



Inter-Parliamentary Union

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Venezuela

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 158th session (Geneva, 8 February 2019)



Venezuela's National Assembly President Juan Guaidó speaks before a crowd of opposition supporters during an open meeting in Caraballeda, Venezuela, on 13 January 2019 © Yuri CORTEZ / AFP

- VEN-10 - Biagio Pilieri
- VEN-11 - José Sánchez Montiel
- VEN-12 - Hernán Claret Alemán
- VEN-13 - Richard Blanco
- VEN-16 - Julio Borges
- VEN-19 - Nora Bracho (Ms.)
- VEN-20 - Ismael Garcia
- VEN-22 - William Dávila
- 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
- VEN-33 - Jorge Millán
- VEN-34 - Armando Armas
- VEN-35 - Américo De Grazia
- VEN-36 - Luis Padilla
- 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 Papanoni
- 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 Bolivar (Ms.)

Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Excessive delays
- ✓ Violation of 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

A. Summary of the case

The case concerns credible and serious allegations of human rights violations affecting 60 parliamentarians from the coalition of the 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 opposes President Maduro's Government and obtained a majority of seats in the National Assembly following the parliamentary elections of 6 December 2015.

Soon after the elections, on 30 December 2015, the Electoral Chamber of 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, close to 40 parliamentarians have been attacked with impunity by law enforcement officers and pro-government supporters during demonstrations. These protests intensified after President Maduro announced the convening of a Constituent Assembly—which was subsequently elected on 30 July 2017—to rewrite the Constitution.

Invoking *flagrante delicto*, Mr. Juan Requesens was arrested and detained on 7 August 2018 on accusations of involvement in the alleged assassination attempt on President Maduro three days earlier. There are serious concerns about his treatment in detention and respect for due process following the immediate lifting of his parliamentary immunity, not by the National but the Constituent Assembly. Nine other members of the National Assembly spent up to four years in detention in recent years, without respect for their parliamentary immunity and continue to be subject to reportedly politically motivated legal proceedings.

In 2017, six members of parliament had their passports confiscated arbitrarily in connection with their international parliamentary work. Two other members of parliament were disbarred from holding public office, allegedly in the absence of any legal basis. Six members of parliament, including former Speaker Borges, left Venezuela and obtained asylum abroad in the face of continued harassment and intimidation, whereas the then Deputy Speaker, Mr. Freddy Guevara, sought protection at the Chilean Embassy in Caracas, where he has been since November 2017. Today, many parliamentarians continue to face regular harassment, such as in the case of Mr. Tomás Guanipa, who has faced physical attacks, baseless accusations, a plan to have him assassinated and house searches. A June 2018 UN human rights report documented extensively the attacks against political opponents, social activists and human rights defenders.

The Government has not provided any funding to the National Assembly since August 2016. In its decision of 18 August 2017, the Constituent Assembly invested itself with legislative powers. The

Case VEN-COLL-06

Venezuela: Parliament affiliated to the IPU

Victims: 60 opposition members of parliament (45 men and 15 women)

Qualified complainant(s): Section 1.1 (c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: March 2017

Recent IPU decision: October 2018

IPU mission: - - -

Recent Committee hearings: Hearing with the delegation of Venezuela at the 139th IPU Assembly (October 2018)

Recent follow-up:

- Communication from the authorities: Meeting between the IPU Secretary General and the Permanent Representative of Venezuela to the United Nations and other International Organizations in Geneva (June 2017);
- Communication from the complainant: December 2018;
- Communication addressed to the authorities: Letters to the Minister of Foreign Affairs and the Speaker of the National Assembly (December 2018);
- Communication addressed to the complainant: December 2018;

Constituent Assembly has taken over many of the premises of the National Assembly. Even the limited space used by the National Assembly has been invaded and occupied, with several members of parliament taken hostage and beaten up with impunity by government supporters, most notably on 27 June and 5 July 2017.

Long-standing efforts since 2013 to send a delegation of the Committee on the Human Rights of Parliamentarians (CHRP) to Venezuela have failed in the absence of 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 an integrated nature, comprising members of the IPU Executive Committee and the CHRP and focusing on both the larger political matters at stake in the Venezuelan crisis and the specific concerns expressed by the CHRP.

Presidential elections took place on 20 May 2018. The MUD announced in February 2018 that it would boycott the elections, considering the electoral system to be rigged in favour of President Maduro, who obtained the most votes in elections that were widely criticized for failing to be free and fair. President Maduro was sworn in on 10 January 2019 for a second term. On 4 January 2019, the Lima Group, comprising Latin American countries and Canada, said it would not recognize his Government. Likewise, on 10 January 2019, the Permanent Council of the Organization of American States agreed not to recognize the legitimacy of President Maduro's new term.

