Inter-Parliamentary Union
For democracy. For everyone.

Venezuela

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th session (virtual session, 8 to 20 March 2021)

Venezuelan National Police members stand guard outside the National Assembly on 7 January 2020 in Caracas – Cristian HERNANDEZ/AFP

VEN-10 – Biagio Pilieri
VEN-11 – José Sánchez Montiel
VEN-12 – Hernán Claret Alemán
VEN-13 – Richard Blanco
VEN-16 – Julio Borges
VEN-19 – Nora Bracho (Ms.)
VEN-20 – Ismael Garcia
VEN-22 – Williams Dávila
VEN-24 – Nirma Guarulla (Ms.)
VEN-25 – Julio Ygarza
VEN-26 – Romel Guzamana
VEN-27 – Rosmit Mantilla
VEN-28 – Renzo Prieto
VEN-29 – Gilberto Sojo
VEN-30 – Gilber Caro
VEN-31 – Luis Florido
VEN-32 – Eudoro González
VEN-33 – Jorge Millán
VEN-34 – Armando Armas
VEN-35 – Américo De Grazia
VEN-36 – Luis Padilla
VEN-37 – José Regnault
VEN-38 – Dennis Fernández (Ms.)
VEN-39 – Olivia Lozano (Ms.)
VEN-40 – Delsa Solórzano (Ms.)
VEN-41 – Robert Alcalá
VEN-42 – Gaby Arellano (Ms.)
VEN-43 – Carlos Bastardo
VEN-44 - Marialbert Barrios (Ms.)
VEN-45 – Amelia Belisario (Ms.)
VEN-46 – Marco Bozo
VEN-48 – Yanet Fermin (Ms.)
VEN-85 – Franco Casella
VEN-86 – Edgar Zambrano
VEN-87 – Juan Pablo García
VEN-88 – Cesar Cadenas
VEN-89 – Ramón Flores Carrillo
VEN-91 – María Beatriz Martínez (Ms.)
VEN-92 – María C. Mulino de Saavedra (Ms.)
VEN-93 – José Trujillo
VEN-94 – Marianela Fernández (Ms.)
VEN-95 – Juan Pablo Guanipa
VEN-96 – Luis Silva
VEN-97 – Eliezer Sirit
VEN-98 – Rosa Petit (Ms.)
VEN-99 – Alfonso Marquina
VEN-100 – Rachid Yasbek
VEN-101 – Oneida Guaipe (Ms.)
VEN-102 – Jony Rahal
VEN-103 – Ylidio Abreu
VEN-104 – Emilio Fajardo
VEN-106 – Angel Alvarez
VEN-108 – Gilmar Marquez
VEN-109 – José Simón Calzadilla
VEN-110 – José Gregorio Graterol
VEN-111 – José Gregorio Hernández
VEN-112 – Mauligmer Baloa (Ms.)
VEN-113 – Arnoldo Benítez
VEN-114 – Alexis Paparoni
VEN-115 – Adriana Pichardo (Ms.)
VEN-116 – Teodoro Campos
VEN-117 – Milagros Sánchez Eulate (Ms.)
VEN-118 – Denncis Pazos
VEN-119 – Karim Vera (Ms.)

