

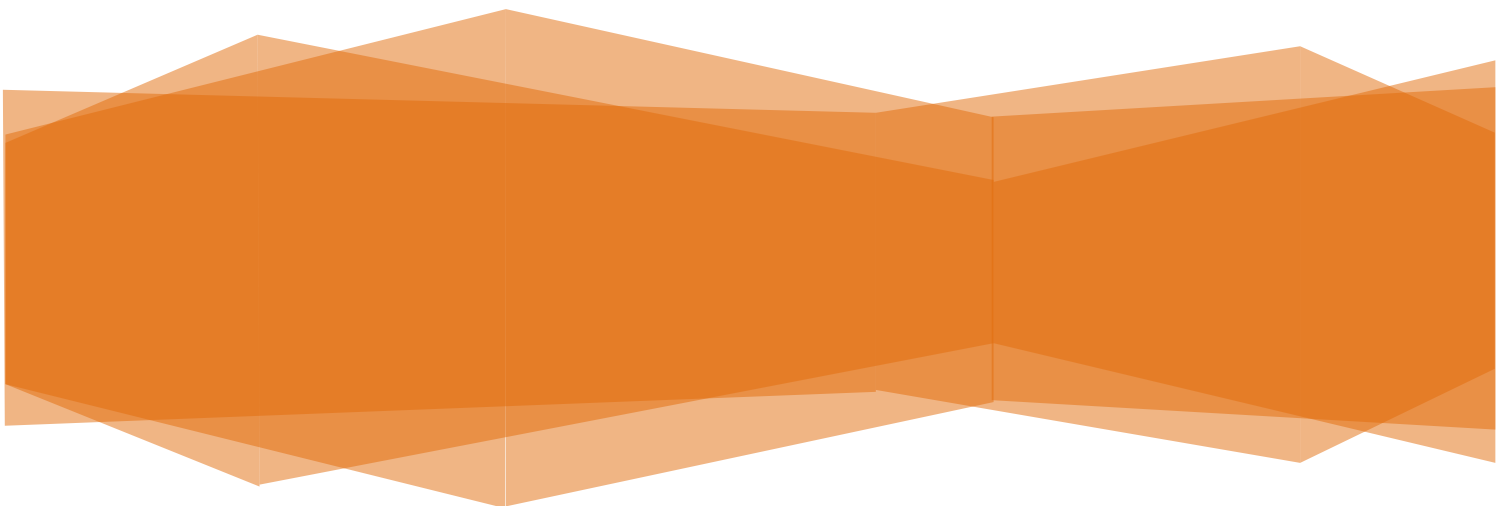


Report to the Human Rights Committee of the United Nations on the occasion of the 4th Periodic Review Report of the Venezuelan State in the 114th session of June 2015, on the International Covenant on Civil and Political Rights

“POLITICAL PERSECUTION IN VENEZUELA”

Systematization of patterns of persecution to Venezuelan political dissidents

Geneva, june 2015



Presentation

This report was prepared by the organization CEPAZ Justice and Peace Center, for the Human Rights Committee on the occasion of examination performed in Venezuela Fourth Report on the implementation of the International Covenant on Civil and Political Rights. This report is focused on patterns of persecution of individuals and groups for political reasons, corresponding to Articles 2, 9, 14, 19 and 25 of the Covenant.

Center for Justice and Peace, CEPAZ: organization that since its creation, promotes citizen activism for human rights and has made systematic monitoring, analysis, reporting, dissemination and training on the situation of human rights in Venezuela, with the permanent references to the covenants and conventions that make up the International Human Rights System.

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Abbreviations

AN: Asamblea Nacional. / National Assembly

ACHR: American Convention on Human Rights

IACD: Inter-American Democratic Charter

IAHR: Inter-American Commission on Human Rights

CNE: Consejo Nacional Electoral / National Electoral Council

CICPC: Cuerpo de Investigaciones Científicas, Penales y Criminalísticas/ Body of Scientific, Criminal and Criminology Investigations

CRBV: Constitución de la República Bolivariana de Venezuela/ Constitution of the Bolivarian Republic of Venezuela.

COPP: Código Orgánico Procesal Penal/ Organic Code for Criminal Procedures

CP: Código Penal/Criminal Code

IA Court HR: Inter-American Court of Human Rights

GNB: Guardia Nacional Bolivariana/ Bolivarian National Guard

DIM: Dirección de Inteligencia Militar/ Division of Militar Intelligence

UDHR: Universal Declaration of Human Rights

FGR: Fiscalía General de la República/ General Attorney Office

INAC: Instituto Nacional de Aeronáutica Civil/ National Institute of Civil Aeronautics

LGTBI: Lesbian, Gay, Trans, Bisexual and Intersex.

LOTSJ: Ley Orgánica del Tribunal Supremo de Justicia/ Organic Law of the Supreme Court.

MERCOSUR: Mercado Común del Sur/ Southern Common Market

MUD: Mesa de la Unidad Democrática/ Democratic Union

MP: Ministerio Público / General Attorney Office

MPJ: Movimiento Primera Justicia

ICPPR: Internacional Covenant on Civil and Political Rights

PSUV: Partido Socialista Unido de Venezuela / Venezuelan United Socialist Party

PNB: Policía Nacional Bolivariana/ Bolivarian National Police

TSJ: Tribunal Supremo de Justicia/ Supreme Court of Justice

RCTV: Radio Caracas de Televisión

SEBIN: Servicio Bolivariano de Inteligencia/ Bolivarian Service of Intelligence

SENIAT: Servicio Nacional Integrado de Administración Aduanera y Tributaria/ National Integrated Service of Tax and Custom Administration

UNT: Partido Un nuevo Tiempo

UCAB: Universidad Católica Andrés Bello/ Catholic University Andrés Bello

UCV: Universidad Central de Venezuela/ Central University of Venezuela

ULA: Universidad de los Andes/ University of the Andes

USM: Universidad Santa María/ Santa María University

UNET: Universidad Nacional Experimental del Táchira/ National Experimental University of Tachira

VTV: Venezolana de Televisión

UN: Organización de la Naciones Unidas/ United Nations

OAS: Organización de los Estados Americanos/ Organization of American States

ONA: Oficina Nacional Antidrogas/ National Anti-Drugs Office

Executive Summary

Following the constitutional reform of 2000 and the second inauguration of President Hugo Chávez Frías, the scheme of government is framed within an ideological development under left-wing parameters; a new phase in the history called by the government “The Bolivarian Revolution”.

Strengthening of the government ideology and dissatisfaction on the part of the population against the execution of government policies has contributed, in contrast, to the growth of an opposition that has emphatically demonstrated against the political, economic and social situation the country, leading to the emergence of political figures and leaders who have led the opposition movement. ***The immediate reaction from the government before the clear manifestation of discontent and criticism of the movement led by opposition leaders has been through a consistent and ongoing persecution against the Venezuelan political dissent, even against that coming from people in favor of Chavez.***

In 2013, after the death of President Hugo Chavez, the presidency of Nicolas Maduro is initiated, under the same schemes of Chavez, a left-wing and revolutionary ideology. Until the date of publication of this report, the government of Nicolas Maduro, has been known by a deep political crisis, characterized by the absence of impartial and independent branches of public powers, government corruption and a sharp political polarization. The treatment given to the continued political instability, growth and strengthening of opposition leaders has been the ***increase in acts of assault and percussion against dissent, and along with it, the systematic violation of Human Rights and Civil and Political Rights of Venezuelan.***

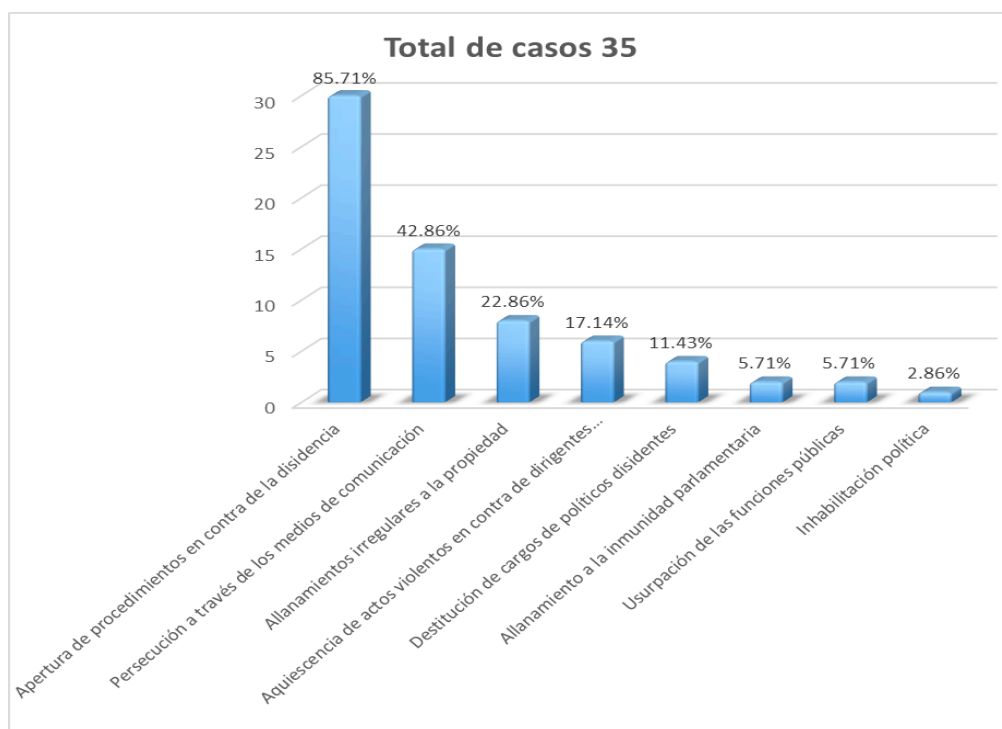
During the period of the present government the political crisis in Venezuela has dramatically increased. Various sectors of Venezuelan society have expressed their disagreement with the government of Nicolas Maduro, kicking off a strong opposition demonstration, in response; the government exercised a higher level of repression to keep control of the instability in the country. ***The answer to all these social and peaceful protests has been the arrest and persecution of students, citizens and political leaders, part of the Venezuelan opposition.***

The arbitrary detention of citizens without warrants; the many complaints about the violation of due process of people arrested in demonstrations; the opening of criminal proceedings to protesters with unnecessary delays in their process; public harassment by representatives of the organs of the National Government to leaders of the Venezuelan opposition; the criminalization of protest; complaints of citizens due to physical and psychological abuse of officials from the Intelligence Agency- SEBIN and the National Guard during their detention, ***are systematic and repeated practices applied by the***

Venezuelan state officials at different levels against Venezuelan citizens who oppose or disagree with the government of President Nicolas Maduro.

After the demonstrations occurred throughout the first half of 2014, the government action to maintain control of the situation, have undoubtedly been the repression against protesters; however, ***there are people whose influence on the population and their leadership has made them a target for the government.*** In that regard, in the present study, although the number of complaints known in 2014, we have selected a sample of 35 cases (members of the Venezuelan opposition at the National Assembly, governors, mayors, politicians, officials of the Public Administration states and municipalities, councilors, students and demonstrators) that allow us to approach to solve the concerns in relation to the different patterns that the government has used consistently and concurrently to persecute for political reasons to those who dissent from the government.

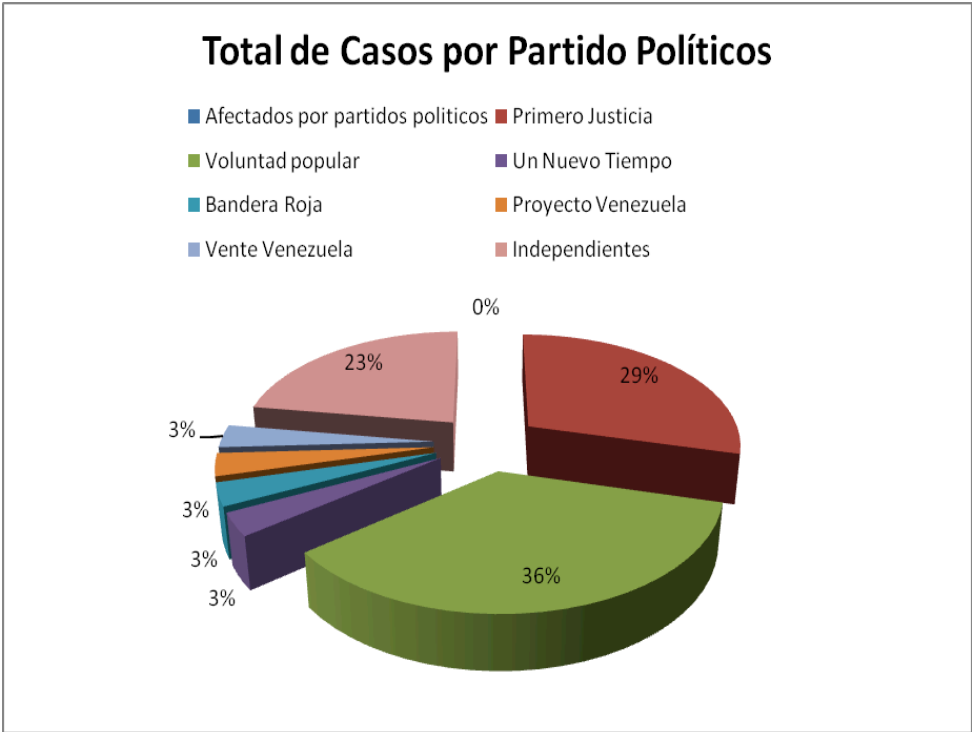
From these individual cases, we will identify the means of repression and persuasion that have been used by the government in each one, which reflect a specific pattern. From the 35 cases we can observe, in the chart below, the percentage and frequency in each case of the pattern.



The present study shows that the pattern of persecution that has been used the most by the government is the opening of judicial or administrative proceeding against those who disagree with their management, such procedures have been characterized by not respecting the parameters established by due process, distorting the judicial branch, which has gone from ensuring and dispensing justice, to becoming a mechanism of repression and

persecution managed by the government, with the sole purpose of intimidating or impeding the action of the Venezuelan opposition.

Additionally, we point out that political persecution is a form of repression and attack against the practice of an ideology that discerns of those in power. In order to show how this does not correspond only to isolated cases against certain opposition leaders, but that they are evidently linked and aimed at criminalizing, discrediting and nullifying the action of the highly critical dissent of the government, and focused at important leadership in the Venezuelan opposition; we also perform a statistical counting of political parties, which have been most affected by the acts of persecution carried out by the government.¹



Through this report we present an independent, objective, nonpartisan vision that can give insight into the situation in Venezuela and alert society and the international community about the existence of repeated and systematic practice by the Venezuelan government that is aimed at the persecution of political dissent and, thus, violate civil and political rights by the Venezuelan State established in the CRBV, in the ICCPR, the ACHR and the principles and international standards related to the right to a due process,

¹ **Cases of persecution to politicians of the following political parties:** **Primero Justicia:** Richard Mardo, Julio Borges, Juan Carlos Caldera, Henrique Capriles, Gustavo Marcano, Ramón Muchacho, Oscar López, Hernando Garzón, Carlos García, **Voluntad Popular:** Leopoldo López, Carlos Vecchio, Daniel Ceballos, David Smolansky, Darío Ramírez, Alexander Tirado, Rosmit Mantilla, Gaby Arellano, Giuseppe Di Fabio, Antonio Rivero, Enrique Sierra. **Un Nuevo Tiempo:** Gerardo Blyde, **Bandera Roja:** Sairam Rivas. **Proyecto Venezuela:** Julio Cesar Rivas. **Vente Venezuela:** Maria Corina Machado. **Independent:** Raúl Baduel, Rodolfo González, Gerardo Resplandor, Vilca Fernández, Ricardo Hasumann, Aliza Macia, Enzo Scarano.

fundamental freedoms of expression and opinion, non-discrimination and the right to equality, political participation and respect for the physical integrity of the individual, among others.

