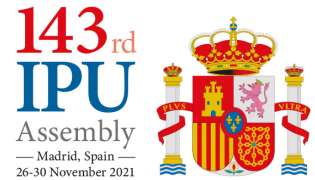




Inter-Parliamentary Union
For democracy. For everyone.

143rd IPU Assembly

Madrid, Spain
26-30 November 2021



Executive Committee
Item 6

EX/286-2/6(c)-R.1
22 November 2021

Questions relating to IPU membership and the situation of certain parliaments

(c) IPU Mission to Venezuela

Executive Committee
Committee on the Human Rights of Parliamentarians

Report on their joint mission to Venezuela

23 to 27 August 2021

Executive summary

Background to the mission

Since 2013, the IPU had been making sustained efforts to send a delegation to Venezuela. In October 2018, the IPU governing bodies decided that the mission would comprise members of both the IPU Committee on the Human Rights of Parliamentarians (CHRP) and the IPU Executive Committee, given the complexity of the political situation and the recurrent finding that individual human rights cases of parliamentarians were part of a broader context of institutional and political crisis. Following receipt of an official invitation from Venezuela, the IPU joint mission travelled to Venezuela from 23 to 27 August 2021 with the following mandate:

- To assess the overall political situation and human rights of parliamentarians in Venezuela and to gather relevant information about the conditions under which the 2020 National Assembly was elected and how it is functioning, as well as the status and situation of the 2015 National Assembly;
- To identify possible avenues for resolving the ongoing political crisis and the suitability of IPU assistance in this regard;
- To collect information which should allow the Executive Committee to make a recommendation to the Governing Council regarding Venezuela's representation in the IPU in light of Article 3 of the IPU Statutes and about ways and modalities that would allow the IPU to contribute meaningfully to the resolution of the ongoing crisis in Venezuela;
- To collect first-hand information about the current and former opposition parliamentarians whose cases are before the CHRP in order to promote progress and satisfactory solutions that are compatible with international human rights standards.

In support of dialogue to solve the political crisis

In light of the information obtained during the mission and given the very worrying deterioration of the humanitarian situation and democratic institutions in Venezuela, the delegation considers that it is urgent for national stakeholders to come out of their ideological trenches to work hand in hand to build a new social pact, which should emerge through participatory, non-violent means, without foreign interference and in line with the State's international human rights commitments. The process of dialogue under way appears to meet the conditions for exploring and identifying appropriate solutions, although it should in no way serve as a pretext for perpetuating the *status quo* or impeding the advancement of processes seeking justice, truth and reparation in cases of human rights violations.

The delegation believes that the international community should support the Venezuelan process of emerging from the crisis from a standpoint of respect for self-determination and support. In this regard, it reiterated that the IPU has historically opposed the adoption by a State (or group of States) of laws or other measures with extraterritorial effects and has considered that general economic sanctions should be avoided as far as possible, as they could disproportionately affect innocent persons.

The delegation believes that there is only one solution to the current institutional stalemate: the conclusion of an agreement between Venezuelan political forces on the conditions for conducting elections that are acceptable to all and in accordance with the laws and international commitments of Venezuela, which include the IPU Declaration on Criteria for Free and Fair Elections. The dialogue in which Venezuelan political forces are currently engaged, which has led to acceptance by many of the country's political parties to participate in regional and local elections, to be held on 21 November 2021, may prove conducive to such agreement. This is consistent with the IPU's foundational principle of inclusive dialogue as a choice means of resolving disputes. The delegation therefore recommends that the Executive Committee reiterate the IPU's offer to provide assistance to Venezuela and to assess how the IPU, if so requested, could contribute positively and directly to that important process.

The delegation urges the international community, and particularly the world's parliaments and parliamentarians, to support the process of dialogue under way between representatives of the Government of the Bolivarian Republic of Venezuela and various opposition groups represented in the Unitary Platform, and to avoid any action that might unduly and negatively interfere with the process.

Venezuela's representation in the IPU

The delegation submits that the chain of events and decisions described in the report have led to an extraordinarily anomalous situation in Venezuela. The delegation considers that the 2015 National Assembly is pursuing an essentially symbolic activity without a solid legal basis, while the 2020 National Assembly has been elected under rules at odds with domestic law and international obligations for electoral processes. Accordingly, neither of the two assemblies is a national legislative body "constituted in conformity with the laws of a sovereign State" as required under Article 3.1 of the IPU Statutes for requesting affiliation to the Inter-Parliamentary Union.

With respect to the practical matter of Venezuela's representation in the IPU, the delegation recommends that the Executive Committee consider the multidimensional and systemic character of the crisis in Venezuela and that its recommendation to the Governing Council be guided strictly by the letter and spirit of the IPU Statutes and the interests of the Venezuelan people. Accordingly, the delegation recommends that neither the 2015 National Assembly (its constitutional mandate having expired) nor the 2020 Assembly (having been elected outside applicable domestic law) be recognized as a full member parliament of the IPU.

The delegation believes firmly, on the other hand, that the absence of Venezuela from the Organization would leave voiceless a nation and people in troubled times, requiring support from the international community. Accordingly, as a provisional solution while Venezuelans discuss,

agree on and create the conditions for establishing a national parliament, constituted in accordance with Venezuelan law, the delegation recommends permitting the country's participation in the IPU 143rd Assembly and in future IPU activities and events. Such participation could take the form of joint delegations composed of equal numbers of parliamentarians elected in 2015 and in 2020, as designated by the president of each assembly, on the condition that all delegates be able to travel freely and return to Venezuela without suffering reprisals for cooperating with the IPU. Such a solution would permit representation of the popular will, as expressed in both 2015 and 2020, within the IPU. The joint Venezuelan delegation could be admitted to IPU assemblies and events as an observer.

More action needed to counter human rights violations against Venezuelan parliamentarians

Regarding the human rights cases, the delegation acknowledges that meeting with a large number of victims and with the national authorities allowed it to gain a better understanding of the issues at hand. The delegation therefore recommends that the CHRP continue examining and monitoring the human rights violations committed against Venezuelan parliamentarians until satisfactory settlements can be reached in accordance with national, regional and international standards for human rights. This may include the examination of new allegations of violations against the same or other Venezuelan parliamentarians in the future. It is understood, moreover, that the CHRP mandate covers any type of situation that may affect the rights of parliamentarians, whether in office or not at the time of the complaint, provided there is a link between the violation at issue and the performance of parliamentary functions. It is recommended as well that the IPU establish direct contact with the 2020 National Assembly, the offices of the Public Prosecutor and Ombudsperson, the National Council on Human Rights and other relevant Venezuelan institutions to share detailed information on each of the individual cases under examination. That will allow progress in seeking satisfactory settlements in accordance with applicable national, regional and international norms and standards.

The delegation agrees with the position systematically taken by the IPU with respect to the human rights cases and urges the national authorities to comply fully with these decisions. It considers that the role of the international community, and the world's parliaments and their members in particular, is essential if the human rights of parliamentarians are to be protected in Venezuela. It therefore appeals to all IPU Member Parliaments and Observers, parliamentary assemblies, relevant human rights organizations and the international community at large to work within their respective mandates, and in coordination with the IPU, to help settle the cases of individual Venezuelan parliamentarians under CHRP examination. The international community can contribute in several ways, including by providing support for the Venezuelan authorities in implementing IPU decisions and recommendations on the human rights of parliamentarians and acts of parliamentary solidarity.

The delegation also urges the international community to continue lending its support to international institutions and bodies that have specific mandates to protect and promote human rights and that have been monitoring and contributing to the search for solutions to the human rights situation in Venezuela. This includes especially the IPU CHRP, the mechanisms of the United Nations, the International Criminal Court and the bodies of the inter-American system.

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A. General considerations

I. Background

1. Over the past several years, the Executive Committee and the Committee on the Human Rights of Parliamentarians (CHRP) of the Inter-Parliamentary Union (IPU) have been closely monitoring the human rights and political situation in Venezuela. Two collective cases involving parliamentarians¹ have been brought before the CHRP. These cases concern a total of 140 individuals. The CHRP has regularly examined these situations ever since and reported on them to the IPU Governing Council. More information about the situation of Venezuelan political opposition parliamentarians is contained in the various decisions adopted by the CHRP and the Governing Council.²

2. Parliamentary elections were held in Venezuela on 6 December 2020. Several opposition parties decided to boycott the elections, believing that minimum guarantees for free and fair parliamentary elections had not been fulfilled. As a result, a coalition composed of the ruling party (*Partido Socialista Unido de Venezuela*, PSUV – United Socialist Party of Venezuela) and other pro-government parties won 91 per cent of the available seats in the National Assembly. The new parliament was formally inaugurated on 5 January 2021. The parliament elected in 2015 decided, however, to continue functioning and formally requested the IPU to disregard the results of the parliamentary elections held in 2020. The National Assembly established in January 2021 (hereinafter the 2020 National Assembly) in turn also formally requested recognition as the national legislative body that should represent Venezuela in the IPU.

