

A. Introduction

1. The information contained in this submission is based on evidence gathered by the Law Society of England and Wales (“Law Society”) as part of its Lawyers at Risk programme,¹ which supports members of the legal profession and human rights defenders worldwide who are being hindered in carrying out their professional duties because of the cases they work on or the clients they represent. The information regarding the political structure, judicial institutions, and legislation in Venezuela is based on research and analysis carried out by CEPAZ and Acceso a la Justicia in collaboration with local lawyers and human rights defenders. This report was elaborated with pro bono assistance of Clifford Chance US LLP.

B. Venezuela’s International Legal Obligations and Voluntary Pledges

2. The Bolivarian Republic of Venezuela (“Venezuela”) has ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); international instruments most relevant to this submission. Venezuela is legally bound by its respective provisions, particularly, the right to a fair trial (Article 14 ICCPR), the right to liberty and security of the person (Article 9 ICCPR), the right to life (Article 6 ICCPR), the right to be free from torture (Article 7 ICCPR; Article 2 CAT), the right to freedom of expression (Article 19 ICCPR), the right to freedom of assembly (Article 21 ICCPR), and the right to freedom of association (Article 22 ICCPR).

3. Additionally, Venezuela has made the following voluntary pledges, relevant to this submission:

- to “[c]ontinue to hold public competitions for entry into the judiciary and the Public Prosecution Service in keeping with the Constitution;”
- to “[o]pen the Human Rights Congress as an annual forum for dialogue and the coordination of relevant public policy with human rights organizations and movements;”
- to “[e]stablish a permanent mechanism to follow up on the implementation of the recommendations made to Venezuela by the Human Rights Council and United Nations treaty bodies;”
- to “[c]omplete the construction of the National Monitoring and Follow-Up System through the development of human rights indicators in order to enforce and assess all relevant public policies.”²

C. Lack of Implementation of Recommendations

4. Venezuela underwent its first UPR cycle in October 2011 and its second cycle in November 2016.

5. The recommendations listed below and made during the second cycle, some of which were repeated from the first cycle (as indicated below), are relevant to this submission and were accepted and/or noted by Venezuela but have yet to be implemented:

- **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture,** (133.11 – 133.14; A/HRC/34/6/Add.1; noted).
- **Continue efforts to ensure that its domestic legislation is in line with international human rights standards** (133.19; A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 96.27 (supported); A/HRC/19/12.
- **Adopt and implement the law on transparency, disclosure and access to public information drafted by the joint committee in April 2016** (133.20; A/HRC/34/6/Add.1; noted).
- **Continue efforts to establish a national monitoring and follow-up system in the field of human rights in order to assess the relevance of national policies** (133.36; A/HRC/34/6/Add.1; accepted) Repeated from the first cycle: 94.1 (supported); A/HRC/19/12.
- **In its commitment to democratic principles and values and the defence of human rights, make the greatest efforts to ensure a national dialogue that facilitates guaranteeing full respect for human rights, independence of powers and institutional strengthening of the country** (133.46; A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 93.17; 94.19 – 94.20 (supported); A/HRC/19/12.
- **Issue a standing invitation to all special procedures and facilitate pending requests/visits** (133.78- 133.97; A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 93.17; 94.19 – 94.20 (supported); A/HRC/19/12.
- **Prevent, eliminate and investigate excessive use of force by security forces, including extrajudicial executions, and hold those responsible to account** (133.118-133.122, 133.124, 133.125; A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 96.25 (not supported); A/HRC/19/12.
- **Ensure that no one is detained arbitrarily and that all persons who are charged with an offence have access to a fair and impartial trial, while ensuring the independence of the judiciary** (133.133, 133.182; A/HRC/34/6/Add.1; accepted/noted).
- **Respect the due process and human rights of persons deprived of liberty, especially those who find themselves in that condition due to the complex political situation** (133.137, 133.135, 133.173; A/HRC/34/6/Add.1; noted/accepted). Repeated from the first cycle: 94.31 (supported); A/HRC/19/12.
- **Ensure the independence of the branches of government, including the independence and impartiality of judges and prosecutors** (133.154-133.167; A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 96.13 – 96.22 (not supported); A/HRC/19/12.
- **Ensure freedom of expression and peaceful assembly and protect the activities of human rights defenders, political activists and journalists** (133.181, 133.183-195;

A/HRC/34/6/Add.1; accepted). Repeated from the first cycle: 93.16 – 93.17 (supported); 96.25 – 96.26 (not supported); A/HRC/19/12.

