

## VENEZUELA

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



Inter-Parliamentary Union  
For democracy. For everyone.

# Venezuela

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164<sup>th</sup> session (virtual session, 8 to 20 March 2021)*



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

- |                                   |  |
|-----------------------------------|--|
| VEN-10 – Biagio Pilieri           | VEN-85 – Franco Casella                    |
| VEN-11 – José Sánchez Montiel     | VEN-86 – Edgar Zambrano                    |
| VEN-12 – Hernán Claret Alemán     | VEN-87 – Juan Pablo García                 |
| VEN-13 – Richard Blanco           | VEN-88 – Cesar Cadenas                     |
| VEN-16 – Julio Borges             | VEN-89 – Ramón Flores Carrillo             |
| VEN-19 – Nora Bracho (Ms.)        | VEN-91 – María Beatriz Martínez (Ms.)      |
| VEN-20 – Ismael García            | VEN-92 – María C. Mulino de Saavedra (Ms.) |
| VEN-22 – Williams Dávila          | VEN-93 – José Trujillo                     |
| VEN-24 – Nirma Guarulla (Ms.)     | VEN-94 – Marianela Fernández (Ms.)         |
| VEN-25 – Julio Ygarza             | VEN-95 – Juan Pablo Guanipa                |
| VEN-26 – Romel Guzamana           | VEN-96 – Luis Silva                        |
| VEN-27 – Rosmit Mantilla          | VEN-97 – Eliezer Sirit                     |
| VEN-28 – Renzo Prieto             | VEN-98 – Rosa Petit (Ms.)                  |
| VEN-29 – Gilberto Sojo            | VEN-99 – Alfonso Marquina                  |
| VEN-30 – Gilber Caro              | VEN-100 – Rachid Yasbek                    |
| VEN-31 – Luis Florido             | VEN-101 – Oneida Guaepe (Ms.)              |
| VEN-32 – Eudoro González          | VEN-102 – Jony Rahal                       |
| VEN-33 – Jorge Millán             | VEN-103 – Ylidio Abreu                     |
| VEN-34 – Armando Armas            | VEN-104 – Emilio Fajardo                   |
| VEN-35 – Américo De Grazia        | VEN-106 – Angel Alvarez                    |
| VEN-36 – Luis Padilla             | VEN-108 – Gilmar Marquez                   |
| VEN-37 – José Regnault            | VEN-109 – José Simón Calzadilla            |
| VEN-38 – Dennis Fernández (Ms.)   | VEN-110 – José Gregorio Graterol           |
| VEN-39 – Olivia Lozano (Ms.)      | VEN-111 – José Gregorio Hernández          |
| VEN-40 – Delsa Solórzano (Ms.)    | VEN-112 – Mauligmer Baloa (Ms.)            |
| VEN-41 – Robert Alcalá            | VEN-113 – Arnoldo Benítez                  |
| VEN-42 – Gaby Arellano (Ms.)      | VEN-114 – Alexis Paparoni                  |
| VEN-43 – Carlos Bastardo          | VEN-115 – Adriana Pichardo (Ms.)           |
| VEN-44 – Marialbert Barrios (Ms.) | VEN-116 – Teodoro Campos                   |
| VEN-45 – Amelia Belisario (Ms.)   | VEN-117 – Milagros Sánchez Eulate (Ms.)    |
| VEN-46 – Marco Bozo               | VEN-118 – Denncis Pazos                    |
| VEN-48 – Yanet Fermin (Ms.)       | VEN-119 – Karim Vera (Ms.)                 |