3. Since 2013, in a decision adopted by its Governing Council, the IPU had been making sustained efforts to send a CHRP delegation to Venezuela. These efforts had not come to fruition in the absence of clear and decisive guarantees from the relevant authorities to welcome and work with such a delegation. These guarantees were not given, even following a preparatory mission by the IPU Secretary General to Caracas in 2016. In October 2018, the IPU governing bodies decided that the mission would be of a joint nature, comprising members of both the CHRP and the IPU Executive Committee, given the complexity of the political situation and the recurrent finding that individual human rights cases of parliamentarians were part of a broader context of institutional and political crisis. On 25 March 2021, the First Vice-President of the 2020 National Assembly formally invited the IPU, through an official letter, to visit Venezuela and meet with all relevant stakeholders. The invitation was reiterated by the President of the 2020 National Assembly during his meeting with the IPU President and IPU Secretary General at the IPU headquarters on 9 April 2021 and in a letter dated 12 April 2021. In turn, the President of the National Assembly elected in 2015 (hereinafter referred to as the 2015 National Assembly) also extended a letter of invitation to the IPU dated 12 April 2021.

4. The IPU Executive Committee accepted the invitation and decided to send a joint mission to Venezuela from 23 to 27 August 2021.

II. Objectives

5. The mission travelled to Venezuela to assess the overall political situation and human rights of parliamentarians in Venezuela and to gather relevant information about the conditions under which the 2020 National Assembly was elected and how it is functioning; the status and situation of the 2015 National Assembly; and to identify possible avenues for resolving the ongoing political crisis and the suitability of IPU assistance in this regard.

6. The mission also aimed to collect information which should allow the Executive Committee to make a recommendation to the Governing Council regarding Venezuela's representation in the IPU in light of Article 3 of the IPU Statutes and about ways and modalities that would allow the IPU to contribute meaningfully to the resolution of the ongoing crisis in Venezuela. In addition, the mission aimed to collect first-hand information about the current and former opposition parliamentarians whose cases are before the CHRP in order to promote progress and satisfactory solutions that are compatible with international human rights standards.

¹ In this report, the use of the term "parliamentarian" should be construed as referring to both women and men elected as members of the National Assembly in past elections, and by no means as expressing an opinion on the validity of their parliamentary mandate at the present time.

² For the purposes of this report, the term "opposition parliamentarian" refers to members of the National Assembly belonging to parties in opposition to the ruling party.

7. The mission will present its conclusions and recommendations to the IPU Executive Committee and the IPU Governing Council as well as the CHRP. Insofar as the mission report touches on the cases before the CHRP, its findings in this regard will be shared with the complainants in these cases. The relevant Venezuelan authorities and stakeholders will also be informed of the findings of the mission.

III. Composition of the delegation

8. Appointed by the Executive Committee and the CHRP, the delegation was composed as follows: Head of Delegation: Mr. Duarte Pacheco, IPU President, a member of parliament from Portugal; Mr. Juan Pablo Letelier, IPU Executive Committee Member, a senator from Chile; Ms. Esther Anyakun, IPU Executive Committee Member, a member of parliament from Uganda; Mr. Nassirou Bako-Arifari, Chairperson of the IPU Committee on the Human Rights of Parliamentarians, a member of parliament from Benin; Ms. Alejandra Reynoso, Vice-Chairperson of the IPU Committee on the Human Rights of Parliamentarians, a senator from Mexico; and Mr. Samuel Cogolati, Member of the IPU Committee on the Human Rights of Parliamentarians, a member of parliament from Belgium.

9. The delegation was accompanied by Mr. Xabier Meilán, an independent expert on elections identified upon the request of the IPU Executive Committee to advise the delegation, Mr. Roberto Rodriguez Valencia, Programme Officer, Human Rights Programme of the IPU Secretariat, and a team of four interpreters.

IV. Conduct of the mission

10. The delegation sincerely thanks the Venezuelan authorities for their cooperation and hospitality. It acknowledges the efforts made to facilitate the access of all members of the delegation and the technical team to Venezuela and to ensure the conduct of the mission. It also thanks all persons involved in Venezuelan political life and civil society actors who agreed to meet with the delegation and provide their various points of view. The delegation would also like to thank the Portuguese Embassy in Caracas for the logistical support provided.

11. The delegation met, *inter alia*, with the following authorities and stakeholders:

- 2020 National Assembly
 - Mr. Jorge Rodríguez Gómez, President of the 2020 National Assembly
 - Representatives of the main political forces represented in the 2020 National Assembly³
 - Executive Board and members of the Dialogue, Peace and Reconciliation Commission of the 2020 National Assembly
 - 2020 National Assembly members
- 2015 National Assembly
 - Mr. Juan Guaidó, President of the 2015 National Assembly
 - Representatives of the main political forces represented in the 2015 National Assembly⁴
 - Executive Board and members of the Special Commission on Justice and Peace of the 2015 National Assembly
 - Members of the 2015 National Assembly, including members of parliament whose cases are before the Committee on the Human Rights of Parliamentarians
- State authorities and institutions
 - Ms. Tania D'Amelio, member of the *Consejo Nacional Electoral* (National Electoral Council), Chair of the *Junta Nacional Electoral* (National Electoral Board)
 - Mr. Alexis Corredor, member of the National Electoral Council, Chair of the Civil and Electoral Registry Commission
 - Mr. Roberto Picón, member of the National Electoral Council, member of the National Electoral Board
 - Mr. Larry Devoe, Executive Secretary of the National Human Rights Council,

³ For additional information on the identity of these representatives see annex 2

⁴ For additional information on the identity of these representatives see annex 3

- Ms. Daniela Rodríguez, Deputy Minister for Multilateral Affairs of the Ministry of People's Power for Foreign Affairs
 - Ms. María Reyes, Director General for the Promotion and Dissemination of Human Rights, Ombudsman's Office
 - Ms. Odilia Gómez, Director General of Legal Services, Ombudsman's Office
 - Officials of the Ombudsman's Office
 - Ms. Karin García, Director General for the Protection of Human Rights, Public Prosecutor's Office
 - Mr. David Palis, Director General of Legal Services, Public Prosecutor's Office
 - Officials of the Public Prosecutor's Office
- Civil society and other persons
 - Ms. Laura Louza, Director, Access to Justice
 - Ms. Cecilia Sosa, representative of the Constitutional Bloc
 - Mr. Francisco Castro, Director, Súmate
 - Mr. Humberto Prado, Founder of the Venezuelan Prison Observatory
 - Mr. Jesús María Casal, Dean of the Faculty of Law of the Universidad Católica Andrés Bello
 - Mr. Ali Daniels, Professor of International Humanitarian Law and Human Rights at the Universidad Católica Andrés Bello
 - Ms. Griselda Colina, Director General of the Global Observatory on Communication and Democracy, alternate member of the National Electoral Council
 - Representatives of the *Foro Cívico Venezolano* (members of *Acción Solidaria*, *Movimiento Ciudadano Dale Letra* and *Voto Joven*)
 - Mr. Gerardo Blyde, leader of the delegation of the Venezuelan Unitary Platform participating in the dialogue process
 - Other representatives of civil society organizations and national and international institutions present in Venezuela

12. The delegation deeply regrets that the competent Venezuelan authorities were not able to facilitate the delegation's access to the residence of the member of parliament elected in 2015, Mr. Juan Requesens, who is under house arrest, despite numerous requests. The delegation also deeply regrets that, despite requests in this regard, neither the President of the Republic, nor the Attorney-General, the Minister of People's Power for Foreign Affairs, the Ombudsman, the President of the Supreme Court of Justice (*Tribunal Supremo de Justicia* – TSJ) or the President of the National Electoral Council met with the delegation, although it appreciates the willingness of the representatives of some of these institutions who attended the scheduled meetings and shared very valuable information.

13. The delegation also regrets not being able to visit Mr. Gilberto Sojo, an opposition parliamentarian elected in 2015 who was in detention at the time of the mission. This is despite repeated requests to the Venezuelan authorities, through various formal and informal channels, to facilitate a visit by the delegation to the prison where the parliamentarian was being held. Nevertheless, the delegation welcomes the information it has subsequently received regarding Mr. Sojo's release on 3 September 2021, barely a week after the delegation's departure from Caracas.

V. IPU positions and concerns prior to the mission

14. In recent years, the IPU has regularly adopted decisions on individual cases of parliamentarians who are victims of human rights violations.⁵ In its decisions, the IPU has noted and denounced a systematic pattern of repression and harassment of opposition parliamentarians because of their political opinions. This pattern has been demonstrated by the continuous extremely serious incidents of ill-treatment, harassment, threats and stigmatization carried out by state agents, paramilitary groups and violent groups of government supporters in a climate of impunity. The IPU has also strongly denounced the multiple steps taken by the executive and judicial authorities during the 2016–2021 parliamentary term, led by the opposition, to undermine the integrity and independence of the National Assembly. The IPU's position in this regard has been consistent in its reading of this situation,

⁵ More information on decisions concerning cases of parliamentarians who are victims of human rights violations can be found on the IPU website: <https://www.ipu.org/decisions-committee-human-rights-parliamentarians>. The most recent decisions on the Venezuelan cases are available at: https://www.ipu.org/sites/default/files/documents/venezuela-e_3.pdf.

understanding that, taken as a whole, it was a clear attempt to thwart the effective exercise of the will of the people as expressed in the election results of December 2015.⁶

15. With regard to the December 2020 electoral process, in its unanimously adopted decision of 3 November 2020, the IPU Governing Council solemnly affirmed, in keeping with the letter and spirit of the IPU Universal Declaration on Democracy,⁷ that the key element in the exercise of democracy is the holding of free and fair elections enabling the people's will to be expressed, on the basis of universal, equal and secret suffrage, so that all voters can choose their representatives in conditions of equality, openness and transparency. In that regard, the Council expressed its deep concern at the restrictions in place and the institutional framework governing the legislative elections scheduled for December 2020, which appeared to seriously undermine the level playing field required for opposition members and their supporters to exercise their right to participate in the conduct of public affairs on a par with the ruling party and its supporters.

