

VENEZUELA

- **VEN-COLL-02** - 6 parliamentarians
- **VEN-COLL-06** - 134 parliamentarians



Inter-Parliamentary Union

For democracy. For everyone.

Venezuela

VEN/10 - Biagio Pilieri
VEN/11 - José Sánchez Montiel
VEN/12 - Hernán Claret Alemán
VEN/13 - Richard Blanco Cabrera

VEN/14 - Richard Mardo
VEN/15 - Gustavo Marcano
VEN/16 - Julio Borges
VEN/17 - Juan Carlos Caldera
VEN/18 - María Corina Machado (Ms.)
VEN/19 - Nora Bracho (Ms.)
VEN/20 - Ismael García
VEN/21 - Eduardo Gómez Sigala
VEN/22 - William Dávila
VEN/23 - María Mercedes Aranguren (Ms.)

VEN24 - Nirma Guarulla (Ms.)
VEN25 - Julio Ygarza
VEN26 - Romel Guzamana

VEN27 - Rosmit Mantilla
VEN28 - Enzo Prieto
VEN29 - Gilberto Sojo

VEN30 - Gilber Caro

VEN31 - Luis Florido
VEN32 - Eudoro González

Decision adopted unanimously by the IPU Governing Council at its 200th session (Dhaka, 5 April 2017)

The Governing Council of the Inter-Parliamentary Union,

Referring to the existing cases under file name VEN/10-23, which concern allegations of human rights violations affecting members from the coalition of the former opposition, the Democratic Unity Round Table (MUD), in the previous Venezuelan legislature, and the decision adopted on their cases by the Governing Council at its 199th session (October 2016); *noting* that of these members, Mr. Pilieri, Mr. Sánchez, Mr. Alemán, Mr. Blanco, Mr. Borges, Ms. Bracho, Mr. García and Mr. Dávila were re-elected in the parliamentary elections of 6 December 2015, in which the MUD obtained a majority of seats; *referring also* to the existing cases under file name VEN/24-29, which concern parliamentarians from the MUD who were elected for the first time in 2015,

Having before it the new cases of Mr. Gilber Caro, Mr. Eudoro Gonzalez and Mr. Luis Florido, who were elected in 2015, which have been examined by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices),

E

Considering the information regularly provided by the complainant and by parliamentarians belonging to the MUD and during the hearing with the Committee on 3 April 2017,

Considering the letter of 12 March 2017 from Mr. Darío Vivas Velazco, member of the Venezuelan National Assembly and Coordinator of the Venezuelan parliamentary group *Bloque de la Patria* in the Latin American Parliament, and the information he provided at the hearing with the Committee on 3 April 2017; *also considering* the multiple contacts with the IPU Secretary General and the IPU Secretariat have had with the Venezuelan Permanent Mission to the United Nations in Geneva,

Recalling the following information on file with regard to the previous cases:

