



## *Article 13. Participation of society*

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

# **CIVIL SOCIETY REPORT**

on the implementation of

Chapter II (Prevention) & Chapter V (Asset Recovery) of the

# **UNITED NATIONS CONVENTION AGAINST CORRUPTION**

## **IN VENEZUELA**

by Transparencia Venezuela &  
Iniciativa para la Recuperación de Activos Venezolanos

## **Acknowledgments**

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The conclusions in this report are those of the authors, but do not necessarily reflect the views of the UNCAC Coalition and the donors who made this report possible.

Every effort has been made to verify the accuracy of the information contained in this report. All information in Chapter II is believed to be correct as of August 2024. All information in Chapter V is believed to be correct as of 2016 through March 2024.

The authors of this report are members of the Transparencia Venezuela and INRAV teams. The report was reviewed by Danella Newman of the UNCAC Coalition. This is the English translated version of the original Spanish report.

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## **Abbreviations**

While the abbreviations are provided in both Spanish and English in the following table, they are used in their original Spanish version throughout the report for institutions and laws and in their English version for names of international institutions or initiatives.

<b>Abbr.</b>	<b>Spanish</b>	<b>English</b>
10TH COSP	Décima Conferencia de los Estados Partes	10th Conference of the States Parties
BCV	Banco Central de Venezuela	Central Bank of Venezuela
CGR	Contraloría General de la República	Office of the Comptroller General of the Republic
ICJ	Comisión Internacional de Juristas	International Commission of Jurists
CLAP	Comité Local de Abastecimiento y Producción	Local Supply and Production Committee
CNCC	Cuerpo Nacional contra la Corrupción	National Anti-Corruption Corps
CNE	Consejo Nacional Electoral	National Electoral Council
COPP	Código Orgánico Procesal Penal	Organic Code of Criminal Procedure
DGCIM	Dirección General de Contrainteligencia Militar	General Directorate of Military Counterintelligence
DJP	Declaración jurada de patrimonio	Sworn Asset Affidavit
FGR	Fiscalía General de la República	Attorney General's Office (FGR)
FATF	Grupo de Acción Financiera Internacional	Financial Action Task Force
CFATF	Grupo de Acción Financiera del Caribe	Caribbean Financial Action Task Force
LOCDOFT	Ley Orgánica Contra la Delincuencia Organizada y Financiamiento al Terrorismo	Organic Law Against Organized Crime and Financing of Terrorism
UNFFM	Misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela	United Nations Human Rights Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela
MP	Ministerio Público	Attorney General's Office (MP)
ONAPRE	Oficina Nacional de Presupuesto	National Budget Office
PDVSA	Petróleos de Venezuela	Venezuela State Oil Company
PSAV	Proveedores de Servicios de Activos Virtuales	Virtual Asset Service Providers
PSUV	Partido Socialista Unido de Venezuela	United Socialist Party of Venezuela
SAR	Registro de Actividades Sospechosas	Suspicious Activity Registry
RNC	Registro Nacional de Contratistas	National Registry of Contractors
S/I or N/I	Sin información	No information
SAREN	Servicio Autónomo de Registros y Notarías	Autonomous Service of Public Registries and Notaries
SEBIN	Servicio Bolivariano de Inteligencia Nacional	Bolivarian National Intelligence Service
SNC	Servicio Nacional de Contrataciones	National Procurement Service
SUDEASEG	Superintendencia de la Actividad Aseguradora	Superintendency of Insurance Activity

SUDEBAN	Superintendencia de las instituciones del Sector Bancario	Superintendency of Banks
SUNAI	Superintendencia Nacional de Auditoría Interna	National Superintendency of Internal Audit
TSJ	Tribunal Supremo de Justicia	Supreme Court of Justice
UNCAC	Convención de las Naciones Unidas contra la Corrupción	United Nations Convention Against Corruption
UNIF	Unidad Nacional de Inteligencia Financiera	National Financial Intelligence Unit
UNODC	Oficina de las Naciones Unidas contra la Droga y el Delito	United Nations Office on Drugs and Crime

## **List of Interviewed Persons**

The following is a list of individuals who were consulted in order to guide requests for information and complete the data that helped enrich and detail the content of the report. For security reasons, it is proposed that the names of officials and former officials be omitted.

<b>Name</b>	<b>Job Title</b>	<b>Organization or institution</b>	<b>Date of interview</b>
Identity reserved	Former officer	Attorney General's Office (MP)	2/26/2024
Identity reserved	Former officer	Electoral Chamber of the Supreme Court of Justice	5/6/2024
Identity reserved	Trade Unionist	Health sector	5/7/2024
Identity reserved	Economist	University professor	5/7/2024
Identity reserved	Criminal Lawyer	Independent attorney	5/6/2024
Identity reserved	Active officer	PDVSA – Venezuela State Oil Company	5/5/2024
Identity reserved	Retired	Supreme Court of Justice	5/2/2024
Identity reserved	Pensioner	Attorney General's Office (MP)	5/2/2024
Identity reserved	Officer	Attorney General's Office (MP)	
Identity reserved	Attorney at Law, Professor of Human Rights and Coordinator	Andrés Bello Catholic University and Amnesty International Venezuela	5/7/2024
Identity reserved	Guest researcher/ Lawyer	Central University of Venezuela, School of Legal and Political Sciences, Institute of Criminal Sciences	5/17/2024
Identity reserved	Professor	Central University of Venezuela	5/17/2024
Identity reserved	Professor of the PhD program in law	Andrés Bello Catholic University	5/20/2024
Identity reserved	Professor	Central University of Venezuela	5/21/2024

In addition, the following written requests for information were submitted:

<b>Name</b>	<b>Job Title</b>	<b>Organization or institution</b>	<b>Date of application</b>
Jhosnel Peraza Machado	Comptroller General of the Republic (E).	Office of the Comptroller General of the Republic	2/27/2024
Tarek William Saab	Attorney General of the Republic	Attorney General's Office (FGR)	2/27/2024
Anabel Pereira Fernández	Superintendent of Financial Institutions	Superintendency of Financial Sector Institutions	2/27/2024

Carmen Antonia Glood Aristiguieta	General Director of the National Financial Intelligence Unit	National Financial Intelligence Unit	3/11/2024
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## **I. Introduction**

Venezuela signed the United Nations Convention against Corruption (UNCAC) on December 10th, 2003, ratified it on May 23rd, 2005, and submitted its ratification instrument on February 2nd, 2009.

This report examines Venezuela's implementation of selected articles of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC, as part of the ongoing review process. Venezuela was selected for review in the fourth year of the second review cycle through a drawing of lots by the UNCAC Implementation Review Group.

### **1.1 Scope**

The UNCAC articles and topics that are specifically addressed in this report comprise: under Chapter II, preventive anti-corruption body or bodies (Article 6), public sector employment (Article 7.1), political financing (Article 7.3), codes of conduct, conflicts of interest and asset declarations (Articles 7, 8 and 12), reporting mechanisms and whistleblower protection (Articles 8.4 and 13.2), public procurement (Article 9.1), management of public finances (Article 9), access to information and participation of society (Articles 10 and 13.1), the Judiciary and Prosecution Services (Article 11), private sector transparency (Article 12), measures to prevent money laundering (Article 14). Under Chapter V, the UNCAC articles and topics that received particular attention are: anti-money laundering (articles 52 and 58), measures for direct recovery of property (articles 53 and 56), confiscation tools (article 54), international cooperation for the purpose of confiscation (articles 51, 54, 55, 56 and 59), the return and disposal of confiscated property (article 57).

### **1.2 Structure**

The report begins with an executive summary which includes the main findings, conclusions and recommendations derived from the review process, availability of information, as well as implementation and compliance with selected UNCAC articles. The following part covers in more detail findings of the review process in Venezuela and access to information issues. Subsequently, the report reviews implementation of the Convention and provides examples of good practices and deficiencies. This is followed by a discussion of recent developments and concludes with a set of recommendations for priority actions aimed at enhancing the effectiveness of UNCAC implementation.

### **1.3 Methodology**

The report was prepared by Transparencia Venezuela and the Initiative for the Recovery of Venezuelan Assets - INRAV with technical and financial support from the UNCAC Coalition. The group strived to obtain information for the reports from government offices and to engage in dialogue with government officials.

The report was prepared following UNCAC Coalition and Transparency International guidelines and reporting template, designed to be used by civil society organizations (CSOs). These tools are a simplified version of the United Nations Office on Drugs and Crime (UNODC) Self-Assessment Checklist and require relatively short assessments compared to the detailed official Self-Assessment Checklist. The report template included a series of questions regarding the review process and, within the section on implementation, asked for examples of good practices and areas for improvement in the articles of UNCAC chapter II on the prevention of corruption, and chapter V on asset recovery.



**Transparencia Venezuela:** In preparing this report, the authors took into account the recent reviews of Venezuela conducted by the International Criminal Court, the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (UNFFM), the United Nations High Commissioner for Human Rights, the Human Rights Committee in charge of evaluating the International Covenant on Civil and Political Rights, the Universal Periodic Review, the Caribbean Financial Action Task Force (CFATF), the Inter-American Commission on Human Rights, the European Union's Election Observation Mission in Venezuela and by civil society organizations such as Civicus, the International Budget Partnership, the International Commission of Jurists, and the World Justice Project.

## **II. Executive summary**

This report assesses Venezuela's implementation of Chapters II (preventive measures) and V (asset recovery) of the United Nations Convention against Corruption (UNCAC). It aims to contribute to the ongoing implementation review process for these chapters.

### **2.1 Description of the official review process**

At the time of developing the report (April-June 2024), the full range of information on the UNCAC review process in Venezuela was not available. However, reports from civil society organizations and the executive summary of Venezuela's second UNCAC review cycle, dated September 2023, were reviewed<sup>1</sup>.

### **2.2 Availability of information**

Laws and regulations in force published in the Official Gazette of the Bolivarian Republic of Venezuela were considered for the preparation of this report. The main public entities and agencies with responsibilities in the implementation of Chapters II and V of the UNCAC were identified and their official web pages were reviewed to obtain information on public policies and official data. However, due to the limited information available, reports and documents prepared by international organizations, civil society, and the media were reviewed as a basis for further investigation. Furthermore, we identified corruption cases investigated by both Venezuelan and non-Venezuelan agencies.

In order to prepare this report, Transparencia Venezuela had to consult a number of documents and reports issued by a variety of international organizations, including the International Criminal Court, the IMMHR, the United Nations High Commissioner for Human Rights, the Human Rights Committee responsible for evaluating the International Covenant on Civil and Political Rights, the Caribbean Financial Action Task Force (CFATF), the Inter-American Commission on Human Rights and the European Union's Electoral Observation Mission in Venezuela.

In addition, data and reports from national and international civil society organizations, including Civicus, World Justice Project, Amnesty International, Espacio Público, International Commission of Jurists, Venezuelan Human Rights Action Education Program, Acceso a la Justicia, and others, were also considered. Regarding media sources, research findings published in outlets such as OCCRP, Armando Info, and others were given particular consideration.

In the context of public information access, it has been asserted that opacity represents a State policy in Venezuela<sup>2</sup>; this issue has been highlighted by several independent international organizations in their assessments of this country. The current situation affects the availability and access to public information, which has been utilized in the preparation of this report. In order to evaluate the right of access to information, public employment, hiring, management of the treasury, state-owned companies, political financing and the justice system, Transparencia Venezuela counted the

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<sup>1</sup> United Nations (n/d). Review of the implementation of the United Nations Convention against Corruption. CAC/COSP/IRG/II/4/1/Add.8 (accessed 12 June 2024). Available at: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-8September2023/CAC-COSP-IRG-II-4-1-Add.8/2314656S.pdf>.

<sup>2</sup> Transparencia Venezuela (2017), "Opacity: the rule imposed from the high government", (accessed March 15, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2018/06/Opacidad-la-regla-impuesta-desde-el-alto-gobierno.pdf>

information requests made directly. Of these requests, 95% received no response, while the remaining 5% received incomplete responses.

Similarly, Espacio Público affirms that in Venezuela, there is a widespread lack of transparency, with only five out of 52 requests for information addressed to public institutions being adequately answered in 2023<sup>3</sup>.

In April and May of 2024, Transparencia Venezuela submitted requests for information to the Attorney General's Office (MP), the National Budget Office (ONAPRE), and the Office of the Comptroller General of the Republic (CGR). The first two public agencies did not issue a response, and the last one did not receive the request for information. Finally, experts and sources requiring confidentiality were consulted.

In regard to Chapter V of the UNCAC, INRAV submitted information requests to the Comptroller General of the Republic (CGR), the Attorney General of the Republic, the National Financial Intelligence Unit (UNIF) and the Superintendency Banks of Venezuela (SUDEBAN) in February and March 2024, to inquire about progress made in compliance with the Convention's provisions and to request data and figures that could be useful for the drafting of this report; however, as of the date of its preparation (April 2024) no response has been received. A review of the available official sources revealed that the reports that would allow for the identification of actions implemented to comply with the Convention are not published on the web pages of these organizations.

## 2.3 Application in Law and Practice

**Article 6 – Prevention anti-corruption body or bodies.** The Anti-Corruption Law of 2014<sup>4</sup> established the National Anti-Corruption Corps to address corruption through activities related to prevention, analysis, intelligence, and investigation. This body reports hierarchically to the President of the Republic<sup>5</sup>. There has been no official information made available regarding the budget allocated to this body, its operational plans or management reports since 2015. The agency does not have either a website or a known physical headquarters. The legislation does not stipulate the criteria to be used in the appointment of the most senior personnel at the agency.

The Office of the Comptroller General of the Republic is responsible for the control, surveillance, and auditing of public revenues, expenditures, and assets. From 2018 to 2023, the Office was headed by a former deputy of the governing party, who had previously described himself as an "active militant of the Revolution and chavista"<sup>6</sup>. Since 2018, there has been no information made available concerning audits conducted in the procurement activities of strategic companies such as PDVSA<sup>7</sup>. The CGR has

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<sup>3</sup> Espacio Público (March 4, 2024), "Sin respuestas completas: Informe de Acceso a la Información Pública en Venezuela 2023", (accessed April 24, 2024). Available at: <https://espaciopublico.org/sin-respuestas-completas-informe-de-acceso-a-la-informacion-publica-en-venezuela-2023/>.

<sup>4</sup> Official Gazette No. 6,156, Decree No. 1,444, dated 11/19/2014 (Accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1444-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-del-cuerpo-nacional-contra-la-corrupcion-20211103132435.pdf>.

<sup>5</sup> Espacio Público. Anti-corruption body: a faceless police, 21/1/2015 (Accessed June 26, 2024). Available at: <http://espaciopublico.org/cuerpo-anticorupcion-policia-sin-rostro/>.

