



Inter-Parliamentary Union

For democracy. For everyone.

## Venezuela

*Decision adopted unanimously by the IPU Governing Council at its 204<sup>th</sup> session (Doha, 10 April 2019)*



Venezuela's Speaker of the National Assembly Juan Guaidó speaks before a crowd of opposition supporters during an open meeting in Caraballeda, Venezuela, on 13 January 2019 © Yuri CORTEZ/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 - 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.)
- VEN-76 - Servio Vergara
- VEN-77 - Franklin Duarte
- VEN-78 - Oscar Ronderos
- VEN-79 - Mariela Magallanes (Ms.)

### 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 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
- ✓ Other violations (right to privacy)

#### A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 64 parliamentarians from the coalition of the 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 and to usurp its powers.

Soon after the elections for the National Assembly, on 30 December 2015, 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. In the absence of any effort to examine the alleged fraud, the members of parliament were finally sworn in at the National Assembly on 16 July 2018.

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*, the authorities arrested and detained Mr. Juan Requesens on 7 August 2018, accusing him 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 Assembly but the Constituent Assembly. Nine other members of the National Assembly have spent up to four years in detention in recent years, with disregard for their parliamentary immunity, 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. Seven members of parliament left Venezuela and obtained asylum abroad in the face of continued harassment and intimidation, while the then Deputy Speaker, Mr. Freddy Guevara, sought protection at the Chilean Embassy in Caracas, where he has remained since November 2017. 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.

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

#### Case VEN-COLL-06

**Venezuela:** Parliament affiliated to the IPU

**Victim(s):** 64 opposition members of parliament (48 men and 16 women)

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

**Submission of complaint(s):** March 2017

**Recent IPU decision:** February 2019

**IPU mission:** - - -

**Recent Committee hearing(s):** Hearing with the delegation of Venezuela at the 140<sup>th</sup> IPU Assembly (April 2019)

#### Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2019)
- Communication from the complainant: April 2019
- Communication addressed to the authorities: Letter to the Speaker of the National Assembly (February 2019) and letter to the Minister of Foreign Affairs (December 2018)
- Communication addressed to the complainant: March 2019

space used by the National Assembly has been invaded and occupied, with several members of parliament taken hostage and beaten up with impunity by government supporters, most notably on 27 June and 5 July 2017.

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians (CHRP) to Venezuela have failed in the absence of cooperation from the Government to welcome and work with the delegation. In October 2018, the IPU governing bodies decided that it would be a joint mission, comprising members of the IPU Executive Committee and the CHRP and focusing on both the larger political matters at stake in the Venezuelan crisis and the specific concerns expressed by the CHRP.

Presidential elections took place on 20 May 2018. The MUD boycotted the elections, considering the electoral system to be rigged in favour of President Maduro, who obtained the most votes in elections that were widely criticized for failing to be free and fair. President Maduro was sworn in on 10 January 2019 for a second term.

On 13 January 2019, Mr. Juan Guaidó, the new Speaker of the National Assembly, was briefly detained by members of the National Bolivarian Intelligence Service (SEBIN).

On 15 January 2019, the National Assembly invoked the country's Constitution to declare the illegitimacy of President Maduro, and declared the presidency to be vacant. On 21 January 2019, the Supreme Court declared the Bureau of the National Assembly to be illegitimate and reaffirmed its position that all decisions by the National Assembly were null and void. On 23 January 2019, Mr. Guaidó publicly stated that, in conformity with the Constitution, he was ready to assume the interim presidency of Venezuela until free and fair elections were held, which decision was immediately endorsed by the National Assembly. Many countries in the Americas and several members of the European Union have since recognized Mr. Guaidó as President of Venezuela, which recognition is strongly opposed by several other countries from and outside the region including China, Cuba, the Islamic Republic of Iran, the Russian Federation and Turkey.

On 23 January 2019, the Supreme Court requested the Public Prosecutor's Office to examine whether, in light of the National Assembly's actions, the conduct of members of the National Assembly amounted to criminal behaviour. On 29 January 2019, the Supreme Court launched an investigation into Mr. Guaidó, accusing him of being responsible for the commission of crimes against the constitutional order. The Supreme Court imposed several restrictions on him, including the prohibition to leave the country for the duration of the investigation.

On 21 March 2019, Mr. Marrero, who is Mr. Guaidó's Chief of Staff, was arrested after his house and that of his neighbour, member of the National Assembly Mr. Vergara, were allegedly raided and both men manhandled by the SEBIN. Mr. Marrero was subsequently taken into custody.

