

José Humberto Quintero Aguilar

Victim of torture

José Humberto Quintero Aguilar, National Guard Lieutenant Colonel and Commander of the Anti-Extortion and Kidnapping Unit (GAES) in the State of Táchira, Venezuela, was arrested on January 12, 2005 on charges of treason, abuse of authority, and violating military decorum for having allegedly detained and handed over to Colombian authorities the principal international spokesperson for the Revolutionary Armed Forces of Colombia (FARC), Rodrigo Granda; supposedly he did so in exchange for a bribe.¹ In an interview with HRF in Ramo Verde prison [state location], Quintero said that he was not the person who detained and handed over Granda.² Quintero maintains that he said he was Granda's captor only after being tortured.

According to Minister of the Interior and of Justice Jesse Chacón, Quintero had received 1.5 million dollars as bounty;³ however, Soraya de Quintero, Quintero's wife, denied that her husband had cashed in any sort of reward for handing over Granda. She further stated that "it's absurd to think that someone who would charge \$1.5 million would have stayed in his position."⁴ She also declared that during the months after Granda's arrest, she did not notice any unusual behavior in her husband. She claims that her husband had not traveled to Caracas, where Granda had allegedly been detained, in recent weeks: "The last time he went to Caracas was on November 15, when he assisted a reunion of all the GAES commanders."⁵

Quintero is a highly regarded officer and has successfully led many GAES operations in the state of Táchira.⁶

Granda's Capture

According to Chacón, Granda was kidnapped in Caracas on December 13, 2004 at 4:00 p.m. by a commander of the Venezuelan National Guard Special Action Group, which worked with the National Police of Colombia. On December 14, in the city of Cúcuta, Granda was transferred to Captain Francisco Antonio Rojas Bejarano, commander of the Colombian group Gaula. Chacón claims that Granda had not been wanted by the Colombian government or by any other government, and that it was only on January 9, 2005, 25 days after Granda's kidnapping, that Interpol and the Colombian government requested his capture for terrorist acts.⁷

Five GAES officers have been identified in the participation of the kidnapping:

1. José Humberto Quintero Aguilar
2. Darwin Valero Cordero
3. Carlos Castillo Rivas
4. Simón Rodríguez Rico
5. José Rodríguez Galviz

One army superior officer and two army officers have also been identified and are currently under investigation.

After Granda's capture, the GAES was dismantled and its officers reallocated in different garrisons throughout the country.

Charges

The charges presented by the prosecution were violation of Articles 464 (3) (20) (26), 509 (1) (2), and 565 of the Military Justice Code.⁸

Torture

Quintero was tortured during his seven-day incarceration in the Military Intelligence Division (DIM). Quintero described his experience at the DIM in an interview with HRF in Ramo Verde [I did not adjust the material in the quote, but can smooth the English out if you would like]:

I was detained on Wednesday morning ... without a judicial order for my arrest or having been surprised in the scene of a crime. In fact, in my file there is no arrest warrant.... This process is arbitrary. I was held incommunicado. I was taken to the Military Intelligence Division [DIM] and arrived on Thursday morning. On Friday, January 14, I was presented before the military tribunal. At that moment I had not named any defense attorney, so they postponed the hearing to Monday the 17th. I arrived to the DIM in the afternoon and at around 5:00 pm. They called me out of my cell and handcuffed me. I thought that I was going to be interrogated as had been the others that are involved in this case.... I first see an officer, with CICPC [civilian judiciary police] identification. I see him and I would be able to identify him because that face I will not forget easily.... I was taken to the basement and I see a second officer of the CICPC and I see an SUV with the colors used by the CICPC but without a license plate. I see him, and he tells me to place myself. They handcuffed me and placed a sweater over my face and put me in the back seat of the SUV.... I was sitting among other persons and they told me to look at nothing but the floor.... I think there were six people in the SUV. From the DIM to where they were taking me I calculated approximately 45 minutes. When the vehicle stopped, I lifted my head and took off the sweater that I had on my face.... In that moment they realized I had taken off the sweater and then they started beating me. They were telling me to lower my head and to look at the floor and put brown tape on my wrists. They also put a brown tape at the level of my eyes and put back the sweater.... [After arriving at an undisclosed location] they sat me on a chair and I hear a recording device being used. The first thing I hear is a voice where they said that this was going to be an informal interrogation, that the only Article 49 of the Constitution [the right to due process] was the methods and procedures that they were going to apply to get out of me the testimony required by the Minister of Interior Relations, Jesse Chacón. They started asking me questions.... These individuals knew what was in the case file at the DIM.

