

CICPC. THE NATIONAL EXECUTIVE BRANCH'S TROJAN HORSE TO INTERFERE WITH JUSTICE

The Scientific, Penal and Criminal Investigations Body (CICPC by its acronym in Spanish), is as per article 253 of the Constitution, part of the administration justice system. However, the Magna Carta itself puts it under the government's control in its article 332. This contradiction has served the political regime that has governed the country for more than 20 years in order to progressively utilize the organism to interfere with the Judicial Branch, which, besides, far from taking measures to put an end to the abuses this body has made, has fostered them.

Acceso a la Justicia arrived to this conclusion in its report *Panoramic Vision of the police system (2000-2018)*, that was made along 2019 and in which, the organization made an study of the impact that, among others, have had the legal changes adopted in the last few decades over the country's security forces and its function of protecting citizens.

In the investigation it is denounced that the reform the Organic Criminal Procedure Code (OCPC) had in 2012 and the new Organic Decree Law of the Investigation Police Service, the Scientific, Penal and Criminal Investigations Body and the National Service of Forensic Medicine and Sciences are aimed at giving a "greater autonomy and discretion" to the former Judicial Technical Police (PTJ) from the Public ministry.

In the report it can be read:

"The attempt to decrease the Public Ministry's direction over the criminal investigation (...) can be seen in the mentioned OCPC reform, in which there were eliminated article 114 –that states the subordination of CICPC's officers to prosecutors—and 116 –where the General Attorney's disciplinary power over the officers of that investigation organ was established–"

Besides, it is warned that "the concentration of power over the National Executive branch permeates also that delicate area"; as proof of that it is recalled that article 14 of the Police Function Statute Act of 2012 states that the president of the republic exercises the "rectory" and "direction" of the functioning of the investigation police.

In the report, it is questioned the silence of the public Ministry in light of these changes and that it has not enforced what is stated in article 16 of its law, which states the following:

“Order, direct and supervise everything related to the criminal investigation and action; practice itself or via the Scientific, Penal and Criminal Investigations Body, or the organs with special competence and of support on criminal investigation matters, the inquisitive activities to demonstrate the commission of punishable acts”.

Repeating past mistakes

Despite since 1999, the law has been making differences between the criminal investigation work and citizens security, in the report it is alerted that there are still “open windows” that could contribute to its confusion. Examples of those are Police Function Statute Act and the 2012 OCPC reform, which have introduced “police logics and of “safety” to justice, giving a police tone to the investigation phase of the criminal process”.

“The CICPC’s power, discretion and autonomy increase” are a dangerous mix to citizen’s fundamental rights, the report warns, in which it is recalled that this body leads the ranking of the police forces with most attributed extrajudicial killings, as per the reports made by organizations like the Venezuelan Program of Education-Action on Human Rights (Provea by its acronym in Spanish).

The study was made by a team of experts on the matter and coordinated by the investigator of the Criminal Sciences Institute, Keymer Avila. To access the full version, [click here](#).

¿And how does this affect you, Venezuelan?

The CICPC is a key piece for the solving of punishable acts and crimes occurred in the country and to carry the people responsible for them to justice. However, the legal reforms approved in the last few years by the political regime that has governed the country for the last two decades represents a setback for the independence of criminal investigations, and consequently, of the criminal process and justice. On one hand, the changes deepen the interference of the National Executive Branch in the justices system, and, on the other, the autonomy and

discretion of the CICPC mean a return path towards an inquisitive system, which entails a setback in the matter of warranties and acquired citizen's rights.

It should not be forgotten that this organism has a grave history of human rights violations, as recalled in this report, in which it appears as responsible for 41% of extrajudicial killings occurred between 2016 and 2017.