D. Development of the Human Rights Situation in Venezuela since the 2nd cycle UPR (November 2016)

6. Since Venezuela's second UPR cycle, the government has continued to implement policies that have significantly eroded judicial and prosecutorial independence. This has further consolidated authoritarian rule, contributed to the breakdown of the rule of law, and has directly affected the separation of powers.

7. The appointment of provisional judges without following appropriate procedures for appointment and security of tenure in line with international standards on judicial independence, have made access to justice and the right to a fair trial illusory for many Venezuelans. In 2019, approximately 85,3% of judges in Venezuela did not have a permanent position – with one example of a judge having held 29 judicial positions in 14 years.³ In 2020, 881 provisional judges were appointed, and 91 judges were removed by the Judicial Commission.⁴

8. In 2020, the IACHR also observed “a decrease in the transparency of the Judicial Branch's operations”, making it “extremely difficult to know whether (among other things) the judges are appointed in accordance with preestablished procedures or what percentage of judges in the country are provisional”.⁵ In 2003, the Supreme Court of Justice suspended all processes of evaluation and competitive examinations for judges, which means that judges are not selected on merit or necessarily meet the established criteria for entry into the profession.⁶

9. The rights to freedom of expression, assembly, and association are continuously being violated by state authorities. Arbitrary arrest, prolonged pre-trial detention, and torture are also used against members of the legal profession and human rights defenders who legitimately carry out their professional activities and human rights related work.

10. Regarding developments in Venezuela since November 2016, we focus on four areas: (i) lack of judicial and prosecutorial independence and lack of fair trial guarantees, (ii) breakdown of the rule of law and legislation introduced by the executive, (iii) interference by the Supreme Court with professional associations of lawyers, as well as arrest and detention of members of the legal profession and other human rights defenders, and (iv) the necessary exception to the rule of exhaustion of domestic remedies before international bodies due to a lack of judicial independence in Venezuela.

Lack of Judicial and Prosecutorial Independence and Lack of Fair Trial Guarantees

11. The Inter-American Commission on Human Rights (IACHR) has identified three main aspects that undermine judicial independence in Venezuela: (i) the politicised appointment and removal of judges of the Supreme Court of Justice, (ii) the insecure tenure of judges, and (iii) harassment and intimidation of judges.⁷

12. The appointment process for judges of the Supreme Court is established in the Constitution of 1999. It includes a pre-selection by the Judicial Nominations Committee with the participation of civil society; a second review by a subcommittee of the Citizen's Power Committee (which includes the Attorney General, the Ombudsman, and the Comptroller General); and a final decision by the National Assembly with an absolute majority of two thirds of votes (if no consensus is reached after three plenary sessions, appointments can be made by simple majority).⁸ Removal of these judges is only possible on grounds of having committed serious offenses by a vote of two thirds of the National Assembly. However, in practice appointments and removals take place by simple majority in the National Assembly, since the governing party currently holds such a majority.

13. Only 7 of the 84 judges of the Supreme Court that have been appointed since its creation, served the full 12-year term established in the Constitution. Almost 60% of these judges did not serve their full term, with some retiring involuntarily under pressure from the executive (see below).⁹

14. The IACHR and Inter-American Court of Human Rights (IACtHR) have referred, on multiple occasions, to the "indefinite temporary tenure" of judges in Venezuela and their discretionary removal from office without adequate disciplinary proceedings.¹⁰

15. Judges have also given accounts of direct interference in judicial decisions by the Supreme Court and other bodies, including the need for "pre-approval" of judgments and changes made to judgments, as well as instructions not to accept certain evidence presented by defence counsel.¹¹

16. Venezuela has yet to amend the Organic Law of the Supreme Court of Justice to remedy this erosion of judicial independence. Since judges of Venezuela's Supreme Court are appointed by a simple majority in the National Assembly and the latter is controlled by the President's political party, the executive effectively controls the appointment of all Supreme Court judges. The National Assembly also annuls appointments to the Supreme Court, thereby undermining judicial independence.¹²

