

FORT MARA CASE

Fire in punishment cells, government cover-up, and a suspicious death

On March 30, 2004, sometime between 1:00 a.m. and 1:35 a.m.,¹ a fire in a punishment cell in the general barracks of Fort Mara (La Guajira, State of Zulia, Venezuela) burned eight soldiers of the 105th Combat Engineers Battalion (“Carlos Soublette Troop”). The soldiers had been imprisoned for disciplinary reasons.

The eight soldiers burned in Fort Mara were:

1. Orlando Bustamante (21; deceased)
2. Ángel Pedreáñez (20; deceased)
3. Alcides Martínez (20)
4. César Cábar (23)
5. Abraham Mena (19)
6. Eusebio Reyes (19)
7. Ángel Medina (24)
8. Mauricio Pulgar (21)

Source of Fire

Government version: The fire started from inside the cell

- Some soldiers were smoking cigarettes, fell asleep, and the mattress caught on fire.
- Some soldiers generated the fire by burning the mattresses, to protest being held in the punishment cell or to cause their dismissal from the army.
- The methane gas from the toilet generated the fire or exacerbated the existing fire.

Version of soldier and one human rights attorney: Fire started from outside the cell

- Gasoline was intentionally poured on the soldiers and then lit.

Version of one of the deceased soldiers and his family: Fire started from outside the cell

- A flamethrower or blow torch was used to burn the soldiers and ignite the cell.

Different theories for the source of the fire exist.² The main argument centers on whether the fire was set inside or outside the punishment cell.

Initially, the government argued it was an accidental fire. According to General Wilfredo Silva, commander of the Western Garrison, “Some soldiers declared that ... several of them were smoking during the night and that they had fallen asleep with the cigarette still lit, from which the mattresses caught on fire and everything started.”³ According to the Military Code of Disciplinary Punishment, soldiers in a punishment cell are strictly

forbidden to smoke or possess lighters. President Hugo Chávez declared on his television show on April 4 that the fire was accidental.⁴ This was also the version of General Carlos Briceño of the 11th Infantry Brigade.⁵ An additional theory for how the fire may have started was disseminated by General Briceño, who said that the fire started inside the cell when soldiers smoking cigarettes inadvertently ignited gases in the lavatory area (from human waste in a septic tank). The deceased soldier, Pedreáñez, was not known to smoke and toxicology exams made public on April 14 revealed no traces of nicotine.⁶

In a puzzling turn of events, the State of Zulia's Defender of the People, Antonio Urribarri, said on April 6 that "gunpowder and other pyrotechnic devices" had been found inside the cell, and that the soldiers had "violated military rules, since they had matches and lighters."⁷ No further government comments mentioned gunpowder. Urribarri's remarks were likely intended to deflect credibility from the hypothesis that the fire was started outside the cell. Four days before making these statements, on April 2, Urribarri had stated that it would be irresponsible to make any judgments and that the best course was to wait for the results of the investigations. ["Lo más recomendable es esperar el resultado de las investigaciones para emitir juicios."]⁸

On April 2, the government's position changed. The official version was that the deceased soldier Pedreáñez, along with two others, had ignited the mattresses on purpose and that gases from the lavatory exacerbated the fires. Family members of Pedreáñez and political commentators argued that this was a cover-up motivated by the fact that the case had garnered national attention and developed into a political scandal. President Chávez spoke extensively about the case during his television program broadcast from Fort Mara on April 11, 2004.⁹ In his broadcast he repeatedly denied any cover-up and claimed that any other theories were political attacks by the "serpents" in the "demonic" Venezuelan oligarchy opposed to the Bolivarian Revolution.

Two National Assembly deputies from the government political party, Enrique Márquez and Eddie Ríos, made public a video recording they produced of two of the burned soldiers, Ángel Medina and Mauricio Pulgar, stating that the flames were caused by three of their cellmates, but principally by Pedreáñez. They stated that this was done in order to be "sent down" (dismissed) from the army. In the recording the soldiers denied that the fire was retaliation for their having participated in the collection of signatures for the recall referendum against President Chávez.¹⁰ Medina and Pulgar accused Pedreáñez, Mena, and Martínez of piling up their mattresses and setting fire to them. The deputies of the assembly also stated that Pedreáñez was the son of a political leader of the opposition who wanted to give the case a political tint. Deputy Ríos further stated that it could not be demonstrated that the fire was not started from outside the cell¹¹ because there were no testimonies from guard personnel or anyone who stated "I saw it."¹²

General Carlos Briceño Márquez, commander of the 11th Infantry Brigade, agreed with this version and said that "three of the soldiers tried to call attention to get out of the cell, and have been plotting the fire for several days. They set the mattress on fire." He added that methane gas from the bathroom caused the combustion that led to Pedreáñez's wounds.¹³

The conclusion of the National Assembly commission investigating the case was that the fire was started from the interior of the punishment cell, with the participation of a human element inside the cell, without any sort of external interference. This conclusion was approved by the majority, with negative votes from two opposition deputies: Dianela Parra (AD/Zulia) and Édgar Zambrano (AD/Zulia). They noted in their negative votes that the commission overlooked and ignored evidence and did not have valid criteria to conclude that the human factor came from inside the cell.¹⁴ These deputies also wished to recreate both the burning of the mattresses and test the use of a flamethrower but the commission denied their request, on the grounds that such a test would amount to an unsuitable use of resources.

