

THE CRIMINAL JUSTICE IN VENEZUELA

Executive Summary



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1. This report aims to present a general diagnosis of the criminal justice system in Venezuela during the 21st century. It does not intend to go into depth but rather to give a clear and straightforward picture as far as possible of how criminal justice functions in the country and to explain the leading causes of the current situation in this area.
2. The 21st century coincided with the coming to power of Hugo Chávez, a very charismatic, left-wing, military populist who promised greater equality among Venezuelans. To this end, he proposed, among other things, a new Constitution and significant reforms, especially in the justice system. However, the changes made did not follow the rule of law procedures. Little by little, this weakened to such an extent that democracy also deteriorated, even though Venezuela, before Chavismo, was the most stable democracy in Latin America for the last 40 years.
3. In the Chavista period, the law and justice began to be instrumentalized from the power to obtain political ends. Gradually, the Executive Power took over all institutions and turned them into political party-like units. At the same time, it destroyed the economy and freedom of enterprise with expropriations, nationalizations, legal insecurity, prices, and profit controls.
4. Chávez died in 2013 of colon cancer and left Nicolás Maduro as his successor, who won the elections that same year, although in a dubious manner. Maduro, from the beginning, revealed himself as an autocratic ruler who has handed over responsibilities and the State's resources to the military, the group closest to Chavez, as a strategy to remain in power. In May 2018, new presidential elections were held, but these were not free, competitive, or democratic; due to these flaws, the results of the elections were not recognized by more than 50 countries in the world. In fact, Maduro is considered a de facto President, and all the authorities of the different public powers, for having been appointed or elected in ways alien to what is established by the Constitution and the principles of a Rule of Law.
5. This reality has led to increased social unrest, which has caused massive protests such as those that occurred in 2014 and 2017. However, both waves of demonstrations were harshly repressed, thanks to a police apparatus that has experienced a dizzying growth.
6. During this period, extrajudicial executions have become a State policy in which high-ranking officials of the National Executive and the commanders of police and military agencies are involved. Likewise, impunity of the officials is part of this State policy. The criminal justice system exists but not to prevent and punish the commission of crimes but to repress opponents, critics, or those perceived as such.

7. The situation described above has caused Venezuela to fill the last position among the 139 countries evaluated by the international organization World Justice Project. As a result, The Office of the Prosecutor of the International Criminal Court has opened an investigation into crimes against humanity committed by the State security corps. In addition, the United Nations has activated an independent mechanism, the Independent International Fact-Finding Mission for Venezuela, to investigate alleged cases of extrajudicial executions, enforced disappearances, arbitrary detentions, torture, and other cruel, inhuman, or degrading treatment, including sexual or gender-based violence, perpetrated since 2014.

POLICE

8. Venezuelan law establishes that the police service is fundamental of a civilian nature and predominantly preventive, under the direction of the Ministry of the Interior, Justice, and Peace. Its objective is to protect the human rights and liberties of the citizenry and control and prevent crime.
9. The criminal investigation function is also part of the police; it is not of a preventive nature since it is initiated after the commission of a crime (ex-post) and corresponds to the Scientific, Criminal and Criminalistic Investigations Corps (CICPC) under the direction of the Public Prosecutor's Office.
10. In 2006, as a result of the heterogeneity of police agencies, significant asymmetries and lack of coordination among the different bodies, the excessive use of force, distrust, and questioning due to their authoritarianism and militarization, their use for political-partisan purposes by regional and local governments, the unstable social and labor situation of police officers, as well as the dispersion of regulations in this area, a police reform process was initiated and led by a commission created for this purpose: The National Commission for Police Reform (CONAREPOL).
11. As a result of CONAREPOL's work, the Organic Laws of the Police Service and the Bolivarian National Police Corps, and the Statute of the Police Function were enacted in 2008. However, there has been no political will to implement them or build the institutionality they establish. On the contrary, practically the opposite of what CONAREPOL proposed has been done by the Maduro Government.
12. The National Police Law establishes that the Integrated Police System comprises the Ministry of the Interior, the PNB, the state police, the municipal police, the National Experimental University for Security (UNES), and other bodies and entities that eventually exercise police service functions. There are currently 123 municipal police forces, 23 state police forces, and one national police force for a total of 147 police corps. To this must be added the CICPC and the Bolivarian National Guard (GNB). Although the latter is a component of the Bolivarian National Armed Force (FANB), it may perform support tasks in matters of citizen security.