17. Moreover, a lack of compliance with established criteria for the selection of judges facilitates political influence. More than 50% of judges in Venezuela and at least 40% of criminal law judges, are members of the President's political party and have directly or indirectly expressed support for the Government while holding office or have been state contractors, either during their appointment or in the past, raising questions of independence, especially in cases brought against political opponents.¹³

18. The lack of judicial independence and access to a fair trial is especially concerning due to the significant number of human rights violations committed by state authorities. The majority of cases in which such violations are litigated before Venezuelan courts do not result in a conviction. This is not only due to a lack of judicial independence, but also a lack of effective and impartial investigation.

19. From 2017 until December 2020, 1,019 military officials and civilians were the subjects of criminal proceedings for murder, torture, cruelty and inhumane treatment and unlawful deprivation of liberty, but only 171 were convicted by the courts which represent less than 16% of cases that reach the courts.¹⁴ This is illustrative of the widespread impunity for human rights violations committed by state agents or third parties, such as armed criminal groups, controlled

by the state.¹⁵

20. Article 27 of the Venezuelan Constitution and the Law on Protection of Rights and Constitutional Guarantees establishes a writ for the protection of constitutional rights (*amparo*).¹⁶ According to that law, failure to comply with a decision issued pursuant to a writ for the protection of constitutional rights would amount to a criminal offense which should be tried before a criminal court. However, since 2014, the writ for protection of constitutional rights has been used by the Supreme Court of Venezuela to facilitate the persecution of members of the opposition. The Supreme Court has also applied other legal concepts, such as detention in *flagrante delicto*, to circumvent procedural guarantees for detention in cases of political opponents and human rights defenders.¹⁷ Other decisions of the Supreme Court also evidence its systematic interpretation of the law to benefit the Government's interests.¹⁸

21. Additionally, since 2015, the Supreme Court has refrained from publishing the court rationale behind judicial decisions, especially in cases against the political opposition.¹⁹ This not only violates the right to access to information and demonstrates a serious lack of transparency, but also illegitimately restricts the right of citizens – including members of the opposition - to prepare an adequate defence before courts of first and second instance by making it impossible to decide – based on the Supreme Court's case-law -whether or not (and on what grounds) to appeal a judicial decision.

Breakdown of the Rule of Law and Legislation Introduced by the Executive

22. Since 2016, Venezuela has seen a sustained increase in its political, economic and social crisis and a steady weakening of its democratic and judicial institutions resulting in what can now be described as a complete breakdown of the rule of law.

23. On 6 December 2015, opposition parties won the majority of the National Assembly for the first time in 17 years since the “chavista” political regime gained power, seemingly ending the government's control of the legislative branch. However, on 5 January 2016, the Supreme Court and the executive branch blocked the National Assembly from performing its functions through decision No. 1 issued by the Constitutional Chamber of the Supreme Court and other decisions by the Supreme Court and by executive decree.²⁰ Subsequently, the judicial and executive branch have continued their efforts to constrain the legislature and strip it of its powers.²¹

24. Since 6 December 2015, the Supreme Court has issued approximately 145 decisions to nullify or usurp the functions of the National Assembly.²² In fact, the National Assembly has never been able to exercise its functions unhindered since its election in 2015.

25. Since 2016, each year numerous decrees of extension have been issued by the executive to prolong a state of “economic emergency”.²³ The Constitution of Venezuela permits a state of economic emergency for 60 days with an extension of the same period. However, the Government has issued 16 decrees of emergency and 16 decrees to extend the same. The most recent decree was issued on 23 February 2021.²⁴

26. In such a state of emergency, the executive has wide-ranging powers to restrict constitutionally guaranteed rights, including the right to assembly. Since 2020, in the context of

the COVID-19 pandemic, there are two modalities coexisting, the aforementioned state of emergency²⁵ and the declaration of a “state of alarm”.²⁶ All of these decrees have been declared constitutional by the Supreme Court without any or adequate reasoning, even if most have not been approved by the National Assembly (as required by the Constitution) and despite challenges having been brought against them.²⁷ Both the requirements of limitation and temporality of restrictions of rights are not met in these executive decrees, in clear violation of international human rights law.