POLITICAL PERSECUTION AND ITS IMPLICATIONS ON HUMAN RIGHTS

Article 2 of the CRBV states that Venezuela is governed within a democratic and social state of law and justice. This implies that Venezuela is founded under the parameters of a guarantor State, as it must meet the basic needs of the individual and ensure their fundamental rights.

United Nations understands that there is democracy in a nation when human rights and fundamental freedoms are respected, promoted and fulfilled, allowing people to live with dignity. Likewise, when individuals are able to participate in the decision making process that affect their lives and can demand explanations to those who make them, based on inclusive and fair rules, institutions and practices that govern social interactions.²

The Inter-American Court in its Advisory Opinion OC-6/86 stated that representative democracy is determinant throughout the system of which the Convention is part. It is a "principle" reaffirmed by the American States in the OAS Charter, the basic instrument of the Inter-American system.

Meanwhile, Article 3 of the Inter-American Democratic Charter identifies as elements of democracy “respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government”.

When respect for human rights is set as one of the parameters of democracy, we must understand it as part of the obligations of a State to ensure the full enjoyment and exercise of rights. Various international instruments in this field provide that:

- Article 2. 1 of the ICCPR: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.
- Article 1 of the de la ACHR: “The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms,

² General Observation No. 25 – The right to participate in public affairs, right to vote and access to public service. (Art. 25) CCPR/C/21/Rev.1/Add.7

without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition”.

In Venezuela, the CRBV establishes the following:

- Article 19: “The State shall guarantee to every individual, in accordance with the progressive principle and without discrimination of any kind, not renounceable, indivisible and interdependent enjoyment and exercise of human rights. Respect for and the guaranteeing of these rights is obligatory for the organs of Public Power, in accordance with this Constitution, the human rights treaties signed and ratified by the Republic and any laws developing the same”.
- Article 23: “The treaties, pacts and conventions relating to human rights which have been subscribed and ratified by Venezuela have a constitutional rank, and prevail over internal legislation, insofar as they contain provisions concerning the enjoyment and exercise of such rights that are more favorable than those established by this Constitution and the laws of the Republic, and shall be immediately and directly applied by the courts and other organs of the Public Power”.

This report deals with the political rights understood as “*those which recognize and protect the right and duty of all citizens to participate in the political life of their country, are, in essence, rights that serve to strengthen democracy and political pluralism*”.³ These rights are established in various legal standards internationally and nationally. The CRBV provides for these rights in the first section: the political rights of Chapter IV of Title III "and guarantees human rights, and duties" it is important to mention Article 62:

“All citizens have the right to participate freely in public affairs, either directly or through their elected representatives.”

*The participation of the people in forming, carrying out and controlling the management of public affairs is the necessary way of achieving the involvement to ensure their complete development, both individual and collective. It is the obligation of the State and the duty of society to facilitate the generation of **optimum conditions for putting this into practice.** (underline added)*

Despite all the above mentioned frame of reference, the events that have taken place in recent years in Venezuela related to the economic, social and political crisis in the country, which have increased in the past few months, have caused that leaders, politicians

³ Inter-American Commission on Human Rights. *Democracy and Human Rights in Venezuela*. Available at: <https://www.cidh.oas.org/countryrep/Venezuela2009sp/VE09CAPIISP.htm> Consulted on November 1st, 2014.

and citizens are facing possible violation of their fundamental rights by exercising their political rights, given the context of political persecution carried out by the government.

Since the government of President Hugo Chávez to the current presidency of Nicolas Maduro, there has been a weakening of constitutional guarantees. The Commission has expressed its concern about Venezuela due to the lack of guarantees to hold free and fair elections, including but not limited to other elements such as: threats against public servants who do not vote in favor of government candidates, lack of transparency in the electoral authorities, political disqualifications, arbitrary usurpation and removal of functions of elected officials who oppose the Government, and prohibitions against peaceful protest. This has been particularly evident in recent months of protest, which continue to be criminalized.

It is more and more evident how the government has limited and restricted certain human rights (personal freedom, personal integrity, freedom of expression, the right to equality, etc.) to a group of people because their political activity or individual ideology is contrary to their ideological-political proposal. Dissuasive practices such as initiation of judicial procedures, arbitrary detentions, use of the media as a means of repression and the use of state organs to meet certain political goals, has become increasingly evident.

The repression and intolerance - especially against human rights defenders and opposition politicians - are traditional under dictatorial regimes. The Commission on the Gallardo case against the State of Mexico states that the arbitrary restriction or violation of fundamental rights, in order to silence positions or political opinion, is usually the use of criminal proceedings against dissidents, using the power it holds as a form of harassment and threats against people who oppose it. This implies the lack of independence between the judiciary and other branches of government, as indeed happens in Venezuela. It is necessary to control the judicial activity to mold it to the interests pursued by the Executive to quell demonstrations or political views of certain individuals. If not, these people can become politically persecuted.

Overall, political persecution is conceived as the deviation of power, the fact the agent of the state, performing an act of competence and respecting the forms imposed by legislation, abuses his power in certain cases for reasons and for purposes other than those in view of which this power has been conferred. The misuse of power is an abuse of mandate, an abuse of rights.

An action can be done by an official, with every appearance of regularity and yet, this discretionary act, that the qualified official had the strict right to make, can be illegal if its author has abused his powers for a purpose other than that in view of which they have been granted, or to retain the formula of jurisprudence, for a purpose other than the general interest or the good of the service.

Political persecution, as the Commission has established, leads in many cases to the violation of the right to personal liberty, in cases of arbitrary detention, the right to due process and a fair trial, since criminal proceedings against citizens do not pursue the aims of the law but a repressive state agenda.

Likewise, the violation of the right to equality may be involved within repression and political persecution, since there is a discriminatory treatment by the State in terms of the protection and guarantee to the exercise of human rights enshrined internationally; and finally, they can even determine violations of the right to personal integrity and life.

Finally, it is noteworthy that political persecution is a complex activity carried out by the State that involves the restriction or arbitrary limitation of rights to individuals, outside international law, in consideration of their opinions or political demonstrations, in order to intimidate, threaten and silence those views through abuse of power in the use of public institutions.

Patterns of persecution against dissent used by the Venezuelan State

For the purpose of this report, the patterns of political persecution are the action(s) of repression addressed to an individual or group of individuals because of their political ideology, which violate human rights and fundamental freedoms of an individual.

- **Judicial Proceeding**

The opening of judicial proceedings against politicians and dissident leaders that make up the Venezuelan opposition, has been an instrument frequently used by the government of President Hugo Chavez (1999-2013) and now by his successor Nicolas Maduro, to intimidate and silence.

The opening of these prosecutions has been characterized by the violation of the right to due process, a human right enshrined in Article 49 of the CRBV⁴ as in various international treaties on the subject.⁵

Due process involves the following principles:

- **The right to defense and legal assistance at all stages of the process:** everyone has the right to wield the allegations necessary for self-defense, just as they are entitled to have a lawyer to assist and represent them all stages.
- **Presumption of innocence:** everyone should be considered innocent until proof and evidence demonstrates otherwise.
- **Principle of celerity and compliance with the procedural lapses:** the administration of justice must be done in the previously planned procedural lapses in the legal system, and aims at resolving disputes as soon as possible.
- **Principle of natural justice:** the process should be carried out through agencies previously established by law, which prohibits the existence of ad hoc judges, i.e, created after the occurrence of the fact in issue.

⁴ Constitution of the Bolivarian Republic of Venezuela. Published in the Official Extraordinary Gazette No. 5.453, of March 24, 2000.

⁵ For example: Article 14 of the ICCPR and article 8 of the ACHR.

- **Principle of res judicata:** once it has been handed down its judgment in relation to the dispute and it is no longer possible to appeal against it, it is definitely closed, making it impossible to reopen.

The Working Group on Arbitrary Detention of the UN has identified three categories that can show that we are in the presence of arbitrary detention and therefore the clear opening procedures violate the rights, these occur when:

- a) It is impossible to invoke any legal basis to justify the prison sentence (...)
- b) the prison sentence results from the exercise of rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the UDHR and/or Articles 12, 18, 19, 21, 22, 25 26 and 27 ICCPR.
- c) the failure, total or partial, of international standards concerning the right to a fair trial set forth in the UDHR and other relevant international instruments accepted by the States, is of such gravity as to give the prison sentence an arbitrary character.⁶

The principles briefly described have been severely violated by the current government, and special mention should be the practice of arbitrary arrests against opposition leaders in Venezuela, which has worsened with President Nicolas Maduro.

As examples of the described above, we can mention the following cases:

- a) The case of Daniel Ceballos, a mayor removed from office and sentenced to prison for alleged conspiracy and rebellion. In the trial process, the right to due process was violated when the Constitutional Chamber of the Supreme Court issued a conviction even though the MP had not made any allegation of crime. By the time this report was finished, Ceballos is still being held in prison Ramo Verde, and he has been banned from having contact with his lawyers⁷.
- b) The case of opposition leader Leopoldo Lopez, accused of intentional homicide qualified, terrorism, serious injury, fire, public building, damage to public property, offenses of public intimidation, incitement to crime and crimes of association. At the present time, he has an open judicial proceeding, which is far from the provisions of CRBV and internationally accepted parameters, such as:

⁶ Fact Sheet No. 26. Working Group on Arbitrary Detention. Consulted at: <http://www.ohchr.org/Documents/Publications/FactSheet26sp.pdf>

⁷ enoriente.com. Impiden el acceso a defensa de Daniel Ceballos a la cárcel de Ramo Verde. (Access denied to Defense attorney of Daniel Ceballos to prison Ramo Verde. Lester Toledo.) "Here is the document signed by Daniel Ceballos and myself where I have been appointed as his private attorney. There is no excuse for impeding the entrance to the military prison Ramo Verde. But we insist, these are political cases and entail political decisions by the regime". Available at: <http://www.enoriente.com/canales/yvn/40730-impiden-el-acceso-a-defensa-de-daniel-ceballos-a-la-c%C3%A1rcel-de-ramo-verde> August 17, 2014.

i) his right to defense has been infringed by not being allowed to have confidential communication with his lawyers, ii) he has been denied the access to the hearing so the principle of public trial is violated, iii) he has been denied the right to visitation, iv) has been banned from submitting his own evidence; and v) procedural delay.

- **Persecution through the use of the media**

The communication hegemony present during the presidency of Hugo Chavez (1999-2013), has deepened in the current presidency of Nicolas Maduro, it has silenced the media (press, radio, television, etc.). To dissent from the government through the media and / or social networks has come to be considered an act of treason and especially to the Bolivarian government.

In 2007, the closing of RCTV television station, one of the most important media of the country, both historically (began its work in 1953) as well as in its national coverage and audience, marks one of the most important turning points in the country, which was followed in 2010 with the arbitrary closure of at least 34 radio stations and the prohibition of transmitting certain television programs. The common element of all closures is the dissenting view against the policies, views and positions of the national government. While this was happening, the government started to create media intended to support its management. To date the government owns virtually all programming on national television in Venezuela, to this; we must add the indiscriminate and excessive use of presidential broadcasts, thus forcing all radio and TV stations to being absorbed by the communicational hegemony of the government.

Another interesting observation is the use vocabulary and vile comments and press charges against leaders and politicians who are part of the Venezuelan opposition by representatives of the government and its political supporters, as demonstrated in:

- a. On August 14, 2013, on the government channel VTV, President Nicolas Maduro accused the governor of Miranda state and opposition leader Henrique Capriles of "accomplice of a network of corruption and gay prostitution" and the director's office governor of Miranda, Oscar Lopez, of being involved in "a network of drug trafficking, money laundering and prostitution."⁸
- b. On March 20, 2014 VTV television channel aired the meeting with mayors and governors supporters of the government in which President Nicolas Maduro said, referring to the Mayor of Chacao "(...) there are some mayors, Ramon Muchacho,

⁸ Diario El Universal. Maduro acusa de cómplice de corrupción a Capriles, quien lo reta a encarcelarlo. (*Maduro accuses Governor Capriles of complicity in corruption.*) Available at: <http://www.eluniversal.com.co/mundo/latino-america/maduro-acusa-de-complice-de-corrupcion-capriles-quien-lo-reta-encarcelarlo>, August 17, 2014.

for example. We release the Altamira square. We had all the information that Ramón Muchacho was behind the logistics, and support of fascist groups (...) ", referring to the protests that were being developed by the Venezuelan opposition in Chacao⁹.

- c. On June 10, 2014, on the program "Contacto con Maduro" broadcasted on radio and television, the president asserted, about former deputy and member of the MUD, Maria Corina Machado, "I am not exaggerating when I say she is a killer. She was planning violence and death in this country".¹⁰

This shows that the government has used the media (including national radio and television) abusively and arbitrarily, becoming a mechanism of political intimidation and persecution for political opponents of the regime of Nicolas Maduro, a government that continues the objectives and procedures set by the government of the late President Hugo Chavez.

- **Dismissal of dissident politicians from public office.**

The dismissal of various politicians, leaders of the Venezuelan opposition, from public office, has been a mechanism used by the current government and supported by the TSJ. Both branches of power have alleged that the leaders of the opposition have committed illegal acts and therefore they will be immediately dismissed from public office, even those who had been elected.

a) To illustrate the above, there is the case of the former Deputy Maria Corina Machado, who was elected through popular elections in September 2010. On March 20, 2014, former deputy accepts the invitation by the ambassador of Panama to speak before the OAS and expose the current situation in Venezuela, as an alternate Representative of Panama. On March 31, 2014 the Constitutional Chamber of the Supreme Court ruled¹¹ her removal from office as a deputy, based on Articles 191 and 197 of the CRBV, which establish the inability of members of the AN to exercise in another public office.

⁹ Diario El Universal. *Ramón Muchacho fijará posición este viernes sobre acusaciones de Maduro.*(*Muchacho to define his position on Maduro's accusations.*) Available at: <http://www.eluniversal.com/caracas/140321/ramon-muchacho-fijara-posicion-este-viernes-sobre-acusaciones-de-madur> August 17, 2014.

Video available at: <https://www.youtube.com/watch?v=V89rhzmJV54> . August 17, 2014.

¹⁰ Diario El Universal. *Maduro reitera que Machado está detrás de un plan de magnicidio.*(*Maduro assures Machado responsible of assassination plan.*) Available at: <http://www.eluniversal.com/nacional-y-politica/140610/maduro-reitera-que-machado-esta-detras-de-un-plan-de-magnicidio> August 17, 2014.

¹¹ TSJ. Sala Constitucional. March 31, 2014. File No. 14-0286. Available at <http://www.tsj.gov.ve/decisiones/scon/marzo/162546-207-31314-2014-14-0286.HTML> August 17, 2014.

b) The case of former Mayor Daniel Ceballos, who assumed the office of Mayor of the Municipality of San Cristobal, Tachira, in December 2013, but after heavy charges for alleged acts of rebellion and conspiracy linked to violent acts from February 2014. The Constitutional Chamber of the Supreme Court¹² judged his dismissal from public office and sentenced him to twelve months of imprisonment. The decision was posted on April 10, 2014.

- a) Another case is **Vincenzo Scarano**, who assumed the office of Mayor of the Municipality San Diego, Carabobo state, after popular elections in December 2013. He is removed from office by a judgment on April 9, 2014 by the Constitutional Chamber of the Supreme Court¹³, after accusations of culpability due to the events of April 14, 2012 against PSUV. Additionally, he is sentenced to ten months and fifteen days in prison.
- b) Dismissal from public office for expressing an unrelated government ideology also affects the exercise of the judicial function in Venezuela. An example of this is the case of Judge Maria Afiuni, who in 2009 was dismissed and imprisoned for alleged abuse of power, corruption and complicity of escape¹⁴, after ruling that Eligio Cedeño to be on parole (to date they have tried to engage him in criminal acts)¹⁵, as a consequence of a public statement from President Hugo Chavez, who requested 30 years in prison for the judge for having freed Cedeño.
- c) Edgar Aliza Macia is a case of "indirect dismissal" of a judge. On April 4, 2014, after the period of political crisis in Venezuela due to movement of civic protests, six students from Táchira state were arrested in Caracas, specifically in the Savoy Hotel, for allegedly committing offenses of public incitement and conspiracy. Judge Aliza declared full freedom for these students, after his decision, he was transferred to Amazonas state under the same position he had in Caracas, this implies a measure of retaliation by the Executive Director of the

¹² TSJ. Constitutional Chamber. April 10, 2014. File No. 14-0194. Available at: <http://www.tsj.gov.ve/decisiones/scon/abril/162992-263-10414-2014-14-0194.HTML> August 17, 2014.

