



Inter-Parliamentary Union

For democracy. For everyone.

Venezuela

Decision adopted by consensus by the IPU Governing Council at its 203rd session (Geneva, 18 October 2018)¹



Maria G. Hernández, Nora Bracho, Stalin González and Delsa Solórzano at the National Assembly, March 2018 © D. Solórzano

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 García
VEN-22 - William Dávila
VEN-24 - Nirma Guarulla (Ms.)
VEN-25 - Julio Ygarza
VEN-26 - Romel Guzamana
VEN-27 - Rosmit Mantilla
VEN-28 - Enzo 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-47 - José Brito
VEN-48 - Yanet Fermin (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 Bolivar (Ms.)

¹

A Venezuelan MP from the governing party and the delegations of Bolivia, Cuba, Nicaragua and Serbia expressed their reservations regarding the decision.

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, 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

A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 60 parliamentarians from the coalition of the Democratic Unity Party (MUD) against the backdrop of continuous efforts by Venezuela's executive and judicial authorities to undermine the functioning of the National Assembly and to usurp its powers. The MUD opposes President Maduro's Government and obtained a majority of seats in the National Assembly following the parliamentary elections of 6 December 2015.

Soon after the elections, on 30 December 2015, the Electoral Chamber of the Supreme Court ordered the suspension of four members of parliament, three of them from the MUD, following allegations of fraud. The National Assembly first decided to disregard the ruling, considering the allegations to be baseless, which led the Supreme Court to declare all of the Assembly's decisions null and void. The members of parliament were finally sworn in at the National Assembly on 16 July 2018, failing any effort to examine the alleged fraud.

Since March 2017, close to 40 parliamentarians have been attacked with impunity by law enforcement officers and pro-government supporters during demonstrations. These protests intensified after President Maduro announced the convening of a Constituent Assembly, which was subsequently elected on 30 July 2017, to rewrite the Constitution.

Invoking *flagrante delicto*, Mr. Juan Requesens was arrested and detained on 7 August 2018 on accusations of involvement in the alleged assassination attempt on President Maduro three days earlier. There are serious concerns about his treatment in detention and respect for due process following the immediate lifting of his parliamentary immunity, not by the National but the Constituent Assembly. The complainant alleges that Mr. Requesens is being coerced into confessing responsibility for the crime. Nine other members of the National Assembly have spent up to four years in detention in recent years, without respect for their parliamentary immunity, before being released and continue to be subject to reportedly politically motivated legal proceedings.

In 2017, six members of parliament had their passports confiscated arbitrarily in connection with their international parliamentary work. Two other members of parliament were disbarred from holding public office, allegedly in the absence of any legal basis. Six members of parliament, including former Speaker Borges, left Venezuela and obtained asylum abroad in the face of continued harassment and intimidation, whereas the then Deputy Speaker, Mr. Freddy Guevara, sought protection at the Chilean Embassy in Caracas, where he has been since November 2017. Until today, many parliamentarians continue to face regular harassment, such as in the case of Mr. Tomás Guanipa, who has faced physical attacks, baseless accusations, a plan to have him assassinated and house searches. A June 2018 UN human rights report documented extensively the attacks against political opponents, social activists and human rights defenders.

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 60 opposition members of parliament (45 men and 15 women)

Qualified complainant(s): Section I (1) (c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: March 2017

Recent IPU decision: March 2018

IPU missions: - - -

Recent Committee hearings: Hearing with the Venezuelan delegation at the 139th IPU Assembly (October 2018)

Recent follow-up

- Communication from the authorities: Meeting between the IPU Secretary General and the Permanent Representative of Venezuela to the United Nations and other International Organizations in Geneva (June 2017)
- Communication from the complainant: March 2018
- Communication from the IPU: Letter to the Speaker of the National Assembly (February 2018)
- Communication from the IPU to the complainant: March 2018

The Government has not provided any funding to the National Assembly since August 2016. In its decision of 18 August 2017, the Constituent Assembly invested itself with legislative powers. The Constituent Assembly has taken over many of the premises of the National Assembly. Even the limited space used by the National Assembly has been invaded and occupied, with several members of parliament taken hostage and beaten up by government supporters, with impunity, most notably on 27 June and 5 July 2017. Until today, members of the National Assembly are reportedly being harassed by government supporters, who are often allowed in by security personnel, when they approach and enter parliament.