16. For its part, the CHRP in its March 2021 decision considered that the ongoing repression of parliamentarians elected in 2015 was a direct consequence of the prominent role they had played as outspoken opponents of President Maduro's government and as members of the opposition-led National Assembly. The Committee once again urged the authorities to put an immediate end to all forms of harassment against parliamentarians elected in 2015, to ensure that all relevant state authorities respected the human rights of all parliamentarians, and to fully investigate and establish accountability for the violations of their human rights reported to the IPU.

17. In its most recent decisions, the IPU has expressed deep concern about the findings of the report of the United Nations Human Rights Council independent international fact-finding mission on the Bolivarian Republic of Venezuela, published in September 2020, which it considered gave further weight to the allegations received by the IPU of political repression and state responsibility at the highest level.

18. The IPU has consistently and unequivocally stated that the concerns arising from the cases before the CHRP are part of a larger political crisis in Venezuela, which can only be solved by the Venezuelans themselves through inclusive political dialogue. The IPU has also expressed its total readiness to support any efforts by Venezuelans to move towards a peaceful and democratic resolution of the crisis.

19. This report does not claim to be exhaustive in identifying challenges. The data mentioned here have been gathered from visits, interviews and meetings held by the delegation during its stay in Caracas and are mentioned here for descriptive purposes only, without implying that the delegation shares these views.

B. Information received during the mission

I. Political and social context

20. The mission took place at a particularly sensitive time for Venezuelan society, given that just 10 days before the delegation's arrival in Caracas a memorandum of understanding had been signed between the Government of the Bolivarian Republic of Venezuela and various sectors of the Venezuelan opposition in Mexico City. The agreement includes a seven-point agenda and the establishment of general terms and conditions for negotiations.⁸ The various stakeholders interviewed by the delegation emphasized the historic and promising nature of this new attempt at dialogue. The delegation considers that in no way should the conclusions of the IPU mission negatively interfere with the dialogue process.

21. Throughout the mission, the delegation had the opportunity to receive data and observe the complex situation in Venezuela, which has a determining influence on the multidimensional and systemic nature of the current crisis. Some aspects that the delegation considers particularly relevant are described below.

⁶ More information on IPU press releases and public statements on Venezuela can be found at: <https://www.ipu.org/parliament/VE>.

⁷ Available at: <https://www.ipu.org/our-impact/strong-parliaments/setting-standards/universal-declaration-democracy>.

⁸ Available at: http://historico.tsj.gob.ve/gaceta_ext/agosto/1782021/E-1782021-6242.pdf#page=1.

(a) Humanitarian situation

22. According to information received, as of 27 July 2021, the authorities had confirmed 300,919 cases of COVID-19 in the country, 284,435 persons had recovered and 3,509 had died. The most affected states were: Distrito Capital, Miranda, Zulia and Yaracuy. From January 2020 to 22 July 2021, some 550 cases of COVID-19 and 13 deaths in pregnant women, 1,137 cases and 22 deaths in indigenous peoples, and 3,104 cases and 179 deaths in health workers had been officially reported. According to official figures, as of 26 July, 3,612,473 people had received at least one dose of the COVID-19 vaccine.

23. The delegation received information on deficiencies in medical care for the portion of the population suffering from non-communicable diseases and on the shortage of medicines and supplies for their treatment. The situation is deteriorating because of the pressure on health services created by COVID-19 and the ongoing fuel shortage. Several of the persons who met with the delegation referred to cases of malnutrition in practically all states in the country, including cases of acute malnutrition and underweight pregnant women. In some states in the country, fuel shortages also limit food transport.

24. According to the information received, the lack of access to basic services, such as electricity or fuel for cooking, is having an impact on the living conditions of Venezuelans and in particular on isolated communities and indigenous communities.⁹

25. The delegation also received information on an increase in migratory flows towards land borders and the use of illegal crossing points, which exposes people on the move to multiple risks, including physical violence, human trafficking and smuggling, extortion and sexual exploitation. According to data provided to the delegation, more than five million Venezuelans live abroad,¹⁰ the vast majority in Latin American and Caribbean countries and, according to estimates, this figure could exceed seven million by 2022. This mass exodus has become one of the world's major displacement crises.

(b) Impact of international coercive measures

26. The delegation received detailed information on the impact that international coercive measures are having on Venezuelan society. According to information provided by the 2020 National Assembly, Venezuelan state revenues have fallen drastically as a result of the measures, with losses amounting to millions of US dollars. Disinvestment due to lack of resources has led to a significant deterioration in basic services such as access to drinking water, natural gas, electricity and public transport.

27. In addition, other persons shared information on the existence of a deteriorating humanitarian situation and an economic recession in Venezuela prior to the adoption of international coercive measures. According to some stakeholders, these sanctions alone are not the root cause of, or explain, the current situation in Venezuela, as other pre-existing factors such as the economy's dependence on oil revenues, political instability and corruption¹¹ would have to be taken into account.

(c) Institutional duality and crisis in democratic representation

28. In its conversations with representatives of civil society and stakeholders in Venezuelan political and community life, the delegation noted the existence in practice of two National Assemblies, each defining itself as the sole legitimate national legislative body and each with its own legal arguments. This situation creates a certain institutional duality in practice and engenders an ideological division at the heart of Venezuelan society. It means that citizens are being called on through the mass media and social networks to take a position in favour of or against one side or the other, with no attempt to promote finding common ground and understanding.

⁹ More information on the subject can be found in the situation report June–July 2021 prepared by the United Nations Office for the Coordination of Humanitarian Affairs: <https://reports.unocha.org/es/country/venezuela-bolivarian-republic-of>.

¹⁰ This figure corresponds to data published by the United Nations Refugee Agency: <https://www.acnur.org/situacion-en-venezuela.html>.

¹¹ According to Transparency International's global ranking of perceived corruption in the public sector, Venezuela ranked 176th out of 180 countries in 2020, <https://www.transparency.org/en/countries/venezuela#>.

29. The delegation heard repeatedly that the idea that two parliaments exist,¹² issuing legislation and communications in parallel in the same territory and public space, has contributed to a crisis in democratic representation. Citizens are thus tempted to believe less and less in representative institutions as they see no tangible results in the promotion of their interests and basic needs.

30. The delegation noted that both supporters of the ruling party and representatives of the more radical opposition forces focus their speeches on blaming the other party for the problems from a fundamentally ideological point of view. Thus, each side accuses the other of serious offences such as corruption and misuse of national resources, of having committed, or helped in the commission of, crimes and of having violated the Constitution of the Bolivarian Republic of Venezuela (the Constitution).

31. For example, the delegation received a significant amount of detailed information on a series of acts of alleged bribery, blackmail, coercion, intimidation and threats directed at members of parliament of the 2015 National Assembly to make them change their political positions and votes within the Assembly. These acts are known as “*Operación Alacrán*” (Operation Scorpion). The aim of these acts included to put an end to the opposition's qualified majority in parliament, weaken Juan Guaidó's position and prevent his re-election as President of the Assembly in January 2020. Against this backdrop, according to information provided to the delegation by the government opposition, some members of the 2015 National Assembly were offered substantial sums of money. The operation allegedly handed out substantial amounts of resources in foreign currency, real estate and vehicles, granted by individuals in public office. Other pieces of information provided to the delegation describe acts of irresponsible and excessive exploitation of natural resources by state entities, which is causing irreparable damage to the environment and to vulnerable populations, particularly indigenous communities.

32. The delegation also received information from government sympathizers on the alleged existence of parallel payrolls for administrative staff of the National Assembly between 2016 and 2021, with up to 300 people declared as civil servants assigned to a single commission. Information was also received on allegations of lack of transparency in the use of state assets and property, as well as resources received for humanitarian aid and international technical assistance by the leadership of the 2015 National Assembly.

33. At the same time, the delegation noted that the predominant ideological narratives, while diametrically opposed, agree on the need to overcome the political crisis, preserve peace, guarantee the well-being of Venezuelans, and to respect the rule of law and the Constitution. The delegation is therefore pleased that this common ground is reflected in one way or another in the agenda of the dialogue process according to the agreement signed in Mexico City on 13 August 2021.

(d) Conclusions

34. The delegation considers that, given the very worrying level of deterioration in the humanitarian situation and democratic institutions in Venezuela, it is now urgent for national stakeholders to come out of their ideological trenches to work hand in hand to build a new social pact. This new social pact should emerge through participatory, non-violent means, without foreign interference and in line with the State's international human rights commitments. The process of dialogue under way appears to meet the conditions for exploring and identifying appropriate solutions, although it should in no way serve as a pretext for perpetuating the *status quo* or impeding the advancement of processes seeking justice, truth and reparation in cases of human rights violations.