¹³ TSJ. Constitutional Chamber. April 9, 2014. File No. 14-0205 Available at:

<http://www.tsj.gov.ve/decisiones/scon/abril/162860-245-9414-2014-14-0205.HTML> August, 2014.

¹⁴ El Universal. Cronología de caso de la juez María Lourdes Afiuni (Chronology of Afiuni Case). Available at: <http://www.eluniversal.com/nacional-y-politica/130614/cronologia-del-caso-de-la-juez-maria-lourdes-afiuni> . September 13, 2014.

¹⁵ The hostility exercised by the government against Eligio Cedeño, who after receiving probation by former judge Afiuni (2009), flees the country, and is currently in the United States, has been continuous, the latter charge was the financing the alleged acts of assassination and murder organized by Maria Corina Machado. Further information at: <http://www.noticias24.com/venezuela/noticia/240868/muestran-pruebas-que-senalan-a-eligio-cedeno-como-financista-del-plan-de-magnicidio/> September 13, 2014.

Judiciary System by being replaced for not deciding according to the orders of the ruling ideal of the government.¹⁶

The aforementioned cases bring up the dynamics of political persecution that has been implemented by the current government, which seeks to threaten and somehow silence the protests staged in the first half of 2014, led by students and followed by opposition politicians who have played a key role. The use of the Constitutional Chamber of the Supreme Court to interpret the law in a way that permits the removal of opponents who held public office has been essential. Additionally, they are the evidence of the absence of the division of branches of power that make up the Republic, which fails to appease political, economic and social crisis in Venezuela.

- **Irregular raids on private property**

The raid of private property is a measure that is allowed by the Venezuelan legal system under a court order, it means entering the place of residence of a person to conduct the necessary investigations on the assumption of the occurrence of an offense. The CRBV in Article 47 protects the right to property and directly expresses that the property "(...) may not be forcibly entered except by court order, to prevent the commission of a crime or to comply with the law, decisions handed down by the courts, while respecting the dignity of human beings".¹⁷

Among the practices of persecution to Venezuelan opposition political leaders include the measurement of irregular raid on the private property of the political figures, which violates constitutional norms and other related laws.

An example of the aforementioned is the case of Rosmit Mantilla, activist in Proinclusion, of the political party Voluntad Popular. SEBIN officials entered his home, and according to information provided by his family, he was planted with evidence to implicate him in the financing of the protests that have taken place in Altamira. A similar case was the raid on the private property of the couple Hernando Garzón and Sandra Flores, leaders of Primero Justicia in Barinas state, conducted by the SEBIN even though the court order stated the CICPC as the authorities in charge of the raid. They also related having been physically assaulted.

¹⁶ Notihoy. *Juez que liberó a estudiantes tachirenses fue transferido en retaliación.* (Judge who freed tachirenses students was transferred in retaliation) Available at: <http://notihoy.com/juez-que-libero-estudiantes-tachirenses-fue-trasferido-en-retalizacion/> September 13, 2014.

¹⁷ Constitution of the Bolivarian Republic of Venezuela. Published in the Official Extraordinary Gazette No. 5.453, on March 24, 2000. Article 47.

- **Stripping of Parliamentary Immunity**

Pursuant to the CRBV the national legislative function is in charge of the AN, which is an independent public authority, and separated from the other four powers. The deputies in the National Assembly are elected directly by universal, direct and secret suffrage.

According to Article 200 of the Constitution, and 25 of the Rules of Interior and Debates of the National Assembly deputies of the AN enjoy parliamentary immunity in the exercise of their functions. This is a system by which it is necessary to have the prior approval of the AN for a deputy to be arrested or criminally prosecuted (except in cases of flagrante delicto). This aimed at protecting the physical freedom of Members of the Parliament on the grounds of their political views, which should represent the opinions of their constituents.

The stripping of the immunity is the mechanism by which it is requested before the AN the lifting of the immunity of the Deputy, being the TSJ the only body in charge of waiving of the immunity, and then to carry out the process of criminal prosecution. The lifting of parliamentary immunity has been a figure used by the government to preclude deputies from participating in the NA and eventually make them disappear from political dynamics. Here there are some cases:

- a. **Richard Mardo**, who was elected to the National Assembly in 2010 through the popular vote and in February 2013 after the start of a series of accusations for being allegedly involved in acts corruption, was lifted parliamentary immunity and initiation of criminal proceedings for tax fraud and money laundering. According to his attorney, Dr. José Vicente Haro, the stripping of his immunity has been an unconstitutional act since it was approved by a simple majority, while the law requires a majority of two-thirds of the members of the parliament. Additionally, the right to due process has been violated since the deputy is not allowed to present evidence and is not being judged under the presumption of innocence, which are fundamental principles of the constitutional right to due process.¹⁸
- b. **María Aranguren**, elected in 2010 as Member of the National Assembly by popular vote and accused in 2013 of being involved in corruption. She is stripped form her parliamentary immunity and criminal proceedings were initiated against her. The process for lifting her immunity has left many doubts. The government needed to have 99 votes at the AN, those votes would allow, in accordance with the

¹⁸ Noticias24. *Abogado de Mardo: "el allanamiento a la inmunidad del diputado es inconstitucional"*. (Mardo's Lawyer: "stripping his immunity is unconstitutional") Available at: <http://www.noticias24.com/venezuela/noticia/183944/abogado-de-mardo-el-allanamiento-a-la-inmunidad-del-diputado-es-inconstitucional/> September 3, 2014.

constitutional requirements, to obtain the required majority for giving an Enabling Act to the President. The accusation of corruption against Aranguren had remained suspended, and that in a moment of clear interest by the ruling party is put back on the agenda of the Parliament.

All this shows that the government seeks to decouple political leaders of opposition from the political scene. Since they can, somehow, hinder their goals of expanding revolutionary ideas through political persecution that has been installed in recent years within the AN.

- **Political Inhabilitation**

According to Article 39 of the CRBV any person who is not subject to any political inhabilitation or civil interdiction may exercise the rights and political duties of citizens who are covered by the Constitution.

Thus, inhabilitation is a sentence imposed by a conviction for committing a crime. The CRBV is clear when setting the scope of this sentence; the result is the suppression of political rights and duties of the convicted. These mainly concern obtaining public positions and participation in public affairs either by voting (active participation) or being elected (passive participation).

The political disqualification has been part of the practice of persecution that has implemented the government seeking to limit the scope and intervention of political opponents within public office.

According to the records of the General Comptroller of the Republic¹⁹, during the government of late President Hugo Chavez and the current president Nicolas Maduro to a number of political figures representing the Venezuelan opposition has been disqualified, cases like David Uzcátegui (2013-2018), Carlos Arocha (2008-2013), Leopoldo López (2008-2014) among others. If we analyze the circumstances under which each of these sentences were declared, we can realize that they occur at key political moments, so we can conclude that it is part of a political strategy for silencing ideas contrary to the regime.

- **Misappropriation of public functions**

According to CRBV, Venezuela is a republic with separation of powers, so that the exercise of the functions of government regulations, administrative and judicial are clearly determined through the creation of bodies at national, state and regional level for each one

¹⁹ Available at: http://www.cgr.gob.ve/site_content.php?Cod=080

of the authorities.²⁰ The functions of each organ are clearly described in Article 138 of the CRBV, so all actions arising from the theft to the public authority are ineffective and therefore its actions are null.

During the past sixteen years in office (since the presidency of Hugo Chavez to the current one of Nicolas Maduro) it is evident that before opening a judicial or administrative proceeding against opposition leaders, government officials provide instructions for the commencement of such proceedings, and in general, they are transmitted by the media or through public speeches. As such, this particular pattern involves the violation of Constitutional Law and Human Right to due process. It also relates to the topic of media persecution, so it cannot be considered as an isolated pattern from all of the others previously mentioned.

- a) During the government of Hugo Chavez, we can mention the case of former governor of Zulia state, Oswaldo Álvarez Paz, who, in 2010, during an interview on television channel Globovision, talked about the increase of drug trafficking in Venezuela and the possible collaboration between the Venezuelan government, Colombian guerrillas and the ETA group. Former President Chavez, on national television, urged the judiciary system to act. Two weeks after, Álvarez Paz was arrested and sentenced to two years in prison for allegedly spreading false information and causing fear in the population, the penalty was accomplished under the criminal legal concept of parole.
- b) **Ricardo Hausmann**, former minister of planing, is the most recent case occurred during the government Nicolás Maduro. Hausmann wrote an article in which he mentioned the economic crisis in Venezuela, and the failure of the current government with the different sectors of the economy and the possibility of a default in Venezuela. President Maduro said explicitly in public “I ordered the Attorney General, and I have spoken to the prosecutor to initiate actions because you tucked away in a campaign to harm our country”²¹

Thus, after a constitutional and truthful analysis regarding the situation of separation of powers in Venezuela, there is a clear violation of the supreme law governing the Venezuelan legal system, and the clear violation of the human right in respect to a fair trial,

²⁰ *Executive Power*: president, vicepresident, ministers (National Power), governor (State Power), Mayor (Municipal Power). *Judicial Power*: TSJ (National Power). *Legislative Power*: National Assembly (National Power), Legislative Council (State Power), Municipal Council (Municipal Power). *Poder ciudadano*: General Comptroller Office, General Attorney, Public Ombudsman (National Power), State Comptroller (State Power), Municipal Comptroller (Municipal Power). *Electoral Power*: Nacional Electoral Council (National Power).

²¹ Available at: <https://www.youtube.com/watch?v=9DPe2Ld8Px8>. September 13, 2014.

and that everyone has the right to be prosecuted by a "competent court, independent and impartial"²². When judicial or administrative proceedings come directly from accusations by the national government, it is the evidence of a clear submission of the judiciary system and the absence of separation of public powers, which are currently governed in their actions by a central power.

- **Aquiescence of violent acts against politicians**

Aquiescence or consent of violent acts against political leaders and opposition leaders by the government involves the omission in its duty to guarantee security, since it does not repress and in some cases it promotes aggression made by ideological supporters of the government against opposition, as it has been demonstrated in various clashes during 2014, such as the attacks suffered by opposition deputies in the National Assembly²³, the violence led directly against political leaders²⁴, and attacks on peaceful demonstrations of citizens, show a systematic pattern of government of Nicolas Maduro.

The existence of groups²⁵ (colectivos) linked to the government sector has been publically known. Their violent actions against opposition protesters have been continuous and repeated; however, the government has not done anything to repress these actions and the judiciary system has not been engaged. Human Rights Watch, citing the Venezuelan Program of Education-Action in Human Rights (PROVEA), has stated that “the government of Venezuela has tolerated and encouraged the presence of armed civilian groups in the country. These groups have intimidated protesters and promoted violent incidents during demonstrations in various parts of the country since February 12”, according to the human rights organization.²⁶

In order to eliminate the demonstrations against the national government, state security organs made disproportionate and unfair actions, which have brought as a

²² American Convention on Human Rights. Signed at the specialized Inter-American conference on Human Rights. San José, Costa Rica. November 7 – 22, 1969. Article 8.

²³ For example, the attack on the political leader Julio Borges during the meeting of April 30, 2014 at the AN by other members of the parliament. Further information at: <http://www.noticias24.com/venezuela/noticia/165723/la-imagen-herido-el-diputado-opositor-julio-borges-en-la-sesion-ordinaria-de-la-an-de-hoy/>. September 14, 2014.

²⁴ For example, the attack on the political leader Maria Corina Machado, who was assaulted at the airport in Puerto Ordaz by violent groups in favor of the government. Further information at: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140314/diputada-machado-agredida-por-oficialistas-en-aeropuerto-de-puerto-ord>. September 14, 2014.

²⁵ “Colectivos” are community groups responsible for implementing the strategies, execute, organize and manage them within members of a locality. Government actions are discussed in the same community, so that the same people who are responsible for evaluating the progress of the Revolution.

²⁶ Diario el Nacional. *HRW pide a comunidad internacional condenar “abusos y censura” en Venezuela.* (HRW calls on international community to condemn “abuses and censorship” in Venezuela). Available at: http://www.el-nacional.com/politica/HRW-comunidad-internacional-condenar-Venezuela_0_359964142.html September 14, 2014.

consequence that students, political leaders and other citizens are seriously injured, imprisoned and tortured. Human Rights Watch said the following:

“The use of ammunition by security forces would only be lawful under international law when directed to actors who pose an imminent risk to the life or integrity of members of the security forces or others. There are video recordings where there is evidence that anti-government protesters engaged in acts of violence and vandalism, such as throwing stones at police. However, the government has not shown -nor Human Rights Watch could find after reviewing dozens of videos posted on line-pictures in which opposition protesters have with guns or are using lethal force against members of the security forces or third parties”²⁷

As it is evident from the discussion in the preceding paragraphs, the government has participated (through actions and / or omissions) in a systematic pattern of violence this year. The persecution of political leaders, students and citizens shows the use of fear as a mechanism to limit demonstrations against the government's vision and thought. Additionally, you can see in the next part of the work, the description of cases of political persecution, which, in some cases, it is not only directed to the person, but also to the organization to which he or she belongs. For example, the political party Voluntad Popular whose main leaders are arrested, persecuted, threatened and / or in hiding. Also the political party Primero Justicia, whose leaders are similar circumstances, which demonstrates that there is a line defined by the government against its opponents.

²⁷ El Nacional. *HRW pide a comunidad internacional condenar “abusos y censura” en Venezuela.* (HRW calls on international community to condemn “abuses and censorship” in Venezuela). Available at: http://www.el-nacional.com/politica/HRW-comunidad-internacional-condenar-Venezuela_0_359964142.html September 14, 2014.

CASES OF POLITICAL PERSECUTION IN VENEZUELA

During 2014 the political situation in Venezuela has been an issue that has generated national and international controversy. The number of complaints and cases that have been known because of violations of constitutional rights and human rights of people who have become political leaders and who have expressed clear disagreement with the management of the current government, have been really substantial. For the purposes of this report, a diverse and varied sample of cases from which we identify the patterns that shape the political persecution used by the government. As a common point of the sample (consisting of 35 cases) there is a clear political motive that led the persecution. However, as will be seen, there is a variety of cases that include regional government authorities and other political leaders of the opposition and students who have led the protests.

The following is a schematic picture where patterns of persecution applied to each case is presented.