On 28 March 2019, the Comptroller General of Venezuela decided to disbar Mr. Guaidó from holding public office for a period of 15 years, reportedly on accusations of being unable to justify the funds used for his foreign travels. The Comptroller General reportedly requested the Prosecutor's Office to take the necessary action. In early April 2019, the Supreme Court asked the Constituent Assembly to lift Mr. Guaidó's parliamentary immunity, which it subsequently did, to permit legal action against him for having allegedly violated the travel restrictions imposed on him.

On 2 April 2019, as Mr. Ronderos and Ms. Magallanes were at the airport in Caracas to fly to Doha, they were told that their passports were being annulled and confiscated because they were in a bad state. Ms. Magallanes reportedly saw that the officials at the airport were using a list that showed that the other MUD members of the National Assembly passing through Caracas airport would also have their passports confiscated. In the following days, Mr. Ronderos and Ms. Magallanes were invited to report to the national migration authorities and, after public statements by the IPU and, with regard to Ms. Magallanes who is also an Italian national, the Italian authorities, the very same passports were returned to them, without any indication, however, that they would now be deemed to be valid. By that time, it was too late for them to travel to Doha in time for the IPU Assembly.

## B. Decision

### The Governing Council of the Inter-Parliamentary Union

1. *Notes* that during the 140<sup>th</sup> IPU Assembly the Committee on the Human Rights of Parliamentarians met separately with members of the National Assembly belonging to the MUD and with members of the Bloque de la Patria parliamentary group;
2. *Condemns* the fact that two members of the National Assembly were prevented at Caracas airport from travelling to the IPU Assembly in Doha and that others would have likewise been prevented from doing so; *believes* that these actions are part of a wider and systematic pattern of harassment of opposition members aimed at stopping them from speaking abroad about the situation in Venezuela; *considers* that this situation, which flies in the face of their rights to freedom of expression and freedom of movement and the very ideal that the IPU embodies as a platform for parliamentary dialogue, is totally unacceptable; *strongly urges* the authorities to stop this intimidation forthwith;
3. *Is deeply concerned* that Mr. Guaidó has been disbarred from holding public office for a period of 15 years; *considers* that this decision is not only wholly disproportionate, but also appears to be arbitrary, since it was taken without him having been heard; *points out* also in this regard that the current Comptroller General, who is the former Deputy Speaker of the Constituent Assembly, was appointed in October 2018 by the Constituent Assembly, not the National Assembly as stipulated by the Venezuelan Constitution;
4. *Notes* that Mr. Guaidó is facing serious criminal accusations on account of having allegedly acted against the constitutional order in Venezuela; *is deeply concerned* that the criminal proceedings against Mr. Guaidó in relation to these accusations were initiated after the Constituent Assembly, not the National Assembly as stipulated by the Constitution, lifted his parliamentary immunity; *wishes* to receive precise information on the factual and legal basis for the accusations brought against him;
5. *Is deeply concerned* about the arbitrary raid on the residence of Mr. Vergara and the allegation that he was ill-treated during the operation; *wishes* to receive information on the legal justification for the raid and on steps taken to investigate the alleged ill-treatment;
6. *Urges once more* the authorities to stop immediately all forms of harassment of members of the National Assembly, to ensure that all relevant state authorities respect their human rights and parliamentary immunity and to fully investigate and establish accountability for previously reported violations of their rights; *urges likewise* the relevant authorities to ensure that the National Assembly can fully carry out its work by respecting the Assembly's powers and allocating the necessary funding for its proper functioning; *requests* the relevant authorities to provide information urgently on steps taken to this end;
7. *Remains deeply concerned* about the continued detention of Mr. Juan Requesens, who has apparently never been brought before a judge since his arrest, all the more so in light of the total disregard for his parliamentary immunity, the very serious indications that he may have been drugged to testify against himself, the fact that he is kept at the headquarters of the National Bolivarian Intelligence Service and the poor conditions in which he is allegedly being held, with very limited, if any, contact with his family; *urges once more* the authorities to address these matters without delay and to ensure that Mr. Requesens 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;
8. *Deeply regrets* that the Government of Venezuela has still failed to offer any assurances in writing that the long-proposed IPU 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 parliamentary and executive authorities of Venezuela with a view to the mission taking place as soon as possible;
9. *Reaffirms* in this regard 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; *calls once again on* all sides to act in good faith and to commit fully to political dialogue, with the assistance of external mediation that is acceptable to all sides;

*reaffirms* the IPU's readiness to assist in these efforts; and *requests* the relevant authorities to provide further official information on how this assistance can best be provided;

10. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
11. *Requests* the Committee to continue examining this case and to report back to it in due course.