<sup>6</sup> Suprema Injusticia. Elvis Amoroso lands in Comptroller's Office after aspiring to TSJ and Attorney General's Office, October 25, 2018. Available at: <https://supremainjusticia.org/elvis-amoroso-ateriza-en-la-contraloria-tras-aspirar-al-tsj-y-a-la-fiscalia/> (accessed 4/8/2024).

<sup>7</sup> Transparencia Venezuela. Shadow UPR Report (Accessed June 26, 2024). Available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=9322&file=SpanishTranslation> or at <https://transparenciave.org/transparencia-venezuela-solicita-informacion-sobre-vacunas-contra-el-covid-19/> (Accessed June 30, 2024).

not yet issued its management report corresponding to years 2018, 2020, 2022 and 2023, nor has it released the list of disqualifications or responded to information requests.

**Article 7.1 – Employment in the public sector.** To date, there have been no published calls for public contests for the entry of civil servants in the public administration. Furthermore, there are no published sworn statements of assets, officers' curricula vitae, or names of 80% of the directors and Boards of Directors of the 940 state-owned enterprises. The rate of patrimonial verification processes initiated by the CGR is less than 1% per year. The highest government authorities have incurred in numerous cases of nepotism<sup>8</sup> and other conflicts of interest. The salary scale of the officials is unavailable for review. In interviews conducted by Transparencia Venezuela with employees of public companies in 2020, respondents indicated that, due to low salaries, they are compelled to adopt certain practices like irregular management, and unlawful payments to ensure their survival<sup>9</sup>.

**Article 7.3 – Political financing.** The current legal framework does not impose any limitations on campaign expenditures. While the law does require disclosure of campaign financing, this information is not publicly available. Notwithstanding constitutional restrictions on financing political organizations with public funds, Transparencia Venezuela has highlighted instances of public resource misuse in political campaigns. Since 2015, numerous complaints have been documented regarding improper use of public resources in campaign activities by the governing party and arbitrary actions and human rights violations by state officials<sup>10</sup>.

An Observer Mission appointed by the Carter Center, present during the July 28th, 2024 presidential election, released a statement on July 30th, which concluded as follows: "The Venezuelan electoral process did not meet international standards of electoral integrity in any of its stages. The incumbent president's campaign was well financed and widely visible through rallies, posters, murals, and street campaigns. There were also instances of abuse of administrative resources by the incumbent president, including the use of government vehicles, public officials campaigning while exercising official duties, and the use of social programs, which were observed throughout the campaign"<sup>11</sup>.

**Articles 7, 8 and 12 – Codes of conduct, conflicts of interest and asset declarations.** The ministers exercise control functions over certain assigned entities, while simultaneously serving as presidents of those entities. There is no obligation to declare conflicts of interest or to publish sworn declarations of assets or penalties for non-compliance. The Office of the Comptroller General of the Republic has issued administrative sanctions for lack of submission of the sworn statement of net worth or discrepancies in its verification. These sanctions have served as grounds for preventing officials from running for elected office, despite the National Constitution establishing that only those with a final criminal sentence are disqualified from holding public office.

**Articles 8.4 and 13.2 – Reporting Mechanisms and Whistleblower Protection.** Transparencia Venezuela has received reports indicating non-compliance with the Law for the Protection of Victims, Witnesses, and other Procedural Subjects. In numerous instances where protection measures were

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<sup>8</sup> Transparencia Venezuela. El Nepotismo Se Pasea Impunemente Por El Poder Judicial (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/el-nepotismo-se-pasea-impunemente-por-el-poder-judicial/>.

Transparencia Venezuela. Nepotism in the State: Case of Comptroller Manuel Galindo (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/project/31093/>.

<sup>9</sup> Transparencia Venezuela. Corruption in Pandemic, 4/22/2021 (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/saludcritica/2021/05/10/riesgos-de-corrupcion-se-dispararon-durante-el-primer-ano-de-la-pandemia/>.

<sup>10</sup> Transparencia Venezuela (accessed August 5, 2024). Available at: [https://www.instagram.com/p/C95r2RPsH4r/?img\\_index=2](https://www.instagram.com/p/C95r2RPsH4r/?img_index=2).

<sup>11</sup> Carter Center. Carter Center statement on elections in Venezuela, July 30, 2024 (accessed 4/8/2024). Available at: <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html>.

requested for whistleblowers, they were not granted<sup>12</sup>. In other cases, protection measures were ordered by jurisdictional bodies but not executed by the designated authorities. Individuals who have reported corruption have suffered various forms of retaliation, including attacks, threats, detentions, and even torture.

**Article 9.1 – Procurement.** Information regarding the procedures for selecting contractors, assigning contracts, ensuring compliance, and monitoring execution is not publicly available. In August 2017, the website of the National Register of Contractors was closed to the public, effectively limiting access to information about companies contracting with the State<sup>13</sup>. Since 2001, public procurement legislation has undergone reforms that have resulted in an increased number of exclusions from tenders, bids, and other forms of open contracting<sup>14</sup>. There have been multiple instances of significant corruption involving direct or "finger-pointed" awards (*adjudicaciones a dedo*).

**Article 9.2 – Management of public finances.** The State has not published the National Budget Law since 2017<sup>15</sup>. Additionally, since 2022, the State has not published any supplementary credits or other budget modifications. Since 2010, there has been a lack of transparency in budget execution, with most public entities ceasing to publish their management reports by 2016<sup>16</sup>. Since 2010, there has been no disclosure of either surplus or fiscal deficit data. Additionally, there is a lack of information available on the amount of gold received or sold by the BCV<sup>17</sup>, external debt<sup>18</sup>, internal debt, export and import indicators, and other key metrics. The list of state-owned enterprises is not publicly accessible, and the identities of their directors are also not disclosed. Furthermore, requests for access to information are not addressed.

**Articles 10 and 13.1 – Access to information and participation of society.** On September 17th, 2021, the National Assembly approved the Law on Transparency and Access to Information of Public Interest<sup>19</sup>. This law excludes active transparency, restricts public information access, and requires that individuals demonstrate necessity for access to information in order to meaningfully participate in the design, development, and monitoring of public management. The legislation does not establish a body to guarantee access to information, nor maximum periods of confidentiality, nor sanctions for officials who deny access to information.

It has been reported by several organizations, that arbitrary detentions of human rights defenders, trade unionists, and journalists have increased. These individuals are not permitted to appoint private

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<sup>12</sup> Transparencia Venezuela: IS IT WORTH DENOUNCING CORRUPTION IN VENEZUELA, 23/6/2023. (Accessed June 26, 2024). Available at: <https://transparenciave.org/vale-la-pena-denunciar-en-venezuela/>.

<sup>13</sup> Transparencia Venezuela. Gobierno profundiza la opacidad al recortar información pública de empresas contratantes con el estado, 22/8/2017 (accessed June 26, 2024). Available at: <https://transparenciave.org/project/gobierno-profundiza-la-opacidad-al-recortar-informacion-publica-empresas-contratantes-estado/>.

<sup>14</sup> Public Bidding Law published in Official Gazette No. 34,528 of August 10, 1990. The amendments to the law were published in Official Gazette No. 5,386 Extraordinary of 10/11/1999; Official Gazette No. 37,097 of 12/12/2000; Official Gazette No. 5,556 Extraordinary of 11/13/2001; Official Gazette No. 5,877 Extraordinary of 2/14/2008, reprinted due to material error in Official Gazette No. 38,895 of 3/25/2008; Official Gazette No. 39,165 of 4/24/2009; Official Gazette No. 39,503 of 9/6/2010; Official Gazette No. 6,154 of 11/19/2014.

<sup>15</sup> Transparencia Venezuela. Presupuesto 2022, una historia que se repite, 17/12/2021, (Accessed June 26, 2024). Available at: <https://transparenciave.org/presupuesto-2022-una-historia-que-se-repite/>.

<sup>16</sup> Transparencia Venezuela. Corruption reports, 2018, (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/project/informe-anual-corrupcion/>.

<sup>17</sup> Central Bank of Venezuela. Gold Review, (Accessed June 26, 2024). Available at: <https://www.bcv.org.ve/minerales-estrategicos/resena-del-oro>.

<sup>18</sup> Central Bank of Venezuela. External Debt, (Accessed June 26, 2024). Available at: <https://www.bcv.org.ve/estadisticas/deuda-externa>.

<sup>19</sup> Transparencia Venezuela. Transparency law approved by the national assembly consolidates secrecy, 9/17/2021, (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/la-ley-de-transparencia-aprobada-por-la-asamblea-nacional-consolida-el-secretismo/>.

legal counsel. Following the presidential elections of July 28th, 2024, at least three human rights defenders have been arbitrarily detained. In recent years, discussions have begun regarding laws and regulations to limit the operation of non-governmental organizations. Additionally, organizations and political parties have been intervened.

**Article 11 – Judiciary.** The lack of judicial independence is a result of the opaque and irregular appointment process for magistrates of the Supreme Court of Justice (TSJ), with 89% of TSJ magistrates<sup>20</sup> belonging or having direct links with the government party, declaring their loyalty to the President of the Republic at the beginning of each judicial year. Also, of more than 80% of the judges and justice operators remain provisional<sup>21</sup>, there is a notable absence of public competitive examinations for those seeking to enter the judicial career. Furthermore, individuals currently in provisional positions are removed without assurance of due process. There is also lack of transparency in the administration of justice and the issuing of sentences that contravene the rights and guarantees of the individuals concerned.

The Attorney General's Office (MP) has not published its management report or official statistics since 2016. The institution's management is evaluated based on statements made by the Attorney General or press releases published on the institution's web portal. Prosecutors remain largely temporary. Cases of presumed grand corruption that have been or are being investigated in other countries, such as the alleged overpricing of food imports destined for a program serving the most vulnerable population, are not being addressed by the Venezuelan Attorney General's Office (MP), or at least no related investigation has been announced.

**Article 12 – Private sector transparency.** Basic information on the date of creation, purpose, nature, shareholders or directors, management and assets of a private company or organization is not accessible electronically. There are no known sanctions for failure to keep beneficial ownership information up to date. There is no public information available on contracts entered into by private companies with public entities.

**Articles 52 and 58 – Anti-money laundering.** In terms of legal and structural matters, Venezuela has regulations and institutions in place that facilitate the tracing and monitoring of illicit funds. However, there appears to be a lack of independence among public authorities and a lack of initiative on the part of the Attorney General's Office (MP) to investigate alleged corruption crimes reported in other countries. This seems to indicate a lack of interest on the part of the Venezuelan State in pursuing these cases, tracing assets that could be located in the country and their subsequent confiscation, as has been stated by independent organizations.<sup>22</sup>

Furthermore, data obtained from official Venezuelan government websites accessed for this report indicate that there is minimal follow-up and monitoring by the Venezuelan State of the parties bound by these legal norms, as well as few sanctions imposed in the event of non-compliance with Venezuelan law in this area.

**Article 54 – Confiscation tools.** In accordance with Article 204 of the Organic Code of Criminal Procedure (COPP), a preventive seizure may be requested before a judge when there is reasonable

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<sup>20</sup> Acceso a la Justicia. The "new" TSJ appointed by the AN of 2020 has nothing new, 4/29/2022, (Accessed June 26, 2024). Available at: <https://accesoalajusticia.org/nuevo-tsj-designado-an-2020-no-tiene-nada-nuevo/>.

<sup>21</sup> International Commission of Jurists. Judges on a Tightrope Report on Independence and Impartiality of the Judiciary in Venezuela, June 2021, (Accessed June 26, 2024). Available at: <https://www.icj.org/wp-content/uploads/2021/06/Venezuela-Judges-on-the-tightrope-Publications-Reports-Thematic-reports-2021-SPA.pdf>

<sup>22</sup> Transparencia Venezuela. Estrategias Jurídicas para la recuperación de activos venezolanos producto de la corrupción, p 116, 10/2020, (Accessed March 15, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/10/Recuperacio%cc%81n-de-activos-Transparencia-Venezuela-oct-2020.pdf>.

suspicion that assets are related to a crime. The Organic Law Against Organized Crime and Financing of Terrorism (LOCDOFT) authorizes preventive seizure of assets linked to crimes under investigation (Article 55) and blockage of bank accounts (Article 56).

In accordance with Article 271 of the Venezuelan Constitution, a judicial decision is required for the confiscation of assets related to crimes against the public patrimony or drug trafficking. In addition, Articles 33 of the Criminal Code and 349 of the COPP regulate confiscation as an accessory penalty linked to a conviction. The LOCDOFT (art. 4) defines confiscation as the definitive dispossession of property by judicial decision. The Anti-Corruption Law (art. 98) allows the judge to order the confiscation of property of individuals responsible for crimes that seriously affect the public patrimony, including the repatriation of capital in cases of illicit enrichment.

**Articles 51, 54, 55, 56 and 59 – International cooperation for purposes of confiscation.** Venezuela has established a framework of regulations that streamline mutual legal assistance, including the COPP, the Organic Law of Extinction of Ownership (Civil Forfeiture)<sup>23</sup> and the Organic Law of the Attorney General's Office<sup>24</sup> (MP). According to the Report of Venezuela on Resolution 6/2 to identify Best Practices in Asset Recovery, submitted by the State in August 2017<sup>25</sup>, there were 335 requests for mutual assistance in criminal matters and extraditions in 2016, comprising 181 passive and 154 active requests. Of these, 26 passive letters rogatory were executed, compared to two active letters rogatory executed by foreign authorities. However, in an interview with a former official of the Attorney General's Office (MP), it came to light that even when these domestic and international legal instruments are operational in Venezuela, the Directorate of International Affairs of the Attorney General's Office (MP) does not respond to requests for assistance from foreign authorities. This indicates that even when Venezuela has a regulatory framework, although imperfect, its application is insufficient and hinders the request for assistance in recovering assets belonging to a foreign country. Furthermore, it does not allow for the acquisition of essential evidence for criminal investigations in the requesting State.

**Article 57 – Return and disposal of confiscated assets.** In 2023 the Organic Law of Extinction of Ownership (Civil Forfeiture) was approved<sup>26</sup>. The objective of this law is to implement procedures that facilitate the identification, location and recovery of assets and financial instruments derived from or intended for illicit activities, as well as the termination of associated rights and attributes in favor of the Republic, through a court-ordered decision, without any consideration or compensation. This is an action *in rem*, meaning that no criminal conviction is required to return the assets to the state. The implementation of this law has been met with controversy regarding its application in existing prosecutor's offices and courts that are not specialized in the matter, even though the law itself ordered the creation of specialized prosecutor's offices and courts. Furthermore, its practical applicability has been limited in its short period of validity.

