Rockers were paid per each trip to the beach. The more trips they made per day, the more money they got. It was simple. Alejandra knew them all. She sold lunch to them. If they noticed an arm, a leg or a body among the debris when they emptied the truck, they were not going to stop and wait for the forensic detective. There were corpses everywhere. Neither the police nor the firefighters had the strength to go out, collect the bodies and determine a cause of death which seemed obvious.

Alejandra did have it. They would let her know. “They found bones over there”. She would go and take a look with the scrutinizing eyes of a wife looking for her husband. Oscar was wearing few clothes when the political police took him away: a pair of shorts and a t-shirt. But she was certain that she would recognize his husband’s remains even without the clothes.

Alejandra’s search began the second day she woke up without Oscar. December 23, 1999. She woke up and started walking among the dead, sinking in the mud. “I could see the blood draining from houses and destroyed bodies”. She lit the way with a candle or a flashlight. She walked for hours and months. The rain moved away places that used to be close. What used to be a few-minute drive was now a several-hour walk. Someone told her about a house, a makeshift command post, that no one knew for sure where it was but that was where they kept the detainees. She searched all the way from Los Corales to Tanaguarena. She would whistle and yell but she would not find either Oscar or the address. On the 24th, she tried again. She tied a rope around her waist to cross the river. She almost drowned. “I sank. I couldn’t get out until somebody pulled me out with a log”. Covered in mud and with blood on her feet, she arrived at the Army camp. A very kind sergeant looked him up on a list. He could not find her husband’s name. He told her that Disip officers were in charge of the arrests. She could find them in the Caraballeda golf courses, half an hour away. He sent her away within five minutes.

-Ma’am, what are you looking for? a Disip officer asked her half an hour later.

-A detainee taken from Valle del Pino on December 21st. Look at the date and I still haven’t found him.

-There are no detainees here. They let all detainees go. Go and ask at...

Alejandra walked towards Maiquetía International Airport in the opposite direction. There was another command post, a makeshift morgue, pictures of unclaimed bodies buried in a hurry, and a list of detainees with many names but Oscar’s. A Disip officer called her: “Alejandra”. She turned to look at him. He gave her half a smile and said: “I wasn’t talking to you, ma’am”. She still thinks he knew something he

didn’t want to tell her.

The rocker’s money was also Alejandra’s. The Vargas tragedy left her without Oscar. She didn’t have a job. She had four children and 30,000 bolívares in her pocket. “You have no idea what I did to make ends meet”, Alejandra says as if there were a math formula to make less than 30 US dollars enough to support a family of six for at least a week. Oscar was the only breadwinner in the family. He sometimes worked as a mechanic and sometimes as a plumber. “Go hungry? No, we never went hungry. Everyone helped me. My brother and I sold empanadas and juices at the beach. Then I started selling lunch to the rockers. It wasn’t the tragedy that took everything from us. It was them”.

When she talks about ‘them’, she refers to the military, to the Disip, who, ten years later, still won’t tell her what happened to Oscar. She refers to the people who left no record that Oscar Jose Blanco Romero was arrested at home on December 21, 1999, at 2:30 p.m. She refers to those who allegedly found drugs, a gun, and three million bolívares in cash, jewelry, and mobile phones in Oscar’s house, that were never presented as evidence before a judge. She refers to the people who won’t admit having participated in the operation.

There is no record stating where Oscar was taken by the police. During the trial that finally took place in 2009, Lieutenant Federico Jose Ventura Infante, commander in chief of the military commission that detained Oscar, regretted the slight mistake. He said he knocked down the door of the Blanco Iriartes because the neighbors informed them that in that house people were “disturbing public order”. It was getting dark and the way back was dangerous, so he was in such a rush that he did not leave any record. “We were told about a person committing crimes in the area. The neighbors pointed at the house. We went in and noticed all kinds of looted home appliances. We found almost three million bolívares and drugs. Within 15 or 20 minutes, a group of Disip officers arrived, and we handed over the operation to them but did not leave any written record. (...) We did not have the resources for that kind of procedure back then and we wanted to leave. From experience, now I know how important it

is to hand over an operation with a written record, even if you write it on a napkin”.

During the trial hearing, Ventura recognized the Disip officer to whom he had handed over the operation: “He is in this room”, he said, pointing at Captain Casimiro José Yáñez among the attendees, as stated in the ruling of the Third Court of First Instance of the Criminal Judicial Circuit of the State of Vargas, dated August 14, 2009.

Yáñez was a deputy captain during the Vargas tragedy. He was the commander in chief of the Disip group that was handed over Blanco by Lieutenant Ventura. He was promoted as he remained active in the service. The court accused Yáñez of enforced disappearance of persons, and Captain General Justiniano de Jesús Martínez of covering up the crime. Justiniano de Jesús Martínez was in charge of all the operations carried out by the political police in Vargas State during the tragedy. The trial for the disappearance of Oscar Blanco and Marcos Monasterios—another detainee of December 21, 1999—began in December 2004. Casimiro Yáñez was the first one to testify.

-Do you remember carrying out any important operation between December 19<sup>th</sup> and December 27<sup>th</sup>? the prosecutor asked.

-There was no important operation. I never did any important operation. I only... went to the golf course that morning because that’s where helicopters arrived to take the injured.

-So you didn’t arrest anyone during that period?

-No, never.

However, the court handling the case ruled that he had. According to the testimony of three witnesses, Casimiro Yáñez was the commander of the Disip squad that took Oscar Blanco and Marcos Monasterios into custody before they disappeared. They did not find any evidence to convict Justiniano Martínez. That’s what the ruling reads, which was issued by the court ten years after the crime was committed and five years after the trial began. The ruling also reads that Casimiro Yáñez was sentenced to 15 years in prison. But he never went to prison. On

April 13, 2010, the Court of Appeals of the Criminal Judicial Circuit of the State of Vargas overturned the decision at the request of Yáñez’s defense and the Public Prosecutor Office arguing that the sentence did not have sufficient grounds. Therefore, the court ordered a new trial with a new judge, and that Yáñez be released on the condition he did not flee the country.

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They would not stop watching her. If Alejandra went to the river to wash her clothes, they were there. They would patrol the neighborhood in silence. They never threatened her but never stopped following her. They were not Disip officers. They were officers of the Direction of Military Intelligence. They said they were investigating Oscar’s death and the death of two dozen men that disappeared during the Vargas tragedy under the same circumstances. The news of the deaths made many newspaper headlines. President Hugo Chávez denied and criticized all of them. Alejandra visited hospitals, morgues and the prosecutor office hundreds of times. She was never given an explanation. On the contrary: all the way from the President down to all other officers, they all asked her, her relatives, journalists and human-rights activists for an explanation.

“All the rumors going around that people were killed and massacred by the bullets of I-don’t-know-who in the Army are completely false. Well, unless they prove it to me. (...) Don’t come telling me that people have reported it, but no one says anything because they are afraid to do so. No, that is not true”. It was Hugo Chavez’s first reaction. He offered his life in exchange for the security of those daring to testify. Alejandra and her mother-in-law dared. On January 23, 2000, a presidential committee visited the neighborhood. Gisela Romero, Oscar’s mother, threw a handful of bullet casings on the table where Chavez sat drinking coffee. They were casings the Army had left in her son’s house. “I iron clothes day and night to put food on my table. Am I a gun dealer?” Gisela asked the president, who took note of the claim in silence and then swore there would be justice. “I promise you I will work so that justice is served. We will not only find your loved ones wherever they are. We will also find

your loved ones wherever they are. We will also find those who are responsible”, Chavez told them. It has been more than ten years and neither promise has been kept. Neither have the bodies of the 19 men allegedly killed in Vargas by security officers been found nor has justice been served.

On July 9, 2004, the Inter-American Commission on Human Rights of the Organization of American States brought the case to the Court. On July 28, 2005, the Court ruled that the Venezuelan State was responsible for the death of three of the men executed in the state of Vargas by police officers. The Court also urged the government of Venezuela to investigate the events thoroughly, to give compensation to the families of the victims and to take measures in order to prevent situations like this from happening again. None of these resolutions has been complied with.

Alejandra is now a witness and part of a new trial that began in July 2010 in La Guaira, hoping to find out how her husband and Marcos Monasterios died. None of the officers who were previously accused of their disappearance is in prison. But she still hopes to find the answers she has not been given in ten years. “I do have hope. I have hope in divine justice. I can’t change the past but I want to know why, how and what they did to my husband. Not knowing is distressing”.

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## ***Olga Laya de Nieto***

### ***The two anonymous deaths of April 11***



*Olga Laya de Nieto went to the morgue of Perez Carreño Hospital in Caracas to claim the body of one of her sons. Little did she know, she would find the bodies of two of them. Yurmi and Rommy Nieto Laya are believed to have been murdered in the small hours of April 12, 2002, by agents of the Metropolitan Police and were accused of trying to steal firearms. Of all the deaths that occurred during the coup in April 2002 in Venezuela, theirs are the only ones that have remained anonymous.*

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Every six minutes, you can hear the rumble of the trains passing behind Olga Laya de Nieto's house. The house is located near an old road leading to Los Teques and the "Cnel. Martín Bastidas Torres" National Guard Academy, where Yurmi Nieto Laya was studying his final year. The house is just a few minutes away from the bus terminal where Rommy Nieto Laya worked with his parents as a bus driver. The house is located just a couple of miles from the bend in the black paved road where, early in the morning of April 12, four agents of the Metropolitan Police executed Yurmi and Rommy as they were trying to get home.

The deaths of brothers Yurmi and Rommy might be the only ones that remain anonymous among the dozens recorded during the coup that toppled the government of Hugo Chávez from April 11 to April 13, 2002. Only a single, poorly-written article, titled "Police agent vilely murdered", published on a tabloid, vaguely made reference to the event: "Agents of the Metropolitan Police station in Ruíz Pineda moved to the scene, where they gunned down two criminals involved in the death of corporal [Idelfonso José] Córdoba, after they engaged the agents. The two unidentified individuals died at Perez Carreño Hospital".

Those "two unidentified individuals" were Yurmi and Rommy Nieto Laya, the eldest sons of Olga Laya de Nieto. However, their names did not appear anywhere on the article. That day, the media only cared about those who died for political reasons.

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Maybe—Olga thought—they were having trouble getting home because of the commotion caused by the coup, or the "power vacuum", or whatever happened that day at Miraflores Palace. Maybe they're staying at their grandmother's; she lives near the subway station in Las Adjuntas. That's the last place their friends saw them. Maybe...

Those were the thoughts on Olga's mind when she got a phone call from

her husband Noé to let her know that Romy, the older of the two brothers, had been found dead. The morning of that same day, April 12, at 8:30 a.m., a Metropolitan Police officer approached the Unión de Conductores de Antimano bus line, and showed Noé Nieto his son's student ID, saying —Hey, is this your son? —Yes, why? answered Noé. —Because he was killed in a gunfight with the police this morning. "Dead? But how? My sons never went to political demonstrations".

Olga and Noé went to Perez Carreño Hospital to identify the body of their dead son, and to ask the police for any information on their other son. However, once they arrived at the morgue, they found the bodies of both of them. Olga remembers: "I went to the hospital thinking that only one of them was dead, so I immediately started asking about my other son. It turns out his body was there, too, next to his brother's. They didn't give me much information, just that he was brought by the police, and that's it".

The bodies of Yurmi and Rommy were delivered to the hospital morgue naked and without any identification, one hour before their parents arrived. Doctors estimated time of death at around 5:30 that morning. Yurmi's body had seven bullet wounds, on his chest and abdomen, six of them had both entry and exit wounds; Rommy's body had three: one on his left thigh, one on his chest and one on his abdomen, those last two bullets proved lethal.

They were shot while standing, facing the guns of their assassins. Yurmi, was standing even after being shot seven times, while Rommy was trying to turn on his left leg after the first two shots. This was the conclusion that the expert could draw when, a year later (February 4, 2003), the Prosecutor Office finally decided to request a ballistic trajectory analysis that could shed some light over what happened that morning.

The investigation on the death of agent Idelfonso Córdoba, the crime for which Yurmi and Rommy were accused without a trial by the police, was conducted differently. According to the official version of the events, Córdoba was murdered between 7:00 p.m. and 8:00 p.m. on April 11,

2002, with a gunshot to the head while at his post guarding the gate of the Police Technical Academy in Macarao. By 9:10 a.m. of the next day, his body was not yet taken to the morgue: the detectives of the Judicial Technical Police (PTJ) were still removing the body and collecting the evidence used to frame the Nieto Laya brothers.

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Olga Laya de Nieto has visited the Public Prosecutor Office many times to confirm the status of her older son's investigation, but has met with a different prosecutor every time. On the bright side, after years of insistence and meetings, people there have started to treat her better. "The first time I went to talk with the prosecutor, she treated me really bad. She said 'What is it that you want? Every mother comes here saying the same thing, that their sons are innocent'. After I waited four hours to meet with her, that was her attitude. Over the course of nine years, I've never met with the same prosecutor, they're always changing; and that speaks volumes about how justice is served in Venezuela".

It is Olga who has done the investigating: she is the one who has tied loose ends and searched for eyewitnesses of the events that took place the morning of April 12. By September 2002, the authorities have not even let her take a look at the file of the investigation for the murder of her sons. The weak and unverified version of the events originally presented by the police continued to be considered official: On the night of April 11, 2002, between 7:00 and 8:00 p.m., Yurmi and Rommy tried to break into the Police Technical Academy of Macarao to steal weapons from their cache and, during the theft, they killed agent Idelfonso Córdoba with a gunshot to the forehead. However, the emergency call was not made until ten hours later: The four agents who participated in the operation declared they were contacted by radio around 6:10 a.m. on April 12, 2002, to provide tactical support to the Metropolitan Police Technical Academy, which was supposedly being attacked by unidentified individuals.

The officers reached the scene in two motorcycles: one, carrying agents Carlos Rafael Bastardo Prato and Rodolfo Guaicaipuro Rondón Rojas,

and the other, carrying Second Sergeant José Reinoso Castillo and agent Wilfredo Ramón Celaya Gender. They claim that, once spotted, Yurmi and Rommy opened fire and ran; and when they ordered them to stop but didn't comply, the agents fired back: seven shots at Yurmi and three at Rommy. The agents Aníbal Casanova Villasmil and Aníbal José Uztáriz, who arrived later, took the bodies of the Nieto Laya brothers to Pérez Carreño Hospital, where they died.

According to the police report signed by Sergeant Reinoso Castillo, officers found two .38 revolvers—an Armacchi and a Colt Detective—and nine .38 casings on the scene of the alleged clash. Further studies showed that four of those casings came from the Colt Detective and the other five from the Armacchi, although it was established that the latter had a defective trigger. Of the nine shots, none wounded the agents or impacted their motorcycles.

Two witnesses claimed to have identified the Nieto Laya brothers as the attackers of the Police Technical Academy: Corporal Euclides Zapata and Edgar Jara Zambrano, a civilian, who claim having seen them shortly before sunrise, at a distance of over 200 meters. Moreover, according to Jara Zambrano, the man who shot Idelfonso Córdoba was wearing a beige shirt. However, both men identified Yurmi and Rommy as the delinquents when they were at the hospital, naked and deceased.

A report by Edward Herrera Blur, one of the experts at the Technical and Scientific Consultancy Board of the Public Prosecutor Office, which is part of the case file, states that "it has not been conclusively proven that Rommy José Nieto Laya and Yurmi Noé Nieto Laya killed Metropolitan police officer Idelfonso Córdoba". As such, this Consultancy Board recommended a reconstruction of the crime—in order to verify the statements given by the officers involved in the case and the witnesses of Officer Idelfonso Córdoba's death. Nonetheless, on September 27, 2003, the presiding judge denied the reconstruction request made by the prosecutor. It has been eight years and the case of the Nieto Laya brothers has not even made it to the court yet.

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Olga, however, knows the unofficial story. She knows that Thursday afternoon, April 11, her sons were planning to meet their friends for drinks. “They ran into my husband, who was working that day. He took them to a place called La Gran Parada, where they were supposed to meet some friends. He said ‘Let’s go home’, but they responded: ‘You go, we’ll go later’. That was around 6:00 p.m.”.

Juan Jesús Valdéz Uzcátegui, who was part of that group of friends, claims he was with the brothers until 11:30 p.m. that day, when he left them at the subway station in Las Adjuntas, where they would take a cab home, on the 10th Km of the road between Caracas and Los Teques. A driver who worked in the same bus line as Yurmi and Rommy’s father claims he saw a squad car taking them into custody around 1:00 a.m., Friday 12th. Later, a woman who lived near the police academy said to have heard something early that morning: “The boys were desperately imploring to the police not to kill them. They told them to call their dad, who worked nearby as bus driver”. Nevertheless, none of these witnesses is willing to give an official statement, fearing retaliation from the police.