13. The national police service is composed of the President of the Republic, the highest authority of the National Executive Power. The Ministry of the Interior, Justice, and Peace (MIJP), whose function is to organize, supervise and establish the resources and plans of the police services at the national level; and the PNB, which is a citizen security corp of a civilian nature functionally dependent on the MIJP.
14. The PNB aims to ensure the security of citizens and law enforcement. Its areas of service are public order, transit, control and customs, tourism, airport, diplomatic custody, and VIP protection, prison, migration, maritime, anti-corruption, narcotic and psychotropic substances, environmental, organized crime, anti-kidnapping, food security, irregular armed groups, as well as any other area related to crime prevention. In addition, the PNB has a sadly well-known unit: the Special Action Forces (FAES). Although, in theory, it is a tactical group to combat insecurity and act “against crime and terrorism,” it has been qualified as an extermination security corp by the United Nations High Commissioner for Human Rights in her October 2019 Report, where she requested its dissolution.
15. The Bolivarian National Intelligence Service (SEBIN) is another national police agency. It is regarded as Maduro’s political police. It is the security corp in charge of arbitrary detentions and the surveillance of political prisoners in its headquarters. However, more than for the “safekeeping,” it is known for the torture of these people and the horror that prevails in its dungeons, the one located in Plaza Venezuela where the death of Fernando Albán occurred and “El Helicoide,” described as a true center of psychological torture, among others.
16. The National Human Rights Commission is another entity in the system, recently created on paper but not in reality, whose function is to receive, process, and investigate disciplinary complaints of human rights violations by police officers. Although this body should have the support and advice of the Public Prosecutor’s Office and the Ombudsman’s Office, it is of concern that it is an integral part of the police, whose human rights violations it should investigate, and not a separate and autonomous body.
17. Finally, there is the Bolivarian National Guard (GNB), a body of a military nature, which has powers of control of demonstrations and enforcement of law and order when the PNB or the state police are overwhelmed in their functions. The Scientific, Criminal, and Criminalistic Investigations Corps (CICPC) is responsible for the criminal investigation. Although administratively attached to the MIJP, the latter functionally depends on the Public Prosecutor’s Office.
18. The police service at the statal level is composed of the Governor, who is the first civil authority of the entity. As such, he is responsible for organizing the police services in its territory. The state police control meetings and demonstrations that compromise public order, social peace, and coexistence. However, in the event that they are overtaken in their functions, they must be supported by the PNB or the GNB.

