



Inter-Parliamentary Union

For democracy. For everyone.

Venezuela

VEN13 - Richard Blanco	VEN48 - Yanet Fermin (Ms.)
VEN16 - Julio Borges	VEN49 - Dinorah Figuera (Ms.)
VEN19 - Nora Bracho (Ms.)	VEN50 - Winston Flores
VEN24 - Nirma Guarulla (Ms.)	VEN51 - Omar González
VEN25 - Julio Ygarza	VEN52 - Stalin González
VEN26 - Romel Guzamana	VEN53 - Juan Guaidó
VEN27 - Rosmit Mantilla	VEN54 - Tomás Guanipa
VEN28 - Enzo Prieto	VEN55 - José Guerra
VEN29 - Gilberto Sojo	VEN56 - Freddy Guevara
VEN30 - Gilber Caro	VEN57 - Rafael Guzmán
VEN31 - Luis Florido	VEN58 - María G. Hernández (Ms.)
VEN32 - Eudoro González	VEN59 - Piero Maroun
VEN33 - Jorge Millán	VEN60 - Juan A. Mejía
VEN34 - Armando Armas	VEN61 - Julio Montoya
VEN35 - Américo De Grazia	VEN62 - José M. Olivares
VEN36 - Luis Padilla	VEN63 - Carlos Paparoni
VEN37 - José Regnault	VEN64 - Miguel Pizarro
VEN38 - Dennis Fernández (Ms.)	VEN65 - Henry Ramos Allup
VEN39 - Olivia Lozano (Ms.)	VEN66 - Juan Requesens
VEN40 - Delsa Solórzano (Ms.)	VEN67 - Luis E. Rondón
VEN41 - Robert Alcalá	VEN68 - Bolivia Suárez (Ms.)
VEN42 - Gaby Arellano (Ms.)	VEN69 - Carlos Valero
VEN43 - Carlos Bastardo	VEN70 - Milagro Valero (Ms.)
VEN44 - Marialbert Barrios (Ms.)	VEN71 - German Ferrer
VEN45 - Amelia Belisario (Ms.)	VEN72 - Adriana d'Elia (Ms.)
VEN46 - Marco Bozo	VEN73 - Luis Lippa
VEN47 - José Brito	

***Decision adopted by consensus by the IPU Governing Council
at its 201st session (St. Petersburg, 18 October 2017) ¹***

The Governing Council of the Inter-Parliamentary Union,

Referring to the existing cases under file names VEN13, 16, 19 and 24-32, which concern allegations of human rights violations affecting members from the coalition of the former opposition, the Democratic Unity Round Table (MUD), which obtained a majority of seats in the National Assembly following the parliamentary elections of 6 December 2015,

Having before it new cases under the file name VEN/33 to 73, which have been examined by the Committee on the Human Rights of Parliamentarians pursuant to the revised Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices),

Considering the information regularly provided by the complainant and by parliamentarians belonging to the MUD and during the hearing with the Committee on 14 October 2017,

Considering the following information on file regarding the concerns in this case:

- **Attacks on parliamentarians by law enforcement officers and pro-government supporters in the course of demonstrations**
 - According to the complainant, against a backdrop of peaceful demonstrations organized in defence of democracy and the Constitution of the Republic, since 28 March 2017 the following opposition members of parliament have been attacked by pro-government supporters and/or law enforcement officers:
 - Robert Alcalá, Gaby Arellano, Marialbert Barrios, Carlos Bastardo, Amelia Belisario, Richard Blanco, Marcos Bozo, Julio Borges, José Brito, Yanet Fermín, Dinorah Figuera, Winston Flores, Luis Florido, Juan Guaidó, José Guerra, Olivia Lozano, Omar González, Stalin González, Américo De Grazia, Tomás Guanipa, Freddy Guevara, Rafael Guzmán, María G. Hernández, Piero Maroun, Juan A. Mejía, Jorge Millán, Julio Montoya, José M. Olivares, Carlos Paparoni, Miguel Pizarro, Henry Ramos Allup, Juan Requesens, Luis E. Rondón, Delsa Solórzano, Bolivia Suárez, Carlos Valero, Milagro Valero,
 - In August 2017, the Office of the UN High Commissioner for Human Rights (OHCHR) issued a report, “Human rights violations and abuses in the context of protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017”. The OHCHR’s findings point to an increasingly critical human rights situation since the protests began, with mounting levels of repression of political dissent by national security forces and increasing stigmatization and persecution of people perceived as opposing the government of President Maduro. The OHCHR report documented extensive violations of human rights committed by national authorities aimed at curbing any type of anti-government protest, against a background of country-wide demonstrations. The OHCHR found that security forces systematically used excessive force and arbitrarily detained protesters, and documented patterns of ill-treatment, in some cases amounting to torture, as well as serious violations of the due process rights of persons detained by the authorities in connection with the protests. Credible and consistent accounts from victims and witnesses indicate that security forces systematically used excessive force to deter demonstrations, crush dissent and instil fear. The Bolivarian National Police (PNB) and the Bolivarian National Guard (GNB), which is part of the armed forces, used tear gas and other less lethal weapons, such as water cannons and plastic pellets, during demonstrations without prior warning and in a non-progressive manner, in violation of the international legal principles of necessity and proportionality. Less lethal weapons were also used systematically in a manner intended to cause unnecessary harm. For example, security forces shot tear gas grenades directly at demonstrators at short range and altered ammunition to make it more harmful. The OHCHR also documented the use of lethal force against protesters by security forces. The authorities rarely condemned incidents of excessive use of force, in most cases denying that the security forces were responsible for such incidents, and repeatedly labelled demonstrators as “terrorists.”
- **Parliamentarians prevented from taking their seats in Parliament**
 - 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 relating to the election of Ms. Guarulla, Mr. Ygarza and Mr. Guzamana (all from the coalition of the former opposition, the MUD) and of Mr. Miguel Tadeo (from the PSUV). On 5 January 2016, the National Assembly decided to disregard this judgement, considering that it was unjustified and that the deputies from Amazonas should take their seats, although Mr. Tadeo of the PSUV chose to respect the court order. On 11 January 2016, the Supreme Court ruled 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 at 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 on resuming their seats”; they subsequently returned to the National Assembly, but later decided to temporarily withdraw from its work; it appears that no progress has been made on the case before the Supreme Court regarding the allegations of fraud which are at the origin of the suspension of the MPs.

- **Arbitrary detention of parliamentarians and/or politically motivated proceedings**
 - The complainant states that, on 11 January 2017, officers from the Bolivarian Intelligence Service (SEBIN) arbitrarily arrested and detained Mr. Gilber Caro. In June 2017, in contradiction of the Constitution, Mr. Caro was presented before a military tribunal which ordered his indefinite detention in Tocuyito prison in the state of Carabobo. The charges brought against Mr. Caro are treason and appropriation of goods belonging to the armed forces. According to the complainant, Mr. Caro is not receiving sufficient food and has lost considerable weight. His family members, lawyers and human rights organizations have raised this matter with the authorities. Moreover, Mr. Caro is reportedly being kept in isolation, without contact with his children or other detainees, and without even the possibility of real contact with penitentiary staff. His cell measures 2 by 3 metres and has no natural light. His lawyers have repeatedly asked the judge to have him transferred to a detention centre where his rights would be respected, but to no avail. Mr. Caro started a hunger strike on 11 September 2017 and has threatened to sew his lips together if his pleas are ignored.
 - Mr. Mantilla, Mr. Prieto and Mr. Sojo, elected as alternate members of parliament in the elections of 6 December 2015, were deprived of their liberty in 2014 in connection with ongoing legal proceedings, for political reasons according to the complainant; Mr. Mantilla and Mr. Sojo were released in November and December 2016; the legal case against them continues; however, Mr. Prieto remains in detention.
 - On 17 August 2017, the Supreme Court of Justice “declared appropriate” [“declaró procedente”] the detention of MP Mr. German Ferrer on the basis of accusations of involvement in a widespread extortion ring and after concluding that the case was one of “in flagrante delicto” that concerned the commission of a “permanent crime”. Mr. German Ferrer was originally a member of the PSUV and is the husband of former Prosecutor General Diaz, who was ousted by the Constituent Assembly in August 2017 after voicing serious criticism of the Government. On 18 August 2017, the Constituent Assembly lifted Mr. Ferrer’s immunity. Mr. Ferrer and his wife fled to Colombia the same day.
- **Arbitrary confiscation of passports and other intimidation in connection with international parliamentary work**
 - The passports and/or identity cards of Mr. Florido (in January and February 2017), Mr. Dávila (February 2017), Mr. González (March 2017) and Mr. Américo de Grazia (July 2017) were cancelled by immigration officers as they either returned to or were about to leave Venezuela in connection with parliamentary work abroad; immigration officers told them that their passports had been cancelled owing to a reported official complaint of theft of the said documents.
 - In all four cases, the complainant affirms that no official complaint about the theft of the passports was ever made. It considers that the measures taken against the parliamentarians are arbitrary and have no basis in law, being merely intended to harass and silence parliamentarians wishing to participate in international forums to voice their criticism of the political situation in Venezuela.
 - On 6 April 2017, Ms. Delsa Solórzano, on returning home from Dhaka where she had been head of the Venezuelan Delegation to the 136th IPU Assembly, was detained in an abusive and intimidating manner by officers of the Armed Forces and the National Customs and Revenue Administration at the orders of SEBIN. The officers held Ms. Solórzano hostage for approximately 30 minutes, circling her and threatening to take away her cell phone, because, as they told her, she had resorted to the IPU. They said to her: “You should have stayed there. The next time I don’t let you enter, and take care of yourself, you don’t know what could happen to you...”.

