

Inter-American court opens historic hearing into Venezuela rape and torture case

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Linda Loaiza is challenging the Venezuelan state in the Inter-American Court of Human Rights over failure to deliver justice in case that highlights impunity on violence against women

In March 2001, when she was 18 years old, Linda Loaiza was kidnapped and held inside an apartment in eastern Caracas. She was repeatedly raped and tortured by her abductor.

Her relatives reported Loaiza's disappearance, but the Venezuelan authorities refused to investigate. After four months, she managed to escape.

The abuse she suffered was horrific. Her jaw was dislocated, one of her nipples was ripped off, and both her ears were destroyed. As a consequence, she was hospitalised for a year, and underwent more than 12 operations to repair the physical damage.

After more than 16 years of struggling for justice and after exhausting all avenues in Venezuela, Loaiza will have her case heard on Tuesday by the Inter-American Court of Human Rights.

It will be the first related to gender-based violence in Venezuela to be judged by the court. If the ruling is in her favour, it will be a milestone in the history of violence against women in the Latin American country.

"It has been a long and tragic history. All the steps that have brought me here have been difficult," said Loaiza, from San José in Costa Rica, where the hearing takes place.

Loaiza said she had decided to take her case to the international body because of the failure of the Venezuelan justice system.

Fifty-nine judges declined to hear her case and the hearings were deferred 38 times.

In 2004, during the first trial, her abductor Luis Carrera Almoina – the son of a renowned writer – was acquitted of all charges. Six years after the event, Carrera was eventually convicted of "grievous bodily injuries and illegitimate deprivation of liberty", but not of rape or attempted murder.

After six years behind bars, Carrera is now free.

"This shows the amount of impunity that we can find in cases of gender violence in Venezuela," said Elsa Meany, a lawyer from the Center for Justice and International Law (Cejil), who will accompany Loaiza during the hearing, with her lawyers.

Loaiza, now a lawyer and a human rights defender, said she hoped the court would find the Venezuelan state responsible for failing to ensure an effective investigation and punishment.

"The state is responsible. In fact, it already acknowledged partial responsibility," she said. "I'm not looking for revenge, but justice, and I hope that myself and other women will be compensated."

In November, Venezuela launched a campaign to tackle violence against women during 16 days of activism against gender-based abuse. At the launch, Rebeca Madriz, Venezuela's vice-minister for the protection of women's rights, declared that the country was "a leader on women's rights in Latin America".

Yet figures on violence against women are not available and high levels of impunity exist.

In a 2014 report, the Committee on the Elimination of Discrimination against Women said it was "deeply concerned" that violence against women and girls was "widespread and on the rise" in Venezuela, and that not enough was being done to implement anti-violence laws. It noted that lack of effective access to justice for all women who had experienced violence was a particular concern.

Human rights advocates say Venezuela has not yet created a climate of justice. Statistics from the the public ministry show that, of the 70,763 complaints it received of violence against women in 2014, just 0.7% have come to trial.

As well as being historic, a ruling in Loaiza's favour by the Inter-American Court of Human Rights could also promote structural changes in the legal system and the adequate prevention and punishment of perpetrators of violence against women in Venezuela.

"A protocol to investigate sexual violence and the publication of reliable data are some of the changes that we are aiming for," said Meany.

Loaiza admitted that she had wanted to throw in the towel several times. But her persistence has meant that years after the abduction, her case is still alive in the Venezuelan collective consciousness and has become a point of reference for other women.

"I feel a great commitment to raise my voice for all the women in Latin America who have been victims of violence," she said.

Mariana Zuñiga in Caracas

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<https://www.theguardian.com/global-development/2018/feb/06/us-human-rights-court-landmark-hearing-venezuela-rape-torture-case-linda-loaiza>