19. At the municipal level, the system is composed of the Mayor, who is the first civil authority of the municipality. As such, he is responsible for municipal police services and municipal police. The latter have preventive and crime control functions within each municipality, especially neighborhood protection. In the event of being surpassed in their functions, they might be supported by the state police.
20. One of the main consequences of the 2006 police reform was the accelerated growth of the police institution by 53% between 2006 and 2017, increasing the rate of police framing to 557 police per one hundred thousand inhabitants, while the average international standard was for that time 300 to 400 personnel per one hundred thousand inhabitants. In 2006 there were 123 uniformed state and municipal police. By 2015 that number increased by 19% to 147. More recent figures are not available due to a lack of official information.
21. The case of the PNB is emblematic; in a six-year term since its creation in 2008, it reached a figure of 14,739 officers. However, the minimum standards of selection, training, supervision and efficient control of these young armed officers were insufficient. They went to the streets with inadequate training time. Besides, the decrease in the allocated budget and the deterioration of salaries ushered the ideal conditions for illicit acts and corruption within the institution.
22. Article 322 of the Constitution enshrines that “citizen security bodies are civilian in nature and shall respect human dignity and human rights, without any discrimination whatsoever.” However, the reality has been very different since the beginning of the 21st century with an in-depth militarization of the police during the Maduro administration.
23. Due to the application of the “war rationality” used in military training to the fight against crime, the militarization of the police corps is alarming, and its consequences are dire. In short, this is what has indeed happened in Venezuela, where state security forces may be responsible for more deaths than criminals.
24. The Venezuelan Violence Observatory (OVV) has reported that “since 2016, there has been a sustained increase in police lethality concerning the number of deaths caused by criminals. Every year there are more victims of resisting security corps than homicides of any other type. In 2016, for every one hundred homicides, there were 28 people killed in police actions categorized as deaths due to ‘resisting against the authority.’ In 2017 there were 34 per hundred; in 2018, there were 72 per hundred; in 2019, there were 88 per hundred; and in 2020, for the first time, there were more people killed by police officers than by criminals: 101 per hundred criminal homicides.” In 2021, the number of deaths caused by police officers again decreased concerning those caused by criminals and stood at 53 per hundred.

25. It is essential to differentiate between national security and citizen security concepts. The former refers to the sovereignty of the country and the care of the physical borders, and the body in charge of fulfilling this function is the Bolivarian National Armed Forces (FANB). According to the foe and friend logic, their officers are trained to do so. The second has another rationality since conflicts occur among civilians, and the bodies in charge of settling them are also of a civilian nature.
26. One of the factors that have promoted police militarization has been that 12 of the Ministers of Interior and Justice (now also of Peace) in charge since 1999 have been military (80%). However, the most important element has been the cultural one, which has been promoted through warlike practices and logic within the civilian security bodies of the State, as well as by legal and sub-legal norms after the police reform.
27. The process of legal and factual militarization of the police has been the basis of a repressive and persecutory policy, deliberately and consciously embracing more and more spaces within the State, taking institutional control of criminal justice from its bases. The implications of the gross human rights violations and atrocities in Venezuela come from the exercise of the State's warlike power, treating the civilian population as an "enemy" as if it were a battlefield and not a city. The tasks of a police force are based on persuasion, dissuasion, mediation, negotiation, prevention, and, only in the last instance, coercion to achieve compliance with the Constitution and the laws, and that is what the police in Venezuela do not perform since the first thing they do is engage in the use of lethal force.
28. For several years Venezuela has been one of the countries with the highest number of violent deaths in the region and the world. The highest mortality peak occurred in 2016, and shortly after, it began to decline. This reduction does not have to do with better citizen security policies but with the emigration of more than 6,000,000 people, including criminals, the substantial economic contraction, and the humanitarian crisis that has affected the country since 2015.
29. The rate of homicides committed by criminals or other citizens has been decreasing: in 2016, there were almost 59 homicides per 100,000 inhabitants, and in 2019, 24 homicides. In 2021 the rate was halved compared to 2019: nearly 12 homicides.
30. The rate of resistance to authority, i.e., deaths caused by state security corps, increased markedly between 2016 and 2019, rising from 17 homicides per 100,000 inhabitants to 19.31. In 2021 it dropped significantly to 8.6 homicides per 100,000 inhabitants. Meanwhile, deaths under investigation remained approximately unchanged between 2016 and 2019 at 17 homicides per 100,000 inhabitants, but in 2020 it dropped to 13.44, and in 2021 it stood at 14.8.