Parra specifically requested a special fire drill to see if matches or a lighter could create the strong flames and the heat described in the report of the fire marshal. Her request was denied.¹⁵ In gathering witnesses the Commission did not consider two different lists presented by General Wilfredo Silva; these named the night guards that were present during the fire. Furthermore, the Assembly disregarded the inexplicable dismissal of the fire marshal of the fire department of Maracaibo, Alí Gil, by the mayor of Maracaibo, Giancarlo Di Martino. Gil had signed a report on the fire (now lost), affirming that the fire reached up to 1000 degrees centigrade (1832 Fahrenheit).¹⁶

Ángel Pedreáñez's father, Ender Pedreáñez, a firefighter with 37 years of experience in the Maracaibo fire department, stated from the start that the fire was started from the outside. On April 2 he denied an accident and stated, "I don't know if it was gasoline, or kerosene, or thinner, what I do know is that it wasn't a cigarette as the government has stated from the start."¹⁷ ["Yo no sé si era gasolina, kerosene o tinner, lo que sé es que no fue la colilla de cigarrillo como dicen las autoridades desde el principio."]

Pedreáñez also complained that the fire department was not permitted to enter the scene of the fire. He pointed out that his son didn't smoke and pleaded for an in-depth investigation. Morly Uzcátegui, a representative of a political organization opposing the government, became involved with the case. Uzcátegui declared that the soldiers had been doused with gasoline and set alight and that this had been done because the soldiers had signed a petition soliciting a recall of President Chávez. Uzcátegui agreed to serve as the attorney for Pedreáñez.¹⁸

Jesús Barroso, a soldier who deserted from Fort Mara on May 6, 2004, claimed in a taped television newscast on Globovision that he feared for his life because of what he knew; he said that he was told by Bustamante (deceased) that Bustamante was in the punishment cell for having signed the petition requesting a recall of President Hugo Chávez. Barroso declared that he had witnessed a soldier entering the punishment block with a container filled with fuel.¹⁹

Two days later Barroso reappeared on television, this time from the public prosecutor's office, claiming he feared for his life and that he had lied about how the fire began. He stated that he was kidnapped and threatened into participating in a conspiracy against the government. He claimed that executives from Globovision television station and two human rights attorneys, including Jorge Govea of the Venezuelan Observatory for Human Rights, were responsible and held him against his will. He stated that he escaped

and then went to Zulia governor Manuel Rosales's office to ask for assistance and was told by an unnamed person to wait at a hotel. He says he was identified at the hotel by Military Intelligence (DIM), which brought him in for questioning. He stated that he had been treated with respect, that he wanted to declare that he had lied previously, and that he was doing this of his own free will.²⁰ Barroso was later formally charged with having made false allegations. Additionally, the report issued by the Maracaibo fire department stated that the cell showed no traces of fuel.²¹

The hypothesis of the flamethrower or blow torch was first brought up by a journalist, Patricia Poleo, who claimed to have an inside source at Fort Mara who witnessed the event. She wrote in a column in *El Nuevo Pais* that the soldiers had been lined up in formation with three soldiers at the front and that the wounds on Pedreáñez's arms (and subsequent amputation of his fingers) were caused by his taking a defensive pose once the flames, which lasted several seconds, began. She also obtained photographs of the scene showing the walls of the cell burnt from waist level upwards and not burnt on the floor.²² Poleo was never called to testify before the authorities, nor was she questioned about her confidential informant.

Poleo's version was developed further on a television program hosted by Marta Colomina featuring a retired general, Francisco Usón, as guest. The program aired live on the morning of April 16, 2004. Usón, who had been a military engineer, explained that Poleo's narrative was consistent with the technical capabilities of a flamethrower and that "if" Poleo's version were true it would be very severe. Editorialists supportive of the government argued that the fire could not have been caused by a flamethrower, because if it had been, the whole cell would have been completely incinerated, and none of the soldiers would have survived. Usón also explained that a flamethrower's capacity can be regulated in terms of distance and intensity.²³

National Assemblyman Juan Barreto, a member of the government, held a press conference denouncing Usón and saying that he knew that there were no flamethrowers in Fort Mara. He added that "we will demonstrate that General Usón is part of a campaign against the Armed Forces." General Usón replied by stating that there are indeed flamethrowers in these kinds of military premises and that deputy Barreto did not know what he was talking about.²⁴

Usón was later arrested and tried for slandering the army. During his trial, Usón pointed out that the commander in chief of the army, General Raúl Isaías Baduel, had told the media that the flamethrowers in the Fort Mara battalion were inoperable at the time of the fire. Baduel's statement was later provided as testimony against Usón. However, it directly contradicted a report from Zulia state police officers stating that seven out of ten flamethrowers were operable and that, at the time of inspection, they smelled of fuel—a sign of recent use.²⁵

The most damning testimony against the government case was the recording made on May 3 at Pedreáñez's bedside by his lawyer, Morly Uzcátegui.²⁶ Pedreáñez says on the tape that the fire was caused by a "tube [*tubo* can be translated as pipe or tube] emitting

flames.” He narrated the events of the evening: “We were all lying down, but we were awake. There, singing.... Then, I was half asleep. At around 1:30, there was a bastard at the door, holding a tube emitting flames, and the mattress caught fire.” Pedreáñez died several hours after providing this testimony and just before he was supposed to provide sworn testimony to a military judge.²⁷

