



## COUNTRIES AT THE CROSSROADS 2011: VENEZUELA

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### INTRODUCTION

In historical terms, Venezuelan democracy emerged from an extended process of political learning. The lessons obtained from the breakdown of the democratic experiment led by the Democratic Action (AD) party from 1945–1948 paved the road for a 1958 governability accord known as the Punto Fijo pact. Leaders during the subsequent era of political stability were particularly inclined to heed lessons about the damaging effects of extreme polarization. Democratic political parties—aside from AD, the most important group was the Social Christian Party (COPEI)—were convinced that political stability depended on the exclusion of antidemocratic forces like the leftist guerrillas and right-wing militarists that engaged in sporadic attacks. Although this mode of stability entailed violations of human rights, democracy did indeed prevail.

Venezuelan democratic continuity was based on oil revenues, and both political stability and oil dependence increased after the nationalization of the industry in 1974. In the 1970s, AD and COPEI continuously captured more than 80 percent of the vote, with only small groups of ultra-radical leftists violently challenging the government. This exceptional political steadiness, in a region plagued by authoritarian regimes, was based on massive distribution of the oil rent. Yet by the 1980s, oil prices fell dramatically and Venezuelan external debt skyrocketed. In 1983, the government depreciated the bolívar, the dramatic initiation of an era in which middle class voters, the political base of both parties, became progressively alienated by economic crisis exacerbated by blatant corruption.

Political dissatisfaction with democratic politics became evident through declining electoral turnout between 1983 and the 1988 election of Carlos Andrés Pérez as president. Soon after his inauguration, an increase in retail gasoline prices and transport fares detonated mass protests, looting, and violence concentrated in the capital city, Caracas, in late February 1989. Hundreds died at the hands of the security forces, and the fragility of late-era *puntofijismo* was exposed. Two coup attempts in 1992 failed to overthrow the government, but the political consequences were devastating. Pérez was impeached in a controversial process in 1993.<sup>1</sup> That same year, a critical juncture occurred when Rafael Caldera, a former COPEI stalwart, won the presidential election supported by a coalition operating outside of the AD and COPEI-led system. As this antiparty offensive accelerated, a convicted (and later pardoned) leader of the February

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1992 coup attempt, Hugo Chávez, won the 1998 elections. The new president alleged a popular mandate for constitutional reform, and the Supreme Court of Justice authorized the election of a constituent assembly. On December 15, 1999, a referendum ratified the new constitution with more than 95 percent of the votes amid mediocre turnout. In the post-reform election of 2000, President Chávez was reelected with 59.8 percent of the vote.

In 2001, President Chávez received limited decree powers via the passage of an Enabling Act (*Ley Habilitante*). He used this authority to issue 49 decree laws in November 2001; the radical nature of these measures marked the starting point of increasing polarization, which eventually led to a temporary breakdown of democracy in April 2002. That month, a faction of military officers, backed by key business leaders and some opposition politicians, reacted to an increasingly massive and deadly series of protests and counterprotests by attempting to remove Chávez from office. The group took control of the presidential palace and AN, and appointed a provisional government that dismissed the legislature. However, troops loyal to Chávez, supported by huge throngs of pro-Chávez demonstrators, managed to reinstate the deposed leader, who quickly moved to replace scores of untrustworthy officers with more loyal figures.

Protests continued, however, culminating in a general strike beginning in December 2002 that lasted for over two months and strangled the economy, while both failing to force the president's ouster and further discrediting opposition tactics. In August 2004, Chávez prevailed in a presidential recall referendum with nearly 60 percent of the vote. Opposition parties decided to boycott the 2005 legislative elections, alleging deficiencies in the electoral roll and a fingerprint-scanning system that jeopardized ballot secrecy. This decision handed near-monopoly control of the National Assembly (AN) to the ruling coalition until the end of 2010. In the most recent presidential election, in December 2006, Chávez won another term in office in convincing fashion as he garnered around 63 percent of the vote in balloting that featured 75 percent turnout.

Venezuela's political regime, at least after a 2009 constitutional amendment that codified the possibility of unlimited reelection to all offices, has shifted toward electoral authoritarianism, a system characterized by elected leaders who "violate the liberal-democratic principles of freedom and fairness so profoundly and systematically as to render elections instruments of authoritarian rule."<sup>2</sup> The government controls the electoral authority and has manipulated electoral laws to disproportionately favor official candidates. Party and campaign funding is extremely opaque, and the government blatantly and illegally uses public resources for political campaigns.

Nevertheless, as in other electoral authoritarian regimes, elections are not totally meaningless. From 2006 to 2010, Venezuela held five electoral events: the 2006 presidential elections; the 2007 constitutional reform referendum; the 2008 election of mayors and governors; the 2009 constitutional amendment referendum, and the 2010 AN elections. Despite differences in their nature and objectives, all of these elections were turned into plebiscites on the Chávez revolution. The contests in which the government prevailed (the 2006 presidential election and the 2009 referendum) were considered mandates to radicalize government policies. Yet when the government lost (as in the 2007 referendum) or performed below expectations (as in the 2008 regional elections and

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the 2010 legislative elections), the results caused no reconsideration of the direction of governance. Even though electoral support for Chávez has decreased in each contest (with one exception, the 2009 referendum), the government finds ways to interpret all results as popular endorsements of the revolutionary project and as a mandate to radicalize the transformation to so-called 21st century socialism.

The governance cost has been high: in the last five years, civil and political rights have been eroded through repeated legal reforms, informal actions, and unchecked administrative and political decisions. Abetted by the legislative and judicial branches' disinterest in challenging presidential power, the government has used legal and institutional arrangements to concentrate power in the executive—in practice, in the person of Hugo Chávez. Freedom of speech, information rights, property rights, and labor rights have all deteriorated. The work of independent journalists is hindered in both law and practice. The number of expropriated enterprises grows nearly by the day.

Opposition parties have progressively abandoned confrontational civil disobedience and adopted an electoral strategy to contest the government. Although a small-but-vocal subset of the opposition shows little evidence of political learning, virtually all opposition leaders agree that the unconstitutional actions of 2002 and the 2005 boycott of legislative elections were grave mistakes; while elections have legitimized the government's authoritarian practices, they also create incentives for opposition parties and leaders to coordinate their efforts and maximize electoral gains. Following state and local elections in 2009, opposition parties control five gubernatorial offices and one-third of the country's mayoralities, including some in the most densely populated regions. In addition, the opposition won 40 percent of the AN seats, allowing for a highly visible presence inside parliament.

One key paradox in Venezuelan politics is that while Chávez remains a popular leader, most of his domestic and foreign policies are far less accepted. As of mid-2011, some polls indicate that the vaunted emotional linkage between Chávez and the poor—which the president relies on to assure his continued status as the country's central figure—is decaying due to weak government responses to popular demands. Government policies regarding unemployment, inflation, crime, and housing are all judged increasingly harshly. Venezuela was the hardest-hit Latin American nation following the 2009 global recession, and inflation has been among the region's highest in recent years. Crime is overwhelmingly cited as the country's most pressing problem in polls, and rates of murders, kidnappings, and assaults have skyrocketed.<sup>3</sup> Even President Chávez has recognized the depth of the housing deficit, which was exacerbated by severe flooding in late 2010.<sup>4</sup> The extent of needs has occurred despite massive oil revenues accrued during Chávez's second term, and contrasts with continued beneficence abroad.<sup>5</sup> Finally, a series of mysterious illness-related absences of Chávez from public view in 2011 culminated with the dramatic announcement in July that the president required treatment for an undisclosed form of cancer. Although he assured Venezuelans a quick recovery, rumors about the gravity of the president's illness led to a new round of speculation about what might befall Venezuela if the indispensable man were to disappear from the political scene.

### ACCOUNTABILITY AND PUBLIC VOICE

Venezuelan politics are highly polarized. Polls consistently reveal resistance to the government's attitude toward democracy and the concept of 21st-century socialism. Nonetheless, the president has repeatedly stated that the revolution is irreversible.<sup>6</sup> Prominent politicians and media analysts, meanwhile, debate Chávez's democratic credentials and Venezuela's position along the democracy–dictatorship spectrum.<sup>7</sup> The centrifugal effect of polarization is clear: no political party or candidate is able to occupy the middle ground. A recent example involves former *Chavista* governor Henri Falcón and his Fatherland for All (PPT) party, a former satellite of the ruling United Socialist Party of Venezuela (PSUV), which was quickly pushed into full opposition after Falcón's rupture with Chávez.

Elections in recent years have been plural and competitive, with secret ballots, universal and equal suffrage, and broad voter enfranchisement. Balloting in Venezuela is free, in the sense that almost anyone can vote and votes are generally tabulated accurately. But elections are not fair: the government manipulates the electoral rules and opportunities for campaigning in an extremely unequal fashion.<sup>8</sup> More than 200 politicians, most of them from opposition parties, have been selectively banned as candidates for a decade or more based on allegations of corruption and other offenses, even without any formal finding of wrongdoing. The case of one prominent opposition member, Leopoldo López, is currently before the Inter-American Court of Human Rights, and its ruling will set an important precedent for other controversial candidate suspensions.