Cases	Patterns Identified
Richard Mardo	<ul style="list-style-type: none"> - Opening of proceedings against dissidents - Stripping of parliamentary immunity - Persecution through the media
María Aranguren	<ul style="list-style-type: none"> - Opening of proceedings against dissidents - Stripping of parliamentary immunity
Julio Borges	<ul style="list-style-type: none"> - Acquiescence of violent acts against political leaders. - Opening of proceedings against dissidents - Stripping of parliamentary immunity - Persecution through the media -
María Corina Machado	<ul style="list-style-type: none"> - Opening of proceedings against dissidents. - Acquiescence of violent acts against political leaders. - Persecution through the media. - Dismissal of dissident politicians from

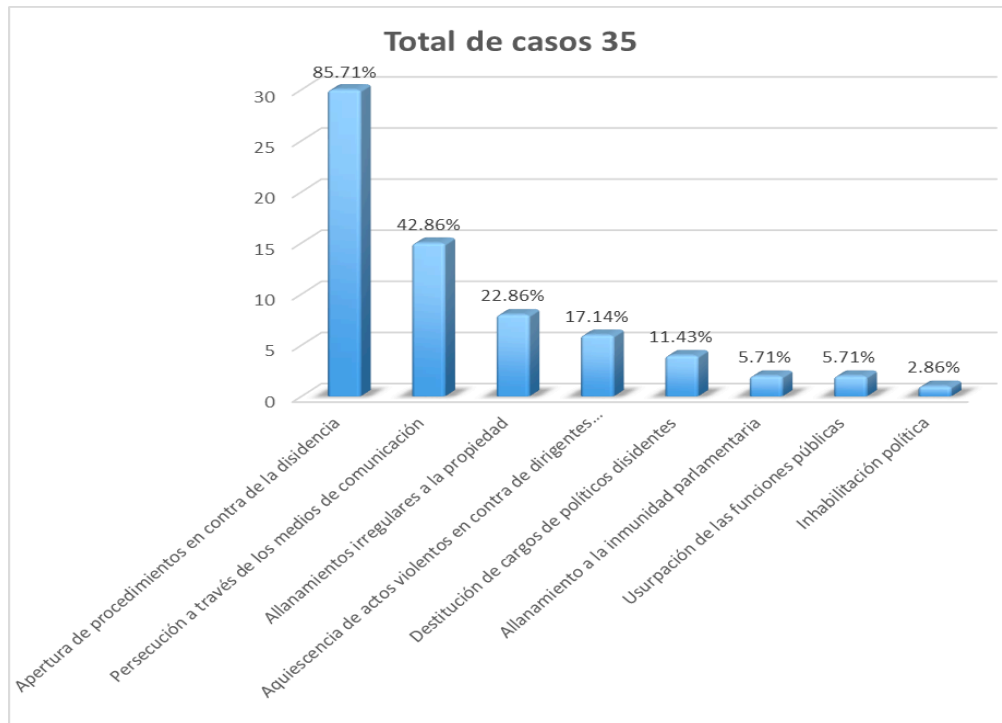
	public office
Juan Carlos Caldera	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media.
Henrique Capriles Radonski	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media - Irregular raids to private property - Acquiescence of violent acts against political leaders.
Daniel Ceballos	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians - Dismissal of dissident politicians from public office.
David Smolansky	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media
Gerardo Blyde	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Gustavo Marcano	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media
Ramón Muchacho	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media
Vincenzo Scarano	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Dismissal of dissident politicians from public office
Darío Ramírez	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media - Acquiescence of violent acts against political leaders.
Leopoldo López	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media - Irregular raids to private property - Acquiescence of violent acts against political leaders. - Political Inhabilitation - Misappropriation of public functions
Raúl Baduel	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians
Carlos Vecchio	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media

	<ul style="list-style-type: none"> - Acquiescence of violent acts against political leaders.
Oscar López	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media - Irregular raids to private property
Alexander Tirado	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Rosmit Mantilla	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Irregular raids to private property
Gaby Arellano	<ul style="list-style-type: none"> - Persecution through the media - Irregular raids to private property
Hernando Garzón	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Irregular raids to private property
Sandra Garzón	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Irregular raids to private property
Enrique Sierra	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Javier Sierra	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Renzo Prieto	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Acquiescence of violent acts against political leaders.
Rodolfo González	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Irregular raids to private property
Giuseppe Di Fabio	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Carlos García	<ul style="list-style-type: none"> - Persecution through the media
Gerardo Resplandor	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Sairam Rivas	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Julio Cesar Rivas	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Vilca Fernández	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians.
Ricardo Hausmann	<ul style="list-style-type: none"> - Misappropriation of public functions - Persecution through the media.
Aliza Macia	<ul style="list-style-type: none"> - Dismissal of dissident politicians from

	public office
Antonio Rivero	<ul style="list-style-type: none"> - Opening of proceedings against dissident politicians. - Persecution through the media

The above table allows us to outline that there are eight patterns continuously and systematically being implemented as part of the political persecution in Venezuela, the most common one being the opening of proceedings against dissidents.

Patterns of persecution against dissident politicians	Total
Opening of proceedings against dissident politicians	30
Persecution through the media	15
Irregular raid son private property	8
Aquiescence of violent acts against political leaders.	6
Dismissal of disident politicians from public office	4
Allanamiento a la inmunidad parlamentaria	2
Misapprpriation of public functions	2
Political Inhabilitation	1



Taking into consideration that political persecution is based on the practice of an ideology that opposes that of those who are in power; it is necessary to make a statistical count of the political party that have been most involved in cases of persecution according to leaders who have been affected.

Political party	Case	
	Total	People Affected
Primero Justicia	9	Richard Mardo Julio Borges Juan Carlos Caldera Henrique Capriles Gustavo Marcano Ramón Muchacho Oscar López Hernando Garzón Carlos García
Voluntad popular	11	Leopoldo López Carlos Vecchio Daniel Ceballos David Smolansky Darío Ramírez Alexander Tirado Rosmit Mantilla Gaby Arellano Giusseppe Di Fabio Antonio Rivero Enrique Sierra
Un Nuevo Tiempo	1	Gerardo Blyde
Bandera Roja	1	Sairam Rivas
Proyecto Venezuela	1	Julio Cesar Rivas
Vente Venezuela	1	María Corina Machado
Independent	7	Raúl Baduel Rodolfo González Gerardo Resplandor Vilca Fernández Ricardo Hasumann Aliza Macia Enzo Scarano

The opening of judicial or administrative proceedings against those who disagree with their management as a pattern of persecution by the government, is often characterized by not having the parameters established by due process, distorting the judiciary system, which has changed from ensuring and dispensing justice, to being a mechanism of repression and persecution used by the government, besides being accompanied by other strategies such as persecution through the media.

In the following part of the report we identify each case and the patterns of persecution systematically used by the national government.

I. Description of Cases of Opposition Leaders at National Assembly (National Legislative Power)

Case: Richard Mardo

Richard Miguel Mardo, graduate in Business Administration and is currently a political leader of the Movement Primero Justicia in Aragua State. He was elected as a deputy in the National Assembly for 2011-2016.

On February 5, 2013, during a regular session of the National Assembly, the President of the Parliament, Diosdado Cabello, submitted for consideration of all parliamentary members a motion to initiate a debate on what he called the "fight against corruption". Cabello said that some state bodies such as the National Integrated Service of Customs and Tax Administration (SENIAT) and the National Electoral Council (CNE) investigated some deputies of the political party Primero Justicia²⁸. Such investigations - said Cabello, yielded evidence of alleged acts of corruption related to the financing of the opposition campaign. In particular, he mentioned alleged corruption by opposition deputies Richard Mardo and Gustavo Marciano.

To sustain the charges for alleged acts of corruption against Richard Mardo, Diosdado Cabello showed in the legislative body recordings and checks of private contributions made by businesspeople to the leader of Primero Justicia. It should be noted that at no time the parliamentary Richard Mardo was able to verify the authenticity of the documents mentioned by the President of the National Assembly, in violation of the constitutional right to due process established in Article 49 of the Constitution.

After informing the existence of such evidence, the President of the National Assembly, called "mafia", "corrupt" and "drug" parliamentarians of Primero Justicia and some businessmen who allegedly were involved in the facts of corruption denounced. Then, the AN agreed, with the majority of votes-, to refer allegations made by the Chairman of the AN against Richard Mardo to the Comptrolling Permanent Committee of the National Assembly, presided by deputy Pedro Carreño. Similarly, the President of the National Assembly said he would inform the General Attorney Office (MP) and the Supreme Court

²⁸ Bolivarian Republic of Venezuela, National Assambley, Standing Committee of Comptrolling, File N° 1555 Available at: http://www.asambleanacional.gob.ve/uploads/documentos/doc_902f58022f60295804c767a5a376e76ee954902a.pdf

of Justice (TSJ) of the evidence of corruption to process without delay the criminal punishment of the "corrupt deputies". All these events happen in flagrant violation of his parliamentary immunity.

On March 12, 2013, the General Attorney Office (FGR) formally asked the Supreme Court to authorize the impeachment proceedings against deputy Mardo based on allegations of tax fraud and money laundering. Only that day was Mardo allowed to access research reports that had been collected without his participation²⁹.

In a ruling dated July 17, 2013, the Supreme Court declared the admission to strip his parliamentary immunity in accordance to Article 380 of the Criminal Procedure Code.

On 30 July 2013, the AN-with the affirmative vote of the majority of its members-, decided to strip the immunity of MP Richard Mardo.

Case: María Aranguren

María Mercedes Aranguren Nassif, architect, has worked in several public offices in Monagas state, and she is known as a close collaborator of former governor José Gregorio “Gato” Briceño. She was elected as a Member of the Parliament in 2010, in representation of Monagas state nominated by PSUV, the political party of the government.

After José Gregorio “Gato” Briceño, former governor of Monagas state was expelled from PSUV, María Aranguren quits from the same political party and becomes part of the Venezuelan opposition.

On October 2, 2013, the FGR asked the TSJ to authorize the impeachment proceedings against Aranguren for alleged corruption. Aranguren was investigated for alleged administrative irregularities when she chaired a foundation linked to former governor of Monagas state. According to statements by Deputy Chairperson of the Public Accounts Committee of the National Assembly, Pedro Carreño, who over the foundation presided by Aranguren signed contracts in American dollars for the procurement of musical groups in the state, whose payments were made with no official currency. Additionally, Carreño reported that the tax and tribute of these events were not made.

On November 8, 2013, the Criminal Court of the Supreme Court, upheld the application for preliminary hearing on the impeachment filed by the FGR, Luisa Ortega

²⁹ TSJ. March 12, 2013. File. N° AA10-L-2013-000060. Available at: <http://www.tsj.gov.ve/decisiones/tplen/Abril/7-9413-2013-2013-000060.html> September 13, 2014.

Diaz, against deputy María Mercedes Aranguren for the alleged commission of the crimes of willful embezzlement, conspiracy and money laundering, both defined and penalized in Article 52 of the Law Against Corruption and Articles 4 and 6 of the Organic Law against Organized Crime.

On November 12, 2013, the National Assembly –with the favorable voting of the majority of its members-, stripped the immunity of Deputy María Mercedes Aranguren for alleged corruption and conspiracy, punishable on Article 52 of the Law against Corruption and Articles 4 and 6 of the Organic Law against Organized Crime.

It is important to note that the stripping of the immunity of deputy María Aranguren, occurred at a time when the government party (PSUV) needed to obtain (99) votes to be able to authorize the President of the Republic to rule by decree laws. On November 18, 2013, days after Deputy Aranguren had been stripped of her immunity, the National Assembly, with the affirmative vote of her substitute, approved the Enabling Act (Ley Habilitante) to President Nicolas Maduro.

Case: Julio Borges

Julio Andrés Borges Junyent (1969) is a lawyer and currently Coordinator of the National Movement Primero Justicia, a political party. He was elected Deputy for the National Assembly in 2010.

On April 16, 2013, the President of the AN, Diosdado Cabello, denied the right to speak to Deputies from those parties: “*that do not recognize Nicolás Maduro Moros as the constitutional president of the Bolivarian Republic of Venezuela,*”, included Julio Borges.³⁰

On Tuesday April 30, 2013 in an ordinary session of the National Assembly, Deputy Julio Borges was brutally beaten by the substitute deputy Michel Reyes, who should not have been in session since the main deputy Elvis Amoroso was present in the Chamber³¹. The violence began when deputies of the Venezuelan opposition unfurled a banner stating "Coup in the Parliament" in response to the restriction of the right to speak that the President of the National Assembly, Diosdado Cabello, had unilaterally implemented days before against some deputies of the Venezuelan opposition.

Subsequently, on May 02, 2013 Julio Borges appeared before the FGR to denounce the aggressions suffered in the AN, which resulted in a broken jaw, and the malar bone, and

³⁰ Video available at: <http://www.youtube.com/watch?v=fAIE890M5pM>. September 16, 2014.

³¹ Video available at: <https://www.youtube.com/watch?v=190r07XI5mA> . September 16, 2014.

injuries in one eye, according to the medical report. Deputies María Corina Machado (broken nose) and Américo Di Grazia were also assaulted that day.

To this date, there is no conclusive statement by any organ of the Republic in relation to the violence that took place on April 30, 2013 in AN.

Added to this, Borges has been accused, without evidence, of being part of an "economic coup" in order to achieve the total collapse of the Venezuelan economy. Indeed, as of October 10, 2013 Vice President of the AN, Darío Vivas, announced the creation of a commission to investigate the attitudes of opposition deputies, who, according to their statements, sought to “generate conflict, insulting the President of the Republic, trying to sabotage the right to speak, and violating the Rules of Procedure of the Assembly”³². On Friday October 11, the deputies of the said Commission, announced that Congressman Julio Borges would be punished according to Article 76 of the Rules of Procedure and Discussion of the National Assembly, which meant for the opposition MP restricting the right to speak in the AN for 20 days. On October 15, a majority of the deputies of the National Assembly decided to increase the penalty to Julio Borges to thirty days.

Moreover, Borges has also been accused of treason for his participation on political forums abroad. Indeed, on 10 July 2014 the President of the National Assembly, Diosdado Cabello Rondon, on the television program "Con el mazo dando", announced that on Friday July 11, 2014 a group of MPs, led by Deputy Robert Serra, would make a complaint against some opposition leaders for treason. Cabello said:

*“Tomorrow, I report here, some deputies to make a complaint to the prosecutor for treason. (A) public servant (like him) Where did he get the money to go there (Spain)? He goes there to speak ill of his country. What a Shame!”*³³

In compliance with the statement by the President of the National Assembly, Diosdado Cabello, on Friday July 11, 2014 Congressman Robert Serra went to the FGR to denounce the citizens Julio Borges (Member of the AN) and Ramon Muchacho (Mayor of Chacao) for treason for their participation in a political forum sponsored by the FAES Foundation. According to the deputy Serra, without evidence to substantiate their claims, Borges participated in plans for a coup d'état and generated a discredit campaign against Venezuela.

³² Diario El Universal. *AN Investigará “actitud” de diputados Julio Borges y Nora Bracho (AN to investigate “attitude” of Venezuelan deputies)*. Available at: <http://www.eluniversal.com/nacional-y-politica/131010/an-investigara-actitud-de-diputados-julio-borges-y-nora-bracho-imp> September 17, 2014.

³³Noticias 24, *Denunciarán a Ramón Muchacho ante la fiscalía por traición a la patria (Ramón Muchacho to be denounced for treason)*. Available at: <http://www.noticias24.com/venezuela/noticia/246087/denunciaran-a-ramon-muchacho-ante-la-fiscalia-por-presunta-traicion-a-la-patria/> November 1, 2014.

Case: María Corina Machado

María Corina Machado (1967), is a mechanical engineer, elected deputy to the National Assembly by Miranda State in September 2010.

On April 30, 2013, Maria Corina Machado, along with another group of deputies, was violently attacked by other deputies within the parliamentary chamber for refusing to recognize Nicolás Maduro as a President. At the regular meeting, Machado was attacked by Deputy Nancy Asencio, causing her four fractures in her nose³⁴. Machado filed a complaint for such attacks, but there has been no reply.

On February 26, 2014, the Deputy of the AN, Elvis Amoroso said that "*there is sufficient evidence to strip the immunity of Maria Corina Machado*"³⁵ based on the charges in which Leopoldo Lopez and Maria Corina Machado have been involved after the violent events on February 12, 2014.

On March 19, 2014, the AN with the votes of the ruling party approved a motion to consign before the FGR alleged evidence to initiate the procedure that allowed the stripping of the immunity of María Corina Machado, a proposal that was submitted by MP Tania Diaz, following the presentation of certain videos and photos with those who sought to prove the responsibility of María Corina Machado on assumptions of destabilizing movements. At that meeting the proposal to begin the voting process to strip her immunity was voted, this being approved by the affirmative vote of a simple minority of the deputies who make up the AN, then the evidence was presented to the prosecutor to assess whether there are sufficient grounds to ask the TSJ for the impeachment against deputy Maria Corina Machado.