Ender Pedreáñez also raised questions regarding his son’s and the other soldiers’ burns. He asked how a fire from a mattress on the floor could cause burns on only the upper half of the soldiers’ bodies. He suggested that this could only happen if the soldiers had gone into some kind of suicidal frenzy and rubbed their torsos on the burning mattresses or lifted the burning mattresses and rubbed themselves against them. Pedreáñez also questioned how his son, Bustamante, and Martínez could have such severe and extensive burns when photographs of the cell show cigarette wrappers and rubber sandals on the floor practically intact.²⁸

William Barrientos, president of the Human Rights Commission of the State of Zulia’s legislative council and a medical doctor, explained that fire experts had confirmed that without doubt, the scene was tampered with and manipulated. He stated that given the degree of heat that was produced, it could not be explained how certain objects inside the cell, such as the plastic containers of deodorant, had not been burned.²⁹

Despite the differing opinions regarding whether the cell was doused with gasoline and set alight or whether a flamethrower was used, there are similarities between the account provided by Pedreáñez before he died and the account given by Jesús Barroso.³⁰ For instance, Pedreáñez’s and Barroso’s statements both included details about how the soldiers were singing songs that evening in the cell, and both mentioned that some of the soldiers in the punishment cell were awake and some were asleep.

Immediate Aftermath of the Fire

According to the recording of Private Pedreáñez, it took approximately 20 minutes for the cell to be opened once the fire started and a further half hour for an ambulance to arrive.³¹ It arrived at approximately 2:00 a.m. The soldiers arrived at the hospital, according to the head of the emergency ward, at 3:00 a.m.

The soldiers were taken to a regular medical center and then transferred to the Maracaibo University Hospital. Given the severity of the wounds presented by some of the soldiers, it is puzzling that they were not taken directly to a hospital containing a burn unit. Family members of the deceased and human rights attorneys claim that this was done in order to minimize the seriousness of what had occurred.³² Ángel Enrique Medina and Mauricio Pulgar Parra were attended at the Zulia University Hospital with minor wounds and returned to their barracks. On March 31 five of the soldiers were transferred from Maracaibo to the Carlos Arvelo Military Hospital of Caracas, including Orlando Bustamante and Alcides Martínez, who had second- and third-degree burns. Again, this is a confusing transfer given that the burn unit of the Coromoto Hospital in Maracaibo is

considered the best in Latin America and the Carlos Arvelo Military Hospital is more than 450 miles away by car (the soldiers were not transferred by air ambulance but by ground in an 8-hour jeep ride). Bustamante was in the Carlos Arvelo Military Hospital when he died. Maribel Fernández, chief of the emergency section of the University Hospital of Maracaibo, stated that Orlando Bustamante and the other soldiers were transferred without medical authorization. She also stated that the soldiers were forbidden by their superiors to discuss what occurred in Fort Mara.³³ One potential motive for the transfer to a military hospital, given the growing media interest in the case, was that these soldiers could then be isolated from their families, the media, and medical personnel who would be willing to speak to the press. The remaining soldier, Ángel Pedreáñez, was transferred to the Coromoto Hospital.

Scene of Incident and Conflicting Investigations

Following the incident, military authorities did not allow access to the punishment cell. Only military intelligence (Division de Inteligencia Militar) was allowed on the premises. The government claims that military intelligence along with military judges initiated the investigations that included the police force and fire department.³⁴ On April 1, more than 24 hours after the incident, firefighters of Maracaibo were allowed to investigate for the first time and found no fuel residue. According to court documents in the trial of Francisco Usón, who was later convicted for offering an opinion on the case, a visual inspection by Maracaibo firemen Captain Gilfredo Espinoza and Ángel E. Madriz of the area where the fire took place indicated that the fire was intentional and premeditated. The two firemen observed that “with relation to the cause of the fire, everything indicates the commission of a punishable act, which involves in an active manner the participation of a human factor. ... We consider that said fire presents all the characteristics of having been planned in an intentional manner.” Fire captain Gilfredo Espinoza testified thus as an expert witness before the Supreme Military Tribunal, emphasizing that the fire was not accidental. According to an attorney of the Pedreáñez family the original fire department report has disappeared, and the firemen who evaluated the fire scene are no longer in the unit.³⁵ **The public record reflects that one fireman, Fire Marshal Ali Gil, has been impeached.**

The Military Prosecution, Public Ministry, Permanent Council of War of Maracaibo and the State of Zulia’s Legislative Council each opened their respective investigations on the origins of the fire.³⁶ This led to a jurisdictional conflict that was unresolved for more than four weeks. Two years after the Fort Mara fire, the Public Ministry has still not been able to present a conclusion to the case.³⁷ Meanwhile, the National Assembly’s final report was voted on and approved strictly according to party lines with government supporters approving the work and opposition members voting against the report.³⁸

Suspicious Death of Private Pedreáñez

By April 30, Pedreáñez had been removed from an artificial respirator, was showing signs of improvement, was breathing well and speaking, and had told his father, “I am well, I want to get out of here, I want to give a statement so I can get out of here.”³⁹ [“Papá estoy bien, me quiero ir de aquí, quiero declarar porque me quiero ir de aquí.”] A week before his death, the government press office wire service, Venpres, moved a story indicating that Pedreáñez’s condition was improving. A government deputy noted that this was the product of the hospital and the ministry of defense’s excellent stewardship.⁴⁰ In addition, the hospital’s director, Luis Crispín Marín, had told the media that Pedreáñez was healing well.⁴¹

Ender Pedreáñez had stated that “yesterday, he [Ángel] was very happy, it was his best day ... no one has explained anything to me, neither the doctors, nor anyone, I have not received information about anything ... my son had asked when we could leave and he repeated that he did not want to return to Fort Mara. The soldiers have been going crazy trying to enter and see my son and they’re always hiding and monitoring, I’m sure they entered and killed him.”⁴² Pedreáñez’s parents have stated that an army lieutenant, Oscar Soto Montero, constantly loitered near their son’s hospital room and that their son had stated that the officer had threatened him every day. They also added that when they learned their son had expired and went to his room they found Lieutenant Soto at his side:⁴³ “When we visited him, and the lieutenant passed by the glass door, [Ángel Pedreáñez] got scared, he told us that it was official, he was threatening me, every day ... the lieutenant wanted, for days, to enter the treatment room, but he was not permitted, and when Ángel Ciro died, the officer was there, by his side.”⁴⁴ Pedreáñez died at 12:30 p.m. on May 4.