A critical feature of Venezuelan elections is the lack of independence of the electoral authority. The National Electoral Council (CNE) is composed of a five-member board, of which four clearly favor Chávez's party. The lack of autonomy of the CNE has been manifested in crucial matters such as non-enforcement of the constitutional ban on public funding for electoral campaigns.<sup>9</sup> Despite the prohibition, the government abuses its power over state-owned mass media and other public resources. Government propaganda, including giant signs featuring the president's image, is permanently posted on government vehicles, street walls, billboards, and state buildings. Moreover, independent nongovernmental organizations (NGOs) have denounced the use of public resources to directly finance the ruling party's electoral campaign.<sup>10</sup> Yet the AN has not reformed the obsolete and inefficient regulatory framework of electoral campaigns,<sup>11</sup> nor has the CNE enforced disclosure rules and mandatory monitoring of party and candidate finances.

The CNE's lack of independence has contributed to opposition parties' ongoing dilemma over participating in unfair elections (see Introduction). This dilemma has led to erratic behavior, such as politicians denouncing electoral fraud while almost simultaneously arguing that elections are the only game in town, and it has also been a disincentive for turnout among opposition voters. Nonetheless, since 2006, trust in elections has increased despite blatant unfairness, probably because of the failure of other

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strategies, such as strikes, demonstrations, and the 2002 coup, along with some improvements in the electoral process.

A key moment occurred in December 2007, when opposition parties helped defeat the referendum that would have altered 69 constitutional articles, including an abolition of the ban on consecutive reelection after two terms—the opposition’s first electoral triumph in the Chávez era. In 2008, a multiparty opposition coalition won important regional and local offices, retaining power in two states (Zulia and Nueva Esparta), and took office in three others (Miranda, Carabobo, and Táchira) and the Caracas Capital District (DC), all previously controlled by the PSUV. Zulia, DC, Miranda, and Carabobo are the most populated regions in Venezuela. In the 2010 legislative elections, the opposition won 67 seats to the government’s 98. The opposition, now largely unified during electoral periods as the Democratic Unity Roundtable (MUD), also governs many of the largest cities in the country, including notoriously troubled, poverty-stricken zones like Petare, near Caracas. The government, in contrast, is stronger in rural, less economically-diversified areas.

Despite the opposition’s increasing governing presence, the government has distorted the effects of the many referendums and elections held since 2005. Chávez not only verbally abuses opposition leaders and supporters and demeans the importance of the results when he loses, but blatantly circumvents the people’s mandate stemming from the elections. The first and most emblematic example occurred when Venezuelans voted down the December 2007 constitutional reform. Yet in July 2008, Chávez used powers granted by the AN via enabling law in January 2007 to issue 26 decrees imposing many of the reforms that had been rejected in the popular vote. Indefinite reelection—the linchpin of the 2007 referendum—was voted on again in 2009, and Chávez prevailed. There was a crucial difference between the two referendums: in 2007, only the president would be reelected, while the 2009 ballot called for reelection for all offices, thereby giving other elected officials a stake in the referendum’s passage. Similarly, after losing the 2008 election for the metropolitan mayor’s office, the AN created a new post, head of government of the Capital District, to be appointed by the president. Financial resources, buildings (including the mayor’s offices), and legal powers were transferred to the appointed authority. The government has repeatedly refused to execute constitutionally-mandated resource transfers to states governed by opposition parties.

Finally, in September 2010, the MUD won approximately 49 percent the vote, to the ruling party’s 48 percent. Despite the Electoral Processes Law of 2009, which diminished the number of seats elected through proportional representation seats, disproportionately favored the party winning a majority in each state, and facilitated gerrymandering, the PSUV did not win the 60 percent of seats required to grant legislative powers to the president. The combined opposition (MUD and PPT) won 52 percent of the popular vote and 41 percent of the legislative seats. To circumvent this extremely mild check on his authority, Chávez requested, and was granted by the lame duck 2006–2010 legislature, decree powers over a broad swath of issues until June 2012. Such submission on the part of the legislature is illustrative of the nearly nonexistent separation of powers, especially during the 2006–2010 legislature. Nearly all laws originate with the executive, and many PSUV legislators explicitly state that their

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prerogative is to act according to the will of President Chávez. Other laws rushed through in December 2010 limit the time that individual parliamentarians will be able to speak in during AN proceedings, and require all parliamentarians to vote in accordance with the platform they submitted as candidates; the latter was viewed primarily as a coercive tool to ensure that no Chavista legislator switches sides. The judiciary has also failed to act as a check on executive authority (see Rule of Law).

The civil service, which has expanded enormously under Chávez, is subject to abuse and intimidation. Under threat of losing their jobs, government employees are forced to wear red clothing, particularly when they are supposed to attend political rallies. The constitution bans discrimination on the basis of politics, but government services and jobs are offered according to political qualifications. Indeed, the government divides the nation between deserving revolutionaries and the rest—who are labeled as traitorous, pro-imperialist, oligarchic, bourgeois, fascist coup-mongers. Government employees have been threatened and fired on the basis of appearing on lists (the Tascón and Maisanta lists) of opposition sympathizers. Chávez, in a public speech in 2005, ordered the “burial” of the Tascón List, but he has also denigrated public workers who fail to support the revolution.<sup>12</sup>

Opposition politicians are not the revolutionary government’s only targets; independent NGOs, particularly in the human rights field, are impeded by legal and extralegal actions, and threatened by legal reforms that jeopardize their financial survival. After several years of fits and starts in the AN, in December 2010 the lame-duck AN approved the Law for the Defense of Political Sovereignty and National Self-Determination, which explicitly prohibits foreign donations to political parties and political rights NGOs. At least one NGO, Public Space, has been subjected to criminal investigation for receiving international funding; Carlos Correa, a journalist, human rights defender, and director of the group, has faced public criticism on Venezuelan public television,<sup>13</sup> and was attacked during a demonstration organized by NGOs to protest the December 2010 fast-track passage of laws.<sup>14</sup> Chavista officials and legislators have on multiple occasions demanded investigations into the finances of human rights, good governance, and other groups not aligned with the government—particularly when they are suspected of receiving funds from the U.S. government. Less political groups are allowed to operate more freely, but their level of influence on policymakers is extremely low.

The media has been one of the areas of greatest contention during the Chávez administration. Criticism of the government is widespread in newspapers, but coverage is subject to restrictions under the 2004 Social Responsibility Law (*Ley Resorte*), which gave the government-friendly National Telecommunications Commission (CONATEL) significant powers to take action against outlets that are deemed to have transmitted irresponsible speech. Defamation remains criminalized, and journalists have been prosecuted and convicted, though few have actually served jail time in recent years. In 2010, journalist Francisco Pérez was convicted of defaming a mayor in Carabobo state, fined, and prohibited from practicing journalism for almost four years, though the conviction was reversed on appeal.<sup>15</sup> A December 2010 bill could further limit freedom of expression in electronic media by extending the *Ley Resorte*’s strictures to the

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internet—including electronic social networks such as Twitter and Facebook, as well as comments made on web forums and blogs. Although internet access has remained generally free following the expropriation of the primary national telephone company (CANTV) in 2007, the government now possesses a powerful tool to potentially affect web access and content, and occasional accusations of suspicious activity have already been leveled.<sup>16</sup>

In addition to legal impingements on press freedom, journalists face systematic violations including physical attacks, threats, and intimidation. Public Space registered 101 incidents of aggression, threats, attacks, and intimidation in 2010, a figure that actually represented a decline from 2009.<sup>17</sup> Fewer journalists have been killed in Venezuela than Latin American countries with similarly high rates of violence and corruption, but the Committee to Protect Journalists has registered at least three, and as many as six, journalists killed in relation to their work since 2002.<sup>18</sup> One positive note was the May 2010 conviction of the perpetrator of the 2009 murder of reporter Orel Sambrano, along with the potential extradition from Colombia of the alleged intellectual author, businessman and suspected narcotics trafficker Walid Makled (see Rule of Law).<sup>19</sup>

From 2007 to 2009, the government's communication policy targeted broadcast outlets. To date, the government has closed nearly 40 radio and television stations. The most controversial act was CONATEL's May 2007 nonrenewal of the broadcasting license of RCTV, the country's largest open-broadcast television station. The government confiscated the station's equipment; after a series of protests led by students, RCTV reopened on cable and satellite before being definitively blocked in January 2010 after it was classified as domestic broadcaster, thereby subjecting it to regulations viewed as unacceptably onerous. Similarly, Globovisión, the most critical private television station, "is facing more than 40 legal and administrative charges brought by the government, as well as an official strategy aimed at undermining its credibility."<sup>20</sup> The company's two main stockholders are exiled and face prosecution for alleged economic and financial crimes, and the government holds a 20 percent stake in the company after taking control of a failing bank owned by the station's director.

