

Security paper

CEDICE - Caracas, July 9-04

Since 2-2-1999, Venezuelans live under a government lead by Hugo Chavez (HC) that has lost democratic legitimacy. This in spite of the fact that it won between December 1998 and July 2000, seven elections in a row.

This government has violated all laws that did not accommodate well to their purposes (for more, see attachment 1).

It constantly threatens those that do not support him. It also instigates crime, hides or conceals it; lies, creates hate among the rich and the poor, whites and non whites, among his supporters and his political adversaries that he always treat as real enemies. Dissidents are considered criminals. Most Venezuelans worry that they are going to loose their political liberties, their own enterprises or their own salaries, their properties and even their lives. Assassinations and kidnappings are very much on the rise¹.

Employment has diminished considerably, poverty has leaped. This means higher levels of crime from so many that can only support themselves stealing in the streets, the return of serious illnesses associated with poverty that we thought had been eradicated, like measles, malaria, yellow fever, dengue fever, tuberculosis²

¹ Venezuela has become one of the most dangerous countries in the world. Based in homicides per 100.000 people, according to a United Nations report, Colombia had 64, South Africa 50, Jamaica 34, Venezuela 33, Brazil 21, Russia 20, USA 5. France, UK, Canada, Australia, around 3, Japan 2.

Daily El Universal June 14-04

13121 homicides in 2003, 9000 in 2002, average for years 1999 to 2002, 7600 per year, said criminologist Ivan Simonovis on TV.

As for Kidnappings, Venezuela ranks fifth in the world, only behind Colombia, México, Cisjordania, and Filipines. In 1999, we ranked seventh. Increment in 4 years 150%, according to criminologist Javier Gorriño.

If a kidnapper is ever caught and tried, faces a maximum penalty of ten years in prison. El Nacional June 9-04, reportage by Sandra Guerrero.

The fast falling into poverty of Venezuela is a matter addressed by Pope John Paul II in the Vatican on June 11-02. The Pope said "your country, endowed with so many natural and human resources, has experienced, particularly en recent years, a lacerating growth of poverty, at times extreme for numerous families.

Source: Information agency Zenit www.zenit.org, and El Universal June 12-02

Unemployment reaches about 70% of the active population. Now, government recognizes 17% unemployment, but counting all those living illegally selling in the streets, it reaches at least 70%; this in spite of bloated employment in the public sector contributing little to society.

In my opinion, HC is leading the country to the worst: civil war. If the revolution has not yet gone as far as it wanted, it is only because it has encountered unexpected resistance.

The “process” has found enemies everywhere. It has declared war to the high hierarchy of the Catholic Church, to political parties that have not supported the revolution, to the media, to the entrepreneurs, to the unions, to NGO’s that have criticized it, to Universities where they never gained control through elections, to some 18.000 workers of the state owned Petroleum company Pdvsa, to governments of the rich countries, particularly the United States, and Spain, at least under José Maria Aznar.

For all these reasons, this paper will deal mainly with the threat to the people that comes directly from their own government or indirectly through their own mobs or cohorts. All other threats that might be are minimal in comparison.

The most vulnerable to the abuses of government

- Journalists that may dare to criticize the regime³.
- Owners of the independent Television or radio stations, or newspapers where the views of people opposing the government appear, or where their own editorials criticize it.
- Opposition leaders participating in the National Assembly (Congress) or leading political parties, leaders of associations of businessmen, or of workers (independent unions).
- Governors or Mayors considered non-bolivarians (not sympathizing with the revolution, not chosen by HC)
- Common People willing to join a march on the streets in order to protest peacefully. Attachment 2.
- People that have signed for the convocation of a Referendum, according to the Constitution.
- Leaders of NGO’s such as Súmate, which try to make possible the organization of referenda and keep track of results⁴.

³ Government, according to Freedom House, has not honored 36 preventive measures (medidas cautelares) from Organization of American States OAS in favor of journalists or the media. According to Reporters without Frontiers (Reporteros sin Fronteras) only in 2002, they registered 58 aggressions against 16 journalists. They add that the aggressions are animated by the presidential speech. Daily El Nacional May 3-04, Reportage by Hernan Hugo Galicia

--Judges that may have taken part on a decision disliked by the revolution⁵.