They were asking me questions and I would not answer anything. So that was when they started getting upset, in that they held my arms, they held my legs and held a bag [to my head] and tried to asphyxiate me. Obviously, in my state of desperation to obtain oxygen I would get up from the chair, but they were holding on to me tightly. I sent them to their limits and it was the only way I could get oxygen again. In view of these reactions, they opted to do it again, but they first hit me from behind and then in the stomach so that I could not have any reserves of oxygen and then they placed a plastic bag over my head. This worked; it helped them because I was beginning to lose consciousness, I was fainting. There were several of these sessions. In these sessions they kept asking me questions, kept asking me questions. Later, they changed their methods; they would place my face down with my mouth horizontally, and placed the handcuffs behind me and they climbed on top of me.... They would get on top of me so that I could not defend myself.... Later, they told me that they were going to have to use another type of torture and if they were not going to obtain the results that they needed, they said “we are going to try to kidnap your wife and son who have been coming to the DIM everyday, so it would be easy for us to kidnap them”.... The last thing I ever thought was that this would happen. I knew I could die.... I worried about what would happen to my family if I were to die.... I worried about violence against my family unit. So I agreed I would say what was needed.... They began asking me the questions and I began to respond to these questions as they wanted.... They would tell me what I needed to say.... For example, they would say, “We know you were paid.” When my answers did not satisfy them, they would start the tortures again, they would place the plastic bag and go through the same asphyxiation until they realized that there was no other answer, that there was absolutely no money and so they changed questions. That was the way the interrogation went. After I had answered all their questions, they took off the bag, they took off the blindfold, they took off the handcuffs and they told me that they were going to do an audiovisual recording.... They asked me the same questions. I was answering them with limitations that if I did not say something that pleased them, they were going to continue torturing and mistreating me. Once that was over, they put a brown bag on my wrists and handcuffs and all that, they covered my eyes and they took me back to the DIM. The moment I entered the DIM I see Major Valdomero-Peña and the first thing I told him was, “Look, it’s quite outrageous in the way I’ve been treated, how I’ve been humiliated, how I’ve been mistreated, how my human rights have been violated, you don’t do these things to a person.” He did not answer.... Then came the psychological torture. I believe that this sort of torture materialized again with physical torture if I do not answer interrogations inside the DIM. They said they would kidnap my wife and son and hand them over to the FARC of Colombia. They also alleged that my wife had left for Spain and had abandoned me.... I told my attorneys: my human rights have been violated, I have been mistreated, I have been violated, I will not let this stand. I am very clear that in order to prove a human rights violation there are two methods.... Most human rights cases end up with impunity because you don’t recognize the aggressors; I recognize two of them. I do not know their names but I can physically remember them.... I will always remember their faces.... Until

today I have proof of the physical mistreatment. There is documented medical evidence of all of this.

Quintero stated that his jailers were trying to get him to say that Colombian and United States intelligence had actively participated in Granda's capture. They also wanted Quintero to confess that he had received, as reward, 1.5 million dollars. Quintero has repeatedly denied both accusations. Furthermore, the government has not proven the existence of the funds. Minister of the Interior and Justice Jesse Chacón used the videotape of Quintero in a formal hearing at the National Assembly.