Controls on currency exchange, which have been in force for several years, have limited access to the foreign currency needed for newsprint and other supplies not produced in Venezuela. Although mass media are not specifically targeted, these controls affect business and citizens in general, and important newspapers have been besieged by financial regulations and judicial decisions. In August 2010, two strongly anti-Chávez publications (*El Nacional* and *Tal Cual*) were censored by a court for publishing a picture of the overcrowded Caracas morgue showing dead bodies partially covered by sheets. The sentence, which banned the publication of similar photographs, was revoked in the case of *El Nacional*, but upheld for *Tal Cual*.

In the meantime, the government has spent millions of dollars to finance a plan for a "new communicational hegemony,"<sup>21</sup> which implies the promotion and subsidization of newspapers and magazines; national and regional television channels; community radio networks; and domestic and foreign pundits. A key instrument of the government's communications model is the so-called *cadena*, a mandatory broadcast of

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presidential speeches, which are often long and inflammatory. According to prominent politician and journalist Teodoro Petkoff, in 11 years, Chávez has forcibly interrupted regular radio and television programming 2,125 times.<sup>22</sup>

By 2011, the government's media empire included 5 of the 12 open-signal national television channels, along with 79 out of 472 radio stations; over 240 lower-wattage community radio stations, the content of which is often heavily influenced by the government; and two of the eight national daily newspapers, *Vea* and *Correo del Orinoco*.<sup>23</sup> Government-owned mass media tend toward propaganda rather than a neutral public service role. Defenders of the government approach note that private outlets, particularly Globovisión and several daily newspapers, are also highly politicized and prone to inflammatory and caricatured portrayals of the news. Some private media, such as the powerful Venevisión, which has largest audience share; Televen, the second most important network; and *Últimas Noticias*, one of the most influential newspapers, have editorial lines that are closely aligned with the government's political agenda. Influential talk shows formerly on these networks have been cancelled with no public explanation, leading to accusations of owner-imposed censorship. Moreover, even journalists from Globovisión, in private conversations, have recognized that they regularly self-censor in order to avoid personal risks and government sanctions.

### CIVIL LIBERTIES

Venezuelan citizens ostensibly enjoy legal protections against torture, extrajudicial execution, and other forms of physical violence by state officials. Yet the situation of human rights in Venezuela has deteriorated so sharply that in 2009 the Inter-American Commission on Human Rights (IACHR) included Venezuela in Chapter IV of its annual report,<sup>24</sup> which covers Organization of American States members that require special attention because of their human rights deficiencies. In addition, the IACHR labeled legal provisions allowing the military to participate in law and order "incompatible with a democratic approach to the defense and security of the State."<sup>25</sup> The government has refused to allow an IACHR country visit since 2002.<sup>26</sup>

In an atmosphere of rising crime and extremely weak accountability for physical abuse, official figures indicate that the number of killings involving security officers has climbed in recent years, reaching at least 134 in 2008. That year, the ombudsman's office reported 2,197 cases of police mistreatment, 87 cases of torture, and 33 alleged forced disappearances that, in addition to those denounced in 2007, raised the total to 67 forced disappearances in two years.<sup>27</sup> Human rights NGOs have offered additional information on the number of violations attributed to the security forces. From October 2006 to September 2010, the Venezuelan Program for Human Rights Education and Action (PROVEA) registered 75 cases of torture, 2,042 cases of inhuman or degrading treatment, 144 injuries at the hands of police and other security officers, and 116 illegal police break-ins. Yet these figures almost certainly understate the number of citizens killed by police. On December 6, 2009, Interior and Justice Minister Tarek El Aissami stated during President Chávez's weekly television and radio program that 20 percent of

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homicides and kidnappings were committed by police officers, mainly from municipal and state police departments.<sup>28</sup> If correct, such a figure would imply several thousand deaths at the hands of police each year.

In some cases, the victims have been human rights activists, and several deaths have occurred under suspicious circumstances, although political motivations have never been confirmed. For example, Mijail Martínez, shot twice on his doorstep in November 2009, was working on a documentary film about victims of human rights violations by police officials.<sup>29</sup> Moreover, human rights defenders allege that the judiciary is used as an instrument of political harassment against political activists.<sup>30</sup> In March 2011 civil society groups reported 77 attacks against human rights defenders between 2007 and 2010.<sup>31</sup>

Moreover, security and defense are no longer monopolized by the regular Venezuelan police and armed forces. Despite the lack of an explicit constitutional mandate, the government has created a special armed corps, the Bolivarian Militia, which is intended to act as a bridge between the National Bolivarian Armed Forces and Venezuelans.<sup>32</sup> In fact, the militia is a parallel army, directly commanded by the president. In addition, a variety of illegal armed groups (the so-called “collectives”) have emerged, particularly in the slums of Caracas, claiming the right to defend the revolution and the president against imperialism and its domestic agents, understood to include the middle class, private media, and opposition parties. The president has occasionally sought to distance himself from these groups, particularly when they have publicly threatened or attacked members of the media. The collectives’ most visible leader, Lina Ron, spent two months in jail in 2009 after leading an attack on Globovisión’s headquarters. Similarly, in January 2009, after the so-called La Piedrita Collective declared some media outlets and journalists (particularly RCTV director Marcel Granier) to be military targets, President Chávez strongly censured the group. Indeed, the government can quickly turn on its supporters when their actions are perceived as political liabilities: both Lina Ron and La Piedrita were accused of being infiltrated by the CIA. Yet, as of 2011, no member of *La Piedrita* or any other armed collective has been prosecuted.

Crime rates have consistently risen over the last decade, but official numbers are not available as the Scientific, Penal, and Criminal Investigations Unit (CICPC) does not provide statistics. The NGO Venezuelan Violence Observatory (OVV) estimated the total for 2010 at approximately 17,600 murders,<sup>33</sup> which would imply nearly 60 murders per 100,000 residents and make Venezuela one of the world’s most violent countries. Rates in Caracas are even higher, and crime is overwhelmingly described in polls as the country’s most pressing problem. Impunity is rampant: according to official figures provided by the attorney general’s office, nearly 92 percent of cases opened failed to lead to a conviction in 2010.<sup>34</sup> The government launched a significant reform in 2009 by creating the National Bolivarian Police (PNB) as a part of gradual transformation of the Venezuelan police system. The reform is supposedly based on the suggestions made by the National Commission for Police Reform in 2006. As of mid-2011, the PNB is limited to roads and neighborhoods in western Caracas. Authorities claim that in the areas it patrols, the PNB has contributed to over 60 percent drops in murder and robbery rates.<sup>35</sup> Raw politics are not absent even in policing initiatives: the establishment of the PNB coincided with Antonio Ledezma’s entry as Caracas metropolitan mayor and, not

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coincidentally, the central government takeover of the Metropolitan Police, which had remained under mayoral control when pro-Chávez officials held power.

The law protects citizens against arbitrary arrest. Yet arbitrary arrest of alleged criminals is considered common. Nor is status necessarily any protection. In 2010, two political figures were subject to arbitrary arrest. Former Zulia state governor Oswaldo Álvarez Paz was arrested on charges of inciting crime, conspiracy, and spreading false information after stating on Globovisión that Venezuela had become “a drug-trafficking hub.” He was released after over seven weeks in pretrial detention. In March, Globovisión part-owner Guillermo Zuloaga, currently living under political asylum in the U.S., was arrested for “inciting collective panic by means of false information through the press.” Zuloaga’s charge was based on accusations at a meeting of the Inter-American Press Society that Chávez ordered the shooting of protesters in April 2002. In 2009 the AN passed a reform of the 1998 criminal code that allows the attorney general to obtain phone call registers from any citizen without the need for a previous search warrant.<sup>36</sup>

It is difficult to overstate the degree of problems in the Venezuelan prison system. Prisons are characterized by “weak security, insufficient guards, and corruption” which “allow armed gangs to effectively control prisons.”<sup>37</sup> The government has announced a series of promising plans to “humanize” prisons, but they remain unimplemented. Violence has fluctuated but remains stratospherically high. The NGO Venezuelan Prison Watch (OVP) reported an astounding 1,286 prison deaths as a result of violence, and 2,512 injuries, from 2007 to 2009,<sup>38</sup> amid confrontations between armed inmates, and between prisoners and the National Guard. In 2007, the OVP reported 498 deaths among a prison population of approximately 22,000, or nearly 2 percent of all prisoners.<sup>39</sup> The numbers dropped to 365 in 2009 but rose again (as have prison populations, to over 40,000) to 476 in 2010, according to the OVP.<sup>40</sup>

Venezuela has failed to comply with rulings by entities in the Inter-American system regarding protection and promotion of human rights and the provision of redress for victims of emblematic cases of massive human rights violations, such as the massacre of 14 fishermen in Apure state in October 1988, the hundreds of killings during the 1989 Caracas riots, and the protest-related deaths on April 11, 2002. Moreover, the ombudsman’s office has acted as a faithful government ally. Current ombudswoman Gabriela Ramírez has on several occasions dismissed IACHR and UN special rapporteur’s reports as biased and in 2009 dismissed the country’s crime issue as merely a “sensation.”<sup>41</sup>