- **Mr. Pilieri, Mr. Sánchez, Mr. Alemán and Mr. Blanco**
 - The four men have been exercising their parliamentary mandate, but remain subject to criminal proceedings. According to the complainant, the proceedings are baseless, which the authorities deny. They were instigated before their election to the National Assembly in September 2010, at which time Mr. Pilieri and Mr. Sánchez were detained. They were released in February and December 2011, respectively;
- **Mr. Richard Mardo**
 - On 5 February 2013, Mr. Diosdado Cabello, then Speaker of the National Assembly, reportedly displayed, in the course of an ordinary session, public documents and cheques to support the hypothesis that Mr. Mardo had benefited from third-party donations, arguing that this amounted to illicit enrichment. The complainant affirms that what the Speaker displayed were falsified cheques and forged receipts;
 - On 12 March 2013, the Prosecutor General's Office formally requested the Supreme Court to authorize proceedings against Mr. Mardo on charges of tax fraud and money laundering, following accusations that were levelled against him by the then Speaker of the National Assembly which, according to the complainant, were based on falsified cheques and forged receipts. According to the authorities, Mr. Mardo was officially charged on 25 June 2014;
 - There is no information on file to show that the authorities have advanced with the criminal proceedings;
- **Ms. María Mercedes Aranguren**
 - On 12 November 2013, the National Assembly lifted Ms. Aranguren's parliamentary immunity so as to allow charges of corruption and criminal association to be filed in court. The complainant affirms that the case against Ms. Aranguren is not only baseless, but had been dormant since 2008 and was only reactivated in 2013 in order to pass the enabling legislation. The authorities stated that, on 10 December 2014, the court in charge of the case ordered her arrest;
 - There is no information on file to show that the authorities have advanced with the criminal proceedings;
- **Ms. María Corina Machado**
 - On 24 March 2014, the Speaker of the National Assembly announced, without any discussion in plenary, that Ms. Machado had been stripped of her mandate after the Government of Panama had accredited her as an alternate representative at the March 2014 meeting of the Permanent Council of the Organization of American States (OAS) in Washington, DC, so as to allow her to present her account of the situation in Venezuela;
 - Two criminal investigations were subsequently initiated against her. The complainant states that the investigations relate to allegations that she was accused of involvement in an alleged plot to carry out a coup d'état and assassinations and of incitement to violence. Ms. Machado has denied the accusations and charges against her. On 3 December 2014, formal charges were reportedly brought by the Prosecutor's Office. No information is on file with regard to the current status of proceedings;

- On 14 July 2015, the Comptroller General of the Republic fined Ms. Machado and suspended her from her duties for 12 months, thereby blocking her intention to stand in the parliamentary elections of December 2015 for a further term as a member of the National Assembly. According to the complainant, the suspension was totally disproportionate and unconstitutional and a violation of human rights;
- **Mr. Juan Carlos Caldera**
 - On 26 November 2014, the Supreme Court authorized Mr. Caldera's prosecution, referring to article 380 of the Code of Criminal Procedure. The complainant claims that, contrary to the Court's ruling, the acts for which Mr. Caldera is to be investigated are not crimes. The complainant states that an illegal audio recording emerged showing several persons plotting to frame Mr. Caldera by making a lawful act – the receipt of private funds for a mayoral election campaign – appear criminal in the eyes of the public. The complainant points out that, in Venezuela, public funding of political parties and election campaigns is prohibited;
- **Mr. Ismael García**
 - In November 2014, the Supreme Court upheld a request for pretrial proceedings in the case brought against Mr. García by General Carvajal, who claims to have been defamed and is currently being held in Aruba at the request of the United States Government on accusations of drug trafficking. The complainant points out that Mr. García had formally requested the Prosecutor General's Office to investigate General Carvajal for his alleged role in criminal activity. According to the complainant, none of these facts was considered by the Supreme Court before upholding the request;
- **Ms. Nirma Guarulla, Mr. Julio Ygarza and Mr. Romel Guzamana**
 - On 30 December 2015, the Electoral Chamber of the Supreme Court ordered the suspension of a number of acts of proclamation issued by the Electoral Council for the State of Amazonas. The judgement related to allegations of fraud during the election of Ms. Guarulla, Mr. Ygarza and Mr. Guzamana (all from the coalition of the former opposition, the MUD) and Mr. Miguel Tadeo (from the PSUV). The suspension has the effect of reducing the two-thirds majority that the "opposition", now majority, would have had in the National Assembly to take certain important decisions, and is therefore of particular significance;
 - On 5 January 2016, the National Assembly decided to disregard this judgement and that the deputies from Amazonas should take their seats, although Mr. Tadeo from the PSUV chose to respect the court order. On 11 January 2016, the Supreme Court determined that any decision taken by the National Assembly would be invalid as long as the members of parliament whom the Court had suspended remained in their seats. The MUD coalition parties in parliament first decided to continue legislating in defiance of the court ruling but, on 13 January 2016, the suspended members requested to leave the legislature "without losing their status of members of parliament and in expectation of more favourable conditions in resuming their seats";
 - On 21 July 2016, the suspended members of parliament from the State of Amazonas decided to retake their seats at the National Assembly, despite the Supreme Court's earlier decision to suspend their election;
 - On 1 August 2016, the Supreme Court declared again that any decision taken by the National Assembly would be invalid as long as the members of parliament remained in their seats, and declared that the suspended members of parliament and the opposition (new majority) members of parliament were in contempt of court, and therefore could be liable to criminal prosecution;
 - As a result of this continued contempt, since August 2016 the President of Venezuela has deprived the National Assembly of its funds to function, including salaries for its members and monies needed to cover its running costs;
 - The complainant has repeatedly reiterated concerns about the lack of independence of the Supreme Court. In particular, 13 of its judges and 21 substitute judges of the Court, some of whom had close affinity with, if not direct ties to, the governing party, were