Danger to other common people politically neutral

No one escapes from common crime. See footnote 1.

Often, a peaceful march of protest is repelled with toxic gases thrown in great quantities. These gases not only are a threat to the marchers themselves, but also to the people that do no protest but happen to be living, working, going to school or are ill in a clinic established along or near the streets where gases are thrown. The Constitution (article 68) prohibits throwing gas to the people.

There are invasions to farms, residential, or office buildings that mean not only property losses, but also put lives at risk. Needless to say, an invader never has to worry about the police, at least if his wrongdoing is in a district governed by a bolivarian revolutionary⁶.

⁴ Harassment against Sumate began in August 3rd, 03, when Vice-president Jose Vicente Rangel sued it in a penal court..

HC often says that Directors of Sumate will go to trial for conspiracy and treason to the country for accepting US\$53000 from a foreign organization (National Endowment for Democracy). Their most conspicuous leaders Maria Corina Machado and Alejandro Plaz might go to jail any time. Both are already charged.

Sumate has at the moment 30.000 volunteers cooperating with it. It has helped to collect signatures for a non-binding referendum (referendum consultivo) in 2002 and twice for a binding referendum (referendum revocatorio) in 2003. It was also instrumental in "repairing" the firms calling for a referendum in May 2004. It has digitalized all these signatures and made databases with them, which are available to the public at large. It has a capacity to identify, and to prove irregularities committed by the electoral authorities.

⁵ For example, the judges that freed some detainees caught while marching on Feb 27-04, lost their jobs.

Eleven Magistrates of the Highest Court (Tribunal Supremo de Justicia TSJ) that decided that on April 11 there was no coup d'Etat were during months verbally abused by HC. Magistrate Franklin Arrieche was finally expelled from his job on June 22-04.

A lower but very important court (Corte Primera en lo Contencioso Administrativo) that had called illegal several measures adopted by the national government, was raided and thereafter eliminated.

⁶ There are some 80 buildings invaded in Caracas as of June 24-04 (in the last 4 years). Six of them located next to the Capitol or Legislative Palace or the Presidential palace. In a surprising change, since June 26-04, the police have worked in order to free from invaders some of these buildings.

So much poverty, constant water rationing, poor recollection of waste, no fumigation to eliminate certain insects, and the stress people suffer everyday trying to earn a living, has brought diseases we thought eradicated like malaria, dengue and yellow fever, measles, tuberculosis.

Moreover, the Venezuelan Society of Psychiatrists stated on October 27th-02: “In the last twelve months, twice we have had to alert about the extreme emotional stimulation that Venezuelans of all ages have been subjected to in recent years. ...affected in their minds, and suffering very diverse biological calamities that far from mitigating are day after day intensifying...

The use of private guards to defend lives or property, a basic service hardly provided by the government, has been limited since Decree 699 of 1975. The problem has gotten worse since April 23-04. Through Resolution 26.770 of the Defense Ministry, no one except the government may import arms and, all civilian's arm permits have been annulled. Armed private guards cannot defend vulnerable trucks on the roads. The government has disarmed the law abiding civil society, not his own mobs. It has no interest in allowing civilians to defend themselves. The unlawful are well aware of this attitude and taking advantage of it.

According to the law, every citizen must carry identity documents issued by the government. Getting these documents can be impossible for people not known for their support to the revolution, or to those that signed a petition to a referendum.

Lacking such document might mean detention, inability to sign contracts, or to vote. Getting a new Passport is also getting next to impossible. Without it, people cannot leave the country.

Accidents related to the extraction and handling of oil and gas are occurring at a rate of 5,5 per day in 04. The company had dismissed eighteen thousand workers in January 03, in most cases, the more capable and better-trained ones. New workers without adequate training are now supervising security⁷. The accidents we are witnessing might be a prelude to a major one that could affect workers and people living or passing by the surroundings.

Another threat—penal laws.