VEN-49 – Dinorah Figuera (Ms.)	VEN-120 – Ramón López
VEN-50 – Winston Flores	VEN-121 – Freddy Superlano
VEN-51 – Omar González	VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-52 – Stalin González	VEN-123 – Armando López
VEN-53 – Juan Guaidó	VEN-124 – Elimar Díaz (Ms.)
VEN-54 – Tomás Guanipa	VEN-125 – Yajaira Forero (Ms.)
VEN-55 – José Guerra	VEN-126 – Maribel Guedez (Ms.)
VEN-56 – Freddy Guevara	VEN-127 – Karin Salanova (Ms.)
VEN-57 – Rafael Guzmán	VEN-128 – Antonio Geara
VEN-58 – María G. Hernández (Ms.)	VEN-129 – Joaquín Aguilar
VEN-59 – Piero Maroun	VEN-130 – Juan Carlos Velasco
VEN-60 – Juan A. Mejía	VEN-131 – Carmen María Sivoli (Ms.)
VEN-61 – Julio Montoya	VEN-132 – Milagros Paz (Ms.)
VEN-62 – José M. Olivares	VEN-133 – Jesus Yanez
VEN-63 – Carlos Paparoni	VEN-134 – Desiree Barboza (Ms.)
VEN-64 – Miguel Pizarro	VEN-135 – Sonia A. Medina G. (Ms.)
VEN-65 – Henry Ramos Allup	VEN-136 – Héctor Vargas
VEN-66 – Juan Requesens	VEN-137 – Carlos A. Lozano Parra
VEN-67 – Luis E. Rondón	VEN-138 – Luis Stefanelli
VEN-68 – Bolivia Suárez (Ms.)	VEN-139 – William Barrientos
VEN-69 – Carlos Valero	VEN-140 – Antonio Aranguren
VEN-70 – Milagro Valero (Ms.)	VEN-141 – Ana Salas (Ms.)
VEN-71 – German Ferrer	VEN-142 – Ismael León
VEN-72 – Adriana d'Elia (Ms.)	VEN-143 – Julio César Reyes
VEN-73 – Luis Lippa	VEN-144 – Ángel Torres
VEN-74 – Carlos Berrizbeitia	VEN-145 – Tamara Adrián (Ms.)
VEN-75 – Manuela Bolívar (Ms.)	VEN-146 – Deyalitzza Aray (Ms.)
VEN-76 – Sergio Vergara	VEN-147 – Yolanda Tortolero (Ms.)
VEN-78 – Oscar Ronderos	VEN-148 – Carlos Prospero
VEN-79 – Mariela Magallanes (Ms.)	VEN-149 – Addy Valero (Ms.)
VEN-80 – Héctor Cordero	VEN-150 – Zandra Castillo (Ms)
VEN-81 – José Mendoza	VEN-151 – Marco Aurelio Quiñones
VEN-82 – Angel Caridad	VEN-152 – Carlos Andrés González
VEN-83 – Larissa González (Ms.)	VEN-153 – Carlos Michelangeli
VEN-84 – Fernando Orozco	VEN-154 – César Alonso

### **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
- ✓ Impunity
- ✓ Other violations: Right to privacy

## A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 134 parliamentarians from the coalition of the *Mesa de la Unidad Democrática* (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 elected in 2015. The MUD is opposed to President Nicolas Maduro's government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015.

The parliamentarians elected in 2015 have been subject to the following:

- 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, inside parliament and/or at their homes. At least 11 National Assembly members were arrested and released later, reportedly due to politically motivated legal proceedings. In all of these cases, the members were detained without due respect for the constitutional provisions on parliamentary immunity. There are also serious concerns regarding respect for due process and their treatment in detention. People associated with opposition parliamentarians have also been detained and harassed. At least 17 parliamentarians have gone into exile, sought the protection of foreign embassies in Caracas or gone into hiding due to continued harassment. Six have been barred from holding public office and the passports of at least 13 members of parliament have been confiscated, not been renewed, or cancelled by the authorities, reportedly as a way to exert pressure and to prevent them from travelling abroad to denounce what is happening in Venezuela.