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<sup>23</sup> Asamblea Nacional. Organic Law for the Reform of the Organic Code of Criminal Procedure (Official Gazette No. 6,644 Extraordinary of September 17, 2021). See: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>

<sup>24</sup> Asamblea Nacional. Organic Law of the Public Prosecutor's Office (Official Gazette No. 38.647 of March 19, 2007), Article 16. See: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20220208191011.pdf>

<sup>25</sup> Report of Venezuela on Resolution 6/2 Identify best practices in Asset Recovery [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2017-August-24-25/Contributions\\_NV/Venezuela\\_SP.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2017-August-24-25/Contributions_NV/Venezuela_SP.pdf)

<sup>26</sup> Asamblea Nacional, Organic Law of Extinction of Ownership (Official Gazette No. 6,745 Extraordinary of April 28, 2023) See: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%ADcitass%20o%20destinados%20a%20%C3%A9stas.>



An interview conducted on May 21st, 2024, with an expert in the field of asset forfeiture<sup>27</sup> revealed that only one claim for asset forfeiture has been processed based on this law. According to the information provided, the lawsuit was filed at the end of 2023 in the courts and it is ready for trial.

**Table 1: Implementation and enforcement summary**

UNCAC Articles	Status of implementation in law	Status of implementation and enforcement in practice
<b>Art. 5</b> – Preventive anti-corruption policies and practices	Not implemented	Poor
<b>Art. 6</b> – Preventive anti-corruption body or bodies	Not implemented	Poor
<b>Art. 7.1</b> – Public sector employment	Not implemented	Poor
<b>Art. 7.3</b> – Political financing	Not implemented	Poor
<b>Art. 7, 8 and 12</b> – Codes of Conduct, Conflicts of Interest and Asset Declarations	Not implemented	Poor
<b>Art. 8.4 and 13.2</b> – Reporting mechanisms and whistleblower protection	Not implemented	Poor
<b>Art. 9.1</b> – Public procurement	Not implemented	Poor
<b>Art. 9.2</b> – Management of public finances	Not implemented	Poor
<b>Art. 10 and 13.1</b> – Access to information and participation of society	Not implemented	Poor
<b>Art. 11</b> – Judiciary and prosecution services	Not implemented	Poor
<b>Art. 12</b> – Private sector transparency	Not implemented	Poor
<b>Art. 14</b> – Measures to prevent money laundering	Not implemented	Poor
<b>Art. 52 and 58</b> – Anti-money laundering	Partially implemented	Poor
<b>Art. 53 and 56</b> – Measures for direct recovery of property	Not implemented	Poor
<b>Art. 54</b> – Confiscation tools	Largely implemented	Poor
<b>Art. 51, 54, 55, 56 and 59</b> – International cooperation for purposes of confiscation	Poorly implemented	Moderate <sup>28</sup>
<b>Art. 57</b> – Return and disposal of confiscated property	N/I	Poor

The following table presents the performance in relation to the responsibilities addressed in the report, being rated as Good, Moderate or Poor, with a brief commentary on the results.

**Table 2: Performance of selected key institutions**

<sup>27</sup> Emilio Urbina Mendoza, professor of the doctorate program in law at Universidad Católica Andrés Bello.

<sup>28</sup> It is only practiced through bilateral agreements on mutual legal assistance in criminal matters. There is no information on the effective implementation of these agreements.



Name of institution	Performance in relation to responsibilities covered by the report	Brief comment on performance (e.g., inadequate resources, lack of independence, good technical expertise)
National Anti-Corruption Corps (CNCC)	Poor	Unknown management. Lack of independence and transparency, inadequate resources. Used as a tool to persecute dissidents.
National Procurement Service (SNC)	Poor	Lack of transparency and independence. No public access.
National Budget Office (ONAPRE)	Poor	Lack of transparency and independence.
Office of the Comptroller General of the Republic (CGR)	Poor	Lack of independence, transparency and impartiality, inadequate resources, used as a tool for political persecution of dissidents.  The CGR does not adequately monitor public officials' sworn asset declarations.
National Financial Intelligence Unit (UNIF)	Poor	Management and public resource allocations are unknown. According to the Caribbean Financial Action Task Force (CFATF), the budget is insufficient, coordination with other agencies is limited, and the operational independence of the UNIF is compromised by the lack of transparency in appointing its Director General. <sup>29</sup>
Attorney General 's Office (MP)	Poor	Lack of independence and transparency, inadequate resources, lack of technical expertise, used as a tool to persecute dissidents.
Supreme Court of Justice (TSJ)	Poor	Lack of independence and transparency, inadequate resources, used as a tool to persecute dissidents.
Great "Cuadrantes de Paz" Mission	Poor	Lack of independence and transparency, inadequate resources.
Attorney General's Office (FGR), in its role of asset recovery	Poor	Lack of independence, insufficient information available (no longer publishes management reports since 2016), lack of expertise in asset recovery <sup>30</sup> .

<sup>29</sup> CFATF, (June 4, 2023), "Anti-Money Laundering and Terrorist Financing Measures - Bolivarian Republic of Venezuela, Mutual Evaluation Report," (accessed March 15, 2024). Available at: <https://www.cfatf-GAFIC.org/es/documentos-2/informes-4-ronda-eval/20171-4a-rda-informe-de-evaluaci%C3%B3n-mutua-iem-de-la-rep%C3%BAblica-bolivariana-de-venezuela-1>.

<sup>30</sup> The Attorney General's Office has not published management reports since 2016. As of June 2024, on the web page of the Public Prosecutor's Office, only information on some cases that are in the preliminary phase of the criminal process can be found in the news section. There is no information on charges related to money laundering or corruption offenses, as well as on the request for preventive measures or the filing of civil action.

Superintendency of Banks (SUDEBAN)	Poor	Scarce information available, few procedures in place related to money laundering <sup>31</sup> .
National Financial Intelligence Unit (UNIF)	Poor	Scarce information available, staff shortage, inability to track crypto asset transactions <sup>32</sup> .
Judiciary	Poor	Lack of autonomy and independence, scarce information available, lack of knowledge about asset recovery <sup>33</sup> .

## 2.4 Recommendations for priority actions

1. Adopt a genuine Law of Transparency and Access to Information that meets the standards of the Model Law of the Organization of American States (OAS), with minimum exceptions, maximum publicity, an independent guarantor body with enforcement and sanctioning capacity.
2. Implement transparency and accountability in the public administration and in the control and judicial system, especially regarding the public budget, public contracts, public employment, financing of electoral campaigns and anti-corruption plans.
3. Guarantee the right to freedom of expression, in accordance with international standards.
4. Reform the Anti-Corruption Law to create an anti-corruption body with sufficient capacity and powers to prevent and investigate cases of grand corruption and include rules that require the establishment of systems and sanctions to reduce conflicts of interest, especially nepotism.
5. Ensure and protect complete autonomy, independence and impartiality of the judiciary, the Attorney General's Office and the judicial investigation bodies, guaranteeing the free exercise of their functions, without being subject to undue pressure or interference by the Executive or Legislative Branches. Guarantee that allegations of corruption are fully, independently and impartially investigated and that victims receive complete reparation.
6. Repeal or refrain from adopting any measure or law that may limit the exercise of the right to freedom of association or result in undue control over civil society organizations or interference in their activities.
7. Guarantee the autonomy and independence of the institutions in charge of the supervision and monitoring of risk capital, so that they can fulfill their role in the prevention of money laundering and terrorist financing.
8. Establish specific and clear rules in the domestic legal system that enable direct legal recovery of assets in both *in rem* actions and actions of criminal nature.
9. Incorporate forfeiture tools in the Anti-Corruption Law, such as those established in the different laws mentioned in this report (preventive seizure, freezing of accounts, etc.).

<sup>31</sup> SUDEBAN has not published its management reports since 2017. From the review of the Official Gazettes published from January 01, 2016 to January 31, 2024, only two SUDEBAN actions related to the prevention of money laundering and financing of terrorism were found.

<sup>32</sup> Insufficient information was available on the activity developed by UNIF. From the review made to the Official Gazettes published from January 01, 2016 to January 31, 2024, only 7 actions of the UNIF were found: 4 changes of appointments of general director; 2 delegations of powers; 1 that turns the UNIF into a deconcentrated body. None of these actions are related to the prevention of money laundering.

<sup>33</sup> No information was found on lawsuits for forfeiture of ownership, civil action or civil action derived from the crime. There are also no published convictions declaring the confiscation of assets derived from corruption or other crimes. There are no published interlocutory sentences with measures of preventive seizure, confiscation of assets or freezing or immobilization of bank accounts. There were 6 convictions for corruption and money laundering offenses from 2016 to 2024.

10. Involve civil society organizations in extraterritorial processes in order to promote speed, follow-up between multilateral and bilateral agreements, and transparency in the mobilization of goods<sup>34</sup>.
11. Strengthen the capacities of judges and prosecutors in applying the Organic Law on Civil Forfeiture and guarantee their autonomy and independence<sup>35</sup>.

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<sup>34</sup> Transparency International, France. Good Practices And Recommendations For The Responsible Return Of Stolen Assets. Success Stories: In 2020 an asset return by the United States and Jersey to Nigeria as the receiving party, in which the CSO played an important role in promoting transparency of the mobilization of assets within the country, included organizations specializing in public works, anti-corruption and public procurement having powers of review of financial reports, and anti-corruption due diligence reports, as well as assessing compliance with the agreement in a transparent and accessible manner. [https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution\\_Transparency-France\\_230622.pdf](https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution_Transparency-France_230622.pdf)

<sup>35</sup> On several occasions, when a law has been enacted that significantly modifies the previous procedural regime, the Judicial Branch has carried out campaigns to disseminate the new system, as occurred with the COPP (in which the accusatory system was adopted to replace the classic inquisitorial system), or with the Organic Labor Procedure Code or the Organic Law of the Contentious-Administrative Jurisdiction. However, such massive dissemination does not necessarily produce the necessary professional training of the officials in charge of the application of the new law.

### III. Evaluation of the review process of Venezuela

The Venezuelan State has failed to provide the public with any information regarding the process of reviewing Venezuela, Chapters II and V of the UNCAC. The focal point is not known. The timetable for the review process has not been made public, nor has civil society been publicly consulted.

Requests for information have been sent to the various agencies involved in UNCAC compliance; however, there has been no response.

#### 3.1 Report on the review process

**Table 3: Transparency of the government and civil society participation in the UNCAC Review Process**

Did the government disclose information about the country's focal point?	No	-
Has the timetable for the examination process been published anywhere/published?	No	We found subsequent references to various stages of the review process. However, no formal announcement was made, and no timeline was published <sup>36</sup> .
Was civil society consulted in the preparation of the self-assessment?	No	-
Was the self-assessment published online or made available to civil society?	No	We found subsequent references to various stages of the review process. However, no formal announcement was made, and no timeline was published <sup>37</sup> .
Did the government agree to a visit to the country?	N/I	There is no document or official statement from the Venezuelan State, indicating that the visit had been 'accepted'. According to the document of the Implementation Review Group, the visit took place in September 2023 (It occurred but we ignore if it had the consent of the Venezuelan State) <sup>38</sup> .
Was there a visit to the country?	Yes	According to the September 2023 Implementation Review Group document, a country visit took place. However, there was no information on this to CSOs <sup>39</sup> .
Was civil society invited to provide input to the official reviewers?	No	-
Was the private sector invited to provide input to the official reviewers?	No	
Has the government committed to publish the full country report?	No	

A review of the website of the Office of the Comptroller General of the Republic revealed that representatives of the institution participated in the 10th Conference of the States Parties to the

<sup>36</sup> UNODC Country profile page Venezuela, (Accessed June 20, 2024),

<https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fven.html>.

<sup>37</sup> Ibid.

<sup>38</sup> <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-8September2023/CAC-COSP-IRG-II-4-1-Add.8/2314656S.pdf>

<sup>39</sup> Ibid.

UNCAC, held in December 2023<sup>40</sup>. However, the statements of the Venezuelan delegation were not available on the aforementioned website. For this reason, the UNODC website was consulted, and statements were available<sup>41</sup>; nevertheless, a reading of this document reveals that no reference is made to the application of concrete measures to implement the UNCAC, although it is stated that:

"In Venezuela, the strengthening of its institutions, the promotion of the protagonist participation of the Popular Power, the promotion of transparency, the automation of public management, as well as the legal mechanisms of criminal, administrative, civil and disciplinary sanctions against the improper management of public funds are encouraged, which allow institutions - such as the Comptroller General of the Bolivarian Republic of Venezuela (CGR) - to develop a rigorous work to contribute to the fight against administrative and operational irregularities and omissions in public institutions"<sup>42</sup>.

Additionally, through review of the UNODC website it was possible to gain access to the "Questionnaire on information regarding beneficial ownership"<sup>43</sup>, prepared by SAREN, SUDEASEG and SUDEBAN officials (It should be noted that this document does not indicate the date of its preparation, although, based on its reading, it can be assumed that it was prepared after June 2021, and therefore the answers contained therein cover the current review of the Venezuelan State)<sup>44</sup> and the executive summary of the second UNCAC review cycle of Venezuela, dated September 2023<sup>45</sup>.

### 3.2 Access to information

Access to public information in Venezuela regarding the implementation of the UNCAC, faces major obstacles. No public administration disseminates its budget execution or management report since 2016<sup>46</sup>. The budget law is not published since 2017<sup>47</sup> and additional credits and budget amendments are not published since 2022. In previous years, they were made public, showing three times the initial legal amount. There is no official information on the amount of gold that reaches the Central Bank of Venezuela (BCV)<sup>48</sup>, among other aspects of relevance.

There is no disclosure of contractors' selection, contract assignment and execution procedures. It is not known which companies are favored, the amounts of the contracts, the terms, quality requirements or delivery dates. In August 2017, citizens ceased to have access to information on

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<sup>40</sup> See: <https://www.cgr.gob.ve/index.php/noticias/noticia/2435>.

<sup>41</sup> They can be consulted at the following link:

[https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela\\_ES.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela_ES.pdf).

<sup>42</sup> Bolivarian Republic of Venezuela, "10th Session of the Conference of the States Parties to the United Nations Convention against Corruption (of December 15, 2023)," p. 2 (accessed March 15, 2024). Available at:

[https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela\\_ES.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela_ES.pdf).

<sup>43</sup> See: [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2022-November-7-11/Venezuela\\_Responses\\_to\\_Questionnaire\\_on\\_BOT\\_Regimes\\_SP.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2022-November-7-11/Venezuela_Responses_to_Questionnaire_on_BOT_Regimes_SP.pdf).

<sup>44</sup> On page 29 of the document, reference is made to the measures taken to implement paragraph 16 of the political declaration adopted by the General Assembly at its special session against corruption held in June 2021, from which it is concluded that the document was prepared after that date.

<sup>45</sup> <https://www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fven.html>.

<sup>46</sup> Transparencia Venezuela. Opacity in Venezuela, a way of governing, November 2022:

<https://transparenciave.org/opacidad-en-venezuela-una-forma-de-gobernar/>. Last revised April 5, 2024.

