

## VENEZUELA

- **VEN-18:** María Corina Machado (Ms.)
- **VEN-COLL-06:** 135 parliamentarians
- **VEN-COLL-02:** 4 Parliamentarians



Inter-Parliamentary Union

For democracy. For everyone.

# Venezuela

*Decision adopted unanimously by the IPU Governing Council at its 213th session (Geneva, 27 March 2024)*



María Corina Machado in a meeting with supporters in Caracas on 22 October 2023 @ Pedro Rances Matthey / ANADOLU via AFP

## VEN-18 – María Corina Machado (Ms.)

### Alleged human rights violations

- ✓ Threats, intimidation
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Abusive revocation or suspension of the parliamentary mandate

### A. Summary of the case

According to the complainant, on 24 March 2014, the then Speaker of the National Assembly announced, reportedly without any discussion in plenary, that Ms. Machado had been stripped of her parliamentary mandate after she had taken part in a meeting on 21 March 2014 held by the Organization of American States (OAS) in Washington DC. Ms. Machado had been invited by Panama to give her account at the OAS meeting of the situation in Venezuela at the time. The Speaker of the National Assembly reportedly said that Ms. Machado had contravened the Constitution by accepting the invitation to act as a Panamanian official at the meeting. The complainant asserts that the decision to revoke Ms. Machado's mandate was taken without any respect for due process and was unfounded in law. Ms. Machado then became the subject of two criminal investigations and was excluded from the parliamentary elections of 6 December 2015, as the authorities claimed that she had presented an inaccurate declaration of assets, which the complainant considers to be untrue and a frivolous excuse to exclude her from the election race. In this context, the

### Case VEN-18

**Venezuela:** Parliament affiliated to the IPU

**Victims:** One female opposition member of parliament

**Complainant:** Section I.(1)(a) of the Committee Procedure (Annex I)

**Submission of complaint:** February 2013

**Recent IPU decision:** February 2018

**IPU Mission:** August 2021

### Recent Committee hearing:

- Hearing with members of the National Assembly elected in 2020 at the 173rd session of the Committee on the Human Rights of Parliamentarians (January 2024)

### Recent follow-up:

- Communication from the authorities: Letter from the Ambassador of Venezuela in Geneva (January 2024)
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Ambassador of Venezuela in Geneva: February 2024
- Communication to the complainant: March 2024

Comptroller General took the decision to disqualify Ms. Machado from holding public office for 15 years. According to the complainant, Ms. Machado was never formally notified of this, nor was she given the opportunity to defend herself during the proceedings that led to this decision.

Presidential elections are scheduled to take place in Venezuela on 28 July 2024. Ahead of this, several opposition factions organized an internal presidential primary contest to elect a single opposition candidate. On 23 October 2023, Ms. Machado emerged as the opposition's chosen candidate. On 26 January 2024, Venezuela's Supreme Court upheld a 15-year ban on Ms. Machado from holding public office. The ruling upholds the constitutionality of the Comptroller General of the Republic's decision banning Ms. Machado from holding public office for 15 years. According to information received by the IPU, several arrest warrants have been issued against members of Ms. Machado's campaign team, some of whom have been arrested, including Ms. Dignora Hernández, a former member of parliament elected in 2015, who was arrested on 20 March 2024.