VEN-49 – Dinorah Figuera (Ms.)
VEN-50 – Winston Flores
VEN-51 – Omar González
VEN-52 – Stalin González
VEN-53 – Juan Guaidó
VEN-54 – Tomás Guanipa
VEN-55 – José Guerra
VEN-56 – Freddy Guevara
VEN-57 – Rafael Guzmán
VEN-58 – María G. Hernández (Ms.)
VEN-59 – Piero Maroun
VEN-60 – Juan A. Mejía
VEN-61 – Julio Montoya
VEN-62 – José M. Olivares
VEN-63 – Carlos Paparoni
VEN-64 – Miguel Pizarro
VEN-65 – Henry Ramos Allup
VEN-66 – Juan Requesens
VEN-67 – Luis E. Rondón
VEN-68 – Bolivia Suárez (Ms.)
VEN-69 – Carlos Valero
VEN-70 – Milagro Valero (Ms.)
VEN-71 – German Ferrer
VEN-72 – Adriana d'Elia (Ms.)
VEN-73 – Luis Lippa
VEN-74 – Carlos Berrizbeitia
VEN-75 – Manuela Bolívar (Ms.)
VEN-76 – Sergio Vergara
VEN-78 – Oscar Ronderos
VEN-79 – Mariela Magallanes (Ms.)
VEN-80 – Héctor Cordero
VEN-81 – José Mendoza
VEN-82 – Angel Caridad
VEN-83 – Larissa González (Ms.)
VEN-84 – Fernando Orozco
VEN-120 – Ramón López
VEN-121 – Freddy Superlano
VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-123 – Armando López
VEN-124 – Elimar Díaz (Ms.)
VEN-125 – Yajaira Forero (Ms.)
VEN-126 – Maribel Guedez (Ms.)
VEN-127 – Karin Salanova (Ms.)
VEN-128 – Antonio Geara
VEN-129 – Joaquín Aguilar
VEN-130 – Juan Carlos Velasco
VEN-131 – Carmen María Sivoli (Ms.)
VEN-132 – Milagros Paz (Ms.)
VEN-133 – Jesus Yanez
VEN-134 – Desiree Barboza (Ms.)
VEN-135 – Sonia A. Medina G. (Ms.)
VEN-136 – Héctor Vargas
VEN-137 – Carlos A. Lozano Parra
VEN-138 – Luis Stefanelli
VEN-139 – William Barrientos
VEN-140 – Antonio Aranguren
VEN-141 – Ana Salas (Ms.)
VEN-142 – Ismael León
VEN-143 – Julio César Reyes
VEN-144 – Ángel Torres
VEN-145 – Tamara Adrián (Ms.)
VEN-146 – Deyalitza Aray (Ms.)
VEN-147 – Yolanda Tortolero (Ms.)
VEN-148 – Carlos Prosperi
VEN-149 – Addy Valero (Ms.)
VEN-150 – Zandra Castillo (Ms)
VEN-151 – Marco Aurelio Quiñones
VEN-152 – Carlos Andrés González
VEN-153 – Carlos Michelangeli
VEN-154 – César Alonso

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Excessive delays
- ✓ Violation of the right to freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Abusive revocation or suspension of the parliamentary mandate
- ✓ Failure to respect parliamentary immunity
- ✓ Other acts obstructing the exercise of the parliamentary mandate
- ✓ Impunity
- ✓ Other violations: Right to privacy

A. Summary of the case

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 134 opposition members of parliament (93 men and 41 women)

Qualified complainant(s): Section I.(1)(c) of the Committee Procedure (Annex I)

Submission of complaint: March 2017

Recent IPU decision: November 2020

Recent IPU mission(s): - - -

Recent Committee hearings: Hearings with members of the governing and opposition parties at the 141st IPU Assembly (October 2019)

Recent follow-up:
- Communication from the authorities: Letter from the Speaker of the National Assembly – Juan Guaidó (January 2021)
- Communication from the complainant: February 2021
- Communication addressed to the authorities: Letter to the President of the Republic (November 2020)
- Communications addressed to the complainant: January and February 2021

The case concerns credible and serious allegations of human rights violations affecting 134 parliamentarians from the coalition of the *Mesa de la Unidad Democrática* (Democratic Unity Roundtable – MUD), against the backdrop of continuous efforts by Venezuela's executive and judicial authorities to undermine the functioning of the National Assembly elected in 2015. The MUD is opposed to President Nicolas Maduro's government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015.

The parliamentarians elected in 2015 have been subject to the following:

- Almost all parliamentarians listed in the present case have been attacked or otherwise intimidated with impunity by law enforcement officers and/or pro-government officials and supporters during demonstrations, inside parliament and/or at their homes. At least 11 National Assembly members were arrested and released later, reportedly due to politically motivated legal proceedings. In all of these cases, the members were detained without due respect for the constitutional provisions on parliamentary immunity. There are also serious concerns regarding respect for due process and their treatment in detention. People associated with opposition parliamentarians have also been detained and harassed. At least 17 parliamentarians have gone into exile, sought the protection of foreign embassies in Caracas or gone into hiding due to continued harassment. Six have been barred from holding public office and the passports of at least 13 members of parliament have been confiscated, not been renewed, or cancelled by the authorities, reportedly as a way to exert pressure and to prevent them from travelling abroad to denounce what is happening in Venezuela.