31. The rate of violent deaths has decreased significantly: from 91.8 in 2016. It went to 60.3 in 2019 and 40.9 in 2021. That means there is a significant downward trend. However, they are still at very high rates. In fact, Venezuela has appeared for several years as the most violent country globally or among the most violent.
32. The police forces that have participated in these actions have been diversifying. Half of the victims fell into the hands of the PNB and the CICPC. In the case of the PNB, 82% of the victims were caused by the FAES. However, the prominence of police lethality in the last five years seems to be changing. From 2014 to 2017, the CICPC always occupied first place, but in 2018, as the FAES came into action, the PNB replaced it. Although in 2021, the CICPC retook the lead. Another body that shows an increasing trend in this period is the GNB.
33. Statal police corps ranked second in terms of the number of cases of deaths due to resistance to authority from 2014 to 2018, but in 2019 they moved to third place after the PNB and the CICPC. The municipal police equal the lethality levels of the GNB, being both below the state police.
34. There have been at least 7,220 extrajudicial executions in Venezuela from 2014 to 2021, revealing why the country is in the investigation stage before the International Criminal Court (ICC). Extrajudicial executions are among the crimes defined in the Rome Statute.
35. Since the beginning of the 21st century, more than 27 plans, operations, or programs have been activated in Venezuela to combat the high levels of insecurity and crime. However, these have failed because they have had an ideological, militarizing, and political control purpose concerning the police. To the ordinary citizens, they have had a repressive rather than a protective purpose.
36. Within the framework of one of these plans, the Government conceived the creation of the Peace Zones, intending to pacify the criminal gangs through a non-aggression pact between groups based on respect for the territories controlled by each one. As part of the agreement, government officials gave economic resources and construction materials to the gangs in exchange for surrendering their weapons. The idea was to reintegrate the criminals through agriculture, carpentry, and infrastructure repair (courts, sidewalks, housing).
37. However, the Peace Zones became liberated territories where security forces could not enter, and organized gangs committed crimes with impunity. Moreover, the initiative deepened crime as the gangs in the Peace Zones united in confronting what they considered a common enemy: “the Government.” These criminal groups have tremendous firepower and use frequency radios to communicate among themselves.
38. The “megabandas” were born out of the Peace Zones. To confront them, in 2015, the Government of Maduro announced a new militarized operation called Operation Liberation and Protection of the People (OLP). This operation was deployed in Cota 905, in the Caracas parish of La Vega, where 14 people died, and the GNB detained more than 200.

39. Police and military actions in the framework of citizen security operations have had little impact on crime control. Instead, the increase in the number of deaths at the hands of security agencies and human rights violations is due to the disproportionate use of force by police agencies.
40. The CICPC is a fundamental piece for clarifying crimes and offenses that occur in the country and bringing those responsible to justice. However, the legal reforms approved in recent years by Chavismo represent a delay in the independence of criminal investigations and, consequently, of the criminal process and justice.
41. The increased power, discretion, and autonomy of the CICPC are delicate issues. As a paradox, this investigative body has become one of the most lethal security forces in the country.
42. In the Latinobarómetro 2020, Venezuela appears as the country where there is less confidence in the police than the rest of the 17 countries evaluated in Latin America. In fact, only 13% of the population says they have confidence in this State organ.

THE PUBLIC MINISTRY

43. The repeal of the Code of Criminal Procedure (CEC) with the passing of the Organic Code of Criminal Procedure (COPP) in 1998 and the new 1999 Constitution implemented the accusatory criminal system and abolished the former inquisitorial system characterized by being punitive and secret. Thus, a structural change was generated in the Venezuelan judicial system by the new criminal framework, where publicity and the participation of the people, through juries and “escabinos” (citizens who participate in the decision of the case together with a trial judge) in the courts shall prevail. In addition to incorporating basic principles of the rule of law, such as the presumption of innocence, the affirmation of freedom, the right to defense, equality between the parties, orality, immediacy, and concentration.
44. With this reform, the Public Ministry acquired a fundamental role, especially in the investigative phase and in the evidentiary regime. Thus, the criminal investigation was directed and supervised by itself (the Public Ministry), while the CICPC also was placed under its subordination (the Public Ministry).
45. However, the successive reforms to the COPP distorted fundamental aspects of the accusatory system since it was believed that the modification of the law was necessary for the implementation of the new system, without considering that real political will was required to implement the changes. To this must be added the progressive hijacking of the justice system by chavismo, including the Public Prosecutor’s Office.

