

## Fort Mara Executive Summary

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On March 30, 2004, sometime between 1:00 a.m. and 1:35 a.m., 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 Soubllette Troop”). HRF has established that the soldiers had been imprisoned, for disciplinary reasons, without a hearing or an administrative finding and that the punishment cell was used in contravention to Venezuelan law. HRF is not able to determine how the fire was started. HRF believes a deliberate cover-up followed, 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 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, its perpetrators violated both the soldiers' right to be free from torture and their right to life.

All of the soldiers suffered burns to varying degrees. Three of the victims, including 21-year-old Orlando Bustamante, were left in critical condition. Bustamante died from his burns on April 4, 2004. Earlier that day, Venezuela’s president, Hugo Chávez, had declared that it was all an accident and the soldiers had mostly suffered minor injuries. The political fallout resulting from the death of Bustamante was significant and focused increasing attention on what occurred in Fort Mara. Underlining the importance of the public relations and military morale crisis, President Chávez hosted his weekly hours-long television program from Fort Mara on April 11, 2004.

Despite showing signs of physical improvement after the incident, Ángel Pedreáñez, 20, would die five weeks later, on May 4, 2004, in suspicious circumstances hours before he was scheduled to testify before a military judge regarding the incidents that occurred at Fort Mara. Official sources provided three separate causes of death. Unbeknownst to government investigators, the Pedreáñez family attorney had tape-recorded the soldier the night before he died stating that someone with a “tube emitting flames” had shown up at the cell door. One journalist, citing an eyewitness, wrote that the soldiers had been burnt with a blow-torch or flamethrower.

A formal investigation of the case has never been completed. Instead, the case remains in a state of limbo, with different government offices switching responsibility for the case between military and civilian authorities (both judicial and legislative). Meanwhile, the Venezuelan government and its critics played politics with the case, each using it as an opportunity to showcase the other's corruption. As of this writing, the various investigations of the case (and subsequent accusations regarding the suspicious death of Ángel Pedreáñez) have lingered for two years and eight months with no conclusion.

Family members of one of the soldiers and human rights attorneys who spoke with the deceased have stated that the soldiers had witnessed the transfer of weapons by Venezuelan army units to members of the FARC terrorist organization in the Maracaibo area and that the intent on the night of March 30 was to intimidate the soldiers into remaining silent.

The government has denied any wrongdoing and has provided three different explanations for the cause of the fire: 1) methane gas accumulating in septic tank near a lavatory; 2) burning cigarettes accidentally ignited the cell's mattresses; 3) the soldiers deliberately set the fires, in order to attract attention. The current hypothesis set forth by the Venezuelan government is that the fire was deliberately set by the deceased soldier (Pedreáñez, who was recorded by his attorney alleging an outside attacker) and several others in order to cause a commotion and perhaps reduce their time in the punishment cell.

Preliminary accusations from the public prosecutor's office have been brought against two of the surviving soldiers, Alcides Martinez and Abraham Mena. They are charged with manslaughter and aggravated injuries for setting the fire. Private Jesus Barroso, not inside the punishment cell, was also charged for making false allegations about the case (Mr. Barroso had stated that the soldiers in the punishment cell had been doused with gasoline and set alight — he later stated he had invented this story under duress). Three doctors were accused of manslaughter for medical malpractice in the deaths of Messrs. Pedreáñez and Bustamante.

The only conviction in the Fort Mara case involves a retired army brigadier general, Franciso Usón. Mr. Usón has no connection with the case except his statement during a television news program that preliminary reports indicated that a flamethrower was probably used. Mr. Usón, a former cabinet minister in the Chávez government who had resigned and become an opposition member, was no longer on good terms with the president. He was sentenced to five years and six months of imprisonment for “insulting and slandering” the Venezuelan

armed forces for his opinions about the Fort Mara case on the TV show. He is now a political prisoner and prisoner of conscience of the Venezuelan government (see HRF's case regarding [Francisco Usón](#)).

HRF is troubled by the fact that so much evidence in the Fort Mara case has either disappeared, been reported as stolen, or never been released by the government. In addition, certain medical tests on the skin of the deceased that could have determined whether or not there was use of a chemical substance (such as gasoline or napalm from a flamethrower) were never carried out. Such tests could have conclusively proven one of the government's hypotheses or, conversely, proven that the deceased were burned with a flamethrower or a blowtorch.

HRF was not able to determine why eight soldiers were burned in Fort Mara. However, our narrative and analysis is a comprehensive attempt at sifting through the many conflicting versions and to examine the evidence. This narrative opens numerous questions about the case and exposes errors of commission and omission during the government's investigation of the events. Since the Fort Mara case, a remarkably similar situation occurred in the 742nd Reserve Battalion in the State of Cumana, Venezuela, where two soldiers were burned to death in a punishment cell in March of 2005. Originally, the government claimed it was an accidental fire, but it has changed its position and convicted an enlisted soldier for homicide. The families of the deceased insist the convicted soldier was following orders from a senior officer who received a five-day jail sentence for giving the punishment order (this case is pending an HRF investigation).

In the death of Pedreñez, there is circumstantial evidence indicating foul play and no independent medical or autopsy report available to disprove this. HRF believes the Fort Mara case merits an investigation by authorities who are unconcerned about the political consequences that might result from an independent investigation.