Upon Pedreáñez’s death the National Guard surrounded the hospital and its presence in the local neighborhood was noted by residents. According to the Pedreáñez family, the National Guard tried to remove the body from the hospital but was prevented from doing so by the family.⁴⁵ Pedreáñez’s body, in the National Guard’s custody, was handed over to the Faculty of Medicine morgue at the University of Zulia, where the autopsy was done. The decision to have the autopsy done at that location was made by the military prosecutor. Judge Alberto Santa Cruz was present during the body’s transfer to the morgue.⁴⁶

Hospital director Marín later contradicted what he had told the media on April 30: “I was always careful in saying that the patient is not out of danger, then he showed complications during the surgery and during the cardiopulmonary resuscitation attempt, there was nothing more we could do.”⁴⁷

Marín stated that only the soldier’s family and attorneys had contact with him and that nobody else was allowed into the soldier’s room. He further mentioned that surveillance at the burn unit at the Coromoto Hospital is “guaranteed.”⁴⁸ According to *El Aragueno*, the press team of government-owned television Venezolana de Televisión entered Pedreáñez’s room in the Coromoto Hospital. This contradicts Marín’s statement, as does Ender Pedreáñez’s accusation that Lieutenant Soto was involved in his son’s death.

Government officials provided three different causes of death: (1) cardiac arrest; (2) brain hemorrhage; and (3) inevitable death from complications arising from the burns and the inhalation of toxic elements.⁴⁹ Similarly, Pedreáñez was said to have died in two different circumstances. One official version of the events states that he was undergoing skin grafting surgery when he died. The other official version states that he died while his wounds were being cleaned but not while being operated on.⁵⁰

Deputy Eddie Ríos stated that the deaths of both Pedreáñez and Bustamante were caused solely and exclusively by injuries caused by the burns, both internal and external, and the inhalation of toxic elements. Deputy William García Insausti claims that the deaths of the two soldiers were accidents and inevitable. The minister of defense, General Jorge Luis García Carneiro, indicated in a communiqué that he read from the presidential palace that Pedreáñez's death was due to cardiopulmonary failure.⁵¹ The autopsy report contradicts these claims and concludes that cerebral hemorrhage was the cause of death, which would mean that Pedreáñez's death was wholly unconnected to his burn wounds.⁵² Ender Pedreáñez insists his son was murdered.

Contradicting Medical Reports

There are two official medical reports emanating from government agencies that contradict each other.⁵³ The parliamentary commission privileged a report from a military doctor chosen by the National Assembly and discarded a report from the Medicatura Forense written by four forensic experts.

Medicatura Forense Report: Produced by Drs. Rubén Campos, Samanta Guerra, and Mileida Bohórquez from the medical faculty of the University of Zulia, and Yoleida Alemán from the CICPC police department (Alemán was rejected by the National Assembly Commission). This report stated that Ángel Pedreáñez had been exposed to directed fire and that 50% of his body surface suffered second- and third-degree burns. The cause of death was a cerebral hemorrhage resulting from lack of oxygen and had no relation to the injuries caused by the burns. This report fueled speculation of foul play in the death of 21-year old Pedreáñez and the reference to directed fire further added to the speculation about a blow torch or flamethrower.⁵⁴

A separate set of interviews carried out by HRF staff with a hospital employee revealed that Pedreáñez's wounds were "clean," and that while burn victims tend to get infected, in this case the wounds were free of infection despite the large area affected. This sort of wound is more common in cases where a burn victim has been targeted with a flammable substance of chemical consistency.

National Assembly Commission Report: Produced by a military doctor, Milagros Pinero de Borrego. Borrego affirmed that the deaths of both Pedreáñez and Bustamante were imminent. "Even when multiple technical and medical procedures are applied for

healing ... burn wounds suffered, external and internal, were very advanced, which caused a multisystemic failure of the brain, lungs, kidney, and liver.” HRF was informed by personnel at the Coromot Hospital that Borrego never examined the body and wrote the National Assembly’s medical report on the basis of hospital records sent to her office in Caracas. [“Su muerte era de carácter inminente, aunque se evidencian múltiples actos médicos y técnicos que se aplican para su recuperación, esto motivado a que las quemaduras que sufriera, tanto externas como internas, eran muy avanzadas histológicamente, lo que provocó una falla multisistémica de órganos nobles (cerebro, pulmón, riñón, hígado). La principal causa de estas fallas multifactoriales fue la hipopsia tisular, producto de la lesión de la parenquima pulmonar, que no permitía la correcta omeostasis (intercambio gaseoso para la depuración sanguínea, oxigenación de la sangre)”].⁵⁵

Missing and Never-Performed Skin Tests: When Orlando Bustamante died, medical forensics were able to extract some of his skin for analysis by the Direction of Forensic Toxicology of the technical judicial police (CICPC). The analysis was meant to search for traces of chemical substances, hydrocarbons, gasoline, gas-oil, and napalm, which would determine whether the fire came from the outside or from a blow torch or flamethrower. CICPC authorities publicly stated that these samples were sent to the national laboratory (IVIC) to be analyzed, but that they never arrived at the lab. The National Assembly report cites IVIC as a source for data on the case,⁵⁶ however, IVIC staff members denied that the samples were ever analyzed, first claiming that the samples never reached their lab and subsequently claiming that tests were not done due to a lack of equipment.