The Venezuelan constitution bans discrimination on the basis of politics, age, race, sex, faith, or any other factor. Men and women are legally equal, legal protections for women have improved, and women’s rights and political participation have been promoted. As of mid-2011, women serve as the head of the National Assembly, the Supreme Tribunal of Justice (TSJ), and the CNE, as well as the ombudswoman and the attorney general. The labor code bans discrimination against women with regard to salaries or working conditions and protects pregnant women and new mothers. Anti-discriminatory regulations are usually enforced in the formal sector of the economy, but the substantial portion of population that works in the informal sector lacks these protections. In 2007, the AN passed an ambitious anti-domestic violence law, but in

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practice, domestic abuse is still a major problem. Between 2007 and 2009, the attorney general's office received 101,750 reports of violence, according to TSJ justice Yolanda Jaimes, who noted that the spike was likely the result of a far higher reporting rate.<sup>42</sup> The legislation established a set of institutional mechanisms, including special courts for violence against women, but greater capacity is needed within the police, judiciary, and women's ministry, among others. Meanwhile, according to local NGOs, every two days a woman was murdered in 2009 because of gender issues.<sup>43</sup>

Racism in Venezuela is a subtle and complex phenomenon. Most Venezuelans are of mixed ancestry, and there is a long-lasting tradition of illusory racial integration and rhetorical equality among all races. Nonetheless, as in many regional peers, much of the traditional political and economic elite class is light-skinned. Close observers describe racism in Venezuela as a kind of shameful prejudice. Venezuelans do not regularly express racism openly, but racial discrimination appears veiled in common situations.<sup>44</sup> As with women, mixed-race and Afro-Venezuelans have enjoyed greater attention and been elected and appointed to important posts, but social indicators for darker-skinned Venezuelans remain below average. A law against racial discrimination, which has been submitted by the government to the AN, is yet to be approved.

The constitutional and legal rights of indigenous people living in Venezuela have improved greatly since 1999, particularly in terms of political rights, bilingual education, and cultural protection. Other important provisions, particularly the rights of indigenous people to enjoy the use of their lands and natural resources, are only infrequently enforced. Health indicators for indigenous groups in Venezuela are significantly worse in the Amazon region, where 20 different indigenous cultures are settled, than in the rest of the country.<sup>45</sup> Impoverished social conditions lead to indigenous migration from jungle regions to urban centers, where living conditions and the ability to maintain social ties and cultural traditions are hindered. Indigenous groups also face significant abuse by guerrillas, paramilitaries, and drug traffickers along much of the Colombian border, clashes with informal miners in Bolívar and Amazonas states, and conflicts with ranchers and farmers in Táchira and Zulia states.

Freedom of religion is guaranteed in both law and practice, on the condition that religious practices do not alter public morality, decency, or public order. Nonetheless, President Chávez and the hierarchy of the Catholic Church frequently engage in verbal battles. The bishops criticize government performance in crucial areas of social and economic policy, civil liberties, and political rights, while the government responds with (generally rhetorical) threats and accuses the Church of being aligned with the opposition. As a consequence of the dispute between the president and the bishops, the government has reduced public subsidies to Catholic schools. To date, the banning of missionary activity in indigenous regions remains in place, and Mormon missionaries have been expelled from the country.

There have been significant tensions between the Jewish community and government supporters. After Israel's 2009 military operations in Gaza, President Chávez broke off diplomatic relations between the states. A few days later, on January 31, the Venezuelan Association of Israel was attacked by vandals who damaged religious documents and scrawled anti-Semitic graffiti. The director of the Confederation of Israeli

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Associations of Venezuela, Abraham Levy, claimed that attack was a consequence of the Venezuelan government's criticisms of Israel. President Chávez has sought to emphasize that his disagreement is with Israeli foreign policy and not Jews, but his friendly relations with the leaders of Iran, Libya, and other states considered hostile to Israel and Jews have left Venezuela's small Jewish community wary of the government.

The constitution guarantees the right to participate in peaceful demonstrations. However, a 2005 addition to the criminal code penalized protest and even nonviolent demonstrations.<sup>46</sup> While demonstrations are common regarding a wide array of political, economic, and social issues, Provea reported in March 2011 that more than 2,400 protesters had been detained and charged with protest-related crimes in the previous five years.<sup>47</sup> Most of them are members of unions and NGOs. Although the vast majority of protests proceed unhindered, the police at times deny permits and use force to break up demonstrations.

A majority of those facing charges were arrested during labor-related protests. NGOs and journalists have denounced a sharp rise in union deaths, including 122 between June 2008 and August 2010, mostly in the construction industry.<sup>48</sup> Contract killing has been a common method of attacking union leaders, and most such murders go unpunished. Legal harassment occurs as well: a recent example involves Rubén González, the secretary of the union representing workers at the state-owned Ferrominera Orinoco iron ore mining firm. He was imprisoned in September of 2009 after leading a strike demanding adherence to the collective bargaining agreement. In November 2010, the International Labour Organization (ILO) recommended that the government free González and provide redress for the deprivation of his rights, but he remained imprisoned until receiving probation in March 2011.

Another controversial issue involves parallel unionism, as the government reacts to losses by its preferred factions in union elections by encouraging the formation of revolutionary unions in both state-owned and private enterprises. The same applies to union confederations: the previous primary confederation, the Venezuelan Workers' Central (CTV), was split in 2003, when the National Workers' Union (UNTV) was created after favored government candidates lost internal elections. The government strategy of tying unions' hands has faced resistance, and aggrieved workers have in some cases gained support from the ILO. However, complaints regarding the government's refusal to abide by established collective bargaining agreements and negotiate new ones are frequent.

### **RULE OF LAW**

According to the constitution, one pillar of Venezuelan separation of powers is an independent judiciary. Yet in December 2009, in the context of the tenth anniversary of the 1999 constitution, Luisa Estela Morales, the president of the TSJ, declared that judicial independence weakens the state and the constitution orders cooperation instead of division of powers.<sup>49</sup> Her questionable interpretation is in practice unnecessary, as the president has concentrated sufficient political power to pack the TSJ with loyal judges

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appointed by the legislature. As Human Rights Watch has pointed out, President Chávez and his supporters in the National Assembly have taken over the TSJ through a combination of removing dissident justices and appointing more pliable ones. As a consequence, the TSJ has surrendered its constitutional responsibility to check and balance the executive and has neglected to protect fundamental rights of individual citizens.<sup>50</sup> The key moment occurred in 2004, when a reform expanded the court from 20 to 32 justices, appointed and removed by rules favorable to the progovernment majority within the AN. Following this court-packing moment, decisions that contravene the executive have been increasingly rare.

Following the mildly adverse electoral outcome in September 2010, PSUV leaders in the AN accelerated the process to vote in 9 new justices (as well as 32 substitute justices) during the lame-duck session, replacing relatively moderate—though still progovernment—justices with appointees that have yet closer linkages to the ruling party than their predecessors.<sup>51</sup>

Ruling party control of the TSJ also serves as a mechanism to pack the lower courts with supporters of the executive branch.<sup>52</sup> Indeed, the probability that decisions will go against the government is diminished by the high number of provisional judges. In 2010 alone, 245 judges were discretionarily appointed by the TSJ, despite legal provisions requiring a competitive hiring process.<sup>53</sup> Moreover, all public prosecutors are discretionarily appointed by the attorney general's office. In 2009, the Inter-American Court of Human Rights ordered Venezuela to reform its rules and practices regarding appointment and removal of provisional judges.<sup>54</sup> The issue is politically controversial: Attorney General Luisa Ortega Díaz has explicitly called for merit-based selection processes “to bring stability to the prosecutors,” while TSJ president Morales has claimed that “[one’s] appointment as an interim, substitute, or permanent judge absolutely does not change the autonomy of the judge.”<sup>55</sup> In any event, no reform has occurred. Even though the National Magistrates School, a department of the TSJ, and the National Bolivarian University agreed on a training program for judicial candidates in 2006, as of April 2011 no merit-based competition has occurred.

The constitution grants equal treatment of citizens under the law. In practice, protections are selectively conducted. Opposition politicians, journalists, protesters, demonstrators, and lawyers for poor defendants have denounced denial of justice and vindictive, arbitrary, and selective prosecution. An emblematic case is the former judge María Lourdes Afiuni, who was arrested in December 2009 after ordering the release of Eligio Cedeño, a businessman whose detention had surpassed the two-year maximum period of pretrial detention, as denounced by the UN Working Group on Arbitrary Detention. In a nationally-broadcast speech, President Chávez commanded the attorney general and the president of the TSJ “to punish her as severely as possible to prevent similar actions by other judges.”<sup>56</sup> She was promptly arrested and remained in jail throughout 2010, with her case subject to repeated delays, before being moved to house arrest in February 2011. For average citizens, judicial processes are prolonged and open to abuse and corruption. The severe shortage of prosecutors contributes to protracted investigations and prosecutions, a particularly problematic scenario given the condition of the jails in which pretrial detainees languish (see Civil Liberties).