Transparencia Venezuela. Opacity the rule imposed from the high government, 2017. Available at:

<https://transparenciave.org/wp-content/uploads/2018/06/Opacidad-la-regla-impuesta-desde-el-alto-gobierno.pdf>. Last revision made, April 5, 2024.

<sup>47</sup> Transparencia Venezuela. Presupuesto 2022, una historia que se repite, 17/12/2021. Available at:

<https://transparenciave.org/presupuesto-2022-una-historia-que-se-repite/>. Last revised, April 5, 2024.

<sup>48</sup> Central Bank of Venezuela. Gold review. Available: <https://www.bcv.org.ve/minerales-estrategicos/resena-del-oro>. Last revised April 5, 2024.

companies that contract with the State, because access to the National Registry of Contractors (RNC)<sup>49</sup> requires passwords that only contracted companies have.

There are no published salary scales, no calls for competitive examinations, and no sworn statements from public administration officials. The size of the state is unknown. The list of state-owned enterprises is not public, nor are their directors and their resumes.

The State does not publish evaluations, studies or research on types, causes, effects and costs of corruption, aiming to develop effective anti-corruption mechanisms. The Law Against Corruption of 2014<sup>50</sup>, incorporated the creation of a national body for prevention, analysis, intelligence and investigation against corruption hierarchically dependent on the President of the Republic, to prevent, specify, combat and neutralize crimes associated with the phenomenon of corruption<sup>51</sup>. However, there is no information on the agency's objectives or management results. The agency has no website where it reports on investigations and actions taken to fulfill its mission. There is no information on the physical location of the agency's headquarters.

The organization had access to published TSJ rulings, but not to information on the status of trials or investigations of active cases. The organization also had access to management reports issued by the Comptroller General of the Republic (CGR) for several years, as well as some official notes and statements issued bodies and institutions that were key in the application of the UNCAC. Nevertheless, this last information, besides being insufficient and partial<sup>52</sup>, is not ordered or systematized<sup>53</sup> and in some cases the data are contradictory<sup>54</sup>.

In order to prepare this report, Transparencia Venezuela had to rely on reports issued by international organizations, consultation with experts, sources that requested confidentiality, and the registry work that Transparencia Venezuela has been carrying out for two decades. Requests for access to information made to the Attorney General's Office and the National Budget Office (Onapre) were not answered, and the request made to the Comptroller General of the Republic (CGR) was not received.

With regard to Chapter V of the UNCAC, requests for information were sent in February and March 2024 to the FGC, the Attorney General's Office, the National Financial Intelligence Unit (UNIF) and Superintendency of Banks (SUDEBAN) to know the progress made in complying with the provisions of the Convention, as well as data and figures that could be used for the preparation of this report. At the time of writing (April 2024), no response has been received. Therefore, a review of the various official sources available revealed that management reports that would allow identifying the measures taken to comply with the Convention are not published on these organizations' websites.

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<sup>49</sup> Transparencia Venezuela. Government deepens opacity by cutting public information of companies contracting with the state, 22/8/2017. Available at: <https://transparenciave.org/project/gobierno-profundiza-la-opacidad-al-recortar-informacion-publica-empresas-contratantes-estado/>. Last revised, April 5, 2024.

<sup>50</sup> Official Gazette No. 6,156, Decree No. 1,444, dated 11/19/2014. Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1444-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-del-cuerpo-nacional-contra-la-corrupcion-20211103132435.pdf>. Last revision made, April 5, 2024.

<sup>51</sup> Public Space. Anti-corruption body: a faceless police, 21/1/2015. Available at: <http://espaciopublico.org/cuerpo-anticorrupcion-policia-sin-rostro/>. Last revised April 5, 2024.

<sup>52</sup> Suprema Injusticia. Las interrogantes que deja (Hidrobo) Amoroso en la Contraloría General de la República, 29/8/2023. Available at: <https://supremainjusticia.org/las-interrogantes-que-deja-hidrobo-amoroso-en-la-contraloria-general-de-la-republica/>. Last revised April 5, 2024.

<sup>53</sup> Transparencia Venezuela. La institucionalidad frente a las economías ilícitas, September 2023. Available at: <https://transparenciave.org/economias-ilicitas/home-economias-ilicitas-2023/>. Last revised, April 5, 2024.

<sup>54</sup> Suprema Injusticia. The Venezuelan government defended before the UN the alleged effectiveness of the Office of the Comptroller General of the Republic. Available at <https://supremainjusticia.org/el-gobierno-venezolano-defendio-ante-la-onu-la-supuesta-efectividad-de-la-contraloria-general-de-la-republica/>. Last revision made, April 5, 2024.

In this regard, we highlight: The Office of the Comptroller General of the Republic (CGR) has not published management reports corresponding to the years 2018, 2020 and 2023<sup>55</sup> in its website. The Attorney General's Office (FGR) web page does not have a space where its management reports are hosted<sup>56</sup> and, although there is mention to the submission of 2017 and 2020 management reports to the National Constituent Assembly<sup>57</sup> and to the National Parliament<sup>58</sup>, these documents are not available there. SUDEBAN published management reports until 2016<sup>59</sup>; management reports for years 2017; 2018; 2019; 2020; 2021; 2022 and 2023 are not available. The UNIF website was not operational<sup>60</sup>.

On the other hand, in order to obtain data related to judicial actions aimed at the recovery and/or confiscation of assets, the website of the TSJ was reviewed to search for judgments of the various criminal courts of control, trial and execution, as well as the courts of appeal; however, very few of these courts have published their rulings between years 2016 and 2024.<sup>61</sup>

It should be noted that, in accordance with Article 13 of the Info-Government Act, public institutions have the obligation to guarantee access to public information "in order to facilitate the maximum publicity of their actions"<sup>62</sup>, for which they must have an Internet portal containing updated information<sup>63</sup>. However, as mentioned above, they do not publish their management reports, nor do they have websites that facilitate the search for information, which is not only a violation of the law itself, but also a limitation for the preparation of this report.

Alongside reluctance to publish and systematize data, there are also legal barriers to accessing information in Venezuela.:

On October 12th, 2020, the National Constituent Assembly approved the Constitutional Anti-Blockade Law for National Development and Guarantee of Rights. This law allows authorities of public bodies and entities to grant reserved, confidential or limited disclosure status to any document, information, fact or circumstance in order to counteract the effects of international sanctions<sup>64</sup>. It also authorizes the Executive to suspend the application of laws without the need for prior control by any other public branch, and expressly establishes that the measures involving the suspension of a norm are secret and reserved.

On September 17th, 2021, the National Assembly approved the Law on Transparency and Access to Information of Public Interest<sup>65</sup>, which fails to ensure the exercise of the right to access public information. The law does not expressly establish the public nature of all information in the possession

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<sup>55</sup> See: <https://www.cgr.gob.ve/index.php/informes/gestion/026>, The review was conducted between January-April 2024. Last review performed, April 5, 2024.

<sup>56</sup> See: <http://www.mp.gob.ve/>. The review was performed between January-April 2024. Last review performed, April 5, 2024.

<sup>57</sup> See: <http://www.mp.gob.ve/index.php/2018/02/21/fiscal-general-de-la-republica-presento-informe-de-gestion-2017-ante-la-anc/>. Last revised April 5, 2024.

<sup>58</sup> See: <http://www.mp.gob.ve/index.php/2021/02/25/fiscal-general-tarek-william-saab-presento-informe-de-gestion-ante-la-asamblea-nacional/>. Last revised April 5, 2024.

<sup>59</sup> See: [https://sudeban.gob.ve/index.php/gcri\\_memoria-anual/](https://sudeban.gob.ve/index.php/gcri_memoria-anual/) The review was conducted between January-April 2024. Last review performed, April 5, 2024.

<sup>60</sup> See: <http://unif.gob.ve/>. The review was performed between January-April 2024. Last review performed, April 5, 2024.

<sup>61</sup> See Annex .7.4 for the photographic record of the consultation of the Supreme Court rulings.

See: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-infogobierno-20211108160540.pdf>.

<sup>63</sup> Article 18.

<sup>64</sup> Constitutional Anti-Blockout Law for National Development and Guarantee of Rights, Article No. 39. Available at: <http://www.minec.gob.ve/wp-content/uploads/2021/07/Ley%20Antibloqueo.pdf>.

<sup>65</sup> Transparency Venezuela. Transparency law approved by the national assembly consolidates secrecy, 17/9/2021. Available at: <https://transparencia.org.ve/la-ley-de-transparencia-aprobada-por-la-asamblea-nacional-consolida-el-secretismo/>. Last revision made, April 5, 2024.

of the organs and bodies of the administration, does not provide for active transparency, does not define withholding information as an exception, does not specify the maximum withholding period, and does not establish sanctions for officials who deny access to information. Also, it does not create or designate a guarantor body.



## **IV. Evaluation of the implementation of the provisions of Chapter II and Chapter V .**

This chapter analyzes the implementation of the UNCAC provisions of Chapters II on the prevention of corruption and V on asset recovery in Venezuela through the application of laws, regulations and practices, and highlights both good practices and areas for possible improvement.

### **4.1 Chapter II**

#### **4.1.1 Article 6 – Corruption prevention bodies**

According to the current law, several bodies have competencies in the fight against corruption. The three most important are:

The Anti-Corruption Law of 2014<sup>66</sup>, creates a **national body of prevention, analysis, intelligence and investigation against corruption or National Anti-Corruption Corps (CNCC)** hierarchically dependent on the President of the Republic, with the purpose of preventing, specifying, combating and neutralizing the crimes derived and related to the phenomenon of corruption<sup>67</sup>. The decree states that CNCC will have the following structure: a National Anti-Corruption Superintendence, a National Anti-Corruption Intendancy and a National Anti-Corruption Police.

The **Office of the Comptroller General of the Republic (CGR)**, under the terms of the Constitution of the Republic of Venezuela and the regulating law, "is a body of the Citizen's power, responsible for the control, oversight and supervision of public income, expenditure and assets, as well as the operations related thereto, and its actions will be oriented to the performance of audits, inspections and any type of fiscal reviews in the agencies and entities subject to its control"<sup>68</sup>.

Decree No. 4,078 of 2019<sup>69</sup>, created the **Great "Cuadrantes de Paz" Mission**, with the purpose of implementing public policies with national scope and focal expression in matters of integral security, which includes in its vertex number 2 the fight against corruption, organized crime, illicit drug trafficking and terrorism. The National Commissioner of the Great "Cuadrantes de Paz" Mission is appointed by the highest authority of the Ministry of Popular Power for Internal Relations, Justice and Peace. This Mission proposes the strategic implementation of the national plan against corruption, the restructuring of the CNCC and the creation and deployment of a national observatory against corruption, organized crime and terrorism.

Regarding the management and performance of these agencies, we note that the Decree creating the CNCC does not establish the requirements or selection criteria for the appointment of the entity's highest authorities, possibly compromising the suitability and independence of the persons in charge.

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<sup>66</sup> Official Gazette No. 6,156, Decree No. 1,444, dated 11/19/2014, (accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1444-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-del-cuerpo-nacional-contra-la-corrupcion-20211103132435.pdf>.

<sup>67</sup> Espacio Público. Anti-corruption body: a faceless police, 21/1/2015, (accessed June 26, 2024). Available at: <http://espaciopublico.org/cuerpo-anticorruccion-policia-sin-rostro/>.

<sup>68</sup> Official Gazette No 6.013 of December 23, 2010, (accessed June 26, 2024). Available at: <http://www.imprentanacional.gob.ve/>.

<sup>69</sup> Official Gazette No 41,786, Decree No. 4,078 of 12/20/2019, (accessed June 26, 2024). Available at: <http://www.imprentanacional.gob.ve/>.

The National Anti-Corruption Corps or CNCC, in agreement with the Venezuelan government and through the National Anticorruption Office, must design a National Anticorruption Plan<sup>70</sup>. This plan is not publicly available.

The CNCC does not have a website, nor is there a portal disclosing information regarding the location of its headquarters, the budget allocated, the investigations and actions carried out to prevent corruption or the results of its management. Some of the activities carried out by the institution, such as training, are announced in press releases issued by the media or other official entities<sup>71</sup>.

The National Budget Law has not been published since 2017. However, through a leak, we obtained copy of the project corresponding to fiscal year 2024<sup>72</sup>. There, the CNCC is allocated Bs. 26,183,081, equivalent to USD 733,900<sup>73</sup> and represents 0.0036% of the country's total budget. The bill also states that the CNCC has a payroll of 44 employees.

Elvis Amoroso was in charge of the **Office of the Comptroller General of the Republic (CGR)** from year 2018 until August 2023<sup>74</sup>. He is a former congressman of the governing party, who prior to his appointment described himself as an "active militant of the Revolution and *chavista*"<sup>75</sup>. Amoroso left the Comptroller's Office on August 25, 2023 and assumed the position of President of the National Electoral Council (CNE).<sup>76</sup> Since that date, the Deputy Comptroller, a Venezuelan military man of higher education with degrees in law and administration, has been in charge of the entity.

Since 2018, the CGR has not published audits carried out on contracts with public entities of importance and transcendence for Venezuela, such as PDVSA, the Venezuelan state-owned oil company, despite allegations of grand corruption pointed out by other public, national and foreign bodies in recent years, such as the case known as PDVSA Crypto, which according to Transparencia Venezuela caused an estimated patrimonial damage of USD 16,960,000.00<sup>77</sup>.

There has also been no response from the CGR to requests for information. In August 2023, Transparencia Venezuela made a request for information on contracts signed with Argentina under the Comprehensive Cooperation Agreement signed in 2004. To date, no response has been received. Between 2015 and 2023, the organization submitted at least 20 requests for information to the CGR. These requests also remain unanswered.

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<sup>70</sup> Bolivarian Republic of Venezuela, (accessed June 26, 2024). Available at: [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2021-June-14-18/Contributions/Venezuela\\_SP.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2021-June-14-18/Contributions/Venezuela_SP.pdf).

<sup>71</sup> Correo del Orinoco. Realizan formación anticorrupción a funcionarios y funcionarias de Cuadrantes de Paz, July 7, 2023, (accessed June 26, 2024). Available at: <http://www.correodelorinoco.gob.ve/realizan-formacion-anticorrupcion-funcionarios-funcionarias-cuadrantes-de-paz/>.

SUNAI. 7 Steps for the Exercise of Social Comptrollership, September 27, 2023, (accessed June 26, 2024). Available at: <http://www.sunai.gob.ve/publicacion/con-exito-culmino-conversatorio-en-linea-7-pasos-para-el-ejercicio-de-la-contraloria-social>.