On 31 August 2020, President Maduro pardoned 110 members of the political opposition, who had been accused of committing criminal acts. The decision meant the closure of ongoing criminal proceedings against 23 parliamentarians listed in the present case and the release of four of them. Nevertheless, according to the complainant, the political persecution of opposition members of parliament continues. In his programme *Con el Mazo Dando*, Mr. Diosdado Cabello, President of the National Constituent Assembly, referring to the presidential pardon decree, warned that "if these people start tomorrow to invent again there will always be the judiciary to act". The Attorney General has also publicly threatened to bring the beneficiaries of the presidential pardon to justice again if they "re-offend" in an alleged crime similar to the one that led to their prosecution.

In its resolution 42/25 of 27 September 2019, the United Nations Human Rights Council established an independent fact-finding mission on Venezuela, the final report of which was published in September 2020. Among other findings, the report states that there were reasonable grounds to believe that the following crimes against humanity were committed in Venezuela: murder, imprisonment and other severe deprivations of physical liberty, torture, rape and other forms of sexual violence, enforced disappearance of persons, and other inhumane acts of a similar nature intentionally causing great suffering or serious injury to body or to mental or physical health. Some of the same conduct may also constitute the crime against humanity of persecution, as defined by the Rome Statute. The mission also had reasonable grounds to believe that the President, the Minister of People's Power for Interior Relations, Justice and Peace and the Minister for Defence ordered or contributed to the commission of the crimes documented in the report and, having the effective ability to do so, failed to take preventive and repressive measures. According to the mission report, opposition parliamentarians became a focus of repression after the opposition won a majority of seats in the National Assembly in 2015.

Parliamentary elections took place on 6 December 2020. According to the complainant, in the lead-up to the elections, the Supreme Court adopted a number of decisions that removed minimum guarantees for a free and fair parliamentary election, including by appointing new leaders subordinate to President Maduro on the main opposition political parties, appointing the board of directors of the National Electoral Council which, according to the Constitution, is the exclusive responsibility of the National Assembly, and granting powers to the National Electoral Council to legislate on electoral matters, which also violates the Venezuelan Constitution. For its part, the National Electoral Council increased the number of members of parliament to be elected, disregarding the constitutional provisions on the matter, and imposed extremely complex processes for validation of political parties, after which very few parties have been able to register for the elections. The complainant has repeatedly pointed out that the composition of the National Electoral Council and the Supreme Court, which both have important powers regarding electoral matters, is severely flawed and totally subject to executive control.

According to information provided to the IPU by the Venezuelan executive authorities, 6.2 million Venezuelans participated in the December 2020 parliamentary elections in the full exercise of their political rights and in compliance with Venezuelan law. The electoral event was organized and supervised by the National Electoral Council, which is the highest electoral authority in the country. Some 107 political parties participated in the election, 98 of which define themselves as opposition parties. More than 200 international observers from different countries and continents praised the Venezuelan electoral system for being auditable, safe and transparent.

Several opposition parties, including Mr. Juan Guaidó's party, decided to boycott the elections. As a result, a coalition of the ruling party and other pro-government parties won the election, with 67.6 per cent of the vote, according to Venezuela's electoral authorities, which translates into 253 seats – 91 per cent of the seats available in the National Assembly. The new legislative body was formally inaugurated on 5 January 2021. The National Assembly elected in 2015 has, however, decided to continue functioning through a delegated committee "until free, fair and verifiable presidential and parliamentary elections have been held in 2021, an exceptional political event occurs in 2021 or even for an additional annual parliamentary term after 5 January 2021".[1]

