

10-8-1999

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## Recommended Citation

LADB Staff. "Venezuela Announces Emergency Program To Stop Prison Violence." (1999). <https://digitalrepository.unm.edu/notisur/12693>

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## Venezuela Announces Emergency Program To Stop Prison Violence

by LADB Staff

Category/Department: Venezuela

Published: 1999-10-08

The Venezuelan government initiated an emergency program Oct. 4 to respond to the latest wave of violence in the nation's prisons that has left 35 dead, more than 100 wounded, and 15 prisoners escaped in the last month. The plan includes temporarily putting the Guardia Nacional (GN) in charge of four prisons. Severe overcrowding, corruption in the judicial system, a monumental backlog of criminal proceedings in which cases drag on for years, totally inadequate infrastructure, drug and arms dealing inside the prisons, and ineffective prison policies are all factors in the violence.

Although such conditions are common in Latin American prisons, Venezuela's penitentiaries are among the world's worst. The 1997 Human Rights Watch/Americas report *Punishment Before Trial: Prison Conditions in Venezuela* documented dangerous overcrowding, unequal treatment, inadequate medical and mental-health services, and abuse by guards and urged the government to adopt a "national emergency plan" to overhaul the prison system (see NotiSur, 1997-09-05). Government figures indicate that two-thirds of the prisoners in Venezuela have not been sentenced even though many have been behind bars for years.

### *New penal code raises unrealistic expectations*

Some reforms have been made, including closing the notorious Catia prison (see NotiSur, 1997-01-24). A new penal code (Codigo Organico Procesal Penal, COPP) went into effect July 1. Since then, more than 2,000 inmates have been released, part of the effort to expedite criminal proceedings and ease overcrowding. Nevertheless, prison violence has resulted in more than 200 prison deaths so far this year.

The new code was designed to modernize the system and bring it into line with international standards of providing for bail or provisional liberty pending trial for most criminal suspects, with preventive detention only as an exception. While the COPP raised hopes for change, it also caused problems. Many prisoners believed that they would be freed very quickly after the COPP went into effect. Many of the recent riots were triggered by inmates demanding to be released in accordance with the code.

The COPP has also been criticized by police and by the courts. It has been called "disastrous" by local judges who asked that it be scrapped, a petition rejected by the government. Analysts say Venezuela's courts were not prepared for the new code. In addition, with increasing poverty and crime rates soaring, the public is concerned that dangerous criminals will be released and that an even greater increase in street violence and crime will occur. Police statistics show that, since the COPP went into effect and numerous prisoners were freed, criminal activity in Caracas has increased by 30%, with the number of violent deaths sometimes reaching 30 during a weekend.

## *Emergency measures invoked*

When the prison violence escalated and authorities seemed powerless to contain it, the Asamblea Nacional Constituyente (ANC) decreed a state of emergency in the penal system and created a committee (Comision de Emergencia Carcelaria de Venezuela) to work in the prisons to expedite the judicial process.

The committee is made up of representatives of the Consejo de la Judicatura, the Fiscalia General, the ANC, human rights organizations, families of prisoners, and clergy. Under the emergency ruling, about 1,000 GN assumed control of the penitentiaries at Yare, Barcelona, the Penitenciaría General de Venezuela, and El Rodeo, where three inmates were killed and six wounded on Oct. 3. Interior Minister Ignacio Arcaya said the GN would control the jails until order is re-established and security reinforced. In many instances, inmates control their cell blocks and refuse to let authorities enter.

President Hugo Chavez announced the three-month emergency program on his Sunday radio program, saying the committee hopes to clear the backload of cases by Christmas. Chavez said the government also will implement a work-release program to allow nonviolent inmates to go to jobs during the day. The committee has begun taking a prison census and reviewing the files of all prisoners to determine whether they are eligible for release under the provisions of the COPP. They estimate that their review will take a month.

ANC president Luis Miquilena said the committee could free as many as 6,000 prisoners who have never been sentenced. The emergency plan "is complete and covers all aspects of the problem," but the COPP benefits will not apply to rapists, murderers, and drug traffickers," said Miquilena. "We are not talking about a general amnesty, but within 15 days the program will begin to alleviate the awful conditions of the prisoners."

The prison system also will begin to segregate inmates awaiting trial according to the crimes they allegedly committed and to separate those awaiting trial from those who have been convicted. In many jails, suspected pickpockets share cells with convicted murderers.

## *Critics doubt long-term effects*

Some former prison officials have said that the new program will only offer a short-term respite to the overcrowding problem in the jails. For some, the problems of the penitentiary system have deep roots and need a profound reform in the administration of justice and a redesign of the state prison policy.

President Chavez agrees. He has said that "the problems do not have just one cause," and to resolve them will require not only official action but also action by "lawyers, criminologists, and even nongovernmental organizations." On Oct. 3, Chavez said the government would restore control in the 36 prisons through dialogue and "without mistreatment or humiliation of prisoners." He said that the administration's Plan de Atencion Integral would end the violence in the penal institutions. "The prisons were left for the poor who had no ability to pay for their trial or pay a corrupt judge to let them go," said Chavez.

The president said the jails are "true dens of iniquity, where corruption, inefficiency, and violence make a kind of hell here on earth." But Jose Angel Rodriguez, head of the prison system, warned that results would not be immediate. "We are working to compensate for years of abandonment and insensitivity to the prisoners." He said the government was also building new prisons and training guards and criminal experts. [Sources: Inter Press Service, 09/29/99; Reuters, 09/30/99; El Nuevo Herald (Miami), 10/02/99; Notimex, 09/30/99, 10/02-04/99; Associated Press, 10/03/99, 10/04/99; Spanish news service EFE, 10/01/99, 10/03/99, 10/05/99; El Nacional (Venezuela), 10/05/99; Financial Times (London), 10/07/99

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