<sup>72</sup> TALCUAL. EXCLUSIVE | Ministries of Economy and Interior pocket 50% of 2024 budget, December 12, 2023, (accessed June 26, 2024). Available at: <https://talcualdigital.com/exclusiva-chavismo-amasa-presupuesto-de-20-492-millones-para-2024/>.

<sup>73</sup> Based on the exchange rate as of December 15, 2023, the budget approval date of 35.67 Bs/USD.

<sup>74</sup> TALCUAL. AN-2020 named new CNE: Elvis Amoroso, until now comptroller, remains among the rectors, August 24, 2023. Available at: <https://talcualdigital.com/an-2020-designa-a-elvis-amoroso-como-rector-principal-del-cne/>.

<sup>75</sup> Suprema Injusticia. Elvis Amoroso lands in Comptroller's Office after aspiring to TSJ and Attorney General's Office, October 25, 2018. Available at: <https://supremainjusticia.org/elvis-amoroso-ateriza-en-la-contraloria-tras-aspirar-al-tsj-y-a-la-fiscalia/> (accessed 4/8/2024).

<sup>76</sup> La República. Elvis Amoroso is the new rector of the National Electoral Council, (accessed June 26, 2024). Available at: <https://larepublica.pe/mundo/venezuela/2023/08/24/elvis-amoroso-es-el-nuevo-rector-del-consejo-nacional-electoral-lrtmv-2271336>.

<sup>77</sup> Transparencia Venezuela. Trama PDVSA-Cripto un desfalco sin precedentes, November 2023, (accessed June 26, 2024). Available at: <https://transparenciave.org/trama-pdvsa-cripto-un-desfalco-sin-precedentes/>.

CGR ceased publishing the list of disqualified persons in 2014. All disqualifications are not published in the Official Gazette, although Article 113 of the Regulations of the CGR Organic Law requires it. Only a few are published in a discretionary way. For instance, the CGR has made public the investigations and disqualifications of presidential candidates who are opponents of the national government, such as María Corina Machado<sup>78</sup>, Henrique Capriles Radonski and Freddy Superlano<sup>79</sup>.

In 2021, the CGR announced the disqualification of 28 opposition members of the parliament elected in 2015<sup>80</sup>. In 2019, it was known that the CGR disqualified the former opposition congressman Juan Guaidó, the dismissed prosecutor Luisa Ortega, a former opposition metropolitan mayor, and three opposition lawmakers. The same happened to board members of PDVSA and its subsidiary Citgo Petroleum Corporation appointed by Juan Guaidó.

Between 2014 and 2018, the Comptroller General was Manuel Enrique Galindo Ballesteros. Thirteen of his relatives worked in the CGR since December 2014, according to information revealed by an investigative portal<sup>81</sup>.

As of March 2024, the CGR had not published 2018, 2020, and 2022 management reports. It did publish management reports for years 2019 and 2021<sup>82</sup>. In general, the CGR presents inconsistent data, which is further elaborated in Chapter 4.1.5 of this report.

The National Budget Law has not been published since 2017; however, a media outlet obtained a copy of the project corresponding to the fiscal year 2024<sup>83</sup>. Here, the CGR is allocated Bs. 973,592,710, equivalent to US\$ 27 million,<sup>84</sup> which represents 0.13% of the country's total budget. The bill also states that the CGR's payroll is 761 employees.

## Deficiencies

- The National Anti-Corruption Plan to be designed by the National Anti-Corruption Body (CNCC) through the National Intendancy is not publicly available.
- The CNCC does not have a website, nor is there a portal that provides information about its headquarters location, allocated budget, anti-corruption investigations and actions, or management results. Some of the activities carried out by the institution, such as training, are announced in press releases issued by the media or other official entities.
- The Decree creating the CNCC does not establish requirements or selection criteria for appointing its highest authorities. This may compromise the suitability and independence of individuals in charge.

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<sup>78</sup> Transparencia Venezuela. La contraloría inhabilita pero calla ante la gran corrupción, (accessed June 26, 2024). Available at: <https://transparenciave.org/contraloria-inhabilita-pero-calla-gran-corrupcion/>.

<sup>79</sup> VOA, ¿Quién es el exdiputado chavista que inhabilita políticos como comptroller en Venezuela, 3/7/2023, (accessed June 26, 2024). Available at: <https://www.vozdeamerica.com/a/quien-es-elvis-amoroso-el-contralor-de-venezuela-que-inhabilita-a-opositores-/7165100.html>.

<sup>80</sup> Suprema Injusticia. Una Contraloría poco transparente inhabilitó a diputados opositores por no rendir cuentas, 1/3/2021, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/una-contraloria-poco-transparente-inhabilito-a-diputados-opositores-por-no-rendir-cuentas/>.

<sup>81</sup> Transparencia Venezuela. Nepotism in the state: case of Comptroller Manuel Galindo, (accessed June 26, 2024). Available at: <https://transparenciave.org/project/31093/>.

<sup>82</sup> Office of the Comptroller General of the Republic. Management Reports, (accessed June 4, 2024). Available at: <https://www.cgr.gob.ve/informes/gestion/026>.

<sup>83</sup> TALCUAL. EXCLUSIVO | Ministries of Economy and Interior pocket 50% of the 2024 budget. December 12, 2023, (accessed June 26, 2024). Available at: <https://talcualdigital.com/exclusiva-chavismo-amasa-presupuesto-de-20-492-millones-para-2024/>.

<sup>84</sup> Based on the exchange rate of the budget approval date Bs/USD 35.6754.

- The National Budget Law has not been published since 2017, but through a leak, Transparencia Venezuela obtained a copy of the bill corresponding to the fiscal year 2024, in which the CNCC is allocated the equivalent of 0.0036% of the country's total budget, which is insufficient to guarantee its independency and to have the necessary resources and training that enables it to fight corruption. The bill also states that the CNCC's payroll is 44 employees.
- The Office of the Comptroller General of the Republic (CGR) has lacked independence for many years. From 2018 to 2023, the individual in charge of CGR qualified himself in X account as "active militant of the Revolution and *chavista*<sup>85</sup>." In addition, the highest authorities of the CGR have incurred in serious cases of nepotism.
- The CGR does not publish information on its activities:
  - In 2014, the CGR stopped publishing the list of disqualified persons in the Official Gazette in violation of Article 113 of the Regulations of the Organic Law of the CGR which mandates to do so. Only a few are published on discretionary basis, mainly of opposition politicians.
  - Since 2018, the CGR has not published audits of contracts with public entities relevant to Venezuela, such as PDVSA, despite allegations of grand corruption made by other public, national and foreign entities in recent years.
  - The National Budget Law has not been published since 2017; however, a media outlet obtained a copy of the bill corresponding to fiscal year 2024<sup>86</sup>. Here, the CGR is allocated funds equivalent to 0.13% of the country's total budget. The bill also reveals that the CGR's payroll is 761 employees. This reflects that the State does not prioritize allocation of sufficient resources for the control of public affairs, despite the large amount of money involved in acts of corruption.
  - As of March 2024, the CGR had not published its management reports for years 2018, 2020 and 2022. It did publish management reports for years 2015, 2016, 2017, 2019 and 2021, all plagued with inconsistencies.
- The CGR does not respond to requests for information. Since 2015 Transparencia Venezuela began to submit requests for information. None of them have been answered.
- The actions implemented and the results of the Great "Cuadrantes de Paz" Mission, supposedly a public policy against corruption, are unknown.

#### 4.1.2 Article 7.1 – Public sector employment

The Constitution of the Bolivarian Republic of Venezuela establishes the protection of the civil service in articles 144, 145, 146 and 147<sup>87</sup>. The Constitution and the law establish that recruitment, promotion, transfer, suspension and retirement of civil servants are matter of legal reserve. Positions in Public Service are considered career posts, except for those of popular election, free appointment and removal, contracted and blue-collar workers. Career civil servants shall be recruited through open competition. Promotion shall be carried out in accordance with scientific methods based on the merit system. Transfer, suspension or retirement shall be decided on basis of performance. In order to occupy paid public positions, it is necessary to provide for their remuneration in the corresponding budget.

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<sup>85</sup> Suprema Injusticia. Elvis Amoroso lands in Comptroller's Office after aspiring to TSJ and Attorney General's Office, October 25, 2018. Available at: <https://supremainjusticia.org/elvis-amoroso-ateriza-en-la-contraloria-tras-aspirar-al-ts-j-y-a-la-fiscalia/> (accessed 4/8/2024).

<sup>86</sup> TALCUAL. EXCLUSIVE | Ministries of Economy and Interior pocket 50% of the 2024 budget. December 12, 2023, (accessed June 26, 2024). Available at: <https://talcualdigital.com/exclusiva-chavismo-amasa-presupuesto-de-20-492-millones-para-2024/>.

<sup>87</sup> Constitution of the Bolivarian Republic of Venezuela, (accessed June 4, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/botones/constitucion-nacional-20191205135853.PDF>.

Based on the Constitution, the Law of the Civil Service Statute<sup>88</sup> and other laws regulating special regimes such as the Foreign Service Law<sup>89</sup>, the Decree with Rank, Value and Force of Law of the Police Function Statute<sup>90</sup>, among others, were enacted.

In practice, the reality is different. There is no publication of calls for competition, nor of the basis for the appointment or selection procedures of civil servants. There is no publication of the number of civil servants hired through competitions, those appointed and dismissed at will, or those hired through contracts. Promotion and incentive mechanisms for employees holding public office are not published either.

The International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela (UNFFM), noted in its 2023 report, that "it is estimated - in the absence of official data - that about 90% of the judges of the criminal circuit of the metropolitan area of Caracas are provisional and have been appointed by senior officials of the executive branch or the judiciary on the basis of inappropriate personal or political considerations"<sup>91</sup>.

Prosecutors of the Attorney General's Office (MP) are mostly temporary. According to a registry prepared by Transparencia Venezuela, based on the publications in the Official Gazette, between 2021 and 2023, 968 prosecutors have been appointed. Of these, only 54 are incumbent<sup>92</sup>.

By constitutional mandate, the stability, functions and requirements that officials must fulfill is matter of legal reserve. However, in 2007, the National Assembly established in articles 18 and 25 of the Organic Law of the Attorney General's Office that the attorney general has the power to personally decide which are the positions of free appointment and removal in the institution. Since that time, the Attorneys General have issued resolutions defining who is a public official subject to free appointment and removal<sup>93</sup>.

Article 3 of the Attorney General's Office (MP) Personnel Statute, issued in 2015, was reformed in 2018, establishing that all officials of the agency are "of trust". This means that more than 7,000 officials, have become free-appointment-and-removal personnel which allows dismissal without prior formal procedure.<sup>94</sup>

Public officials' net worth affidavits are not disclosed. Sworn statements of interests are not required.

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<sup>88</sup> Law of the Civil Service Statute. Official Gazette No. 37.482 of July 11, 2002, (accessed June 4, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-del-estatuto-de-la-funcion-publica>.

<sup>89</sup> Organic Law of the Foreign Service. Official Gazette No. 40.217 of 07/30/2013, (accessed June 4, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-servicio-exterior-20211108173316.pdf>.

<sup>90</sup> Law for the Reform of the Decree with Rank, Value and Force of Law of the Statute of the Police Function. Official Gazette 6.650 Extraordinary of September 22, 2021, (accessed June 4, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-reforma-del-decreto-con-rangovalor-y-fuerza-de-ley-del-estatuto-de-la-funcion-policial-20211007001454.pdf>.

<sup>91</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático, September 18, 2023, (accessed June 26, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>.

<sup>92</sup> Suprema Injusticia. In 2023 the Public Prosecutor's Office did not give tenure to any anti-corruption prosecutor despite his crusade for PDVSA Crypto, December 9, 2023, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/en-2023-el-ministerio-publico-no-dio-la-titularidad-a-ningun-fiscal-anticorrupcion-pese-a-su-cruzada-por-pdvsa-crypto/>.

<sup>93</sup> Suprema Injusticia. Venezuela cuenta con 2496 fiscales del Ministerio Público, sin estabilidad laboral, February 16, 2023, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/venezuela-cuenta-con-2496-fiscales-del-ministerio-publico-sin-estabilidad-laboral/>.

<sup>94</sup> Suprema Injusticia. Venezuela cuenta con 2496 fiscales del Ministerio Público, sin estabilidad laboral, February 16, 2023, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/venezuela-cuenta-con-2496-fiscales-del-ministerio-publico-sin-estabilidad-laboral/>.

The salaries of the President of the Republic and the Cabinet members are not published, nor are the salary scales of other public officials. In December 2022, a journalist asked Francisco Torrealba, Minister of Labor at that time, how much does a minister earn and he answered: "Right now I do not know how much a minister earns, I do not know how much my salary is (...) The ministers must be earning around 700 or so bolivars<sup>95</sup>", which, according to BCV official exchange rate equals US\$ 61. The rice of the Food Basket in December 2022 was US\$ 371 according to the Venezuelan Observatory of Finances<sup>96</sup> and US\$ 377, 27 according to the Center for Documentation and Analysis of Workers (Cenda)<sup>97</sup>.

The Independent International Fact-Finding Mission (UNFFM) also noted in its 2023 report that "low salaries and working conditions, particularly in the public sector, became a source of social tension"<sup>98</sup>. In interviews conducted by Transparencia Venezuela in 2020 with officials of state companies, they admitted that irregular management and improper payments were identified as survival practices in the face of low wages<sup>99</sup>. A former official of the highest court of the Republic, interviewed by Transparencia Venezuela in May 2024 stated that after retiring 10 years before, she receives a monthly average pension of US\$ 140 plus US\$ 60 as the so-called economic war bonus. A retired worker of the Public Ministry affirmed receiving a US\$ 90 monthly pension plus US\$ 60 as the economic war bonus. According to Cenda, the value of the Basic Food Basket in April 2024 was USD 552.29<sup>100</sup>. This does not include medicines, hygiene products or education.

The UNFFM noted in its 2022 report that, according to former military officials, agents of the General Directorate of Military Counterintelligence (DGCIM) received between US\$10 and US\$40 in monthly salary, with some receiving a bonus for working in a high-risk environment. DGCIM officers allegedly supplement this income by stealing goods during raids<sup>101</sup>.

The UNFFM also revealed that it had received information about many low-level officials serving in a detention center known as "El Helicoide" who were very young, came from vulnerable communities outside the capital, and some of whom were illiterate. Several witnesses also described incidents in which guards at this prison and another called "SEBIN" were visibly under influence of alcohol and/or other drugs. The fact that very young, poorly trained individuals, are recruited and work under

<sup>95</sup> X. Seir Contreras, 6/12/2022, (accessed June 26, 2024). Available at:

<https://twitter.com/SeirContreras/status/1600167982855966727>.