⁷ Daily El Universal June 28-04. Declarations of Alyskaire Albino, ex inspector of maintenance of Pdvsa.

There are 1016 types of wrongdoings punishable with terms in jail embedded in 70 laws⁸. The majority of them relate to business activities considered normal in a free society, not in ours. It is possible to go to jail for price gouging, for having high inventories, for changing upwards an already marked price for a good, for selling goods to Colombians, for saying something that might scare buyers, sellers or investors. In the near future, it is likely that the law will decree jail sentences to those exchanging currencies at market prices.

If the revolution would loose power, daunting problems will arise

The regime might loose the coming (revocable) referendum in August 15 or general elections in December 06, or regional elections in sept 04.

Besides the electoral process, since it has so many enemies that consider the regime lost all legitimacy, it might be forced to step down as it already happened during 48 hours in April 02⁹. If any of these events occurred, Venezuelans should expect unprecedented violence in defense of the revolution no longer in power.

The regime has armed many civilian groups, has sent thousands to Cuba to learn the ideology of the revolution and also to learn to kill enemies. It has trained people in Program or Misión Robinson, Ribas and Sucre to defend the revolution.

Fidel Castro sends daily well trained Cubans to work here as doctors, sports trainers, educators, or to organize the police forces. It is reasonable to speculate that these Cubans living here would not pack and leave quietly if HC is toppled.

I cannot tell how many of these Cubans are in our country, but my best guess is over 20,000.

Colombian guerillas FARC and ELN, not wiped out yet by President Alvaro Uribe with the help of the USA government, could also wage war in Venezuela.

The revolution is a threat to the rest of Latin America

HC does not conceal his interest in helping radical groups to gain power with whatever means. He has been particularly friendly with the FARC and ELN in

⁸ Lawyer Fernando Fernandez of Baker McKenzie, in a private letter dated June 28-04.

⁹ It is hard to believe that this regime would allow to be removed in elections. Note that when signatures to call for a referendum were finally held last year on November 28 through December 1^s, at the second day HC denounced a major fraud. Besides that, so many abuses done to avoid first the collection of firms to call a referendum, and there after to impede it or at least to postpone it, that it seems reasonable to believe that there will never be fair elections again.

Colombia. Never accepted that these groups should be considered “terrorists”, has invited them to talk in the Andean Parliament. Several reports from well known sources, including the USA state department have mentioned the broad help HC has given to the Colombian Guerrillas¹⁰.

The revolution has financed the election campaign of Chafik Handal in El Salvador this year, and that of Manuel Ortega in Nicaragua in November 01¹¹. Bolivian well-known agitator Evo Morales often is invited to his Sunday talk show. Ousted last year Democratic President Gonzalo Sanchez de Losada said in his last hours as president, that HC was involved in the rebellion.

Chavez’s best constituency abroad are radical indigenous groups well spread in Mexico, Central America, Ecuador, Peru, Bolivia, Chile, Uruguay. Your editor does not have proof that they receive financing, but it is very likely¹². They often get friendly words in his Sunday talk show; sometimes they take part in it. Ambassadors sent to these countries are not diplomats, but professional agitators.

One of his favorite dittys: ¡alerta!, ¡alerta!, ¡que camina la espada de bolívar por america latina! (¡alert!, ¡alert!, ¡the spade of Bolivar walks in Latin America!)

USA General James Hill, Chief of the South Command put it this way: Venezuela is a country were radical populism has germinated and is becoming a real threat to the stability of the hemisphere. Populism in it self is not a threat, but it can become one if a leader like Chavez radicalizes it. Daily El Nacional April 3-04.

Accomplished terrorists fascinate the revolution

Not only has the regime been friendly with FARC and ELN in Colombia. HC visited Sadam Hussein in year 2000 when United Nations had forbidden such gestures. More than once has visited Moamar Gadaffi.

At the beginning of his presidency, he devoted time and wrote encouraging letters to help Vladimir Ilich Ramirez alias Carlos El Chacal, one of the most famous international terrorists ever, now imprisoned for life in France.

Jose Bove, French farmer and unionist, destructor of a McDonald’s restaurant, a Novartis factory at Nerac, of genetically modified maize, has come here invited by the government.

