

FUNCTIONS OF THE CRIMINAL JUSTICE COURTS RELATED TO VIOLENCE AGAINST WOMEN¹

Constitutional Chamber of the Supreme Court of Justice (4th level):

Composition: 7 justices.

Duties: To review the constitutionality of the sentences of the Criminal Chamber of the Supreme Court of Justice.

Regulations: article 25, paragraphs 10, 11 and 12 of the LOTSJ.

Criminal Cassation Chamber of the Supreme Court of Justice (3rd level):

Composition: 5 justices.

Duties: To hear the appeal for dismissal against the judgments of the Courts of Appeal.

Regulations: articles 109 and 116 of the LODMVVLV, 266 numeral 8 of the CRBV, 29 of the LOTSJ and 451 and 452 of the COPP.

Courts of Appeal (2nd level):

Composition: 3 judges.

Duties: To hear appeals against the decisions of the control and trial judges.

Regulations: articles 439 to 450 of the COPP and 120 of the LODMVVLV.

¹ This jurisdiction is responsible for criminally prosecuting sexist acts against women that may result in their death, physical, sexual, psychological, emotional, occupational, economic or property damage or suffering; and coercion or arbitrary deprivation of liberty, inclusive of the threat to carry out such acts, whether they occur in the public or private spheres (article 14 of the LODMVVLV).

Captions

LODMVVLV: Organic Law on the Rights of Women to Live a Life Free of Violence.

CRBV: Constitution of the Bolivarian Republic of Venezuela.

LOTSJ: Organic Law of the Supreme Court of Justice.

COPP: Organic Code of Criminal Procedure.

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Courts of first instance (1st level):

Types (or functions): control, trial, and execution.

The order of the courts is henceforth not hierarchical.
Rather, it is chronological according to the stages of the criminal process.

1st stage

COURTS

of control,
hearing
and measures²

Composition: 1 judge per court.

Duties: To control the investigations of the Attorney-General's Office; to amend, revoke or apply any measures of protection and security for victims; and to determine whether the offense allegedly committed has been committed. In addition, advance tests can be made, agreements on measures of personal coercion and precautionary measures can be reached, incidents can be resolved, and incidents, exceptions, and petitions can be resolved.

Regulations: articles 67, 82, 84, 93, 94, 95 of the COPP and 120 of the LODMVVLV.

2nd stage

TRIAL

COURTS

Composition: 1 judge per court.

Duties: Conduct an oral and public trial based on the prosecution's accusation admitted by the control judge, in which the trial judge decides on the acquittal or conviction of the accused, and in the latter case, also on the corresponding penalty. In Venezuela, there are no jurors in the criminal trial.

Regulations: articles 109 and 120 of the LODMVVLV.

3rd Stage

ENFORCEMENT

COURTS

Composition: 1 judge per court.

Duties: To carry out the acts necessary to execute the sanction contained in a conviction issued by a competent court.

Regulations: articles 69, 109, 470 to 503 of the COPP and 67, 69, 70, 71, 72 and 120 of the LODMVVLV.

² Judgment No. 815 of the Constitutional Chamber. FILE: 16-0790 Procedure: Constitutional Amparo Action. Parts: GIOVANNI HONORIO DAZA CARRASCO. Speaker: Juan José Mendoza Jover. IT IS ESTABLISHED WITH BINDING EFFECT AND IMMEDIATELY IN THE CASES IN PROCESS NOT DECIDED, in those municipalities where there are no Courts of Control, Hearings and Measures with competence in crimes of Violence Against Women and any investigation is initiated for the commission of any crime provided for in the Organic Law on the Right of Women to a Life Free of Violence, the knowledge of the cause will correspond, exceptionally to the Municipal Control Court of the locality. It is MANDATED the publication on the website of this Court, Official Gazette of the Bolivarian Republic of Venezuela and Judicial Gazette. (Highlighted ours).