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The executive also exercises tight control over the military. The National Bolivarian Armed Force is formally loyal to the constitution, but in practice is mainly loyal to the president and the revolutionary government. While factionalism has not disappeared following the post-2002 coup purge, the military is now considered to generally be a steadfast ally of the president and the revolution. A showcase of how prior loyalty can be transformed into personal and political mishap is the case of General Raúl Isaías Baduel. A hero in the Venezuelan revolution due to his crucial role in Chávez's restoration in April 2002, he became minister of defense in 2006 before retiring in July 2007. Baduel then campaigned for a "no" vote in the December 2007 constitutional reform referendum. In April 2009, he was arrested on corruption charges, and in May 2010 was sentenced to nearly 8 years in prison.

Chávez has sought to integrate revolutionary ideology into the military. In 2007, as the revolutionary process became more radicalized, the military adopted the motto "fatherland, socialism, or death," which resembles the official Cuban slogan. Military politicization and the alleged presence of Cuban military forces in Venezuela have been denounced by retired military officers. At least one, General Antonio Rivero, faces prosecution for allegedly revealing secrets, a result of his denunciation of the supposed influence of Cuban officers in the country. On November 10, 2010, General Henry Rangel Silva declared that the military is "married" to the revolutionary project. Chávez not only welcomed the declaration, but immediately ordered Rangel Silva's promotion.<sup>57</sup> Nonetheless, other reports indicate an ongoing split in the military between Chávez loyalists and the institutionalist officers.<sup>58</sup> The lack of oversight of the military, increases in military spending under Chávez—especially in military procurement—and the alleged expansion of drug trafficking through Venezuela have created a situation in which the perception of military corruption has risen substantially. The most prominent examples in recent years are alleged weapons sales to Colombian guerrillas and accusations by a Venezuelan drug trafficker arrested in Colombia, Walid Makled García, who claimed to have operated under the protection of government and military officials.

Property rights are imperiled in Venezuela. The constitution establishes a procedure for expropriation of private property and requires just compensation, but the government has expropriated hundreds of firms and large expanses of land, often at enormous expenditure, although sometimes with weak or no compensation. The Venezuelan Confederation of Industries, a business association, estimated an expropriation debt of approximately \$25 billion as of late 2010.<sup>59</sup> Venezuelan citizens perceive the trend. According to polling firm Consultores 21, in June 2007, 48 percent of Venezuelans said that Chávez wanted to abolish private property, a number that increased to 65 percent by June 2010.<sup>60</sup> Another threat to property rights comes from the invasions and confiscations of factories and so-called *latifundios* (large private estates). The National Institute for Land has confiscated numerous estates across the country—including small- and medium-sized. Between 1999 and late 2010, the government nationalized or expropriated nearly 400 companies, half of them in 2010.<sup>61</sup> Decisions about which firms are confiscated are highly political. In addition, state-owned industries have become increasingly inefficient. Production at the steel firm SIDOR, which was nationalized in 2008, declined 48 percent in 2010,<sup>62</sup> and production in the large state-

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owned aluminum companies has similarly plummeted.<sup>63</sup> Weak planning has left the state unable to keep up with increased demand for electricity, or even maintain existing capacity, and blackouts have become more common.<sup>64</sup>

In the private sector, investment has declined in nearly every industry, with production falling in most areas as well. Expropriation of lands and, in general, the adverse climate for investment has strongly constrained agricultural production, with imports surging, production of fruits, vegetables, sugar, and beef falling significantly, and food inflation spiking.<sup>65</sup> The housing sector offers yet another example. With officials encouraging building invasions and arbitrarily issuing new rules regarding rents and zoning, the government has made it irrational to invest in the housing market and helped exacerbate the housing crisis. As a result, the housing deficit has, by the government's own estimates, reached 2 million units.<sup>66</sup>

### ANTICORRUPTION AND TRANSPARENCY

The anticorruption fight has long been used in Venezuela as a political flag-waving exercise. Anticorruption rhetoric has been a staple of Chávez's speeches since his 1992 coup attempt, and he reached power in 1999 after a long series of scandals involving traditional political leaders, including the last two presidents of the so-called "fourth republic" (Jaime Lusinchi and Carlos Andrés Pérez). The "rotten elites" (*cúpulas podridas*) were seen by the public and portrayed in Chávez's speeches as the cause of all Venezuelan problems. However, 11 years later, a sincere fight against corruption seems an increasingly distant aspiration.

Bureaucratic regulations, registration requirements, economic controls affecting private companies, and nationalizations, all of which have increased opportunities for corruption, have skyrocketed under Chávez. Petty corruption is also an important issue, with police and government functionaries requiring bribes in order to complete ever-multiplying bureaucratic errands. The constitution grants the state ownership of the oil industry and other "strategic" economic sectors. *Petróleos de Venezuela* (PDVSA), one of the most lucrative businesses in Latin America, conducts its contracts, joint ventures, expropriations, asset sales, debt payments, soft loans, subsidies, transfers to the central government, and social spending with very little independent oversight, although it does publish an audited annual report that usually contains useful data. The vagueness of the concept of "strategic" industries has allowed for the nationalization of a wide array of companies in sectors as disparate as steel production, fertilizer distribution, and glass bottling. The role of the state, both as owner and regulator, has grown to the point that Venezuela currently is perceived as both one of the world's least market-oriented economies and one of its most corrupt societies.<sup>67</sup>

The mixture of excessive economic regulation and blatant corruption is the breeding ground for the emergence of a nouveau riche class—the so-called Bolivarian bourgeoisie. Ricardo Fernández Barrueco is a conspicuous example. His meteoric rise started in 1999, when he helped Hugo de los Reyes Chávez, President's Chávez's father and then governor of Barinas state, overcome a food crisis. He became an important

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provider for a governmental food distribution program, and in 2002 supplied food and logistical support during the oil strike. Within a few years, he owned scores of companies in a vast swath of industries, and was dubbed the “czar of MERCAL” due to his privileged relation with the government-owned chain of subsidized food shops.<sup>68</sup> However, in early 2010 he was detained and placed under investigation, and as of spring 2011, he is facing prosecution for embezzlement and fraud. The process is emblematic of the infighting at the highest levels of the new policy elite, whose continued good fortune relies less on adherence to rules and regulations than the avoidance of offending even more powerful actors.<sup>69</sup> Multiple other similar cases exist, many of which involve taking advantage of privileged access to policymakers in a context of unpredictable and frequent shifts in regulations and policy priorities. With vast outlays of money following the oil windfall, little accountability, and routine circumvention of procurement norms, the revolution’s fiscal policy is perceived to have benefited many corrupt actors. However, the distortions introduced by monetary policy also play an important role: significant wealth and power accrues to those who are able to trade domestic currency for dollars at the official rate, and then re-exchange the dollars back to bolívares at the much higher black market rate.

The offices of the attorney general and comptroller general are the two most important state institutions in charge of enforcing anticorruption laws. The country lacks a specialized unit of anticorruption prosecutors; investigation and prosecution is part of the general activities of the attorney general’s office. However, neither prosecutors nor officials in the comptroller’s office are insulated from political influence. Anticorruption investigation is politically biased, selectively enforced against the opposition, and relatively lenient toward leaders of the revolution. The law also requires most public officials to submit a declaration of personal assets under affidavit within 30 days of assuming office and 30 days after leaving it, but the statements are not publicly disclosed. The declarations are used for administrative and criminal investigations and sanctions, including the disqualification of officials from holding public office in the future, a provision that has been enforced selectively to punish opposition members and dissident politicians. To date, close to 300 public servants, most of them opposition politicians or former allies of the ruling party, have been disqualified by the comptroller general’s office from running in elections and holding public office—without necessarily having been convicted of any wrongdoing. The case of General Raúl Baduel (see Rule of Law) illustrates the problem of political retaliation conducted in the name of anticorruption efforts. While President Chávez has stayed relatively free of accusations of personal corruption, many close associates and even family members are perceived as having amassed suspicious, sometimes conspicuously displayed signs of wealth.

The anticorruption law establishes rules of disclosure for both individual officials and institutions.<sup>70</sup> Venezuelan government must release information on expenditures, except for those related to security issues and national defense. Yet the government rarely publishes detailed account balances. This combination of opacity and weak accountability has led to scandals that reveal large-scale waste and incompetence, particularly the “Pudreval” scandal of 2009–2010, in which it was revealed that the PDVSA subsidiary charged with food importation and distribution had wasted tens of

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thousands of tons of food that rotted in ports, even as shippers and importers received vast overpayment for their services.<sup>71</sup> In the end, three PDVAL managers (were prosecuted, but the AN and the executive branch repeatedly rejected opposition demands for a thorough and transparent investigation of the scandal.<sup>72</sup>

Unlike many countries, accusations of corruption in education come from the government, which accuses the universities of weak transparency and requiring bribes to gain admission. Corroborating evidence remains scant, however, and the anti-Chávez student movement's leaders claim that the allegations are part of a government strategy to undermine university autonomy—the universities have maintained significantly more independence than most other state institutions. Citizens have little recourse when they are victims of corruption; accusations may get broad play in the media, especially when they involve opposition sympathizers, but coverage of corruption is politicized in both pro- and antigovernment outlets.