35. The delegation believes that the international community should support the Venezuelan process of emerging from the crisis from a standpoint of respect for self-determination and support. In this regard, it reiterated that the IPU has historically opposed the adoption by a State (or group of States) of laws or other measures with extraterritorial effects and has considered that general economic sanctions should be avoided as far as possible, as they could disproportionately affect innocent persons.¹³

¹² In previous years there was also the National Constituent Assembly that took on the functions of the National Assembly.

¹³ See Resolution adopted by the 104th Inter-Parliamentary Conference: <http://archive.ipu.org/conf-e/104spl.htm>.

II. December 2020 parliamentary elections

36. This section of the report addresses three key aspects related to the parliamentary elections held on 6 December 2020, which resulted in the establishment of the National Assembly on 6 January 2021. These aspects are: the appointment of the members of the National Electoral Council (CNE), the body that, according to the Constitution (Article 292), exercises electoral power and is therefore responsible for managing electoral processes in the country; second, the rules adopted by the CNE for the 2020 parliamentary elections; and, lastly, the exercise of the rights of political participation by candidates and political organizations during those elections. The information mentioned in this section comes from the assessment of the accompanying independent expert and testimonies collected by the delegation on the ground.

(a) Election of members of the National Electoral Council

37. According to Article 296 of the Constitution, the National Electoral Council (CNE) must be composed of five members, who must be elected by a two-thirds vote of National Assembly members. According to the same article, it is the members of the CNE who, in turn, choose their president during their inauguration session, held the day after their appointment, in accordance with Article 36 of the *Ley Orgánica del Poder Electoral* (Organic Law on Electoral Power – LOPE). The members are also responsible for deciding who among them will head the three subordinate bodies of the CNE, namely the National Electoral Board, the *Comisión de Registro Civil y Electoral* (Civil and Electoral Registry Commission), and the *Comisión de Participación Política y Financiamiento* (Political Participation and Financing Commission), which have immediate responsibility for major electoral operations.

38. According to publicly available information, corroborated by information received during the mission, on 5 June 2020, the TSJ ruled in favour of an action for unconstitutionality filed by eight parliamentarians for the "unconstitutional failure" of the 2015 National Assembly to appoint the members of the CNE.¹⁴ Unconstitutional failure, according to Article 336(7) of the Constitution (and consistently with Article 25(7) of the *Ley Orgánica del Tribunal Supremo de Justicia* (Organic Law of the Supreme Court of Justice)) implies that the TSJ may "**declare unconstitutional failures** of the municipal, state, or national legislative power when it has failed to issue the rules or measures required to guarantee compliance with this Constitution, or has issued them incompletely, **and establish the deadline and, if necessary, the guidelines for their correction**".

39. Based on these legal provisions, on 10 June 2020, the TSJ issued an order urging the 2015 National Assembly to provide the list of citizens shortlisted for the CNE within 72 hours. However, on 12 June 2021, before the 72-hour deadline had expired and arguing there were posts on social networks indicating that the National Assembly had already decided not to provide the list of shortlisted candidates, the TSJ issued Ruling No. 0068 appointing the members of the CNE. The ruling, contrary to the provisions of Article 296 of the Constitution, also selected those who would occupy the posts of president and vice-president, as well as the members of the subordinate bodies of the CNE. Among the members appointed by the TSJ were two female judges of the court itself, including the member who was appointed president of the CNE.

40. The delegation considers that the above-mentioned decision exceeds the limits of TSJ actions set forth in Article 336(7) of the Constitution, which provides for legislative failure, but only empowers the court to **declare the unconstitutionality of the acts of the Assembly**, to **establish deadlines for issuing constitutional rules** or to **define the guidelines for correcting the unconstitutional acts**, but not to directly appoint the members or authorities of the CNE. This action could be considered an encroachment on the powers of the National Assembly and of the electoral authority itself and would not only contradict domestic laws (in particular, Articles 136 and 137 of the Constitution, which provide for the powers of the State, each with its own functions), but also a basic international principle for the functioning of a democratic society, such as the separation of powers.

(b) Rules adopted by the National Electoral Council for the 2020 parliamentary elections

41. The same TSJ ruling declaring the National Assembly's legislative failure repealed Articles 14, 15, 174 to 182 and 186 of the *Ley Orgánica de Procesos Electorales* (Organic Law on Electoral Processes – LOPRE), which set out the principles for defining the number of members of parliament to

¹⁴ Ruling No. 0068 of the Constitutional Chamber of the Supreme Court of Justice of the Bolivarian Republic of Venezuela, available at: <http://historico.tsj.gob.ve/decisiones/scon/junio/309872-0070-12620-2020-20-0215.HTML>.

be elected on a proportional and nominal list, and the system for electing indigenous representatives. The ruling also ordered the CNE to fill the legal vacuum left by the repeals. The TSJ's order thus conferred on the electoral body legislative powers not conferred on it by law, and which the delegation considers go far beyond what is provided for in Article 293 of the Constitution, which lists its functions.¹⁵

42. Pursuant to this order of the TSJ, on 30 June 2020 the CNE issued the "Special Rules for Parliamentary Elections 2021–2026".¹⁶ These rules set out, first, a distribution of parliamentarians to be elected in the states, both by proportional representation and in nominal constituencies. Second, the rules provide for the creation of a new list to elect 48 seats in a national constituency. As a result, the total number of parliamentarians was increased by 110 (from 167 to 277). In addition, the rules changed the system for electing indigenous representatives from being elected by direct vote to being chosen by delegates or spokespersons appointed in people's assemblies.

43. According to information received by the delegation, the electoral body had reportedly adopted all of these changes to crucial components of the election not only by taking over legislative powers not conferred on it by the Constitution, but also in the absence of any debate or agreement between the main political forces.

44. The delegation considers that the rules issued by the CNE contradict at least two articles of the Constitution:

1. Article 186, which provides for the election of members of parliament by universal, direct, personalized and secret ballot,¹⁷ was infringed, given that, by establishing that indigenous representatives would be elected by delegates, the vote is no longer direct, even if the intention of the delegated vote was to guarantee that indigenous representatives are only eligible by indigenous voters. Article 186 was also infringed in a second way, given that the article establishes a formula for calculating the number of members of parliament that does not provide for a national constituency and that the total number of members of parliament was increased.
2. There is also an infringement of Article 298 of the Constitution, which prohibits amending electoral regulations in the six months prior to elections, given that the rules were adopted on 30 June 2020.

(c) The right to political participation in the 2020 parliamentary elections

45. According to information received by the delegation, in a period of three to five months before the elections of 6 December 2020, the TSJ interfered in the leadership of nine parties, including three of the four parties with the largest number of seats in the opposition coalition *Mesa de la Unidad Democrática* (Democratic Unity Roundtable – MUD), which held the majority in the National Assembly in 2015.¹⁸ The interference was allegedly made without holding hearings with the party leaderships concerned and involved the suspension or surrender of the entitlement to the so-called "ticket" or polling card of minority movements within these parties. The TSJ also authorized the new leaderships to make use of the concepts and identifying features of the parties concerned, such as their logo, symbols, emblems, flags and colours. Several of the persons who met with the delegation during the mission stated that the newly appointed party leaderships were all supporters of the ruling party, which allegedly removed any possibility of a genuine and credible opposition participating in the electoral process.

¹⁵ Particularly paragraph 1 of the Article, which provides as a function of the electoral power "to regulate election laws and resolve any doubts and unregulated areas raised by or contained in such laws". The delegation considers that it can in no way be interpreted that such conferral includes the power to enact repealed provisions of an organic law, whose approval, according to the Constitution, falls to the National Assembly, as provided for in Title V, Chapter I, Section Four of the Constitution.

¹⁶ See at:

http://www.cne.gob.ve/web/normativa_eleitoral/elecciones/2020/asamblea_nacional/documentos/normas_especiales_para_las_elecciones_a_la_asamblea_nacional_per%C3%ADodo_2021-2026.pdf.

¹⁷ "Article 186. The National Assembly shall be composed of members of parliament elected in each of federal entity by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of one per cent of the total population of the country."

¹⁸ These three parties are *Primero Justicia* (PJ), *Acción Democrática* (AD) and *Voluntad Popular* (VP), to which must be added *Patria Para Todos* (PPT), *Compromiso País* (COMPÁ) and *Tupamaro*, both members of the *Gran Polo Patriótico* coalition, which decided to put forward candidates independently, plus *Movimiento Republicano* (MR) and *Acción Ciudadana en Positivo* (ACEP).

46. As a result of this interference, the most publicly well-known leaders of these parties decided not to run in the legislative elections. The turnout in these elections was 30 per cent of registered voters, according to official data, which other sources estimate to be even lower. This is a significantly lower turnout than in the previous parliamentary elections, held in 2015, with 74 per cent of registered voters voting.¹⁹

47. The delegation considers that removing the leaders of publicly recognized parties from their organizations and appointing new party leaders in their place without consulting the members of those organizations is neither a reasonable nor a proportionate restriction of the rights of freedom of association and participation, and contravenes Article 67 of the Venezuelan Constitution,²⁰ as well as international instruments to which the Bolivarian Republic of Venezuela is a party, such as the International Covenant on Civil and Political Rights²¹ and the 1994 Declaration on Criteria for Free and Fair Elections of the IPU.

