

measures be taken to protect the life and physical safety of an individual who had been arrested, threatened and beaten by two police officers. The report indicates that the threats and intimidation were in reprisal for the victim's demands for justice, following the murder of his brother in June 1995 by members of the State of Sucre municipal police.

The SR also sent information to the government related to reports that, in October 1996, at least 27 prisoners in the El Paraíso craft work and rehabilitation centre, known as La Planta prison, in Caracas, died after an attack by members of the National Guard. The information received by the SR indicated that members of the National Guard, supposedly without any provocation, fired tear-gas and bullets into some of the cells. Following the attack a fire broke out and spread rapidly. The prisoners had reportedly been shut in their cells at a time when the cells should have been unlocked. At least three of the victims, including a minor, were said to have died of bullet wounds. Some of the injured prisoners with second- and third-degree burns were taken to local hospitals. The SR called on the authorities to take urgent measures to prevent a recurrence of such incidents and to carry out thorough investigations into this case and other complaints of violations of the right to life, and to ensure that the security officers involved are held accountable for their actions.

A third case transmitted to the government involved a Colombian fisherman who had reportedly been killed by members of the Venezuelan National Guard who fired at his canoe on the Arauca river.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections II & III; E/CN.4/1997/7/Add.1, paras. 545-564)

Thirty-seven newly reported cases of incidents of torture were transmitted to the government. A number of the cases involved students. The arrests were conducted by a variety of authorities, including metropolitan police, judicial police, the National Guard, state police, officials of the Directorate of Intelligence and Prevention Services and investigatory police.

During the visit of the Special Rapporteur (SR) to Venezuela in June 1996, the Attorney-General's office provided information on 20 of the cases. The government's information indicated that a number of cases were still under various procedures for investigation, including, judicial and a regional military court and a pre-trial phase. The information also indicated that, in a number of cases, the persons did not appear as scheduled at the Institute of Forensic Medicine or the Office of the Public Prosecutor and the cases could not, therefore, be pursued. It was noted that in several cases, proceedings could not be instituted because a complaint had not been made. In three cases, formal charges against members of the police had been filed and in one case, in which torture had resulted in death, three officials in the metropolitan police force had been dismissed and sentenced to prison terms of seven-and-a-half years. The government indicated that, on appeal, a higher court suspended the sentences.

The Special Rapporteur (SR) visited Venezuela from 7 to 16 June 1996. In the report of his visit (E/CN.4/1997/7/Add.3), the SR expressed a number of concerns about the legal protections against torture, including that: judicial police may hold a suspect for up to eight days before bringing the person before the Examining Tribunal; police often fail to

hand a suspect over to the criminal investigations police within the specified 72-hour time limit; incommunicado detention remains a concern; visits with family members and lawyers are often not held in private; detainees released without charge have been forced by police to sign a statement attesting that they have not been ill-treated; disproportionate emphasis is given in trials to confessions rather detailed investigations by police and collection of evidence; police do not always respect the requirement that a detainee must be examined by a forensic physician; the Institute of Forensic Medicine is attached to the police and therefore does not have the independence needed to gain the confidence and respect of the public; the office of the Attorney-General is either poorly represented or does not exist at all in remote areas of the country, leading to lack of control over the work of public prosecutors; police do not always provide prosecutors with the information requested; police sometimes hinder access for prosecutors to police premises; victims of torture remain reluctant to lodge complaints either because of threat of reprisal or lack of confidence in the system; lawyers do not appear to contribute much to the effort to bring and move cases of victims of torture before the courts; and, most victims of torture do not have the assistance of a lawyer in the hours or days following arrest.

The report recalls that article 60 (3) of the Venezuelan Constitution prohibits torture and incommunicado detention and article 182 of the Penal Code provides for a prison sentence of three to six years for anyone accused and found guilty of having inflicted any suffering, offences against human dignity, harassment, torture or physical or moral attacks on a detained person. The report acknowledges that the authorities in Venezuela are concerned about police practices and treatment in detention and prison and recommended that the government:

- ▶ reduce to four days the period of time before a detainee must be brought before a judge;
- ▶ guarantee access to independent legal counsel to all persons deprived of liberty within 24 hours of detention;
- ▶ ensure that interviews between counsel and the detainee are conducted in conformity with international standards;
- ▶ guarantee detainees access to their families;
- ▶ take steps to ensure that judicial complaints against police officers are investigated by an independent body;
- ▶ take steps to ensure that the Legal Medical Institute is independent of any authority responsible for investigation or prosecution of crime;
- ▶ disallow extrajudicial confessions as evidence;
- ▶ draw up a code of conduct of interrogations by law enforcement officials;
- ▶ make torture and similar behaviour a criminal offence when inflicted on any person deprived of liberty and not just on those in prisons;
- ▶ take steps to disallow an absence of marks consistent with allegations of torture to be treated by prosecutors and judges as proof that the allegations are false;
- ▶ institute a system of rotation for prosecutors so that they do not become overly identified with law enforcement or military personnel in a particular locality or place of detention;