elected hastily by the outgoing National Assembly within one month after the 6 December 2015 elections had eliminated the governing party's majority in the newly elected National Assembly, which would take office on 5 January 2016;

- **Mr. Rosmit Mantilla, Mr. Enzo Prieto and Mr. Gilberto Sojo**
 - Mr. Mantilla, Mr. Prieto and Mr. Sojo, elected as alternate members of parliament in the parliamentary elections of 6 December 2015, have been deprived of their liberty since 2014 in connection with ongoing legal proceedings, according to the complainant for political reasons, and have therefore been unable to exercise their parliamentary mandate;
 - Mr. Mantilla was released on 17 November 2016 and took office as a parliamentarian on 22 November 2016. The legal case against him, however, continues and has reached the trial stage and Mr. Mantilla has to report regularly to the authorities. Mr. Sojo was released on 13 December 2016 and subsequently sworn in as a member of parliament. The legal case against him is, however, still pending;
- **The new case of Mr. Gilbert Caro**
 - The complainant states that, on 11 January 2017, officers from the Bolivarian Intelligence Service (SEBIN) arbitrarily arrested and detained Mr. Caro, who is still being held at the detention centre "26 de julio" in San Juan de los Moros in Guárico State. The complainant claims that Mr. Caro is to be tried by a military court, which contravenes articles 28, 49 and 261 of the Venezuelan Constitution, and that he has not been presented in due time before a judge;
- **The new cases of Mr. Luis Florido and Mr. Eudoro González and new developments concerning Mr. William Dávila**
 - Mr. Florido, President of the National Assembly's Committee on Foreign Relations, Sovereignty and Integration, returned to Venezuela on 27 January 2017 after carrying out parliamentary duties abroad. Upon his return, immigration officers confiscated his passport, informing him that the document had been cancelled owing to a reported official complaint of theft of the said document. On 6 February 2017, Mr. Florido was ready to travel abroad, using this time his ID card, which suffices for travel between Mercosur Member States, when he was told that he was subject to an order prohibiting him from leaving the country. On 7 February 2017, Mr. Dávila who was about to travel abroad, was likewise informed by immigration officers that his passport had been reported as stolen and therefore cancelled. Similarly, on 21 March 2017, Mr. González returned to Venezuela when immigration officers told him that his passport had been cancelled owing to a reported official complaint of theft of the said document;
 - In all three cases, the complainant affirms that no official complaint about the theft of the passports was ever made. It considers that the measures against the three parliamentarians are arbitrary and have no basis in law, being merely meant to harass and silence parliamentarians wishing to participate in international forums to voice their criticism of the political situation in Venezuela,

Recalling that a delegation of the Committee on the Human Rights of Parliamentarians was due to travel to Venezuela in June 2013 to address, among other things, the issues that had by then arisen in the cases, but that the mission was postponed at the last minute in order to allow the parliamentary authorities more time to organize the meetings requested,

Taking into account the numerous letters from the current Speaker of the National Assembly and his immediate predecessor, including his letter of 17 October 2016, in which he expressed full support for the mission by the Committee and underscored the need for it to take place as soon as possible, all the more so in light of his concerns about increased encroachment by the executive and judicial authorities on the powers of the National Assembly,