On May 7, more tissue samples were taken from Pedreáñez’s body by Guillermo Silvio, one of the government attorneys in charge of the case. That same day at 7:30 a.m., Silvio’s vehicle was stolen. The original case file, with evidence, was inside the stolen automobile.⁵⁷

Arbitrary Detainment and Denial of Due Process

The eight soldiers imprisoned at Fort Mara were purportedly being punished for tardiness and dereliction of duty; however, the punishment was meted out without a hearing and with no administrative paperwork. Their incarceration violates Article 44 of the Venezuelan Constitution.⁵⁸ It also violates the military code for disciplinary punishment, which (unconstitutionally) sanctions punishment via incarceration provided that punishment books are kept detailing criteria and sentences for deprivation of freedom. Each individual soldier’s personnel book must also include this information. None of the eight soldiers in the punishment cell was noted in the fort’s punishment book. In addition, their personnel files fail to mention punishment. These facts lead to speculation about why the soldiers were in punishment cells to begin with.

Harassment of Witnesses and Critics of the Government

HRF has documented more than eleven incidents when the Pedreáñez family was approached by individuals stating they came on behalf of the government to offer compensation in return for the family's silence with regard to the death of Ángel Pedreáñez. According to Ender Pedreáñez, in one such instance officers identifying themselves as members of Military Intelligence (DIM) requested a meeting between Pedreáñez and President Hugo Chávez. The DIM officials encouraged Pedreáñez not to make further statements to the press.⁵⁹ In addition, HRF believes Jesús Barroso, who was detained by military intelligence, may have been pressured and placed under duress. In other HRF cases involving the Division de Inteligencia Militar (DIM), we have documented the use of torture with witnesses and individuals perceived as opponents of the government (viz., the Humberto Quintero and Luis Figueroa cases). Additionally, numerous members of the media who criticized the government or speculated on what occurred in Fort Mara were quoted and mentioned by name by members of the government including the Vice President and President. HRF believes this to be threatening to freedom of speech. In the case of Francisco Usón, as noted elsewhere, his opinions on the case resulted in a five year and six month prison sentence. Patricia Poleo, the journalist who first wrote about the possibility that a flamethrower or blow torch was used, is currently wanted for murder in a case with political overtones. Nelson Mezerhane, one of the owners of Globovision, the television station that first reported the case, is also wanted for murder (in the same case as Poleo). HRF is currently investigating both cases.

Prison Sentence Resulting From the Fort Mara Case

Retired general Francisco Usón Ramirez was sentenced to five years and six months for slandering and insulting the armed forces when he stated his opinion on a TV talk show. He is a political prisoner and prisoner of conscience currently incarcerated in Ramo Verde.

Conclusion

HRF is not able to determine how the fire at Fort Mara was started. HRF believes a deliberate cover-up followed the incident, leading to delayed investigations, loss of evidence, and the harassment of the victims, their families, and witnesses. HRF has conducted extensive interviews with attorneys, family members, and witnesses. In addition, HRF has researched legal documents, forensic exhibits, court records, and public records, as well as hundreds of media articles about the Fort Mara case. The evidence points to unmistakable violations of human rights—specifically, the right to due process under the law and the right to be free from arbitrary detainment. In addition, if the fire was intentionally caused from outside the punishment cell, the soldiers' right to be free from torture was also violated. In the deaths of Privates Bustamante and Pedreáñez, the right to life was violated.

ORGANIZATIONS FOLLOWING/REPORTING THE CASE

U.S. Department of State

- <http://www.state.gov/g/drl/rls/hrrpt/2005/61745.htm>

11 Abril

- http://www.11abril.com/index/especiales/fuerte_mara.asp

Inter-American Commission on Human Rights

- <http://www.iachr.org/annualrep/2006sp/Venezuela577.05sp.htm>

Comisión Andina de Juristas

- <http://www.cajpe.org.pe/CRONOLOG/mayovene8.htm>

- <http://www.cajpe.org.pe/CRONOLOG/abrilve8.htm>

Camara de Comercio Venezolano-Italiana (CAVENIT)

- <http://www.cavenit.com/modules.php?name=News&file=print&sid=1070>

PROVEA

- http://www.derechos.org.ve/actualidad/coyuntura/2006/coyuntura_167.htm

LEGAL REPORTS

Tribunal Supremo de Justicia

- <http://www.tsj.gov.ve/informacion/notasprensa/notasdeprensa.asp?codigo=1049>

Marcial Court

- <http://corte-marcial.tsj.gov.ve/decisiones/2004/mayo/027-13-237-04-237-04.html>

Asamblea Nacional

- <http://www.asambleanacional.gov.ve/ns2/noticia.asp?numn=5409>

- <http://www.asambleanacional.gov.ve/ns2/noticia.asp?numn=5724>

- <http://www.asambleanacional.gov.ve/ns2/noticia.asp?numn=5341>

MEDIA REPORTS

BBC

- “Venezuela: muere otro soldado”:
http://news.bbc.co.uk/hi/spanish/latin_america/newsid_3684000/3684943.stm