On 13 January 2019, Mr. Juan Guaidó, the new Speaker of the National Assembly, was briefly detained by members of the National Bolivarian Intelligence Service (SEBIN) who reportedly caused injury to his wrists during the arrest. The Government reportedly said that the detention was carried out unilaterally by individual SEBIN officers, who have reportedly since been charged with illegitimate detention and abuse of functions.

On 15 January 2019, the National Assembly invoked the country's constitution to declare the illegitimacy of President Maduro, and declared the presidency to be vacant. On 21 January 2019, the Supreme Court declared the Bureau of the National Assembly to be illegitimate and reaffirmed its position that all decisions by the National Assembly were null and void. On 23 January 2019, Mr. Guaidó publicly stated that, in conformity with the Constitution, he was ready to assume the interim presidency of Venezuela until free and fair elections were held, which decision was immediately endorsed by the National Assembly. Many countries in the Americas, including the United States and several members of the European Union, have since recognized Mr. Guaidó as President of Venezuela, which recognition is strongly opposed by several other countries from and outside the region including, China, Cuba, Iran (Islamic Republic of), the Russian Federation, and Turkey.

On 23 January 2019, in a ruling by the Supreme Court, the Public Prosecutor's Office was asked to examine whether, in light of the National Assembly's actions, the conduct of members of the National Assembly amounted to criminal behaviour. Soon after this ruling, Ms. Delsa Solorzano was accused by public officials to be responsible for inciting violence through a WhatsApp exchange, which was allegedly doctored to implicate her. Thus far, no charges have been brought against her. On 29 January 2019, the Supreme Court launched an investigation into Mr. Guaidó, accusing him of being responsible for the commission of crimes that go against the constitutional order. The Supreme Court froze his assets and prohibited him from disposing of movable and immovable property and from leaving the country for the duration of the investigation.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Is deeply concerned* about the arbitrary arrest of Mr. Guaidó and the recent restrictions placed on him; *wishes* to receive official confirmation of the steps taken to hold those who carried out the arrest to account, as well as clarification of the facts and legal grounds used to justify the restrictions;
2. *Also expresses concern* about the sweeping decision by the Supreme Court to call for an investigation into possible criminal conduct of members of the National Assembly, which ruling is bound to heighten the sense of insecurity and intimidation already faced by its members, as the latest reported developments regarding Ms. Solorzano bear out;

3. *Urges* the authorities to put an immediate stop to the harassment of members of the National Assembly and ensure that all relevant state authorities respect the human rights and parliamentary immunity of members of the National Assembly; *urges once more* the relevant authorities to ensure that the National Assembly and its members can fully carry out their work by respecting the Assembly's powers and allocating the necessary funding for its proper functioning; *requests* the relevant authorities to provide information urgently on steps taken to this end;
4. *Is deeply concerned* that none of the reports of physical attacks, arbitrary arrests and detention, politically motivated proceedings, lack of respect for parliamentary immunity, arbitrary revocation and suspension of parliamentary mandates and the arbitrary confiscation of passports affecting members of the National Assembly in 2017 and 2018 have led the authorities to investigate these incidents and establish accountability; *urges* the relevant authorities once more to take the necessary action, as is their obligation, to shed light on and identify and punish those responsible for any such abuses and to prevent new ones from occurring;
5. *Remains deeply concerned* about Mr. Juan Requesens' continued detention, all the more so in light of the total disregard for his parliamentary immunity, the very serious indications that he may have been drugged to testify against himself, the fact that he is kept at the headquarters of the National Bolivarian Intelligence Service and the poor conditions in which he is allegedly being held, with very limited, if any, contact with his family; *remains troubled* that the authorities appeared to have publicly released videos showing Mr. Requesens in an undignified and dishevelled state, apparently confessing to his criminal responsibility in order to show his guilt, hence also flouting his presumption of innocence; *urges* the authorities once more to investigate these matters without delay and to ensure that Mr. Requesens is kept in dignified conditions; *requests* the relevant authorities to provide official information on these points and on the facts underpinning the very serious charges brought against him;
6. *Deeply regrets* that the IPU mission to Venezuela has still not taken place; *remains convinced* that such a mission could help address the concerns at hand; *requests once again*, therefore, the Secretary General to work with the parliamentary and executive authorities of Venezuela with a view to the mission taking place as soon as possible;
7. *Reaffirms* in this regard 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; *calls once again on* all sides to act in good faith and to commit fully to political dialogue with the assistance of external mediation; *reaffirms* the IPU's readiness to assist with these efforts; and *requests* the relevant authorities to provide further official information on how this assistance can best be provided;
8. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants and any third party likely to be in a position to supply relevant information;
9. *Decides* to continue examining this case.