The complainant states that persecution, harassment and intimidation of opposition parliamentarians elected in 2015 have increased and that these members of parliament fear for their lives, freedom and physical integrity. One example of the above-mentioned acts of intimidation and persecution recently communicated by the complainant is that, on 7 January 2021, the National Assembly inaugurated on 5 January 2021 put in place a "Special Commission to Investigate Actions Perpetrated against the Republic by the leadership and members of the National Assembly in the period 2016–2021", with a clear mandate to investigate the parliamentarians elected in 2015 in order to initiate legal proceedings against them. Another example is that, on 23 February 2021, the Comptroller General of the Republic, Mr. Elvis Amoroso, reported that 28 parliamentarians elected in 2015 were disqualified from holding any public office for "failing to submit a sworn declaration of assets to the Supreme Fiscal Control Body of Venezuela".

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians to Venezuela have failed in the absence of clear and decisive cooperation from the Government to welcome and work with the delegation.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Denounces*, once again, the extensive repression to which the authorities and their supporters have resorted over the past few years against opposition parliamentarians because of their political opinions, as attested by the continuous extremely serious incidents of ill-treatment, harassment, threats and stigmatization carried out by state agents, paramilitary groups and violent groups of government supporters in a climate of impunity; *strongly denounces* the

[1] See article 12 of the Statute Governing the Transition to Democracy to Restore the Validity of the Constitution of the Bolivarian Republic of Venezuela, adopted by the National Assembly elected in 2015 on 26 December 2020, https://asambleanacional-media.s3.amazonaws.com/documentos/leyes/estatuto-que-rige-la-transicion-a-la-democracia-para-restablecer-la-vigencia-de-la-constitucion-de-la-republica-bolivariana-de-venezuela-20201226172249.pdf

multiple steps taken by the executive and judicial authorities over the course of the opposition-led legislature to undermine the integrity and independence of the National Assembly; *reiterates* that this situation taken as a whole amounts to a clear attempt to thwart the effective exercise of the will of the people as expressed in the election results of December 2015;

2. *Considers* that the ongoing repression of parliamentarians elected in 2015 is a direct consequence of the prominent role they have played as outspoken opponents of President Maduro's government and as members of the opposition-led National Assembly; *urges* the authorities once again to put an immediate end to all forms of harassment against parliamentarians elected in 2015, to ensure that all relevant state authorities respect their human rights, and to fully investigate and establish accountability for reported violations of their rights; *requests* the Venezuelan authorities to provide official information on any relevant developments in this regard and on any action taken to this end;

3. *Remains deeply concerned* about the findings of the mission report of the United Nations Human Rights Council independent international fact-finding mission on Venezuela, which was published in September 2020 and gives further weight to the accusations of political repression and the responsibility of the State at the highest level; *expresses its firm hope*, once again, that the State of Venezuela, with the support of the international community, will be able to address the extremely serious violations and crimes documented in the report;

4. *Deeply regrets* that the Government of Venezuela has still failed to offer any assurances in writing that the long-proposed mission to Venezuela can finally take place; *remains convinced* that such a mission could help address the concerns at hand; *requests,* once again, therefore, the Secretary General to work with the relevant authorities of Venezuela with a view to the mission taking place as soon as the COVID-19 pandemic-related travel restrictions are lifted, on the basis of a written official communication on their part guaranteeing that such a mission can take place under the conditions required for it to be effective;

5. *Reaffirms its view* that the issues in the cases at hand are part of the larger political crisis in Venezuela, which can only be solved through political dialogue and by the Venezuelans themselves; *reaffirms* the IPU's readiness to assist in any efforts aimed at strengthening democracy in Venezuela; and *requests* the relevant authorities to provide further information on how this assistance can best be provided;

6. *Reiterates its calls on* all IPU Member Parliaments, IPU permanent observers, parliamentary assemblies and relevant human rights organizations to take concrete actions in support of the urgent resolution of the individual cases at hand and the political crisis in Venezuela in a manner consistent with democratic and human rights values; and *hopes* to be able to rely on the assistance of all relevant regional and international organizations;

7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;

8. *Decides* to continue examining the case.