According to Quintero, after the interrogation he was confined to Basement 1 of the DIM, where he had to remain in a 7 X 8 foot cell for seven days. His cell had no illumination except for a one-foot window into the hallway. He was stripped of all of his clothing except for shorts and sandals. When he had a physical need or needed to drink water, he had to stick his hand through the window and wait for a guard to notice or to agree to attend his call. Furthermore, his watch was taken away so that he would lose all sense of time. At the beginning, he would try to keep time in relation to when his food was brought in, but the jailers became aware of this and would arbitrarily alter when they brought him food. Furthermore, whenever he would fall asleep, they would wake him up and take him out for long hours of interrogation. He was only able to see his wife, Soraya, in a room of mirrors for five minutes. Quintero also claims that these interrogation sessions were authorized by the chief of the DIM investigation department.⁹

Quintero's tortures have had lasting physical and psychological effects on him. Four months after the interrogation, Quintero developed an internal hematoma, which he still has and for which he had to be treated.¹⁰ He says that "there are times at night in which the pain in my vertebral column does not allow me to sleep."¹¹ According to his wife, Soraya de Quintero, an MRI revealed that "there is an injury on his thorax, due to the mistreatment carried out in the DIM."¹² It was only on February 4 that the Ramo Verde authorities allowed Quintero to undergo needed medical examinations (lumbar and pulmonary resonance imaging). Quintero's lawyer, David Terán, believes that "they wanted to erase evidence of torture, but they had to permit this [medical examination] because on Sunday, January 30, he suffered pains that practically did not allow him to get out of bed."¹³

According to AD deputy Pedro Pablo Alcántara, Quintero says that his family has been humiliated and threatened.¹⁴ David Terán, Quintero's lawyer, has requested police protection for Soraya de Quintero, Quintero's wife, since she has received threats. She stated that "a suspicious person was prowling around my residence, trying to locate the house, and asking for me."¹⁵ Additionally, Quintero's home and office were raided and all the documentation that he had on armed movements operating in Venezuela was confiscated.¹⁶

Quintero's lawyer, David Terán, claims that Quintero's right to legal defense was violated because on the day of his arrest (January 12) he was kept incommunicado until late at night.¹⁷ Additionally, Quintero remained in the DIM cell for seven days and then

had to appear at the military tribunal without being able to name a defense attorney.¹⁸ Judge Rubén Darío Garcilazo has rejected Terán's request for revision, in which Terán maintained that Quintero's health was deteriorating.¹⁹ Javier Iranzo, Quintero's defense attorney, stated in August 2005 that his client's mistreatment had occurred several months ago without any prosecutors or military tribunals taking any measures to investigate the denunciations.²⁰

Quintero wrote a letter explaining his torture by the DIM,²¹ his lack of adequate medical treatment,²² the restrictions imposed on his family members as well as their humiliation, the permanent surveillance, and the lack of control and order in the precinct. This later was made public by Alcántara, who took the letter, along with a report, to the Martial Court and to the people's defender, where family members have already shown up to request that Quintero's due process rights be re-established.²³

Quintero claims his lawyers had requested from the beginning that he be transferred to Cenapromil (the military prison), but the judge refused.²⁴ Despite Quintero's claim that he can recognize two of his aggressors, no measures have been undertaken to investigate his accusations or take any action.

Media Reports

El Universal

- "Militares puestos al límite":
http://archivo.eluniversal.com/2005/10/02/pol_art_02162A.shtml
- "Fiscalía Militar acusará por caso Granda el 2 de marzo":
http://english.eluniversal.com/2005/02/16/pol_art_16104A.shtml
- "Denuncian que oficial detenido por caso Granda fue maltratado":
http://tiempolibre.eluniversal.com/2005/08/19/imp_pol_art_19108F2.shtml
- http://www.eluniversal.com/2006/10/26/imp_opi_4807_art_44671.shtml
- "Presidente no puede interferir justicia militar":
http://opinion.eluniversal.com/2006/04/08/imp_pol_art_08108J.shtml
- "Exigen investigar a superiores de comandante Quintero":
http://english.eluniversal.com/2005/02/08/imp_pol_art_08103F.shtml

Union Radio

- "AD denuncia maltrato contra guardia detenido por caso del guerrillero Granda":
<http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=143752>

Radio Nacional de Venezuela

- "Chacón: Efectivos de Colombia y Venezuela efectuaron secuestro de Granda":
<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=12462>