27. The IACHR has also referred to these numerous and prolonged states of emergency and noted that “Venezuela has seen a clear break with the principle of separation of powers” and that “the lack of independence of the Judicial Branch in Venezuela has contributed to an institutional crisis that shows no sign of slowing”.²⁸ Moreover, it noted that, in 2020, “the Supreme Court of Justice continued to issue judgments ignoring the National Assembly’s constitutional mandate”.²⁹

28. On 1 May 2017, President Maduro enacted Decree No. 2,830 by which he called elections to establish a new National Constitutional Assembly, without the consultative referendum required by the Constitution,³⁰ and determined the electoral process for the representatives of such assembly, exceeding the executive’s constitutional power.³¹

29. Since its establishment, the National Constitutional Assembly declared that all branches of public power were subordinated to it and it effectively controlled the judiciary and the legislative.³² Through the decree entitled “Norms to Guarantee the Full Institutional Functioning of the National Constituent Assembly in harmony with the constituted Public Powers”, the powers of different branches of the Public Power were attributed to the National Constitutional Assembly. For example, the ratification in their respective positions of the President of the Republic, officials of the National Electoral Council, the Citizen Power Prosecutor's Office, Ombudsman and Comptroller, and the magistrates of the Judicial Power.³³ The National Constitutional Assembly also issued “constitutional laws” (new laws and laws reforming already existing ones, and even the Constitution); a figure that does not exist under the Constitution of Venezuela.³⁴

30. The National Constitutional Assembly has also called elections of several levels of public authorities and even the presidential election, without having any formal jurisdiction (presidential elections fall under the exclusive mandate of the National Electoral Council whose function has now been reduced to organising the formalities of elections).³⁵

31. A paradigmatic case was that of the elected governor of the State of Zulia who, having denounced the National Constitutional Assembly’s overtaking of the electoral process, was not sworn in by the relevant legislative body and subsequently stripped of his elected mandate. Other candidates, not representing the governing party, were barred from participating in the electoral process under unreasonable pretexts or without any justification.³⁶

32. These and other actions of the National Constitutional Assembly, such as authorising the removal of appointed officials, their prosecution and stripping officials of their parliamentary immunity³⁷ - without approval of the National Assembly and due process - violate the Constitution and the Organic Law of the Supreme Court of Justice (the Supreme Court asked it for such authorisation rather than the National Assembly, contrary to constitutional requirements).³⁸

33. The National Constitutional Assembly also ratified the irregular appointment – in December 2015 - of 13 judges to the Supreme Court in August 2017.³⁹ Since 2015, most Supreme Court judges have been appointed unconstitutionally, in absence of a two-thirds majority vote of support by the National Assembly and in violation of procedures for appointment established in the Constitution and the Organic Law.⁴⁰ In December 2020, the National Constitutional Assembly ceased its functions through an executive decree.⁴¹

34. The breakdown of the separation of powers in Venezuela and the concentration of power in the executive branch has given President Maduro the ability to act without any form of checks and balances or accountability for his actions.

Interference by the Supreme Court with Professional Associations of Lawyers; Arrest and Detention of Members of the Legal Profession and other Human Rights Defenders

35. Since the 1999 Constitution, the independence of professional associations of lawyers has decreased. Article 293.6 of the Constitution subjects the election of officials of those bodies to the jurisdiction of the National Electoral Council.⁴² Additionally, there are multiple incidents in which the Supreme Court of Justice of Venezuela has interfered with the independence of the legal profession through judgments that annul decisions or suspend proceedings of professional associations of lawyers in which they appoint officials.

