

VENEZUELA

- **VEN-COLL-02** - 6 parliamentarians
- **VEN-COLL-06** - 139 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),

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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.



Inter-Parliamentary Union
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130
years of
empowering
parliamentarians

Venezuela

Decision adopted by the Committee on the Human Rights of Parliamentarians under Rule 12(4) of its Rules and Practices (29 May 2020)



A woman holds a sign demanding jailed Venezuelan Deputy Juan Requesens be freed during a rally in Caracas on August 7, 2019, a year after his detention. Federico Parra / AFP

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|-------------------------------|--|
| VEN-10 – Biagio Pilieri | VEN-86 – Edgar Zambrano |
| VEN-11 – José Sánchez Montiel | VEN-87 – Juan Pablo García |
| VEN-12 – Hernán Claret Alemán | VEN-88 – Cesar Cadenas |
| VEN-13 – Richard Blanco | VEN-89 – Ramón Flores Carrillo |
| VEN-16 – Julio Borges | VEN-90 – José Gregorio Noriega |
| 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 Guaípe (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-105 – Luis Loaiza |
| VEN-36 – Luis Padilla | VEN-106 – Angel Alvarez |

VEN-37 – José Regnault
VEN-38 – Dennis Fernández (Ms.)
VEN-39 – Olivia Lozano (Ms.)
VEN-40 – Delsa Solórzano (Ms.)
VEN-41 – Robert Alcalá
VEN-42 – Gaby Arellano (Ms.)
VEN-43 – Carlos Bastardo
VEN-44 - Marialbert Barrios (Ms.)
VEN-45 – Amelia Belisario (Ms.)
VEN-46 – Marco Bozo
VEN-47 – José Brito
VEN-48 – Yanet Fermin (Ms.)
VEN-49 – Dinorah Figuera (Ms.)
VEN-50 – Winston Flores
VEN-51 – Omar González
VEN-52 – Stalin González
VEN-53 – Juan Guaidó
VEN-54 – Tomás Guanipa
VEN-55 – José Guerra
VEN-56 – Freddy Guevara
VEN-57 – Rafael Guzmán
VEN-58 – María G. Hernández (Ms.)
VEN-59 – Piero Maroun
VEN-60 – Juan A. Mejía
VEN-61 – Julio Montoya
VEN-62 – José M. Olivares
VEN-63 – Carlos Paparoni
VEN-64 – Miguel Pizarro
VEN-65 – Henry Ramos Allup
VEN-66 – Juan Requesens
VEN-67 – Luis E. Rondón
VEN-68 – Bolivia Suárez (Ms.)
VEN-69 – Carlos Valero
VEN-70 – Milagro Valero (Ms.)
VEN-71 – German Ferrer
VEN-72 – Adriana d'Elia (Ms.)
VEN-73 – Luis Lippa
VEN-74 – Carlos Berrizbeitia
VEN-75 – Manuela Bolívar (Ms.)
VEN-76 – Sergio Vergara
VEN-77 – Franklyn Duarte
VEN-78 – Oscar Ronderos
VEN-79 – Mariela Magallanes (Ms.)
VEN-80 – Héctor Cordero
VEN-81 – José Mendoza
VEN-82 – Angel Caridad
VEN-83 – Larissa González (Ms.)
VEN-84 – Fernando Orozco
VEN-85 – Franco Casella
VEN-107 – Kerrins Mavares
VEN-108 – Gilmar Marquez
VEN-109 – José Simón Calzadilla
VEN-110 – José Gregorio Graterol
VEN-111 – José Gregorio Hernández
VEN-112 – Mauligmer Baloa (Ms.)
VEN-113 – Arnoldo Benítez
VEN-114 – Alexis Paparoni
VEN-115 – Adriana Pichardo (Ms.)
VEN-116 – Teodoro Campos
VEN-117 – Milagros Sánchez Eulate (Ms.)
VEN-118 – Denncis Pazos
VEN-119 – Karim Vera (Ms.)
VEN-120 – Ramón López
VEN-121 – Freddy Superlano
VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-123 – Armando López
VEN-124 – Elimar Díaz (Ms.)
VEN-125 – Yajaira Forero (Ms.)
VEN-126 – Maribel Guedez (Ms.)
VEN-127 – Karin Salanova (Ms.)
VEN-128 – Antonio Geara
VEN-129 – Joaquín Aguilar
VEN-130 – Juan Carlos Velasco
VEN-131 – Carmen María Sivoli (Ms.)
VEN-132 – Milagros Paz
VEN-133 – Jesus Yanez
VEN-134 – Desiree Barboza (Ms.)
VEN-135 – Sonia A. Medina G. (Ms.)
VEN-136 – Héctor Vargas
VEN-137 – Carlos A. Lozano Parra
VEN-138 – Luis Stefanelli
VEN-139 – William Barrientos
VEN-140 – Antonio Aranguren
VEN-141 – Ana Salas (Ms.)
VEN-142 – Ismael León
VEN-143 – Julio César Reyes
VEN-144 – Ángel Torres
VEN-145 – Tamara Adrián (Ms.)
VEN-146 – Deyalitzza Aray (Ms.)
VEN-147 – Yolanda Tortolero (Ms.)
VEN-148 – Carlos Prospero
VEN-149 – Addy Valero (Ms.)
VEN-150 – Zandra Castillo (Ms.)
VEN-151 – Marco Aurelio Quiñones
VEN-152 – Carlos Andrés González
VEN-153 – Carlos Michelangeli
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 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