46. Only tenure can guarantee the independence of prosecutors. In Venezuela, in order to obtain tenure in the position of a prosecutor, a public competition must be passed. However, the number of incumbents barely represented 2017 0.2% of all prosecutors. In addition to this, in September 2018, a resolution was published that reformed Article 3 of the Statute of the MP, establishing that all the positions of the officials serving in the institution were based on trust; that is to say, free appointment and removal.
47. To guarantee the autonomy of the Public Prosecutor's Office, its highest authority, the Attorney General, shall be appointed per the Constitution. However, in 2017, the current Attorney General was appointed by an unconstitutional body and without competence to do so: the National Constituent Assembly.
48. Until 2016, the Public Ministry saw its structure grow. At least 12 units were created in 2008, but this excessive growth did not improve its performance. One of the highlights of the ongoing restructuring of the MP has been centralization in terms of the increase of dependencies towards its apex; an illustrative example is that in 2000 only two dependencies were attached to the Attorney General's office and in 2016, they reached nine dependencies.
49. In recent years, the Public Ministry has lost some capacities. Thus, in 2012 the National Assembly granted the CICPC greater autonomy vis-à-vis the prosecutors, while between 2017 and 2018, the Constitutional Chamber of the Supreme Court issued two rulings (469 and 537) by which it granted "procedural representation" to the Ombudsman's Office in criminal cases for human rights violations, prohibited it from charging criminal suspects at its headquarters and allowed victims to file their own accusation.
50. The Public Ministry became a virtually collapsed institution, with prosecutors' offices averaging almost 2,000 cases per year between 2000 and 2007. According to its annual reports in that period, it handled an average of 300,000 cases, which more than doubled between 2008 and 2010.
51. The inputs to estimate the figures on impunity, whether "de facto" or "de jure," are not available since 2017 because the Public Ministry does not regularly collect, process, systematize, or present data on its performance. Only the Attorney General offers isolated figures annually in his social networks or through press conferences, where he informs in a general way about the agency's management. The annual reports of the administrations before those of Tarek William Saab are no longer available to the public on the agency's website. The reports ceased after Saab became appointed as the new Attorney General in 2017.
52. The inability of the Public Prosecutor's Office to investigate crimes reinforces the distrust in that institution, evidenced by the fact that 66% of crime victims refrain from reporting these facts, according to data obtained between 2014 and 2017 by the Survey of Living Conditions (Encovi).

53. The UN Mission confirmed the citizens' perception. Its second report on the country, published in 2021, highlighted that impunity is due, among other reasons, to the lack of investigation by the Public Ministry of human rights violations, especially if they are concerned with the chain of command, where there is no open investigation.
54. But the UN Mission not only highlighted the omission of the Public Ministry in performing its functions but also considered it as a fundamental actor in the arbitrary detentions and, in general terms, in the crimes against humanity committed in Venezuela by the State security forces.

THE PUBLIC DEFENSE

55. The Public Defender's Office is an organ of the Venezuelan justice system whose role is to provide legal assistance to citizens who do not have the resources to do so. The Public Defender General heads this agency.
56. Until the coming into effect of the Organic Law of Public Defense in January 2007, the agency depended on the Judicial Branch, which limited its proper functioning according to the parameters of the adversarial system. This model requires that the three subjects of the criminal process (Prosecutor's Office, Public Defense, and Court) be independent and autonomous.
57. Regarding the highest authority of the Public Defense, the law establishes a procedure that does not guarantee its independence because it submits the selection process to the National Assembly instead of the civil society. As a matter of fact, the Chair of the Public Defense has been held by highly questioned and by persons who pledged allegiance to the Maduro regime. As an example, during the 2015-2019 term, it was under the direction of former judge Susana Barreiros. She prosecuted Leopoldo Lopez, -a very well-known opposition politician and possible contender of Maduro for the presidency- without objective evidence, as later reported by the prosecutor of the case and the Attorney General herself.
58. Since 2000, the Public Defender's Office has seen an increase in the number of public defenders and cases filed at least until 2015. As for financial resources, they show that the budget allocated to the institution followed the same trend as other public sector agencies in that period: with growth in real terms until 2009, after which there was a drop that placed the budget availability in 2015 at the same levels as in 2005. The staff payroll account accrues the most considerable financial resources like some other agencies.