In a letter sent by the Venezuelan authorities in January 2024, it was stated that there had been no political persecution or other arbitrary actions against former or current parliamentarians. The cases of former parliamentarians that are under investigation and that have led to the actions of the competent organs of the Venezuelan State are based on alleged facts that constitute a violation of the established norms of the Venezuelan legal system, in which the accused enjoy all the legal guarantees established by the Constitution and laws of the Bolivarian Republic of Venezuela. This position was reiterated by a delegation of members of the National Assembly elected in 2020 during a meeting with the Committee on the Human Rights of Parliamentarians in January 2024. The delegation also expressed its willingness to work with the Committee to find solutions to the Venezuelan cases before it. However, the Committee's request for updated and official information on all cases before it remains unanswered to date.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Venezuelan authorities for the information provided in writing and for meeting with the Committee on the Human Rights of Parliamentarians during its 173rd session to discuss the cases and concerns at hand; and *notes with satisfaction* the willingness expressed by the delegation to collaborate with the IPU in seeking satisfactory solutions to the cases before the Committee and to cooperate with it on issues of common interest;
2. *Is concerned that Ms. Machado, who has her sights set on the State's highest office, is being prevented from standing as a candidate in the forthcoming presidential elections as a result of a unilateral act by the Comptroller General, a non-judicial authority, and a procedure that did not allow her to exercise her right of defence; recalls that Ms. Machado had already been prevented from standing as a candidate in the legislative elections of December 2015; and considers that the position taken by Venezuela's Supreme Court on Ms. Machado's ban from holding public office appears to be a continuation of ongoing actions by state institutions to restrict Ms. Machado's rights, which began when she was a prominent opposition member of parliament;*
3. *Is also concerned that several arrest warrants have been issued against members of Ms. Machado's campaign team, some of whom have been arrested; and considers in this regard that continued reprisals against members of her campaign team are preventing Ms. Machado from participating in the electoral process on an equal footing with other candidates and may discourage opposition participation in the presidential elections;*
4. *Notes with concern that the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela established by the United Nations Human Rights Council reported on 20 March 2024 that recent developments in Venezuela highlight serious difficulties in ensuring that the upcoming presidential elections are conducted in accordance with the right to participate in public affairs, as affirmed in the International Covenant on Civil and Political Rights;*
5. *Recalls, once more, as stated in the IPU's [Universal Declaration on Democracy](#)<sup>1</sup>, that the "key element in the exercise of democracy is the holding of free and fair elections ... enabling the people's will to be expressed ... on the basis of universal, equal and secret suffrage so that all*

voters can choose their representatives in conditions of equality, openness and transparency”; and *expresses its firm hope*, therefore, that the national authorities will urgently take measures to ensure that opposition candidates and their supporters will be allowed to exercise their basic human right to take part in the conduct of public affairs on a par with the ruling party and its supporters;

6. *Reaffirms* its stance that the issues in this case are part of the broader complex situation in Venezuela, which can only be resolved through political dialogue and by the Venezuelans themselves; *calls on, once again*, all relevant political actors to act in good faith and to commit fully to inclusive political dialogue that will bring about a new social pact through participatory and non-violent means, without foreign interference and in compliance with the State's international human rights commitments, as well as create the necessary conditions to conduct elections accepted by all parties; *reaffirms* that the IPU stands ready to assist with these efforts; and *invites the relevant authorities to provide* further official information on how this assistance can best be provided;
7. *Renews its call on* all IPU Member Parliaments, IPU Permanent Observers, relevant human rights organizations and the international community in general to take concrete actions in support of any effort to strengthen democracy in Venezuela in a manner consistent with human rights values and within the boundaries of the principle of non-interference in domestic affairs;
8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining the case and to report back to it in due course.



Inter-Parliamentary Union

For democracy. For everyone.

# Venezuela

*Decision adopted unanimously by the IPU Governing Council at its 213th session  
(Geneva, 27 March 2024)*



View of the National Assembly building in Caracas, Venezuela © Luis ROBAYO / AFP

- |                                 |  |
|---------------------------------|--|
| VEN-10 – Biagio Pileri          | 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-91 – María Beatriz Martínez (Ms.)      |
| VEN-19 – Nora Bracho (Ms.)      | VEN-92 – María C. Mulino de Saavedra (Ms.) |
| VEN-20 – Ismael Garcia          | VEN-93 – José Trujillo                     |
| VEN-22 – Williams Dávila        | VEN-94 – Marianela Fernández (Ms.)         |
| VEN-24 – Nirma Guarulla (Ms.)   | VEN-95 – Juan Pablo Guanipa                |
| VEN-25 – Julio Ygarza           | VEN-96 – Luis Silva                        |
| VEN-26 – Romel Guzamana         | VEN-97 – Eliezer Sirit                     |
| VEN-27 – Rosmit Mantilla        | VEN-98 – Rosa Petit (Ms.)                  |
| VEN-28 – Renzo Prieto           | VEN-99 – Alfonso Marquina                  |
| VEN-29 – Gilberto Sojo          | VEN-100 – Rachid Yasbek                    |
| VEN-30 – Gilber Caro            | VEN-101 – Oneida Guaípe (Ms.)              |
| VEN-31 – Luis Florido           | VEN-102 – Jony Rahal                       |
| VEN-32 – Eudoro González        | VEN-103 – Ylidio Abreu                     |
| VEN-33 – Jorge Millán           | VEN-104 – Emilio Fajardo                   |
| VEN-34 – Armando Armas          | VEN-106 – Angel Alvarez                    |
| VEN-35 – Américo De Grazia      | VEN-108 – Gilmar Marquez                   |
| VEN-36 – Luis Padilla           | VEN-109 – José Simón Calzadilla            |
| VEN-37 – José Regnault          | VEN-110 – José Gregorio Graterol           |
| VEN-38 – Dennis Fernández (Ms.) | VEN-111 – José Gregorio Hernández          |
| VEN-39 – Olivia Lozano (Ms.)    | VEN-112 – Mauligmer Baloa (Ms.)            |
| VEN-40 – Delsa Solórzano (Ms.)  | VEN-113 – Arnoldo Benítez                  |
| VEN-41 – Robert Alcalá          | VEN-114 – Alexis Paporoni                  |
| VEN-42 – Gaby Arellano (Ms.)    | VEN-115 – Adriana Pichardo (Ms.)           |