Ever since Yurmi and Rommy were murdered, threats on the Nieto Laya family and their closest circle have been constant, albeit indirect. The days following the crime, all of the 400 members of the Unión Antímano bus line painted slogans on the windows of their units, such as “We demand justice” and “Metropolitan Police = murderers”. What was the response? “The police stopped the buses on the streets, and forced the drivers to remove the slogans. Several drivers were threatened to be arrested if they didn’t comply”, said Olga.

Noé Nieto—Olga’s husband—was in fact arrested, but not because he protested his son’s execution with banners and slogans. It was the second day of the funeral service held for Yurmi and Rommy, and Noé accompanied Olga to the headquarters of the Judicial Technical Police to give a statement about the death of their sons. He already had given his testimony a few days earlier, and was waiting by the door of the police

station, when an agent asked for his ID, introduced the data into a computer and told him he was wanted for a traffic accident that happened twenty years earlier, when he was still single. He was first locked in a holding cell with common criminals; then he spent over a week in jail at the Judicial Technical Police command headquarters, in El Rosal, with the men who appeared on TV the day of the coup, shooting from the Llaguno Bridge towards Baralt Avenue. Eight days later, he was released, without further explanation.

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There are a couple of things Olga does not want to know: in eight years, she has refused to see the faces of the four agents who took part in the operation that resulted in the deaths of her sons, and who are still posted in the police headquarters located a few yards from the bus line where she worked. She’d rather not know, because she is not sure what she could do with such information.

During the month following the deaths of Yurmi and Rommy, Olga isolated herself from the world. She refused to leave her house or have any visitors. Noé, her husband, suffered a bout of depression that lasted one year, forcing Olga to take his bus and work as bus driver. She left her house at 9 a.m. and, if lucky, by 7 p.m. she had made her route four times, from the terminal in Macarao, through Bellas Artes, up Universidad Avenue, along Lecuna Avenue and all the way along the highway leading back to where she started. “The first few days I had to drive the bus, I wanted to run over every cop I saw. They stand there, directing traffic, and extorting money from street vendors. I see them and I just wanted to run them over with my car”.

Besides taking the wheel from time to time, Olga got a technical degree in computer science and, after the murder of her two oldest sons, she also received a degree in Education from the Bolivarian University of Venezuela. She started studying mainly to keep herself busy, to get out the house. “The first few years I was restless, because there wasn’t much I could do. I wanted to take justice into my own hands. But then I started

doing other things, and now I can't get a minute's rest. I know my sons are innocent of all charges. I just ask God, even if He has to take all the time He needs, to clean their names, as they always were. That's the only thing giving me strength".

Olga speaks of her sons as if they were still alive. For her and her family, the best way to mourn is to remember them each day. Ginger, the fourth of the five Nieto Laya children, chose to go to the National Guard Academy, just like her brother.

Yurmi and Rommy were survived by one child each, who are always asking about their father's likes: what was their favorite baseball teams, what music they listened to, what they liked to eat. On the house terrace, where the rumbling of the passing trains fills the air every six minutes, there are two large pictures of the brothers, placed on an altar covered with fabric flowers and graduation medals.

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## ***Lianny Bordones***

### ***The symbol of April 11***



*Lianny Bordone's father, Alexis, was among the first Venezuelans to be shot dead on April 11, 2002, during the civil demonstration that evolved into a coup. The image of his body lying on the streets covered with a Venezuelan flag became a symbol of that day's events, in Lianny's words "a symbol of both the demonstrations and impunity, because authorities have done almost nothing to clarify the facts surrounding his death".*

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“Why didn’t you stop him?” Her mother asked her as soon as she saw on TV that her husband, Alexis Bordones, was that man lying dead with a Venezuelan flag covering his chest on Baralt Avenue in Caracas. It was April 11, 2002, at four o’ clock in the afternoon. He died alone, surrounded by thousands of fellow protesters who hustled around him and carried his body from corner to corner. But he was alone: no family, no friends, no one to be with him and tell the story of his last hours. Lianny Bordones, his firstborn daughter, saw him off as he left home and for years she has struggled with the question of why she let him go. She somehow knew her father would die that day. She did not stop him, and now she knows why: “Because death is beyond us, we cannot stop it. My dad had to be there and he died the way he wanted to”. But justice is an earthly matter, and that is what she has been after for the last eight years.

But April 11 was also the day when Alexis’s own words began to make sense. He wrote a collection of poems and only published 50 copies, which he distributed among friends and family. On page 114, the last verses of his book, the work of one of the first Venezuelans to die on the day that a civil demonstration evolved into a coup, became his own epitaph:

Here lies a misunderstood human being.  
Those who hurt me led me to my grave,  
turned me into dust and oblivion  
and with an X, sealed my death.  
I imagine them laughing, eerie steps of the unburied.  
I only pray the Lord to absolve them from my death.

Right or wrong, I know what I did  
Or maybe all my being contradicts itself.  
I will break this pedestal life gave me,  
I will wonder around staggering,  
looking for Olympus, the abode of the Gods  
my inert soul needs.  
Finding peace and quiescence  
when I see you is my illusion, Heavenly Father.

April 11 was his day.

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“To Miraflores!” someone yelled, it does not matter who anymore. Alexis Bordones was among the first Venezuelans to follow that voice. In the morning of that April 11, thousands of protesters crowded the Francisco Fajardo highway and adjacent streets. The original route of the demonstration, from Parque del Este to PDVSA’s headquarters in Chuao, was not enough. It was the climax of the general strike that began three days before, organized by the Venezuelan Workers Confederation, CTV. The goal of the strike was to force the resignation of President Hugo Chávez Frías, and those leading the demonstration decided to deliver that message in person, at the presidential palace.

At ten o’clock, Alexis was still at Lianny’s getting ready to go out. Alexis lived in Valencia with his wife Fanny and his youngest son Leonardo. He had come to Caracas for the birth of Lianny’s second daughter, his second granddaughter. Before leaving for the rally, he went to the market to buy milk for the baby-girl, ate a sandwich, left his keys and credit cards and called his wife to tell her where he kept some cash, “in case anything happens”, and he went out. Lianny opened the door for him, but she did not say good-bye. They did not say a word to each other. She saw him leave wearing a pair of light blue-jeans and her brother’s shoes he liked to wear, the same shoes that later helped the family recognize his body when they saw him on television, lying on the street.

The shirt Alexis was wearing that morning read “It takes a little more to

make champions” in blue letters. It was the same shirt he had on April 9, as documented by a photograph taken that day, in which he stands next to his granddaughter, surrounded by flowers and balloons sent by friends to the newborn baby. That was the last photograph of Alexis alive. He insisted: “Take a photo of me with my granddaughter, so she knows that I exist”, he asked Lianny. She thought to herself “Oh dad, it’s not like you’re going to die”.

Since his arrival in Caracas, Alexis did two things: take part in every demonstration organized by the opposition and looking after his daughter and granddaughter. Alexis was part of the administrative staff of Corpoven, a PDVSA subsidiary that ran the oil exploration, production, refining and commercialization business until it was dissolved in 1997. After leaving Corpoven, Alexis worked on his private business: he owned a small stone quarry for concrete aggregates in Güigüe, in the state of Carabobo. He was never a member of any political party. But he did honor the word ‘meritocracy’, the traditional method to promote staff in the oil industry and the leitmotiv of the anti-Chávez demonstrations. With the same fervor, the other half of Venezuela gathered around the Miraflores presidential palace to defend Hugo Chávez. Urdaneta Avenue, from the beginning of Sucre Avenue up to the corner of Santa Capilla, was filled with Chavez supporters, willing to sacrifice it all for the revolution. No one knows where the first shot came from. But it was followed by tear gas bombs from the National Guard and the Metropolitan Police. These actions, and confrontation, brought these two volatile masses together. The outcome was two dozen killed, hundreds injured and the inability of Venezuela’s judicial system to serve justice.

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“What if dad doesn’t come back?” Lianny had everything ready in the kitchen. Her grandmother was ironing some clothes to stop the shivers she felt in her hands when she heard the demonstration was heading for Miraflores. She had the feeling at least someone would die. “As long as it’s not my father”, thought Lianny, who followed her grandmother’s advice and had everything ready for when Alexis comes back. “But what

if he doesn’t come back?” It was four o’ clock already when the telephone rang. It was her mother Fanny from Valencia:

-They killed your father!

-What!?! How is that possible?

Her brother Leonardo picked the receiver:

-Dad was wearing the “champions” shirt, the jeans and my shoes, wasn’t he?

-Yes, he was.

-Then it’s him. They killed him.

Venevisión, a private television network, was broadcasting live footage from Baralt Avenue. This is how Fanny and Leonardo in Valencia watched a dead man on the streets with a bullet wound in his head, wearing light blue-jeans, white sneakers and a white shirt with the message “It takes a little more to make champions”.

Lianny’s husband rushed to José María Vargas Hospital. Dead bodies and injured people were being brought to the hospital from early in the afternoon. He did not find Alexis there. He later went to the morgue of the Forensic Police Institute, where he learned the whereabouts of his father-in-law: Alexis was being autopsied and he had to come back the next day to identify and claim the body.

Nobody knows what kind of firearm was used to shoot Alexis. The bullet came in from the left side of his head with a slightly upward trajectory, as if the shooter was crouching down on the same street as Alexis. The bullet came out of his head with the same speed through the left side, causing a cranial fracture, a subdural hemorrhage and lacerating his encephalic mass, killing him instantly. According to the autopsy protocol, the bullet could have been shot with a privately-owned pistol or revolver and not necessarily by a National Guard officer.

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Lianny felt a strange type of happiness when she received a phone call from the Scientific Police to take part in the planimetric studies for her father's murder.

After one month of futile bureaucratic procedures, this was the first sign of an investigation. Before that, she had decided to go to the Forensic Police headquarters to inform them about her father's murder on April 11 on Baralt Avenue, as if detectives could not find out by any other means. The murder of Alexis Bordones was then filed under number G-136,003 and Lianny was allowed to browse through the entire file. "The pictures from the autopsies were also there. I tried not to look at them, but I couldn't stop myself".

At the time of Alexis's death, Lianny was only 26 years old. She had an eight-year-old son and a newborn baby girl. She got married when she was only 17 and left Valencia to live in Caracas with her husband. She studied translation at the Central University of Venezuela, and graduated in 2000, although she never practiced this profession or any other. Death and judicial bureaucracy became Lianny's business after Alexis's death. From then on, she devoted herself to finding evidence about the events on Baralt Avenue on April 11th. And the evidence she has gathered was hardly provided by the Scientific Police or the Public Prosecutor Office.

May 16th was the date set for the planimetric study. Detectives summoned Lianny at Capitolio subway station. As soon as she arrived, the detectives asked her: "Do you have the newspapers? –Which newspapers? –The ones you showed us back at the HQ, with the photos of the place where your father was killed. Will you show them to us?" That really upset her. "Lady, please calm down, it is only to make things faster".

Lianny produced the newspaper cut-outs she had collected, the photographs she took and the references she gathered after one month of investigating by herself, talking with witnesses and journalists. She showed it all to the police. She knew her father died in front of the

"Dorsay" department store. Then his body was moved by protesters three times until being left in Plaza Caracas. She declared to an El Nacional journalist who was reporting the investigation: "I can't believe they brought me with them so I would practically lead the investigation. The only thing I knew originally was what my mother told me on the phone: 'Lianny, your father was killed on Baralt Avenue'. But then I decided to find out exactly what happened. That's how I learned where he was murdered. I cannot believe inspectors haven't done the same yet".

No attorney from the Public Prosecutor Office was present during the crime scene planimetric studies. No prosecutors were assigned to the investigations for the deaths occurred on April 11 and 13 until April 18. The Sunday after the Chávez government was restored, 66th and 71st prosecutors, Rómulo Alfredo Añez and Alberto Manuel Barroso, who were assigned to these cases, were dismissed from office. Finally, on May 24, the case was assigned to 24th prosecutor Manuel Rojas.

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Lianny wanted to talk with a priest, or an astrologist. She wanted someone to answer her questions. But she never dared to talk about it. "During the following year, I couldn't even talk to my baby, I associated her with dad's death. That April became a journey from complete happiness to absolute sorrow". She chose to work it all out by herself. She no longer sees her father's murder, the fact that he was the first person to be covered with a national flag and thus became the symbol of the events of April 11, as something fortuitous. "My dad is already part of history. His death was a lesson. I understood that we are energy and that we are something more than just our bodies".

Police forces found no evidence of Alexis's murder besides his dead body. Five years after his death, on May 15, 2007, the Public Prosecutor Office closed the case and, since Lianny had changed her address without informing them, it took her several weeks to receive the official letter announcing that her father's case was closed. This letter, signed by National Prosecutors 39<sup>th</sup> and 38<sup>th</sup>, Turcy del Valle Simancas and Sonia

Busnego, said that the case was to be reopened only if new evidence emerges to continue the investigation.

“Do they really think that the evidence of my father’s murder will just appear from nowhere?” Three years later, the evidence prosecutors await to reopen the cases of Alexis and so many other Venezuelans protesting with him on the opposition side of the April 11 demonstration has not appeared. Whenever she feels disheartened waiting for justice, she goes over her father’s writings. Answers usually come on pieces of paper or napkins, which he used to leave around: “When justice comes forth at the right time, men are reassured and find piece in their ego”.

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***Carmen Fernández***

**“This would not happen if we all reported”**



*Carmen Fernández has learned that cops don’t think twice before killing. They find and kill, bad guys and good guys. That is how they presumable killed both her son Giovanni Rojas Fernández and the only witness, early in the morning on January 18, 2003 in the state of Portuguesa. Between the years 2000 and 2003 alone, 19 similar cases have been reported in that region.*

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The dark-skinned, 5'8" body, with ample forehead, small eyes and black hair that was found on the road that leads to the village of Maratán in the state of Portuguesa, with the skull shattered by a gunshot, is Giovanni. It says so in the identity card found by the police in one of the back pockets of his pants: He is Giovanni Rojas Fernández, 27 years old.

Probably nobody knew, but Giovanni is Carmen Ramona Fernández's second child. The only boy among three sisters. Carmen had him when she was 15 years old. He used to go out and sell the empanadas his mother prepared after quitting school in the sixth grade, and before becoming a welder.

Also, nobody knows that the body of the man next to Giovanni—white skin, 5'7", straight hair, thick lips, skull shattered by a gunshot—is José Ramón Pacheco Camacho, a.k.a. El Sicario, 22 years old. He was having drug-related problems. Giovanni had fallen in love with José's sister two months ago. But in less than 24 hours the entire neighborhood would find out what happened to these two boys.

On January 19, 2003, the headline on the back page of Última Hora, "Portuguesa's first newspaper" was "Two men executed found in rural area". That is how everybody knew about the deaths. "To execute" is the verb normally used to describe what presumably happened to Giovanni Rojas Fernández and José Ramón Pacheco Camacho on January 18, 2003, early in the morning, after six Portuguesa Regional Police officers arrested them.

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Carmen's house is located on 2nd street and 3rd avenue in the La Cortecita neighborhood. She was sweeping the sidewalk in front of her house when Trino Valderrama got there to tell her the news. The police had arrested her son the night before.

-Really? They arrested him? I'm sure it was because he is a trouble maker, they arrested him because he was causing trouble.

-No, Mrs. Carmen, it was not during a raid.

-Well, it doesn't matter. He has nothing to do with the government. I'm sure they'll let him go later.

Something similar happened to Giovanni before, twice, in fact: once, the National Guard arrested him but they let him go the next day; the second time, it was the Regional Police, and he was again freed the following day. That is why Carmen kept sweeping the sidewalk.

But this time Trino saw something different from his home. Giovanni and Ramón were buying the second bottle of rum of the night at a liquor store called La Corteza, with the money they got by pawning a ring. He saw the Portuguesa State Police patrol number 011—a gray Toyota Land Cruiser—pulling over in front of the liquor store. He saw when six police officers got out of the SUV and started beating José Ramón. Giovanni intervened: "If he did something, arrest him and stop beating him because you are making him cough up blood", is what people say he told the policemen, to which one of them replied: "Well, since this is affecting you so much, let's beat you up, too". Carmen's son got beaten up too. A gunshot rang out. Then the cops grabbed the two boys and pushed them into the patrol car, and nobody saw them again.

That is the story that Carmen Fernández told the police at the regional headquarters in Campo Lindo when she went to ask for information about her son. They told her that Giovanni was not there and told her to try at another police station, in the Gonzalo Barrios area in Acarigua. What Carmen recalls about that episode is that as soon as she arrived at the second police station, a police officer told her: "Look, there was a call from the hospital, they received two boys over there but they are both dead". And she said: "No, I'm sure that's not my son because why would the police want to kill him? My son is a good boy, he has no trouble with the government. I don't think that's my son".

“What color are your son’s clothes?” asked the officer. “He is wearing blue jeans and a red sweater”, she answered.

