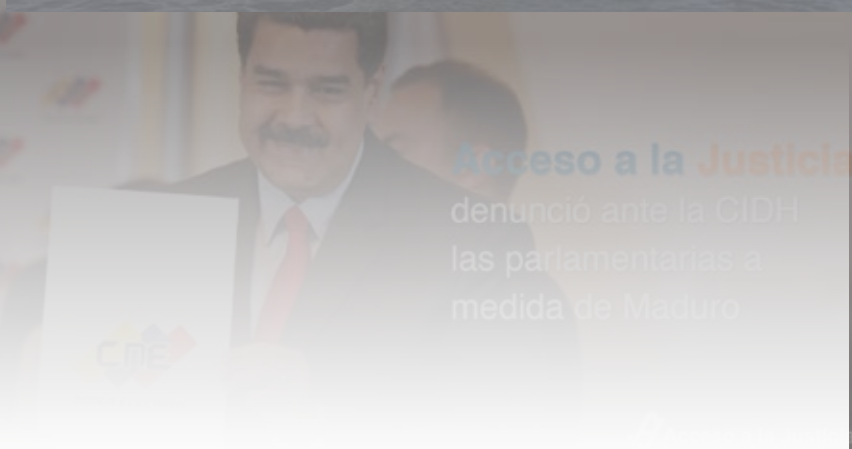




Cour
Pénale
Internationale
International
Criminal
Court



CRISIS EN VENEZUELA



Acceso a la Justicia
denunció ante la CIDH
las parlamentarias a
medida de Maduro

Bulletin No. 156

From October 19 to 26, 2020

www.crisisenvenezuela.com

Acceso a la Justicia - www.accesoalajusticia.org

Acceso a la Justicia filed a claim before the IACHR regarding the parliamentary elections to the convenience of Nicolás Maduro



The parliamentary elections programmed for December 6th are designed to favor the government of Nicolás Maduro in detriment of his adversaries. This was reported by Acceso a la Justicia before the Inter-American Commission on Human Rights (IACHR), organization to which a claim was filed explaining the implications of the changes that the Supreme Court of Justice [TSJ by its Spanish initials] and the National Electoral Council [CNE by its Spanish initials] have made to the Venezuelan electoral system during these past few months.

As far as Acceso a la Justicia is concerned, «the mutation» suffered by the electoral system is yet «another proof of the absence of independence» of our Supreme Court of Justice, particularly in the Constitutional Chamber, which through its rulings 68 and 70 dated June 5th and 12th, 2020, respectively, not only assumed the attribution of appointing the members of the electoral organization for the fifth time in two decades, but also didn't apply several rules of the Electoral Processes Organic Act [LOPRE by its Spanish acronym] regarding the selection of the representatives before the Parliament



and authorized the National Electoral Council to legislate in the matter.

The commissioners were informed that all of these changes were unconstitutional and also violate the most basic rules of the Law. «The new Venezuelan electoral model didn't come

from a reform to the Electoral Processes Organic Act of 2009, made by the Parliament, nor because the Supreme Court of Justice annulled part of the Act and urged the representatives to reform it, but it is the product of a resolution issued by the National Electoral Council. This is highly irregular because it contradicts Kelsen's Legal Pyramid, in which Acts have a higher hierarchy than Administrative Resolutions». Likewise, they reported to the Commission that the new members of the National Electoral Council weren't elected according to the procedure established in the 1999 Constitution either.

Read more in spanish here 

PROVEA - www.derechos.org.ve

The coordination of radio programs on Human Rights is advancing



The Venezuelan human rights movement is progressively advancing to greater coordination levels in order to strengthen its impact and broaden its work capacity. An example of this is the underway process for the possible creation of a Human Rights Radio Programs National Network. Several organizations and activists

in different parts of the country implemented the use of radio broadcasting in their strategy in order to reach a greater population with messages regarding human rights, training and motivation for the enforceability of these rights.



Each radio program is also a window so that people whose rights are affected can disseminate their situation and can let their claims be known to a greater number of people, including the authorities. Policy and measures proposals will also be made from each program, which the State should develop in order to guarantee the rights of the people and improve their quality of life.

We hope that this effort of creating the network is materialized, and through cooperation and collective learning the quality of the programs is elevated and the scope of the messages is broadened.

Acción Solidaria - www.accionsolidaria.info

The pink colored crisis: breast cancer during the Complex Humanitarian Emergency



On October 19th, the International Breast Cancer Awareness Day, the Inter-American Commission on Human Rights (IACHR) notified of Resolution 68/2020, containing protection measures for 12 Venezuelan women with this type of cancer.