Despite constitutional provisions regarding the right to information, Venezuela lacks access to information legislation citizens can use to compel release of governmental records. If anything, the government has moved toward even less transparency: in June 2010 it announced the creation of the Center for Situational Studies of the Nation, an entity that, if made operational, would have the power to declare confidential “information, facts, or circumstances” deemed harmful to the nation's interest.<sup>73</sup> The opacity of expenditures has increased substantially, and a large portion of government expenditure is not overseen by the legislature. The Venezuelan budget, drafted by the Ministry of Finance and approved by the AN, is based on oil price estimates. Any differences between the real and the estimated prices goes directly either to the National Development Fund (FONDEN), which is discretionarily managed by the executive, or to additional credits claimed by the executive to finance specific programs. The official 2011 budget was calculated with a baseline oil price of \$40 per barrel; during the first quarter of 2011, the average per barrel price of Venezuelan crude was over \$90. The underestimation of oil prices allows not only to avoid legislative oversight, but also to circumvent the mandatory transfer of resources from the central government to regional administrations. Between 2005 and 2010 the central bank transferred over \$38 billion to FONDEN, with PDVSA contributing an additional \$28 billion.<sup>74</sup>

### RECOMMENDATIONS

- Executive authorities, the police, prosecutors, and the judiciary should coordinate actions to accomplish significant reductions in the crime rates. This effort should be accompanied by a firm commitment to coordinate policing reform efforts with mayors and governors. Reforms should include better training, improved living standards for police officers, and accountability for abuses committed by members of the security forces.

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- Confiscatory practices, policies and laws affecting property rights should be eradicated. Expropriations, which must include prior compensation, should be decided by independent courts rather than executive decrees. Existing disputes between the government and private owners should be subject to arbitration by truly independent national arbitrators or recognized international authorities.
- The legislative role of the National Assembly, along with its oversight functions, should be restored and strengthened. The requirement that ministers testify should be established as a regular (at least annual) practice. All legislators must be empowered to subpoena government departments, records, and witnesses.
- Peaceful protest should be decriminalized, and the use of the penal code's terrorism clauses against protesters should be halted.
- A public disclosure and access to information law that ensures denial of information to citizens only on narrow and highly specific grounds is required to improve government transparency and accountability, along with informed popular participation.
- The executive should be subject to checks and scrutiny by a plural legislature elected in free and fair elections. The independence of the National Electoral Council must be restored in order to impede abuse of state resources by the government. In addition, the CNE and legislators should work to implement a new electoral system that avoids gerrymandering and excessive disproportionality in political representation.

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<sup>1</sup> The judicial process has been seen as a "political lynching" conducted by the most conservative and anti-reform sectors of AD, COPEI, business, and the media. See Martha Rivero, *La rebelión de los naufragos* (Caracas: Editorial Alfa, 2010).

<sup>2</sup> Andreas Schedler, *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder and London: Lynne Rienner Publishers, 2006), 3.

<sup>3</sup> "Chávez censura la ola de violencia," *La Razón*, August 18, 2010, <http://www.larazon.es/noticia/5094-venezuela-prohibe-las-imagenes-violentas-y-sangrientas-en-los-periodicos>.

<sup>4</sup> "Misión Hábitat: Ambiente y vivienda dignos para todos," Venezuelan government, [http://www.gobiernoenlinea.ve/miscelaneas/mision\\_habitat.html](http://www.gobiernoenlinea.ve/miscelaneas/mision_habitat.html), accessed June 7, 2011.

<sup>5</sup> In 2011, this includes the provision of a fiber optic cable to increase Cuban internet access and a \$10 million donation to a hospital in Uruguay. *El Nacional*, Caracas, March 30, 2011.

<sup>6</sup> "Pueblo venezolano arrollará al imperio y a la oligarquía este 2 de diciembre," Bolivian government, November 30, 2007, [http://www.gobiernoenlinea.ve/noticias-view/ver\\_detalle.pag?idNoticia=74688#](http://www.gobiernoenlinea.ve/noticias-view/ver_detalle.pag?idNoticia=74688#); "Chávez resalta alza petrolera y prevé vuelta de estabilidad," Agencia Bolivariana de Prensa, January 6, 2009, <http://www.aporrea.org/energia/n126620.html>.

<sup>7</sup> Claims that Chávez is leading the country to dictatorship are common: see "Pérez Vivas: Chávez lleva al país por el camino de la dictadura," *El Universal*, June 16, 2009,

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- [http://www.vlinea.com/index.php/%20http://www.abc.es/%20http://www.abc.es/20100220/internacional-internacional/index.php?option=com\\_content&view=article&id=2338%3Aaperez-vivas-chavez-lleva-al-pais-por-el-camino-de-la-dictadura&catid=3%3AAvances&Itemid=65](http://www.vlinea.com/index.php/%20http://www.abc.es/%20http://www.abc.es/20100220/internacional-internacional/index.php?option=com_content&view=article&id=2338%3Aaperez-vivas-chavez-lleva-al-pais-por-el-camino-de-la-dictadura&catid=3%3AAvances&Itemid=65); Armando Durán, “¿Dictadura o democracia?” *El Nacional*, June 21, 2010,
- [http://www.vlinea.com/index.php/%20http://www.abc.es/%20http://www.abc.es/20100220/internacional-internacional/index.php?option=com\\_content&view=article&id=10114:i-dictadura-o-democracia-&catid=1:nacionales&Itemid=64](http://www.vlinea.com/index.php/%20http://www.abc.es/%20http://www.abc.es/20100220/internacional-internacional/index.php?option=com_content&view=article&id=10114:i-dictadura-o-democracia-&catid=1:nacionales&Itemid=64); Teodoro Petkoff, “Camino a la dictadura,” *Tal Cual*, December 15, 2010, <http://www.talcualdigital.com/avances/Viewer.aspx?id=45707&secid=44>. It should be stressed that Petkoff previously stated, on many occasions, that Venezuelan democracy was threatened by authoritarian trends but that it was possible to speak out without fear.
- <sup>8</sup> Francisco José Virtuoso S.J., “Propuestas para la regulación y el financiamiento de las campañas electorales en Venezuela” (PowerPoint presentation, Instituto Latinoamericano de Investigaciones Sociales [ILDIS], Caracas, April 29, 2009, <http://www.ildis.org.ve/website/administrador/uploads/PresentacionPropuestaRegulacionVirtuoso.pdf>).
- <sup>9</sup> Ángel E. Álvarez, “El Consejo Nacional Electoral y los Dilemas de la Competencia Electoral en Venezuela,” *América Latina Hoy* 51 (Salamanca, Spain: Universidad de Salamanca, 2009): 61–76, [http://gredos.usal.es/jspui/bitstream/10366/72584/1/El\\_Consejo\\_Nacional\\_Electoral\\_y\\_los\\_dile.pdf](http://gredos.usal.es/jspui/bitstream/10366/72584/1/El_Consejo_Nacional_Electoral_y_los_dile.pdf).
- <sup>10</sup> See reports produced by the NGO Sumate, <http://www.sumate.org/Noticias/NPS/2010/343.htm>, accessed June 7, 2011.
- <sup>11</sup> Ángel E. Álvarez, *Los dineros de la política: Competencia electoral en el mercado político e intervención del Estado* (Caracas: Universidad Central de Venezuela, 1997).
- <sup>12</sup> Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela* (Human Rights Watch, September 2008), 18, <http://www.unhcr.org/refworld/docid/48d36da32.html>.
- <sup>13</sup> “Venezuela: End Harassment Campaign Against Human Rights Defender,” Human Rights Watch, August 19, 2010, <http://www.hrw.org/en/news/2010/08/19/end-harassment-campaign-against-human-rights-defender>.
- <sup>14</sup> “Agredido salvajemente el periodista y defensor de DDHH Carlos Correa,” Colegio Nacional de Periodistas, <http://www.cnpven.org/data.php?link=2&expediente=675>, accessed June 9, 2011.
- <sup>15</sup> “Denuncian ante CIDH 113 agresiones a periodistas venezolanos durante 2010,” *El Nacional*, October 29, 2010, <http://noticialdia.com/2010/10/denuncian-ante-cidh-113-agresiones-a-periodistas-venezolanos-durante-2010/>; “Presentarán el caso ante la OEA: CNP califica de ‘exabrupto’ inhabilitación de periodista,” *El Universal*, June 14, 2010, [http://www.eluniversal.com/2010/06/14/pol\\_ava\\_cnp-califica-de-exa\\_14A4022051.shtml](http://www.eluniversal.com/2010/06/14/pol_ava_cnp-califica-de-exa_14A4022051.shtml).
- <sup>16</sup> Freedom House, *Freedom on the Net 2011–Venezuela* (Freedom House, April 2011), <http://www.unhcr.org/refworld/docid/4dad51bc13.html>.
- <sup>17</sup> Espacio Público, *Informe 2010: Venezuela* (Espacio Público, 2011), 15, <http://espaciopublico.org/>, accessed August 16, 2011.
- <sup>18</sup> Karen Phillips, “Is Chávez promoting free expression? Check the facts,” Committee to Protect Journalists, February 14, 2011, <http://cpj.org/blog/2011/02/is-chavez-promoting-free-expression-check-the-fact.php#more>.
- <sup>19</sup> “Attacks on the Press 2010: Venezuela,” Committee to Protect Journalists, February 15, 2011, <http://cpj.org/2011/02/attacks-on-the-press-2010-venezuela.php>.
- <sup>20</sup> “Venezuela,” Inter-American Press Association, 2010, [http://www.sipiapa.org/v4/index.php?page=det\\_informe&asamblea=25&inford=413&idioma=us](http://www.sipiapa.org/v4/index.php?page=det_informe&asamblea=25&inford=413&idioma=us), accessed November 21, 2010.
- <sup>21</sup> Original Spanish text: “la lucha que cae en el campo ideológico tiene que ver con una batalla de ideas por el corazón y la mente de la gente. Hay que elaborar un nuevo plan, y el que nosotros proponemos es que sea hacia la hegemonía comunicacional e informativa del Estado. Construir hegemonía en el sentido gramsciano.” (Marisol Prada, “Andrés Izarra: El socialismo necesita una hegemonía comunicacional,” *Boletín Digital Universitario* [Valencia, Venezuela: Universidad de Carabobo, January 8, 2007], <http://www.boletin.uc.edu.ve/>.)