A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 139 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 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, inside parliament 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.

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 canceled by the authorities, reportedly as a means of pressure and to prevent them from travelling abroad to denounce what is happening in Venezuela.

According to the complainant, another means of pressure used by the authorities against parliamentarians is to cause damage to their property. On 29 February 2020, during a demonstration in Caracas, the car of Mr. Marco Aurelio Quiñones was reportedly stolen by paramilitary groups. The complainant affirms that the police witnessed the robbery and chose not to intervene because of Mr. Quiñones’ political opinions. Mr. Quiñones was also among the group of people surrounding Mr. Juan Guaidó during the same rally when a paramilitary pointed a gun at them, which put their lives in danger.

Five members of the National Assembly are currently deprived of their liberty, reportedly due to politically motivated legal proceedings. In all 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. The parliamentarians in question are:

- Mr. Juan Requesens, who was arrested, invoking *in flagrante delicto*, on 7 August 2018 on accusations of involvement in the alleged assassination attempt on President Maduro three days earlier;

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 139 opposition members of parliament (100 men and 39 women)

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

Submission of initial complaint: March 2017

Recent IPU decision: January 2020

IPU mission(s): - - -

Recent Committee hearings: Hearings with members of the governing and opposition parties at the 141st 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: May 2020
- Communication addressed to the authorities: Letter to the President of Venezuela (February 2020)
- Communication addressed to the complainant: May 2020

- Mr. Gilber Caro, who was arrested on 26 April 2019 without notifying his lawyers and family of his place of detention and the reasons for his arrest. He was released on 17 June 2019 but detained again on 20 December 2019;
- Mr. Ismael León, who was arrested on 22 January 2020. He was reportedly denied the right to be assisted by a lawyer of his choice during a preliminary hearing, after which he was placed under house arrest. To date, all charges against Mr. León remain unknown and his lawyer has been unable to access the file;
- Mr. Renzo Prieto, who was arrested on 10 March 2020 and held in an unknown place for the first 48 hours of detention. He has been held incommunicado since 13 March. His next hearing is scheduled for 20 July 2020, which appears to be related to legal proceedings that have been pending since 2014. Mr Prieto is reportedly in poor health and requires specialized medical treatment;
- Mr. Antonio Geara, who was arrested on 15 March 2020. He was charged with the offences of possession of explosives, arms trafficking and money laundering. Mr. Geara is reportedly in poor health and requires specialized medical treatment.

On 10 March 2020, after a peaceful demonstration called by Mr. Juan Guaidó, officials of the *Fuerzas de Acción Especial* (Special Action Force of Venezuela's National Police – FAES) entered the hotel where several members of parliament were staying in Caracas and arrested two alternate members of the National Assembly, Mr. Angel Torres and Ms. Zandra Castillo. According to the complainant, both parliamentarians remained in custody for several hours at FAES headquarters in San Martín and were then released, without being informed of the reasons and grounds for their detention and in violation of their parliamentary immunity. Ms. Castillo, whose case is being examined by the Committee on the Human Rights of Parliamentarians for the first time, alleged that FAES officials had touched her private parts and forced her to urinate in the presence of male agents while in detention.