“Then, yes, that is your boy; he is in the hospital morgue; he’s dead”. Carmen remembers that she started screaming and pushing people. She went crazy and said everything that went through her mind in that moment. A neighbor pulled her out of the police station and took her home. “From that moment on, I didn’t know anything else”.

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Carmen Fernández firmly believes now that if the cops already knew that her son was dead, at 11 o’clock in the morning on Saturday, January 18<sup>th</sup>, it was because they had killed him. Giovanni’s body was not at the morgue of Acarigua’s Central Hospital as they said. The bodies of Giovanni and José Ramón were at the same place where they were found. The staff of the CICPC (Forensic and Criminal Investigation Agency) was examining the bodies. They were found in a vacant lot on the side of the road to Maratán, in front of Acarigua’s El Roble estate. The CICPC arrived at the scene after receiving an anonymous call made through the emergency service of a mobile phone company.

The last time Carmen saw her son was on Friday the 17<sup>th</sup> in the afternoon. He stopped by to say hello and to celebrate that, after a whole month in a general strike, with shortage of food and drink in the country, he was able to have a cold beer. The next day, she did not have the courage to see him again.

-My husband, Giovanni’s stepfather, identified the body. He immediately knew it was him, despite the fact that he was riddled with bullets.

Both Giovanni and José Ramón were killed with a gunshot in their mouths that blew their brains out. They were also burned: José Ramón had burns on his back and his genitals; Giovanni had his fingers burned. Carmen still doesn’t know about the other injuries Giovanni had. Those who identified the body prefer not to tell her anything about it.

Carmen thought then that it was going to be an expedite investigation. She thought that there was no link between the CICPC officers and the regional police officers who were under investigation for the death of her son. She believed that until one day, when she went to the police station. Carmen saw the detectives in charge of Giovanni’s case chatting with those officers accused of Giovanni’s murder.

-I had talked several times to the “petejotas” (detectives). They were all nice and stuff, and apparently they didn’t know the police officers. Then, I was surprised when I saw the three officers chatting with one of the detectives in charge of Giovanni’s case. They were all friendly, hugging and chatting. I told my husband: “Is there any hope in here? Look how these ‘petejotas’ are friends with the cops”.

They tried to file an accusation against the police officers who allegedly killed Giovanni Rojas and José Ramón Pacheco almost a year after the murder. On January, 6, 2004 the Second Prosecutor Office in Acarigua filed an accusation with the Third Control Court of Acarigua. It was against four of the six officers who were present in the arrest of the two victims. But the court dismissed the accusation on the grounds that the accused officers were not served a summons to the preliminary hearing. The police officers, the patrol that was used that night and the report were nowhere to be found.

-The zero-eleven was the squad car that was always patrolling the neighborhood. After my son was killed, the zero-eleven was never seen around again; neither were the cops who were patrolling that night.

It was not until March 23, 2004 when the Public Ministry filed an accusation against the same four officers of the Portuguesa Police Department for the crimes of murder in the first degree and unlawful use of firearms. The Public Prosecutor Office relieved the regional office of the CICPC from the case and had requested the Prevention and Intelligence Services Agency (DISIP, currently Sebin) to notify the accused officers about the investigation conducted against them. The Third Control Court of Acarigua admitted the accusation, but granted

the officers the right to be tried in freedom as it deemed there was no flight risk.

Carmen can barely write her given name, in lower-case except for the 'R'. She got married when she was 13 years old. She never finished school. She raised her children selling *empanadas* and working as a housekeeper for several families. Her memory is full of numbers and she is good at math.

-The first hearing of my son's case was two years after his death. Three officers were accused, the fourth one was already dead. At least three prosecutors had been assigned to the case and they always start from scratch. In 2009 alone, they issued twenty summonses for the hearings but something always happened at the last minute, either the prosecutor didn't appear, the judge, or the officers' lawyers. Nothing has been done, for one reason or another. I haven't been able to learn the names of these police officers. I remember their nicknames: one of them is "Pelo e flecha", another one is "Oso Yogui" and the other one is "El Douglas".

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Trino Valderrama was 50 years old, he was a truck driver and was the only eyewitness that dared to testify in court about Giovanni's arrest and then, he was killed.

-They killed him in his house. He was shot in the head. Earlier he walked by my house and said: "No, Carmen, I'm leaving. The government's people are pissed off and they are in the streets. I'm going home, I'll make myself an arepa and then I'll go to bed". He was hanging his hammock, at around 11:30 p.m., when I heard two gunshots. A few minutes later somebody knocked on my door and told me: "They killed Trino. Some cops got there and killed him". But nobody will say which cop or anything about it.

He lived two blocks away from the liquor store where Giovanni and José Ramón were arrested on January 18, 2003. Like him, many other neighbors saw what happened that night, but Trino was the only one who

testified formally in court.

Trino was threatened many times; even more than Carmen. The first threat was on January 25<sup>th</sup>, as he was exiting the church after Giovanni's last service. One of the cops involved in Giovanni's murder came up to him on the street and warned him: "Be careful with what you say, you know how things are around here. Take care of yourself". Four years later, he was killed.

José Ramón Pacheco's family never looked for any witnesses and did not do anything for the investigation. Only his mother, Cruz María Camacho Martínez, 49, declared at the regional office of the CICPC on January 20, 2003. In 2009, she was also killed:

-They broke into her house early in the morning; it was like one o'clock in the morning. And, they shoot her in the head, look; you can't imagine how that was. Her death was awful and it happened in her house. That is why nobody wants to testify in court. And they are right, because if the witness is dead, the other boy's mom is dead, what can you expect?— Carmen said.

Six months after Giovanni's death, the Public Ministry approved precautionary protection measures in favor of Carmen Fernández and her family. But the cops who were sent to protect her were members of the same security force as the officers who presumably killed her son. She requested the court to repeal these measures.

-During the first days, the officers started threatening me. They walked in front of my house and started pointing at me with their fingers. But I have never been afraid of them. I like to be alone because I don't want to put the rest of my family at risk. If something is going to happen, it has to be me, not my family. They don't know the rest of my family. If they want to kill me, so be it.

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Seven years later, the police officers accused of Giovanni and José Ramón's death are still working in the Portuguesa Police department and they have actually been promoted. All of them but the fourth of the accused, who never went to court because he was killed. The day after his death, ten young men died also, in to "clashes" with the police.

-Those police officers don't think twice before killing. They find and kill, bad guys and good guys. They don't even care who they kill. In Acarigua, people are killed almost every day. The police do whatever they want to do. They beat people up and steal their money. You can testify but you would be getting into trouble because, in the end, they keep doing whatever they want. Those officers accused of killing my son have a better job now. They were low-ranking officers before and now they have a higher rank and that is not good. But I'm sure that someday they will pay for what they're doing—says Carmen.

There is no organization in Portuguesa that provides support to the victims of police abuse, as these victims are usually afraid of organizing themselves on their own. But Carmen says that while she is still alive she will keep fighting for what she has. Giovanni gave her a grandson called William, and William gave her a great-grandson, who drowned when he was one month and a half old, in Easter 2010.

-I always say to my girls: I'm always fighting for something. Despite my son's death you got to keep moving on. I'm fighting because I believe there is a God, first and foremost. Sooner or later there will be justice. I am always telling people that they have to fight, report the crimes, that they should not be afraid. Our strength is in numbers, and if we stay together, this will never happen again.

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## ***Yelitze Moreno de Castillo***

### ***From Human Right's defenders to victims***



*Yelitze Moreno de Castillo is a teacher and a human rights advocate. She never thought she would be in the shoes of the victims and families she supported from the Social Action and Human Rights Office of the Apostolic Vicariate in Machiques de Perijá. She did not believe it until August 23, 2003, the day she and her husband Joe Castillo were attacked. He was killed and she and her son were wounded.*

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At 19:30 on August 23, 2003, time stood still at the Castillo Morenos. Dishes in the kitchen, papers Joe reviewed during the day, toys in Luis Cesar's cradle, dirty laundry, everything remained intact, like in a Chernobyl postcard. Everything except the family of three who used to live there.

At 19:20, Yelitze Moreno and Joe Castillo left their house in the neighborhood of Tinaquillo II in Machiques de Perijá to pick up Luis Cesar—their eighteen-month-old son—at the nursery. After fifteen or twenty minutes, as they were coming back, two men on a motorcycle drove slowly by, close to the driver's window of Joe's Daewoo as he was driving on 3rd street. A few meters ahead, as he turned onto 4th street, and within one minute, the guy on the back of the motorcycle pulled out a gun. He shot thirteen times. Joe was hit by nine bullets, and he dropped dead on the steering wheel, before losing control of his Daewoo and crashing into another car. Yelitze was shot four times and Luis Cesar, three.

Joe died immediately, according to the police commission that arrived two hours later at the morgue of the Machiques hospital to prepare the report. He was a 32-year-old lawyer and had worked four years as a coordinator for the Social Action and Human Rights Office of the Apostolic Vicariate of Machiques, just a few kilometers away from the Colombian border.

Between 1996 and 1997, Joe Castillo had worked in the Apostolic Vicariate of Puerto Ayacucho, in the state of Amazonas. After returning from Puerto Ayacucho, he had also worked for a very short period of time with human rights and grassroots organizations linked to the Christian Social political party COPEI in Caracas. He met Yelitze in their hometown, Santa Lucia del Tuy, in the center of the state of Miranda. They both were members of the Youth Ministry groups of their parish. They had been in a relationship for four years, until they decided to get married in September 1998. They planned to live together in Machiques

and to set up a social action office there. They had three options: moving to San Fernando de Apure, to Tucupita or to Machiques, and they chose the latter. They knew the place and they had friends there. "We wanted to make a choice that would allow us to live as any other person and do what we loved to do". That was their life project until August 23, 2003.

The Social Action and Human Rights Office of the Apostolic Vicariate of Machiques opened in April 1999. The purpose of this office was to provide legal assistance to indigenous people and peasants who were in process of recovering lands. It also helped those who were displaced from Colombia due to the conflict and sought asylum in Venezuela. Yelitze was in charge of coordinating the human rights education and training programs, while Joe managed the legal area. Until that moment, there was no organization in the area advocating civil rights. In 2001, the office had processed the granting of precautionary measures in favor of 52 asylum seekers before the Inter-American Commission on Human Rights (IACHR). A entire family of six refugees, the Pinillas, was killed by a hit man in late 2002. The same happened to Luis Ernesto Castro Vélez, also from Colombia, president of the religious group "Renacer" and collaborator of the Machique Vicariate.

For several months, work had become dangerous. Hundreds of Colombian immigrants, who were fleeing from the war between the State, paramilitaries and guerrilla, had arrived to stay. Most of them came from the Colombian department of Norte de Santander to the country through the Rio de Oro crossing. The then Venezuelan minister of foreign affairs preferred to call them "displaced in transit" and he denied that there were important population movements in the border area. Yelitze remembers: "Once, several non-governmental organizations were visited by officers from the Direction of Military Intelligence (DIM). They investigated and looked for information about the cases that we handled and there was not even a DIM office in Machiques". Because of that pressure, the Castillo Morenos were planning to move to a quieter city, Merida, in the Andes, was the place they had chosen. Besides, they had an eighteen-month-old child, Luis Cesar, and they wanted him to grow up in a better environment. This is the reason why they decided

to take more precautions. Hence, on July 15, 2003, five weeks before the attack, Joe had resigned the office coordination and he was in the process of handing over the job. Maybe those who gave the order to kill him did not know it or they just did not care.

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Yelitze Castillo's life is divided into before and after the attack. She does not remember clearly the beginning of the "after". The days that followed Joe's death are a blur. A dream truce of which she has no recollection.

When it was still "before", she remembers being in the passenger seat of the Daewoo. She remembers a motorcycle driving by very slowly, and the world started moving in slow motion. She cannot see who is driving or who is shooting. She sees her baby, and she takes him in her arms to protect him. The car makes a turn and crashes. Now the world starts moving at thousands revolutions per second. The neighbors start shouting. They grab her by her waist and pull her out of the car. She remembers a hospital and a doctor. The doctor tells her: "You have to go to surgery now". She answers: "No, take me to the clinic. I'll call my insurance company. Call my family". And this is how her "before" ends.

After an hour and half in the ambulance, Yelitze and Luis Cesar arrived at a private clinic in Maracaibo. She had three bullet wounds in her left arm, one in her left shoulder and one in her neck. The same bullet that went through her forearm wounded her abdomen and it lodged in that little space between the pancreas and the liver, as if an invisible hand had steered the bullet through the maze of her body. The child was injured in his chest, his arm and his shoulder. She did not know that her son, who was traveling with her, was wounded. She did not even know that while they were being taken to the hospital, an unidentified car had blocked the ambulance to keep her and her son from getting to their destination alive. Joe was dead. She did not know that, either.

On the Saturday after the attack, when Yelitze opened her eyes, the parish priest had already recited the last prayer for Joe's eternal rest.

Half the family travelled to Machiques to claim the body, to take it back town and bury him there. The other half was with Yelitze, thinking about how to tell her that her husband had died the same day of the attack and that she would never see him again, not even at his funeral.

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"The three of us should have died.  
All three of us.  
We should have died..."

Yelitze could not think of something else. She was angry with God and afraid of people. She did not dare to take the bus alone. She was terrified of shopping centers and crowded places. Every time a motorcycle drove by her door, her heart would race, her hands would sweat she would scream. If something sounded like an explosion, Luis Cesar would also burst into tears. For one whole year after the events, he would wake up in the middle of the night crying.

The doctors prescribed Yelitze a pill cocktail to relieve the physical pain caused by the gunshots wounds and to keep her mind off things. Even during the treatment, two months after returning to Santa Lucia, Yelitze found a job as a fourth-grade teacher in one of the local schools. She was responsible for more than 40 children, between the ages of eight and ten. She worked from 7 a.m. to 1 p.m. and she earned little more than the minimum wage. Whenever she stood in front of the class, she would suddenly feel the urge to run away. She did not want to be there but she needed the job to support her family and to pay her debts. She had to sell the properties she bought with Joe at a very low price and to the first bidder; she was swindled by her own lawyer.

She continued to be threatened. While Yelitze and Luis Cesar were in the hospital in Maracaibo, they had police protection day and night outside their rooms. Even before being discharged by the doctors, they left the clinic and took a plane to Santa Lucia because their family thought they would be safer there. Until March 2004, the Castillo Morenos were

granted precautionary protection measures, which were not renewed later, despite her lawyer's requests. Then, Yelitze began receiving phone calls: A man's voice that told her he had information about who had killed Joe and was asking money in exchange. After that incident, she never bought a phone under her name again. Afraid of another attack, her family did not allow her to go out anywhere alone and they always checked where and with whom she was.

Yelitze's medical condition worsened as a result of insufficient rest and the inability to go on her own for checkups in Caracas. She developed two ventral hernias in her abdomen and some months later she began to suffer from an umbilical hernia. "That is nothing compared to what could have happened to me", she says, referring to the bullet that lodged between her liver and her pancreas, which the doctors removed during a laparoscopic surgery. Because of the after-effects, Yelitze underwent a second surgery in November 2009 and she is still in recovery.

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Yelitze built herself a new life, for her baby. "If it wasn't for my son, I would probably be dead", she says. After Joe's death, she struggled between her urge to push the investigation forward and the fear of another attack against her or her family because of her insistence. As a human rights advocate, she never thought she would be in the position of a victim. As such, she understood why so many people she has helped before choose to remain silent, cornered by fear and impunity.

In 2003 alone, year when Joe Castillo was murdered, another seven attacks against human rights advocates were recorded throughout Venezuela. The following year, the number almost doubled: twelve advocates became victims. Most of these attacks were the result of the political polarization exacerbated by the coup in April 2002, which ousted President Hugo Chávez for 48 hours. After that, all institutions and social sectors became politicized. At least, that was the analysis made by the IACHR based on these figures, in its 2003 report on the human rights situation in Venezuela. The document established: "The

Commission believes that such violent events, pressure and harassment against human rights advocates are a consequence of the intensification of the institutional conflict that affects the country".

Courts and the General Prosecutor Office have been part of this collapse. Between 1999 and 2009, 27 human rights advocates reported acts of harassment at the General Prosecutor Office, after being victims of one or more attacks. Others preferred not to formalize their complaints because in some cases the Prosecutor Office was the aggressor. Twenty-five of those cases are still under investigation and two of them were closed. Joe Castillo's murder is one of them.

In June 2007, by order of the General Prosecutor Office, the file on Joe Castillo's death and the attacks on his family was shelved at the 20<sup>th</sup> Prosecutor Office of Machiques. They believed that there was not sufficient evidence to continue the investigation, in spite of the fact that the IACHR had specifically requested the Venezuelan State, on August 29, 2003, to carry out a detailed investigation on the attacks against the Castillo Morenos, until finding those responsible and offering Yelitze and her son the necessary protection. On March 9, 2009, the IACHR itself had admitted this incident as a case.