(d) Status of the 2015 National Assembly

48. On 5 February 2019, the 2015 National Assembly approved the “Statute governing the transition to democracy to re-establish the validity of the Constitution of the Bolivarian Republic of Venezuela”.²² This decision came in response to the presidential elections of 20 May 2018, which the Assembly claimed to be fraudulent, the participation of prominent opposition leaders having been excluded and procedural irregularities committed.

49. Composed of 39 articles, the Statute declares the 2018 election of President Nicholas Maduro “illegitimate”. Invoking articles 333 and 350 of the Constitution, it affirms the latter’s validity in the face of acts of force; repudiates any authority having undermined democratic values or human rights; and reaffirms the duty of all citizens to help restore constitutional rule.

50. Declaring executive branch authority to have been “usurped” and invoking the constitutional mechanism of substitution in the case of an absence in the presidency²³ the Statute named the Speaker of the 2015 National Assembly as Interim President of Venezuela. Among other measures, the Statute also provided for the formation of a provisional national unity government and the appointment of new judicial, civic and electoral authorities to hold office “until free and competitive elections are held”.

51. The Constitutional Chamber of the Supreme Court of Justice, having held the 2015 Assembly in contempt since 2016, annulled the Statute in Ruling No. 06/2019, on 8 February 2019,²⁴ as it had many of the 2015 Assembly’s other acts and decisions.

52. After the legislative elections of 6 December 2020, which it also considered fraudulent, with procedures violating at least 33 articles of the Constitution, the 2015 Assembly amended its Statute on 26 December 2020²⁵. The amendment extended the Assembly’s mandate beyond the constitutionally

¹⁹ More information on turnout rates in recent elections, according to official data is available at: www.cne.gob.ve/web/estadisticas/index_resultados_elecciones.php.

²⁰ Article 67. All citizens have the right to associate for political purposes through democratic methods of organization, operation and management. **Their governing bodies and candidates for elected office shall be selected in internal elections with the participation of their members.** The financing of associations for political purposes with funds shall not be permitted. [...] Citizens, on their own initiative, and associations for political purposes, have the right to participate in electoral processes by nominating candidates. [...].

²¹ In particular article 22, which recognizes the right to freedom of association, and article 25, which refers to political participation.

²² Available at: http://www.asambleanacional.gob.ve/documentos/botones/boton_1559953972.pdf.

²³ According to Article 233 of the Constitution, the President or President of the Republic shall be considered definitively absent in the event of: **death; resignation; removal by a ruling of the Supreme Court of Justice; permanent mental or physical incapacity as certified by a medical board designated by the Supreme Court of Justice and with the approval of the National Assembly; abandonment of the office declared as such by the National Assembly; and recall by referendum.**

Should such definitive absence befall the President-elect before taking office, a new, universal election shall be conducted by direct and secret ballot within the next 30 days. **Pending the election and inauguration of the new President, the Presidency of the Republic shall be entrusted to the Speaker of the National Assembly. (emphasis added).**

²⁴ Available at: <http://historico.tsj.gob.ve/decisiones/scon/febrero/303636-0006-8219-2019-17-0001.HTML>.

²⁵ Available at: <https://asambleanacional-media.s3.amazonaws.com/documentos/leyes/estatuto-que-rige-la-transicion-a-la-democracia-para-restablecer-la-vigencia-de-la-constitucion-de-la-republica-bolivariana-de-venezuela-20201226172249.pdf>

prescribed expiry date (4 January 2021), “Until, during the course of 2021, free, fair and verifiable presidential and parliamentary elections are held or some exceptional political development should occur – or until an additional parliamentary year has elapsed as from 5 January 2021”. Although it had already annulled the Statute, the TSJ explicitly revoked this amendment to it on 30 December 2020.²⁶

53. The delegation observed that the 2015 National Assembly has remained active since that time, using teleconferencing systems to conduct its sittings. Its resources, however, are seemingly inadequate, and its decisions, disregarded by the executive and judicial branches – and by the 2020 National Assembly – have limited impact. Real legislative power rests with the latter, though elected outside Venezuelan law and by means contrary to international principles for fair elections.

(e) Conclusions

54. The delegation submits that the chain of events and decisions described in this section have led to an extraordinarily anomalous situation in Venezuela.

55. On the one hand, we have the 2015 National Assembly, whose term has been extended for one year – beyond the five stipulated in the Constitution²⁷ – as purportedly justified by presidential absence or inexistence of an elected President, yet none of the premises indicated in the Constitution in defining such absence correspond literally to the facts. Pursuant to decisions adopted under those exceptional circumstances, having extended its own mandate, the National Assembly then proclaimed its President Interim President of the Republic without any reasonable expectation that this situation would be of limited duration. The constitutionality of this unprecedented and transcendental decision has not been confirmed by the TSJ, which is the main authority for interpreting the Constitution but neither recognizes, nor is recognized by, the Assembly. Lastly, the recognition withheld by other branches of government and the resource restrictions under which it carries out its functions have left the 2015 National Assembly less than fully functional. It is also unclear what would be the legal status of the 2015 National Assembly after the expiration of the one-year extension of its parliamentary term.

56. On the other hand, the 2020 National Assembly, which began performing its legislative functions on 5 January 2021 within the official seat of the legislative branch, has been elected by a questionable process, subject to rules at variance with a proper interpretation of the Constitution, of Venezuelan laws and of international electoral good practice.

57. The delegation considers that the 2015 National Assembly is pursuing an essentially symbolic activity without a solid legal basis – or given its exceptional character, any clear precedents – while the 2020 Assembly has been elected under rules at odds with domestic law and international obligations for electoral processes. Accordingly, neither of the two assemblies is a national legislative body **“constituted in conformity with the laws of a sovereign State”** according to the first of the three conditions established in Article 3.1 of the IPU Statutes for requesting affiliation to the Inter-Parliamentary Union, which stipulates that “every parliament constituted in conformity with the laws of a sovereign State whose population it represents and on whose territory it functions may request affiliation to the IPU”.

58. The delegation believes that there is only one solution to an institutional stalemate of this magnitude: the conclusion of an agreement between Venezuelan political organizations on the conditions for conducting elections that are acceptable to all and in accordance with the laws and international commitments of Venezuela, which include the IPU Declaration on Criteria for Free and Fair Elections.

59. The dialogue in which Venezuelan political forces are currently engaged, which has led to acceptance by many of the country's parties to participate in regional and local elections, to be held on 21 November 2021, may prove conducive to such agreement. This is consistent with the IPU's foundational principle of inclusive dialogue as a choice means of resolving disputes.

²⁶ See: <http://historico.tsj.gob.ve/decisiones/scon/diciembre/311231-0274-301220-2020-17-0001.HTML>.
²⁷ Article 192.

III. The human rights of parliamentarians

60. The delegation was able to meet with more than 60 of the 134 parliamentarians elected in 2015 with cases under examination by the CHRP and to obtain first-hand information on their individual situations. Many of these parliamentarians, either unable to travel to Caracas or out of the country on the dates scheduled, participated in meetings with the delegation via videoconference. The delegation was informed that, at the time of its stay in Caracas, one parliamentarian was under arrest and being held in a detention centre,²⁸ another was under house arrest, 36 were in exile, 6 had recently returned to Venezuela, 23 were engaged in court proceedings, and 26 had received a presidential pardon in August 2020.

61. The text that follows covers some of the elements and situations that the delegation considers particularly relevant for the purposes of this report. It should not, however, be considered an exhaustive reflection of the information received on individual cases under detailed examination by the CHRP, as part of its mandate.

(a) Recurrent arrests

62. The delegation noted with great concern reports of recurrent arrests of political dissidents as a means used by state forces to pressure the opposition. Individuals have been pressured by officers of the *Fuerzas de Acciones Especiales* (Special Action Force of Venezuela's National Police – FAES), the *Servicio Bolivariano de Inteligencia Nacional* (Bolivarian Service of National Intelligence – SEBIN) and the *Dirección Nacional de Investigaciones Penales* (National Directorate of Criminal Investigations – CPNB), also known as the *Servicio de Investigaciones de la Policía Nacional Bolivariana* (Office of Investigations of the Bolivian Police). According to reports, it is common for the whereabouts of detainees to remain unknown for several hours or even days before appearing in court or being released.

63. While the alleged offences are treated as ordinary crimes by the tribunals, several of persons who met with the delegation considered the arrests to be politically motivated, targeting recognized political or social leaders perceived as threats to the political system in power. The arrests, it was alleged, were intended to silence those individuals, exclude them from political life and punish them for their opposition activities, while also sending an intimidating warning to the population at large about the “danger” of opposing the government.

64. While the figures vary depending on the source, the delegation was informed of some 200 to 300 persons under arrest for political reasons at the time of the mission. These figures constantly vary because of what civil society organizations call a “revolving-door” system, in which individuals are subjected to politically motivated arrests as others are released, or the same individuals are regularly both arrested and released. The delegation was also informed that the prospect of incarceration for persons arrested for political reasons was often being used by authorities as “bargaining chips” in negotiations with the opposition, or for the purposes of political propaganda.