On March 25, 2014, after acceptance of the post in the OAS from Panama by María Corina Machado, who was credited as an Alternate Representative of the Panamanian government, the President of the National Assembly, Diosdado Cabello said she had stopped being a Venezuelan deputy, "While she was there, there were statements, actions, demands from María Corina Machado as if she worked for the Panamanian government (...) How can anyone be acting on behalf of a government that is not their government. When

³⁴Noticias 24, *Juan Pablo García ofrece detalles de los hechos de violencia generados en la AN*(*Juan Pablo García provided details of the violence generated at the AN*). Available at: <http://www.noticias24.com/venezuela/noticia/165737/juan-pablo-garcia-ofrece-detalles-de-los-hechos-de-violencia-generados-en-la-an/> November 1, 2014.

she acted, she accepted any office the Panamanian government was giving her, "he questioned."³⁶

On March 26, 2014, the Constitutional Chamber of the Supreme Court interpreted Article 191 of the CRBV³⁷; article under which underlies the loss of the status as a deputy. It prohibits the acceptance of a representation position before an international body by a deputy, who loses their place in the parliament in case of taking office. By this constitutional analysis, the Supreme Court determined that María Corina Machado had carried out activities that are incompatible with her position in the legislature.

On March 21, 2014, Maria Corina Machado asked for a constitutional protection before the Supreme Court against Diosdado Cabello, president of the AN, so that her return to the office as a deputy of the NA is ordered. The petition was denied by the Constitutional Court on May 9, 2014³⁸, claiming that no constitutional provision was violated by the loss of her investiture and the cessation of her legislative functions identified by the president of the AN.

In the regular session of the AN on May 1, 2014, Deputy Julio Borges requested that the rights of Deputy Maria Corina Machado be returned, such request was rejected due to the favorable vote of the Members of the ruling party.

Moreover, on May 28, 2014 the National Directorate of the PSUV presented alleged evidence that implicated members of the opposition, who were accused of being involved in plans to destabilize the government. So, a recording was presented with a conversation between constitutional lawyer Gustavo Tarre and Maria Corina Machado, in which she says "*Kevin Whitaker has reconfirmed his support and indicated the next steps. We have a more powerful checkbook than the regime to break with the international ring they have achieved with the Venezuelan money*"³⁹. Apparently, Whitaker is the deputy head of the US Embassy.

On May 29, 2014, after the evidence was presented by the National Coordinator of the PSUV, Jorge Rodriguez, Machado complained before the MP about the members of the

³⁶Press release from AN, *Ministerio Público comisionó a dos fiscales para evaluar caso de María Machado (Public Ministry commissioned two prosecutors to evaluate Maria Machado's case)*. Available at: <http://www.asambleanacional.gob.ve/noticia/show/id/7081> November 5, 2014.

³⁷Judgement interpreting article 191 of the CRBV. Available at: <http://historico.tsj.gob.ve/decisiones/scon/marzo/162546-207-31314-2014-14-0286.HTML>

³⁸TSJ. Constitutional Chamber. May 9, 2014. File n.º 14-0383. Available at: <http://www.tsj.gov.ve/decisiones/scon/mayo/163865-366-9514-2014-2014-0383.HTML> November 5, 2014.

³⁹Telesurtv. *Al descubierto plan de magnicidio en Venezuela. (At sight, assassination plan in Venezuela)* Available at: <http://www.telesurtv.net/news/Al-descubierto-plan-de-magnicidio-en-Venezuela-20140528-0015.html> November 7, 2014.

National Directorate of the party, on charges of fabrication of evidence, defamation, slander, forgery, espionage, public incitement to rape and political freedom.

On June 16, 2014 Maria Corina Machado was presented before the FGR in order to participate in the investigations of the MP on the plan of assassination and coup denounced by government officials.

On June 19, 2014, in his weekly program "Con el mazo dando" on Venezolana de Television, the President of the National Assembly, Diosdado Cabello, confirmed that the opposition leader María Corina Machado has an injunction that prevents her from leaving the country. He read the disposal of the Court 16 Control of Caracas, led by Judge Adriana Lopez, noting that "*a preventive injunction related to the ban on leaving the country without permission of the court*" was issued.

On June 13, 2014, Maria Corina Machado went to the OAS headquarters in Caracas and handed in to the head of the diplomatic mission of the organization, Miguel Angel Trinidad, a petition for her protection addressed to the Commission.⁴⁰

On November 26, 2014, the MP requested María Corina Machado presence to be charged for alleged involvement in acts of conspiracy in the plan of assassination against President Nicolas Maduro. On December 3 she appeared before the Courthouse, with no further action against the opposition leader, and without setting a date for a new appearance to the Venezuelan judiciary system. The case is open and expecting for information.

Case: Juan Carlos Caldera

Juan Carlos Caldera is a lawyer, member of the political party Primero Justicia. In 2010 was elected as a deputy for the AN for Miranda state.

On September 12, 2012, Julio Chávez along with other members of the ruling party, presented a video to the AN in which Juan Caldera was allegedly receiving money that was used to finance the presidential campaign of Henrique Capriles, thus linking him with alleged corruption offenses.

As a consequence, on September 18, 2012, the AN approves the designation of a special commission to investigate the case set out above. Deputy Juan Carlos Caldera, during the same meeting, announced a renounce of his parliamentary immunity in order to facilitate investigations.

⁴⁰Diario El Universal, *María Corina denunció ante CIDH persecución (María Corina denounced her persecution before the IACHR)*. Available at: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140613/maria-corina-machado-denuncio-ante-cidh-persecucion> November 7, 2014.

On September 26, 2013, Juan Carlos Caldera was questioned to clarify the legality of the funds he had received. The chairman of the committee, Deputy Elvis Amoroso said about it: *"the information obtained from the CNE tomorrow, will be compared with the ONA and SUDEBAN to determine whether Caldera received money not only from irregular business, as seen in the video, but also money from any other through corrupt bankers, or any other financial institution having problems with the Venezuelan justice "*.⁴¹

Juan Carlos Caldera was the only person questioned in the investigation initiated by AN. Wilmer Ruperti, the entrepreneur from whom Caldera allegedly receives the illicit financing, was never investigated by the AN. Elvis Amoroso who chaired the commission that investigated Caldera, argued that there is no evidence to involve Ruperti.

On October 2, 2012 the Special Committee appointed by the National Assembly to investigate the complaint against Deputy Juan Carlos Caldera met with FGR and two national prosecutors were appointed to assist in investigations against the Deputy.

In March 2013 fiscal 21 from MP with full national competence, Gineira Urbina Rodríguez asked FGR, Luisa Ortega Diaz to consider the appropriateness of asking the Supreme Court's declaration to prosecute Deputy Juan Carlos Caldera.

On May 20, 2013 Attorney Luisa Ortega Diaz went before the Supreme Court and delivered to the Plenary a "preliminary investigation" from the MP, through which it is presumed that Deputy Juan Carlos Caldera committed the crimes of "laundering "and" peddling of influences ". In her statements, the prosecutor said: "In this video appeared (Caldera) with a person who is not seen his face and allegedly received money for then-presidential candidate Henrique Capriles".⁴²

Subsequently, on June 5, 2013, Congressman Juan Carlos Caldera presented a video to the media, the video showed a conversation with voices attributed to the businessman Wilmer Ruperti, Congressman Heliodoro Quintero, and Erik Peña, the Director of Military Venezuelan intelligence. In the conversation they offer Caldera to finance the campaign for mayor of Sucre Municipality of Miranda State. After the video presentation Caldera said: "I

⁴¹ VTV. *Parlamento interpelará este miércoles a Juan Carlos Caldera (Parliament to question Caldera)*. Available at: <http://www.vtv.gob.ve/articulos/2012/09/24/parlamento-interpelara-este-miercoles-a-juan-carlos-caldera-714.html> November 7, 2014.

⁴²Informe 21. *Solicitan antejuicio de merito para el diputado Juan Carlos Caldera (Impeachment for Caldera)*. Available at: <http://informe21.com/juan-carlos-caldera/solicitan-antejuicio-de-merito-para-el-diputado-juan-carlos-caldera> November 7, 2014.

*was the subject of organized crime, unfortunately I fell into the ambush of these people, those who believe that decent Venezuela will never succeed".*⁴³

On October 17th, the Full Court of the Supreme Court declares acceptance of jurisdiction requests for preliminary hearing against Deputies Juan Carlos Caldera and Maria Mercedes López Aranguren Nassif. The session agreed to convene to a public hearing of the arguments of the parties involved. On 30 October 2013 the Full Court of the Supreme Court deferred for the November 6, 2013 the scheduled hearing. Caldera said the cancelation of the hearing was a violation of the constitutional right to defense, because he was not allowed to access the file of the charges against him.

On November 27, after the ruling of the Supreme Court declaring the existence of grounds to try Caldera for the crime of money laundering, it ordered to notify the AN in relation to the deliberation for the strip of parliamentary immunity. However, the Deputy decides to waive his seat at the parliament.

II. Cases of Authorities of the Regional Executive Power

Case: Henrique Capriles Radonski

Henrique Capriles Radonski (1972) is a lawyer, member of the political party Primero Justicia. He is the leader of the Venezuelan opposition. In his political career includes: being elected as a Deputy to the Congress by Zulia state, later appointed by consensus as Vice President of the Congress and President of the House of Representatives from 1999 to 2000. He was elected mayor of Baruta of the Metropolitan District of Caracas on July 30, 2000, then reelected in 2004. In 2008, he was elected governor of Miranda state. He ran twice for President of Venezuela.

Regarding the protests that began in February 2014, on March 25, 2014 the President of the Republic, Nicolas Maduro accused Henrique Capriles of the death of Adriana Urquila, sign language interpreter, who died after being shot in the sector Matica of Los Teques when getting off a bus in the middle of a demonstration. In this regard the President said: "*Why did the governor of Miranda not pull up his pants to stop that guarimba they promote and protect (...) a product of the guarimba, because the Governor of Miranda, unfortunately Adriana Urquiola lost her life*"⁴⁴. Similarly, he said the TSJ has a

⁴³Informe 21, *Juan Carlos Caldera presenta video de Wilmer Ruperti y Heliodoro Quintero (Caldera shows video of Ruperti and Quintero)*. Available at: <http://informe21.com/juan-carlos-caldera/juan-carlos-caldera-presenta-video-de-wilmer-ruperti-y-heliodoro-quintero> November 8, 2014.

⁴⁴ El Universal. *Acusan a gobernador de Miranda por muerte de Urquiola (Governor of Miranda state accused for murder of Urquiola)*. Available at: <http://www.eluniversal.com/nacional-y-politica/140325/acusan-a-gobernador-de-miranda-por-muerte-de-urquiola> November 8, 2014.

responsibility to urge the governor of Miranda to assure the safety of the inhabitants of the Miranda state.

To this date, the Venezuelan opposition leader Henrique Capriles, has been subject of abuse received by the national government. So far, he is one of the main opposition leaders and two time presidential candidate, the use of media and offensive speech against the governor of Miranda state by members of the ruling party has been continuous and repeated.

Case: Daniel Ceballos

Daniel Ceballos is an agricultural engineer; he is a member of the political party Voluntad Popular. In December, 2013 he was elected as the Mayor for the Municipality of San Cristóbal del Táchira, in Táchira state.

Since February 4, 2014 in several areas of the city of San Cristobal Tachira State, there has been a series of protests characterized by blockage of roads, which has created a situation of abnormality in the municipality of San Cristóbal, Táchira state.

On March 17, 2014 the Constitutional Chamber of the Supreme Court extends the effects of the injunction filed against Gerardo Blyde (Mayor of Baruta) and David Smonlansky (Mayor of El Hatillo) to Daniel Ceballos.⁴⁵

On March 19, 2014, Daniel Ceballos was arrested by the SEBIN, without a warrant, and taken to the headquarters located in Plaza Venezuela. Ceballos's lawyers claim that in the parking lot of that institution, Ceballos was subjected to physical and psychological abuse; and was forced to sign a statement through which he stated that police officers had read and respected his constitutional rights at the time of his arrest. Later, he was transferred to the headquarters of SEBIN in El Helicoide. After several hours without knowing his whereabouts, it was learned that he was detained in the military prison known as Ramo Verde.

On March 21, 2014, Daniel Ceballos is brought before the court of the Metropolitan Area in Caracas for alleged offenses of civil rebellion and conspiracy. On March 24, 2014, the court declares its incompetence to know the case and the Court of Criminal Cassation of the TSJ ordered to trial the cause of Mayor Ceballos in Caracas.

On March 25, 2014, the Constitutional Chamber in joint presentation, declared Daniel Ceballos' contempt to the precautionary constitutional protection dictated by that instance through decision No. 135 of March 12 (Case: Mayors Blyde and Smolansky).⁴⁶

⁴⁵ Available at: <http://www.tsj.gob.ve/decisiones#1>. TSJ. Constitutional Chamber. Ruling No. 137.

On March 28, an MP Attorney upheld the complaint against Daniel Ceballos noting that it was presumed the commission of the crime of failing to acknowledge the government of Nicolas Maduro after the violence experienced in the city of San Cristobal, Tachira State.

Subsequently, Ceballos's lawyers appeared before the court of appeals, to appeal against the judgment ruling for the injunction of prison sentence.

On May 12, 2014, the Court of Appeals of the Criminal Judicial Circuit of Caracas, dismissed the appeal, without ruling on the alleged violations expressed by his defenders. That same day, the MP indicted Daniel Ceballos for crimes committed during the protests in the city of San Cristobal. The 73rd national prosecutor, José Miguel Medina, accused Ceballos for alleged links with the crimes of rebellion and conspiracy, defined and penalized under the Criminal Code of Venezuela.

On June 12, the preliminary hearing is deferred for July 8, 2014, when it is finally held.

On August 4, 2014, Ceballos's defense attorney, Ana Leonor Acosta reported that she had been to the MP to learn about the conditions of detention of Ceballos, "*because they are isolated and confined.*" "*During the time their detention, they have been kept between 23 and 24 hours a day locked in their cells with locks and restricted visitation. They are only allowed to exercise for an hour at some time during the day.*"⁴⁷

On September 18, 2014, the first hearing of Daniel Ceballos's case trial was held, in which he denounced the precarious conditions under which they were being kept.

On October 9, 2014 the second hearing of the trial was held, at that time Ceballos defense lawyers sustained their arguments on three key demands: first to delete the prosecution for the crime of conspiracy; second the granting of conditional freedom; and third to guarantee that the trial is public. The three requests were rejected and declared inadmissible, first, because, according to the statement by Judge Gonzales, who is in charge of the case, an accusation cannot be suppressed without completing the probationary process; secondly the penalty for the crimes charged to Ceballos, the granting of parole is not allowed; and finally, she said the trial is public, since it is guaranteed.

⁴⁶ Available at: <http://historico.tsj.gov.ve/decisiones/scon/abril/162992-263-10414-2014-14-0194.HTML>. TSJ. Constitucional Chamber. Ruling No. 263.

⁴⁷ Diario El Nacional. *Denunciaron ante la fiscalía torturas a López y Ceballos (Torture against López and Ceballos denounced with Prosecutor)*. Available at: http://www.el-nacional.com/politica/Denunciaron-Fiscalia-Leopoldo-Daniel-Ceballos_0_458354235.html November 8, 2014.

On October 12, 2014, the UN Security Council asked the Venezuelan State for the immediate release of Daniel Ceballos. The Council considered it an arbitrary action and limiting of the fundamental rights “*which is prohibited in a democracy governed by the Rule of Law*”.⁴⁸

Case: David Smolansky and Gerardo Blyde

David Smolansky (1985) is a social communicator, member of the political party Voluntad Popular. He is currently the Mayor for the Municipality of El Hatillo, Miranda state from 2013 to 2017.

Meanwhile, Gerardo Blyde is a lawyer and currently Mayor of Baruta, Miranda State. He began his political career as a leader of the political party Primero Justicia. He was a Deputy to the National Assembly between 2000 and 2005, as head of the parliamentary fraction of Primero Justicia. In 2013 he was elected Mayor of Baruta, Miranda State by the political movement Un Nuevo Tiempo.