On 31 August 2020, President Maduro pardoned 110 members of the political opposition, who had been accused of committing criminal acts. The decision meant the closure of ongoing criminal proceedings against 23 parliamentarians listed in the present case and the release of four of them. Nevertheless, according to the complainant, the political persecution of opposition members of parliament continues. In his programme *Con el Mazo Dando*, Mr. Diosdado Cabello, President of the National Constituent Assembly, referring to the presidential pardon decree, warned that "if these people start tomorrow to invent again there will always be the judiciary to act". The Attorney General has also publicly threatened to bring the beneficiaries of the presidential pardon to justice again if they "re-offend" in an alleged crime similar to the one that led to their prosecution.

In its resolution 42/25 of 27 September 2019, the United Nations Human Rights Council established an independent fact-finding mission on Venezuela, the final report of which was published in September 2020. Among other findings, the report states that there were reasonable grounds to believe that the following crimes against humanity were committed in Venezuela: murder, imprisonment and other severe deprivations of physical liberty, torture, rape and other forms of sexual violence, enforced disappearance of persons, and other inhumane acts of a similar nature intentionally causing great suffering or serious injury to body or to mental or physical health. Some of the same conduct may also constitute the crime against humanity of persecution, as defined by the Rome Statute. The mission also had reasonable grounds to believe that the President, the Minister of People's Power for Interior Relations, Justice and Peace and the Minister for Defence ordered or contributed to the commission of the crimes documented in the report and, having the effective ability to do so, failed to take preventive and repressive measures. According to the mission report, opposition parliamentarians became a focus of repression after the opposition won a majority of seats in the National Assembly in 2015.

### Case VEN-COLL-06

**Venezuela:** Parliament affiliated to the IPU

**Victims:** 134 opposition members of parliament (93 men and 41 women)

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

**Submission of complaint:** March 2017

**Recent IPU decision:** November 2020

**Recent IPU mission(s):** - - -

**Recent Committee hearings:** Hearings with members of the governing and opposition parties at the 141<sup>st</sup> IPU Assembly (October 2019)

#### Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly – Juan Guaidó (January 2021)
- Communication from the complainant: February 2021
- Communication addressed to the authorities: Letter to the President of the Republic (November 2020)
- Communications addressed to the complainant: January and February 2021

Parliamentary elections took place on 6 December 2020. According to the complainant, in the lead-up to the elections, the Supreme Court adopted a number of decisions that removed minimum guarantees for a free and fair parliamentary election, including by appointing new leaders subordinate to President Maduro on the main opposition political parties, appointing the board of directors of the National Electoral Council which, according to the Constitution, is the exclusive responsibility of the National Assembly, and granting powers to the National Electoral Council to legislate on electoral matters, which also violates the Venezuelan Constitution. For its part, the National Electoral Council increased the number of members of parliament to be elected, disregarding the constitutional provisions on the matter, and imposed extremely complex processes for validation of political parties, after which very few parties have been able to register for the elections. The complainant has repeatedly pointed out that the composition of the National Electoral Council and the Supreme Court, which both have important powers regarding electoral matters, is severely flawed and totally subject to executive control.

According to information provided to the IPU by the Venezuelan executive authorities, 6.2 million Venezuelans participated in the December 2020 parliamentary elections in the full exercise of their political rights and in compliance with Venezuelan law. The electoral event was organized and supervised by the National Electoral Council, which is the highest electoral authority in the country. Some 107 political parties participated in the election, 98 of which define themselves as opposition parties. More than 200 international observers from different countries and continents praised the Venezuelan electoral system for being auditable, safe and transparent.

Several opposition parties, including Mr. Juan Guaidó's party, decided to boycott the elections. As a result, a coalition of the ruling party and other pro-government parties won the election, with 67.6 per cent of the vote, according to Venezuela's electoral authorities, which translates into 253 seats – 91 per cent of the seats available in the National Assembly. The new legislative body was formally inaugurated on 5 January 2021. The National Assembly elected in 2015 has, however, decided to continue functioning through a delegated committee "until free, fair and verifiable presidential and parliamentary elections have been held in 2021, an exceptional political event occurs in 2021 or even for an additional annual parliamentary term after 5 January 2021".<sup>1</sup>