65. The delegation considers these reports as corroborating the position maintained by the CHRP in identifying and denouncing such practices. The following opposition parliamentarians were affected by them as described:

- Renzo Prieto (arrested in April 2014 for his opposition political activities, released in June 2018 despite having been elected member of parliament in December 2015; arrested again for several hours in April 2019 and between March and August 2020; his whereabouts remained unknown for at least 48 hours at the time of his arrest in March 2020);
- Rosmit Mantilla (arrested in May 2014 for his political opposition activities, released in November 2016 despite having been elected member of parliament in December 2015);
- Gilber Caro (under arrest between January 2017 and June 2018 and between April and June 2019, his whereabouts remaining unknown from April to May 2019; arrested again from December 2019 to August 2020);
- Antonio Geara (under arrest between March and August 2020);
- Ismael León (placed under preventive house arrest between January and August 2020);

²⁸ The parliamentarian Gilberto Sojo was released one week after the delegation left Caracas.

- Edgar Zambrano (under arrest from May to September 2019, his whereabouts remaining unknown during his first month of detention).

66. The most recent example of such treatment for opposition parliamentarians has been the arrest and subsequent release of the members of parliament Gilberto Sojo and Freddy Guevara.

67. Two opposition parliamentarians elected in 2015 were under arrest at the time of the mission: Juan Requesens and Gilberto Sojo. On 26 August 2021, the delegation called on the residence of Mr. Requesens, then under preventive house arrest, for the purpose of interviewing him, having requested advance authorization to do so from national authorities through formal communication channels at several meetings in Caracas. The delegation was assured complete freedom to interview whomever it wished while in Caracas, including Mr. Requesens. However, upon arriving at his home the delegation's access was barred by security forces assigned to guard the residence. Police officers posted at the entrance said they had instructions not to admit visitors.

68. The delegation observed a significant security presence around the residence of Mr. Requesens and, in that regard, considers the denial of visits to a parliamentarian elected in 2015 at his private residence, on the grounds of not being expressly authorized by the officers in charge, a disproportionate restriction of his freedoms of speech and assembly, among other rights, which appears unnecessary to ensure his appearance in court or avoid obstructions to the investigation under way.

69. The delegation had also formally requested the authorities to facilitate its access to member of parliament Mr. Gilberto Sojo, who was being held in a detention centre at the time of the mission. While regretting that its request was not granted at that time, the delegation was nonetheless pleased to learn subsequently of the member of parliament's release on 3 September 2021, exactly one week after the mission was concluded.

70. In preparing for the mission, the delegation had also requested facilitation of a visit to Freddy Guevara, opposition member of parliament elected in 2015, who had been arrested on 12 July 2021 by SEBIN officers – his whereabouts remaining unknown until 15 July, when he was brought before the court. Having had persistent concerns about the circumstances of his incarceration and right to due process, the delegation was pleased to learn of the member of parliament's release on 15 August 2021, one week before the delegation's arrival in Caracas.

(b) Other examples of human rights violations committed against parliamentarians

71. In addition to the recurrent arrests and enforced disappearances²⁹ mentioned above, the delegation obtained information and heard testimony giving accounts of cruel, inhuman and degrading treatment, including torture, of detainees elected as members of parliament in 2015, including Rosmit Mantilla, Renzo Prieto, Gilber Caro and Juan Requesens.

72. Detailed information was also obtained about acts of physical violence against parliamentarians during public demonstrations and events, and disproportionately targeting women parliamentarians merely for being women. Several women members of parliament elected in 2015 reported being subjected to harassment, insults against their gender and violence by government supporters while performing their parliamentary duties between 2016 and 2020. One example of violence specifically directed against women parliamentarians occurred near the Legislative Palace (the seat of parliament) on 5 January 2020, when Adriana Pichardo, Karim Vera, Nora Bracho, Delsa Solórzano, Nirma Guarulla, Manuela Bolívar, Yajaira Forero, Olivia Lozano, Milagros Eulate, María Beatriz Martínez and Elimar Díaz, all members of parliament elected in 2015, were beaten, dragged in some cases on the ground, and had their clothing ripped, among other outrages, while state security and police forces stood by. Many of these women reportedly required medical assistance as a result.

²⁹ According to the International Convention for the Protection of All Persons from Enforced Disappearance (article 2), "enforced disappearance" is defined as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

73. Also extremely troubling were reports received of attempted assassinations and abductions and recurrent death threats against parliamentarians in a climate of impunity. The most recent example of this type of act, on 12 July 2021, was the attempted abduction of Juan Guaidó, a member of parliament elected in 2015, by a group of armed men in the parking facility of his residence. The men, their faces covered, aimed their guns as well at another member of parliament present, Delsa Solórzano, also elected in 2015. Information was also received on threats and acts of harassment affecting the family members and professional associates of opposition members of parliament. Mothers, fathers, sons, uncles, brothers, sisters, parliamentary assistants, drivers, defence lawyers and other individuals close to opposition parliamentarians elected in 2015 have been reportedly systematically subjected in recent years to threats, arrests, harassment and other acts of intimidation.

74. Another issue of concern to the delegation is the persistent effects of political disqualification, which prevents opposition members of parliament elected in 2010 and 2015 from holding public office in the future and restricts their right to be elected and participate in the political life of their country. These measures, apart from raising concerns about the procedures followed, may also be perceived as retaliation against opposition members of parliament. An early example, denounced at the time by the IPU, was the case of opposition parliamentarian Maria Corina Machado, elected for the 2011–2016 legislative term. According to the information obtained, she remains disqualified for public office and is prohibited from leaving the country. Between 2017 and 2019, several of the members of parliament elected in 2015, including Adriana D’Elia, Julio Borges, German Ferrer and Juan Guaidó, were disqualified from political office for 15 years. More recently, in February 2021, the Comptroller General appointed by the National Constituent Assembly³⁰ announced the disqualification of 28 members of parliament elected in 2015.

75. Another matter brought to the delegation’s attention is a significant trial backlog that is negatively impacting compliance with legal time limits for the various stages of criminal procedure, a problem aggravated by the COVID-19 public health restrictions. Recurrent delays were reported in setting trial dates, ruling on appeals and responding to defence motions in criminal proceedings. It was learned that defence lawyers face numerous obstructions in performing their role and defending the accused, including as not receiving notification of hearings, not being allowed physical access to courtrooms, not obtaining timely access to case files. According to the information reported, however, opposition parliamentarians are not alone in receiving such treatment; it is common for all trial defendants.

(c) Conclusions

76. The delegation appreciates the openness and cooperative spirit shown by representatives of the Public Prosecutor, the Ombudsperson and the National Council of Human Rights. It takes note in particular of the willingness expressed by several of these representatives, as well as the leadership of the 2020 National Assembly, to continue substantive, case-by-case discussions on each of the individual situations now under examination by the CHRP, with the aim of responding to the IPU’s concerns and exploring ways to resolve them.

77. In several meetings with government representatives and members of the 2020 National Assembly, the delegation received information on parliamentarians with cases currently under CHRP examination who had returned from exile and/or were campaigning to participate as candidates in the regional and municipal elections planned for 21 November 2021. The delegation welcomes this information, which appears to represent an improvement in the ability of those parliamentarians to exercise their political rights. It is not in itself, however, sufficient grounds to close those cases, several of which entail allegations still to be investigated in order to identify responsible parties, adopt remedies and take measures to deter recurrences.

78. After listening to persons representing a wide variety of political views, and then weighing up the information received, the delegation observes a persistently repressive climate for free expression, particularly where political opinions dissent from the governing party ideology. That climate is particularly evident in a pattern of harassment and persecution against opposition parliamentarians elected to the 2010 and 2015 National Assemblies, which seems not to be affecting opposition members of the 2020 National Assembly.

³⁰ The National Constituent Assembly was established on 30 July 2017 allegedly to rewrite the Constitution of Venezuela, but instead it exercised many of the constitutional functions assigned to the National Assembly. It was finally dissolved in December 2020.

79. Nonetheless, the delegation sees the current process of dialogue as an unprecedented opportunity to move beyond practices tending to limit political rights in Venezuela and begin addressing the misperceptions of duality or multiplicity in the country's public powers and national institutions. The delegation is convinced that only by establishing democratic institutions recognized by all Venezuelan political actors, society at large, and the international community, can the country's crisis of institutional legitimacy be resolved. Until it is, it remains fertile ground for continuing violations of the human rights of parliamentarians, as evident during the mission. The establishment of such institutions, and a new National Assembly in particular, must adhere strictly to the Constitution and laws of Venezuela, with free elections adhering to the strictest conditions of equality, transparency and accountability and in the interests of the community, having due regard for the plurality of opinions.

C. Final conclusions and recommendations

I. Ways in which the IPU could help to resolve the crisis

(a) Recommendations to the Executive Committee

80. The delegation agrees with the historical position of the IPU on the situation in Venezuela. Indeed, solutions to the crisis can be found and agreed upon only by Venezuelans themselves, through peaceful, consensus-based and democratic means.

81. It also believes, as mentioned earlier, that the current institutional stalemate, resulting from conflicting perceptions of the legitimacy of two different National Assemblies, must be resolved through an agreement among Venezuelans on conditions to govern parliamentary elections that accord with Venezuelan laws and applicable international standards, yielding results acceptable to all parties.

82. The delegation welcomes the process of dialogue being conducted³¹ between representatives of the Venezuelan government and opposition parties forming the Unitary Platform. The process is being facilitated by Norway and supported by the Netherlands, Russia and a "Friends-of-the-Process" group of countries. The Executive Committee is therefore recommended to reiterate IPU's offer to provide assistance to Venezuela and to assess how the IPU, if so requested, could contribute positively and directly to that important process.

