

UA 56/00

"Disappearance" / Fear for safety

7 March 2000

VENEZUELA

Oscar José ROMERO BLANCO
Marco Antonio MONASTERIO PEREZ
José Francisco RIVAS FERNANDEZ
Roberto Javier HERNANDEZ PAZ

Amnesty International is concerned for the safety of the four men named above who "disappeared" in December 1999 in Caraballeda, Vargas state (Estado Vargas), after being detained by the security forces.

The men were detained during rescue operations involving the security forces after the devastation caused by massive flooding and land slides in which at least 20,000 people were killed. All were reportedly transferred to the custody of the Directorate of Intelligence and Prevention Services (DISIP), *Dirección de Servicios de Inteligencia y Prevención*.

Three of the men "disappeared" on 21 December 1999: **Oscar Romero** was arrested at his home in the neighbourhood (*barrio*) of Valle del Pino and reportedly beaten by a group of men said to be parachutists attached to the army. He was transferred into DISIP custody when they arrived at his home later that day. **Marco Monasterio** was arrested by the army at his home in Valle del Pino, in the presence of relatives and neighbours, and also handed over to the DISIP. **José Rivas**, from the neighbourhood of Las Tucacas, was detained by army parachutists under the command of a sergeant, minutes after a curfew (*toque de queda*) had come into force. He had been sitting at the front door of a house used by the local branch of the political party Democratic Action, (*Acción Democrática*), where his family had taken shelter. The next day his parents were informed by the sergeant that he had been transferred into DISIP custody.

Roberto Hernández, from the neighbourhood of Tarigua, was detained by DISIP agents on 23 December at his uncle's home. He was reportedly shot by one of the agents before being driven away.

At the end of January and beginning of February, separate *habeas corpus* petitions filed in favour of the four men were rejected by lower court judges (*jueces de primera instancia*) on the grounds of insufficient evidence (*no había materia sobre la cual decidir*). Three of these rulings were subsequently upheld by the Criminal Court of Appeal for the Jurisdiction of Vargas State (*Corte de Apelaciones del Circuito Judicial Penal de la Circunscripción Judicial del Estado Vargas*). The Criminal Court of Appeal for the Jurisdiction of Vargas State, however, has overturned the initial ruling regarding Roberto Hernández and ordered an investigation.

BACKGROUND INFORMATION

In February 1999 colonel Hugo Chávez, leader of a failed military coup in 1992, became President following democratic elections in 1998. A new Constitution, approved by a significant majority of the electorate, was brought into effect in December 1999. The Constitution included the recognition of international human rights treaties and the outlawing of enforced disappearances. Non-governmental human rights organizations characterized these and other provisions as markedly progressive, but warned that they were at risk of being undermined as a result of other

constitutional provisions which increased the political power of the armed forces.

A number of people are reported to have been killed or "disappeared" last December by the army and the DISIP during the rescue operations. Although some authorities have rejected these reports on the grounds that they lack substance, the Attorney General's Office (*Fiscalía General de la República*) and Ombudsman's Office (*Defensoria del Pueblo*) have initiated investigations into the allegations. On 18 January Amnesty International wrote to the Attorney General, the Ombudsman and the Minister of Foreign Affairs requesting a full investigation into the allegations, that the results be made public, and that those responsible be brought before the civilian courts.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Spanish or your own language:

- expressing concern about the reported "disappearance" by members of the army or the DISIP of Oscar José ROMERO BLANCO, Marco Antonio MONASTERIO PEREZ, José Francisco RIVAS FERNANDEZ and Roberto Javier HERNANDEZ PAZ who were detained in December 1999 in Caraballeda, Vargas state, in the context of rescue operations by the security forces;
- calling for prompt and full investigations into their "disappearances", for the results to be made public, and for those responsible to be brought to justice before the civilian courts.

APPEALS TO:

Interior and Justice Minister

Sr. Luis Alfonso Dávila
Ministro del Interior y Justicia
Ministerio del Interior y Justicia
Av. Urdaneta, esq. Puente Antiguo Banco Caracas
Caracas, VENEZUELA

Telegrams: Ministro Interior, Caracas, Venezuela

Faxes: + 58 02 864 4110

Salutations: Dear Minister / Señor Ministro

Attorney General of the Republic

Javier Elicheguerra
Fiscal General de la República
Ministerio Público
Palelojo a Miseria
Caracas, VENEZUELA

Telegrams: Fiscal General, Caracas, Venezuela

Faxes: + 58 02 577 2144

Salutations: Dear Attorney General / Sr Fiscal General

Minister of Defence

Ismael Eleizer Hurtado Soucre
Ministro de Defensa
Paseo Los Ilustres
Caracas, VENEZUELA

Telegrams: Ministro Defensa, Caracas, Venezuela

Faxes: + 58 02 607 1555 / 662 5542

Salutations: Dear Minister/ Señor Ministro

COPIES TO:

Human Rights Organization

PROVEA

Apartado Postal 1010A

Caracas, VENEZUELA

and to diplomatic representatives of VENEZUELA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 April 2000.