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<sup>22</sup> “Petkoff: Chávez ha realizado 2 mil 125 cadenas presidenciales en 11 años,” Globovisión, May 1, 2011, <http://www.noticias24.com/actualidad/noticia/246993/petkoff-chavez-ha-realizado-2-mil-125-cadenas-presidenciales-en-11-anos/>.

<sup>23</sup> Bureau of Democracy, Human Rights, and Labor, *2010 Human Rights Report: Venezuela* (U.S. Department of State, April 2011), <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154523.htm>; “Press freedom concerns as Chavez cracks down on opposition media,” Greenslade Blog, *Guardian*, September 8, 2009, <http://www.guardian.co.uk/media/greenslade/2009/sep/08/press-freedom-venezuela>.

<sup>24</sup> “Chapter IV. Human Rights Development in the Region. Venezuela,” in Inter-American Commission on Human Rights, *Annual Report 2009*, 468, <http://www.cidh.oas.org/annualrep/2009eng/Chap.IV.f.eng.htm>. The chapter covers “... structural or temporary situations that may appear in member states confronted, for various reasons, with situations that seriously affect the enjoyment of fundamental rights enshrined in the American Convention or the American Declaration.”

<sup>25</sup> “Chapter IV. Human Rights Development in the Region. Venezuela,” Inter-American Commission on Human Rights, 501.

<sup>26</sup> Inter-American Commission on Human Rights, *Democracy and Human Rights in Venezuela*, December 30, 2010.

<sup>27</sup> “Chapter IV. Human Rights Development in the Region. Venezuela,” Inter-American Commission on Human Rights, 504.

<sup>28</sup> “El Aissami: Cerca del 20% de crímenes violentos son cometidos por la policía,” *El Nacional*, December 6, 2009, [http://www.el-nacional.com/www/site/p\\_contenido.php?q=nodo/111944/Nacional/El-Aissami:-Cerca-del-20%-de-cr%C3%ADmenes-violentos-son-cometidos-por-la-polic%C3%ADa](http://www.el-nacional.com/www/site/p_contenido.php?q=nodo/111944/Nacional/El-Aissami:-Cerca-del-20%-de-cr%C3%ADmenes-violentos-son-cometidos-por-la-polic%C3%ADa).

<sup>29</sup> “El Asesinato del Sr. Majail Martínez,” Federación Internacional de Derechos Humanos, December 21, 2009, <http://www.fidh.org/Asesinato-del-Sr-Mijail-Martinez-VEN-001-1209-OBS>.

<sup>30</sup> “Activistas denuncian en Washington deterioro de los DDHH en Venezuela,” *El Universal*, October 27, 2008, [http://politica.eluniversal.com/2008/10/27/pol\\_ava\\_activistas-denuncia\\_27A2094243.shtml](http://politica.eluniversal.com/2008/10/27/pol_ava_activistas-denuncia_27A2094243.shtml).

<sup>31</sup> “Denuncian 77 ataques contra activistas de derechos humanos,” *El Universal*, March 29, 2011, <http://www.eluniversal.com/2011/03/29/denuncian-77-ataques-contra-activistas-de-derechos-humanos.shtml>.

<sup>32</sup> See the Bolivarian Militia web site: <http://www.milicia.mil.ve/>, accessed June 9, 2011.

<sup>33</sup> “Venezuela registró 17.600 asesinatos en 2010 según el Observatorio Venezolano de Violencia,” Informe21.com, <http://informe21.com/actualidad/venezuela-registro-17600-asesinatos-2010-segun-observatorio-venezolano-violencia>, accessed June 9, 2011.

<sup>34</sup> “Impunidad: Sólo 9,20% de delitos investigados terminaron en acusaciones,” Reportero 24, March 24, 2011, <http://www.reportero24.com/2011/03/impunidad-solo-920-de-delitos-investigados-terminaron-en-acusaciones/>.

<sup>35</sup> “Policía Nacional Bolivariana Redujo Delitos de Homicidios en un 61%,” Policía Nacional de Venezuela, February 15, 2010, [http://todocaracas.com.ve/blog/index.php?blog=1&title=policasa\\_nacional\\_bolivariana\\_redujo\\_del\\_61&more=1&c=1&tb=1&pb=1](http://todocaracas.com.ve/blog/index.php?blog=1&title=policasa_nacional_bolivariana_redujo_del_61&more=1&c=1&tb=1&pb=1).

<sup>36</sup> “Ley de Reforma Parcial del Código Orgánico Procesal Penal (COPP),” Gaceta Oficial Extraordinaria N° 5.930, Article 309, Venezuelan National Assembly, August 25, 2009, [http://www.asambleanacional.gob.ve/index.php?option=com\\_docman&Itemid=190](http://www.asambleanacional.gob.ve/index.php?option=com_docman&Itemid=190).

<sup>37</sup> “World Report 2011: Venezuela,” Human Rights Watch, January 2011, <http://www.hrw.org/en/world-report-2011/venezuela>.

<sup>38</sup> Reports by Venezuelan Prison Watch, available from <http://www.ovprisiones.org/cms/>, accessed June 9, 2011.

<sup>39</sup> “Prison population in Venezuela up 110 percent since 2007,” *El Universal*, June 24, 2011, <http://www.eluniversal.com/2011/06/24/prison-population-in-venezuela-up-110-percent-since-2007.shtml>.

<sup>40</sup> Humberto Márquez, “Inmates Surrender after 27-Day Prison Standoff,” Inter Press Service (IPS), July 13, 2011, <http://ipsnews.net/news.asp?idnews=56474>.

<sup>41</sup> “‘Sensación’ de inseguridad,” TalCualDigital.com, July 14, 2009, <http://www.talcualdigital.com/Avances/Viewer.aspx?id=23068&secid=1>.