36. Between 2000 and 2020, the Supreme Court has issued more than 30 judgments that directly interfere with the independence of legal professional associations, including the Law Society of Caracas, the Law Society of Aragua, the Law Society of Zulia, as well as the Federation of Law Societies of Venezuela and the Institute of Social Provision of the Lawyer (*Instituto de Previsión Social del Abogado* – with which every lawyer needs to be associated and whose objective is the social and economic well-being of members of the legal profession).⁴³ In such judgments, for example No. 11 of 14 February 2008 against the Law Society of Caracas, the Supreme Court imposed an ad hoc directive through which it replaced the legitimately elected governing body of that Law Society with a new body and appointed the officials that would elect the members of that new governing body.⁴⁴

37. An independent group of experts appointed by the Organisation of American States (OAS) noted, based on witness testimonies (including of Venezuelan judges), a “systemic assault on the *Judiciary* and the rule of law, including the imprisonment, torture, and forced exile of judges”.⁴⁵ That same report refers to a judge, for example, who was coerced through psychological threats and instructed by state agents and the President of the Supreme Court of Justice to sign arrest warrants of political opponents and others. She was escorted to her office by police officers.⁴⁶ A prosecutor also said that he was coerced by military intelligence officials (SEBIN) to draft arrest warrants.⁴⁷

38. In addition, each of the 33 judges of the Supreme Court constitutionally appointed by the National Assembly on 21 July 2017 were allegedly persecuted by state agents. At least two of those judges were arrested by SEBIN and one was allegedly tortured in detention.⁴⁸

39. In 2009, judge María Lourdes Afiuni was arrested by state agents. The then President of Venezuela, Hugo Chávez, publicly requested authorities to sentence her to 30 years

imprisonment. Her trial was delayed several years. She spent approximately 3 years in pre-trial detention in inhumane conditions with poor ventilation, lack of medical care and suffered ill-treatment amounting to torture, including sexual violence.⁴⁹ In February 2011, she was moved from prison and put under house arrest and, in June 2013, was granted conditional release. On 21 March 2019, she was sentenced to five years imprisonment for “spiritual corruption”, but was given unconditional release in July 2019.⁵⁰ In November 2020, the Supreme Court confirmed her sentence, dismissing all arguments submitted by defence counsel without adequate reasoning.⁵¹ During the criminal proceedings against her, there were multiple procedural irregularities constituting violations of the right to a fair trial.⁵²

40. Moreover, other human rights defenders have increasingly been questioned by state authorities and, in 2021, 8 of them (5 of the NGO Azul Positivo and 3 of the NGO Fundaredes)⁵³ were arrested, detained, and prosecuted. The IACHR noted in its 2020 report on Venezuela that: “[it] has repeatedly expressed concern at the continuing acts of harassment and stigmatization against human rights defenders in Venezuela... [and that it] is concerned that during 2020, such acts have not only continued but intensified.”⁵⁴

41. In January 2021, members of the non-governmental organisation Azul Positivo were interrogated by members of the military and police at their offices as part of an “administrative investigation”, which resulted in the confiscation of office equipment and the arrest of 5 members of the organisation. Those arrested were not granted access to legal representation. Five members of the organisation were detained for alleged fraud and conspiracy to commit a crime. On 10 February 2021, after almost one month in detention, all were released on the condition that they must continue to attend court every 30 days.⁵⁵ The charges against them have not been vacated.

The necessary exception to the rule of exhaustion of domestic remedies before international bodies due to a lack of judicial independence in Venezuela

42. Due to the exceptional situation existing in Venezuela, the unwillingness of the State to guarantee the right to judicial protection must in all instances give rise to an exception to the rule of exhaustion of domestic remedies that normally applies before international bodies.

43. The principle of complementarity on which access to international jurisdiction is based includes the rule of exhaustion of domestic remedies, so that such remedies or mechanisms are used in first instance to remedy a violation of human rights of those under the jurisdiction of a State. However, as has been established in international human rights case-law,⁵⁶ the exhaustion of domestic remedies that, reasonably, will not be effective is not required in which case an exception to the rule applies.

44. In many countries worldwide structural situations of a lack of judicial independence exist. The IACtHR has identified how such a lack hinders the access to justice and legal remedies of victims of human rights violations.⁵⁷ This necessarily implies a comprehensive analysis of the context in each case, for which reports of international organisations - for example within the framework of the monitoring and follow-up mechanisms of the human rights situation in a specific country - are essential.

45. Article 46 of the American Convention on Human Rights and Article 5.2.b of the Additional Protocol to the International Covenant on Civil and Political Rights (rule of exhaustion of domestic remedies) include wording that requires the exhaustion a domestic remedies but cannot be interpreted in a way that impedes access to international justice and rewards a State's unwillingness to comply with its human rights obligations.