Considering that the mission, which was due to travel to Venezuela from 20 to 22 March 2017, was cancelled at the last minute after receiving the letter addressed to the IPU Secretary General by Mr. Darío Vivas Velazco, member of the Venezuelan National Assembly and Coordinator of the Venezuelan parliamentary group *Bloque de la Patria* in the Latin American Parliament, and the

refusal to provide a visa to the one member of the mission requiring it; *considering also* that in his letter, Mr. Darío Vivas states that “the Inter-Parliamentary Union has been welcomed in our country on previous occasions, including during His Excellency’s successful visit in 2016. However, the National Assembly is currently acting outside the bounds of its constitutional functions; thus, it is not authorized to represent the Legislative Power before international organizations such as the Inter-Parliamentary Union” and that for the *Bloque de la Patria* therefore “the legal, political and practical conditions required for the proper conduct of a visit by the IPU Committee on the Human Rights of Parliamentarians cannot be met as they might have been in different circumstances”,

Recalling the official visit to Venezuela by the Secretary General in late July 2016, during which he met, amongst others, with the President of Venezuela, the Speaker of the National Assembly, the Ombudsman and parliamentarians from majority and opposition parties, and that his visit laid the groundwork for the organization of the planned mission by the Committee; *further recalling* the report by the Secretary General on his mission to the Committee in October 2016; and *considering* his report to the Committee at its current session,

Recalling that from May 2016 to February 2017 efforts were made, with mediation by the Secretary General of UNASUR, the former Prime Minister of Spain and the former Presidents of the Dominican Republic and Panama, and later the Vatican, to bring the two political sides together, which led to official plenary meetings on 30 October 2016 and 11 and 12 November 2016 to decide on the issues for the political dialogue. However, the dialogue stalled subsequently, in light of disagreements about what had been concluded thus far and how to proceed,

Considering that, on 29 March 2017, the Supreme Court decided to assume the powers of the National Assembly temporarily, considering that the latter remained in contempt of its rulings. According to Mr. Darío Vivas, following an urgent meeting of the National Council of Defence, the Supreme Court swiftly reversed its decision. The text of this decision appears to be unavailable as of yet,

1. *Deeply* regrets that, despite the agreement of the Speaker of the National Assembly, the governing party did not welcome the mission at this point in time and that the visa was refused to one of its members, all the more so as it remains convinced that in the cases at hand, against the backdrop of the current political crisis, such a mission could help address the concerns and questions that have arisen thus far; *hopes therefore* that the mission can still take place soon;
2. *Is deeply concerned* about the continued suspension of four members of the National Assembly; *reaffirms* that this situation not only directly affects their individual political rights, but also deprives their constituencies of representation in parliament; *fails to understand* why these parliamentarians should not be allowed to exercise their parliamentary mandate, in particular to attend parliamentary sessions, as this would be in line with the fundamental principle of presumption of innocence; *fails to understand also* how, on a matter of such importance, it is possible that the Supreme Court has not yet issued a ruling, sixteen months after the elections; *calls on* the Supreme Court to do so as a matter of urgency, with due consideration of all the facts and with full respect for the right to defence of those concerned;
3. *Considers* that the subsequent rulings by the Supreme Court declaring all decisions by the National Assembly to be null and void for as long as the parliamentarians remain involved in the work of parliament to be grossly excessive;
4. *Is deeply concerned* that, as a result of this situation, the National Assembly as a whole and its members have been deprived of the financial means to which they are entitled to carry out their work, thereby seriously undermining the effectiveness of parliament; *urges* the relevant authorities to remedy this situation speedily; *stresses* at the same time the need for the various branches of State to act within their constitutionally prescribed mandate and prerogatives;