Also in July 2007, the Center for Justice and International Law (CEJIL) and the Human Rights Vicariate of the Archdiocese of Caracas, submitted the first merits brief on this trial to the IACHR. On July 22, 2010, they submitted another one. Even though three years have passed without a reply, these organizations hope a favorable statement will be issued and the attack against the Castillo Morenos will be brought to Court.

While waiting for justice to be served, Yelitze tries to put the pieces of her life back together. She has begun to work in the administrative area of a new school. Luis César asks questions about everything: How did daddy die? Who could do such things? Why? He wants a little brother. He asks her mom to adopt one because he "can't stand being so alone". "I understand him", she says. She is the youngest of ten siblings, six years younger than her next older brother. "I was always alone and I know how

that feels”. Seven years after Joe’s death, the thought of having a new partner is far away. Her love for Joe is still intact. However, according to Yelitze, God and time will provide the opportunities to find a good partner.

Going back to Machiques de Perijá, to what used to be her home, to what she left behind, is another unresolved issue. Her memories are still there, intact, despite the efforts she has made to get rid of everything. It is as if returning was necessary to start moving on with her new life. At least that is how she feels. “I have to go back soon” she says. “I need this closure”.

Something that did change in Machiques was the Social Action and Human Rights Office of the Apostolic Vicariate. It is now an NGO, but not attached or related to the church, it has its own legal personality. There are not many people who want to do this kind of job. They are afraid, and that is completely natural.

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### *Lesvia Carmona*

**“Justice exists, you just have to look for it”**



*Lesvia Carmona has waited seven years for a court to issue a final judgment for the murder of her son, Javier Pasero Carmona, executed by two police officers of the Sucre municipality of Caracas in December 2003. This delay has been transformed into disease.*

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Javier left his home wearing the wrong clothes. He was wearing beige trousers and a gray sweater. People say that the same day they also saw “Lagartón”, one of the most feared scourges of the neighborhood, wearing beige trousers and a grey shirt, and that the same evening the police was planning to catch him, better dead than alive. Javier left home at six thirty in the afternoon on Friday, August 1, 2003. He struggled all day with a water leak in the kitchen, until he thought it was better to leave it to a plumber and go out for a walk. He took a shower, put on the gray sweater and beige pants, a pair of boots, and said goodbye.

He walked a couple of kilometers until the volleyball court in which he had invested his savings. With the money he was paid to install several computer networks, he bought paint, volleyballs. The money he was to receive from other projects he was working on would surely have ended up there as well. On the court, he met with Robert, Jose Gregorio and Rossy. They played for a while. They talked about anything. Cars, computers. Then Robert and José Gregorio went on their way, and Javier walked Rossy up to her house. It was nine o'clock and they were about to say goodbye when they heard the first gunshots.

“We heard gunshots and we started to run. I stopped at the stairs of my house. Two police officers were down there and told Javier to come down or they were going to kill him”. Rossy, the first witness subpoenaed by the General Prosecutor Office during the trial summoned in November 2008 to clarify the murder of Javier Pasero Carmona, took the stand and told the court that she saw from the top of the stairs leading to her house, a distance of ten steps, how one of the officers showed his badge. She said that Javier was next to her and that both police officers were shouting at Javier: “Lagartón, get down from there!” She said that Javier gave himself up voluntarily and with his hands held up high, repeating over and over again that his name was Javier, that he was not Lagartón, and that one of the officers hit him in the head with a gun.

Jose Gregorio and Robert had gone back home to get some CDs when

they also heard the gunshots. They looked from the balcony and saw two men taking their friend down the street, with his hands handcuffed behind his back. That was the last time they saw Javier alive. “We thought he was in jail, but we found out later that they took them away and killed him”, said Robert, a 22-year-old upholsterer, during the trial, who was 16 years old by the time of the crime. “Do you know anyone called ‘Lagartón’?, the judge asked. “Yes, back then he was the scourge of the neighborhood”. “What did he look like?” “He was thin, tall”. “Did he look at all like Javier?” “His face, perhaps. They were both white”.

The night of August 1, 2003, the entire neighborhood was startled with the gunshots, although that was a common occurrence. Dayalín—a 19-year-old housewife, 14 at the time of the murder—learned not to speak with the neighbors. She saw from the kitchen when the two police officers took Javier. Felipe B., a 52-year-old construction worker, also saw through the window two police officers pulling Javier out of a Sucre Police squad car. He recalls the scene clearly because it happened right outside his home: one of the policemen was firing shots into the air, while the other was aiming his gun at Javier’s chest. He remembers he shouted at the officers: “Don’t shoot that man, he is a human being!”. Julio César E. saw the same scene and what ensued: the boy fell to the floor, they picked up his body, put him in the back of another squad car and took him away. “After a while, the policemen returned, picked up the bullet casings that were on the floor and took off”.

It was a bit dark in that street of kilometer 21 of the Infiernito sector in the neighborhood called La Lagunita. But there was enough light for the three witnesses to be certain about what they saw on August 1, 2003, when two police officers of the Sucre Municipal Police murdered a handcuffed, disarmed man, who did not offer any resistance.

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It was 7:30 in the morning of Saturday, August 2nd, and Javier had not gotten up yet. Lesvia went into his room and found the bed made up. That was very strange, because Javier used to give her a call whenever he

was going to spend the night out. If he was still in the street after dark, he would usually spend the night at Gloria Gudichely's, his godmother. As a grownup, Javier decided he wanted to be baptized as a Catholic. Lesvia never believed in the divinity of priests and used to solve her affairs with God without intermediaries. But she gave her son the freedom to choose his preferred religion. Perhaps because of his classes at the military school and the Don Bosco school, Javier chose to be a practicing Catholic.

Javier went to church twice per week in La Lagunita, in Filas de Mariche, which Lesvia has only visited once in her life. Javier used to do community work with the parish. He was in the fourth semester of Electronic Engineering at Instituto Universitario Nuevas Profesionales and used to invent new devices in the family's dentist equipment factory: he designed the first resin light-curing lamp in Latin America and was working on a new laser scalpel when he was killed. Everybody in the neighborhood knew Javier, because he also used to repair everything from computers to washing machines for his neighbors in his spare time. And one of them knocked on Lesvia's door on Saturday, August 2<sup>nd</sup>, at 8:00 in the morning, to tell her that her son had been arrested the night before.

"My neighbor lied to me, because he knew that Javier had died and he did not dare to tell me. And I thought it was true, that Javier had been arrested, so I started looking for him". In November 2008, Lesvia Josefina Carmona de Bonilla, 46, a mother from the age of 15, described the judge each step she took on August 2, 2003 until she found her son's body in the morgue of the Legal Medicine Institute of the Forensic and Criminal Investigation Agency in Caracas.

She visited all police stations near her house, then the hospitals. At the Perez de Leon hospital in Petare they told her that there was a young man, deceased, who matched the description of her son, but it was not him. When she was leaving the hospital, a security guard showed her Javier's identity documents. "Go to the morgue in Bello Monte", said the man as Lesvia took the ID from his hands. "The person who talked to us in the morgue advised me not to see him, that his dad should come. But

he could not come, so my cousin identified the body. They told me later that I had to go to the PTJ so I could claim the body, which was the only thing I wanted, to have to my son with me. I could not understand why Javier was there. I did not want him to be there. He should not be there".

After the procedures, the paperwork, Lesvia lost consciousness for a few hours. All she could remember afterwards was a few phrases. Things that her neighbors told her during Javier's wake. That there was a police operation. That it was planned in a liquor store. That they were looking for six thugs. That one of the thugs was wearing beige trousers and a gray shirt. That the police got confused.

They were so confused, that the evening news that Sunday, August 3, showed the director of the Sucre Municipal Police, Elio Salazar, reporting the death of a criminal named Javier Pasero Carmona, 25, who was killed Friday night in Filas de Mariche during a gunfight with his men.

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Whenever Javier greeted Mr. J<sup>1</sup>, he took off his hat as a sign of respect. "Bless me, uncle", he used to say to him, taking his cap off, which he wore all the time. Mr. J was not actually his uncle, but everybody thought Javier was his nephew.

Mr. J, who owned a liquor store on kilometer 21 of the Petare-Santa Lucia road, was shot seven times during an attack against his business by neighborhood gangs. He was injured in one hand, his chest, his foot, his arm and abdomen, and one of the bullets hit his wife, went through her mouth and was lodged in her head. No authority did anything about it. A friend of his, who co-chaired with him the neighbors' association, Mr. W, said to him that he had contacts, that he knew a head inspector of the Sucre Police who could take charge of what justice was unable to do.

Late in the afternoon on August 1, 2003, W arranged a meeting with inspector V in the deposit of Mr. J's liquor store. V was then the head of

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<sup>1</sup>The names of the witnesses have been changed.

the Mariches operational area of the municipal police, the right man to “take care” of El Tato and his gang, Lagartón, Perro Largo, El Emilio, El Pipo and El Ñame. Mr. J, his friend W and a third member of the neighbors’ association gave the detective, and the five policemen without uniform with him, all the information they would need to find the thugs. One was a redhead. Another one was tall and thin. Another one was sort of dark-skinned. One was seen that same day wearing beige trousers and a gray shirt. They drew on a piece of cardboard a sketch of the streets they used to control, between kilometers 20 and 25 of the sector known as La Lagunita. At seven o’clock in the evening it was all set to begin the operation, with no arrest warrants and no public prosecutors from the Public Ministry, as admitted by inspector V when he was called to trial.

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Neither the officers from the Sucre Police nor those of the Judicial Technical Police explained to Lesvia Carmona the circumstances in which her son had died. She had find out on her own. She gathered the testimonies, one by one, of anyone who saw or heard something the night Javier was murdered. From friends. From neighbors. From strangers. She visited by herself every single place where any of them told her they had seen her son, dead or alive. She even went to El Infiernito, because she wanted to know.

One neighbor, the wife of a metropolitan police officer, told her about the meeting in the liquor store, about the operation planned. Her son’s friends—Rossy, Robert and Jose Gregorio—told her how Javier was arrested, and by how many officers. Somebody told her that one man, Felipe, had seen through the window of his house when Javier was shot, so she went looking for him, house by house, all the way to the sector known as El Infiernito in the neighborhood of La Lagunita. “I went by myself, no cops, and I asked him if it was true what people were saying he saw, and he said yes. And that other neighbors saw the same thing and they were willing to tell the story”. She did not know any of them until that moment and they all offered to give a statement in a hypothetical trial.

When the Judicial Technical Police finally decided to investigate, one week after the crime, Lesvia try to contact the ballistics experts who were working on the case. She also contacted the pathologist who had examined Javier’s body that night. Little by little, she was gathering witnesses and the Sucre Police started to harass her.

She never saw so many police officers, so many patrol cars, so many cops in motorbikes around her house, number 38 on La Colina street in Filas de Mariche, as she did during the week following Javier’s death. “They are always on the street that leads to my house, they are uniformed, but the bikes have no plates. This happens throughout the day; it is a way to intimidate me”, was part of the statement given by Lesvia at the Victim Services Unit at the Public Ministry one month after her son’s death. Gloria Gudichely, Javier’s godmother, who accompanied Lesvia in much of the process, also started to be followed: On August 28, 2003, a couple of Polisucro officers took squad car No. 4225 to the carwash, the same car used to transfer Javier from the place where they shot him to the hospital. On September 4, 2003, a court decided to grant protection measures in favor of Lesvia and her family until the end of the trial on Javier’s death, that is, if the trial should ever start.

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When Miguel Angel Borrero—an criminology expert with the CICPC—arrived on Friday at midnight to examine a body at the Perez de Leon hospital in Petare. He found the naked body of 25 year-old Javier Pasero Carmona. Of the six injuries the inspector found, three could have caused Javier’s death: the three bullets impacted the left side of his chest and abdomen, perforated a lung, a kidney and his liver.

In the hospital morgue, Javier was no longer wearing the gray sweater or beige trousers he was wearing when he left his house. Borrero did not inquire about where his clothes were. His job was only to “report what he found there” and at the crime scene, which until his arrival, had been preserved by the two Sucre police officers who arrested Javier hours before. And what he found at the scene on kilometer 21 of El Infiernito

was five bullet casings and one nine-millimeter gun. He does not remember seeing any blood.

The CICPC officers arrived at the scene shortly after Polisucure backup. At 10:15 p.m., deputy inspector G.R. and detective Y.H., the two municipal police officers who arrested Javier, reported through the radio that they were involved in a gunfight with an armed subject who did not respond when they ordered him to stop. Rubén Curvelo, who was driving patrol car 4225, went to assist them, and was in charge of transferring the suspect, who was wounded but still alive, to the Perez de Leon hospital. Agents G.R. and Y.D. remained protecting the scene and waiting for the group of specialists from the CICPC to arrive.

Nicolás González Becerra, the pathologist who received the body in morgue in Bello Monte on the following day, estimates that, being a young athletic man, Javier would have likely survived in spite of his injuries if he had received medical assistance soon enough to avoid a hemorrhage. But there were only between two and three liters of blood left in Javier's body when he arrived on Saturday at the Legal Medicine Institute; he had lost more than half the blood he needed to live. "Where was the rest of the blood?" asked the public prosecutor to Becerra the day of the trial. "With such wounds, it is possible that part of the blood remained at the scene". In any case, inspector Miguel Angel Borrero did not find it in the examination. He only found, at 11:40 p.m. on August 1, 2003, Javier's naked body in the hospital morgue; five 9-mm bullet casings, which were proven during the trial to have come from service firearms of Polisucure officers G.R. and Y.D. of ; and a Bryco handgun, model Jennings, who was supposedly confiscated from the suspect and which, as was also proven, was never shot.

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Every day, from Monday to Friday, at 7:30 in the morning, between years 2004 and 2006, Lesvia Carmona had the same conversation with the clerks of 83rd General Prosecutor Office of the Public Ministry of the Metropolitan Area of Caracas, with jurisdiction in fundamental rights.

- What can I do for you, Ma'am?
- I am waiting for you to tell me when you will publish the date of the hearing for the case of my son's death.
- You can come back in one week.
- Don't worry, I will come back tomorrow.

On May 25, 2004, 83<sup>rd</sup> public prosecutor Alfonso Lopez formalized a criminal accusation against deputy inspector G.R. and detective Y.D. of the Sucre Municipal Police for the crimes of homicide without lawful justification and illegal use of firearms, established in the Venezuelan Criminal Code. The prosecution based its argument on 14 testimonies from witnesses and experts who, in their majority, were contacted by Lesvia; planimetric surveys, inspection records, results of ballistic trajectory analyses and autopsy protocols. But it was not until November 4, 2008, that the trial began. In January 2009, the court sentenced one of the defendants—detective Y.D.—to nine years in prison for the crimes he committed five and a half years before. The process could have taken longer, if it was not for Lesvia Carmona's insistence.

The preliminary hearing for the murder of Javier Pasero Carmona took place on March 25, 2005, almost one year after the indictment. Back then, the judge dismissed the request for preventive imprisonment filed by the prosecution, and the defendants were granted the right to be tried in freedom as active officers of the Sucre municipal police. During the next two and a half years, the trial hearings were suspended seventeen times, most of which, due to the absence of the defendants.

In April 2006, the defense requested the court to prosecute the cases separately for each of the police officers because one of them, deputy inspector G.R., had left the country. But the court did not deem it necessary at that time. Not two months later, the judge declared G.R. missing and requested a copy of the migratory movements of the accused from the National Identification Office (Onidex). The Onidex responded: "There is no record of migratory movements, but it specified that this office was not in capacity to process international flights from regional airports. By that time, six months had passed since deputy inspector

G.R. resigned to the Sucre Police citing health problems, and three months since he travelled to Madrid to take care of “his ill mother”. But only after one and half years did the courts admit the need to prosecute each one of the defendants separately.

There was a time, around December 2003, when Lesvia lost the will to live. She thought about committing suicide. Pedro Bonilla, her husband, stayed in his office for long hours. The couple thought about separating. Ever since Javier died, Sasha—the youngest daughter, now the only child in the family—never wanted to go back to the house in Filas de Mariche to which her brother never returned.

Modern medicine associates the onset of chronic diseases with strong depression that the patient might be experiencing. This medical theory fits the case of Lesvia Carmona and her husband, Pedro Bonilla. The death of the son brought disease to the family.

In March 2007, Lesvia Carmona was diagnosed with breast cancer. She underwent surgery, and was subjected to a long process of chemotherapy. She lost one breast and, one morning, as she looked herself in the mirror, she discovered that she had also lost all her hair. “Quick, get the camera and take a picture”, she told her daughter, who started to cry when she saw her mother. “Take the picture, because I will never look like this again”. Then, it was her husband, Pedro Bonilla: six months later, the doctors discovered he had bone marrow cancer and that the disease was slowly eroding his bones.