The petitioners of these cautionary measures (Cepaz, Funcamama, Senos Ayuda, Prepara Familia, Acción Solidaria, and Edward Pérez) alerted of the violations of the rights to health, personal integrity and the imminent risk of the violation of the right to life of these women, mainly due to the lack of access to medications in order to tend to their oncologic condition. In this regard, the Commission urged the Venezuelan State to protect these rights and to facilitate the beneficiaries to their treatment, as well as to specialized follow-up exams.

These measures are only a reflection of a much more extensive crisis. Luisa Rodríguez Táriba, President of



Funcamama, spoke with the Acción Solidaria team about how the Venezuelan woman faces multiple barriers to tend these health needs linked to topics such as availability (for public health goods and services), affordability (economic access possibility) and accessibility (geographical). What's more, in this race against time, a woman who suspects she has breast cancer waits between 3 and 4 months in order to obtain a diagnosis and up to another

10 months to initiate treatment.

[Read more in spanish here](#) 

Transparencia Venezuela - www.transparencia.org.ve

The pandemic threatens to skyrocket the nutritional insecurity indicators in Venezuela



The right to nourishment is not only established in the Universal Declaration of Human Rights, but it is also stipulated in the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Venezuela in 1978, as well as in the National Constitution. The Venezuelan Constitution sets forth in its Article 305 that: "The State shall promote sustainable agriculture as a strategic basis of the integral rural development and, consequently, shall guarantee the nutritional security of the population, being it understood as the sufficient and stable availability of nourishment on a national level and the timely and permanent access to it by the consumer public."

In the current economic, political and social reality in Venezuela, these statutory provisions have resulted dead letter, unheeded. The development of the Nourishment Mission [*Misión Alimentación*], a social program created and executed during the government of Hugo Chávez, and the squandering of over 160,000 tons of expired food in Puerto Cabello, State of Carabobo, were the beginning



of the Great Corruption pattern and the systematic violation of rights in matters of nutritional security and sovereignty that were to come.

In midst of the Complex Humanitarian Emergency, generated, among other things, by the Great Corruption, the most compromised rights have been nourishment and access to health. The Venezuelan population, who was already in a fragile situation, is now even more vulnerable. The propagation of the Covid-19 pandemic and the impact of the measures taken by the authorities threaten to skyrocket the alarming nutritional insecurity indicators in the country.

[Read more in spanish here](#) 

Bloque Constitucional - www.bloqueconstitucional.com

The OAS rejects parliamentary elections in Venezuela for considering that they violate democratic principles and rights

On October 21st the Resolution of the Organization of American States (OAS) was approved, which establishes that it does not acknowledge the electoral process that the regime has prepared for December 6th, 2020. It stipulated that in



order for this organization to acknowledge the parliamentary elections *“it shall depend on the establishment of necessary conditions of liberty, justice, objectiveness, and transparency, guaranteeing the participation of all the political actors and the citizens, the release of political prisoners, with reasonable terms for their performance and counting on credible and independent international electoral observation.”*

In the resolution it urges to call for “free, just,

transparent, and legitimate presidential elections as soon as possible”; it demands the release of political prisoners; it reasserts the legitimacy of the democratically elected Parliament in 2015. All this is preceded, among other aspects, by the emphatic disapproval made to the *“actions of the illegitimate regime of Nicolás Maduro*

that undermine the democratic system and the separation of powers.”

With this resolution, the Organization of American States (OAS) clearly establishes its purpose of keeping active to work towards the democratic restoration of our country and, in turn, sends a message to the continent regarding the relevance that the defense of democratic values has to protect citizens’ rights, since it compromises peace throughout the entire continent.

Foro Penal - www.foropenal.com

The International Red Cross does not respond to the petition for protection of political prisoners in Venezuela from COVID-19

As of October 23rd, 2020, Foro Penal recorded 15,650 arbitrary arrests in Venezuela since January 1st, 2014. 870 civilians have been presented before military courts. Up to this date we have accrued a historical number of 3,535 political prisoners, of which 3,175 have been released under different modalities.



people were or are being unjustly subjected to criminal procedures under cautionary measures.

This week, with the assistance of Foro Penal, relatives of 73 political prisoners attended the head office of the Red Cross International Committee in Caracas with the purpose of demanding answers in

As of April 2014 we recorded 117 political prisoners in the country. As of October 23rd the number is 360 people, out of which 22 are women. Additionally, 9,298

regards to the actions that said international organization has taken in favor of the political prisoners during the pandemic. Foro Penal requested this past March that the Red Cross take concrete actions in order to protect the health of the prisoners, but we never received a response.

CEPAZ - www.cepaz.org

The IACHR granted cautionary measures to 12 women with breast cancer in Venezuela



On June 3rd, 2019, Acción Solidaria, Centro de Justicia y Paz (Cepaz), Funcamama, Senos Ayuda, and Prepara Familia filed a petition before the Inter-American Commission on Human Rights (IACHR) in order to grant a cautionary measure in favor of 12 women with breast cancer due to the risk of suffering irreversible damage because of the absolute lack of adequate medical treatment to tend to their medical conditions.