<sup>96</sup> Las Américas Newspaper. Salario mínimo cubre solo el 2.3 % de la canasta alimentaria, (accessed June 5, 2024). Available at: <https://www.diariolasamericas.com/america-latina/salario-minimo-cubre-solo-el-23-la-canasta-alimentaria-n5329528#:~:text=Para%20el%20OVF%2C%20el%20valor,bienes%20de%20la%20Canasta%20Alimentaria>.

<sup>97</sup> El Impulso. Cenda: Canasta alimentaria en diciembre costó Bs. 5,651.58 equivalente a \$377.27 #31Ene, 31/1/2023, (accessed June 5, 2024). Available at: <https://www.elimpulso.com/2023/01/31/cenda-canasta-alimentaria-en-diciembre-costo-bs-5-65158-equivalente-a-37727-31ene/>.

<sup>98</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. The State apparatus, its mechanisms of repression and restrictions to civic and democratic space (A/HRC/54/CRP.8), September 18, 2023, (accessed June 26, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>.

<sup>99</sup> Transparencia Venezuela. Corruption in pandemic, 4/22/2021, (accessed June 26, 2024). Available at: <https://transparencia.org.ve/saludcritica/2021/05/10/riesgos-de-corrupcion-se-dispararon-durante-el-primer-ano-de-la-pandemia/>.

<sup>100</sup> Tal Cual. Cendas-FVM estimates April 2024 food basket at \$552.29, 5/21/2024, (accessed June 5, 2024). Available at: <https://talcualdigital.com/cendas-fvm-estima-que-canasta-alimentaria-de-abril-de-2024-se-situa-en-55229-dolares/#:~:text=El%20Centro%20de%20Documentaci%C3%B3n%20y,bol%C3%ADvares%3B%20siendo%20un%200.4%25%20menos>

<sup>101</sup> Detailed findings of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and persons involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, dated 20/9/2022, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.



influence of substances in these positions, supports the assertion that the authorities have no objection to the commission of crimes and violations<sup>102</sup>.

The United Nations Fact Finding Mission (UNFFM) adds that by remaining in these positions, these officials were exposed to opportunities for economic benefit. A witness interviewed by UNFFM confirmed that individuals who participate in the commission of violations and crimes receive economic resources and this is the reason for their loyalty. In one example discussed above, DGCIM officials forced a victim to reveal passwords to his computer, phone and bank accounts, and over the following days withdrew significant amounts of cash and cryptocurrency from various accounts<sup>103</sup>. The officers have also been accused by victims of taking real estate from private citizens<sup>104</sup>.

According to the 2023 report of the Caribbean Financial Action Task Force (CFATF), the operational independence of the National Financial Intelligence Unit (UNIF) (central authority for the reception and analysis of Suspicious Activity Reports) is compromised by lack of transparency in the appointment process of its general director. According to the law, the general director of the UNIF is appointed by the President of the Republic without any requirements for holding public office. This weakens the institution's transparency in terms of selection criteria, suitability and operational independence<sup>105</sup>.

The CFATF report also noted that investigative bodies, including the UNIF, have not received specific training in operational and strategic financial analysis. This affects the capacity of competent authorities to effectively identify and investigate money laundering and terrorist financing cases. The UNIF's budget is insufficient to cover its operational needs, supervisory functions, SAR analysis and response to information requests from competent authorities.

## Deficiencies

- Despite constitutional and other legal provisions, calls for competitions are not published, nor are the bases for appointing officials or the selection procedures. It is also not known how many civil servants are hired by competition, how many are appointed by choice, how many are hired by contract, or what promotion and incentive mechanisms exist for individuals exercising public functions.
- By constitutional mandate, functions and requirements to be fulfilled by officials are matter of legal reserve. However, the National Assembly in 2007, established in articles 18 and 25 of the Organic Law of the Attorney General's Office that the Attorney General has the power to personally decide which are the positions subject to free appointment and removal in the institution. Since then, the Attorney General has been in charge of determining, by resolution, who is eligible for appointment and removal from office.

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<sup>102</sup> Detailed findings of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and persons involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, dated 20/9/2022, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.

<sup>103</sup> Interview JHWJJ1571. The Mission has reviewed a statement from Coinbase (a cryptocurrency exchange platform) confirming that withdrawals were made from Mr. Marrón's account from within Venezuela between April 11 and April 18, 2018, resulting in a negative balance in the account and a money owed to the company. Email from Coinbase support to Carlos Marrón, October 22, 2020, document on file with the Mission.

<sup>104</sup> Detailed findings of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and individuals involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, dated 20/9/2022, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.

<sup>105</sup> CFATF. Measures against Money Laundering and Terrorist Financing Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023, (accessed June 26, 2024). Available at: <https://www.cfatf-gafic.org/es/documentos-del-gafic/informes-4-ronda-aval/20171-4a-rda-informe-de-evaluación-mutua-iem-de-la-república-bolivariana-de-venezuela-1/file>

- In 2018, more than 7,000 officials of the Attorney General's Office (MP), became free-appointment-and-removal personnel after Article 3 of the Staff Statute, issued in 2015, was reformed establishing the trustworthy nature of all officials. This allows for dismissal without prior procedure.
- Without available official data, (UNFFM) noted that approximately 90% of the judges of the criminal circuit of Caracas metropolitan area are temporary and have been appointed by high-ranking officials of the executive or the judiciary on the basis of inappropriate personal or political considerations. The majority prosecutors of the Attorney General's Office (MP) are also mostly provisional.
- There is no public information on the salary received by the President of the Republic and ministers or the salary scale of the rest of the officials. According to several reports, studies and interviews, "low salaries and working conditions, especially in the public sector, have become a source of social tension"<sup>106</sup>, and irregular management and improper payments are survival practices in the face of low wages.<sup>107</sup>
- Officials' net worth affidavits are not public. Sworn statements of interests are not required.
- According to the legislation, the general director of National Financial Intelligence Unit (UNIF) is appointed by the President of the Republic without any requirements for holding public office. This weakens UNIF's transparency in terms of selection criteria, suitability and operational independence.
- The investigative bodies including the UNIF have not received specific training for operational and strategic financial analysis. This compromises the ability of various competent authorities to effectively identify and investigate cases related to money laundering and terrorist financing.
- The budget allocated to the UNIF is insufficient to cover its operational needs, conduct oversight functions, perform SAR analysis and respond to requests for information received from competent authorities.

#### 4.1.3 Article 7.3 – Political financing

Article 67 of the Constitution of the Bolivarian Republic of Venezuela states that public financing of political associations is not permitted and that this matter is reserved to the law. It also stipulates that the management of these political associations may not contract with public entities.

Since 2002, the Venezuelan state has approved a series of laws and regulations related to political financing. Among them are the following: Organic Law of the Electoral Power (2002)<sup>108</sup>, Organic Law of Electoral Processes (2009)<sup>109</sup>, Organic Law of Civil Registry (2009)<sup>110</sup>, Law of Partial Reform of the

<sup>106</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático, September 18, 2023, (accessed June 26, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>.

<sup>107</sup> Transparencia Venezuela. Corruption in pandemic, 4/22/2021, (accessed June 26, 2024). Available at: <https://transparencia.org.ve/saludcritica/2021/05/10/riesgos-de-corrupcion-se-dispararon-durante-el-primer-ano-de-la-pandemia/>.

Detailed findings of the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and individuals involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, dated 20/9/2022, (accessed 26 June 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.

<sup>108</sup> Asamblea Nacional. Official Gazette number 37,573 of November 19, 2002, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>.

<sup>109</sup> Asamblea Nacional. Official Gazette number 5.928 Extraordinary of August 12, 2009, (accessed June 5, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-del-poder-electoral>.

<sup>110</sup> Asamblea Nacional. Official Gazette number 39,264 of September 15, 2009, (accessed June 5, 2024). Available at: <https://www.asambleanacional.gob.ve/index.php/leyes/sancionadas/ley-organica-de-registro-civil>.



Law of Political Parties, Public Meetings and Demonstrations (2010)<sup>111</sup> , Organic Law on Drugs (2010)<sup>112</sup>, Organic Law Against Organized Crime and Financing of Terrorism (2012)<sup>113</sup> , Law for the Reform of the Law Against Corruption (2022)<sup>114</sup> .

The National Electoral Council (CNE) is the governing body of the Electoral Power. Its subordinate organisms are the National Electoral Board, the Civil and Electoral Registry Commission and the Political Participation and Financing Commission. Functions of the latter include "Controlling, regulating and investigating the financing funds of organizations for political purposes and the financing of electoral campaigns". In addition, it organizes and updates the registry of political organizations, voter groups, civic groups, promotes educational and informative programs that encourage civic participation, among others<sup>115</sup>.

The National Budget Law has not been published since 2017, but through a leak, Transparencia Venezuela obtained a copy of the bill corresponding to the fiscal year 2024. It shows the CNE is allocated Bs. 1,182,859,618<sup>116</sup> equivalent to US\$ 33,161,189.18 and representing 0.16% of the country's total budget.

Article 75 of the Organic Law of Electoral Processes establishes that electoral propaganda financed with funds of foreign origin or with private funds that have not been declared to the National Electoral Council (CNE) and the National Integrated Service of Customs and Tax Administration (SENIAT) is not permitted. However, the legal framework does not set a limit on campaign spending, and information on campaign financing is not publicly available.<sup>117</sup>

An observer mission appointed by the Carter Center was present at the July 28th, 2024 presidential election. On July 30th, this organization released a statement concluding that:

"Venezuela's electoral process did not meet international standards of electoral integrity at any of its stages and violated numerous provisions of its own national laws. The election took place in an environment of restricted freedoms for political actors, civil society organizations, and the media. The CNE demonstrated clear bias in favor of the incumbent throughout the entire electoral process.

Voter registration was hurt by short deadlines, relatively few places of registration, and minimal public information. Citizens abroad faced excessive legal requirements to register, some of which appeared to be arbitrary. This effectively disenfranchised most of the migrant population, resulting in very low numbers of voters abroad. (...)

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<sup>111</sup> Asamblea Nacional. Official Gazette number 6,013 Extraordinary of December 23, 2010, (accessed June 5, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-reforma-parcial-de-la-ley-de-partidos-politicos-reuniones-publicas-y-manifestaciones>.

<sup>112</sup> Asamblea Nacional. Official Gazette number 39,546 of November 05, 2010, (accessed June 5, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-drogas>.

<sup>113</sup> Asamblea Nacional. Official Gazette number 39,912 of April 30, 2012, (accessed June 5, 2024). Available: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-contra-la-delincuencia-organizada-y-financiamiento-al-terrorismo>.

<sup>114</sup> Asamblea Nacional. Official Gazette number 6,699 of May 2, 2022, (accessed June 5, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-reforma-del-decreto-con-rango-valor-y-fuerza-de-ley-contra-la-corrupcion>.

<sup>115</sup> National Electoral Council. Commission on Political Participation and Financing, (accessed June 5, 2024). Available at: <http://www.cne.gob.ve/copafi/index.php#:~:text=Es%20el%20%C3%B3rgano%20subordinado%20del,y%20un%20director%20suplente%20incorporado>.

<sup>116</sup> Based on the exchange rate as of December 15, 2023, the budget approval date of 35.67 Bs/USD.

<sup>117</sup> Ruling of the Constitutional Chamber of the Supreme Court of Justice. Case: Carlos Miguel Subero v. CNE, of 7/25/2011, (accessed June 26, 2024). Available at: <http://historico.tsj.gob.ve/decisiones/scon/Julio/1171-25711-2011-10-0438.html>.

The electoral campaign was impacted by unequal conditions among candidates. The campaign of the incumbent president was well funded and widely visible through rallies, posters, murals, and street campaigning. The abuse of administrative resources on behalf of the incumbent — including use of government vehicles, public officials campaigning while in their official capacity, and use of social programs — was observed throughout the campaign.

The incumbent also enjoyed overwhelming positive coverage on television and radio, in terms of advertising, broadcast events, and news coverage, while the primary opposition candidate received little media coverage. In addition, authorities frequently attempted to restrict the opposition's campaign activities. This included harassment or intimidation of people who provided services or goods to the main opposition campaign..."<sup>118</sup>

Transparencia Venezuela recorded 154 irregularities reported in the media or received by the organization, 7 months before the presidential elections, including<sup>119</sup> :

- 145 arrests, 10 arrest warrants not executed, and 15 political disqualifications
- 52 records of use of public resources in the electoral campaign, 110 records of political propaganda in social network accounts of public entities.
- 12 closures and 12 seizures of restaurants, hotels and stores that serviced opposition candidates, executed by State agencies<sup>120</sup> .
- Blocking of 13 websites belonging to the media and civil society organizations.

Extraordinary bonuses have also been given to active and retired civil servants, just a few days before the elections. <sup>121</sup>.

During 2015 legislative elections, Transparencia Venezuela registered 834 complaints received via its app DILO AQUÍ or through media monitoring. These complaints reported electoral irregularities such as the use of social network accounts of public institutions and public offices to promote the vote in favor of a candidate or to make electoral propaganda outside the legally set period. Transparencia Venezuela filed several complaints before the National Electoral Council (CNE), none of which were answered. In January 2016, Transparencia Venezuela filed a lawsuit before the Supreme Court of Justice (TSJ) requesting to mandate the CNE to investigate the alleged facts. However, the electoral body did not respond to the lawsuit, did not present any evidence, did not refute the evidence

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<sup>118</sup> Carter Center. Carter Center statement on elections in Venezuela, July 30, 2024 (accessed 4/8/2024). Available at: <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html>

<sup>119</sup> Transparencia Venezuela (accessed August 5, 2024). Available at: [https://www.instagram.com/p/C95r2RPsH4r/?img\\_index=2](https://www.instagram.com/p/C95r2RPsH4r/?img_index=2)

<sup>120</sup> El Impulso "VIDEO | Agentes del Seniat cierran restaurante en "La Encrucijada" que atendió a María Corina y Edmundo González #14Jul", 14 July 2024 (accessed 4/8/2024). Available at: [https://www.elimpulso.com/2024/07/14/video-agentes-del-seniat-cierra-restaurante-en-la-encrucijada-que-atendio-a-maria-corina-y-edmundo-gonzalez-14jul/#google\\_vignette](https://www.elimpulso.com/2024/07/14/video-agentes-del-seniat-cierra-restaurante-en-la-encrucijada-que-atendio-a-maria-corina-y-edmundo-gonzalez-14jul/#google_vignette) ; El Pitazo "Alcaldía cierra restaurante en Santa Elena de Uairén por apoyar a Edmundo González", dated July 19, 2024 (accessed 4/8/2024). Available at: <https://elpitazo.net/guayana/bolivar-alcaldia-cierra-restaurante-en-santa-elena-de-uairén-por-apoyar-a-edmundo-gonzalez/> ;

Tal Cual "Sebin cerró negocio de motorizado que llevó a María Corina Machado a Valencia", dated July 16, 2024 (accessed on 4/8/2024). Available at: <https://talcualdigital.com/autoridades-cerraron-negocio-de-motorizado-que-llevo-a-maria-corina-machado-a-valencia/>.