In the midst of the crisis, Lesvia and Pedro managed to overcome the distance and stayed together. Lesvia also defeated cancer, but Pedro did not: he died in February 2010. She does the impossible to keep going: “The best attitude in any difficult test, any disease”, she says, “is to grab the bull by the horns and do what you have to do. Because life is always a struggle”. After seven years of struggling, Lesvia still hopes that the courts will issue a final judgment against detective Y.D., the only officer in trial for the death of her son. Since January of 2009, he is provisionally detained at the headquarters of the Sucre Police. She insists: “Justice exists, you just have to look for it”.

*Elsy Álvarez*

**“Justice was hijacked by political polarization”**



*William Morales Álvarez was shot in the back on March 2, 2004, while he was near his house in Caracas watching a protest being dispersed. According to his mother, Elsy Álvarez, her son’s death will not be punished until Venezuelan politics stops interfering with justice affairs.*

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The death of Elsy Álvarez's son took her smile away, leaving her eyes filled with sorrow. She has felt this way since that Tuesday, March 2, 2004, when at around 3:30 p.m. she was told that William Jesús, her youngest son, still living at home, had been shot in the back by a police officer, killing him almost instantly.

Earlier that day, Francisco Carrasquero, head of the National Electoral Council (CNE), had informed on national TV that the signatures collected by the Venezuelan opposition to request a recall referendum against President Hugo Chavez were inadmissible. The CNE reported that about nine hundred thousand out of the three million and eighty-six signatures collected did not meet the handwriting requirements established by the CNE at the moment; hence, the entire signature collecting process, which had started a year before, had to be done all over again.

As the news became public, hundreds of young people from Caracas took the streets to protest. They set up barricades with garbage, blocked streets and highways. The National Guard and the Special Brigade of Expressway Surveillance (Vivex) broke up the demonstrations with tear gas and pellets.

William Jesús Álvarez was watching from the wall that separates his building from the Francisco Fajardo highway how the police officers tore the barricades down, when a group of them ran in his direction, shooting their guns. William Jesús had got home early that day from running errands, taking blueprints from one place to another. While he was working, he got a phone call from his mother telling him "Chuchu, they just said on TV that the signatures for the referendum are not valid. You better come home, there may be trouble around". In fact, the neighbors built their own trench out of boxes and garbage to taunt the government. William Jesús did not like to be involved in protests; he'd rather stay at home; but on March 2, 2004, he decided to catch a glimpse of the situation.

William Jesús, along with eight other young people living on Bruselas Ave. in La California Norte were looking at 15 Vivex officers breaking up the protest. The police officers saw them and started shooting at them. The guys ran to take cover in the nearest house with an open door. Most of them managed to get in, except William who was at the threshold when he was shot. The bullet perforated his body, piercing his right lung, heart and thoracic aorta.

William Jesús Álvarez was 23 years old, the youngest of three brothers. He had fair skin, black hair, brown eyes and was 1.75 meters tall (5'7"). He was in the last semester of Chemical Engineering at Universidad Metropolitana de Caracas. The day he was killed, he was wearing long pants and a t-shirt, which disappeared when the forensic police arrived at the clinic to fill out reports, and reappeared two days later in the reports of the Prosecutor Office, covered with gunpowder.

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The 4<sup>th</sup> prosecutor of the General Prosecutor Office, Danilo Anderson, started the investigation on the death of William Jesús Álvarez even before he was formally assigned to the case. In spite of his title as "national prosecutor for environmental defense", he used to be in charge of complex proceedings with political repercussions. He was in charge of accusing the signatories of the decree that dissolved the branches of government on April 12, 2002. This decree was approved during the brief term of Pedro Carmona Estanga as president, which lasted 48 hours after overthrowing President Hugo Chavez. Anderson was also in charge of the investigations concerning the death of four people, including William Jesús Álvarez, which took place between February 27 and March 2, 2004, as the result of the protests against the government. These four cases were also part of the investigations conducted by the A-11 Multidisciplinary Commission and more formally investigated by the CICPC Antiterrorist Brigade.

On March 3, 2004, Anderson arrived to the morgue of the Legal Medicine Institute of the Technical Investigation Agency and submitted an official

letter signed by him, which stated: “This representation of the General Prosecutor Office was verbally assigned to witness the autopsy performed on William Jesús Álvarez Morales, who died tragically of a gunshot in La California, Caracas; the events lead to the presumption of a crime and therefore, an investigation is ordered”. After the autopsy, the prosecutor started interrogating the witnesses.

William Joffre Álvarez Primera, father of the victim and Elsy’s husband, told Anderson what happened after the shooting. He said that when William Jesús was shot his friends ran over to tell him; then they put him in a car and took it to Clínica Metropolitana, but it took them more than half an hour to get there. Right after they got to the hospital, the doctors informed him his son was dead.

Camilo José Estévez Murada, 23, friend of the victim and witness of the murder narrated his version, which is reproduced in the police report as follows: “On March 2<sup>nd</sup>, at 3:30 p.m., he and the victim were watching a protest when a group of Vivex officers, on blue XT motorcycles, and wearing beige uniforms, bulletproof vests, and white helmets, opened fired at the people standing in the area, which prompted them to run away from the premises. One of the gunshots hit William”.

Antonio Crognale, another friend of William Jesús’s, told the exact same story when interrogated on March 5th. The same day, Raficely Franco (deputy inspector of the Physics and Chemistry Laboratory of the Judicial Police and Chemistry Technician) claimed to have proof that contradicted the witnesses’ story. She submitted a report to the A-11 Multidisciplinary Commission, in which she presented the analysis of the samples taken from the hands of William Jesús searching for traces of gunpowder. “In the samples collected from the victim Álvarez Morales, William Jesús, the analysis showed presence of antimony (Sb), barium (Ba) and lead (Pb). These three elements are residues of detonation of bullets and they can only be detected after firing a gun”. The same day, prosecutor Anderson requested “to perform legal examination and blood tests” on the clothes William Jesús was wearing at the time of his death. Out of all the items, the family was only able to retrieve a pair of boots.

On March 24, 2004, the Prosecutor Office requested from the Technical Inspection Department a copy of all the inspections performed on William’s body and on the crime scene. It also requested the reconstruction of the facts and the planimetric survey of the area.

Details of the bullet that perforated William Jesús’s body were only made public months later. The expert analysis on several bullet casings collected by the police on the crime scene was ready on March 30, 2004. The report indicated that none of the casings analyzed was part of the bullet that killed the victim. It was later determined that the lethal bullet was a buckshot—a large lead projectile that might have been fired from of a shotgun or a homemade gun.

Danilo Anderson was relieved from the investigation on March 31, 2004. Attorney General Isaías Rodríguez assigned 24th prosecutor, Rafael Giménez, to take over the case.

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Commonly known as Prozac, fluoxetine hydrochloride is prescribed by psychiatrists to treat depression, panic attacks, bulimia and obsessive-compulsive disorders. Elsy de Álvarez takes it to fight off the sadness brought by the death of William Jesús. “I have taken fluoxetine since then for this uneasiness. I can’t seem to get over it; if I go a few days without taking it... I get depressed”. Her husband also takes sleeping pills and detests air conditioning since then: the cold brings back the image of his dead son sunk in ice, and the memory shakes him deeply.

Grief has taken a lot from marriage for the Álvarez Morales couple and recent scenes from their lives are blurry: details from William Jesús’s murder they just cannot remember, too many seemingly useless legal procedures and paperwork they would rather not have to go through. “I have gone to the General Prosecutor Office many times, but nothing has happened. The government is involved, so nothing has happened”, explains Elsy.

The investigation proceeded slowly during the last months of 2004.

There was little done to find out the names of the officers who shot William Jesús Álvarez, or the police force to which they belonged. The only procedure carried out by the General Prosecutor Office was in April, when they sent official letters to the National Transportation Institute, the Intelligence and Prevention Agency (Disip) and the Metropolitan Police to inquire into the presence of any agents from these bodies around Bruselas Street and Budapest Avenue in California Norte, Caracas on March 2, 2004. The Metropolitan Police indicated that none of its agents were in the area that day.

On June 23, 2004, Torin Ulacio Valmore, commanding officer of the Special Brigade for Expressway Surveillance (Vivex), sent an official letter to the General Prosecutor Office with the names of the agents recognized by witnesses as the perpetrators of the attack against William Jesús Álvarez. He also specified the type of weapon these officers carried. "I hereby inform that the aforementioned agents were in the Francisco Fajardo highway (California Norte) to clear the road obstructed at that moment with several objects". No other incident was mentioned.

According to the incident report on March 2, 2004, prepared by the head of Vivex services, José Oscar Rojas, nothing worth reporting occurred that day. According to his report, at 12:00 "the officers ate lunch" and "at 16:00, transportation was provided to the staff from the National Fund for Public Transportation (Fontur)" and he did not even mention the removal of obstacles from the road in which, according to the commanding officer of Vivex, the officers were engaged that afternoon. Nor does he mention the episode where William Jesús Álvarez died, not even to prove, as detectives from the CICPC alleged, that he was firing a weapon at the officers, or to reports that a young man died near the highway they were supposedly protecting.

The only official report on William's death was prepared by officer Luis Hernández on the incident report book of the local CICPC station of El Llanito, which stated: "At 7:13 p.m., as I was in the station during my night shift, a radio call came through, from officer Pedro Rodríguez, assigned to the transmission room of this station. He informed that a

patient was admitted at Policlínica Metropolitana, a private hospital in Caurimare, Caracas, showing no vital signs, apparently killed by gunshots".

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Elsy de Álvarez had no access to the files on his son's death, archived in the General Prosecutor Office, until June 28, 2008. At 11:30 that morning, Rafael Giménez, the head prosecutor, met with Elsy in his office and allowed her to review the file. The only new development was the incorporation of Pedro Celestino Ramírez, 20th prosecutor of the Caracas metropolitan area to the investigations by the Common Crimes Division of the General Prosecutor Office. Another relevant fact, but which was not included in the file, was that prosecutor Danilo Anderson was killed by a bomb planted in his car on November 18, 2004.

The only new additions to the file from that date until 2010 are the occasional letters sent to the General Prosecutor Office by the People's Attorney for the State of Miranda, Judith Hernández. All letters state the same: her office is still investigating "the alleged execution of José Guevara, Yormi Suárez and William Álvarez" and recommends "taking all necessary measures" to close this case, because there has been a long time since investigations began. The last of these letters, virtually a carbon copy of the previous one, dated November 29, 2006, ended as follows: "this requirement is made due to our great interest in the completion of the aforementioned investigation. The objective of the People's Defense Office is to promote, defend and oversee the rights and guarantees set forth in the Venezuelan Constitution and in all international Human Rights treaties". The pressure from the People's Attorney is similar to the pressure the last three prosecutors who have taken over this case have tried to exert, and they all start their petitions with the same phrase: "I am writing to ask for your valuable collaboration in an important, urgent matter..." etc, etc.

Elsy believes that justice for his son's death has been hijacked by political polarization in the country and she knows it will only be served when

there is a change of government in Venezuela. “There is no justice here at all. I hope this government and whoever did this pay for everything they have put us through, for other innocent people who have died here”, Elsy says, as she patiently waits.

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***Esilda Ramírez***

***Police are also victims of impunity***



*The disappearance of Wilfredo Jesús Ramírez marked the future of his brothers. José Ramírez became a state prison guard, to wait for those who made Wilfredo disappear. And Esilda Ramírez started to study to become lawyer and to make justice on this and the dozens of cases of human rights violations that take place every year in the state of Falcón, in western Venezuela.*

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Esilda Ramírez wanted to be a housewife until Wilfredo Jesús went missing: he was the fourth of five brothers, a policeman, who was never seen again after June 1, 2004. That is when Esilda decided she wanted to be a lawyer. She wanted to become a lawyer so she could take the police officers to court. She means Wilfredo's partners, who presumably killed him and made him disappear. She started studying Law at the Bolivarian University of Venezuela, Saturdays in the morning, six hours per day. Her mother encourages her: "Justice will be done when you graduate", she says to her daughter. And in order to be ready when that happens, the surviving brother, Jose Martin, signed up three years ago to be a guard at the Santa Ana penitentiary: because those who killed Wilfredo, he says, are going to end up in prison some day. And that day, he will be there, waiting for them.

Wilfredo Jesús Ramírez Oberto was 28 years old, had a wife and two children, 11 and 9 months old, when, suddenly, he went missing. By June 1, 2004, he had served eight years in the Police Armed Forces of the state of Falcon. His rank was officer and was part of the Antidrug Group of Command number 2 in Punto Fijo. The last news his family heard about him was that in the night of May 31, before he went missing, he was on duty at the command post in house No. E-23 in the sector of Los Semerucos in Punto Fijo. The following morning, he should have come home with food and medicines for his son, who was sick. But he never made it.

"We suppose that Wilfredo went missing sometime that night between May 31 and June 1", says Esilda. At around 6:00 p.m. that day, his wife Nigma Martínez spoke with him and asked him whether he would return the next day. He said yes. "Don't be late, the boy is ill", she said to him. And when she tried to call him later, at around 9:00 p.m., it went straight to voicemail.

June 1 was a Tuesday. Tuesdays are not days to go out and party in Punto Fijo, not even to play dominoes with friends. But just in case, Nigma

preferred to wait until Thursday to tell her family that Wilfredo had not returned to the house where they lived together in the sector of Cruz Verde in the city of Coro. Then, they all waited a little more time, and on Monday, June 7, 2004, they informed Wilfredo's boss about the situation, which was just like reporting it to the police. "We went to the Coro Police Department to report the case to the general commander. Five days had passed since Wilfredo had gone missing and the commander told us that he had not heard about the case until that day. He said that he would devote himself to search for him and he asked us not to talk to the press, until he had control of the situation", recalls Esilda.

Wilfredo Jesús Ramírez did not have any enemies and he did not owe money to anybody. He had not received any threats either, according to her sister. The most serious injury he had sustained was a hit in the head with a gun, by a demonstrator in the middle of a protest that, as a police officer, he was ordered to control. His commanding officer did believe, however, that the "Punto Fijo's mafia" had reasons to kidnap him, because by those days his command had carried out some raids and, according to him, some officers had been threatened. While that was a bit suspicious, Esilda Ramírez and her family thought that the Falcon Police wanted to find out what had happened to Wilfredo.

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Wilfredo Ramírez left home at 17, to serve military duty voluntarily. And when he returned, he had decided he wanted to become a police officer. Because it was easy money, he used to say. Because he got his paycheck on time. And because he had benefits—bonuses, vacations, life insurance—that he could not get in any other job. But lately, shortly before going missing, he no longer wanted to be a police officer; that wanted to retire because things within the Falcon Police were getting "fishy", said Wilfredo to his sister without going into further detail.

Everything that can be trafficked in Venezuela goes through the Paraganá peninsula, in the north of Falcon. The whiskey coming from the Netherlands Antilles and the food going in the opposite direction.

The drug coming from Colombia and the stolen automobiles and Venezuelan fuel crossing the border, and the motor oil sold in large cans on the high seas. All those smuggling routes come together at Punto Fijo, the largest city in Paraguaná, which is also a duty free zone.

Wilfredo Ramírez was part of a police command responsible for preventing the traffic of the most profitable merchandise: drugs. His task force was composed of seven agents: inspector Juan Carlos Colina, corporal Daniel Parra and officers Ángel Martínez, Jose Gregorio Medina, Samuel Medina, José Mosquera and Eduardo Mosquera. Two of them, José and Eduardo Mosquera, were on duty with him the night when he is presumed to have gone missing. And the day after this incident, the entire antidrug task force was dismantled.

The last person to see him alive was a friend who dropped him off at his command post on Monday. His friend Chucho said he left Wilfredo Ramírez at 9:00 at the command post of Los Semerucos on Tuesday, May 31. That day Wilfredo told him: “Pick me up tomorrow at 6:00 a.m., when I hand over the guard”. On the following day, Chucho went to pick him up. There was a green Chevrolet Malibu parked in front of the station, with an officer inside who asked him what he was doing there. He said he came to pick Wilfredo up and the officer replied: “There’s nobody there”. And Chucho left.

On June 6, Nigsa Martínez reported her husband Wilfredo Ramírez as a missing person in the sub-delegation of the Judicial Technical Police in Punto Fijo. Ten days later, the entire family went to the 15th Prosecutor Office of the city to inquire about his whereabouts and they told them that they had no leads. The public prosecutor in charge of the investigation, Cleide Diaz, said then that she had subpoenaed Wilfredo’s seven partners, but none appeared before the Public Ministry; only three of them gave statements to the Direction of Internal Affairs of the regional police. On June 17, the State Prosecutor Office in Coro promised to assign a special prosecutor to take over the case.

On several occasions, the Ramírez Oberto family visited the Falcon

Police headquarters to try to speak with the general commander. But he refused to receive them: he was always in a meeting, busy, or out of town. Finally, on June 28, 2004, Wilfredo’s wife managed to have arrange a hearing with him: that day, the general commander told her that he was very upset about the statements given by the Ramírez Oberto family to the press, and informed her that as of that moment Wilfredo’s salary was suspended. This was the only family income, as she was unemployed. Nigsa requested the support of the governor, the attorney general of the state of Falcon and even President Hugo Chavez, asking them to have measure be revoked, but to no avail.