¹⁰ Cofer Black, coordinator against terrorism of the USA State department **said that venezuela fails to help the USA, from the simple interchange of information to the efforts to put the terrorists on trial.** Daily El Universal 24-1-04.

¹¹ Veneconomia 24-3-04

¹² Help to radical groups abroad is impossible to find in the government accounts or in its budget, because there is no transparency and little accountability of the use of public funds.

One of HC's pilots (of equivalent to Air Force I), Mayor Juan José Díaz Castillo asked the USA for exile status in January 03, which he got. Arriving in Florida USA, he declared that on Sept 1-01, he was asked to send US\$ one million to Al Qaeda through the Venezuelan ambassador in India Mr Walter Marquez. Curiously enough, the talk has petered out of the public agenda.

Venezuelan Lina Ron began an impressive political career when she burned American flags in front of Alcaldía Mayor de Caracas on Sep 11th-2000. Since then she has been a hero to the bolivarians.

Carlos Sanz is one who has publicly acknowledged his key participation in the kidnapping (1976 to 1979) of William Niehous, executive of Owens-Illinois Corporation in Venezuela. HC gave Mr Sanz the responsibility of designing the new national educative project, within Education Department.

Linda Robinson, writing in U.S. News & World Report has mentioned some of the links of the Venezuelan government with international terrorists. Among many examples, Robinson explains the tepid collaboration when the USA government wanted to interrogate Diab Fatah a suspect on the 9/11/01 attack who might also have ties with the mosque of Sheik Ibrahim bim Abdul Azzis.

According to Robinson, General James Hill, head of the South Command says that in Margarita Island, there are cells dedicated to help terrorist groups such as Hamas, Hezbolah and Islamiyya al Gammat.

Daily El Universal, October 1-03

A reportage by Francisco Olivares published in El Universal on Dec 21-03 titled "Under Suspicion" touches among others, the problems with identity cards or passports forgings backed by the venezuelan police:

-- The easiness with which Cubans, Colombians and people from the Middle East may obtain Venezuelan identity documents.

-- Notes that in the "Identification Law" was changed by decree in 1999 in order to eliminate sanctions to those guilty of forging identity or usurping identities of other people.

-- Cites the case of citizen Manuel Antonio Rodríguez, whose identity number 4.226.463 was used to give legal documents to peruvian fugitive Vladimiro Montesinos. Another example of forged identities is that of Hussein Kassine

who got the false identity of Carlos Gonzalez and was caught at Gattwick Airport with explosives in his bags.

Defense Budget

Government spending is difficult to pinpoint because there is very little accountability, the President himself has a very large secret spending account about which he is not supposed to report to anyone, Petroleos de Venezuela's (Pdvsas) huge accounts no one knows, the national budget means little, if anything. The military do what we never expected of them, like run open food markets in the streets. Traditionally, but more so with this government, spending by the Ministry of Defense, is particularly thorny to assess. Now it is difficult even to mention how many people are wearing uniforms. Before HC there were about 100.000 and spending was below 2% of GNP.

The tax administration Seniat (equivalent to the IRS in the USA) has published in their web page (February 04) that for every one hundred dollars collected in taxes, 20 go to Governors and Mayors, 32,3 to education culture and sports, 17 to health, 15 to Decentralization Fund (Fondo Intergubernamental para la Descentralización FIDES), 7 to infrastructure or public works, 4 to security, 2 to judges and prisons, 1,85 to science and technology, and 0,85 to preserve the environment.

Source: Seniat, their web page, February 04. www.seniat.gov.ve

Reading the national budget figures for 2004 that are so sleazy, out of a budget of Bs 49,9 trillion (at a free market exchange rate of Bs 3000 per dollar) means US\$ 16,6 billion or roughly 21% of GNP.

The Ministry of Defense will spend this year US\$ 862 million and the Ministry of the Interior (Police) and Justice will spend US\$2,6 billion. Between the two: US\$3,4 billion, that is 20,5% of the total budget, or 4,3% of GNP.