59. The most problematic aspect of the performance of the Public Defender's Office is its lack of independence. Thus, both the UN Mission and the OHCHR have referred in their reports to the tendency of judges and prosecutors to pressure persons involved in criminal justice, especially if they are victims of human rights violations, to refrain from appointing their own lawyers, and rely their defense on those lawyers assigned by the Public Defender's Office. Otherwise, their defense will be mitigated and plagued with procedural bottlenecks such as problems of access to the court docket, lack of timely information about the hearings, and threats.

THE JUDICIARY

60. In Venezuela, there is only one Judicial Power of national character; therefore, the states and municipalities do not have their own judicial bodies. The TSJ is not only the highest authority of the Judiciary but also the highest court. It is composed of six chambers: the Constitutional Chamber, the Political-Administrative Chamber, the Electoral Chamber, the Civil Chamber, the Social Chamber, and the Criminal Chamber. All of them make up the Plenary Chamber.
61. The TSJ magistrates shall be appointed through a complex three-stage procedure as enshrined in the Constitution, where the participation of civil society is essential to their selection. However, this procedure has never been abided since the Constitution came into effect and is the rationale behind the lack of autonomy of the TSJ magistrates in making decisions. The absence of the TSJ independence comes since its very creation.
62. The Parliament has co-opted the procedure for selecting magistrates by securing control of the Judicial Nominations Committee, which is responsible for the pre-selection of candidates for magistrates, which has been composed mostly of deputies in successive laws.
63. Legal reforms to increase the number of magistrates, appointing people who do not meet the qualifications but with notorious links to the Government, and forcing the retirement of time-honored magistrates are some of the tricks that the Chavismo has used in the last two decades to secure control of the TSJ.
64. The political co-optation of the TSJ has caused a lack of judicial control of the acts of the Political Power. Sadly, it has led to the disappearance of the rule of law in Venezuela over the years. Hence, the magistrates have been increasingly performing their jobs with scarce judging criteria and operating instead as "legalizers" of the actions of the political regime. Therefore, they have become part of the oppressive apparatus of the State, as reported by the UN Mission in its second report, as they have issued several custom-fit sentences to preserve the current political regime.
65. The TSJ exercises the function of administration and government of the Judicial Power; therefore, it has the capacity to appoint judges. Although the Constitution enshrines that judges shall be selected through competitive public examinations, such appointments have not been made according to the Constitution since 2003. The TSJ has opted

instead to appoint them, on a provisional basis, through the Judicial Commission, an entity that the Constitution does not enshrine.