VEN-43 – Carlos Bastardo	VEN-116 – Teodoro Campos
VEN-44 - Marialbert Barrios (Ms.)	VEN-117 – Milagros Sánchez Eulate (Ms.)
VEN-45 – Amelia Belisario (Ms.)	VEN-118 – Denncis Pazos
VEN-46 – Marco Bozo	VEN-119 – Karim Vera (Ms.)
VEN-48 – Yanet Fermin (Ms.)	VEN-120 – Ramón López
VEN-49 – Dinorah Figuera (Ms.)	VEN-121 – Freddy Superlano
VEN-50 – Winston Flores	VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-51 – Omar González	VEN-123 – Armando López
VEN-52 – Stalin González	VEN-124 – Elimar Díaz (Ms.)
VEN-53 – Juan Guaidó	VEN-125 – Yajaira Forero (Ms.)
VEN-54 – Tomás Guanipa	VEN-126 – Maribel Guedez (Ms.)
VEN-55 – José Guerra	VEN-127 – Karin Salanova (Ms.)
VEN-56 – Freddy Guevara	VEN-128 – Antonio Geara
VEN-57 – Rafael Guzmán	VEN-129 – Joaquín Aguilar
VEN-58 – María G. Hernández (Ms.)	VEN-130 – Juan Carlos Velasco
VEN-59 – Piero Maroun	VEN-131 – Carmen María Sivoli (Ms.)
VEN-60 – Juan A. Mejía	VEN-132 – Milagros Paz (Ms.)
VEN-61 – Julio Montoya	VEN-133 – Jesus Yanez
VEN-62 – José M. Olivares	VEN-134 – Desiree Barboza (Ms.)
VEN-63 – Carlos Paparoni	VEN-135 – Sonia A. Medina G. (Ms.)
VEN-64 – Miguel Pizarro	VEN-136 – Héctor Vargas
VEN-65 – Henry Ramos Allup	VEN-137 – Carlos A. Lozano Parra
VEN-66 – Juan Requesens	VEN-138 – Luis Stefanelli
VEN-67 – Luis E. Rondón	VEN-139 – William Barrientos
VEN-68 – Bolivia Suárez (Ms.)	VEN-140 – Antonio Aranguren
VEN-69 – Carlos Valero	VEN-141 – Ana Salas (Ms.)
VEN-70 – Milagro Valero (Ms.)	VEN-142 – Ismael León
VEN-71 – German Ferrer	VEN-143 – Julio César Reyes
VEN-72 – Adriana d'Elia (Ms.)	VEN-144 – Ángel Torres
VEN-73 – Luis Lippa	VEN-145 – Tamara Adrián (Ms.)
VEN-74 – Carlos Berrizbeitia	VEN-146 – Deyalitza Aray (Ms.)
VEN-75 – Manuela Bolívar (Ms.)	VEN-147 – Yolanda Tortolero (Ms.)
VEN-76 – Sergio Vergara	VEN-148 – Carlos Prospero
VEN-78 – Oscar Ronderos	VEN-149 – Addy Valero (Ms.)
VEN-79 – Mariela Magallanes (Ms.)	VEN-150 – Zandra Castillo (Ms)
VEN-80 – Héctor Cordero	VEN-151 – Marco Aurelio Quiñones
VEN-81 – José Mendoza	VEN-152 – Carlos Andrés González
VEN-82 – Angel Caridad	VEN-153 – Carlos Michelangeli
VEN-83 – Larissa González (Ms.)	VEN-154 – César Alonso
VEN-84 – Fernando Orozco	VEN-155 - Auristela Vásquez (Ms.)
VEN-85 – Franco Casella	

### **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
- ✓ Other violations: right to privacy

## A. Summary of the case

The case concerns allegations of human rights violations affecting 135 parliamentarians<sup>1</sup> 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. At the time, the MUD coalition was opposed to President Nicolás Maduro’s Government and obtained a majority of seats in the National Assembly in the parliamentary elections of 6 December 2015. New parliamentary elections were held on 6 December 2020.