## COUNTRIES AT THE CROSSROADS

---

- <sup>42</sup> Tamara Pearson, “Venezuela Expands Outlets for Denunciations of Violence Against Women,” *Venezuelanalysis.com*, April 25, 2009, <http://venezuelanalysis.com/news/4389>.
- <sup>43</sup> “Mapa del Femicidio,” Bando de Datos Femicidio, <http://www.femicidio.cl/map/map1.php?id=12>, accessed June 9, 2011; Ana María Hernández, “Cada dos días muere una mujer a golpes,” *El Universal*, [http://www.eluniversal.com/2010/04/19/ten\\_art\\_cada-dos-dias-muere\\_1867442.shtml](http://www.eluniversal.com/2010/04/19/ten_art_cada-dos-dias-muere_1867442.shtml), accessed June 9, 2011.
- <sup>44</sup> Humberto Briceño León, Olga Ávila y Verónica Zubillaga, “Los grupos de raza subjetiva en Venezuela,” *Cambio Demográfico y Desigualdad Social en Venezuela al Inicio del Tercer Milenio* (Caracas: KAS, INE, UNFPA, 2005): 251–263.
- <sup>45</sup> “Capítulo I. Los Pueblos Indígenas: Pobreza y bienestar,” in *La Situación de los Pueblos Indígenas en el Mundo* (Departamento de Información Pública de las Naciones Unidas, January 2010).
- <sup>46</sup> Carlos Ayala Corao, “La criminalización de la protesta en Venezuela,” in *¿Es legítima la criminalización de la protesta social?*, ed. Eduardo Andrés Bertoni (Buenos Aires: Universidad de Palermo, 2010), 212, [http://www.palermo.edu/cele/pdf/LIBRO\\_BERTONI\\_COMPLETO.pdf](http://www.palermo.edu/cele/pdf/LIBRO_BERTONI_COMPLETO.pdf).
- <sup>47</sup> Juan Francisco Alonso, “3114 protestas se registraron en Venezuela a lo largo de 2010,” *El Universal*, March 14, 2011, <http://www.eluniversal.com/2011/03/14/3114-protestas-se-registraron-en-venezuela-a-lo-largo-de-2010.shtml>.
- <sup>48</sup> “Petkoff señala que la lucha intersindical ha generado más 122 muertos en dos años,” *Noticias24*, August 24, 2010, <http://www.noticias24.com/actualidad/noticia/169181/petkoff-senala-que-la-lucha-intersindical-ha-generado-mas-122-muertos-en-dos-anos/>.
- <sup>49</sup> “Morales: La división de poderes debilita al Estado,” *El Universal*, December 5, 2009, [http://www.eluniversal.com/2009/12/05/pol\\_art\\_morales:-la-divisio\\_1683109.shtml](http://www.eluniversal.com/2009/12/05/pol_art_morales:-la-divisio_1683109.shtml).
- <sup>50</sup> “Venezuela: Eventos de 2010,” Human Rights Watch, <http://www.hrw.org/en/world-report-2011/venezuela-0>, accessed June 9, 2011.
- <sup>51</sup> Alexandra Rubin, “¿Quiénes son los Magistrados principales del TSJ?”, *Globovisión*, December 8, 2010, <http://www.globovision.com/news.php?nid=171824>.
- <sup>52</sup> Marcos Vilera, “El Acceso a la Función Judicial en Venezuela,” *Revista Venezolana de Economía y Ciencias Sociales* 15, no. 1 (Caracas: 2009): 13–36.
- <sup>53</sup> “Caso Afiuni revela que jueces no pueden fallar contra el Gobierno,” *El Universal*, April 15, 2011, <http://www.eluniversal.com/2011/04/15/caso-afiuni-revela-que-jueces-no-pueden-fallar-contr-el-gobierno.shtml>.
- <sup>54</sup> *Reverón Trujillo v. Venezuela*, Corte Inter-Americana de Derechos Humanos, June 30, 2009 (manuscript).
- <sup>55</sup> Juan Francisco Alonso, “Fiscal: Sin estabilidad no hay independencia judicial,” *El Universal*, March 18, 2011, <http://politica.eluniversal.com/2011/03/18/fiscal-sin-estabilidad-no-hay-independencia-judicial.shtml>.
- <sup>56</sup> “Venezuelan leader violates independence of judiciary – UN rights experts,” *UN News*, December 16, 2009, <http://www.speroforum.com/a/24403/Venezuelan-leader-violates-independence-of-judiciary--UN-rights-experts>.
- <sup>57</sup> “Presidente Chávez asciende a Rangel Silva a General en Jefe,” *El Universal*, November 12, 2010, [http://www.eluniversal.com/2010/11/12/pol\\_art\\_presidente-chavez-as\\_12A4719931.shtml](http://www.eluniversal.com/2010/11/12/pol_art_presidente-chavez-as_12A4719931.shtml).
- <sup>58</sup> Andrés Cañizález, “Venezuela: Peligrosa división entre militares,” *Inter Press Service (IPS)*, [http://www.ipsnoticias.net/venezuela/abril/1405\\_1.shtml](http://www.ipsnoticias.net/venezuela/abril/1405_1.shtml), accessed June 9, 2011.
- <sup>59</sup> “US\$ 25 mil millones adeuda el Estado por las expropiaciones y no hay recuperación a corto plazo,” *Correo del Caroní*, October 15, 2010, p. 1, <http://informe21.com/carlos-larrazabal/us-25-mil-millones-adeuda-estado-las-expropiaciones-no-hay-recuperacion-corto-plaz>.
- <sup>60</sup> *Consultores 21, Perfil 21*, no. 82, June 2010, Caracas.
- <sup>61</sup> “Venezuela’s economy: Towards state socialism,” *Economist*, November 18, 2010, <http://www.economist.com/node/17527250>.
- <sup>62</sup> “Producción de acero de Sidor registró una caída de 48%,” *El Universal*, November 3, 2010, [http://www.eluniversal.com/2010/11/03/eco\\_art\\_produccion-de-acerod\\_2090792.shtml](http://www.eluniversal.com/2010/11/03/eco_art_produccion-de-acerod_2090792.shtml)

## COUNTRIES AT THE CROSSROADS

---

- <sup>63</sup> Alejandro Hinds R., “Empresas del aluminio perdieron Bs 8,2 millardos entre 2006 y 2010,” *El Nacional*, April 12, 2011, [http://noticias.latam.msn.com/ve/venezuela/articulo\\_elnacional.aspx?cp-documentid=28342234](http://noticias.latam.msn.com/ve/venezuela/articulo_elnacional.aspx?cp-documentid=28342234); Damian Prat, “Producción hipotecada,” *Tal Cual*, February 21, 2011, <http://www.talcuadigital.com/Avances/Viewer.aspx?id=48637&secid=3>
- <sup>64</sup> Mariela León, “Entre 700 y 1200 MG se ubica déficit de energía eléctrica,” *El Universal*, April 10, 2011, <http://www.eluniversal.com/2011/04/02/entre-700-y-1200-mw-se-ubica-deficit-de-energia-electrica-local.shtml>.
- <sup>65</sup> Carlos Machado Allison, “Agricultura en Venezuela: Cifras fantásticas,” February 27, 2011, <http://carlosmachadoallison.blogspot.com/2011/02/agricultura-en-venezuela-cifras.html>.
- <sup>66</sup> “Venezuela: Ministro dice que meta de acabar con déficit habitacional se cumplirá en 2011,” Agencia EFE, February 18, 2011, <http://www.misfinanzasenlinea.com/noticias/20110218/ministro-dice-que-meta-de-acabar-con-deficit-habitacional-se-cumplira-en-2017>.
- <sup>67</sup> In the 2009 report of the Global Integrity Index, Venezuela receives a “weak” rating in overall integrity (61 out of 100,  $\pm$  2.1), with a legal framework of moderate strength but very weak implementation of anticorruption practices (“Venezuela: 2009,” Global Integrity, <http://report.globalintegrity.org/Venezuela/2009>, accessed June 9, 2011). In the 2009 Transparency International Corruption Perceptions Index, Venezuela ranks 162 out of 180 countries (with a CPI score of 1.9), [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009/cpi\\_2009\\_table](http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table), accessed June 9, 2011. Finally, the country is classified as a “repressed” country in the Heritage Foundation/*Wall Street Journal* 2009 Index of Economic Freedom, ranking 174 out of 179 countries surveyed and 28 out of 29 countries in the region, <http://akgul.bilkent.edu.tr/IPI/2009%20RANKING%20THE%20WORLD%20BY%20ECONOMIC%20FREEDOM.pdf>, accessed June 9, 2011.
- <sup>68</sup> “Ascenso y caída de Ricardo Fernández Barrueco, un 'boliburgués' de Venezuela,” *El Nacional*, November 29, 2009, [http://media.eltiempo.com/mundo/latinoamerica/ascenso-y-caida-de-ricardo-fernandez-barrueco-un-boliburgues-de-venezuela\\_6695447-1](http://media.eltiempo.com/mundo/latinoamerica/ascenso-y-caida-de-ricardo-fernandez-barrueco-un-boliburgues-de-venezuela_6695447-1).
- <sup>69</sup> Simon Romero, “Purging Loyalists, Chávez Tightens His Inner Circle,” *New York Times*, February 16, 2010, <http://www.nytimes.com/2010/02/17/world/americas/17venez.html>.
- <sup>70</sup> “Ley Contra La Corrupción,” Gaceta Oficial N° 5.637, Asamblea Nacional de la República Bolivariana de Venezuela, Extraordinario Caracas: April 7, 2003 (Art. 8 and 9), [http://www.ucv.ve/fileadmin/user\\_upload/asesoria\\_juridica/Ley\\_Contra\\_La\\_Corrupcion\\_-\\_5.637\\_E.pdf](http://www.ucv.ve/fileadmin/user_upload/asesoria_juridica/Ley_Contra_La_Corrupcion_-_5.637_E.pdf).
- <sup>71</sup> “La red de corrupcion de PDVAL,” *CodigoVenezuela.com*, June 11, 2010, <http://www.codigovenezuela.com/2010/06/noticias/pais/la-red-de-corrupcion-de-pdval>.
- <sup>72</sup> “The truth of Pdval,” *El Universal*, January 21, 2011, [http://www.eluniversal.com/2011/01/21/en\\_ing\\_esp\\_the-truth-of-pdval\\_21A5015053.shtml](http://www.eluniversal.com/2011/01/21/en_ing_esp_the-truth-of-pdval_21A5015053.shtml).
- <sup>73</sup> “Venezuela: Close Chávez’s New Censorship Office,” Human Rights Watch, July 21, 2010, <http://www.hrw.org/en/news/2010/07/21/venezuela-close-chavez-s-new-censorship-office>.
- <sup>74</sup> “En 5 años el BCV traspasó \$ 38,8 millardos al Fonden, NotiActual, January 19, 2011, <http://www.notiactual.com/en-5-anos-el-bcv-traspaso-388-millardos-al-fonden/>.