

The government provided information or complaints transmitted in 1996 and 1997, reporting: the Office of the Attorney General of the Republic had ordered Government Procurator's Office No. 39 to investigate the case of threats and to take the necessary action to determine who was responsible; in connection with the incidents at La Planta Prison in which 27 prisoners died, a fire had broken out in two cellblocks, the cause(s) had not yet been determined but were being investigated, the case was being heard by the Criminal Court of First Instance No. 16, Public Property Protection Court of First Instance No. 49, and the Permanent Military Court of First Instance No. 3 in Caracas, since members of the National Guard appeared to be involved, and three members of the National Guard and a warder were the subject of judicial measures restricting their freedom because criminal liability appeared to exist; and the Guasdalito Sectional Judicial Police's Technical Body had conducted investigations into the case and attempts to locate witnesses had so far been unsuccessful.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 15, 175–176)

In February 1997, an urgent appeal was sent to the government concerning the case of two lawyers, members of the Human Rights Office of the Apostolic Vicariate. According to the information received, the Public Ministry brought charges of "usurpation of functions" against the Office of the Apostolic Vicariate, reportedly because of two complaints that were sent to the General Commander of the State Police, concerning the death of a civilian at the hands of police agents. The complaints contained detailed information on the incident, including the names of witnesses, and requested an investigation. The report notes that the Penal Code defines the felony charge of "usurpation of functions" as the "unauthorized assumption or exercise of public, civil or military func-

tions". According to the source, there was no basis for such a charge. The Special Rapporteur noted that one of the main tasks of the Apostolic Vicariate is to monitor arbitrary acts of violence committed by police forces, especially against indigenous people. Registration of formal complaints is part of its functions and is supported by the constitutional right of petition. The government had not responded at the time the report was prepared.

Torture, Special Rapporteur on: (E/CN.4/1998/38, paras. 204–206; E/CN.4/1998/38/Add.1, paras. 464–472)

Cases transmitted to the government related to arrest or detention followed by torture and/or ill treatment by: judicial police officers at the San Juan police station; two members of the municipal police of Sucre, Miranda; and, in Baruta, near Caracas, two individuals identifying themselves as members of the Directorate of Intelligence and Prevention Services (DISIP).

In response to cases previously transmitted, the government stated: the metropolitan police reported that the person named had not been tortured, had not been given any medical examination because his physical state was normal, and showed no signs of injury and, in the absence of any complaint, no investigation was initiated; the metropolitan police reported that the persons named had not been tortured and had been taken to, and received at, the headquarters of the homicide division of the judicial police with no kind of protest being made; and, the metropolitan police reported that the person named had not been tortured, had been taken to, and received at, La Vega intelligence division of the judicial police with no kind of protest being made and, in the absence of any complaints of ill treatment, no investigation was opened.