83. With respect to the practical matter of Venezuela's representation in the IPU, the delegation recommends that the Executive Committee consider the multidimensional and systemic character of the crisis in Venezuela and that its recommendation to the Governing Council be guided strictly by the letter and spirit of the IPU Statutes and the interests of the Venezuelan people.

84. Accordingly, the delegation recommends that neither the 2015 National Assembly (its constitutional mandate having expired) nor the 2020 Assembly (having been elected outside applicable national law) be recognized as a full member parliament of the IPU.

85. The delegation believes firmly, on the other hand, that the absence of Venezuela from the Organization would leave voiceless a nation and people in troubled times, requiring support from the international community. The country's exclusion would be contrary to the values the IPU promotes in its role under Article 1 of the Organization's Statutes, as the focal point for worldwide parliamentary dialogue, working since 1889 for peace and cooperation among peoples and the establishment of representative institutions. **Accordingly, as a provisional solution while Venezuelans discuss,**

³¹ As of the date this report was finalized, the dialogue process had been suspended since mid-October 2021. According to statements made by Mr. Jorge Rodríguez, Speaker of the 2020 National Assembly and head of the government delegation for the dialogue, the suspension had been decided in response to the extradition to the United States of Mr. Alex Saab. In July 2019, Mr. Saab had been indicted by the US Department of Justice on several charges related to alleged money laundering and corruption. In June 2020, he had been arrested in Cape Verde, while his plane was making a stopover for technical reasons, on an arrest warrant for extradition issued by the United States. The extradition warrant was finally executed on 16 October 2021. While he remained in detention in Cape Verde, Alex Saab, as well as the Venezuelan Government, continued to allege that he was a "special envoy of the Bolivarian Republic", who was carrying out a special humanitarian mission to acquire basic food, medicines and medical equipment and that he therefore enjoyed immunity. In September 2021, the Venezuelan Government had appointed Mr. Saab as a full member of the Venezuelan delegation representing the Government in the dialogue process in Mexico.

agree on and create the conditions for establishing a national parliament, constituted in accordance with Venezuelan law, the delegation recommends permitting the country's participation in the IPU 143rd Assembly and in future IPU activities and events. Such participation could take the form of joint delegations, composed of equal numbers of parliamentarians elected in 2015 and in 2020, as designated by the President of each Assembly, with the condition that both parties agree to participate and all delegates be able to travel freely and return to Venezuela without suffering reprisals for cooperating with the IPU. Such a solution would permit representation of the popular will, as expressed in both 2015 and 2020, within the IPU. **The joint Venezuelan delegation could be admitted to IPU Assemblies as an observer.**

86. The delegation also recommends organizing a meeting between the Venezuelan delegation, composed as described above, and the IPU leadership during the IPU 143rd Assembly. Other representatives of the organization could also participate, such as, for example, members of the delegation that travelled to Venezuela, other members of the Executive Committee and the CHRP or other IPU mandate holders with an interest in the matter. This meeting would allow each Venezuelan party to express its views on the situation in the country. Such a meeting would also help the IPU in continuing to actively promote inclusive and respectful dialogue as the best way forward in the search for sustainable solutions to the Venezuelan crisis.

87. The delegation is also mindful of Venezuela's status in respect of Article 5(3) of the IPU Statutes.³² As the country is more than three full years in arrears in the payment of its financial contributions to the Organization's budget, the Executive Committee must now also consider this situation and express an opinion to the Governing Council on whether or not to suspend, for financial reasons, Venezuela's membership rights, which include participation in IPU Assemblies and events.

(b) Recommendation to Venezuelan authorities and opposition forces

88. The delegation's recommendation to the Venezuelan authorities and opposition forces is to continue their good-faith participation in the current dialogue. The delegation hopes that the matter of future parliamentary elections can be addressed under items 1 and 2 of the agenda for dialogue: "Political rights for all" and "Electoral guarantees for all. Electoral timetable for observable elections".

89. The delegation agrees with the IPU's position in offering support for the people and institutions of Venezuela in finding a definitive and lasting solution to the crisis, drawing on its long experience in promoting inclusive dialogue and good democratic practices. The delegation therefore invites the Venezuelan authorities to seriously consider the offer made by the IPU and indicate what forms such assistance should take to be effective.

(c) Recommendations to the international community

90. The delegation urges the international community, and particularly the world's parliaments and parliamentarians, to support the process of dialogue between representatives of the Government of the Bolivarian Republic of Venezuela and various opposition groups represented in the Unitary Platform, and to avoid any action that might unduly and negatively interfere with the process.

II. Cases currently before the Committee on the Human Rights of Parliamentarians and efforts to reach satisfactory settlements

(a) Recommendations to the Committee on the Human Rights of Parliamentarians

91. The delegation acknowledges that meeting with a large number of victims and with the national authorities allowed it to gain a better understanding of the issues at hand and take note of the highly political nature of the cases. The delegation therefore recommends that the CHRP continue examining and monitoring the human rights violations committed against Venezuelan parliamentarians until satisfactory settlements can be reached in accordance with national, regional and international standards for human rights, as established in the Committee's Rules and Practices. This may include the examination of new allegations of violations against the same or other Venezuelan

³² Article 5(3) of the IPU Statutes: "When a Member or Associate Member of the IPU is three years in arrears in the payment of its contributions to the IPU, the Executive Committee shall consider the situation, on a case-by-case basis and in close consultation with the Member or Associate Member concerned, and express an opinion to the Governing Council. The Governing Council shall take a decision on the suspension of the rights of that Member or Associate Member".

parliamentarians in the future. It is understood, moreover, that the CHRP mandate covers any type of situation that may affect the rights of parliamentarians, whether in office or not at the time of the complaint, provided there is a link between the violation at issue and the performance of parliamentary functions.

92. It is recommended as well that the IPU establish direct contact with the 2020 National Assembly, the Offices of the Public Prosecutor and Ombudsperson, the National Council on Human Rights and other relevant Venezuelan institutions to share detailed information on each of the individual cases under examination. That will allow progress in seeking satisfactory settlements in accordance with applicable national, regional and international norms and standards.

(b) Recommendations to Venezuelan authorities

93. The delegation agrees with the position systematically taken by the IPU with respect to the individual cases; it therefore recommends that national authorities comply fully with these decisions, in particular by:

- Refraining from the persecution of opposition parliamentarians elected in 2010 and 2015 based on their political opinions and as a direct consequence of their parliamentary work;
- Definitively ending the “revolving-door” cycle of arresting and releasing political opponents, intended to intimidate the opposition;
- Re-evaluating the relevance, necessity and proportionality of the preventive detention of member of parliament Juan Requesens, elected in 2015, and the possibility of his immediate release;
- Diligently, independently and impartially investigating the complaints of arbitrary arrests, torture, harassment, threats and stigmatization perpetrated against parliamentarians by state agents, paramilitary groups and violent groups of government supporters, identifying and punishing those responsible and definitively ending impunity for such acts;
- Taking appropriate remedial measures in line with applicable human rights standards; and
- Adopting measures to prevent repeat abuses, effectively safeguard the human rights of all parliamentarians, regardless of political opinion, and protect the important work of parliamentary opposition.

(c) Recommendations to the international community

94. The delegation considers that the role of the international community, and the world’s parliaments and their members in particular, is essential if the human rights of parliamentarians are to be protected in Venezuela. It therefore appeals to all IPU Member Parliaments and Observers, parliamentary assemblies, relevant human rights organizations and the international community at large to work within their respective mandates, and in coordination with the IPU, to help settle the cases of individual Venezuelan parliamentarians under CHRP examination.

95. The international community can contribute in several ways, including providing support for the Venezuelan authorities in implementing IPU decisions and recommendations on the human rights of parliamentarians and acts of parliamentary solidarity.³³

96. The delegation also urges the international community to continue lending its support to international institutions and bodies that have specific mandates to protect and promote human rights and that have been monitoring and contributing to the search for solutions to the human rights situation in Venezuela. This includes especially the IPU CHRP, the mechanisms of the United Nations, the International Criminal Court³⁴ and the bodies of the inter-American system. The delegation considers that in no case must efforts to advance dialogue and shape a new social pact in Venezuela serve as a pretext, where individual human rights have been violated, for suspending or obstructing justice or reparations.

Geneva, November 2021.

³³ For more information on the forms of parliamentary solidarity promoted by the IPU, see: <http://archive.ipu.org/conf-e/135/hr-help.pdf>.

³⁴ At the time of finalizing this report, the International Criminal Court (ICC) had publicly announced the opening of an investigation into the situation in Venezuela and signed a memorandum of understanding with the Bolivarian Republic of Venezuela in which, *inter alia*, the parties agreed that the State would adopt all necessary measures to ensure the effective administration of justice, in accordance with international standards, with the support and active engagement of the ICC, as well as to establish mechanisms to enhance cooperation and facilitate the effective discharge of the ICC prosecutor’s mandate in the territory of Venezuela. See: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1625>.