El Universal

- “¿Qué pasó en Fuerte Mara?”:
http://www.eluniversal.com/2004/04/06/nac_esp_06A444641.shtml
- “Nuevas experticias contradicen informe de Bomberos de Maracaibo sobre incendio en Fuerte Mara”:
http://www.eluniversal.com/2004/05/13/nac_ava_13A460995.shtml
- “Aquí no queremos militares”:
http://www.eluniversal.com/2004/05/06/pol_art_06102A.shtml
- “Grabaciones de Pedreáñez aseguran que el fuego se originó desde el exterior de la celda”:
http://www.eluniversal.com/2004/05/04/nac_ava_04A456459.shtml
- “Murió Ángel Ciro Pedreáñez”:
http://www.eluniversal.com/2004/05/04/nac_ava_04A456373.shtml
- “Casos están en fase Conclusiva”:
http://www.eluniversal.com/2004/06/06/ccs_art_06276A.shtml

- “Deben Investigarse Oficiales”:
http://zona.eluniversal.com/2006/02/11/ccs_art_11478A.shtml
- “Dicen que Pedreáñez habló de soplete”:
http://www.el-universal.com/2004/05/01/imp_ccs_art_01288A.shtml
- “Investigaciones en el limbo”:
http://www.eluniversal.com/2004/05/10/pol_art_10102A.shtml
- “Fiscalía giró expedientes en casos de abusos a soldados”:
http://deportes.eluniversal.com/2005/04/23/imp_ccs_art_23274F.shtml

Radio Nacional de Venezuela

- “Tribunal de Control conoce caso de soldados quemados en Fuerte Mara”:
<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=4758>
- “Soldados aclararon origen del incendio en Fuerte Mara”:
<http://rnv.gov.ve/noticias/?act=ST&f=2&t=4686>
- “AN: Combustión en sala disciplinaria de Fuerte Mara fue interna”:
<http://rnv.gov.ve/noticias/?act=ST&f=2&t=5104>
- “Soldado Jesús Barroso confiesa haber mentido”:
<http://www.rnv.gov.ve/noticias/index.php?s=d0f4a552b260bb5b7697641a8d5f9451&act=Print&client=printer&f=2&t=5332>

Union Radio

- “Incendio en Fuerte Mara bajo la sombra de las dudas”:
<http://www.unionradio.com.ve/Especiales/especial.aspx?especialid=134>
- “Murió soldado Pedreáñez herido en el Fuerte Mara”:
<http://www.unionradio.net/Noticias/Noticia.aspx?noticiaid=111244>

Gentiuno

- <http://www.gentiuno.com/articulo.asp?articulo=1157>
- <http://www.gentiuno.com/articulo.asp?articulo=1100>

RCTV

- Entrevista con Patricia Poleo:
http://www.rctv.net/ImgContenido/GaleriaArchivos/patricia_poleo.pdf

Sin Mordaza

- http://www.sinmordaza.net/martha/2006/04/03/a_2_anos_del_caso_de_los_quemados_de_fue/

InfoVenezuela (compilation of newspaper articles)

- <http://infovenezuela.org/attachments-spanish/T5%20ST04%20N2%20Caso%20Pedrea%F1ez.pdf>

Panorama

- “Explosivas declaraciones del soldado Barroso del batallón Bravos de Apure”:
<http://www.geocities.com/rbolivariana2004/op200405/mentira.htm>

Aporrea

- “Inconsistencias... Un nuevo plan con pies de barro... Wilfredo Silva desarma la estupidez mediática...”:
<http://www.aporrea.org/actualidad/a8059.html>
- “Habla el soldado Jesús Barroso: “Le dije a Venezuela una mentira””:
http://www.aporrea.org/imprimir_doc.php?docid=8072
- “Imputados tres médicos y un soldado por el caso Fuerte Mara”:
<http://aporrea.org/dameverbo.php?docid=53300>

Rebellion

- <http://www.rebellion.org/venezuela/040504batlle.htm>

Quinto Día

- http://www.quintodia.com/archivos/400/edicion/index.php?dir=secciones&pag=pais_3

¹ Deceased soldier Ángel Pedreáñez states in a recording that the fire started at around 1:30 a.m., whereas Mauricio Pulgar Parra, another soldier who was in the cell, claims that the fire started at around 1:05 a.m.

² Monica Castro, “Aquí no queremos militares,” *El Universal*, 6 May 2004 <http://www.eluniversal.com/2004/05/06/pol_art_06102A.shtml>, and “El fantasma de la impunidad sobre las cenizas de Fuerte Mara,” *El Nacional*, 29 March 2005 <<http://infovenezuela.org/attachments-spanish/T5%20ST04%20N2%20Caso%20Pedrea%Fl ez.pdf>>.

³ “¿Qué pasó en Fuerte Mara?” *El Universal*, 6 Apr. 2004 <http://www.eluniversal.com/2004/04/06/nac_esp_06A444641.shtml>.

⁴ Alfredo Rojas, “Chávez niega quema adrede de soldados,” *El Universal*, 5 Apr. 2004 <http://www.eluniversal.com/2004/04/05/pol_art_05106F.shtml>.

⁵ “¿Qué pasó en Fuerte Mara?” *El Universal*. This account was subsequently repeated in the media by deceased soldier Ángel Pedreáñez’s brother on April 30, and in a different media account the same day the family states it was a blow torch or “tube emitting flames”: “El Soldado Pedreáñez habla,” *El Araguëño*, 30 Apr. 2004 <<http://infovenezuela.org/attachments-spanish/T5%20ST04%20N2%20Caso%20Pedrea%Fl ez.pdf>>.