On March 5, 2014, a lawsuit is filed against Mayors Gerardo Blyde and David Smolansky by the violent actions occurred from February 2014, alleging the violation of Articles 178, 50, 55, 75, 78, 80, 83, 87, 102, 111, 112 and 127 of the CRBV. The lawsuit was filed by Juan Ernesto Garatón, criminal lawyer, who said “*They have the right to protest, but not violating the constitutional rights of other their neighbors; I think that there is cooperation from the mayors, although they have said they are against these protests “guarimbas”, there are no forceful actions to stop them*”⁴⁹

On March 12, 2014, the Constitutional Chamber of the Supreme Court accepts the request, and by decision No. 135, commands the Mayors involved to “*Perform all actions and use the material and human resources in order to avoid obstacles are placed in public roads that prevent free movement of people and vehicles; it is appropriate to proceed to the*

⁴⁸ Diario el Nacional. *ONU pide al gobierno liberación inmediata de Daniel Ceballos (UN demands immediate freedom of Ceballos)*. Available at: http://www.el-nacional.com/politica/ONU-liberacion-inmediata-Daniel-Ceballos_0_499750159.html November 8, 2014.

⁴⁹ Noticias 24. “*Demandan a alcaldes de Baruta y El Hatillo por colaborar con la tranca de calle*” (*Lawsuit against Mayors of Baruta and El Hatillo*). Available at: <http://www.noticias24.com/venezuela/noticia/226075/en-vivo-el-abogado-juan-ernesto-garanton-conversa-en-noticias24-sobre-la-demanda-contra-dos-alcaldes-de-oposicion/> November 8, 2014.

immediate removal of such obstacles and to keep the ways and adjacent areas free of trash and debris and any other element that can be used to hinder urban roads".⁵⁰

Case: Gustavo Marcano

Gustavo Marcado is a lawyer. He was a Mayor of Lechería, Anzoátegui state from 2004 to 2008. He ran for governor of Anzoátegui in regional elections in 2008. He is currently the Mayor of the Municipality of Diego Bautista Urbanski, Monagas state from 2013 to 2017.

In March 2014, Marcano was also questioned by the Legislative Council of the Municipality for allegedly financing social protests in the city of Lechería, Anzoátegui.

In April 2014, Gustavo Marcano was subjected to criminal proceedings for violations of the right to education, freedom of transit and recreation in the city of Lechería, Anzoátegui. The complaint was made by Nelson Moreno, current President of the Legislative Council of Anzoátegui.

As in the cases of Mayors Blyde and Smolanski, the complaint introduced against Marcano is within the circumstances of social protests that happened in Venezuela since February 2014.

Furthermore, citizens Amparo Solórzano and Jose Patiño filed a lawsuit against Mayor Gustavo Marcano for alleged acquiescence or failure to perform his duties.⁵¹

On March 17, 2014, the Supreme Court issues its sentence extending the effects of the precautionary constitutional protection in ruling No. 135 dated March 12, 2014, ordering Gustavo Marcano to "*Perform all actions and use the material and human resources necessary in order to avoid obstacles are placed in the street to prevent free movement of people and vehicles; it is appropriate to proceed to the immediate removal of such obstacles and to keep the ways and adjacent areas free of trash and debris and any other element that can be used to hinder urban roads*".⁵²

⁵⁰ TSJ. Constitutional Chamber. Ruling No. 135. Available at: <http://historico.tsj.gov.ve/decisiones/scon/marzo/162286-150-20314-2014-14-0194.HTML> November 8, 2014.

⁵¹Ultimas Noticias. *Abrieron juicio a alcalde de Lechería Gustavo Marcano (Lawsuit against Mayor of Lecheria, Gustavo Marcano.* Available at: <http://www.ultimasnoticias.com.ve/noticias/actualidad/regiones/abrieron-juicio-a-alcalde-de-lecheria-gustavo-marc.aspx> November 10, 2014.

⁵² TSJ. Constitutional Chamber. Ruling No. 137. Available at: <http://www.tsj.gob.ve/es/web/tsj/decisiones#1> November 8, 2014.

Case: Ramón Muchacho

Ramón Alberto Muchacho Bracho is a lawyer, member of the political party Primero Justicia and is currently the Mayor of the Municipality of Chacao, Miranda state.

Since February 2014, when social protest began in Venezuela, the Municipality of Chacao, Miranda State was the geographical area where more clashes between protesters and security forces of the State occurred, generating numerous destructions and material losses. Mayor Muchacho has seven judicial proceedings for various events occurred in his jurisdiction during the protests.

The first proceeding, which has already been mentioned, is that initiated against Mayors David Smolansky and Gerardo Blyde. On March 14, 2014, lawyer Francisco Morillo, representing the Civil Association "Frente Nacional de Abogados Bolivarianos", requested an extension for extensive effects of the constitutional protections of the proceedings against Mayors David Smolansky and Gerardo Blyde, to other municipalities; and Chacao is one of those municipalities. On March 17, the Constitutional Court extended the effects of the precautionary constitutional protections contained in the decision of this Court No. 135 of March 12, 2014.

Another case of persecution against Muchacho is related to a fire in the premises of the Ministry of Popular Power for Habitat and Housing located in the Municipality of Chacao. On April 4, 2014, the Minister of Popular Power for Housing and Habitat, Ricardo Molina, gave a press conference at the Ministry's headquarters to denounce a series of vandalism and harassment against the institution occurred on 1 April 2014. To this date, there is no court decision that directly links the Mayor Muchacho with the damages in the Ministry.

As a result of the violence at the headquarters of the Ministry of Housing, Ramón Muchacho was denounced by citizens Libya Johana Acosta Blanco, Leny Yusmary, Blanco Key and others who exercised an injunction before the Court of Judgment of First Instance of the Judicial District of the Metropolitan Area of Caracas and the National Adoption of International Judicial Circuit for Protection of Children and Adolescents against the Mayor of the Municipality of Chacao, Ramon Muchacho. On April 24, 2014, the hearing on the complaint was held, it lasted nine hours. The court ruled in favor of the constitutional protection against the Mayor of Chacao and appointed the MP to conduct the research for damages at the headquarters of the Ministry of Housing.

Mayor Ramon Muchacho is also credited, without any evidence, for the vandalism occurred on March 12, 2014 at the headquarters of INAC and the Torre Británica, Chacao, Municipality in Miranda State, in which hooded demonstrators caused damage to doors, windows and office equipment in presence of more than 300 police officers and members of the National Guard.⁵³

According to statements by the Minister for Water and Air Transport, Hebert García Plaza, to Globovision television, he said "*it is not possible that the Police of Chacao did not act before the damage caused to the offices of INAC*" mayor of Chacao should have taken actions if he knew groups were mobilizing"⁵⁴. Likewise, the Minister emphasized in his statement that there were 5 people arrested, including a police officer of Chacao and that he would present charges against the mayor of Chacao and the police chief of the municipality before the MP.

In relation to the events of March 12, neighbors of Chacao Municipality stated that:

*"They were visibly older subjects who incited protesters, they came out and called the protesters and even encouraged destruction, initially they shattered glasses, and then the offices on the ground floor of the Torre Británica, explained the neighbors".*⁵⁵

INAC has filed for a constitutional injunction for protection and shared interest on March 18, 2014. At the present, they are waiting for admission by the Constitutional Chamber of the Supreme Court.

Another court cases against the Mayor Muchacho is the action for constitutional injunction in protection for collective and undefined interests filed by the Ombudsman in which several opposition leaders and some mayors are involved. This ruling orders all the Mayors involved: "To conduct all actions and use the material and human resources in order to avoid obstacles are placed on public roads that prevent free movement of people and vehicles; it is appropriate to proceed to the immediate removal of such obstacles and to keep the ways and adjacent areas free of trash and debris and any other element that can be used to hinder urban roads".⁵⁶

⁵³ Diario El Universal. *Los destrozos a la torre británica (Damages to Torre Británica)*. Available at: <http://www.eluniversal.com/nacional-y-politica/140313/los-destrozos-a-la-torre-britanica-en-imagenes> November 10, 2014.

⁵⁴El impulso. *Destrozaron la sede principal; de INAC en Chacao (INAC main office destroyed)*. Available at: <http://elimpulso.com/articulo/destrozaron-la-sede-principal-del-inac-en-chacao#> Noviembre 10, 2014.

⁵⁵ Diario El Universal. *Los destrozos a la torre británica (Damages to Torre Británica)*. Available at: <http://www.eluniversal.com/nacional-y-politica/140313/los-destrozos-a-la-torre-britanica-en-imagenes> November 10, 2014.

⁵⁶ TSJ. Constitutional Chamber. Ruling No. 137. Available at: <http://www.tsj.gob.ve/es/web/tsj/decisiones#1> November 8, 2014.

Recently, Mayor Ramon Muchacho was publicly harassed for his participation in a political forum of the FAES Foundation in Spain. On July 10, 2014, President of the National Assembly, Diosdado Cabello Rondón, in his program "Con el mazo dando" on Venezolana de Television, said that on July 11, 2014 a group of members of the parliament, led by Deputy Robert Serra denounced some opposition leaders for treason, including Mayor Ramon Muchacho. He said: "*Tomorrow, I inform, some deputies will go to make a complaint to the prosecutor for treason. (A) public servant (like him) Where did he get the money to go there (Spain)? He goes there to speak ill of his country. What a Shame!*"⁵⁷

In compliance with the statement by the President of the National Assembly, Diosdado Cabello, on Friday July 11, 2014 the late Congressman Robert Serra (1987-2014) appeared before the FGR to denounce Ramón Muchacho (Chacao Mayor) and Julio Borges (Member of the AN) for treason for their involvement in coup plans and their alleged smear campaign against Venezuela from other countries.⁵⁸

Case: Vincenzo (Enzo) Scarano

In 2004, he was elected as Mayor for the Municipality of San Diego, Carabobo state by Cuentas Claras Movement, and was reelected in 2008. He currently holds the office of Mayor of the Municipality of San Diego, Carabobo State for 2013-2017.

The first trial attempted against Mayor Enzo Scarano was with the opening of proceedings for alleged violence committed during the elections held on April 14, 2013 against three female PSUV members who were in high school Lisandro Lecuna of Naguanagua Municipality of Carabobo state.

The second trial against him was the result of violent events in his jurisdiction during the student protests of February 2014. In this trial Enzo Scarano is accused of contempt by failing to comply with a judgment of the Constitutional Chamber of the TSJ. In a ruling dated March 19, 2014, the Constitutional Chamber of the Supreme Court declared the contempt to the constitutional protection dictated by Decision No. 136 of March 12, 2014, through which several mayors, including Enzo Scarano, are ordered to

⁵⁷ Noticias 24. Hoy denunciarán a Ramón Muchacho ante la Fiscalía por presunta "traición a la patria" (Muchacho to be denounced for treason). Available at: <http://www.noticias24.com/venezuela/noticia/246087/denunciaran-a-ramon-muchacho-ante-la-fiscalia-por-presunta-traicion-a-la-patria/> November 20, 2014.

⁵⁸Noticiero Digital. Robert Serra denuncia a Ramón Muchacho y Julio Borges (Robert Serra to denounce Muchacho and Borges). Available at: <http://www.noticierodigital.com/2014/07/robert-serra-denuncia-en-fiscalia-a-ramon-muchacho-y-julio-borges-por-traicion-a-la-patria/> November 20, 2014.

remove any debris or residue that hinders public roads. As a result, he was sentenced to serve ten months and fifteen days in prison.⁵⁹

The defense attorney of former Mayor Scarano, Medina Roa, said to the press what was experienced during the hearing: "*The Constitutional Court acted as a criminal court. A summary trial was held, in which there was not even an allegation of the MP (...)*".⁶⁰

The defense of the former Mayor of San Diego, Vincenzo Scarano, unveiled complaint actions exerted before the UN, specifically, the Committee of arbitrary arrests of that body. Despite this, the court has not issued any statement on the matter nor has decided to execute the judgment of April 9, 2014 that sentenced former mayor, so it has been impossible to ask for the implementation of benefits established by law.

On October 6, 2014 the hearing for Enzo Scarano's case was postponed for November 3, 2014.

He is currently detained at the military prison in Ramo Verde.

III. Cases of Representatives of Legislative Municipal Power

Case: Darío Ramírez

Darío Ramírez is a social communicator, he is the National Youth Coordinator of political party Voluntad Popular and he is currently member of the Legislative Council of Sucre Municipality.

On February 18, 2014 after Venezuelan intelligence officials conduct a raid on the national headquarters of the political party Voluntad Popular, SEBIN officials tried to arrest Councilman Darío Ramírez. While police officers tried to arrest Ramírez, citizens who were in the place prevented his arrest.

On May 4, 2014, Darío Ramírez indicated that he had been notified by the SEBIN to attend on May 7 of that year to the headquarters of this body located in El Helicoide. Darío Ramírez indicated, regarding the subpoena, that the person who was signing was not

⁵⁹ Available at: <http://www.tsj.gob.ve/es/web/tsj/decisiones#1> . TSJ. Constitucional Chamber. Sentence No. 139.

⁶⁰Diario las Américas. *Tribunal Supremo violó proceso en juicio al alcalde Enzo Scarano (TSJ violated procedure in Scarano' trial)*. Available at: <http://www.diariolasamericas.com/americas-latina/tribunal-supremo-violo-proceso-juicio-alcalde-enzo-scarano-venezuela.html> November 15, 2014.

identified. Additionally, he said that it was not issued by the prosecution office, but instead by the SEBIN.⁶¹

On May 7, 2014, Darío Ramírez sends his legal representatives to the subpoena that was scheduled for alleged plans of conspiracy against the government of Nicolas Maduro. He said: *"My lawyers attended the event and were not given access to record, but they verbally notified them of a new citation for me to be on Wednesday at the same place and told me to be there without lawyers. That is clearly unconstitutional."*⁶²

The Coordinator of Voluntad Popular, Freddy Guevara, on May 29, 2014, said: *"Darío Ramírez is in hiding because there is no legal clarity on his case. We want to alert that the persecution against him is another attempt by the regime to dismantle our peaceful struggle for freedom. The threats and persecution of the regime will not stop our struggle for freedom and democracy"*.⁶³

Freddy Guevara said SEBIN officials had shown up at Ramirez's house to threaten him and his family.

Similarly, the President of the National Assembly, Diosdado Cabello, accused Ramirez, without presenting any evidence, of being linked to "The Aviator"⁶⁴, and for the House in Michoacán, where, according to the senator, some instruments were found, which were used for violent protests. He argued that "Councilman requested an unpaid leave of absence. He has not returned, will he return? He left "el pelero" and protesters "guarimberos" who are paid by him are pending for his return"⁶⁵

Currently, Darío Ramírez is in hiding.

⁶¹Image of the notification. Available at: <http://50noticias.com/site/2014/05/sebin-cita-a-concejal-del-partido-voluntad-popular/>

⁶² Diario el Universal. *Darío Ramírez: Quiere acallar las voces de los que denuncian (Darío Ramirez: they want to silence people who denounce)*. Available at: <http://www.eluniversal.com/caracas/140507/dario-ramirez-quieren-acallar-las-vozes-de-los-que-denuncian-imp> Noviembre 17, 2014.

⁶³ Voluntad Popular. Freddy Guevara denuncia persecución gubernamental conra concejal Darío Ramirez como nuevo intento para desarticular lucha pacífica (Freddy Guevara alerts that persecution from government against Darío Ramirez is a new attempt to break up pacific struggle. Available at: <http://www.voluntadpopular.com/index.php/ver-noticia/8-noticias/1482-freddy-guevara-denuncia-persecucion-gubernamental-contra-concejal-dario-ramirez-como-nuevo-intento-para-desarticular-lucha-pacific> November 8 2014.

⁶⁴ Rodolfo Pedro González Martínez, conocido como "El aviador", acusado por el gobierno de estar involucrado en el inicio de las llamadas guarimbas (Pedro González Martínez, know as "the aviator" accused of being involved in the protests know as "guarimbas").

⁶⁵Ultimas Noticias. *Cabello acusa a más líderes opositores de tener planes de "golpe suave"* (Cabello accuses a more opposition leaders of havinf plans for a "soft coup". Available at: <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/cabello-acusa-a-mas-lideres-opositores-de-tener-pl.aspx> November16, 2014.

Case: Giuseppe Di Fabio

Giuseppe Di Fabio, Councillor of the Municipality of Maneiro, Nueva Esparta state. He is the Municipal Coordinator of political party Voluntad Popular. He was detained along with six other people for being allegedly involved in the violence committed against the Cuban baseball delegation that was participating in the 2014 Caribbean Series in Margarita.