The cautionary measures of the Inter-American Commission are granted when there is a serious, imminent and irreparable risk of violating any human right. They are generally granted only for the protection of the rights to life, personal integrity and health. The granting of these cautionary measures has its technical basis on several instruments protecting human rights.

Nevertheless, since this is a case that reflects a disproportional impact in detriment of the rights of the 12 women, the Commission invoked as a source the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, also known as the Belém do Pará Convention, of which Venezuela forms part since 1995. The Commission analyzed this situation taking into account the differentiated impact suffered by the women in this case before the barriers they face in order to have access to an adequate medical treatment. The IACHR considered several aspects in order to analyze and consider that the requirements of seriousness, urgency and irreparability

were met: the existence of a context of “lack of access to medical treatments mainly required by the women suffering from this illness.” They determined that this situation is at a “critical point”, as a result of the political, social and economic crisis in Venezuela.

The IACHR concluded that Venezuela meets the requisite of seriousness:

“After having received their medical treatment from the Venezuelan Institute of Social Security [*IVSS by its Spanish initials*], they are no longer receiving it for long periods of time ranging between 14 and 36 months. What’s more, in some cases, it was indicated that when they previously had the opportunity to receive treatment, it wasn’t ongoing.” This “lack of adequate medical treatment would have a direct impact on the beneficial proposals since it would be a direct cause of their health deterioration, it would generate the progress of their illness, it would exacerbate their physical and psychological suffering, and it would put them in imminent risk of death.” The IACHR requested that Venezuela adopts measures directed towards the possibility of access of an adequate medical treatment within a term of 15 days, including the necessary medications according to what is recommended by the corresponding health professionals, as well as the diagnostics and exams that allow to assess their state of health on a regular basis, as per the applicable international standards and with the inclusion of a gender perspective.

Espacio Público - www.espaciopublico.org

Lacava threatened the *Notitarde* newspaper because of the headline on its cover page



The governor of the State of Carabobo, Rafael Lacava, threatened the *Notitarde* communication media after the publication on its cover page on October 17th.

Lacava criticized through his social media the cover page of the regional newspaper in which a quote from the Episcopal Conference of Venezuela

appeared as a main headline reading as follows: “It is immoral to hold elections when people are suffering the pandemic.”

“What games are the people who control *Notitarde* playing with those headlines? What are they up to? With whom are they in cahoots? Attention to all troops and take a knee.”

Defiende Venezuela - www.defiendevenezuela.org



Defiende Venezuela and independent experts analyze improvement report of the International Criminal Court

On Thursday, October 29th, 2020, Defiende Venezuela, Cepaz and the Due Process of Law Foundation (DPLF) will offer a videoconference of great relevance for victims of human rights violations and for organizations that see in the International Criminal Court (ICC) a ray of light for obtaining

justice from serious crimes that have been committed in these past years in the country.

In the conference they will count with the experience and analysis of Michelle Reyes Milk, Consultant of the Women's Initiative for Gender Justice; Fritz Streiff, Consultant of Justicia Internacional, and Nicolás Süssmann, Consultant of Project Expedite



Justice, who will comment on some of the more than 300 recommendations in a report regarding potential improvements and suggestions for the operation of the ICC.

Bearing in mind that in December 2019 the Assembly of the Member States of the Rome Statute of the International Criminal Court established the

Group of Independent Experts so that they "identify the forms of strengthening the International Criminal Court and the Rome Statute in order to promote the universal acknowledgment of its key role in the global fight against impunity and reinforce the general functioning." In this sense, we encourage to participate in this activity on Thursday, October 29th and strengthen these human rights defense mechanisms.

Un Mundo Sin Mordaza - www.sinmordaza.org



The Nabarima ship on the verge of causing an environmental disaster of epic proportions

Un Mundo Sin Mordaza calls upon the Venezuelan State to take the necessary measures in order to avoid that the Nabarima ship, containing approximately 1,300,000 oil barrels, sinks in the Gulf of Paria, causing what would be the greatest oil disaster in history. This was warned by the Caribbean Disaster Emergency Management Agency (CDEMA) and the government of Trinidad and Tobago.



The ship currently presents an inclination of 5 degrees towards its right side. Furthermore, it has also been

informed that it has sunk 14 meters up to the waterline of the ship due to its weight.

If no necessary measures are taken, the greatest oil spill in the history of the region will occur, putting at risk the lives of countless species. In this way, the constitutional mandate of environmental protection set forth in Article 127 would be violated, as well as what is stipulated in Article 12 of the

International Covenant on Economic, Social and Cultural Rights (ICESCR).

SIN MORDAZA



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DEFIENDE VENEZUELA

TRANSPARENCIA VENEZUELA

Foro Penal