

FUNCTIONS OF THE CRIMINAL JUSTICE FOR ADOLESCENTS IN VENEZUELA¹

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

Composition: 7 justices.

Duties: To review the constitutionality of the sentences of the Criminal Cassation Court.

Regulations: articles 25 numerals 10, 11 and 12 of the LOTSJ and 527 a) of the LOPNNA.

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

Composition: 5 justices.

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

Regulations: articles 266 numeral 8 CRBV, 29 of the LOTSJ, 527 b) of the LOPNNA, 451 and 452 of the COPP.

Superior Courts (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 608, 608-A and 608-B of the LOPNNA.

¹ Article 526 of the Act: "The Criminal System of Responsibility for Adolescents is the set of rules, organs and entities of the Public Power that formulate, coordinate, supervise, evaluate and execute policies and programmes aimed at guaranteeing the rights of adolescents in accordance with the Criminal Law established in this Law. Likewise, its members with competence in the matter, will be responsible for establishing the responsibility of adolescents for the punishable acts in which they incur, as well as the control of the sanctions that are imposed on them". (Highlighted ours).
"Article 531. Age for application according to the subjects. The provisions of this Title shall apply to all persons aged between fourteen and less than eighteen years of age at the time of committing the punishable act, even if in the course of the proceedings they reach eighteen years of age or are over that age when they are accused or accused." (Highlighted ours).

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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, but chronological according to the stages of the criminal process.

1st stage

CONTROL COURTS

Composition: 1 judge per court.

Duties: To monitor the investigation of the Attorney General's Office, and to determine whether the crime charged has allegedly been committed. In addition, you can do the following:

- * Produce evidence.
- * Stage a line up.
- * Grant authorizations for searches and interception of communications upon request of the Public Prosecutor's Office.
- * Resolve exceptions, and other requests of the parties such as the application of the procedure by admission of the facts, and alternative measures to the continued process.
- * Impose or not measures restricting freedom.

Regulations: articles 65 to 67, 109, 264 and 309 to 314 of the COPP and 526 and 555 of the LOPNNA.

2nd stage

TRIAL COURTS

Composition: 1 judge per court.

Duties: To 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 ultimately, the corresponding penalty. In Venezuela, there are no jurors in the criminal trial.

Regulations: articles 68, 315 to 352 of the COPP and 585 to 606 of the LOPNNA.

3rd stage

ENFORCEMENT COURTS

Composition: 1 judge per court.

Duties: To carry out the action 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 629 TO 647 of the LOPNNA.

Captions

LOPNNA: Organic Law on the Protection of Children and Adolescents.

LOTSJ: Organic Law of the Supreme Court of Justice.

CRBV: Constitution of the Bolivarian Republic of Venezuela.

COPP: Organic Code of Criminal Procedure.