On February 3, 2014, he was arrested for acts of violence in his jurisdiction on February 2, 2014. He was charged with the offenses of public incitement to crime resisting arrest and conspiracy. He was arrested without a warrant and subsequently released on bail with a reporting regime.

Case: Carlos García

Carlos García is a lawyer graduated from ULA. He is a member of the political Primero Justicia. He is currently Mayor of the city of Mérida, Mérida state.

On March 5, 2014, the Mayor of Merida was victim of armed aggression by motorized and armed protesters.⁶⁶

Alexis Ramírez, Governor of Mérida, accused the Mayor of Mérida of "*doing nothing to clean up the debris that are on the barricades in Las Americas Avenue; on the contrary, he has been dedicated to helping these protesters "guarimberos" and his silence gives a lot to think about*".⁶⁷

⁶⁶Diario El Universal, *Denuncian que Polimérida permitió ataque a la Alcaldía (Merida Police allegedly allows attacks to mayor's office)*. March, 7, 2014.

⁶⁷Diario El Universal, *Carlos García rechaza uso de la justicia para perseguir Alcaldes (Carlos García condemns the use of justice to persecute mayors)*. Available at: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140325/alcalde-de-merida-denuncia-persecucion-judicial-por-parte-del-gobierno> November 6, 2014.

IV. Cases of Other Political Leaders of the Opposition

Case: Leopoldo López

Leopoldo López is an economist, former Mayor of Chacao, Municipality of Miranda State twice. He is founder of the political party Primero Justicia and Un Nuevo Tiempo. He is a founding member and National Coordinator of political party Voluntad Popular.

In February 2014, Leopoldo López organizes a set of protests and assemblies of citizens. Within this calls, some actions of social conflict were generated in several states. The government directly blamed Leopoldo López.

On February 12, 2014, as part of a peaceful opposition march in Caracas, there some violent events for which an arrest warrant against Lopez was issued, for his alleged role in the violent events that day. Thus, Leopoldo López is required by law on charges of conspiracy, incitement to crime, public intimidation, for setting fire to a public building, public property damage, serious injury, murder and terrorism.

On February 16, 2014, officers from different state security, burst into the home of Lopez and his parents without a warrant. That same day, Leopoldo López made public his intention to turn himself in to justice, and calls a concentration for the February 18, 2014 in José Martí Plaza in Caracas.⁶⁸

On February 18 Lopez appeared before the Court 16 Control of the Metropolitan Area in charge of Judge Ralenys Tovar, who ordered his detention at the military prison Centre for Military Defendants "Centro de Procesados Militares" (CENAPROMIL), better known as Prison Ramo Verde.

On Wednesday 19 February, first hearing of Leopoldo López was held outside the headquarters of the courthouse before a temporary judge, violating the rights of López to have his case known by a Natural Judge and within the competent jurisdiction and necessary guarantees for a fair trial.

On April 4, the Prosecutor formally presented charges against Leopoldo López. The preliminary hearing was scheduled for May 8. Lopez was transferred from Ramo Verde jail to the courthouse, but the session was suspended by Judge Adriana López from court of control 16 Caracas.

⁶⁸Video available at: twitter @leopoldolopez : <https://twitter.com/leopoldolopez/status/435180301136846848>

On June 2, 2014, again, the preliminary hearing of Leopoldo López is already underway and then it is deferred. Thus the audience is set for June 3, and after 11 hours of waiting at the Control Court 16, the audience is deferred.

On Wednesday June 4, Judge 16 of Control in Caracas, Adriana Lopez, decided that Lopez will be taken to trial and held in detention, she also ratified the four charges against him.

On July 24, 2014 the first trial hearing was held in the case of Leopoldo López.

On July 25, 2014, Lopez's lawyers reported physical violence against the leader of Voluntad Popular. To date, there has been no official statement on the matter.

On August 13, 2014, the judge refused to admit all evidence tendered by the defense of Leopoldo López. Hearing on August 28, 2014 was deferred.

On August 28 Leopoldo López trial continued. At that time, four police officers from the CICPC declared. They were unable to prove López connection with the crimes he is accused of.

On September 10, 2014 the trial of Leopoldo López continued. Trial hearing for September 22 was deferred.

On September 22, 2014 the hearing session of Leopoldo López case for September 30, 2014 was deferred.

30 September 2014 the hearing was held, in which two witnesses gave their testimonies.

On October 9, 2014, the Working Group on Arbitrary Detentions of the Human Rights Council UN urged the Venezuelan government to immediately release Leopoldo López, alleging violation of the International Covenant on Civil and Political Rights when he was detained last February 18, impeding his right to legitimate defense. Likewise, on October 20, 2014 the High Commissioner for the United Nations demanded the Venezuelan state for the immediate release of Leopoldo López. Zeid, said in a statement:

*"We urge the Venezuelan authorities to act on the opinions of the Working Group and immediately release Mr. Lopez and Ceballos, and all those detained for exercising their legitimate right to express and peacefully protest."*⁶⁹

After two delayed hearings on November 4 and 11, finally on November 18 the seventh hearing starts, in which judge 28, refuses unknown the mandatory applicability of the resolutions issued by the UN High Commissioner.

After the eighth and final hearing was held of the judgment that is still opened against Leopoldo López, on December 2, 2014, a new international pronouncement is expected, this time from the Committee against Torture of the UN ordering the immediate release of Leopoldo López and other political prisoners, putting in evidence the statement made by the defense of opposition leader at the last hearing. There is waiting period for new information from Judge 28, Susana Barreiros, who is in charge of the case of political leader from opposition Leopoldo Lopez.

Case: Raúl Baduel

Raúl Emilio Baduel, son of former General Commander of the Army, and former Defence Minister Raúl Baduel, who has been detained since 2008 for opposing the government of Hugo Chavez.

Raúl Emilio Baduel was first arrested on Wednesday March 19, 2014 when he and other citizens conducting a peaceful protest outside the premises of the Fair Complex San Jacinto against the start of the festivities for the feast of St. Joseph, patron of Maracay. In his view, Venezuela is mourning the arrests occurred since February 2014. However, they were released several hours later. Baduel reported physical abuse during his detention.

On March 21, 2014 Baduel was arrested for participating in a human chain in front of Parque de ferias San Jacinto in Maracay, Aragua. He was presented to the Court 6th of Control in Aragua State, which sentenced Baduel to a custodial measure for relapse in behavior of not peacefully protest and obstruction of roads⁷⁰. The crimes alleged against Baduel are: public intimidation, incitement and conspiracy to commit crime.

⁶⁹ Diario el Universal. *Alto Comisionado de la ONU pide liberar a Leopoldo López (High Commissioner of the UN asks for López to be released)*. Available at: <http://www.eluniversal.com/nacional-y-politica/141020/alto-comisionado-de-la-onu-pide-liberar-a-leopoldo-lopez-imp>. November, 26 2014.

⁷⁰El Siglo, *Raúl Baduel y Alexander Tirado permanecerán presos en Alayón (Baduel and Tirado jailed in Alayón)*. Available at: <http://www.elsiglo.com.ve/article/74268/Raul-Baduel-y-Alexander-Tirado-permaneceran-presos-en-Alayon> November 26, 2014.

Baduel's defense attorney, Omar Mora, denounced he was not able to access the record. He said they did not have the evidence to prove the crimes of which his client was accused, so there have been many irregularities in the case.

After spending 21 days in the detention at center "Alayón" in Maracay, Baduel and other detainees were transferred under false pretext into Uribana prison, located in Barquisimeto, Lara State. On April 30 they were taken to Aragua for holding the Preliminary Hearing, in which their detention in Uribana was ratified.

On Friday, July 4, 2014 was the date scheduled for the holding of the hearing in Court 1 of Aragua by Judge Iris Araujo. However, the hearing was adjourned for lack of transfer units from Uribana jail to the courthouse in the city of Maracay. Adriana Pichardo, leader of Voluntad Popular, added that the court admitted Baduel is a victim of inhuman treatment, humiliation, isolation and psychological torture in Uribana.

On August 4, 2014 the Constitutional Chamber of the Supreme Court of Justice (TSJ) declared inadmissible the appeal lodged against the judgment delivered on April 4, 2014 by the Court of Appeals of Criminal Judicial Circuit of Aragua state, which is definitely firm.

Case: Carlos Vecchio

Carlos Vecchio is a lawyer and the political coordinator of political party Voluntad Popular.

On February 17, 2014, an arrest warrant against Carlos Vecchio is issued, for allegedly planning the violent events that occurred after the demonstration on February 12, 2014. He is specifically accused of the crime of arson, public incitement, damage and conspiracy.

After three months in hiding, Carlos Vecchio, who denounced the violation of Human Rights in Venezuela, flees the country, appearing again in New York, at the (OACDH) Office of High Commissioner for Human Rights, where he began a tour to denounce the situation in Venezuela.

Case: Óscar López

Oscar López was the Director of the Office of the Governor of Miranda, and Director of Human Resources for Baruta during Mayor Henrique Capriles management.

On August 7, 2013 Oscar López's house was raided by DIM officials for alleged fraud to the national treasury and its connection with the case of Richard Mardo.

On August 13, 2013, Andrés Eloy Méndez, deputy of the PSUV, showed invoices in the name of Oscar Lopez, and said that these have been used to pay for parties so López is involved in the crime of money laundering and he proposed to include it in the agenda of the National Assembly for discussing a deal "in an agreement for the corrupt actions of the leadership of Primero Justicia." On August 15, 2013, Méndez consigned to the MP proof of the misuse of resources on part of Oscar López.

Pedro Carreño, government deputy, said to have evidence of contacts between Oscar Lopez and banker Eligio Cedeño, a fugitive from Venezuelan justice. Also, Carreño ensured the existence of a prostitution network within the party Primero Justicia "*behind Primero Justicia underlies a network, which is a mafia, that has become a male and female prostitution for money laundering.*"⁷¹

Maduro said in relation to the accusation made against Oscar López, that "*What is eschatological is not that it has been said, but that it has been made and that the office of a governor was used to prostitute young people, it is sad that it has become a lobby for gay and transvestite prostitution, it is a crime, committing perverse actions, there is the evidence*". He added that he would apply the full weight of the law to the opposition party Primero Justicia.

To date, Oscar Lopez is in hiding, and there is no court decision that determines the allegations made by public officials.

Case: Hernando y Sandra Garzón

Hernando Garzón and Sandra Flores are spouses. They are both members of the political party Primero Justicia and work in the Municipal Council of the Municipality Barinas, Barinas State.

Sandra Flores is a legal adviser at Barinas Municipality and Hernán Garzón is the advisor to the President of the Municipal Council. Similarly, Hernán Garzón, was a student leader, regional candidate to be a deputy twice and for the national parliament in 2010. Additionally, he was head of regional campaign of Henrique Capriles and he is currently National youth secretary of Primero Justicia.

⁷¹ Somos La Noticia. Carreño acusó a López Colina de buscar dólares con el Departamento de Estado de EEUU (Carreño accused López Colina of asking for money to US State Department). Available at: <http://www.somoslanoticia.com/detail.php?seo=carreno-acuso-a-lopez-colina-de-buscar-dolares-con-el-departamento-de-estado-de-eeuu&id=73591> November 26, 2014.

On March 4, 2014 SEBIN officials raided the home of the Garzón family, says Sandra Flores: "About 30 heavily armed individuals identified as SEBIN officials come to our house, very few were identified as CICPC officials (...) with pushing and screams SEBIN officials entered our house without a warrant, most of them dressed in red and several brought backpacks"⁷²

Sandra Lopez continues describing the situation, she said "*And on top of water tank suddenly appeared a box with suspected explosives. Some officials dressed in red called us, my husband and me terrorists, and show me one of the artifacts assumptions explosives, which had plastic tape around "(...)" I tell the officer who holds the box with the alleged explosives that he is planting them and he knows it, and I demand immediately that you make an expertise to the alleged explosive devices because our fingerprints should be on them, as they have plastic tape,"*"⁷³ he said that they took the presume explosives and the security seal was not placed, the official said, this does not leave a trace.

Later, the couple was taken to the headquarters of CICPC in Barinas Municipality.

At the hearing, the Prosecution accused the Garzón family to five offenses: terrorism, financing of terrorism, conspiracy, smuggling of explosives and concealment of explosives. The judge dismissed the charges related to terrorism and only left the concealment of explosives.

The preliminary hearing was planned for June 9, 2014, however, it was suspended.

On June 18, 2014 in statements of Carlos Alberto Bonilla, Omar Gatrif and Luis Garzón, defense attorneys for the Garzón family, lawyers requested before Judge 4th of Control, the granting of a precautionary measure of prison sentence for the Garzóns, which was denied.

Defense attorneys of spouses Garzón reported they have been denied a review of the record at the trial; as well as physical and psychological abuse to detainees and restriction of visitation. Defense attorneys also claim that the Garzón spouses are kept handcuffed in their cells.

After 99 days in detention in the Criminal Judicial Circuit of Barinas, the spouses Garzón received a precautionary measure with a probation regime to appear before court every 15 days.

⁷² El Universal. *¿Sembrados en Barinas?(¿Framed in Barinas?)* Available at: <http://www.eluniversal.com/nacional-y-politica/140525/sembrados-en-barinas-imp> December 3, 2014.

⁷³ El Universal. *¿Sembrados en Barinas?(Framed in Barinas?)* Available at: <http://www.eluniversal.com/nacional-y-politica/140525/sembrados-en-barinas-imp> December 3, 2014.

V. Cases of Students and other leaders

Case: Alexander Tirado

He is an activist from Aragua State, member of the political party Voluntad Popular. He was arrested on March 21, 2014 for participating in a peaceful protest in Parque de ferias, San Jacinto, in the city of Maracay, Aragua State, for the alleged commission of the crimes of conspiracy, public incitement and public intimidation.

Then on March, 22, 2014 after the hearing was held, a custodial measure is agreed against Tirado and he is transferred to Center of Attention for detainees Alayón (Centro de Atención al Detenido Alayón).

Then, on April 11 he was transferred to Uribana jail in Lara State. At the detention center, he has been subjected to torture, abuse, both physical and psychological by prison guards, who besides hitting him have launched tear gas inside the cell. He has received inhuman and degrading treatment. He is sleeping on a bed of cement, he gets little food during the day, at night they play music at a high volume with chants alluding to former President Chavez and the revolution; moreover, he has spent several days in isolation.

On May 30, preliminary hearing was held at the Court House in Maracay. The judge ordered to maintain the arrest at the Western Penitentiary Center (Uribana) Region "Centro Penitenciario de la Región Centro Occidental (Uribana)".

On August 4, 2014 the Constitutional Chamber of the Supreme Tribunal of Justice (TSJ) declared inadmissible the appeal lodged against the judgment delivered on April 4, 2014 by the Court of Appeals Criminal Judicial Circuit of Aragua state. Currently, Tirado is in the Western Penitentiary Center (Uribana) Region.

On August 4, 2014 the Constitutional Chamber of the Supreme Court of Justice (TSJ) declared inadmissible the appeal lodged against the judgment delivered on April 4, 2014 by the Court of Appeals Criminal Judicial Circuit of Aragua state. Currently, Tirado is in the Western Penitentiary Center (Uribana) Region.

Case: Rosmit Mantilla

He is a social communication student and activist at political party Voluntad Popular.

On May 2, 2014 during the raid of the residence of his grandparents by the SEBIN, Rosmit Montilla is arrested and taken to the headquarters of SEBIN. As reported by his grandparents, the SEBIN seeded envelopes full of money in order to involve him in the financing of the demonstrations of February in Caracas.

During the raid on Mantilla's residence, he was not allowed the presence of his lawyers or someone of his trust who could advocate for his rights.

The hearing for Rosmit Mantilla's case was scheduled for May 03, it was deferred twice.

On Tuesday May 6 the hearing was held, he was charged with offenses for public incitement and public intimidation, hindrance of roads, burning of public and private buildings, violent damage and conspiracy and he is imposed of a prison sentence.

