

Venezuela

Decision adopted unanimously by the IPU Governing Council at its 205th session (Belgrade, 17 October 2019)



(L to R) Mr. Edgar Zambrano, First Deputy Speaker of the National Assembly, Mr. Juan Guaidó, Speaker of the National Assembly, and Mr. Stalin González, Second Deputy Speaker of the National Assembly, arrive for a session of the National Assembly in Caracas on 24 September 2019 © Yuri Cortez/AFP

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|---------------------------------|---------------------------------|
| VEN-10 - Biagio Pilieri | VEN64 - Miguel Pizarro |
| VEN-11 - José Sánchez Montiel | VEN65 - Henry Ramos Allup |
| VEN-12 - Hernán Claret Alemán | VEN66 - Juan Requesens |
| VEN-13 - Richard Blanco | VEN67 - Luis E. Rondón |
| VEN-16 - Julio Borges | VEN68 - Bolivia Suárez (Ms.) |
| VEN-19 - Nora Bracho (Ms.) | VEN69 - Carlos Valero |
| VEN-20 - Ismael García | VEN70 - Milagro Valero (Ms.) |
| VEN-22 - William Dávila | VEN71 - German Ferrer |
| VEN-24 - Nirma Guarulla (Ms.) | VEN72 - Adriana d'Elia (Ms.) |
| VEN-25 - Julio Ygarza | VEN73 - Luis Lippa |
| VEN-26 - Romel Guzamana | VEN74 - Carlos Berrizbeitia |
| VEN-27 - Rosmit Mantilla | VEN75 – Manuela Bolivar |
| VEN-28 - Enzo Prieto | VEN-76 – Sergio Vergara |
| VEN-29 - Gilberto Sojo | VEN-77 - Franklin Duarte |
| VEN-30 - Gilber Caro | VEN-78 - Oscar Ronderos |
| VEN-31 - Luis Florido | VEN-79 - Mariela Magallanes |
| VEN-32 - Eudoro González | VEN-80 - Héctor Cordero |
| VEN-33 - Jorge Millán | VEN-81 - José Mendoza |
| VEN-34 - Armando Armas | VEN-82 - Angel Caridad (Ms.) |
| VEN-35 - Américo De Grazia | VEN-83 - Larissa González (Ms.) |
| VEN-36 - Luis Padilla | VEN-84 - Fernando Orozco |
| VEN-37 - José Regnaut | VEN-85 - Franco Casella |
| VEN-38 - Dennis Fernández (Ms.) | VEN-86 - Edgar Zambrano |
| VEN-39 - Olivia Lozano (Ms.) | VEN-87 - Juan Pablo García |
| VEN-40 - Delsa Solórzano (Ms.) | VEN-88 - Cesar Cardenas |
| VEN-41 - Robert Alcalá | VEN-89 - Ramón Flores Carrillo |

VEN42 - Gaby Arellano (Ms.)
VEN43 - Carlos Bastardo
VEN44 - Marialbert Barrios (Ms.)
VEN45 - Amelia Belisario (Ms.)
VEN46 - Marco Bozo
VEN47 - José Brito
VEN48 - Yanet Fermin (Ms.)
VEN49 - Dinorah Figuera (Ms.)
VEN50 - Winston Flores
VEN51 - Omar González
VEN52 - Stalin González
VEN53 - Juan Guaidó
VEN54 - Tomás Guanipa
VEN55 - José Guerra
VEN56 - Freddy Guevara
VEN57 - Rafael Guzmán
VEN58 - María G. Hernández (Ms.)
VEN59 - Piero Maroun
VEN60 - Juan A. Mejía
VEN61 - Julio Montoya
VEN62 - José M. Olivares
VEN63 - Carlos Paparoni

VEN-90 - José Gregorio Noriega
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 (Ms.)
VEN-98 - Rosa Petit (Ms.)
VEN-99 - Alfonso Marquina
VEN-100 - Rachid Yasbek
VEN-101 - Oneida Guaipe
VEN-102 - Jony Rahal
VEN-103 - Ylidio Abreu
VEN-104 - Emilio Fajardo
VEN-105 - Luis Loaiza
VEN-106 - Angel Alvarez
VEN-107 - Kerrins Mavares
VEN-108 - Gilmar Marquez
VEN-109 - José Simón Calzadilla
VEN-110 - José Gregorio Graterol
VEN-111 - José Gregorio Hernández

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
- ✓ Other violations: right to privacy

A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 96 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. The MUD opposes President Maduro's Government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015.

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. Failing 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, 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 and/or at their homes. Protests intensified in Venezuela after

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victim(s): 96 opposition members of parliament (73 men and 23 women)

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

Submission of complaint(s): March 2017

Recent IPU decision(s): April 2019

IPU mission(s): - - -

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

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2019)
- Communication from the complainant: October 2019
- Communication addressed to the authorities: Letter to the President of Venezuela (July 2019)
- Communication addressed to the complainant: October 2019

President Maduro announced the convening of a national constituent assembly – which was subsequently elected on 30 July 2017 – to rewrite the Constitution, but which instead has since appropriated and exercised many of the constitutional functions assigned to the National Assembly, which has not received any government funding since August 2016.

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 have been serious concerns about his treatment in detention and respect for due process. Nine other members of the National Assembly have spent up to four years in detention in recent years and continue to be subject to reportedly politically motivated legal proceedings. The latest case concerns that of Deputy Speaker Edgar Zambrano, who was arrested on 8 May 2019 and detained in a military prison, reportedly in prolonged incommunicado detention, before being released on parole on 17 September this year. On 26 April 2019, Mr. Gilber Caro was arbitrarily arrested and detained a second time without any notification to his lawyers and family of his place of detention and the reasons for his arrest. He was released on 17 June 2019.