According to the complainant, 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 reportedly due to politically motivated legal proceedings against them and subsequently released. All 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 36 parliamentarians are in exile, six have recently returned to Venezuela, 23 are engaged in court proceedings, and many of them have been barred from holding public office. The passports of at least 13 parliamentarians 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 report what is happening in Venezuela.

On 31 August 2020, President Nicolás 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 26 parliamentarians listed in the present case and the release of four of them.

A joint mission, composed of members of both the IPU Committee on the Human Rights of Parliamentarians (CHRP) and the IPU Executive Committee, visited Venezuela from 23 to 27 August 2021. The delegation was able to meet with a large variety of state authorities and stakeholders as well as with more than 60 of the 135 parliamentarians elected in 2015 with cases under examination by the CHRP, thereby obtaining first-hand information on their individual situations.

In August 2022, the complainant informed the Committee that, on 4 August 2022, Mr. Juan Requesens (VEN-66), was sentenced to eight years in prison for his alleged involvement in what the Venezuelan authorities defined as a failed assassination attempt involving drones carrying explosives against President Nicolás Maduro in Caracas in 2018. He spent two years in prison and three under house arrest. He was finally released on 19 October 2023.

According to the complainant, in recent months, Venezuelan judges have issued arrest warrants and extradition requests against several former members of parliament from the 2015 National Assembly, including Mr. Julio Borges (VEN-16) and Mr. Juan Guaidó (VEN-53), both former presidents of the 2015 National Assembly; Ms. Dinorah Figuera (VEN-49); Ms. Marianela Fernández (VEN-94) and Ms. Auristela Vásquez (VEN-155). All of them live in exile. The complainant also reported that on 25 January 2023 the properties of Ms. Figuera and Ms. Vásquez had been seized by the judicial authorities. In September and December 2023, the CHRP received detailed information about new

### Case VEN-COLL-06

**Venezuela:** Parliament affiliated to the IPU

**Victims:** 135 opposition members of parliament (93 men and 42 women)

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

**Submission of complaint:** March 2017

**Recent IPU decision:** March 2023

**IPU mission:** August 2021

#### Recent Committee hearings:

- Hearing with members of the National Assembly elected in 2020 at the 173rd session of the Committee on the Human Rights of Parliamentarians (January 2024)

#### Recent follow-up:

- Communication from the authorities: January 2024
- Communication from the complainant: March 2024
- Communication to the authorities: Letter to the Ambassador of Venezuela in Geneva (February 2024)
- Communication to the complainant: March 2024

<sup>1</sup> In this decision, the use of the term “parliamentarian” should be construed as referring to both women and men elected in 2015 as members of the National Assembly and by no means as expressing an opinion on the validity of their parliamentary mandate at the present time.

death threats and intimidation against former Vice-president of the CHRP, Ms. Delsa Solórzano (VEN-40). In March 2024, the complainant reported that an arrest warrant had been issued against Mr. Omar González (VEN-51), who is a member of the campaign team of the opposition presidential candidate, Ms. Maria Corina Machado (VEN-18), for allegedly being linked to a destabilization plan to create violence in the country aimed at ensuring Ms. Machado's participation in the upcoming presidential elections.