Attachment 1

Some of the laws violated by HC:

--More than 18.000 employees of state owned company Pdvsa were dismissed in Jan 03 without payment of indemnifications clearly defined in the labor laws, even without their own savings in the company, or their rights to a pension. Those living in company headquarters were evicted bypassing laws in defense of children and tenants¹³.

--Government employees dismissed because they signed a petition to a referendum.

--On TV and radio has defamed many of his adversaries. Moreover, it has transmitted some of their private telephone conversations (illegally obtained).

--Violated electoral laws, mainly abusing his power to use the private media. The Consejo Nacional Electoral, so slanted in HC's favour, had to fine him on March 22-00 for anticipating his campaign.

--The right of association of workers and employers. International Labor Organization ILO in Geneva has condemned the government for meddling and intent to annihilate independent unions. This in the last 4 years. Daily El Nacional 19-6-04

--Has closed three national TV channels (April 11-02). Constantly threatens all independent channels he dislikes.

--If the police captures his oponents, they rarely have the benefit of Habeas Corpus. Examples, since June 11th 03, there are 9 detainees in the worse prisons in Tachira State (Centro Penitenciario de Occidente and Santa Ana Prison), presumably because they solicited (unarmed) the resignation of the

¹³ Archbishop of Falcon State Roberto Luckert says the government is committing genocide against oil workers that went on strike. It has stopped short putting them in a gas chamber. Explains that the strike of Dec 02 and Jan 03 was part of a national protest. Oil workers had the right to join the general strike. In a democracy, people have the right to support the process, or to reject it. Daily El Universal Aug 15-03

governor on April 12-02, the day the top commander of the Armed Forces General Lucas Rincon told the nation HC had resigned¹⁴. No trial yet.

There are eight Policemen jailed since June 18-03, without trial. They belong to Policía Metropolitana, a corpse not controlled by HC but by the Mayor of the Capital¹⁵.

Mayor of Baruta, a district in Caracas, Enrique Capriles has been jailed since May 11-04.

A protester in a march Feb 27-04, Carlos Melo was detained during a month.

Other notorious adversaries jailed without habeas Corpus are General Carlos Alfonzo Martinez since December 02, General Francisco Usón Ramírez since May 22-04.

--Persecution of adversaries is so frequent and so harsh that the USA has accepted to grant right of asylum to some 500 Venezuelans, according to Veneconomía Jan 28-04. Presidents of the highest confederation of Labor Unions Carlos Ortega, and of the highest confederation of employers Carlos Fernández, are exiled.

--Has publicly told his Generals not to obey certain court decisions.

--Has defamed members of the highest court (Tribunal Supremo de Justicia) that decided in August 02, that there had not been a coup d'Etat.

--Has closed a lower court (Corte Primera en lo Administrativo—23 Sept 03) that had issued several rulings invalidating government decrees.

--Has failed to honor a decision by Human Rights Commission of OAS issued on October 11-03 after the Armed Forces sized critical equipment to independent TV station Globovisión.

--Police often brakes into the homes of his adversaries, in earnest since May 9-04 when they claim that a bus full of (unarmed) “Colombian paramilitaries”

¹⁴ These political prisoners since June 11-03 are: Elcy Márquez de Peña, Wilfredo Tovar, Jacobo Superlano, William Forero, Omar Guillén, Jose Neira Celis, Orlando Pantaleón, Saúl Lozano and Danni Ramírez.

¹⁵ These eight police officers are charged (but not in trial) of killing demonstrators on April 11-04. A farfetched accusation. The only proofs (shown on TV) of people shooting at the peaceful demonstrators were members of the Caracas Legislature representing HC's party. They were detained for a while, but declared innocent by a court of another state. Some of these well known shooters now have academic posts in the new Bolivarian University. The court let them free because they were shooting at the police (Metropolitan Police, a police HC considers unfriendly) in “self defense”.

were arriving into Caracas to create havoc. The raids have included the homes of leaders of opposition parties, of TV stations, of political party's headquarters.

--Has nominated judges of the highest court, and of other supposedly independent branches of government, such as the General Comptroller, the General Prosecutor and the Ombudsman, in a different way to the one stipulated by the Constitution written by 97% of his admirers.