In 2017, six members of parliament had their passports confiscated arbitrarily in connection with their international parliamentary work. Six other members of parliament have since been barred from holding public office, including the current Speaker, Mr. Juan Guaidó, allegedly in the absence of any legal basis. Sixteen members of parliament have by now left Venezuela, sought protection in foreign embassies in Caracas or gone into hiding. As of September 2019, 24 parliamentarians have had their parliamentary immunity lifted by the National Constituent Assembly, in violation of the Constitution, which states that parliamentary immunity should be lifted by the National Assembly.

UN human rights reports in June 2018 and July 2019 documented extensively the attacks against political opponents, social activists and human rights defenders. The July 2019 report states that “Intelligence services (SEBIN and DGCIM) have been responsible for arbitrary detentions, ill-treatment and torture of political opponents and relatives. Armed *colectivos* contribute to this system by exercising social control in local communities and supporting security forces in repressing demonstrations and dissent”. The report also refers to “a public rhetoric, including by high-level authorities, that constantly discredits and attacks those who criticize or oppose the Government. The political opposition ... are frequently the targets of discourse labelling them as “traitors” and “destabilizing agents”. This rhetoric is widely disseminated through pro-government media, such as the weekly TV programme *Con el Mazo Dando*, presented by the President of the National Constituent Assembly, Mr. Diosdado Cabello. Moreover, the report states that “successive laws and reforms have facilitated the criminalization of the opposition and of anyone critical of the Government through vague provisions, increased sanctions for acts that are guaranteed by the right of freedom of peaceful assembly, the use of military jurisdiction for civilians, and restrictions on NGOs to represent victims of human rights violations”. The UN High Commissioner for Human Rights was invited for an official visit to Venezuela in June 2019, in the course of which agreement was reached on re-establishing a presence of the Office of the United Nations Commissioner for Human Rights in Caracas and for the Venezuelan authorities to implement certain human rights commitments. By early September 2019, 83 detainees whose detention the UN Working Group on Arbitrary Detention had qualified as arbitrary were released.

Presidential elections took place on 20 May 2018. The MUD announced in February 2018 that it would boycott 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 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 23 January 2019, Mr. Guaidó publicly stated that, in conformity with the Constitution, he was ready to take on 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, including the United States 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 29 January 2019, the Supreme Court launched an investigation into Mr. Guaidó, accusing him of being responsible for the commission of crimes that went against the constitutional order. On 30 April 2019, Mr. Guaidó called for the armed forces to defect and defy the Government. His attempt failed and since then 18 parliamentarians have been facing legal action for their alleged involvement in the event.

Outside mediation efforts between the Government and opposition parties have thus far failed and were last suspended in mid-September 2019. At that same time, the Government struck a six-point deal with small opposition parties outside of the MUD. This deal stipulates the return of the *Bloque de la Patria*, the coalition of governing parties, to the National Assembly and discussions on the release of certain detainees and the composition of the National Electoral Council. According to the *Bloque de la Patria*, their return to the National Assembly does not mean, however, that the latter is now seen to be acting within the boundaries of the Constitution.

Longstanding 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 clear and decisive cooperation from the Government to welcome and work with the delegation. In October 2018, the IPU governing bodies decided that the mission would be of a joint nature, 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.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that during the 141st IPU Assembly the Committee on the Human Rights of Parliamentarians met separately with a member of the National Assembly belonging to the MUD and with a member of the *Bloque de la Patria* parliamentary group;
2. *Is alarmed* at the multiple and detailed reports received since the last IPU Assembly in April 2019 showing record numbers of reprisals against opposition parliamentarians, with a total of 96 of them having now been targeted, up from 61 previously;
3. *Is disturbed* that these actions are part of an ever more systematic and widespread pattern of harassment of opposition members aimed at stopping them from carrying out their work; *is deeply concerned* that part of this intimidation appears to be directly inspired or instigated by high-ranking members of the main governing party; *points*, by way of illustration, to the situation of the Vice-President of the Committee on the Human Rights of Parliamentarians, who was falsely accused by a high-ranking government official, has faced all kinds of intimidation, and faces great difficulties when leaving and returning to Venezuela;
4. *Urges* the authorities to stop immediately all forms of harassment against 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; *requests* the relevant authorities to provide information urgently on steps taken to this end;
5. *Remains deeply concerned* about the continued detention of Mr. Juan Requesens, 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 still 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; *calls on* the authorities to release him forthwith and to pursue the charges against him only if there is credible and convincing evidence of criminal responsibility;
6. *Calls on* the *Bloque de la Patria*, now that it has returned to the National Assembly, to do everything possible to help ensure that the National Assembly and its members can carry out their work freely and with the necessary resources, and that their deliberations and decisions are fully respected and implemented; *considers* in this regard that the original argument that the Supreme Court invoked in 2015 for ruling that the National Assembly was acting outside the law cannot stand, for the mere reason that the allegations of fraud that gave rise to this ruling were never investigated;
7. *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; *notes* that the member of the *Bloque de la Patria* parliamentary group stated to the Committee on the Human Rights of Parliamentarians that the mission would be welcome and that he would do everything

possible to make it happen; *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 on the basis of a written official communication on their part that guarantees that it can take place under the conditions required for it to be effective;

8. *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; *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;
9. *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;
10. *Requests* the Committee to continue examining this case and to report back to it in due course.