66. According to TSJ figures, which are not completely updated, and other sources with more recent data, there are 844 criminal judges in Venezuela. Less than 20% are tenured; that is to say, they took their positions through competitive examinations and cannot be removed without observance of a prior procedure.
67. The TSJ, particularly its Constitutional Chamber, has granted the judges the capacity to change legal norms whenever the principles or values of the applicable statutory political regime justify the changes. Based on its role and ability as the highest interpreter of the Constitution, the Constitutional Chamber has changed the Venezuelan legal system. It has assumed legislative and even constituent powers and reviewed rulings of other courts and chambers of the TSJ since its creation in 2000. This abnormal ability has caused harm to the crucial principles of the rule of law, such as the separation of powers, the legal reserve, and the legal certainty.
68. The role assumed by the Constitutional Chamber has led to the progressive weakening of the rule of law in Venezuela and the absence of judicial control of the actions of the Public Power. In short, this has been key in the transition from a democracy to a dictatorship.
69. The design of criminal justice in the COPP. This code sets that the criminal courts are organized territorially by Judicial Circuits. Generally, there is one Criminal Judicial Circuit in each State, but there may be more than one. Each Circuit has two types of courts: First Instance Courts (Control, Trial, and Execution) and the Courts of Appeals.
70. Control judges can determine whether or not a criminal matter should go to trial. Trial judges must establish whether or not the accused is guilty or not for the commission of the charged crime. Execution judges must supervise the execution of sentences and security measures imposed on convicted persons, control proper compliance with the penitentiary regime, and control parole and suspension of sentences. All of these judges act in a unipersonal capacity. Finally, the Courts of Appeals, composed of three judges, jointly hear criminal matters in the second instance.
71. Criminal cases may end up in the TSJ, in the Criminal Cassation Chamber, for final revision. Those cases where constitutional norms were infringed can exceptionally go for revision before the Constitutional Chamber.
72. Criminal justice in Venezuela functions in a hierarchical manner, which undermines the independence of judges to make autonomous and impartial decisions. Although higher-level judges can certainly review the findings of lower-level judges at the request of one of the parties, this does not mean that each judge must follow instructions from a higher judge. The UN High Commissioner has reported that “in politically relevant cases, judges wait to receive instructions from TSJ magistrates before deciding for fear of dismissal or other reprisals.”

73. The Criminal Judicial Circuit operates as a coercive political force subject to the will of the TSJ and particularly in the person of the President of the Criminal Cassation Chamber or TSJ, who from February 2015 to April 2022 has been the same person. In turn, he responds to the Maduro regime and the Executive Branch in general. Through this corrupt structure, the Criminal Judicial Circuit and the TSJ are directly involved in the persecution, prosecution, and punishment of political dissidents, human rights defenders, and ordinary citizens, hiding behind an institutional facade that in practice is driven purely by the political will of the regime's elite.
74. The Courts against terrorism courts and the military prisons are two tools of criminal justice tools that have been used in a particularly repressive manner.
75. The courts against terrorism were not created per Law as set forth by the Constitution but by a resolution of the TSJ in 2012. These courts are only in Caracas. Although they should be in charge of prosecuting cases related to terrorism crimes, provided for in the Law against Organized Crime and Financing of Terrorism, they do not. Instead, they usually deal with cases of high political relevance, generally trials against opponents, dissidents, critics, or perceived as such by the Maduro regime. The judges of these courts do not have tenure and hold their position on a provisional or temporary basis. The trials held in these courts are closed, secretive, and do not follow acceptable standards like due process guarantees.
76. Military courts should only deal with prosecuting military personnel who have committed military crimes, but since the mass protests of 2017, they have prosecuted civilians. This practice evidences a violation of the principle of being tried by the natural judge. Furthermore, several international bodies have denounced it, such as the UN Mission and the High Commissioner in their reports. By the end of 2021, the NA approved a reform of the Code of Military Justice prohibiting the prosecution of civilians by military justice. However, the Constitutional Chamber of the TSJ issued a ruling that keeps the doors open to the possibility of eventual judging of civilians by military justice.
77. The arbitrary appointment of judges by the TSJ is the core failure of the entire Venezuelan justice system. It is a dire matter in the field of criminal justice, where its instrumentalization is more than evident. These appointments run without observing any procedure and are fully discretionary; they can be revoked at any time, without any prior process, and without the judge ever knowing the reasons for his removal. This abnormality brings with it a total instability in the positions of judges, making them susceptible to pressures from those who have the power to remove them from office.
78. Another structural element that seriously limits the criminal justice system is the slowness of the cases, which become aggravated in the case of prosecution of opponents to the government. However, as a rule of thumb, slowness rules any criminal trial in the country. The reasons are multiple: delays on the part of the Prosecutor's Office in its different interventions, corruption, delays in the transfer of detainees, accumulation of cases, and excessive rotation of judges.

