

José Humberto Quintero Aguilar: Victim of torture

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On December 13, 2004, Rodrigo Granda, principal international spokesperson for the Revolutionary Armed Forces of Colombia (FARC), a terrorist organization, was captured in Venezuela by unknown persons. Granda was taken to Colombia, where he was arrested by Colombian authorities and imprisoned. The capture of Granda led to a political crisis between Venezuela and neighboring Colombia. Venezuela's president, Hugo Chávez, claimed that national sovereignty had been violated.

On the morning of January 12, 2005, Venezuelan National Guard Lieutenant Colonel and Commander of the Anti-Extortion and Kidnapping Unit in the State of Táchira, José Humberto Quintero Aguilar, was arrested without a judicial warrant. He was taken to the headquarters of the Military Intelligence Division (DIM), where he remained incommunicado.

Quintero has told HRF that on his first night at the DIM he was handcuffed, blindfolded, and taken by car to an undisclosed location. At that location, a private home, he was beaten and tortured until he agreed to provide a video confession stating that he was responsible for the detainment of Rodrigo Granda.

Quintero says that between asphyxiations he was told to say on camera that United States and Colombian intelligence were involved in the capture of Granda. He was told to say that he had received a cash bribe to kidnap Granda and deliver him to the Colombian authorities. Quintero denies that he captured Granda but says that the torture he suffered made him give the unknown officials the answers they wanted. He states he was video recorded while providing this testimony. After the video was completed, he was returned to a cell in the DIM headquarters.

An edited copy of the recording featuring Quintero was then used by Venezuelan Minister of the Interior and by Justice Jesse Chacón in a presentation to the Venezuelan National Assembly.

The torture of Quintero continued upon his return to the DIM. He remained in a 7 X 8 foot cell in the basement of the building for seven days. His cell had no illumination except for a one-foot window into the hallway. Quintero was stripped of all of his clothing except for shorts and sandals. He was not allowed to have a watch or know the time. His meals were provided at random intervals. When Quintero would fall asleep he would be awakened by DIM agents and subjected to hours of interrogation. On January 19, 2005, he was transferred to Ramo Verde military prison to await trial.

The torture of Quintero has had lasting effects. Four months after his arrest, he sustained an internal hematoma (a blood clot in an organ resulting from a broken blood vessel) and is still affected by back pain that prevents him from sleeping. Quintero was not allowed to see a medical professional until February 4, three weeks after the torture took place. The resulting lumbar and pulmonary resonance tests reveal that Quintero has severe injuries in his thorax.

Quintero says DIM agents have threatened his family with kidnapping. He has been shown pictures of his wife and children and told they would be handed over to the FARC.

HRF has verified the damage done to Quintero's thorax. HRF is unable conclusively to establish the veracity of Quintero's claims of torture at an undisclosed location away from DIM headquarters. However we find it telling that numerous newspaper accounts of the torture, as well as complaints and requests for investigations filed by Quintero's attorney, have produced no investigation from the Venezuelan government. Quintero also states that he can positively identify two of the men who tortured him, which lends credence to his account.

Quintero's right to due process has been grossly violated. During his arrest at the DIM, he was repeatedly asked to make his statements in the absence of his lawyer. The governmental charges against Quintero, made public on February 11, 2005, are that he is guilty of treason to the nation, abuse of authority, and violation of military decorum. Quintero has yet to be tried despite a twenty-two month wait.

HRF believes that Quintero's allegations of torture merit an investigation by authorities unconcerned about the potential political consequences of an independent inquiry. HRF takes no position on whether Quintero is guilty or innocent of the charges for which he remains incarcerated. However, compiled evidence points to unmistakable violations of human rights, specifically the right to due process under the law, the right to legal counsel, the right to be free from arbitrary detainment, and the right to be free from torture.