⁶ “Avatares del incendio en Fuerte Mara,” *El Universal*, 5 May 2004 <<http://infovenezuela.org/attachments-spanish/T5%20ST04%20N2%20Caso%20Pedrea%Fl ez.pdf>>.

⁷ “Caso Fuerte Mara,” *Primero Justicia*, 22 Nov. 2006 <http://www.urrut.org/papers/20040609_PJ_8.htm>, and “¿A quién protege el régimen?: fuego y mentiras sobre los cuerpos indefensos de ocho soldados,” *ProVeO*, 22 Nov. 2006 <www.proveo.org/crimenfuertemara.pdf>.

⁸ “Soldados aclararon origen del incendio en Fuerte Mara,” *Panorama*, 3 Apr. 2004 <<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=4686>>.

⁹ Venezuela, Ministry of Communication and Information, *Aló Presidente 188*, 11 Apr. 2004 <http://64.233.161.104/search?q=cache:Sp_t5dGxH2gJ:www.minci.gov.ve/imagnot/ALO%2520188.doc>.

¹⁰ “¿Qué pasó en Fuerte Mara?” and “Soldados aclararon origen del incendio en Fuerte Mara.”

¹¹ Xiomara Borges and Doris Carvajal, “AN: Combustión en sala disciplinaria de Fuerte Mara fue interna,” *Venpres*, 27 Apr. 2004 <<http://rnv.gov.ve/noticias/?act=ST&f=2&t=5104>>.

¹² Marilyn Somaza Márquez, “Presentado informe final del caso ‘Fuerte Mara,’” *Prensa AN*, 30 June 2004 <<http://www.asambleanacional.gov.ve/ns2/noticia.asp?numn=5724>>.

¹³ “Soldados aclararon origen del incendio en Fuerte Mara.”

¹⁴ Márquez, “Presentado informe final del caso ‘Fuerte Mara.’”

¹⁵ Marilyn Somaza Márquez, “Comisión de Defensa difiere informe final del caso ‘Fuerte Mara,’” *Prensa AN*, 12 May 2004 <<http://www.asambleanacional.gov.ve/ns2/noticia.asp?numn=5490>>, and Márquez, “Presentado informe final del caso ‘Fuerte Mara.’”

¹⁶ Exequiades Chirinos, “Los soldados ‘fueron expuestos a fuego directo,’” *Quinto Día*, 16 July 2004 <http://www.quintodia.com/archivos/400/edicion/index.php?dir=secciones&pag=pais_3>.

¹⁷ Martín Guédez, “Etapa superior de la guerra psicológica,” *Aporrea.org*, 3 Apr. 2004 <<http://www.aporrea.org/actualidad/a7662.html>>.

¹⁸ Guédez, “Etapa superior de la guerra psicológica.”

¹⁹ Monica Castro, “Los quemaron porque firmaron,” *El Universal*, 7 May 2004 <http://www.el-universal.com/2004/05/07/pol_art_07102A.shtml>.

²⁰ The audio of the press conference with Barroso is available at “Soldado Jesús Barroso confiesa haber mentido,” *Venezolana de Televisión*, 8 May 2004 <<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=5332>>. A transcript of Barroso’s remarks and commentary can be found at “Habla el soldado Jesús Barroso: ‘Le dije a Venezuela una mentira,’” *Diario Panorama*, 9 May 2004 <<http://www.aporrea.org/dameletra.php?docid=8072>>. Attorney Jorge Govea stated that Barroso’s declarations are false and that he never placed any sort of pressure on Barroso. Govea

claims that it was Barroso who first came to talk to him and that Barroso wanted protection because Barroso knew what really had happened in Fort Mara. Govea stated that all he did was give Barroso humanitarian and legal assistance as a lawyer. The army had done an evaluation of Barroso on February 10, 2004 and observed that he had an antisocial personality disorder and therefore should be excluded from the military service.

²¹ “¿A quién protege el régimen?: fuego y mentiras sobre los cuerpos indefensos de ocho soldados.”

²² “Heydra: Caso de Fuerte Mara es un crimen de lesa humanidad,” *Unión Radio*, 28 Apr. 2004

<<http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=110841>>. An original copy of the article published in *El Nuevo Pais* is in HRF’s archive of the case. The article is not available online.

²³ Pere Batlle, “Por el mar corre la liebre,” *Rebelión*, 4 May 2004

<<http://www.rebelion.org/venezuela/040504batlle.htm>>.

²⁴ “El Soldado Pedreañez hablo.”

²⁵ Usón’s court documents reflect this testimony. He also provides it in a public letter: Martha Colmenares, “A 2 años del caso de los soldados ‘Quemados de Fuerte Mara,’ escribe el General Uson,” *Martha sin mordaza*, 3 Apr. 2006

<http://www.sinmordaza.net/martha/2006/04/03/a_2_anos_del_caso_de_los_quemados_de_fue/>.

Based on expert technical analysis by the Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (CICPC) officers of the Zulia State Delegation, seven of the ten flamethrowers in the Soublette Battalion were operational and emitted a gas-oil smell, suggesting that at least one had been recently used.

²⁶ Carlos Chirinos, “Venezuela: muere otro soldado,” *BBC Mundo*, 5 May 2004

<http://news.bbc.co.uk/hi/spanish/latin_america/newsid_3684000/3684943.stm>.