46. The denial of access to justice caused by the lack of judicial independence in Venezuela would deepen when victims of human rights violations, and those who legally represent them, have to exhaust domestic remedies that are neither suitable nor effective.

47. A necessary exception to the rule to exhaust domestic remedies should apply for Venezuela in view of the structural obstacles that operate to prevent access to justice, as well as the consolidation of the institutional breakdown and rule of law since at least 2017. In this way, the only access to justice currently available for Venezuelans is safeguarded: the protection of their rights through recourse to international bodies.

48. This report provides a detailed account of all the elements that make it impossible for the people in Venezuela to have minimum guarantees of access to justice. To this should be added the risk for citizens, as well as members of the legal profession, associated with filing a legal action before a domestic court.

49. Therefore, it is essential that – in analysing the compliance with the requirement of exhaustion of domestic remedies in Venezuelan cases - the international human rights bodies consider the context of a complete lack of judicial independence in that country, apply an exception to that requirement in view of proven ineffectiveness of domestic remedies, and assume jurisdiction. This would not impede a detailed analysis of the elements of each case nor a different assessment if the situation in Venezuela improves significantly. However, at this moment in time, any other interpretation of the rule of exhaustion of domestic remedies with regard to Venezuela would deny access to justice and reparations for victims and would be legally and morally untenable.

50. The lack of judicial independence and compliance with fair trial guarantees, as well as the persecution of citizens - including members of the legal profession - and other violations of rights mentioned in this report, contribute to a situation in which the rule of law is severely eroded.

E. Recommendations

- 1. Revoke all state of economic emergency decrees, including prolongations, issued from 2015 and refrain from issuing more such decrees, and – pending such revocation – introduce limitations (in time and substance) to restrictions on rights in line with international human rights law;**
- 2. Annul and leave without effect all legislative decisions taken by the National Constitutional Assembly, that has usurped the powers of the legislative, including those decisions that facilitate the persecution of human rights defenders and political opponents;**

3. **Ensure that all legislation and regulations – as well as their application - regarding judicial appointments, security of tenure for, and disciplinary proceedings against judges are in line with international standards on judicial independence;**
4. **Cease all actions that prevent members of the opposition in the National Assembly from carrying out their constitutional function and cease the persecution of former members of the National Assembly;**
5. **Respect the independence of the legislative branch and refrain from interfering in its functioning through arbitrary and unlawful rulings of the Supreme Court of Justice;**
6. **Cease all unjustified and illegal arrests, detention, prosecution of, and other actions taken against, members of the legal profession and human rights defenders that prevent them from carrying out their legitimate activities; and**
7. **Carry out the necessary investigations that shall be independent, transparent, expedient, and follow guarantees of due process, into allegations of serious human rights violations established in the report of the United Nations Fact-Finding Mission.**

We can provide technical assistance upon request to facilitate Venezuela’s compliance with these recommendations, for example, review of legislation and regulations to bring them into conformity with international and regional human rights standards.

The Law Society of England and Wales
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Acceso a la Justicia

¹ Lawyers at Risk, The Law Society of England and Wales, <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/whats-changing/lawyers-at-risk>.

² Report of the Working Group on the Universal Periodic Review – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, UN Doc. A/HRC/34/6/Add.1, 13 March 2017 para. 12(e), (f), (g), (i) and (o), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/055/93/PDF/G1705593.pdf?OpenElement>.

³ La ley del Poder Judicial: mientras más pobre la provincia, más chavistas son los jueces, Armando Info (platform journalists Venezuela): <https://armando.info/Reportajes/Details/2581>; Inter-American Commission of Human Rights. Annual Report 2020, Chapter IV.B, Venezuela, p. 622. <http://www.oas.org/en/IACHR/reports/IA.asp?Year=2020>, p. 626.

⁴ Supreme Court of Justice. Maikel Moreno President of the SCJ. Opening Remarks on the occasion of the Opening of the Judicial Year 2021, January 21, 2021: <http://www.tsj.gob.ve/documents/10184/297131/Palabras+de+Apertura+de+Mag.+Maikel+Moreno+2021/bc7c6484-a79b-4b65-b8e7-c65abad98c7a>.

⁵ <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.VE-en.pdf>

⁶ Ibid.