5. *Recognizes* that the issue relating to the suspension of the four members of the National Assembly is part of a larger political crisis in Venezuela, which can only be solved through political dialogue; *calls on* both sides to act in good faith and to commit fully to restarting the political dialogue with the assistance of the official mediators; *reaffirms* that the IPU stands ready to assist with these mediation efforts; and *wishes* to receive further official information about how this assistance can best be provided;
6. *Is pleased* that Mr. Mantilla and Mr. Sojo were released; *wishes to know* more about the prospect of Mr. Prieto being released soon and thus being allowed to carry out his parliamentary mandate; *wishes* to have full details of the legal grounds and facts that underpin the accusations against him and the stage reached in the legal proceedings;
7. *Recalls* its previous questions, as well as earlier preliminary concerns, regarding the cases of the other current and former parliamentarians whose cases were already under examination by the Committee before the elections of December 2015, and which relate primarily to the legal and factual justifications for the legal proceedings brought against them individually and for the lifting of their parliamentary immunity;
8. *Is deeply concerned* that the passports of Mr. González, Mr. Flores and Mr. Dávila were cancelled, apparently without any serious justification; *cannot but conclude* that this supports the allegations that the cancellation is in fact a reprisal for their political and parliamentary work, and is meant to prevent them from speaking about the situation in Venezuela in international forums; *urges* the relevant authorities to return the passports as a matter of urgency and to prevent these incidents from recurring;
9. *Notes* the allegations regarding Mr. Caro, in particular the alleged lack of respect for his parliamentary immunity and the possibility that he will be tried by a military court; *wishes* to receive official information on these points and on the exact accusations against him and the facts underpinning them;
10. *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;
11. *Requests* the Committee to continue examining this case and to report back to it in due course.

Venezuela

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 161st session (Geneva, 20–30 January 2020)



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

- | | |
|---------------------------------|--|
| VEN-10 - Biagio Pilieri | VEN-83 - Larissa González (Ms.) |
| VEN-11 - José Sánchez Montiel | VEN-84 - Fernando Orozco |
| VEN-12 - Hernán Alemán | VEN-85 - Franco Casella |
| VEN-13 - Richard Blanco | VEN-86 - Edgar Zambrano |
| VEN-14 - Richard Mardo | VEN-87 - Juan Pablo García |
| VEN-16 - Julio Borges | VEN-88 - Cesar Cardenas |
| VEN-19 - Nora Bracho (Ms.) | VEN-89 - Ramón Flores Carrillo |
| VEN-20 - Ismael Garcia | VEN-90 - José Gregorio Noriega |
| VEN-22 - William Dávila | VEN-91 - María Beatriz Martínez (Ms.) |
| VEN-24 - Nirma Guarulla (Ms.) | VEN-92 - María Concepción Mulino de Saavedra (Ms.) |
| VEN-25 - Julio Ygarza | VEN-93 - José Trujillo |
| VEN-26 - Romel Guzamana | VEN-94 - Marianela Fernández (Ms.) |
| VEN-27 - Rosmit Mantilla | VEN-95 - Juan Pablo Guanipa |
| VEN-28 - Enzo Prieto | VEN-96 - Luis Silva |
| VEN-29 - Gilberto Sojo | VEN-97 - Eliezer Sirit (Ms.) |
| VEN-30 - Gilber Caro | VEN-98 - Rosa Petit (Ms.) |
| VEN-31 - Luis Florido | VEN-99 - Alfonso Marquina |
| VEN-32 - Eudoro González | VEN-100 - Rachid Yasbek |
| VEN-33 - Jorge Millán | VEN-101 - Oneida Guaipe |
| VEN-34 - Armando Armas | VEN-102 - Jony Rahal |
| VEN-35 - Américo De Grazia | VEN-103 - Ylidio Abreu |
| VEN-36 - Luis Padilla | VEN-104 - Emilio Fajardo |
| VEN-37 - José Regnault | VEN-105 - Luis Loaiza |
| VEN-38 - Dennis Fernández (Ms.) | VEN-106 - Angel Alvarez |
| VEN-39 - Olivia Lozano (Ms.) | VEN-107 - Kerrins Mavares |