- On 15 July 2017, deputies Jorge Millán and Richard Blanco arrived at Simón Bolívar International Airport. As Deputy Millán was registering his entry into the country, SAIME agents attempted to take away his passport. When he refused to hand it over, invoking his status as a parliamentarian, they took him to a room where five officers, directed by Major Henribson Herrera, beat him, seized and revoked his passport, and took his cell phone in order to review and erase information it contained. Deputy Blanco, for his part, while awaiting his luggage at the airport was surrounded by agents from SEBIN and the Bolivarian National Guard, who detained him more than 40 minutes without explanation.
- **Allegations of arbitrary disbarment from holding public office**
 - By decision of 3 August 2017, the *Contraloría General de la República* [Comptroller-General of the Republic] disbarred a member of the National Assembly, Ms. Adriana D'Elia, from holding public office for 15 years. On 16 August 2017, the Comptroller-General also disbarred MP Mr. Luis Lippa from holding public office, although no information is on file as to the length of the disbarment. According to the complainant, revoking parliamentary mandate can only be done through a final legal decision following proceedings that respect due process, neither of which applies to the situation of the aforementioned parliamentarians.
- **Illegal occupation of parliamentary premises, including by paramilitary groups who, incited by the government, attacked and seriously injured deputies and violated their human rights**

The events of 5 July 2017

- The signing of the Independence of Venezuela Act is commemorated on 5 July each year by a solemn public ceremony held in the Oval Room of the Legislative Palace and by a special session of parliament. On the morning of that day the Vice President of the Republic, Mr. Tareck El Aissami, and representatives of the various ministries conducted a surprise ceremony in the Oval Room of the Palace to celebrate Independence Day, without authorization from the parliamentary leadership. Members of the executive branch withdrew after the ceremony but their supporters remained outside the Palace.
- While the special session was being held, at approximately 12 noon a group of government supporters who had gathered outside the entrance to the legislative building invaded the parliament, brandishing clubs, tubes, knives and explosive devices and threatening National Assembly deputies and those who work for them:
<https://www.youtube.com/watch?v=of00oAZf82s>.
- Those injured included the legislators Américo De Grazia, Nora Bracho, Armando Armas, Luis Padilla and José Regnault. Deputy de Grazia suffered convulsions after being beaten with an object about the head and had to be transported by ambulance to a medical facility, where he was diagnosed as having a cerebral contusion and several broken ribs. Three other legislators sustained head cuts.
- According to the complainant, after the initial attack, the group of government supporters continued laying siege to the Assembly area for more than seven hours, launching rockets at parliamentary headquarters and holding hostage 108 journalists, 120 workers and 94 deputies, as well as musicians and special guests including representatives of the diplomatic corps. The complainant also stresses that the GNB, which had custodial responsibility for the premises, did not contain the demonstrators nor act to prevent the attacks against parliamentarians.
- The above-mentioned OHCHR report referred to the events that unfolded on 5 July 2017 as follows: "On the morning of 5 July, the National Assembly held a solemn session on the occasion of Venezuela's Independence Day. At around noon, a group of over 100 persons, including alleged members of armed *colectivos*, burst into the Assembly's premises, and started throwing rockets and attacking parliamentarians, journalists and staffers with metal rods and sticks. Some of them reportedly carried guns. One of the injured recalled to the OHCHR how he lost consciousness after being hit but afterwards saw in the security footage how the individuals "were kicking and hitting me while I lay on