Mantilla defense lawyers said in court that "*the prosecutor was unable to say when Rosmit obstructed roads or burned a building ...*"⁷⁴

On June 2, 2014, Mantilla's lawyers appealed against the decision to ratify the prison sentence.

On September 10, 2014 Theresly Malavé, defense attorney for Rosmit Mantilla, denounced the procedural delay in the case of the leader of Youth of Voluntad Popular since the preliminary hearing was suspended for the fourth time on Wednesday after the prosecutor presented the final act.

On January 30, 2014, finally the case of Rosmit Montilla passes to the judgment phase. Theresly Malavé, director of the NGO "Justicia y proceso Venezuela" told the media "*a new injustice occurs, after months of postponing Rosmit Montilla will go to trial unconstitutionally*"⁷⁵

⁷⁴ Voluntad popular. Theresly Malavé: *cualquier venezolano que piense distinto al gobierno puede ser víctima del "patriota cooperante" (Any Venezuelan that thinks different from the government can be a victim of a Snitch "Patriota Cooperante")*. Available at: <http://www.voluntadpopular.com/index.php/ver-noticia/8-noticias/1453-theresly-malave-cualquier-venezolano-que-piense-distinto-al-gobierno-puede-ser-victima-del-patriota-cooperante> December 6.

⁷⁵ 2001. *Ordenan Juicio contra Rosmit Montilla (Trial ordered against Rosmit Mantilla)*. Available at: <http://www.2001.com.ve/en-la-agenda/89451/ordenan-juicio-contra-rosmit-mantilla.html> February 1, 2015.

Caso: Gaby Arellano

Gabriela Arellano is a student leader and representative to the University Council of the ULA. She studies History and she is a member of the Movement March 13 and activist at political party Voluntad Popular.

On March 20, Gaby Arellano is injured in an impact in the neck with a tear gas canister while she was at a rally in Monte Bello, Caracas.

Furthermore, on March 24, 2014, the residence of the ruling Gaby Arellano located in Mérida State was raided, violently and without a warrant. Arellano was at that time in Caracas, but she was informed of the situation by telephone by Helen Humero, owner of the apartment where she lives.

Also, on April 12, 2014, SEBIN officials were in front of Arellano's residence in Colinas de Curumo, an urbanization in Caracas; in this situation, the neighbors came out in support of Arellano.

On May 2, 2014, she was accused by the Minister of Interior and Justice, Miguel Rodríguez Torres during a press conference, of participating in a meeting in 2010 called "Fiesta Mexicana", which began the alleged conspiracy against the government.

On June 9, 2014, in the morning, Gaby Arellano was waiting for the departure of her flight at the airport in Maiquetía, at 12 noon, to Mérida state, when the airline Conviasa (State Airline) did not allow her to board the flight, simply because he was forbidden to travel on that airline. Also, the airline staff told Arellano they had a list of leaders of Voluntad Popular who were forbidden to travel on that airline. Given this, the leader had the support of the staff working in Maiquetía who helped her take another flight on another airline.

On September 22, 2014, Arellano was arrested by soldiers of the Venezuelan state without a warrant. She was released a few hours later.

Case: Enrique y Javier Sierra

Enrique and Javier Sierra are leaders of the political party Voluntad Popular, who promoted the continuation of social protests that occurred in February 2014.

On May 8, 2014, Javier Sierra was arrested and held at the headquarters of SEBIN in El Helicoide for participating in peaceful protests that day.

On June 4, 2014, Enrique Sierra appears as a witness at the hearing of Leopoldo López, and he is detained at the Palacio de Justicia of Caracas, he was applied the process of flagrante delicto.

In this regard the defense said: "detained because witnesses 1, 2 and 3 stated that they were upset with the arrest of Leopoldo López and that they would take action in this regard. He stressed that to date the defense was unable to determine the identity of those incriminating the Sierra with offenses".⁷⁶

Case: Renzo Prieto

Renzo Prieto, is the Coordinator of Juventud Activa Venezuela Unida (JAVU) Táchira, activist at de Amnesty International Venezuela.

Renzo Prieto was arrested in front of the Mall El Tolon in Baruta, Miranda State by an irregular group identified as Tupamaros. He was found under arrest in El Helicoide.

The hearing for his presentation was set for Monday May 12, 2014.

Karolyn Yopez, who witnessed the arrest, said that students were chased from Chacaíto and a group of armed men, who rode Renzo inside a vehicle and took him away. *"The man who had gotten out from a Renault with a gun was shooting at Renzo for him to stop; he opened fire on the square and placed him on another brown truck."*⁷⁷

Jesus Gomez commented that the hearing was postponed for August 12. He recalled that they had submitted an article explaining the conditions in which they were arrested, both to the Foreign Ministry of Colombia and to the Attorney's office.

⁷⁶Diario El Universal, *Abogada Malavé denuncia que el Sebin "maneja" los tribunales penales*(Malavé claims SEBIN "controls" criminal courts). Available at: <http://www.eluniversal.com/nacional-y-politica/protestas-en-venezuela/140619/abogada-malave-denuncia-que-el-sebin-maneja-los-tribunales-penales> December 14, 2014 .

⁷⁷A Todo Momento, *Testigo relata como presuntos tupamaros secuestran a Renzo Prieto* (Witness tells how alleged Tupamaros kidnap Renzo Prieto). Available at: <http://atodomomento.com/le-dispararon-para-que-se-detuviera-testigo-relata-como-se-llevaron-a-renzo-prieto/> December 18, 2014.

Preliminary hearing for the case of Renzo Prieto was held on October 8, 2014.

Case: Rodolfo González

Rodolfo Gonzalez, 64, was arrested on April 28, 2014 by SEBIN officials, who practiced a raid at his home located in the Macaracuy urbanization, Sucre Municipality of Miranda State. He was transferred to the headquarters of SEBIN in El Helicoide. His wife, Josefa Gonzalez, 67 years old, was arrested in El Helicoide when she personally went to the premises of SEBIN to inquire about the physical condition of her husband.

The hearing was held in the Court 41 of Control of Caracas on April 29, 2014.

The Minister of Interior and Justice, Miguel Rodríguez Torres, said without evidence, that "... this man (González Martínez) comes from the times of the Democratic Coordinator (Coordinadora Democrática), an organization that led the coup against President Hugo Chavez in 2002 ... The information collected on the laptop of Rodolfo Pedro González Martínez, alias "The Aviator" provided valuable information for the research of the insurrectionary conspiracy plan"⁷⁸ said the Minister of Interior.

Rodríguez Torres continues by stating that "... *The individual is accused of being one of the masterminds of the insurrectional plan to overthrow the constitutional government of President Nicolas Maduro, including the violent actions in the country in recent months. He was captured by the SEBIN and during the raid they were seized firearms, ammunition and materials for subversive activities, which reveals that the gentleman is the logistics coordinator of all major operation in Caracas*"⁷⁹

Rodríguez Torres said that "... in the first revision of connections in the notebook computer of the "The Aviator", we found verifiable evidence of his connection with the communication equipment of some political actors." He asserted that "... even after two days we were getting information in which student leaders are involved, such as Juan Requenses, Ana Karina Garcia, Douglas Morillo, Gaby Arellano, Yosmir Gutiérrez and

⁷⁸La Iguana Tv, *Rodolfo Pedro González Martínez es " El Aviator": Pasado, presente y todos sus vínculos (Rodolfo Pedro González Martínez is "The Aviator": Past, Present and all his connections)*. Available at: <http://laiguana.tv/noticias/2014/05/02/15138/RODOLFO-PEDRO-GONZALEZ-MARTINEZ-ES-EL-AVIADOR-PASADO-PRESENTE-Y-TODOS-SUS-VINCULOS-VIDEO.html> November 18 2014.

⁷⁹Ecopopularve. *Conozca el plan contra Venezuela develado por Rodríguez Torres (Plan against Venezuela unveiled by Rodríguez Torres)*. Available at: <https://ecopopularve.wordpress.com/2014/05/03/terrorismo-y-asesinatos-selectivos-son-acciones-que-dirigen-la-ultraderecha-video/> November 9, 2014.

some financial operators, leaders of the opposition. He also mentioned Jorge Alberto Cambor, Admiral Ivan Carratú Molina, Ivan Ballesteros and Deputy Víctor Ruiz".⁸⁰

Among those involved he mentioned the Metropolitan Mayor of Caracas, Antonio Ledezma; Froilan Barrios; Councilman of Sucre municipality, Darío Ramírez, political leader, Pablo Medina; Milcar Fernández; Rosmit Mantilla - recently arrested on a raid- who owned envelopes with money aimed at financing the “guarimba” in sectors where the camps are.

The preliminary hearing in the case of Rodolfo Gonzalez was held on October 8, 2014.

Case: Gerardo Resplandor

Gerardo Resplandor is the founder of the student movement 7-11. He is the National Coordinator of the organization Venezuelan Youth (Jóvenes venezolanos). He has two children and he is being held from May 8, 2014 after the dismantling of the camp "national consciousness" stationed outside the headquarters of the UN in Caracas.

He was arrested on May 8, 2014 while he was in the student camp in UNDP headquarters in Caracas. On June 24, 2014 he was charged with the offenses of incitement to crime, conspiracy and use of children in the execution of crimes.⁸¹

Today, Gerardo Resplandor is detained at the SEBIN.

Caso: Sairam Rivas

Sairam Rivas is 20 years old- student at the UCV. She is the national leader of political party Bandera Roja.

Sairam was arrested on May 8, 2014 while she was sleeping in the Alfredo Sadel Plaza in Las Mercedes, in the camp set up by the Student Movement.

⁸⁰ Ecopopularve. *Conozca el plan contra Venezuela develado por Rodríguez Torres (Plan against Venezuela unvelied by Rodríguez Torres)*. Available at: <https://ecopopularve.wordpress.com/2014/05/03/terrorismo-y-asesinatos-selectivos-son-acciones-que-dirigen-la-ultraderecha-video/> November 9 2014.

⁸¹El Universal, *Fiscalía imputó de tres delitos a los 8 jóvenes del campamento de la ONU (8 young students at UN camps were charge with three offenses)*. June 25, 2014.

Sairam is accused of the crimes of conspiracy and public incitement to crime and use of children in the commission of crimes. She is described by authorities as a repeat offender.

On September 16, 2014, the prosecution asked the court to grant Sairim Rivas her freedom, which was approved. She is currently under a presentation regime.

El 16 de septiembre de 2014, la Fiscalía solicitó al Juzgado medida sustitutiva de libertad para Sairim Rivas, la cual fue otorgada. Actualmente se encuentra bajo régimen de presentación.

Case: Julio Cesar Rivas

Julio Cesar Rivas, Deputy in the Legislative Council of Carabobo State, President of the United Active Youth Movement Venezuela (Movimiento Juventud Activa Venezuela Unida JAVU), and National Coordinator of New Generations of the political party Venezuela Project (Proyecto Venezuela).

On May 2, 2014, he was accused by the Minister of Interior for his alleged involvement in organizing a coup against Nicolas Maduro.

Case: Vilca Fernández

Vilca Fernández is a student at ULA, Mérida. He is the Secretary General of the Federation of University Centers and Counselor at ULA.

On May 2, 2014, he was accused by the Minister of Interior and Justice, Miguel Rodríguez Torres to participate in organizing a coup against President Nicolas Maduro.

Case: Ricardo Hausmann

Ricardo Hausmann is a Venezuelan economist who lives in the United States. He is currently the director of the Center for International Development and Professor of Development Economics at the Kennedy School at Harvard University.

Following an article written by Ricardo Hausmann in which mentioned the economic problems in Venezuela and a possible "default", President of the Republic,

Nicolas Maduro said: "*I have ordered the Attorney, and I've spoken to the prosecutor to initiate actions because you are engaged in a campaign to harm our country*"⁸²

Following statements by economist Ricardo Hausmann, in relation to the political and economic situation that exists in Venezuela, the government through a communications persecution in various occasions has referred to degrading manner against Hausmann.

Case: Antonio Rivero

Antonio Rivero, Brigadier General of the Army and leader of the political party Voluntad Popular.

Since 2010, when he requested his removal from the Venezuelan Army on the grounds that there was Cuban interference in the Bolivarian National Army Force, he has been a dissident of the government of Hugo Chavez, and now of Nicolás Maduro.

In April 2013, General Rivero is accused by Miguel Rodríguez Torres of being in a destabilization plan against the government, and days later he was arrested at the headquarters of SEBIN until May 2013 when he was granted parole.

In the words of President Nicolas Maduro "*Rivero is a traitor to the revolution, that trains groups of young protesters and students to organize protests throughout the country*"⁸³

After granting parole to the general Rivero, he is moved out of the country and has been in hiding for eleven months. Finally on January 29, 2015, he makes a public appearance in the United States, asking the UN for international protection. In this regard, he said: "I have joined the international effort that has been done to show the reality of national crisis in Venezuela, where government regime systematically violates human

⁸² Available at: <https://www.youtube.com/watch?v=9DPe2Ld8Px8>. Consulted on September 13, 2014.

⁸³ Voluntad Popular. *Estado venezolano viola derechos de Antonio Rivero protegidos por Consejo de DDHH de la ONU* (Venezuelan state violates the rights of Antonio Rivero protected by UN Human Rights Council) . Available at: <http://www.voluntadpopular.com/index.php/ver-noticia/8-noticias/1264-estado-venezolano-viola-derechos-de-antonio-rivero-protegidos-por-consejo-de-ddhh-de-la-onu> February 2, 2015.

rights of Venezuelans by the sole fact of thinking differently and consciously breaking the rule of law established in our constitution.”⁸⁴

⁸⁴ Voluntad Popular. *General Antonio Rivero llega a Estados Unidos para impulsar defensa de DDHH para Venezuela* (General Antonio Rivero comes to America to boost defense of human rights in Venezuela). Available at: <http://www.voluntadpopular.com/index.php/ver-noticia/noticias/8-noticias/2282-general-antonio-rivero-llega-a-estados-unidos-para-impulsar-defensa-de-ddhh-para-venezuela> February 1, 2015.

Final Remarks and Conclusions

1. Venezuela is in a political context of protests and pronouncements against the social and economic policies initiated by Hugo Chavez and continued by the government of Nicolas Maduro.
2. Protests have produced the emergence of political leaders who have led demonstrations and as a result they have been the subject of accusations and persecutions by the national government.
3. There are common features in the cases analyzed in relation to political victims of persecution. They can be summarized in the following points:
 - They are all are political activists, some are members of a political, social or union party, with the common thread: being dissidents of the current government and being involved in the social movement of "the exit" (La salida).
 - They are all publicly accused by important members of the national government through the media and national broadcast.
 - On several occasions the investigations are initiated or are developed through the participation of a "cooperating patriot " (patriota cooperante) who witness against the activist.
4. In Venezuela there is a systematic persecution, they are not isolated cases, since the government acts persistently and consistently against the dissent led by the Venezuelan opposition, as stated in the statistics presented in this report.
5. In some cases political persecution are not given only by the person themselves, but by the political organization to which they belong.
6. The pattern of persecution most used by the government is the opening of proceedings against dissidents. Mainly characterized by the violation of the principles of due process, since the arrests take place without a warrant and the alleged flagrant is called into question when the allegations and actions of those being detained are different and in unrelated moments. Additionally, the right to defense within the first 48 hours of detention is not respected by not allowing communication with their attorneys.
7. The body of research commissioned for the cases is the political police, the SEBIN, and the detention center is the headquarters of SEBIN known as El Helicoide (Caracas).

8. In the case studies, it is shown that most of the people persecuted are members or leaders of a political party, if not they are supported by them. With the creation of the MUD, the unification of political parties became dormant.
9. In all cases studied it is been shown the violation of various human rights set forth in the CRBV and other agreements signed by the country, with the central axis of the right to freedom of thought, since systematic repression is due to the expression of a distinct ideology to that exposed by the government, consequently resulting in political persecution.

The government seeks to silence political leadership that diverge from its management and/or ideology, and that represent an important part of society. Before this, the government response has been based on a concurrent and systematic pursuit of the leaders and opposition politicians, creating a deep crisis in human rights and democratic principles.

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