VEN-40 - Delsa Solórzano (Ms.)	VEN-108 - Gilmar Marquez
VEN-41 - Robert Alcalá	VEN-109 - José Simón Calzadilla
VEN-42 - Gaby Arellano (Ms.)	VEN-110 - José Gregorio Graterol
VEN-43 - Carlos Bastardo	VEN-111 - José Gregorio Hernández
VEN-44 - Marialbert Barrios (Ms.)	VEN-112 - Mauligmer Baloa
VEN-45 - Amelia Belisario (Ms.)	VEN-113 - Arnoldo Benítez
VEN-46 - Marco Bozo	VEN-114 - Alexis Paparoni
VEN-47 - José Brito	VEN-115 - Adriana Pichardo (Ms.)
VEN-48 - Yanet Fermin (Ms.)	VEN-116 - Teodoro Campos
VEN-49 - Dinorah Figuera (Ms.)	VEN-117 - Milagros Sánchez Eulate
VEN-50 - Winston Flores	VEN-118 - Denncis Pazos
VEN-51 - Omar González	VEN-119 - Karim Vera
VEN-52 - Stalin González	VEN-120 - Ramón López
VEN-53 - Juan Guaidó	VEN-121 - Freddy Superlano
VEN-54 - Tomás Guanipa	VEN-122 - Sandra Flores-Garzón (Ms.)
VEN-55 - José Guerra	VEN-123 - Armando López
VEN-56 - Freddy Guevara	VEN-124 - Elimar Díaz
VEN-57 - Rafael Guzmán	VEN-125 - Yajaira Forero
VEN-58 - María G. Hernández (Ms.)	VEN-126 - Maribel Guedez (Ms.)
VEN-59 - Piero Maroun	VEN-127 - Karin Salanova (Ms.)
VEN-60 - Juan Andrés Mejía	VEN-128 - Antonio Geara
VEN-61 - Julio Montoya	VEN-129 - Joaquín Aguilar
VEN-62 - José M. Olivares	VEN-130 - Juan Carlos Velasco
VEN-63 - Carlos Paparoni	VEN-131 - Carmen María Sivoli (Ms.)
VEN-64 - Miguel Pizarro	VEN-132 - Milagros Paz
VEN-65 - Henry Ramos Allup	VEN-133 - Jesus Yanez
VEN-66 - Juan Requesens	VEN-134 - Desiree Barboza (Ms.)
VEN-67 - Luis E. Rondón	VEN-135 - Sonia A. Medina G. (Ms.)
VEN-68 - Bolivia Suárez (Ms.)	VEN-136 - Héctor Vargas
VEN-69 - Carlos Valero	VEN-137 - Carlos A. Parra
VEN-70 - Milagro Valero (Ms.)	VEN-138 - Luis Stefanelli
VEN-71 - German Ferrer	VEN-139 - William Barrientos
VEN-72 - Adriana d'Elia (Ms.)	VEN-140 - Antonio Aranguren
VEN-73 - Luis Lippa	VEN-141 - Ana Salas (Ms.)
VEN-74 - Carlos Berrizbeitia	VEN-142 - Ismael León
VEN-75 - Manuela Bolivar	VEN-143 - Julio César Reyes
VEN-76 - Sergio Vegara	VEN-144 - Ángel Torres
VEN-77 - Franklin Duarte	VEN-145 - Tamara Adrián (Ms.)
VEN-78 - Oscar Ronderos	VEN-146 - Deyalitzza Aray (Ms.)
VEN-79 - Mariela Magallanes	VEN-147 - Yolanda Tortolero (Ms.)
VEN-80 - Héctor Cordero	VEN-148 - Carlos Prospero
VEN-81 - José Mendoza	VEN-149 - Addy Valero
VEN-82 - Angel Caridad (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 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 134 parliamentarians, all members of the coalition of the Democratic Unity Roundtable (MUD) at the time of the alleged event, 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 is opposed to 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 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. On 20 December 2019, Mr. Gilber Caro was allegedly arbitrarily arrested and detained a third time without notifying his lawyers and family of his place of detention and the reasons for his arrest.

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.