Human rights cases before the IPU Committee on the Human Rights of Parliamentarians

VEN-10 – Biagio Pilieri	VEN-82 – Angel Caridad
VEN-11 – José Sánchez Montiel	VEN-83 – Larissa González (Ms.)
VEN-12 – Hernán Claret Alemán	VEN-84 – Fernando Orozco
VEN-13 – Richard Blanco	VEN-85 – Franco Casella
VEN-14 – Richard Mardo	VEN-86 – Edgar Zambrano
VEN-15 – Gustavo Marcano	VEN-87 – Juan Pablo García
VEN-16 – Julio Borges	VEN-88 – Cesar Cadenas
VEN-17 – Juan Carlos Caldera	VEN-89 – Ramón Flores Carrillo
VEN-18 – María Corina Machado (Ms.)	VEN-91 – María Beatriz Martínez (Ms.)
VEN-19 – Nora Bracho (Ms.)	VEN-92 – María C. Mulino de Saavedra (Ms.)
VEN-20 – Ismael García	VEN-93 – José Trujillo
VEN-21 – Eduardo Gómez Sigala	VEN-94 – Marianela Fernández (Ms.)
VEN-22 – Williams Dávila	VEN-95 – Juan Pablo Guanipa
VEN-23 – María Mercedes Aranguren (Ms.)	VEN-96 – Luis Silva
VEN-24 – Nirma Guarulla (Ms.)	VEN-97 – Eliezer Sirit
VEN-25 – Julio Ygarza	VEN-98 – Rosa Petit (Ms.)
VEN-26 – Romel Guzamana	VEN-99 – Alfonso Marquina
VEN-27 – Rosmit Mantilla	VEN-100 – Rachid Yasbek
VEN-28 – Renzo Prieto	VEN-101 – Oneida Guaípe (Ms.)
VEN-29 – Gilberto Sojo	VEN-102 – Jony Rahal
VEN-30 – Gilber Caro	VEN-103 – Ylidio Abreu
VEN-31 – Luis Florido	VEN-104 – Emilio Fajardo
VEN-32 – Eudoro González	VEN-106 – Angel Alvarez
VEN-33 – Jorge Millán	VEN-108 – Gilmar Marquez
VEN-34 – Armando Armas	VEN-109 – José Simón Calzadilla
VEN-35 – Américo De Grazia	VEN-110 – José Gregorio Graterol
VEN-36 – Luis Padilla	VEN-111 – José Gregorio Hernández
VEN-37 – José Regnault	VEN-112 – Mauligmer Baloa (Ms.)
VEN-38 – Dennis Fernández (Ms.)	VEN-113 – Arnoldo Benítez
VEN-39 – Olivia Lozano (Ms.)	VEN-114 – Alexis Paparoni
VEN-40 – Delsa Solórzano (Ms.)	VEN-115 – Adriana Pichardo (Ms.)
VEN-41 – Robert Alcalá	VEN-116 – Teodoro Campos
VEN-42 – Gaby Arellano (Ms.)	VEN-117 – Milagros Sánchez Eulate (Ms.)
VEN-43 – Carlos Bastardo	VEN-118 – Denncis Pazos
VEN-44 - Marialbert Barrios (Ms.)	VEN-119 – Karim Vera (Ms.)
VEN-45 – Amelia Belisario (Ms.)	VEN-120 – Ramón López
VEN-46 – Marco Bozo	VEN-121 – Freddy Superlano
VEN-48 – Yanet Fermin (Ms.)	VEN-122 – Sandra Flores-Garzón (Ms.)
VEN-49 – Dinorah Figuera (Ms.)	VEN-123 – Armando López
VEN-50 – Winston Flores	VEN-124 – Elimar Díaz (Ms.)
VEN-51 – Omar González	VEN-125 – Yajaira Forero (Ms.)
VEN-52 – Stalin González	VEN-126 – Maribel Guedez (Ms.)
VEN-53 – Juan Guaidó	VEN-127 – Karin Salanova (Ms.)
VEN-54 – Tomás Guanipa	VEN-128 – Antonio Geara
VEN-55 – José Guerra	VEN-129 – Joaquín Aguilar
VEN-56 – Freddy Guevara	VEN-130 – Juan Carlos Velasco
VEN-57 – Rafael Guzmán	VEN-131 – Carmen María Sivoli (Ms.)
VEN-58 – María G. Hernández (Ms.)	VEN-132 – Milagros Paz (Ms.)
VEN-59 – Piero Maroun	VEN-133 – Jesus Yanez
VEN-60 – Juan A. Mejía	VEN-134 – Desiree Barboza (Ms.)
VEN-61 – Julio Montoya	VEN-135 – Sonia A. Medina G. (Ms.)
VEN-62 – José M. Olivares	VEN-136 – Héctor Vargas
VEN-63 – Carlos Paparoni	VEN-137 – Carlos A. Lozano Parra
VEN-64 – Miguel Pizarro	VEN-138 – Luis Stefanelli
VEN-65 – Henry Ramos Allup	VEN-139 – William Barrientos
VEN-66 – Juan Requesens	VEN-140 – Antonio Aranguren

VEN-67 – Luis E. Rondón
VEN-68 – Bolivia Suárez (Ms.)
VEN-69 – Carlos Valero
VEN-70 – Milagro Valero (Ms.)
VEN-71 – German Ferrer
VEN-72 – Adriana d'Elia (Ms.)
VEN-73 – Luis Lippa
VEN-74 – Carlos Berrizbeitia
VEN-75 – Manuela Bolívar (Ms.)
VEN-76 – Sergio Vergara
VEN-78 – Oscar Ronderos
VEN-79 – Mariela Magallanes (Ms.)
VEN-80 – Héctor Cordero
VEN-81 – José Mendoza

VEN-141 – Ana Salas (Ms.)
VEN-142 – Ismael León
VEN-143 – Julio César Reyes
VEN-144 – Ángel Torres
VEN-145 – Tamara Adrián (Ms.)
VEN-146 – Deyalitzza Aray (Ms.)
VEN-147 – Yolanda Tortolero (Ms.)
VEN-148 – Carlos Prospero
VEN-149 – Addy Valero (Ms.)
VEN-150 – Zandra Castillo (Ms.)
VEN-151 – Marco Aurelio Quiñones
VEN-152 – Carlos Andrés González
VEN-153 – Carlos Michelangeli
VEN-154 – César Alonso

The delegation met with the following members of the 2020 National Assembly (non-exhaustive list to be completed by the 2020 National Assembly if need be):

- Jorge Rodríguez Gómez, President
- Iris Varela, First Vice-President
- Desirée Santos Amaral
- Francisco Torrealba
- Giuseppe Alessandrello
- Ilenia Medina
- Javier Bertucci
- José Brito
- José Gregorio Correa
- Luis Eduardo Martínez
- Oscar Ronderos
- Pedro Carreño
- Pedro Infante
- Tania Diaz
- Timoteo Zambrano

The delegation met with the following members of the 2015 National Assembly:

- Juan Guaidó, President
- Adriana Pichardo
- Ángel Palmieri
- Arnoldo Benítez
- Biagio Pillieri
- Delsa Solórzano
- Edwin Luzardo
- Elaiza Ferris
- Freddy Guevara
- José Leonardo Regnault
- Luis Florido
- María Gabriela Hernández
- Milagros Sánchez Eulate
- Reinaldo Cervini
- Robert García

The delegation also met via zoom with the following members of the 2015 National Assembly:

- | | |
|----------------------------------|---------------------------|
| - Alexis Paparoni | - Karim Vera (PJ) |
| - Amelia Belisario | - Luis Emilio Rondón |
| - Ana Mercedes Aponte | - Lexssymar López |
| - Ana Salas | - Luis Barragán |
| - Andrea Tavares | - Luis Florido |
| - Ángel Álvarez Gil | - Luis Stefanelli |
| - Ángel Caridad | - Macario González |
| - Ángel Medina Davis | - Magalvi Estaba |
| - Antonio Geara | - Marco Aurelio Quiñones |
| - Armando Armas | - María Concepción Mulino |
| - Armando López | - Marianela Fernández |
| - Auristela Vásquez del Castillo | - María Teresa Pérez |
| - Carlos Berrizbeitia | - María Verónica Rengifo |
| - Carlos Valero | - Mauligmer Baloa |
| - César Alonso | - Milagro Valero |
| - César Cadenas | - Milagros Sánchez Eulate |
| - Denncis Pazos | - Nirma Guarulla |
| - Deyalitza Aray | - Nora Bracho |
| - Dignora Hernández | - Olivia Lozano |
| - Dinorah Figuera | - Rafael Veloz |
| - Elías Mata | - Ramón López |
| - Freddy Castellanos | - Renzo Prieto |
| - Francisco Sucre | - Richard Blanco |
| - Franco Casella | - Rommel Guzamana |
| - Gaby Arellano | - Romny Flores |
| - Germán Ferrer | - Rosa Petit |
| - Gilber Caro | - Rosmit Mantilla |
| - Guillermo Palacios | - Sandra Flórez Garzón |
| - Héctor Vargas | - Sergio Vergara |
| - Ismael León | - Sonia Medina |
| - Jairo Bao | - Tamara Adrián |
| - Jesús Abreu | - Tomás Guanipa |
| - Joaquín Aguilar | - William Barrientos |
| - José Hernández | - Williams Dávila |
| - José Luis Pirela | - Yajaira Castro |
| - José Prat | - Yanet Fermín |
| - Juan Pablo García | - Ylidio Abreu |
| - Juan Pablo Guanipa | - Zandra Castillo |