the floor.” A journalist interviewed by the OHCHR said “I took refuge in the main chamber, where I saw several parliamentarians covered in blood.” The attack lasted more than six hours. During that time, parliamentarians were prevented from leaving the premises. The incident left 12 persons injured, including five parliamentarians from the opposition. The GNB, responsible for securing the National Assembly’s premises, reportedly opened the gates to the armed *colectivos* and witnessed the assault while failing to protect the victims. “The GNB was absolutely indifferent,” reported a witness interviewed by the OHCHR. “The evidence is that there is not a single detainee [...] I believe everything was planned and orchestrated with the GNB.”

The events of 27 June 2017

- On 27 June 2017, at approximately 5 p.m. while an ordinary session of the National Assembly was being held, GNB agents took sealed boxes bearing the stamp and seal of the National Electoral Council (CNE) into the Federal Legislative Palace without the prior authorization of parliamentary authorities. According to the complainant, there is no reason whatsoever for such materials to be on parliamentary premises and they were brought in behind the backs of the parliamentary authorities.
- Three women deputies, Denis Fernández, Second Vice President of the National Assembly, Delsa Solórzano and Olivia Lozano, together with Deputy Winston Flores, approached to verify what was happening and what the boxes contained, but were forced away and beaten with helmets by GNB officers. These assailants were identified by Deputy Solórzano as Officers Betancourt and Leal. She went on to assign blame to Col. Vladimir Lugo, head of the GNB unit responsible for safeguarding National Assembly premises. The attack caused Deputy Solórzano to sustain a severe cervical injury.
- When questioned about events by Deputy Julio Borges, President of the National Assembly, Col. Lugo Armas answered that he managed conflicts “as he saw fit” and ordered the deputy to withdraw. Later, when Deputy Borges reminded Col. Lugo Armas that he was President of the National Assembly, he replied as follows: “I am commander of the unit. You may be President of the National Assembly, but I am commander of the unit”, while pushing the deputy out of his office.
- While these events were occurring, armed paramilitary groups began surrounding and then violently entering the Legislative Palace, shouting slogans and insults and throwing explosives and other dangerous objects at the building. Deputies were held hostage and the building was occupied for more than four hours, during which no action was taken by the GNB or any other state security force to eject the violent groups or protect the physical integrity of the deputies. According to the complainant, these events occurred a few hours after President Maduro, speaking at an event for the National Constituent Assembly, made the following threat: “If Venezuela were engulfed by chaos and violence, if the Bolivarian revolution were destroyed, we would join the combat, we would never give up and what we might not be able to do with votes we would do with guns - we would liberate our country with guns”.
- The complainant affirms that the actions taken by GNB officers in physically transporting CNE materials into the parliament without prior authorization from its authorities violated the parliament’s autonomy; in addition, in striking and pushing deputies, they violated their parliamentary immunity. According to the complainant, the occupation of the National Assembly and the prevention of legislators, journalists and parliamentary officials from leaving the building violated those persons’ right to free transit and placed their physical integrity at risk, in flagrant violation of the human rights of the parliamentarians and other citizens held in the Legislative Palace.

Considering that on 1 May 2017, President Maduro announced that he would convene an Assembly to rewrite the Constitution, which prompted a new wave of street protests; that on 30 July 2017, despite mounting national and international pressure, voting for the Constituent Assembly took place; and that on 4 August 2017, the Constituent Assembly members were sworn in,

Considering also the following information with regard to the general restrictions placed on the work of the National Assembly and its members:

- Since August 2016 the President of Venezuela has deprived the National Assembly of funds, including salaries for its members and staff and monies needed to cover its running costs;
- The Constituent Assembly has taken over many of the premises belonging to the National Assembly, whose room to operate is therefore greatly diminished;
- By decision of 18 August 2017, the Constituent Assembly invested itself with legislative powers.