It was only on July 9, 2004, when the police commander finally agreed to summons Wilfredo’s partners in the antidrug task force to meet with his family. “That day, we interrogated them one by one and they expressed their opinions. But at the end of the interrogation, we were not satisfied with their answers, because there were many contradictions. Especially in the version of inspector Juan Carlos Colina”, Esilda recalls. According to her, neither Colina nor officers José and Eduardo Mosquera had provided a credible version about who was the last person to see Wilfredo alive.

For Esilda, their answers raised more questions: “Who is lying and why? Who are they trying to protect and why? Could it be that Wilfredo saw something he was not supposed to see? And, is that why he was deceived and betrayed by his own partners, who killed him or had him killed and buried by someone else where he could never be found?” As the months passed, she became aware that the investigations were being delayed by “someone or something” and that instead of being clarifying, the case became more and more obscure.

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Six years later, Nigsa does not give up on the idea that Wilfredo will come back. She moved, but left everything intact in their house on 7th street of the Cruz Verde sector in Coro, where nobody lives anymore. Esilda insists that she should put the house for rent, and give away his clothes,

but she refuses: –What if Will comes back? Where are we are going to live? “What is he going to wear?” she replies. The rest of the family is clearly convinced that Wilfredo is dead.

In October 2005, when the case file already was about to be closed in the regional Prosecutor Office due to the lack of new evidence, the Ramírez Oberto family managed to have the case of Wilfredo Jesús Ramírez began to be investigated by a national public prosecutor as a crime of enforced disappearance and not as a common crime. “Until that moment, the case file was shunted from prosecutor to prosecutor, in loose sheets of paper, poorly written. When the 17<sup>th</sup> Prosecutor Office of Caracas took over, the case started to move along”, recalls Esilda. By then, Esilda had heard all types of rumors and her family had been threatened: “Many people told us that Wilfredo had been burned, that they were burning them for three days. My sister-in-law also received a message saying: ‘You damn bitch, stop looking for him, we’re going to kill you! Your husband is buried five meters deep in La Ñeña estate.’” It was in that property, in the outskirts of Punto Fijo, where national public prosecutor Cruz Morales and inspector Simón Cedeño from the Direction of the Intelligence and Prevention Services (Disip) began to look, but did not find anything.

A commission of the forensic police sent from Maracaibo to find evidence at the police position in Los Semerucos, had better luck. “They ran some luminol tests on the site where my brother was working, looking for traces of blood: on the door thresholds, in the kitchen. And the test results were positive. It was his blood. They even found traces of blood in inspector Juan Carlos Colina’s green Chevrolet Malibu, which was parked on June 1st in front of that house: on the ignition switch, in the glove compartment, the trunk; my brother’s blood was all over the car”, says Esilda. After another process of interrogating witnesses and ruling out suspects, the forensic police concluded that Colina and officers Eduardo and José Mosquera could be responsible for the death and disappearance of Wilfredo Ramírez.

But it was only in May 2007 when the trial’s preliminary hearing took place, issuing an imprisonment measure against the three police officers.

“It was an arraignment with the members of the police antidrug task force. They ruled out names, until there were only three, the three officers on duty the day my brother went missing. An imprisonment measure was issued against the police officers, and they started to make arrangements to be tried in freedom, but their request was dismissed”, says Esilda.

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Inspector Juan Carlos Colina and officers Eduardo Mosquera and José were supposed to be in prison, for their own safety, in command number one of the Falcon regional police in Coro, since their arrest, in May 2007. Also, the trial for the enforced disappearance of their partner, officer Wilfredo Jesús Ramírez, occurred in June of 2004, was supposed to be resumed on October 19, 2009, at 8:30 in the morning. But that day, at that time, the defendants were driving around in the police patrols through Tacuato, the town in the Paraguaná Peninsula where the Ramírez Oberto family lives. “They were going straight to jail. But they didn’t want anything to happen to them, so they decided that it was better to stay in the police command No. 1”, explains Esilda Ramírez. She even wrote a letter to the Supreme Court of Justice denouncing that the accused officers were driving around “as if nothing had happened”, but she never received an answer.

Such occurrences are commonplace. Almost four years after the trial began, there are no prospects of a judgment being issued on the case of Wilfredo Ramírez. Throughout the entire process, a total of four judges and eight public prosecutors have handled the case; they have all resigned or refrained from action due to pressure or bribes. “The public prosecutors themselves have told us that they have been offered money to stop investigating. One of them, public prosecutor Lucy Fernández, resigned from the case because they began to threaten her”, says Esilda. She and her family still receive intimidating phone calls, and are still harassed by Wilfredo’s former partners. In February 2010, the process was resumed, but every time a date is set for the hearings, they are suspended for absurd reasons: because the file is in the archives or

because the defendants are not transferred to the court, for example.

But now the Ramírez Oberto family is not alone. Esilda and another sister, Yamileth, joined in 2005 the Committee for the Defense of the Human Rights in Falcon (Coprodeh), created to record and provide support in the dozens of cases of extrajudicial executions involving state police officers. In 2003 alone, the same year Wilfredo went missing, the General Prosecutor Office received 132 cases of deaths in Falcon involving alleged gunfights with the police. Until now, courts have not issued a judgment on any of these cases.

In addition to justice, the expectations of Esilda and her family is to find Wilfredo's body, to mourn him and bury him, and finally have closure. "Whenever my mother goes to a funeral, it reminds her of Wilfredo. She says she didn't even have the chance to mourn and bury her son", concludes Esilda.

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## ***Ninoska Pifano***

**"We know we are being watched"**



*Ninoska Pifano is one of the dozens of women who make up the State of Lara's Committee of Victims against Impunity, established in 2004 in order to record, report and follow up every case of police violence and violation of human rights that occurs in this region, where defending human rights is a life-threatening task.*

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Every Tuesday, from 3 to 5 p.m., a swarm of people moves around Barquisimeto's Lara Square, trying to escape from the sun as the afternoon fades. Most of them are women, between the ages of 50 and 60, and most of them have lost one or two children, their husband or their brother, killed by the police. Some of them only meet at the square one or two Tuesdays every month, or when a court hearing is approaching and they get nervous, so they need the support the group. Ninoska Pifano never misses such a meeting. She is in her thirties, and nobody was killed in her family, but the square, located between 17th street and the San Francisco de Asís church, has been the place she chose to be during the past six years.

The story of Ninoska and Lara Square started when one of her friends, Douglas Principal Abarca was killed, and has not ended yet. Douglas was one of the members of the Barquisimeto section of the International Communist Party; he was murdered in September 2004, while investigating the murder of one of his neighbors. Douglas was allegedly killed by a gang that works in collusion with the police, a situation dozens of people in the state of Lara have experienced. Ninoska had no idea about the size of the group until Douglas's death was made public: when his family and the relatives of another four victims appeared as guests in a program hosted by Víctor Martínez (founder of the Lara Victims Committee and former congressman of Movimiento V República, the pro-government party that years later became the United Socialist Party of Venezuela), broadcast by the local television and where they publicly presented their cases. During the same program, they agreed on a first meeting with the families of other victims, who, as Douglas, were murdered or assaulted by police officers, and those who wanted to support the cause. Barquisimeto's Lara Square was the location they agreed upon and about 50 people attended that first meeting. Later, thanks to habit and time, the square became the mobile headquarters of the state of Lara's Committee of Victims against Impunity, established that day; and the families of Douglas Principal Abarca, Víctor Martínez and Ninoska were among its members.

Since then, the Committee reports and follows up every case of police violence and violation of human rights that occurs in the region. "We started painting murals, protesting in front of the Courthouse and the Prosecutor Office. We started organizing the files of every case, writing and distributing pamphlets". That is how Ninoska tells the story of their beginnings. Nowadays, the Committee keeps a complete record of every event that takes place in the state, which in turn is used as input data for the annual reports of other non-governmental organizations working for the same cause at a national level. The difference is that the Lara Committee includes in its data base every murder they know about, regardless of whether the families have reported it or not. The crime section of the local newspapers is full of these cases: In 2009 alone, twelve dead bodies were found with signs of torture and execution—hands tied, mouths duct-taped, with close-range shots to the head—and ditched in different areas of the state of Lara; none of their families have demanded justice for them. Those deaths have not been documented by an organization other than the Committee; they usually sink into oblivion, locked inside the houses of their relatives, who fear retaliation if they search for justice.

The Committee is self-financed with the members' contributions; the expenses are not too high: If they need a banner, there is usually a member who can do it for a low price; if they need pamphlets or photocopies, they collect the money to pay for them; they organize raffles, they receive donations, they sell crafts, and so they raise the money they need. Its origin, community organization, is an end in itself: "In those cases, the political goal is to collectivize the case; that is, not to report the murder of one person, not to report any case individually, but to try to take a group of cases in order to give a real social and political sense to what we do", explains Ninoska. The Lara Committee of Victims against Impunity was born as an autonomous social movement, and it still is. It is one the things that fill her with pride: "I worked very hard for this organization to be independent, so it doesn't have to account for anything to anyone. Today, that is very important for me; it is like a guarantee, a reference of your work when you are encouraging other groups of victims to organize themselves".

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Ninoska Pifano makes a living out of teaching biology to fifth graders at the elementary school; she has done this every morning from October to July for the past 10 years, out of the 19 years of service since she got her degree in Education from the Barquisimeto Pedagogical Institute. Every time there is a press conference of the Lara Committee of Victims against Impunity or protests, the kids tell her the next day: “Teacher, we saw you on TV yesterday”. Or her son proudly tells his schoolmates about his mom being on TV; one of them once asked him: “Really? Was she in a soap opera?”.

Becoming a human rights activist was not in Ninoska’s plans. When she was a student in the Barquisimeto Pedagogical Institute, she used to participate in anything related to struggle for demands: protests against the increase of student bus tickets or the service of the cafeteria, the typical struggles of Venezuelan students. “Human rights were a subject I had not paid much attention to, like everybody else. But when you know a case first hand, then you realize the importance of the matter. That is the reason we have to insist: we cannot wait for something to happen to us or to those close to us, to be aware of the situation”.

Sometimes she feels like quitting, and letting somebody else in charge of her duties within the Committee, or a different organization in the city working on similar cases. But she cannot do it. Even though none of the cases overseen by the Committee of Victims has been legally resolved, Ninoska Pifano believes that it is fundamental for the families to make their cases known, to work for the moral claim of the victims, especially those who were criminalized. “This is a commitment. There is a bond with these people. They trust you, and they lean on you. Even if we haven’t achieved anything from the formal legal point of view, at least from the organizational standpoint we have put the subject of human rights on the public agenda. The fact that people without any professional qualification or resources, have kept this organization up and running for six years, is a reference for other people who are going through a similar situation”.

But her family feels otherwise. They think that too much is at stake for Ninoska, that she spends more time than she should working on the Committee and that she is taking unnecessary risks.

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After November 26th, 2009, the square was deserted; it was the day after Mijail’s death.

Mijaíl Martínez –video activist, rocker, poet–was 23 years old and was working with Ninoska on a documentary about the cases of executions committed by the police reported by the Lara Committee of Victims against Impunity, when a hired assassin went to his house and killed him. It was 7:21 a.m. that Thursday; Mijaíl was waiting in front of his house on 9th street, Ezequiel Zamora sector in Barquisimeto, in the driver’s seat of his truck, waiting to take his mother to work. A group of armed men told him to get off the car, and then shot him.

Mijaíl was the youngest son of Víctor Martínez, the host of the television program where the first meeting of the victims’ families was called. “Víctor had been threatened several times, he had reported murder attempts against him”, recalls Ninoska. Víctor had received five thousand calls from the person who would later kill his son. He recorded all those calls and he presented them as evidence at the Prosecutor Office, but they would not listen to him. “Then, it all happened when we least expected it, and it happened to the person we least expected: Mijaíl”.

Apart from the death threats, which according to Víctor were the work of the Chief of the regional police department, the Committee had also been legally harassed. On October 2006, the regional Prosecutor Office filed a petition with a court to have the Committee of Victims investigated by the Organized Crime Division of the Forensic and Criminal Investigations Agency (CICPC). The judge approved this request which came precisely from the same Prosecutor Office that had not taken a single step in the investigation of over 600 causes of human rights violations in the state.

Up until the day Mijail was murdered, Ninoska insisted on the fact that the Committee of Victims needed to keep the square as its headquarters. “We made an effort to continue meeting there, because it already was our reference point. People would get there by themselves. Some of them would go once a month, others would not go for a long time and then they’d show up again. Anyway, everybody knew that every Tuesday at 3:00 p.m. the Committee had a meeting there”. But the square, open for everyone to see, all of a sudden became a dangerous alley.

After five years, they moved to Ciudad de los Muchachos (Kids Town): a shelter for homeless children, where they were given a space to continue their meetings every Tuesday afternoon. The constant threats were one of the reasons why Ninoska and the others are always introduced as Committee members, and nothing else: “We’re aware that we’re being watched, so we avoid, as much as possible, that the Committee is identified through a particular face or person. The Committee is all of us, as simple as that”.

The case of Mijaíl Martínez was presented in a general hearing about the situation of human rights advocates in Venezuela, on October 29, 2010, before the Inter-American Commission of Human Rights, as another example of the situation faced by human rights organizations and advocates in Venezuela. It has also become one of the main emblems of the Committee: [justiciaparamijaíl.blogspot.com](http://justiciaparamijaíl.blogspot.com) (justice for Mijail) is the name of the blog in which Ninoska leaves a piece of her memory every week so that this crime is never forgotten.

“I remember that afternoon, you went to the COVICIL meeting and then once again we met at the coffee shop to share ideas about the documentary. That day, you were impressed by Nohelia’s testimony, by her clear determination and her way of rising above the situation to support other women. Our talk was endless as usual, leading us from one subject to another. I remember the fun I had pointing out your contradictions. That day, communication was the issue you were so concerned about. All of a sudden they were kicking us out of the place and we realized how late it was. We ran to the 18<sup>th</sup> street trying to hail a cab and we took the first

one that went by—a beat up, red Chevette. When the car went through Ribereña Avenue, it started breaking down and it barely made it to El Garabatal interchange. At that point there were already four people in the car: Cerati hopped on to sing ‘La Ciudad de la Furia’”. Ninoska wrote this on Friday November 12, 2010, at 3:00 p.m.

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Ninoska, as many mothers, grandmothers and sisters of victims and members of the Committee, does not have the full support of her family. Most of the active members are single women, determined to find justice. According to her, family and religion threaten the collective organization: relatives who oppose the idea of family members protesting, or religion, which chooses to leave matters in the hands of God. —Women who decide to become a part of the Committee have not only rebelled against impunity, but also against their dishwashers, washing machines, against tradition. In my case, since we live in a culture of individualism. Everybody thinks you need a concrete reason to take on a cause. But that’s not what I think. Realizing that somehow you can have an influence on a group of people is a feeling like no other. If we don’t make things happen, what lesson will we teach our children? To hide? To leave the country? No, we cannot leave: we have an obligation.

Ninoska has been forced to become many people in one. The Committee of Victims does not have any lawyers or psychologists at its disposal to support its members. So, she has had to learn to process files, to track evidence or help members who fall into serious depression. “When you do this type of work, your entire environment is made up of people who work on the same thing. Thus, the situation itself unites us, makes us encourage each other”. At least on two occasions, Ninoska has had to run in the aid of some member of the group who has confessed their intentions to commit suicide.

If Ninoska has changed her mind about anything, it’s about death. She no longer sees it as one of a kind, with a neutral look in her eyes, as when something is irreparable. There are sudden, tragic and natural deaths,

they all hurt equally and none of them can be fixed. But she thinks there are some deaths which call upon our duty as citizens to offer some resistance: those deaths at the hands of the police or hired assassins, which in Venezuela are increasingly common. “In my country, dying a natural death is like hitting the jackpot”, she says. She believes that is a notion no human being should get used to.

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***Yajaira Forero***

## ***The Longest Trial in Venezuelan History***



*The trial against Yajaira Forero’s husband, Lázaro Forero, lasted three years and 13 days. And even so, Yajaira says, justice was not served. As a result, commissioner Lázaro Forero was sentenced to 30 years in prison for the deaths occurred in downtown Caracas on April 11, 2002: for allegedly giving an order to shoot, which was not proven by any evidence produced during the trial. While her husband serves his sentence, Yajaira is a lawyer, a mother, a father, a wife and an activist, all at the same time.*

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At first, Yajaira Forero did not know where the shooting came from. Then she knew—because she saw the demonstrators pointing at the roofs of the buildings, because the judge said it several times during the trial, because the prosecutor wrote it in a book—that the bullets that injured and killed most Venezuelans on Baralt avenue in Caracas on April 11, 2002, were shot by snipers and not by the police under the command of her husband. Yajaira is absolutely sure about that.