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 authorization from the Government to welcome and work with the delegation.

At the beginning of 2018, widespread demonstrations began across Venezuela in protest against the dire economic situation and the electoral process related to the decision to hold snap presidential elections on 20 May 2018. In early 2018, the MUD was excluded by the judicial authorities from presenting a joint candidate and, of the individual parties belonging to the MUD, only *Acción Democrática* (Democratic Action, AD) and other minor opposition parties were allowed to participate. The majority of popular leaders of the MUD and other members of the opposition are either in prison, disqualified from standing in the elections or in exile. The MUD announced in February 2018 that it would boycott the elections, considering the electoral system rigged in favour of President Maduro, who obtained the most votes on 20 May 2018 in elections that were widely criticized by the international community.

Since May 2016, mediation efforts, primarily by stakeholders in the region, have failed to bring the Government and the opposition together, and on 7 February 2018 the talks were suspended "indefinitely".

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Is deeply concerned* at the apparent impunity with which opposition members of the National Assembly have been, and continue to be, repressed, ranging from physical attacks, arbitrary arrests and detention, politically motivated proceedings, lack of respect for parliamentary immunity, arbitrary revocation and suspension of parliamentary mandates and the arbitrary confiscation of passports;
2. *Urges* the authorities to put an immediate stop to this harassment and intimidation, to take effective action to hold to account those responsible and to ensure that all relevant state authorities respect the human rights and parliamentary immunity of members of the National Assembly; *requests* the relevant authorities to provide concrete information on steps taken by them to shed light on and establish accountability for the past incidents and to prevent new abuses from occurring;
3. *Remains deeply concerned* about the continued efforts to undermine the integrity and autonomy of the National Assembly of Venezuela; *urges once more* the relevant authorities to ensure that the National Assembly and its members can fully carry out their work by respecting its powers and allocating the necessary funding for its proper functioning; *requests* the relevant authorities to provide information urgently on steps taken to this end;
4. *Is deeply concerned* about Mr. Juan Requesens' arrest, which is yet another example of total disregard for parliamentary immunity, in particular the very serious indications that he may have been drugged to testify against himself, his detention at the headquarters of the National Bolivarian Intelligence Service and the poor conditions in which he is allegedly being kept, with very limited, if any, contact with his family; *is shocked* that the authorities appeared to have publicly released videos showing Mr. Requesens in an undignified and dishevelled state, apparently confessing to his criminal responsibility in order to show his guilt, hence also flouting his presumption of innocence; *urges* the authorities to investigate these matters without delay and to ensure that he is kept in dignified conditions; *requests* the relevant authorities to provide official information on these points and on the facts underpinning the very serious charges brought against him;

5. *Deeply regrets* that the human rights mission to Venezuela has still not taken 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 executive authorities of Venezuela with a view to the mission taking place as soon as possible;
6. *Reaffirms* its stance that the issues in these cases are part of the larger political crisis in Venezuela, which can only be solved through political dialogue; *calls once again on* all sides to act in good faith and to commit fully to political dialogue with the assistance of external mediation; *reaffirms* the IPU's readiness to assist with these efforts; and *requests* the relevant authorities to provide further official information on how this assistance can best be provided;
7. *Reiterates* its invitation to the global parliamentary community to engage urgently, given the escalating political and humanitarian crisis in Venezuela, in efforts to address the concerns raised in this decision and resolve the current crisis in a manner consistent with democratic and human rights values, including in particular joint efforts by IPU Member Parliaments and other relevant international, regional and domestic stakeholders to facilitate the resumption of political dialogue, adopt public statements and make representations to the Venezuelan authorities;
8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.