--Has failed to stop or to evict invaders to private farms and residential or office buildings¹⁶.

--Pacific marches have been repelled with military arms, and with toxic gases, both violating the Constitution. In particular, the march of Feb 27-04 suffered record violence by the military. Although only one death, dozens of unarmed people wounded with rubber bullets shot at a distance of one meter or less. The USA Congress learned of the several tortures inflicted by the military to protesters on April 22-04. See footnote 11 with the comments by Cardinal Rosalie Castillo Lara.

--Has impeded free trade with countries like the Andean neighbors with whom treaties are binding.

--The most common violations to laws are associated to misuse of public money and resources. To be brief, these felonies are omitted.

¹⁶ In a surprising change of policy, on June 25-04 (only then) the police under Mayor Freddy Bernal (a well known bolivarian) said it was wrong to invade buildings and proceeded to evict invaders in some.

This surprising act done so late probably has to do with the heat of the campaign for the Revocable Referendum scheduled for Aug 15.

Attachment 2

Notable attacks over unarmed people protesting in the streets¹⁷

April 11-02 17 deaths and more than 150 wounded by firearms.

April 13, 14- 02 Allowed lootings in Caracas, after the protest rally on April 11.

Aug 14-02 Mayhem in front of Supreme Court of Justice, lead by Bolivarian Congressmen. A TV camera operator wounded.

Sept 20-02 National Guard attacks a concentration of protesters in front of oil company Pdvsa. Several wounded.

Oct 31-02 Bolivarian groups led by Lina Ron, attack with firearms the main location of the Metropolitan Mayor. Several wounded.

Nov 11-02 In front of Supreme Court of Justice, Mohamed Merhi is attacked. Mr Merhi was seeking justice for his son killed while marching on April 11th-02¹⁸.

Nov 01-02 Violent civilians kidnap nine journalists and common protesters in Estado Aragua.

Nov 4-02 Mobs attack a march headed to National Electoral Council. More than 20 wounded.

Nov 24-02 National Guard attacks with tear gases protesters in Mariperez-Caracas. Several wounded.

¹⁷ HC's followers have organized as many marches for his support. None of them ever encountered violent enemies.

Peaceful street demonstrations, lead by the middle classes, began in Jan 2001.

¹⁸ Mr. Merhi is a main leader lawsuit against HC for genocide before the International Court in The Hague according to the Rome Statue.

Dec 3-02 National Guard attacks with tear gases a concentration in front of Pdvsa. Several wounded.

Dec 06-02 Three dead and dozens wounded in concentration in Plaza Altamira.

Jan 03-03 National Guard and armed mobs attack marchers in Los Proceres. 2 deaths, 30 wounded, 70 with severe respiratory problems.

Jan 20-03 Armed mobs attack a march in Valles del Tuy. One dead, 25 wounded.

May 1-03 One death, 5 wounded in Plaza O'Leary.

May 24-03 Political party AD leads a concentration in Catia. One death, 17 wounded.

June 13-03 Political party Copei holds a concentration in Petare. The mobs burned the Copei house, also a Metropolitan Police module. Several policemen wounded. (Metropolitan Police is considered by the government as an enemy)

Jan 23-04 Demonstrators pretended to reach the National Electoral Council, but they had to stop short. A major part of the official army and many of their cohorts were deployed to do that.

Feb 27-04 Marchers pretended to pass a document to the G15 that were meeting in Caracas. They were stopped short with immense quantities of tear gases that affected kindergartens, clinics and non-protesting residents along the streets in turmoil. During 5 ensuing days, some protesters became violent burning tires. It resulted in hundreds of detainees, several tortured¹⁹.

¹⁹ For a testimony of what happened on the February 27th 04 march, Cardinal Rosalio Castillo Lara told Daily La Stampa in Vatican City: There are near 370 common people detained, just people who marched. Some stayed locked out during months, some were tortured. The agony included electric shocks in their testicles, pins in their nails, insecticides in their tongues, and power used in tear gas bombs put in their bodies.
Daily El Universal 22-6-04