Yajaira Forero was born on October 28 in Caracas, she won't say what year. She is a retired commissioner of the Metropolitan Police. She met her husband, Lázaro Forero, at work. He was deputy director of the police. She married him on May 18, 2002: one month and one week after the events for which her husband has been in prison for over six years and has been sentenced to serve 30 years. That day, after several days of protest and right before the situation evolved into a coup, 19 people died and approximately 150 were injured in downtown Caracas, during a large demonstration against the government of Hugo Chavez. Most victims were hit with accurate shots to the head, on Llaguno Bridge on Urdaneta avenue and several corners on Baralt Avenue. After a trial that lasted three years and 13 days and although no evidence presented during the process proved it, the Fourth Court of the State of Aragua ruled that Yajaira's husband, Lázaro Forero, and eight other officers of the Metropolitan Police were responsible for the death of two people and the 26 who were injured. Consequently, Forero was sentenced to 30 years in prison and to serve them in a 2-by-2-meter jail, which he is only allowed to leave three times per month so that he can feel the sunshine, when it is not raining, that is.

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Yajaira Forero's photograph is displayed in the Metropolitan Police Museum for being the first woman to lead an all-men unit, in 1993. But on April 11, 2002, Yajaira did not have any men under her command: she was studying in the Metropolitan Police College because she was

studying in the Metropolitan Police College because she wanted to be promoted to chief commissioner and she went to the demonstration wearing her uniform to offer her support. Political parties and workers' associations demanding the resignation of the president set up a street stage in front of the office building of Petr6leos de Venezuela, PDVSA, in Chuao, Caracas: a four-lane avenue ending at the Francisco Fajardo highway and connected to four narrower streets, nestled between two large malls and several office buildings. The place was packed. Five large individual marches, coming from five different locations in the city, assembled in front of that stage. Yajaira had moved away from the crowd to buy some water when the compact mass of people began to overflow onto the highway shouting: "To Miraflores". Miraflores: the presidential palace in downtown Caracas, which since 1998 was occupied by Hugo Ch6vez.

"I don't know where the shouting started. It was an uncontrollable river of people who began to move onto the highway. L6zaro and I, and the police officers with us, could not return to the assembly point and had to follow them towards downtown Caracas. Anyone familiar with public order knows that many lives could be lost in such a situation. If we were to throw tear gas or engage them, there was going a stampede and there was no place to run".

Almost all the patrols, the water cannon trucks and all the other the anti-riot vehicles used by the police to control a demonstration were blocked by the crowd inside a nearby service station. The motorized brigade tried to place several barricades along the way to stop the march, but the demonstrators pushed them away.

"The Metropolitan Police was left alone in this situation. Neither the National Guard nor the government took any measure to help us stop the demonstration. Understaffed as we were, we arrived at the city center. That is where the confrontation began, with sticks, stones and bottles, and later, the firing started. There was a civil war that day".

As a result, 19 people died and 150 were injured. Few hours after these

events, the generals of the military High Command, one by one, announced on television they were withdrawing their support to the government of Hugo Chavez and sent a group of soldiers to arrest him.

At 3:25 a.m. on April 12, 2002, the chief inspector of the National Armed Forces, Lucas Rincón Romero, announced publicly the resignation of the president: “I condemn these lamentable events and therefore, I asked the President to tender his resignation, which he accepted”. That afternoon, a government board was set up in Miraflores presided over by industrialist Pedro Carmona Estanga who, through a decree, dissolved all branches of government. The military loyal to the government reacted against it and, 48 hours later, managed to restore Hugo Chavez to power.

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Yajaira Forero graduated in 1996 from Santa Maria University law school in Caracas, while she was working as a police officer. In December 2006, she became part of his husband’s defense, along with María del Pilar Pertiñez de Simonovis—wife of commissioner Iván Simonovis, who was also tried and sentenced with Forero—José Luis Tamayo, Theresly Malavé and Igor Hernández. Four lawyers had already resigned to the case and two other had died since the trial against Forero and other ten Metropolitan Police officers began, on March 20, 2006. The trial against the three commissioners—Forero, Simonovis and Henry Vivas—and nine Metropolitan Police agents lasted three years and 13 days, and is famous for being the longest trial in the history of Venezuelan justice.

The trial took place in the city of Maracay, 120 kilometers from Caracas. For every hearing, the defendants were transferred in a car from the Disip headquarters in Caracas to the courts. They traveled in handcuffs and, upon arrival, they were locked in a warm, fetid jail until the time of the trial. But sometimes there was no trial: the judge or the public prosecutor or any other official would take a sick leave, or the hearing room was occupied. Then, they would travel back to Caracas: between the traffic on the freeway and in each one of the cities, it could be a three-

hour-trip, again, in handcuffs.

“This became the longest trial in our history not only because there were many victims involved, but because the judge and the prosecutors used all types of excuses to delay the hearing process. Throughout the trial, there was a total of 231 hearings, 265 experts’ reports and 72 pieces of documentary evidence, 196 witnesses, and we saw over 2000 photos and videos”.

But there was no evidence, says Yajaira Forero, proving that the police officers were guilty of the charges brought against them: the death of three people –Josefina Rengifo, Erasmo Sánchez and Rudy Urbano— and for causing the injuries suffered by another 26 people. At some point during the proceedings, judge Marjorie Calderón dismissed the death of Josefina Rengifo: a pregnant woman who died from a gunshot wound, two kilometers away from the place where the metropolitan police officers were located. But the accusation proceeded for the death of Sánchez and Urbano: two men who died on Baralt Avenue because of gunshots coming with a downward trajectory, one of them a 5.57 bullet; they were, however, in the same area as the police, who were carrying 3.57 revolvers. Two of the police officers admitted during the trial to have fired their weapons, but none of the ballistics reports on the victims matched their firearms. All these studies were conducted eight months after the events, on any object the detectives could find between Baralt Avenue and Llaguno Bridge in Caracas: a piece of foam rubber, a purse, a painted shoe, a t-shirt, which were later presented as evidence during the trial.

“Erasmo Sánchez and Rudy Urbano were killed with accurate gunshots to the head. The experts’ reports concluded that the shots had a downward trajectory. The Metropolitan Police, which was in the lower part of the avenue, could have never shot those people. For these deaths and 26 people who were injured, some of them with blunt objects like sticks and stones, the police commissioners and officers are serving a 30-year sentence. If all the evidence was inconclusive, how it is possible that this government has imprisoned these innocent Venezuelans, just to claim

that justice was served?”.

Two Metropolitan Police officers were acquitted and the remaining six were sentenced for the crimes of homicide and actions resulting in various degrees of bodily injuries. Commissioners Lázaro Forero, Iván Simonovis and Henry Vivas were sentenced as accomplices of these agents: for giving them their firearms and ordering them to shoot.

All the orders radioed by commissioners Forero, Simonovis and Vivas were recorded in 15 tapes which were analyzed during the trial. The defense argues none of the recordings shows the commissioners say to their men: “Shoot”.

“It was clearly demonstrated by the recordings of the master control unit, that at no time did the commissioners order to shoot. On the contrary: in one of the recordings, you can hear my husband’s voice requesting backup, because they were being shot at. It also shows the voice of commissioner Vivas telling the police officers to try not to shoot. But these recordings were not presented as evidence in the trial, because it was never ordered by the General Prosecutor Office. The judge knew very well that there was no sufficient evidence to sentence the police commissioners and officers, but she sentenced them nevertheless, because she had received that order”.

All the petitions and appeals filed by the defense in favor of the commissioners and officers throughout the three years of the trial were dismissed. Given the characteristics of the process and the officers involved, Yajaira strongly believes that the trial was absolutely influenced by political polarization: the judge is the wife of a senior representative of the pro-government United Socialist Party of Venezuela; the public prosecutor, Haifa El Aisami, is the sister of the minister of Interior Affairs and Justice, Tarek El Aisami; and two other official members and one alternate member of the court are beneficiaries of government grants through social and militant programs of the ruling political party.

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They anticipated that the trial was going to be like that: politicized, biased, irregular. For that reason, commissioners Forero, Simonovis and Vivas tried, to no avail, to seek asylum through the embassy of El Salvador in Caracas on November 26, 2004, before submitting themselves to Venezuelan justice. By then, no formal legal accusations or arrest warrants were issued against them. They had only been subpoenaed once. Yajaira and her daughters had received anonymous phone calls threatening to kill Lázaro Forero and his family. In the building where Yajaira’s mother and the Vivas family used to live, the militant group known as “Tupamaros” wrote on walls: “Lázaro Forero and Henry Vivas: assassins / you will pay with your lives”.

The commissioners chose the government of El Salvador to request protection because that country had already granted the benefit of political asylum to rear admiral Carlos Molina Tamayo—one of the military leaders who publicly withdrew his support to the government of Hugo Chavez on April 11, 2002. But the commissioners did not have the same luck. After eight days inside the embassy, they were delivered up to the police and detained in the former headquarters of the Forensic and Criminal Investigation Agency (CICPC).

“Sadly, the government of El Salvador did not comply with the principle of non-refoulement, which means that a country cannot not turn a person back when their right to life and due process is not guaranteed. My husband and the other commissioners did not anticipate the fact that they were exchanged for oil: the Venezuelan government threatened El Salvador with stopping oil deliveries if it granted asylum to the commissioners”.

Every day, once per day, the wives of commissioners Forero, Simonovis and Vivas walked the stairs eight floors up to take breakfast and lunch to their husbands, in the old punishment cell for PTJ officers, where they were detained for two years. The jail was a large undivided room, with three beds, a bathroom, an electrical stove, and after six months, a microwave oven, and after one year, a small refrigerator. “We had to bring everything to them every single day, because they wouldn’t even

give them a glass of water . One time, I had to complain because they locked the door with a padlock and nobody knew who had the key. I had to speak with director of the police to warn him that in case of an emergency they would not be able to get out”.

After two years, the commissioners were transferred to the headquarters of Direction of the Intelligence and Prevention Services (Disip), where they have been detained since December 4, 2006. Each one of them lives in a 2-by-2-meter jail; these jails can only accommodate a small bed, a small table, a television set and a fan. Forero, Simonovis and Vivas are only allowed to leave to a 28-meter-long, one-meter-wide windowless, neon-lit corridor that connects all the cells, with one toilet shared by 40 people. They do not know when it is the daytime or nighttime.

“Before, they used to be allowed to get some sunlight in the parking lot for one hour, once a month, strongly guarded. After so much fighting, we got them one hour, three times a month. They have changed their daily routine. They cannot fall asleep at night. My husband tells me that he goes to bed at 2:00 in the morning and wakes up at 7:00. They try to fall asleep late to make their days shorter. Not even the worst criminals deserve such a treatment. The judge, just to be crueler and inhumane, not only sentenced them to 30 years but ruled that the sentence should be served at the Disip headquarters. Now we are fighting to have them transferred to another prison. Nobody can stand a 30-year sentence under those conditions”.

The commissioners are locked up in their cells with padlocks every day at 10:00 p.m. and they open the cells at 6:00 a.m.; between those hours they must use plastic containers as toilets, where they urinate and defecate, and throw them away the next day. Visiting days are Thursdays, from 11:00 to 2:00, and Sundays, from 11:00 to 5:00; visitors can only enter the facilities three times per visit, and it is usually relatives. Politicians, journalists, or public personalities who want to visit them have always been refused access. On the other side of the gate, the circumstances have forced Yajaira Forero to take care of everything.

“Years go by. It has been six years already. Six years we’re not getting back. Six years their children have grown up without their fathers. We have gone through situations in which we have needed them, but we have had to manage without them. Because we are a thousand women at the same time: I am a wife, I am a mother, I am the head of the household, I am their lawyer and I am their voice in the street. Many people who are not family or friends have supported us. The Venezuelan people know that they are worthy, working men, and that encourages us to continue fighting”.

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As part of her struggle, Yajaira pleaded a humanitarian measure to release his husband, Lázaro Forero, who developed a life-threatening cancer. When reunited with his family, he said: “I have freedom, at a very high cost”.

***Luisa Viloría***

***Trigger's Justice***



*Luisa Viloría always knew that her son William José Ríos Viloría was not a saint. But she also knows that whatever he may have been stolen was no reason to torture and kill him, as he was on November 19, 2006, by the Metropolitan Police. That day, at least seven officers killed five young people in the event known as the La Vega Massacre; four years later, only two of the officers involved have been arrested and prosecuted.*

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“I’d rather see you dead than in prison”.

That is the last thing Luisa Viloría recalls telling her youngest son on Saturday, November 18, 2006, in the afternoon, twenty-four hours before the police killed him.

“I’d rather see you dead than in prison”.

Because she sensed something, she told him twice: “Be careful, Ton, be very careful. I have no money for a funeral”. He answered: “If they kill me, you can just throw me away and be done with it”. And Luisa, stressing each syllable: “It’s not that they might kill you, Ton. Where-do-I-get-the-money to bury you, if the little money I earn is to support ourselves?”. Then she took her things, closed the door behind her and did not see again Ton again until the day of his funeral.

Those who identified the body say that it was not the three shots—one in his stomach, once in his leg and one in his arm—what killed Ton. They say so, because his skin, mouth, and eyes were covered with reddish dirt, so they assume he first was wounded by the police and then buried alive, where he died of asphyxia. They did the same to Deivis, his cousin, who was taken to the morgue shortly before, without any identification documents, under the alias of “Pata’e chuleta”.

Alexander, Kender and Jhonny—the other three guys who were presumably killed by the Metropolitan Police on November 19, 2006 while looking for Ton and Deivis, known in the neighborhood as petty thieves—died as a direct result of the shooting.

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William José Ríos Viloría was 21 when he was killed. His family called him Ton, as a term of endearment, shortening the nicknames of “frentón” and “dientón”, for his prominent forehead and teeth. Even the policemen who disarmed Block 2 in La Vega in the early morning of November 19, looking for him, knew his nickname. His neighbors knew it as well, as

he often robbed cell phones, cash, or motorcycles from them. “When William was born, after an eight-month pregnancy, his head was too big. I cried every day and every week I had to go to take him to the hospital because the doctors said he was hydrocephalic”.

- And what was the diagnosis? -He was born like that because of the nicotine.

- Did you smoke heavily during pregnancy?

- I smoked and, also, I took to chewing cigarettes. I'd chew all the flavor out of the filter, the brown part. I sucked the filters off. I would walk down the street, see a filter and grab it when nobody was looking. That was a craving I got while I was pregnant. I think that's why he had a mental problem or something.

Luisa Viloría makes a living of ironing clothes in private homes, and she smokes like a good ironing lady. She makes almost a minimum wage every month, which is never enough. She has two children, a grandchild, is divorced and around fifty years old, as refuses to reveal her exact age. She corrects herself: she has one child left, and has spent four years awaiting the trial for the death of her missing son.

Ton was the younger of the two. He was not the smartest in the class, says Luisa while looking at the picture of her dead son taken by one of the policemen involved in the crime with his cell phone, which circulated for several months over the Internet. In the picture you can see Ton lying in a forest, eyes open, the sunrays drawing white circles on his half-naked body. –He dropped out of school because he wasn't learning.□ But a few months before he was killed, Ton went back to school as part of Mission Ribas: a social program created by the national government so dropouts or those who never entered the school system can obtain a high school diploma in a few months, free of charge. Just for being part of the mission, Ton received a grant worth a little under a hundred dollars a month at the official exchange rate. It was less than the money he earned as an antenna installer for a cable television company; but apart from the fact that it implied less effort, the mission was “safer”. Ton was kidnapped more than once in the neighborhood, just for being a

good boy, working.

One of the boundaries of the El Carmen neighborhood in La Vega, where Luisa still lives and, until recently, Ton's territory, is a basketball court. An unwritten law prevents boy gangs from either side to cross it. And Ton, who was from “this side”, was assigned by the cable TV company to install antennas “on that side”. Luisa had to run over and over again to rescue him. “It was a miracle that he wasn't killed. A hairdresser hid him in her house. The guys from that side dragged Ton behind the court and beat him until he looked like a monster”.

When Luisa went to report the kidnapping at the Technical Judicial Police station, which back then operated on the ground floor of the building where she lived, no officer bothered to get up from his chair. According to her, it was because it saved them a lot of work to let the gangs kill each other. “That day, I grabbed a policeman by his vest and I almost pushed him into a patrol car so he could go looking for Ton, because they didn't want to go. Ton was upset about that. He asked why I had gone to the police, because now the whole neighborhood would think he was a snitch”. Among young people in El Carmen, justice is almost as unpopular as police officers, who often take it into their own hands.

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That is what some 150 metropolitan police officers went to El Carmen the morning of November 19: “to make justice”. A few hours earlier one of their fellow officers, William Jefferson Granados, had been attacked and killed in La Vega, as he was returning from a party with his girlfriend. “One of the thugs shot him three times with a shotgun, two in the back, one on his right leg, and a fourth shot in the head with his own gun. He was taken to Perez Carreño hospital, where he was admitted with no vital signs”, said the head of Metropolitan Police district 85. Granados was 22 years old. Two weeks before, had been promoted to officer and that day he became part of the statistics as the second officer killed in the city within 24 hours.