The complainant states that persecution, harassment and intimidation of opposition parliamentarians elected in 2015 have increased and that these members of parliament fear for their lives, freedom and physical integrity. One example of the above-mentioned acts of intimidation and persecution recently communicated by the complainant is that, on 7 January 2021, the National Assembly inaugurated on 5 January 2021 put in place a "Special Commission to Investigate Actions Perpetrated against the Republic by the leadership and members of the National Assembly in the period 2016–2021", with a clear mandate to investigate the parliamentarians elected in 2015 in order to initiate legal proceedings against them. Another example is that, on 23 February 2021, the Comptroller General of the Republic, Mr. Elvis Amoroso, reported that 28 parliamentarians elected in 2015 were disqualified from holding any public office for "failing to submit a sworn declaration of assets to the Supreme Fiscal Control Body of Venezuela".

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians to Venezuela have failed in the absence of clear and decisive cooperation from the Government to welcome and work with the delegation.

## B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Denounces*, once again, the extensive repression to which the authorities and their supporters have resorted over the past few years against opposition parliamentarians because of their political opinions, as attested by the continuous extremely serious incidents of ill-treatment, harassment, threats and stigmatization carried out by state agents, paramilitary groups and violent groups of government supporters in a climate of impunity; *strongly denounces* the

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<sup>1</sup> See article 12 of the Statute Governing the Transition to Democracy to Restore the Validity of the Constitution of the Bolivarian Republic of Venezuela, adopted by the National Assembly elected in 2015 on 26 December 2020, <https://asambleanacional-media.s3.amazonaws.com/documentos/leyes/estatuto-que-rige-la-transicion-a-la-democracia-para-restablecer-la-vigencia-de-la-constitucion-de-la-republica-bolivariana-de-venezuela-20201226172249.pdf>

multiple steps taken by the executive and judicial authorities over the course of the opposition-led legislature to undermine the integrity and independence of the National Assembly; *reiterates* that this situation taken as a whole amounts to a clear attempt to thwart the effective exercise of the will of the people as expressed in the election results of December 2015;

2. *Considers* that the ongoing repression of parliamentarians elected in 2015 is a direct consequence of the prominent role they have played as outspoken opponents of President Maduro's government and as members of the opposition-led National Assembly; *urges* the authorities once again to put an immediate end to all forms of harassment against parliamentarians elected in 2015, to ensure that all relevant state authorities respect their human rights, and to fully investigate and establish accountability for reported violations of their rights; *requests* the Venezuelan authorities to provide official information on any relevant developments in this regard and on any action taken to this end;
3. *Remains deeply concerned* about the findings of the mission report of the United Nations Human Rights Council independent international fact-finding mission on Venezuela, which was published in September 2020 and gives further weight to the accusations of political repression and the responsibility of the State at the highest level; *expresses its firm hope*, once again, that the State of Venezuela, with the support of the international community, will be able to address the extremely serious violations and crimes documented in the report;
4. *Deeply regrets* that the Government of Venezuela has still failed to offer any assurances in writing that the long-proposed 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 relevant authorities of Venezuela with a view to the mission taking place as soon as the COVID-19 pandemic-related travel restrictions are lifted, on the basis of a written official communication on their part guaranteeing that such a mission can take place under the conditions required for it to be effective;
5. *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; *reaffirms* the IPU's readiness to assist in any efforts aimed at strengthening democracy in Venezuela; and *requests* the relevant authorities to provide further information on how this assistance can best be provided;
6. *Reiterates its calls on* all IPU Member Parliaments, IPU permanent observers, parliamentary assemblies and relevant human rights organizations to take concrete actions in support of the urgent resolution of the individual cases at hand and the political crisis in Venezuela in a manner consistent with democratic and human rights values; and *hopes* to be able to rely on the assistance of all relevant regional and international organizations;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining the case.



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.)  
  
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

***Decision adopted unanimously by the IPU Governing Council at its 200<sup>th</sup> 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 199<sup>th</sup> 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),

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*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.