

## **The Venezuelan Supreme Court of Justice condemns without crimes or evidence**

In Venezuela, the Supreme Court of Justice (TSJ as its acronym in Spanish), instead of acting as a guarantor of the Constitution and human rights, became a repressive entity. The persecution practices, established especially since 2014 when there were massive protests at the national level, increased significantly after the parliamentary elections of December 2015, in which the opposition to President Nicolás Maduro won the majority.

This situation was denounced by Laura Louza, Executive Director of Access to Justice, during her participation in the 173rd session of the Inter-American Commission on Human Rights (IACHR), on September 25, 2019. There the lawyer stated that the organization non-governmental (NGO) counts 105 sentences against the National Assembly (AN); at least 61 against 87 opposition or dissident officials, including 18 mayors, 1 governor and 5 councilors. The highest court has also issued decisions against 33 magistrates, 3 officials of the Attorney General's Office (AGO), including the prosecutor itself, and 27 deputies of Parliament.

**The persecution of dissent is part of a systematic and intentional policy of the highest court.** Hence, in Venezuela it is not possible to speak of a true Judicial Power or justice system, but rather of an executive arm of the Executive Power and, furthermore, of a repressive mood.

Access to Justice emphasized that these arbitrary judgments are based on the absence of the commission of real crimes and evidence, trials without due process and the right to defense in particular, and the presentation of legal bases that are usually formulas that are repeated as a script in all cases, without valid legal basis. The chain of vices in which the Supreme Court has incurred includes the creation of figures or even legal consequences that do not exist in the regulations. An example of this is the annulment of future legal acts or of an entire body such as

Parliament for disrespecting a precautionary sentence. At the same time, ongoing crimes, which are not such, have been assimilated to flagrant crimes to obviate procedures required in the norm with respect to senior officials.

The TSJ, in its shameless subordination to the Government, has incurred in the violation of parliamentary immunity and other privileges of the deputies or other high officials such as the preliminary trial of merit, the absence of publication of the sentences in many of these cases; and the procedure even *ex officio*, as it has done in 2019 on seven occasions to suspend agreements of the National Assembly of its own accord.

### **Fake institutional renovation**

Another important element reported to the IACHR by Laura Louza is the manifest persecution by the Judiciary Power since January 2016 of Maduro's adversaries, through the strategy of canceling the political parties under the false argument of institutional renewal. This measure is part of the *Chavista* project of taking absolute power.

*“Access to Justice pointed out in the 173rd session of the IACHR that in 2018 the highest court invalidated the Mesa de la Unidad Democrática (MUD), the most important opposition party.”*

This cancellation occurred when the renewal of the organization was not allowed because it was made up of several already renewed organizations and supposedly violated the principle of double membership, although it is not constitutionally prohibited. But, precisely with the MUD card, the opposition took over the majority of the Legislative Power in 2015, and as if that were not enough, it is the most voted card in the electoral history of Venezuela.

In addition to the disqualification of the MUD, the NGO recalled that **the court's repression led to an overwhelming decrease in registered political parties**. Of the 67 awnings that existed in December 2015, when the parliamentary elections were held, there are currently only 18, 12 pro-government and 6 opposition, who are a minority in the Assembly and were in fact the contenders for the presidential



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elections, held in May of 2018, and not those that really represent the vast majority of the opposition.

## **Extension of precautionary measures**

The petition presented by Access to Justice before the IACHR included a request for precautionary measures for opposition deputies of the AN who still do not have them, as well as for dissident deputy Germán Ferrer. Institutional measures of cooperation were also requested with the Office of the High Commissioner for Human Rights of the United Nations (UN) to document and denounce the systematic and massive human rights violations of the government of Nicolás Maduro.

Likewise, the NGO requested institutional measures of cooperation with the Office of the Prosecutor of the International Criminal Court (ICC) to achieve the opening of the investigation phase against those who commit or have committed crimes against humanity in Venezuela.

## **And to you Venezuelan, how does it affect you?**

The TSJ has emerged as an ally of the Government of Nicolás Maduro, a circumstance that takes it away from its institutional mission to transform it into a repressive and arbitrary body that does not stop when making decisions. This is done following the line of the regime regardless of the lack of true and valid evidence of the commission of crimes.

Within the legal excesses, the highest court has attacked deputies and officials, but also any citizen who disagrees with the regime. Hence, persecution and repression are the daily bread in Venezuela.