United Nations 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

CASE VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victim(s): 134 opposition members of parliament (94 men and 40 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: January 2020
- Communication addressed to the authorities: Letter to the President of Venezuela (July 2019)
- Communication addressed to the complainant: January 2020

“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”.

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.

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 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.

The political situation took another turn for the worse in the lead-up to the election of the new leadership of the National Assembly scheduled for 5 January 2020. According to the complainant, the ruling party was bent on assuring the election of a Speaker sympathetic to President Maduro and therefore first set up *Operation Scorpion*, aimed at bribing opposition legislators in exchange for their support during the crucial vote on 5 January 2020. The night before the election of the parliamentary leadership, four female opposition parliamentarians were allegedly intimidated and harassed by military forces at the hotel where several of their colleagues from the opposition were staying. On 5 January 2020, parliamentarians loyal to Speaker Guaidó were prevented from accessing the parliamentary building while members of the National Assembly supportive of the ruling party were allowed into the premises without any hindrance. Documentation and videos show that 12 opposition members, all women except for one, were beaten, pushed violently and insulted by military forces and paramilitary groups when trying to access the parliamentary premises.

This scene repeated itself on 7 January 2020 as nine opposition parliamentarians, five of whom were women, were attacked and intimidated as a group of opposition members in the National Assembly clashed with security forces and gained access to the premises. On 15 January 2020, armed groups attacked a convoy of vehicles carrying opposition members – Ms. Delsa Solorzano, Mr. Carlos Berrizbeitia and Mr. Carlos Prospero – to the National Assembly. A crowd of men hit the cars with

traffic cones and crowbars, breaking one car's back window. According to the complainant, at least one vehicle was also hit by bullets. Since 5 January 2019, the MUD members of parliament have not been allowed to freely access parliament and effectively perform their functions.

Given the impossibility of reaching the parliamentary building on 5 January 2020, a group of parliamentarians decided to hold the parliamentary session in a different place, which appears to be possible according to the Rules of Procedure of the National Assembly. During this session, Mr. Juan Guaidó was re-elected as Speaker of the National Assembly with 100 votes. The full list of voters was made available to the IPU. In parallel, another group of members of the National Assembly met in the parliamentary building and elected, allegedly without a quorum and without following the Rules of Procedure, Mr. Luis Parra as Speaker of the National Assembly.

B. Decision

The Committee on the Human Rights of Parliamentarians:

1. *Denounces the latest, extremely serious incidents of ill-treatment and intimidation carried out by security forces and paramilitary groups against opposition parliamentarians; and is deeply concerned that, as attested by the recent violent assault on the car convoy carrying several parliamentarians, opposition parliamentarians now also run the serious risk of being killed;*
2. *Is shocked that these attacks have taken place with total impunity in broad daylight before the eyes of the world; and fears that this is an indication that the Venezuelan authorities at the highest level have brazenly and wilfully stepped up their intimidation of the opposition, taking for granted the risk of the situation spiralling further out of control and leading to the loss of lives;*
3. *Remains deeply concerned that the ultimate goal of this intimidation is to prevent the parliamentarians from simply doing their work and to undermine the integrity and independence of the National Assembly elected in 2015; notes also in this regard with great concern the allegations about vote-buying, intimidation and the irregularities that reportedly surrounded the election of the parliamentary leadership in the National Assembly;*
4. *Urges the authorities to put an immediate end to all forms of harassment against members of the National Assembly, to ensure that all relevant state authorities respect their human rights and parliamentary immunity, to fully investigate and establish accountability for reported violations of their rights, and to allow the National Assembly and its full membership to fully carry out their constitutional functions;*
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; and 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. *Being deeply concerned about the renewed arrest of Mr. Caro in light of the serious reports that he is again being held without charge and at an unknown location, and that his physical integrity may again be at risk, urges the authorities to release him forthwith unless they can clearly demonstrate that there are factual and legal grounds to keep him in detention, in which case they are obliged to do everything possible to ensure that he enjoys proper conditions of detention, including regular visits from his family, lawyers and, if need be, a doctor;*
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; 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. *Decides to* continue examining this case.