El Nacional

- "Piden que se obligue a tribunal ordinario garantizar derechos de comandante del GAES":
http://www.uru.org/papers/DDHH/PresosPoliticoss/2005_PP_varios/20040206_Granda_GAES.htm

Diario La Voz

- "AD denuncia maltratos contra detenido por el caso Granda"

Temas.Info.Ve

- “Ramo Verde para los oficiales que secuestraron a Granda”:
http://www.temas.info.ve/modules.php?name=News_v2&file=print&sid=2004

Aporrea

- “Quien recibió a Rodrigo Granda en Colombia?”:
http://www.aporrea.org/imprimir_noticia.php?docid=55163

¹ “Chacón: Efectivos de Colombia y Venezuela efectuaron secuestro de Granda,” *Venpres / ElUniversal.com / Union Radio*, 13 Jan. 2005
<<http://www.rnv.gov.ve/noticias/index.php?act=ST&f=2&t=12462>>, and Juan Francisco Alonso, “Fiscalía Militar acusará por caso Granda el 2 de marzo,” *El Universal*, 10 Feb. 2005
<http://english.eluniversal.com/2005/02/16/pol_art_16104A.shtml>.

² HRF interview with José Quintero in Ramo Verde.

³ Francisco Olivares, “Militares puestos al límite,” *El Universal*, 2 Oct. 2005
<http://archivo.eluniversal.com/2005/10/02/pol_art_02162A.shtml>.

⁴ Olivares, “Militares puestos al límite.”

⁵ Juan Francisco Alonso, “Exigen investigar a superiores de comandante Quintero,” *El Universal*, 8 Feb. 2005 <http://english.eluniversal.com/2005/02/08/imp_pol_art_08103F.shtml>.

⁶ The GAES specialized in fighting against guerilla groups that were operating near the Venezuelan-Colombian border, including Colombian guerillas and paramilitaries and armed Venezuelan groups, such as the Frente Bolivariano de Liberación. More on Quintero’s professional achievements is available from Olivares, “Militares puestos al límite,” and Alonso, “Fiscalía Militar acusará por caso Granda el 2 de marzo.”

⁷ “Chacón: Efectivos de Colombia y Venezuela efectuaron secuestro de Granda.”

⁸ See Articles 464, 509, and 565 in Venezuela, Gaceta Oficial No. 5.263, *Código Orgánico de Justicia, Militar*, 17 Sept. 1998 <<http://www.leyesvenezolanas.com/lv02.htm>>.

⁹ Olivares, “Militares puestos al límite,” and HRF interview with Quintero.

¹⁰ Olivares, “Militares puestos al límite,” and HRF interview with Quintero.

¹¹ HRF interview with Quintero.

¹² Alonso, “Fiscalía Militar acusará por caso Granda el 2 de marzo.”

¹³ Alonso, “Exigen investigar a superiores de comandante Quintero.”

¹⁴ “Denuncian que oficial detenido por caso Granda fue maltratado,” *El Universal*, 19 Aug. 2005
<http://tiempolibre.eluniversal.com/2005/08/19/imp_pol_art_19108F2.shtml>.

¹⁵ Alonso, “Fiscalía Militar acusará por caso Granda el 2 de marzo.”

¹⁶ Olivares, “Militares puestos al límite.”

¹⁷ Alonso, “Exigen investigar a superiores de comandante Quintero.”

¹⁸ Olivares, “Militares puestos al límite.”

¹⁹ Alonso, “Fiscalía Militar acusará por caso Granda el 2 de marzo.”

²⁰ “Denuncian que oficial detenido por caso Granda fue maltratado.”

²¹ “Denuncian que oficial detenido por caso Granda fue maltratado.”

²² “AD denuncia maltrato contra guardia detenido por caso del guerrillero Granda,” *Union Radio*, 18 Aug. 2005 <<http://www.unionradio.com.ve/Noticias/Noticia.aspx?noticiaid=143752>>.

²³ “AD denuncia maltrato contra guardia detenido por caso del guerrillero Granda.”

²⁴ HRF interview with Quintero.