As soon as the police found out about Granados's death, the entire staff in Zone 3 and the Intelligence Division of the Metropolitan Police were mobilized to the neighborhood of El Carmen and took it by storm. There were police on air and land: they were in motorcycles, cars, a helicopter. One witness who was able to see something in the dark at around 4:30 in the morning, said that the Viloría cousins—one "Ton" and one "Pata e' chuleta"—had killed Granados. Looking for them, the police threw tear gas bombs inside Esfuerzo y Progreso school, which did not clear until Tuesday. They searched each of the apartments in Block 2 of La Vega where they suspected there might be a family member. They knocked down twenty doors, before they found the house of their first victim: Alexander Campos, who was also nicknamed "El Dientón".

They say that Alexander was still alive when he was dragged out of his house and down the stairs of the neighborhood, with two gunshot wounds in his abdomen, and his head hitting each step on the way down. They say he was tortured, forced to eat raw eggs, that they broke his teeth with a gun, and that when they took him away, Alexander begged them not to let him die.

When they heard the gunfire, Johnny and Kender ran for cover. Their families did not know until then how good friends they were with Deivis and Ton, or how the four of them ended up hidden in the mountain behind the neighborhood. Ton had a wood and zinc shack, where he took his women—plural.

At 10:30 a.m. on Sunday, Alexander Campos was already in the morgue of Miguel Pérez Carreño Hospital, with two bullet wounds and next to the body of officer Granados. At 5:00 they were joined by the bodies of Kender Véliz, Johnny Chávez, Deivis Aray Viloría and William Ríos Viloría, a.k.a. Ton.

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"My sister Raquel had a dream before we claimed the bodies. In her dream, Deivis (her son), told her that if they were going to bury him and Ton, they should bury them in the same hole, And so they were, buried

both in the same hole, in Cementerio General del Sur, and the wake was held for both of them in the same chapel. Alfredo, another nephew who was killed, was also there. And of course, in order to put Ton in, they first cremated Jesús and placed in a bag". Luisa, as she told Ton the day before his death, had no money for a burial. Neither did Raquel, Deivis's mother. By then, November 19, 2006, four children, nephews or grandchildren in the Viloría family had been killed by the police or by other neighborhood kids. Three of them were Raquel's children: Alfredo, 16, was presumably killed by PTJ officers; Jesus, 17, was killed by "friends"; Deivis, 21...

The families in each apartment of block 2 of El Carmen neighborhood in La Vega, and in fact all blocks, all houses, in all neighborhoods in Caracas, have a story to tell about violence. In police jargon, the circumstances of the casualties are often "clashes with the police" or "vendettas". In plain English, a high percentage of these deaths are the result of extrajudicial killings or enforced disappearance.

There are no official figures of the Venezuelan State about these killings. However, the last "Report on Democracy and Human Rights in Venezuela", published in 2009 by the Inter-American Commission on Human Rights, finds that in 2008 alone, 509 homicides occurred "in the context of 'clashes' or 'executions'", according to data from the General Prosecutor Office. A second paper by the Ombudsman's Office and cited by the Commission, mentions that the same year, 134 cases of "arbitrary deprivation of life" committed by the police were reported at that office. In more than 40% of cases, victims are usually aged 18 to 28, like Deivis and Ton. And in almost 20% of cases, these are children aged 12 to 17, like Alfredo or Jesús.

But, against all statistics and her own misgivings, Luisa could not believe that upon returning home she would learn that one of the many young boys killed during the weekend was her own. So, after hearing the news, she could not bring herself to go to the morgue. In addition to the sadness and anger, I was afraid of the police who had come into her house, breaking everything. "I was even afraid to look out the window".

Carla—the wife of Ton’s older brother Jensi—took care of everything. She identified Ton’s body, claimed him at the morgue, kicked out the police when they went to Luisa’s home in the early morning of November 19, looking for Ton. “They arrived at 5:00 in the morning. They were about 20 police officers. They knocked down the gate, the door and found me locked in my room with my son, who was four years old at that time”.

- Did the police say they were looking for someone?

-They said they were looking for the boy who lived here, they were looking for Viloría family. They came twice, the second time at 1:30 p.m. They asked me to give them a picture of “the boy who lived here” and said they would take a look. They broke the drawers, they took several things...cell phones, money...

Since that morning until 5:00 in the afternoon, there was nonstop shooting. “At that time, I was leaning over the balcony. Luisa had already arrived. It was gunshot after gunshot, and a helicopter flying over the blocks. Then they started dragging the dead boys down the hill”.

Ton’s body was limp, covered in dirt, his eyes open, propped up between two metropolitan police officers who took him to Pérez Carreño Hospital on a motorcycle. The police said he was injured, but the pathologist who examined him said he had been dead for at least three hours. Deivís’s body was taken later: two metropolitan police officers carried him by hands and feet, and they threw him on the floor.

Carla, who identified the bodies in the hospital, says that there was no bullet wound on Ton’s body that looked lethal. But then, after seeing him for the second time at the morgue of the Forensic Police Legal Medicine Institute in Bello Monte, she found a gunshot wound in his head.

The five boys who died on November 19, allegedly killed by the police, had bullet wounds in their hands, thighs, and some of them, gunpowder tattoos on their chest and back, showing that the gun used to shoot them was closer than four inches from their bodies. “You can see that almost all of them instinctively tried to stop the bullets with their hands”,

Luisa thinks. The version given by the Metropolitan Police officers to reporters covering the news in the neighborhood of El Carmen was a different one: “When the units saw El Dientón in his hideout, they told him to surrender, but he repelled them with gunfire”, said a spokesperson. “After the gunfight, he was wounded and died while being transferred to Pérez Carreño Hospital”. All the newspapers reported that four firearms had been seized from the “suspects”, including officer Granados’s service weapon.

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Out of approximate 150 metropolitan police officers who participated in that operation in the neighborhood of El Carmen, the families of the victims have recognized at least seven, with their names and surnames: one inspector, a deputy inspector, two agents, one second sergeant and two second corporals. But in the four years since the day of the massacre, the General Prosecutor Office has only issued a warrant against and apprehended two of them.

Nearly three years later, prosecutors requested the arrest of one of them. On May 22, 2009, agent Franklin Ayala was arrested, and five days later, the trial court called for a hearing to hear the defendant’s version, who was accused of the crime of “murder in degree of complicity”. One year later, on July 16, 2010, a second officer was arrested: Metropolitan Police deputy inspector Gabriel Freites.

Officer Freites’s arraignment was the last one held in this case. There is always a reason to suspend the hearings: absence of a public prosecutor, or a defense attorney, or a relative of the victim, or the wrong date is set for the hearings.

Over time, the initial expectations of families seeking justice for their children have been declining, to the point that, today, it has been impossible to locate the mother of one of the victims, who changed her life and address without notice. The little faith in justice as a means of reparation—and procedural delays and administrative burdens—has

been one of the many reasons why the investigation on what is now known as “La Vega Massacre” is not progressing as quickly as it should. Luisa Vilorio, nevertheless, insists on justice. But every time he runs into a policeman in her neighborhood, patrolling or living there, anger boils inside her.

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***Wilmar Hernández***

## ***The double murder of Esteban Javier***



*Wilmar Hernández has made all efforts to find justice for the double murder of her grandson, Esteban Javier Vargas, 17: He was presumably killed by the police, with several gunshots, in February 2008, and then he was accused of being a thief. For this case, two police officers were charged and acquitted a few months after the trial began.*

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The phone rang at 8:00 o'clock in the evening on February 14, 2008. A voice on the line told Albis that her eldest son, Esteban Javier Vargas, who she had left two hours before safe at home, had been injured in a traffic accident and was being taken to Barquisimeto central hospital. "Wrong number", thought Albis. But just in case, she called Wilmar: "Mom, please come to Libertador Avenue. They just told me that Esteban Javier was run over by a car".

If it was not for that call, that night, Esteban Javier Vargas Hernández would have turned 18 on December 24, 2008. He was the first grandchild of the family, the first nephew. He was studying the first semester of Industrial Safety at the Antonio José de Sucre University and regularly attended an evangelical church. But his true plan, what he really wanted to be, was a "petejota": an officer with the Forensic and Criminal Investigation Agency.

The intersection of 33rd Street and Libertador Avenue, where the accident occurred, is minutes away by car from the house of Wilmar Hernandez, Esteban Javier's grandmother. "We took a cab there immediately. When we arrived, there was a motorcycle lying on the road and a car in the middle of the street, and everything was cordoned off by the police", recalls Wilmar. But the body of her grandson was not anywhere and instead of giving explanations about what had happened, the officers responded with insults. Some witnesses said that Esteban Javier was riding in the back of a motorcycle driven by Pedro Daniel Guevara, 16. Vargas Hernandez's family did not know Pedro Daniel. He was not one of Esteban's friends who used to come by the house. "But if they were together, I suppose it was because they were friends", says Wilmar.

In that corner, they crashed the motorcycle into a green car, which was waiting at the traffic light to cross the avenue. Pedro Daniel was killed instantly. Esteban Javier broke his left arm and hit a leg, but he still could get up and get on a police car which would take him to the hospital.

"Madam , don't argue with those cops", Wilmar was told by a woman who witnessed the accident. "Go to the hospital, because one of the boys on the bike was alive and they took him away in a patrol car".

"That was my grandson. He was alive and the other guy died. That's how much that boy wanted to live", said Wilmar. Half an hour later, the family was looking for him in every floor of the hospital. Emergency room. Traumatology. At last they found him in the operating room on the second floor of the hospital, where one of the doctors came out of the operating room with the news: Esteban Javier arrived at the hospital alive, not with traffic accident injuries, but with five bullet wounds that caused internal bleeding and, minutes later, his death.

Bullets? Dead? Albis could not believe it, and ran desperately down the stairs. Wilmar asked the doctor to show her the body. "It was him. He was already covered with the little green sheet they put over dead people. He had just died; he was still warm. I uncovered him and even kissed him and hugged him. He was still warm. He was completely naked and blood was still gushing from his body. On the stretcher, there was only a sweater, which he wore all the time, and when I reached to take it, the doctor said to me: 'Madam', leave the sweater there, because it's evidence. Remember he died from bullet wounds".

The Forensic Department of the Lara State Police attested in the death certificate that the death of Javier Esteban Hernandez Vargas "was the result of five gunshot wounds". One in the back of his thigh, one on the back of an arm and the remaining three on the back. Every bullet, it turned out, came from the firearms of two Lara Regional Police officers.

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The causes are clear. But the circumstances around the death of Esteban Javier Vargas, have not been clarified after two years. The explanation of the Lara Regional Police is that he and Pedro Daniel Guevara stole a motorcycle, a group of officers set off in pursuit along several streets and, at the intersection of 33rd Street and Barquisimeto's Libertador Avenue,

the motorcycle they were riding at full speed crashed into a car that was waiting at the traffic light.

No shots were fired by the police in this version of the story. But there were five bullets in the body of Esteban Javier Vargas and three in the body of Pedro Daniel Guevara. Witnesses claim that Esteban Javier was alive when the police took him away from the crash site. But none has dared to give a statement in a court of law.

Detective Hugo Crespo, responsible for directing the expert analyses of the forensic police, found no weapons at the scene of the accident. As he stated months later to the prosecution, that night the officers tried to give him two guns allegedly used by Esteban and Pedro Daniel, but at that time they were in the glove compartment of the patrol car. In their defense, the police officers told Crespo that they kept them there to prevent any crook walking by the crime scene from stealing them. That night, Crespo did not accept the guns as evidence, but the general commander of the regional police did.

Just a few hours after the murder, the police commander called the local media for a news conference. He put two guns on his desk and said: "These are the two firearms used by the young criminals to steal a motorcycle". And he described the incident of the night before, where Esteban and Pedro Daniel had died and no officer was injured, as a "clash" between cops and robbers. "When I heard that, I wanted to die", recalls Wilmar.

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The day of the funeral, the rector of the Antonio José de Sucre University went to the chapel with a charter of good conduct in the name of Esteban Javier Vargas and the record of good grades that proved the content of the charter. Nobody asked him to do that. She read the statements of the police commander in the newspapers, was outraged, and just did it. Students also collected signatures to certify that the official version of the "clash" sounded too much like a lie. Esteban Javier had graduated from high school in record time. At 17, he was already in college. He had

no criminal record. He wanted to study a second profession. "Madam, don't let this go: report it", the rector said to Wilmar as she offered her condolences.

On the following day, the family started demanding justice for to the second death of Esteban Javier: the moral death. "We went to the newspapers to deny all the things said about him. Because what they did to him was a double murder: on the one hand they took away his life, and also, they morally destroyed him and his family. Journalists need to be more responsible in cases like this. They only hear the version of the police commander, and they harm an entire family just to sell a newspaper". It happens in all the media: most of the information about events published in Venezuela cite the police as the only source. Only in exceptional cases do journalists contact the families of the victims or third party sources to compare it with the official version.

Wilmar made some calculations and in the version of the police commander not even the time of Javier Esteban's death matched the actual events. He said he died an hour later, at 9:30, late enough to also accuse him of violating the ordinance prohibiting underage boys wandering the streets after 9:00 p.m. The family does not believe that the police made any effort to seek medical assistance for the boy: the place of the accident is only 15 minutes away from the hospital; and although Esteban Javier arrived at the operating room alive, he had already lost too much blood to be able recover from the surgery.

The disappearance of Javier Esteban's clothes was another detail that made Wilmar suspicious. "His clothing just disappeared. It was only after six months that his pants, shoes and belt mysteriously appeared. And we had to go through an odyssey to get those clothes". If Javier Esteban had fired a gun, as the police claimed, the evidence would be on his clothes.

Two weeks later, Wilmar and her daughters filed a petition to the Public Prosecutor Office to initiate an investigation. After one year and a half, the 16th Prosecutor Office of Crimes Against Minors and the 21st Prosecutor Office of Fundamental Rights with national jurisdiction managed to

gather enough evidence to indict officers Juan Leonides Gómez, 29, and Douglas Rafael Camacaro, 33, for the crimes of murder and unlawful use of firearm against Esteban Javier Vargas Hernandez and Pedro Daniel Guevara, and for the 6th Court of the state of Lara to issue an arrest warrant against them.

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A journalist familiar with the case of Esteban Javier recommended Wilmar Hernández to visit the Committee of Victims Against Impunity of the state of Lara, to request support with the accusation. Wilmar did so and she discovered that her tragedy was the same as many other grandmothers, mothers and wives of the region.

Wilmar now knows each of their cases, goes with them to court on trial days, comforts them as they have comforted her. Demanding justice in Venezuela is a full-time work: long hours waiting at the public prosecutor office, courts; meetings every week, days of protest. And she has spent the last 25 years of his life teaching preschool children and raising her own, but now wants to devote herself to this: “I have been teaching preschool for 25 years. But I will retire this year because I’m going to devote myself fully to the Victims Committee. We traditional teachers are not used to missing work, taking leaves, and I want to spend more time working on the Committee to help my friends. Because we are not working just for ourselves. We are working for the entire group”.

Despite the grief, Wilmar has embarked on projects she would have never imagined before. Two Wednesdays each month, Wilmar is the hostess of the radio program *No hay derecho* (No Rights), broadcast by Radio Fe y Alegria 95.7 FM once a week and produced by the Lara Committee of Victims. “The first time I went to the program as a victim and it was very hard. And then I had to host, because they all have other responsibilities. And I’m just starting, but I think I’m doing well because many people tell me: ‘Hey, I heard you on the radio’”. –Has Esteban Javier’s death changed your life? –To say the least. “Everything has changed”, she says.

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Esteban Javier’s parents made tremendous efforts to put him through college: he worked as a carpenter and she sold clothes she bought at the Obelisco market. Neither the Vargas Hernandez family, nor the Lara Committee of Victims which supports them, had enough money to pay for the services of a private attorney in the trial for the boy’s death. Thus, the prosecution in this case, like so many other cases of killings committed by security forces in Lara, is in the hands of the Public Ministry. The two officers involved, however, did have private defense attorneys, paid by the regional police. And during the trial, they received the benefit of being detained in a police command.

But the time the officers spent in jail was short. Three months after the preliminary hearing for the death of Esteban Javier Vargas Hernández and Pedro Daniel Guevara, the judge who heard the case ruled that there was no sufficient evidence to indict the officers. This is usually the case in the state of Lara, where over 600 cases of human rights violations are shelved pending investigation, trial and sentencing.

Wilmar Hernández and his family appealed, and the entire process of investigation and proceedings and going twice a week to the Prosecutor Office have begun once again. “We still trust in Venezuelan justice, that’s why we are doing this, and that’s why we have waited so long. Some might say that late justice is not justice at all, but we await it anyway”, said Wilmar, without losing confidence.

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