²⁷ “Testimonio de Pedreañez sostiene tesis de incendio provocado fuera de la celda de castigo en Fuerte Mara,” *Unión Radio*, 4 May 2004

<<http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=111261>>.

²⁸ Colmenares, “A 2 años del caso de los soldados ‘Quemados de Fuerte Mara,’ escribe el General Uson.”

²⁹ “Nuevas experticias contradicen informe de Bomberos de Maracaibo sobre incendio en Fuerte Mara,” *El Universal*, 13 May 2004 <http://www.eluniversal.com/2004/05/13/nac_ava_13A460995.shtml>.

³⁰ Castro, “Los quemaron porque firmaron.”

³¹ “Testimonio de Pedreañez sostiene tesis de incendio provocado fuera de la celda de castigo en Fuerte Mara.”

³² Interviews with HRF.

³³ Manuel Malaver, “El crimen de Fuerte Mara,” *WebArticulista.net*, 11 Apr. 2004

<<http://webarticulista.net.free.fr/crimenfuertemara.html>>.

³⁴ “Soldados aclararon origen del incendio en Fuerte Mara.”

³⁵ Interviews with HRF.

³⁶ On April 6, 2004, the district attorney (Fiscalía Penal Ordinaria) introduced a statement arguing it had jurisdiction and investigatory powers. On April 13, the military prosecutor (Fiscalía Militar) argued it had jurisdiction. On May 3, the Venezuelan Supreme Judicial Tribunal resolved that the case had to be handled by the district attorney. There was considerable tension between the civilian and military authorities given the amount of public outcry against the military and in favor of a civilian agency handling the case. See “¿Qué pasó en Fuerte Mara?”

³⁷ Colmenares, “A 2 años del caso de los soldados ‘Quemados de Fuerte Mara,’ escribe el General Uson,” and “Diferido nuevamente acto conclusivo por caso de soldado Angel Ciro Pedreañez,” *Globovision*, 24 Mar. 2006 <<http://www.globovision.net/news.php?nid=24137>>.

³⁸ Márquez, “Presentado informe final del caso ‘Fuerte Mara.’”

³⁹ “Testimonio de Pedreañez sostiene tesis de incendio provocado fuera de la celda de castigo en Fuerte Mara.”

⁴⁰ Borges and Carvajal, “AN: Combustión en sala disciplinaria de Fuerte Mara fue interna.”

⁴¹ “El Soldado Pedreañez hablo.”

⁴² Monica Castro, “Me mataron a mi hijo,” *El Universal*, 5 May 2004

<<http://infovenezuela.org/attachments-spanish/T5%20ST04%20N2%20Caso%20Pedrea%Fl ez.pdf>>.

⁴³ “Difieren acto conclusivo del caso de Angel Ciro Pedreañez,” *Cadena Global*, 24 Mar. 2006

<<http://www.cadenaglobal.com/Default.asp?pgm=detail&Not=105473&Sec=5>>.

⁴⁴ Colmenares, “A 2 años del caso de los soldados ‘Quemados de Fuerte Mara,’ escribe el General Uson.”

⁴⁵ “Murió soldado Pedreáñez herido en el Fuerte Mara,” *Unión Radio*, 4 May 2004

<<http://www.unionradio.net/Noticias/Noticia.aspx?noticiaid=111244>>.

⁴⁶ Castro, “Me mataron a mi hijo.”

⁴⁷ Castro, “Me mataron a mi hijo.”

⁴⁸ Castro, “Me mataron a mi hijo.”

⁴⁹ “Murió soldado Pedreáñez herido en el Fuerte Mara.”

⁵⁰ “Murió soldado Pedreáñez herido en el Fuerte Mara.”

⁵¹ Castro, “Me mataron a mi hijo.”

⁵² Colmenares, “A 2 años del caso de los soldados ‘Quemados de Fuerte Mara,’ escribe el General Uson.”

⁵³ Chirinos, “Los soldados ‘fueron expuestos a fuego directo.’”

⁵⁴ Exequiades Chirinos, “Los soldados ‘fueron expuestos a fuego directo.’”

⁵⁵ Márquez, “Presentado informe final del caso ‘Fuerte Mara.’”

⁵⁶ Márquez, “Presentado informe final del caso ‘Fuerte Mara.’”

⁵⁷ Celalba Yamarte and H. Colina M., “Imputados tres médicos y un soldado por el caso Fuerte Mara,” *Panorama*, 2 Dec. 2004, reprinted at <<http://solve.net.ve/pipermail/politica/2004-December/001191.html>>.

⁵⁸ The “Reglamento de Castigos Disciplinarios No. 6” was written on January 31, 1949 and is contained in the Military Justice code. It allows for disciplinary punishment and arrest without a judicial order. This article was later superseded by an order issued on May 28, 2002 mandating the cessation of all such punishments. It was also denied by both the Venezuelan Constitution of 1999 and the Penal Code. The Constitution states: “Ninguna persona puede ser arrestada o detenida sino en virtud de una orden judicial, a menos que sea sorprendida in fraganti. En este caso, será llevada ante una autoridad judicial en un tiempo no mayor de cuarenta y ocho horas a partir del momento de la detención. Será juzgada en libertad, excepto por las razones determinadas por la ley y apreciadas por el juez o jueza en cada caso.”

⁵⁹ Beyond verbal confirmation by the Pedreáñez family, these threats have also been documented by the press. See “¿A quién protege el régimen?: fuego y mentiras sobre los cuerpos indefensos de ocho soldados.”