<sup>121</sup> Canal Patria Digital, July 10, 2024 (accessed 4/8/2024). Available at: <https://x.com/canalpatriadig/status/1811152292059762917?t=FUrGZ1UgipnorOVW-jYjiw> ;

La República: NUEVO Bono Especial Vacaciones 2024: revisa el MONTO y COBRA el SUBSIDIO en 5 pasos vía Sistema Patria (accessed on 4/8/2024). Available at: <https://larepublica.pe/datos-lr/venezuela/2024/07/10/nuevo-bono-especial-vacaciones-2024-revisa-el-monto-y-cobra-el-subsidio-en-5-pasos-via-sistema-patria-venezuela-lrtmv-747120>.

presented, and did not attend the oral hearing. In December 2017, the TSJ dismissed Transparencia Venezuela's lawsuit<sup>122</sup>.

In 2017, during the election of the members of the Constituent National Assembly, the Attorney General (MP) announced that the prosecutor's office would receive complaints from public employees and citizens, who had been threatened with dismissal or removal of their social benefits, if they did not turn out to vote<sup>123</sup>.

During 2018 presidential elections, there were complaints regarding delivery of social benefits (bonuses) by the government and use of the Carnet de la Patria – a QR-code-containing identity document introduced by the Venezuelan government in January 2017 that identifies citizens who receive some kind of social assistance from the government – in order to manipulate the vote. A few days before the campaign deadline, the presidential candidate for the governing party declared: "Everyone who has Carnet de la Patria has to vote, that is *quid pro quo*...".<sup>124</sup> Through this practice, the government has sought to remain in power by ensuring loyalty in exchange for the provision of social benefits to the most vulnerable population.

In the course of the same elections, other candidates denounced installation of awnings called "red points" in the vicinities of the polling centers, where the Carnet de la Patria was scanned as a proof of having exercised the right to vote, and a payment was offered in exchange for each scan<sup>125</sup>. Similarly, the Mesa de la Unidad Democrática (MUD) denounced in 2018, that at least 7% of the voting centers conditioned access to the presentation of the Carnet de la Patria<sup>126</sup>.

During the December 6th, 2020 parliamentary elections, Transparencia Venezuela recorded more than 20 complaints about public officials who were called to vote, as well as people who were threatened by members of the communal councils and of the structure of the Local Supply and Production Committee (CLAP), with denial of food benefits if they refused to vote.

The report of the European Union (EU) Electoral Observation Mission for the Bolivarian Republic of Venezuela, 2021<sup>127</sup>, revealed that they observed the improper use of State resources in 38.8 percent of the governing party's campaign events. These uses, including buses to transport supporters and public officials, in some cases under pressure, were generalized throughout the country. The EU report adds that the government applied social control mechanisms through the distribution of goods and services such as vaccines, government food packages, gas cylinders, power generators, water pumps and school kits, to force voters to participate in its activities and subsequently to vote in favor of the ruling party. Indications that people were pressured or paid to attend campaign events of the ruling

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<sup>122</sup> Transparencia Venezuela. CNE, elections and corruption, 2017, (accessed June 5, 2024). Available at <https://transparenciave.org/wp-content/uploads/2018/06/CNE-elecciones-y-corrupción.pdf>.

<sup>123</sup> BBC. Smartmatic, the company in charge of Venezuela's voting system, denounces "manipulation" in the Constituent election and the CNE denies it, 2/8/2017, (accessed June 5, 2024). Available at: <https://www.bbc.com/mundo/noticias-america-latina-40804551>.

<sup>124</sup> Chronicle One. Carnet de la patria una sogá que amarra a la población, 2/9/2018, (accessed June 5, 2024). Available at: <https://cronica.uno/carnet-de-la-patria-una-soga-que-amarra-a-la-poblacion/>.

The expression "Giving and giving" is a popular saying that functions as a way of demanding an exchange. In this context, it was used to refer to the exchange of social aid for a vote. That is to say, whoever has a "carnet de la patria", receives help from the government, therefore, he/she must vote for the government.

<sup>125</sup> Efecto cocuyo. Falcón cuestiona instalación de "puntos rojos" en centros electorales #20May, 20/5/2018, (accessed June 5, 2024). Available at: <https://efectococuyo.com/politica/falcon-cuestiona-instalacion-de-350-puntos-rojos-en-centros-electorales-20may-2/>.

<sup>126</sup> Atodomomento. MUD published report where it affirms irregularities in elections, 5/20/2018, (accessed June 5, 2024). Available at: <https://atodomomento.com/nacionales/mud-informe-irregularidades-elecciones/>.

<sup>127</sup> European Union. Informe final de la Misión de Observación Electoral Venezuela, 2021, (accessed June 5, 2024). Available at: [https://www.eeas.europa.eu/sites/default/files/eu\\_eom\\_ven\\_2021\\_fr\\_es.pdf](https://www.eeas.europa.eu/sites/default/files/eu_eom_ven_2021_fr_es.pdf).

party were reported in approximately 20 percent of the observed campaign events. The electoral body CNE did not initiate any proceedings for misappropriation of public funds.

## Deficiencies

- The legal framework does not provide for a limit on campaign expenses.
- Campaign financing information is not publicly available<sup>128</sup>.
- An Observer Mission appointed by The Carter Center was present at the presidential elections held on July 28th, 2024. This organization issued a statement on July 30th concluding that: "Venezuela's electoral process did not meet international standards of electoral integrity at any of its stages and violated numerous provisions of its own national laws (...) The electoral campaign was impacted by unequal conditions among candidates. The campaign of the incumbent president was well funded and widely visible through rallies, posters, murals, and street campaigning. The abuse of administrative resources on behalf of the incumbent — including use of government vehicles, public officials campaigning while in their official capacity, and use of social programs — was observed throughout the campaign."
- Seven months before the presidential elections Transparencia Venezuela recorded 154 irregularities reported in the media or received by the organization, being the most relevant: 145 detentions, 10 arrest warrants not executed, 15 political disqualifications, 52 records of use of public resources in the electoral campaign, 110 records of political propaganda in social networks of public entities, 12 closures of restaurants, hotels and stores and 12 seizures after having served opposition candidates by State agencies and 13 websites of media and civil society organizations blocked. There was also the delivery of extraordinary bonuses to active and retired officers, days before the elections.
- The National Electoral Council did not investigate any of the complaints filed by Transparencia Venezuela in 2015, for the alleged use of public resources in the electoral campaign for the parliamentary elections held that year. There are also no known investigations on campaign financing with the use of public resources in other elections. The Supreme Court of Justice has not condemned the use of public resources in electoral campaigns.
- There is a prevalent practice of utilizing public funds for electoral campaigns in Venezuela, such as the use of social network accounts of public entities and public offices to promote the vote in favor of a candidate, the use of the Carnet de la Patria and social benefits (bonuses) to manipulate the vote and exercise social control.
- The report of the EU Electoral Observation Mission for the Bolivarian Republic of Venezuela, 2021<sup>129</sup>, revealed that they verified the improper use of State resources in 38.8 percent of the campaign acts of the Government Party. The report also points out that the government applied social control mechanisms through distribution of goods and services such as vaccines, government food packages, gas bottles, etc., to force voters to participate in its activities and subsequently to vote in favor of the ruling party. Indications that people were pressured or paid to attend campaign events of the ruling party were reported in approximately 20 percent of the observed campaign events.

### 4.1.4 Articles 7, 8 and 12 – Codes of Conduct, Conflicts of Interest and Asset Declarations

According to Article 145 of the Constitution of the Republic of Venezuela, public officials are at the service of the State and not of any party. Their appointment or dismissal may not be based on political affiliation or orientation.

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<sup>128</sup> Ruling of the Constitutional Chamber of the Supreme Court of Justice. Case: Carlos Miguel Subero v. CNE, of 7/25/2011, (accessed June 5, 2024). Available at: <http://historico.tsj.gob.ve/decisiones/scon/Julio/1171-25711-2011-10-0438.html>.

<sup>129</sup> European Union. Informe final de la Misión de Observación Electoral Venezuela, 2021, (accessed June 5, 2024). Available at: [https://www.eeas.europa.eu/sites/default/files/eu\\_eom\\_ven\\_2021\\_fr\\_es.pdf](https://www.eeas.europa.eu/sites/default/files/eu_eom_ven_2021_fr_es.pdf).

Article 78 of the Organic Law of the Office of the Comptroller General of the Republic (CGR)<sup>130</sup> establishes that the CGR may request net worth affidavits from officers, employees and workers of the public sector belonging to any power and level (national, state or municipal), as well as from those who in any way contract, negotiate or enter into transactions involving public assets, or who receive contributions, subsidies, other transfers or tax benefits. The CGR may initiate asset verification procedures.

The Law Against Corruption<sup>131</sup>, in its article 24 and subsequent, states that the presentation of the sworn statement of assets must be prepared and registered in electronic format through an automated system maintained by the CGR. The persons in charge of the human resources of the public bodies and institutions are obliged to include and update the information related to the entry or termination of the exercise of functions in the Automated Registration System of Public Bodies and Institutions. The CGR may order any public organ or entity to verify the content of the sworn statements of assets.

Articles 38, 43 and 44 of the aforementioned Decree also establish penalties for failing to submit the sworn statement of assets or for concealing or falsifying the data, such as fines of one hundred (100) to one thousand (1000) units of the official exchange rate of the highest value currency published by the Central Bank of Venezuela, suspension without pay for up to 18 months and disqualification for up to 12 months.

Regarding the criteria for suspending political rights, especially running for public office, Article 42 of the National Constitution of the Bolivarian Republic of Venezuela (CRBV) establishes that **the exercise of any of the political rights may only be suspended by a final judicial sentence** in the cases determined by law, and Article 65 stipulates that those convicted of crimes committed in the exercise of their functions are prohibited from running for any position elected by popular vote within the period established by law, from the completion of the sentence and in accordance to the magnitude of the crime. Article 227 of the CRBV adds that in order to be elected President of the Republic, a person must not have been convicted by final sentence and must meet all other requirements established in this Constitution.

It follows from the aforesaid, that according to the CRBV, sanctions for failing to file the sworn declaration of assets do not suspend political rights. However, the National Electoral Council has prevented the presidential candidacy of opponents to the national government such as María Corina Machado<sup>132</sup>, due to alleged sanctions issued by the Office of the Comptroller General of the Republic (CGR), related to the presentation and examination of the sworn statement of net worth.

Machado challenged the impediment to her candidacy before the Venezuelan Supreme Court of Justice (TSJ) by filing a *de facto* lawsuit, stating that such a sanction to disqualify her does not exist<sup>133</sup>. On January 26th, 2024, the TSJ declared "without grounds" Machado's petition. In this case, the decision was issued without following the procedure established by law, no hearing was held, and

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<sup>130</sup> Official Gazette No. 6,013 of December 23, 2010, (accessed June 5, 2024). Available at: <https://www.cgr.gob.ve/assets/pdf/leyes/LOCGR.pdf>

<sup>131</sup> Official Gazette No. 6,699 Extraordinary of May 2, 2022, (accessed June 6, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-ref-20220609140054.pdf>

<sup>132</sup> Transparencia Venezuela. La contraloría inhabilita pero calla ante la gran corrupción, (accessed June 5, 2024). Available at: <https://transparenciave.org/contraloria-inhabilita-pero-calla-gran-corrupcion/>.

<sup>133</sup> Efecto Cocuyo. María Corina Machado interpuso una reclamación por vía de hecho y un amparo cautelar ante el TSJ, December 16, 2023 (accessed August 4, 2024). Available at: <https://efectococuyo.com/politica/maria-corina-machado-introdujo-tsj-via-de-hecho-amparo-cautelar/>.

Machado was denied access to the file and exercising her right to defense<sup>134</sup>. As of the end of July 2024, the full text of the ruling had not been released.

In this regard, there is no requirement to disclose potential conflicts of interest, nor is there a mandate to publish sworn statements of net worth, sanctions, or a list of individuals sanctioned for failing to file sworn statements.

In 2013, the Republican Moral Council issued the Code of Ethics of Public Servants<sup>135</sup>, which sets out the guiding principles that public servants are expected to adhere to in the performance of their duties. Actions prohibited by The Code of Conduct include but are not limited to: intervening in decisions, acts, contracts or resolutions pertaining to matters in which they have a personal interest; utilizing confidential information for personal gain; representing or providing counsel to any individual or entity in matters, actions, or claims against the interests of the State, in which they have intervened while in office; and using public assets to finance activities that favor or harm the private interests of organizations with political purposes, groups of voters, or candidates for popular representation.

In practice, the highest authorities have been involved in numerous cases of nepotism, even within the Office of the Comptroller General of the Republic (CGR)<sup>136</sup>. For instance, an investigative portal recently revealed that, during the tenure of Manuel Enrique Galindo Ballesteros as Comptroller General (2014-2018), 13 of his relatives were employed at the CGR as of December 2014<sup>137</sup>.

Some ministers simultaneously serve as presidents of assigned entities and exercise control functions over those entities. A case in point is PDVSA. In 2004, the then Minister of Energy and Petroleum amended the bylaws of PDVSA, which was attached to that ministry, so that he could be appointed president of the state-owned company while holding the position of minister. This was the first precedent in the oil industry of a supervised and a supervisor being the same person<sup>138</sup>. This situation continues today<sup>139</sup>.

In the past two decades, seven individuals have been appointed as oil ministers, at least four of whom have been accused of significant corruption scandals. In 2023, a case was unveiled involving an estimated capital loss of US\$ 16.96 billion<sup>140</sup>.

The Inspectorate General of Courts is responsible for receiving and verifying complaints filed against judges in the course of their duties. In 2023, the United Nations Fact Finding Mission (UNFFM) observed that, despite the Inspector General's Office being designed to operate independently, the Plenary Chamber of the Supreme Court of Justice (TSJ) had increased its oversight of the Inspector

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<sup>134</sup> Suprema Injusticia. TSJ makes it easier for the Government to establish opposition to the measure by disqualifying María Corina Machado and Henrique Capriles 29 January 2024 (accessed August 4, 2024). Available at: <https://supremainjusticia.org/el-tsj-facilita-al-chavismo-establecer-una-oposicion-a-la-medida-al-inhabilitar-a-maria-corina-machado-y-henrique-capriles>

<sup>135</sup> Official Gazette No. 40,314 of December 12, 2013, (accessed June 5, 2024). Available at: [https://www.oas.org/juridico/PDFs/mesicic4\\_ven\\_cod\\_eti\\_serv\\_pub.pdf](https://www.oas.org/juridico/PDFs/mesicic4_ven_cod_eti_serv_pub.pdf).