Recalling the persistent concerns which the complainant and others have expressed about the lack of independence of the Supreme Court; in this regard they pointed out, among other concerns, that three judges and 21 substitute judges, some of whom had close affinity with, if not direct ties to, the governing party, were elected hastily to the Court by the outgoing National Assembly less than one month after the elections of 6 December 2015 had eliminated the governing party's majority in the newly elected National Assembly, which then took office on 5 January 2016,

Recalling the long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians to Venezuela, which have failed in the absence of clear authorization from the Government to welcome and work with the delegation; *recalling* that the IPU President, on the last day of the 136th IPU Assembly in Dhaka (5 April 2017), called for the speedy dispatch of a human rights mission and a high-level political mission to Venezuela, proposals for which he obtained tacit support in the room 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; *considering* that since the 136th IPU Assembly, the IPU President and Secretary General have made numerous attempts to obtain the agreement of the Venezuelan executive to conduct these missions, but to no avail,

Recalling the official visit to Venezuela by the Secretary General in late July 2016, during which he met, among 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,

Recalling that from May 2016 to February 2017 efforts were made, with mediation by the Secretary General of the Union of South American Nations (UNASUR), the former Prime Minister of Spain and the former presidents of the Dominican Republic and Panama, and later by 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; and that, however, the dialogue stalled subsequently in light of disagreements about what had been concluded to date and how to proceed; efforts made in August and September 2017 to revive these talks failed,

1. *Is deeply concerned* about the unprecedented scale of repression of opposition members and of efforts to undermine the integrity and autonomy of the Parliament of Venezuela;
2. *Is shocked* at the widespread and serious reports of attacks on members of parliament, the direct participation or complicity therein of state security agents and government supporters, and their apparent impunity for these incidents; *calls on* the authorities to put an end to this pattern of abuse by ensuring that law enforcement officers and government supporters respect the law and that those responsible for violations are held to account;
3. *Is deeply concerned* about the reprisals taken against several parliamentarians after they spoke out abroad on the situation in Venezuela; *considers* such intimidation to be unacceptable; *urges* the authorities to investigate these incidents and to prevent them from recurring; *calls on* the authorities to return forthwith the passports and identity documents to the parliamentarians concerned and to ensure that the members of the official Venezuelan delegation to the 137th IPU Assembly can return to Venezuela without reprisals;
4. *Is alarmed* at the invasion and aggression that occurred on 5 July 2017 in the National Assembly, which left several parliamentarians seriously wounded, and the serious reports that government supporters were responsible and were able to act freely as state security agents stood by; *is also concerned* about the intrusion onto parliamentary premises on

27 June and the ill-treatment of several parliamentarians; *calls on* the authorities to do everything possible to fully investigate these extremely serious incidents and punish those responsible;

5. *Is deeply concerned* about the general restrictions placed on the National Assembly, which not only prevent it from carrying out its work but also demonstrate complete contempt for the institution of parliament itself; *is shocked* that the Constituent Assembly, rather than focus on redrafting the Constitution, is steadily replacing the duly elected National Assembly and considers itself competent to lift the parliamentary immunity of a member of the National Assembly; *urges* 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;
6. *Is deeply concerned* about Mr. Caro's situation; *urges* the authorities to ensure that he receives adequate treatment in detention; *wishes* to receive official information on this matter and on the exact accusations against him and the facts underpinning them; *wishes also* to know more about the full details of the legal grounds and facts that underpin the accusations against Mr. Prieto;
7. *Is concerned* about the disbarment from public office of two parliamentarians in the absence of a final legal decision; *wishes* to receive a copy of the disbarment decision and of the official views on this matter;
8. *Deeply regrets* that the human rights mission to Venezuela has still not taken place; *remains* all the more convinced, given the rapidly deteriorating situation, that such a mission could help address the concerns at hand; *requests* therefore the Secretary General to explore the possibility of sending a mission even in the continued absence of government endorsement;
9. *Reaffirms* its stance that the issues in these cases are part of a larger political crisis in Venezuela which can only be solved through political dialogue; *calls once again on* both sides to act in good faith and to commit fully to restarting the political dialogue with the assistance of external mediation; *reaffirms* that the IPU stands ready to assist with these efforts; and *wishes* to receive further official information about how this assistance can best be provided;
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.