At least 18 titular and alternate members of the National Assembly, including Mr. Carlos Andrés González, Mr. Carlos Michelangeli and Mr. César Alonso, whose cases are being examined by the Committee for the first time, were threatened through intimidating graffiti attacks on their homes between 28 and 30 March 2020. The graffiti were signed by the “Bolivarian Fury” and appeared in several states in the country after President Maduro's call on national television to identify and punish “mercenary groups” in Venezuela. President Maduro ended his message by saying “We are the Bolivarian Fury”.

On 30 March 2020 and the following days, Ms. Delsa Solórzano received new death threats and intimidating messages via instant messaging. Ms. Solórzano has been targeted with harassment and threats since 2017 due to her political opinions and her work as a parliamentarian. On 24 December 2019, the Inter-American Commission on Human Rights granted precautionary protection measures, which are still in force, in favour of Ms. Solórzano, considering that she could be at serious and urgent risk of suffering irreparable harm to her human rights.

On 26 May 2020, the Supreme Court adopted a ruling, considered as deeply flawed by the complainant, in which it considered Mr. Luis Parra and the rest of his Bureau, who are all said to be aligned with President Maduro's Government, to be the legitimate presiding officers of the National Assembly instead of Mr. Juan Guaidó and his Bureau. The ruling also states that any public or private person who lends or gives space for the installation of a “parallel or virtual parliament” will be held in contempt and that any act performed as such will be null and void.

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. 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 Committee on the Human Rights of Parliamentarians and focusing on both the larger political matters at stake in the Venezuelan crisis and the specific concerns expressed by the Committee on the Human Rights of Parliamentarians.

On 26 April 2020, the complainant submitted new information, including a list of opposition parliamentarians who had started collaborating with the Government and were therefore no longer victims of harassment. The complainant formally requested the closure of their cases.

B. Decision

Pursuant to Rule 12(4) of its Rules and Practices, the Committee on the Human Rights of Parliamentarians

1. *Declares itself* competent to examine the new complaints regarding the titular and alternate members of parliament, Ms. Zandra Castillo, Mr. Marco Aurelio Quiñones, Mr. Carlos Andrés González, Mr. Carlos Michelangeli and Mr. César Alonso, considering that they: (i) were submitted in due form by a qualified complainant under section I.1.(a) of the Procedure for the examination and treatment of complaints (Annex I to the Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) relate to alleged threats and acts of intimidation and violations of the right to freedom of expression and impunity, allegations that clearly fall within the competence of the Committee; and (iii) concern incumbent members and alternate members of parliament; and *recalls* in this regard its jurisprudence that it is competent to examine the case of alternate members provided that it has been assured, or has sufficient reason to believe, as in the present case, that they have exercised their mandates at one time or another in the course of the legislature;
2. *Denounces, once again*, the ongoing pattern of reprisals against 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; and *recalls* that members of parliament must be free to seek, receive and impart information and ideas without fear of reprisal, and that parliament can fulfil its democratic role only if its members enjoy the right to freedom of expression and are able to speak on behalf of the people they represent;
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 in this regard with great concern* the allegations that, since 5 January 2020, the MUD members of parliament have not been allowed to freely access parliament and effectively perform their functions; *is deeply concerned* in this regard about the ruling of the Supreme Court of 26 May 2020, which further undermines the free exercise of the parliamentary mandate by democratically elected members of the National Assembly and could subject them to additional reprisals for merely carrying out their work;
4. *Urges, once again*, 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 all its members to carry out their constitutional functions in full;
5. *Remains deeply concerned* about the continued detention of Mr. Juan Requesens, the renewed arrests of Mr. Gilber Caro and Mr. Renzo Prieto and the arrests of Mr. Ismael León and Mr. Antonio Geara, in light of the serious reports that they have been deprived of their liberty in total disregard for their parliamentary immunity, the very serious concerns regarding respect for due process and their treatment in detention; *urges* the authorities to release them immediately, particularly in the context of the current COVID-19 pandemic, which makes people in prison and other confined places of detention more vulnerable to the disease;
6. *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 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;
7. *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;

8. *Decides* to close the individual cases relating to the situation of Mr. Franklyn Duarte, Mr. José Brito, Mr. José Gregorio Noriega, Mr. Kerrins Mavares and Mr. Luis Loaiza in accordance with section IX.25.(c) of Annex I to its Procedure for the examination and treatment of complaints, considering that the complainant stated that further action by the Committee was no longer useful given that the individuals concerned were now cooperating with the Venezuelan Government;
9. *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;
10. *Decides to* continue examining this case.