⁷ IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, December 31, 2017, paragraph

78, <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>; Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela, 29 May 2018, (2nd ed. March 2021), <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>, p. 266.

⁸ Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela, 29 May 2018, (2nd ed. March 2021), <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>, p. 267.

⁹ *Ibid.*, p. 267.

¹⁰ See for example, Case of Reverón Trujillo v. Venezuela, Judgment of 30 June 2009 (Preliminary Objection, Merits, Reparations and Costs), para. 81, http://www.corteidh.or.cr/docs/casos/articulos/seriec_197_ing.pdf; IACHR, Democratic Institutions, the Rule of Law and Human Rights in Venezuela, December 31, 2017, para. 88, <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>.

¹¹ Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela, 29 May 2018, (2nd ed. March 2021), <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>, p. 269-270.

¹² “The Legal Regime on the Judicial Branch under the 1999 Constitution,” Acceso a la Justicia, <https://accesoalajusticia.org/wp-content/uploads/2020/09/THE-LEGAL-REGIME-ON-THE-JUDICIAL-BRANCH-UNDER-THE-1999-CONSTITUTION.pdf>

¹³ Jueces penales venezolanos mantienen lazos políticos y comerciales con el gobierno, Acceso a la Justicia, <https://accesoalajusticia.org/jueces-penales-venezolanos-mantienen-lazos-politicos-y-comerciales-con-el-gobierno/>; The chavismo shuffles its militants in the criminal courts: <https://armando.info/Reportajes/Details/335>; Los jueces de Venezuela asfaltan calles y firman sentencias: <https://armando.info/Reportajes/Details/2531>.

¹⁴ “Jueces y Fiscales Venezolanas en la mira de la Misión de la ONU,” Acceso a la Justicia, <https://accesoalajusticia.org/jueces-fiscales-venezolanos-en-la-mira-mision-onu/>

¹⁵ <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.VE-en.pdf>, para. 55.

¹⁶ “The Legal Regime on the Judicial Branch under the 1999 Constitution,” Acceso a la Justicia, <https://accesoalajusticia.org/wp-content/uploads/2020/09/THE-LEGAL-REGIME-ON-THE-JUDICIAL-BRANCH-UNDER-THE-1999-CONSTITUTION.pdf>

¹⁷ Inter-American Commission of Human Rights. Annual Report 2020, Chapter IV.B, Venezuela <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.VE-en.pdf>. Paragraphs 28 y 29,

¹⁸ Report of the General Secretariat of the Organization of American States and the Panel of Independent International Experts on the Possible Commission of Crimes Against Humanity in Venezuela, 29 May 2018, (2nd ed. March 2021), <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf> p. 271-273.

¹⁹ “Sala Constitucional sigue anunciando sentencias sin publicarlas,” Acceso a la Justicia, <https://accesoalajusticia.org/sala-constitucional-sigue-anunciando-sentencias-sin-publicarlas/>

²⁰ Decree n° 2184 state of economic emergency (14/01/2016; Gaceta Oficial n° 40.828) and Electoral Chamber of the Supreme Court decision n° 260 of 30-12-2015; Constitutional Chamber of the Supreme Court decision n° 4 of 20-01-2016; Electoral Chamber of the Supreme Court decision n° 1 of 11-01-2016; and Constitutional Chamber of the Supreme Court decision n° 808 of 2-09-2016. See also: Acceso a la Justicia, TSJ nos deja sin parlamento y termina con la democracia, <https://accesoalajusticia.org/tsj-nos-deja-sin-parlamento-y-termina-con-la-democracia/>

²¹ No Room for Debate. The National Constituent Assembly and the Crumbling of the Rule of Law in Venezuela, July 2019. International Commission of Jurists.

²² El TSJ vs la AN, Acceso a la Justicia, <https://accesoalajusticia.org/el-tsj-vs-la-an/>.

²³ El estado de excepción en Venezuela, Acceso a la Justicia, <https://accesoalajusticia.org/el-estado-de-excepcion-en-el-camino-a-la-dictadura/>.

²⁴ El Estado de excepción en el camino a la dictadura, Acceso a la Justicia, <https://accesoalajusticia.org/el-estado-de-excepcion-en-venezuela/>.

²⁵ *Ibid.*

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