In a letter sent by the Venezuelan authorities in January 2024, it was stated that there had been no political persecution or other arbitrary actions against former or current parliamentarians. The cases of former parliamentarians that are under investigation and that have led to the actions of the competent organs of the Venezuelan State are based on alleged facts that constitute a violation of the established norms of the Venezuelan legal system, in which the accused enjoy all the legal guarantees established by the Constitution and laws of the Bolivarian Republic of Venezuela. This position was reiterated by a delegation of members of the National Assembly elected in 2020 during a meeting with the CHRP in January 2024. The delegation also expressed its willingness to cooperate with the Committee in finding solutions to the Venezuelan cases before it. However, the Committee's request for updated and official information on all cases before it remains unanswered to date.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Venezuelan authorities for the information provided in writing and for meeting with the Committee on the Human Rights of Parliamentarians during its 173rd session to discuss the cases and concerns at hand; and *notes with satisfaction* the willingness expressed by the delegation to collaborate with the IPU in seeking satisfactory solutions to the cases before the Committee and to cooperate with it on issues of common interest;
2. *Welcomes* the release of Mr. Juan Requesens, who was the last former parliamentarian in the present collective case to be deprived of his liberty;
3. *Remains deeply concerned* by reports that criminal proceedings are ongoing and several arrest warrants and/or extradition requests have been issued against a number of former opposition parliamentarians, including Mr. Julio Borges, Mr. Juan Guaidó, Ms. Dínorah Figuera, Ms. Marianela Fernández, Ms. Auristela Vásquez and Mr. Omar González; *wishes* to receive official and detailed information on the facts justifying each of the charges brought against them as well as copies of the relevant court decisions; and *urges* the national authorities to take all necessary steps to ensure that their rights are fully respected;
4. *Is deeply concerned* that Ms. Delsa Solórzano has allegedly received new death threats and is facing intimidation; *urges* in this regard the competent authorities to ensure that she receives adequate protection and that the threats are effectively investigated and those responsible held to account; and *wishes* to receive information on this point;
5. *Reaffirms* its long-standing position that the continued harassment of opposition parliamentarians elected in 2015, despite the expiry of their mandate, is a direct consequence of the prominent role they played as outspoken opponents of President Nicolás Maduro's Government and as members of the then opposition-led National Assembly; *urges* the authorities, once again, to put an immediate end to all forms of persecution against the opposition parliamentarians elected in 2015, to thoroughly investigate and establish accountability for reported violations of their rights, and to ensure that all relevant state authorities respect their human rights, including the right of those who are currently living in exile to voluntarily return in safety to Venezuela; and *calls on* the Venezuelan authorities to provide official information on any steps taken to this end;
6. *Is deeply concerned* that, on 15 February 2024, the Venezuelan Government decided to suspend the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the country; *recalls* that the OHCHR's presence in Caracas has played an important role in monitoring and documenting the human rights situation in the country and in providing support and assistance to victims and survivors, including the former members of



parliament listed in the present case; and *sincerely hopes* that the Venezuelan Government will reverse this decision and re-engage with the OHCHR as soon as possible;

7. *Reaffirms* its stance that the issues in this case are part of the broader complex situation in Venezuela, which can only be resolved through political dialogue and by the Venezuelans themselves; *calls on*, once again, all relevant political actors to act in good faith and to commit fully to inclusive political dialogue that will bring about a new social pact through participatory and non-violent means, without foreign interference and in compliance with the State's international human rights commitments, as well as create the necessary conditions to conduct presidential elections, the results of which can be accepted by all parties; *reaffirms* that the IPU stands ready to assist with these efforts; and *invites the relevant authorities to provide* further official information on how this assistance can best be provided;
8. *Recalls*, once more, as stated in the IPU's [Universal Declaration on Democracy](#)<sup>1</sup>, that the "key element in the exercise of democracy is the holding of free and fair elections ... enabling the people's will to be expressed ... on the basis of universal, equal and secret suffrage so that all voters can choose their representatives in conditions of equality, openness and transparency"; and *expresses its firm hope*, therefore, that the national authorities will urgently take measures to ensure that opposition candidates and their supporters will be allowed to exercise their basic human right to take part in the conduct of public affairs on a par with the ruling party and its supporters;
9. *Renews its call on* all IPU Member Parliaments, IPU Permanent Observers, relevant human rights organizations and the international community in general to take concrete actions in support of any effort to strengthen democracy in Venezuela in a manner consistent with human rights values and within the boundaries of the principle of non-interference in domestic affairs;
10. *Notes* that the Committee decided to close the individual case relating to the situation of Mr. Oscar Ronderos (VEN-78) in accordance with section IX.25 (c) of Annex I to its Procedure for the examination and treatment of complaints, considering that Mr. Ronderos stated that further action by the Committee would no longer be useful in his case;
11. *Requests* the Secretary General to convey this decision to the competent Venezuelan authorities, the complainant and any third party likely to be in a position to supply relevant information;
12. *Requests* the Committee to continue examining the case and to report back to it in due course.



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 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),

E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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