<sup>136</sup> Transparencia Venezuela. El nepotismo se pasea impunemente por el poder judicial, (accessed June 5, 2024). Available at: <https://transparencia.org.ve/el-nepotismo-se-pasea-impunemente-por-el-poder-judicial/>.

<sup>137</sup> Transparencia Venezuela. Nepotism in the state: case of Comptroller Manuel Galindo, (accessed June 5, 2024). Available at: <https://transparenciave.org/project/31093/>.

<sup>138</sup> Corruptometro. Rafael Ramírez y el Estado venezolano deben rendir cuentas sobre el saqueo a Pdvsa, 20/8/2022, (accessed June 5, 2024). Available at: <https://corruptometro.org/informes/rafael-ramirez-y-el-estado-venezolano-deben-rendir-cuentas-sobre-el-saqueo-a-pdvsa/>.

<sup>139</sup> Ministry of People's Power for Ecosocialism. Designado Pedro Rafael Tellechea como nuevo ministro del petróleo, 3/21/2023, (accessed June 5, 2024). Available at: <http://www.minec.gob.ve/designado-pedro-rafael-tellechea-como-nuevo-ministro-del-petroleo/>.

<sup>140</sup> Transparencia Venezuela. Trama PdvsaPDVSA-Cripto un desfalco sin precedentes, (accessed June 5, 2024). Available at: <https://transparenciave.org/trama-pdvsa-cripto-un-desfalco-sin-precedentes/>.



General's Office, according to inside sources. Since 2004, most Inspectors General have served concurrently as TSJ magistrates, which compromises the independence of the Inspector General's Office<sup>141</sup>.

A journalistic investigation denounced that 1,101 of 2,151 judges that were active in 2019 were registered members of the PSUV (government party) and pointed out that 450 active judges, as well as retired ones, managed to register companies and sign public contracts. By that date, 106 active judges registered in the PSUV had companies doing business with different government instances<sup>142</sup>.

A review of the National Contractors Registry (RNC) up to 2017 revealed that **nearly one-third of senior Army officials had companies qualified to contract with the State** in key sectors such as construction, food, transportation, and oil, according to the Organized Crime and Corruption Reporting Project (OCCRP)<sup>143</sup>.

As of March 2024, the Office of the Comptroller General of the Republic (CGR) had not yet published its management reports for 2018, 2020, and 2022. However, it had released the reports for 2019 and 2021<sup>144</sup>. In general, the CGR presents inconsistent data. For instance, during the evaluation of the International Covenant on Civil and Political Rights, Human Rights Committee, the government of Venezuela issued a report<sup>145</sup> stating that, between 2015 and 2022 the CGR initiated 1,045 patrimonial verification procedures and made 2,909 determinations of administrative responsibility in those procedures. However, the management reports for 2015, 2016, 2017, and 2019 indicate that, out of a total of 4 million employees and public officials, only 55 patrimonial verification procedures were initiated. There were 27 verifications in 2015, 2 in 2016, 10 in 2017, and 16 in 2019. The 2021 report does not provide data on the number of verifications initiated or concluded<sup>146</sup>.

**Table 4. Number of asset declarations received and verified**

Year	No. Wealth Declarations received	No. verification procedures initiated
2015	455.405	27
2016	372.358	2
2017	445.344	10
2018	The report is not published	
2019	309.775	16
2020	The report is not published	
2021	234.918	Not mentioned
2022	The report is not published	

<sup>141</sup> Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 28/12/2021, (accessed June 5, 2024). Available at:

<https://documents.un.org/doc/undoc/gen/g21/396/44/pdf/g2139644.pdf?token=SiAueaNzduZN1XaBpZ&fe=true>.

<sup>142</sup> Armando Info. Venezuela judges pave streets and sign sentences, 2/17/2019, (accessed June 5, 2024). Available at:

<https://armando.info/los-jueces-de-venezuela-asfaltan-calles-y-firman-sentencias/>.

<sup>143</sup> OCCRP. The 35 Club: how Venezuela bought the loyalty of its generals, (accessed June 5, 2024). Available at:

<https://www.occrp.org/es/revolution-to-riches/how-venezuela-bought-military-loyalty>.

<sup>144</sup> Office of the Comptroller General of the Republic. Management Reports, (accessed June 5, 2024). Available at:

<https://www.cgr.gob.ve/informes/gestion/026>.

<sup>145</sup> United Nations. Human Rights Committee. Responses of the Bolivarian Republic of Venezuela to the list of issues relating to its fifth periodic report (CCPR/C/VEN/RQ/5), 9/10/2023, (accessed June 5, 2024). Available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FRQ%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FRQ%2F5&Lang=en).

<sup>146</sup> Suprema Injusticia. Las interrogantes que deja (Hidrobo) Amoroso en la Contraloría General de la República, 9/8/2023, (accessed June 5, 2024). Available at: <https://supremainjusticia.org/las-interrogantes-que-deja-hidrobo-amoroso-en-la-contraloria-general-de-la-republica/>.

## Deficiencies

- The highest authorities of the Venezuelan government, including the CGR have incurred in numerous cases of nepotism.
- Some of the assigned entities are subject to the oversight of the ministers, who simultaneously serve as presidents of these entities. PDVSA is a case in point. It is the main company in the country, and its president has held the position of Minister of Energy and Petroleum since 2004. This situation continues today. Over the past two decades, seven people have been appointed as oil ministers. At least four of them have been accused of major corruption scandals.
- Since 2004, all but one of Inspectors General have concurrently served as judges of the Supreme Court (TSJ), which compromises the independence of the Inspectorate General of Courts.
- There is no judicial independence in Venezuela. A significant number of active and retired judges affiliated with the PSUV (the ruling party) have been found to have registered companies and signed public contracts.
- According to the 2017 National Contractor Registry It is estimated that nearly one-third of senior Army officials had companies qualified to contract with the State in key sectors such as construction, food, transportation, and oil.
- The CGR verifies a minimal percentage of asset declarations submitted by employees and public officials. Additionally, the verifications are not consistently reflected in the management reports. Reports for 2018 and 2020 have not yet been published.
- It is not mandatory for candidates for public office to declare any potential conflicts of interest. Furthermore, they are not required to demonstrate absence of conflicts of interest with the position they intend to hold.
- There is no obligation to publish sworn statements of net worth. Also, the penalties or list of penalties for partial or total noncompliance with the duty to file sworn statements are not public.

### 4.1.5 Articles 8.4 and 13.2 – Reporting Mechanisms and Whistleblower Protection

In September 2021, the reform of the Law for the Protection of Victims, Witnesses and other Procedural Subjects<sup>147</sup> was issued. It establishes that the Attorney General's Office will request the collaboration of the National Executive to effectively guarantee, among others, the following measures: providing the necessary security for the protection of the physical integrity of the protected person and, if applicable, of his or her cohabitating family group; assisting with establishing a new identity; help in finding employment; providing housing or accommodation for the protected person and, if applicable, for his/her cohabitating family group.

In accordance with Article 269 of the Organic Code of Criminal Procedure<sup>148</sup> public officials are obliged to report any punishable acts of public action that come to their attention in the course of their duties.

The complaint may be submitted verbally, or in writing before a prosecutor at the Attorney General's Office or to the appropriate criminal investigation authorities, which include the Scientific, Criminal, and Criminalistic Investigation Corps; the Bolivarian National Guard; state and municipal police; and

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<sup>147</sup> Official Gazette No. 6,645, September 17, 2021 (accessed June 25, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-reforma-parcial-de-la-ley-de-proteccion-de-victimas-testigos-y-demas-sujetos-procesales-20210929231506.pdf>.

<sup>148</sup> Official Gazette No. 6,644 Extraordinary, of September 17, 2021. (accessed June 25, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>.



the councils for the Protection of Children and Adolescents, in the corresponding cases. The Citizen's Attention Offices and the Victim Attention Units of the Attorney General's Office are available to provide guidance and assistance<sup>149</sup>.

In practice, there is often a failure to comply with the Law for the Protection of Victims, Witnesses and other Procedural Subjects. In many cases, protection measures are not granted when requested for the complainants. Additionally, we have received testimonies in which protection measures are issued by the jurisdictional bodies, but are not executed, due to failures in coordination on the part of the authorities in charge of guaranteeing compliance with said measures<sup>150</sup>.

Lawyers who utilize the criminal justice system have indicated that the Attorney General's Office and police bodies, which are responsible for implementing the Victims and Witnesses Law, lack the necessary personnel to effectively safeguard the rights of prosecuted individuals or witnesses. These personnel are only available for intermittent tours and visits to the individuals in need of protection.

There are no known channels for reporting violations of the standards of conduct by public officials.

Organizations such as Amnesty International<sup>151</sup> and Human Rights Watch<sup>152</sup> report hundreds of instances of intimidation, digital attacks, censorship, arbitrary detentions and physical attacks against individuals who have attempted to denounce or report on the handling of issues of public interest, including journalists, media outlets and human rights defenders. Many of these incidents have occurred since a state of alarm was declared in March 2020 in response to the Covid-19 pandemic.

The 2023 Fact-Finding Mission (UNFFM) report on events in the Bolivarian Republic of Venezuela noted that a PDVSA union leader was detained "after having denounced acts of corruption". Also, a professor of Performing Arts at the Universidad de los Andes in the State of Mérida, who was investigating corruption in the government, was also detained and tortured. The professor was taken to the "terror room": a small, unlit room in the SEBIN penitentiary in Mérida, "she was handcuffed with her arms behind her back and six male officers had her squat down. One of the agents ... put a black bag over her head ... an official began to interrogate her, while the men kicked and hit her with their fists ... they removed the bag from her head and the official began to cut her hair, while the others continued to kick her. One official broke a piece of wood on one of her knees. They also threatened her that they would bring her mother and daughter and do the same to them ...".<sup>153</sup>

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- The Law for the Protection of Victims, Witnesses and other Subjects of Proceedings is not always complied with. In many cases in which protection measures are requested for the complainants, they are not granted. In other cases, protection measures have been ordered by the jurisdictional bodies but not executed due to failures in coordination on the part of the authorities in charge of guaranteeing compliance with such measures.

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<sup>149</sup> Public Prosecutor's Office. Denuncia (accessed June 25, 2024). Available at: <http://www.mp.gob.ve/index.php/denuncia/>.

<sup>150</sup> Transparencia Venezuela, ¿VALE LA PENA DENUNCIAR LA CORRUPCIÓN EN VENEZUELA?, June 23, 2023, (accessed June 5, 2024). Available at: <https://transparenciave.org/vale-la-pena-denunciar-en-venezuela/>.

<sup>151</sup> Amnesty International. Amnesty International Report 2020/21: The State of the World's Human Rights, 7/4/2021, (accessed 5 June 2024). Available at: <https://www.amnesty.org/download/Documents/POL1032022021SPANISH.PDF>.

<sup>152</sup> Human Rights Watch. Venezuela, events 2020, (accessed June 5, 2024). Available at: <https://www.hrw.org/es/world-report/2021/country-chapters/377387>.

<sup>153</sup> Independent international fact-finding mission on the Bolivarian Republic of Venezuela. El aparato estatal, sus mecanismos de represión y las restricciones al espacio cívico y democrático, September 18, 2023. (Accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session54/advance-versions/A\\_HRC\\_54\\_CRP8\\_CleanVersion.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session54/advance-versions/A_HRC_54_CRP8_CleanVersion.pdf).

- It is perceived that the Attorney General's Office and the police bodies, which are responsible for implementing the Victims and Witnesses Law, lack the necessary personnel to effectively safeguard the prosecuted subject or witness.
- There have been numerous reports of intimidation, digital attacks, censorship, arbitrary detentions, and physical aggressions and even torture against individuals attempting to denounce or report on the handling of matters of public interest, including journalists, media personnel, and human rights defenders. Many of these incidents occurred after the declaration of a state of alarm in March 2020 in response to the Covid-19 pandemic.

#### 4.1.6 Article 9.1 – Public Procurement

The first Public Bidding Law was published in the Official Gazette on August 10, 1990 (No. 34,528). This law established the procedure for the selection of contractors. The legislation in question was subject to three amendments: on October 11, 1999, published in Official Gazette No. 5,386 Extraordinary; on December 12, 2000, published in Official Gazette No. 37,097, and on November 13, 2001<sup>154</sup>, published in Official Gazette No. 5,556 Extraordinary.

Subsequently, on February 14, 2008, the Public Contracting Law was published in Official Gazette No. 5.877 Extraordinary and reprinted by material error on March 25, 2008, published in Official Gazette No. 38.895<sup>155</sup>. The objective of this legislation is to regulate not only the procedure for the selection of contractors but also the contractual agreement and the monitoring of its implementation in all public-sector entities. Said law was also partially amended on three occasions: on April 24, 2009, through Decree No. 5.929 published in Official Gazette No. 39.165<sup>156</sup>; on September 6, 2010, through Decree No. 5.929 published in Official Gazette No. 39.503<sup>157</sup>; and on November 19, 2014, through Decree No. 1.399 published in Official Gazette No. 6.154<sup>158</sup>.

The procedures for selecting contractors and the awards or contracts themselves are not published, even though Article 8 of the law establishes the obligation to publish all notifications involving of contractor selection procedures. The number of contracts signed after a contractor selection process and the number of contracts awarded directly or excluded from the law are unknown.

Since 2001, the public contracting law has undergone significant reforms, resulting in the doubling of grounds for excluding contracts from the contractor selection process and grounds for direct contracting.

Contracts for the execution of works under cooperation agreements are excluded from the application of the Public Procurement Law. This is due to the modification of the Public Contracting Law made on December 12, 2000 (Official Gazette No. 37.097) through the incorporation of Articles 3 and 4. The amendment to the legislation enabled the exclusion of contracts investigated for grand corruption

<sup>154</sup> Decree with Rank of Partial Reform of the Law on the Reform of the Bidding Law (Accessed June 25, 2024). Available at: [https://www.oas.org/juridico/spanish/mesicic2\\_ven\\_reforma\\_%20ll\\_sp.pdf](https://www.oas.org/juridico/spanish/mesicic2_ven_reforma_%20ll_sp.pdf).

<sup>155</sup> Public Procurement Law. Accessed June 25, 2024). Available at: [https://www.oas.org/juridico/spanish/mesicic3\\_ven\\_anexo20.pdf](https://www.oas.org/juridico/spanish/mesicic3_ven_anexo20.pdf)

<sup>156</sup> Law for the Partial Reform of the Public Procurement Law. Accessed June 25, 2024). Available at: <http://www.finanzas.usb.ve/sites/default/files/leydecontratpblicas.pdf>

<sup>157</sup> Law for the Partial Reform of the Public Procurement Law. Accessed June 25, 2024). Available at: <http://www.dex.usb.ve/cursos/static/pdf/leyrplcp.pdf>.

<sup>158</sup> Decree with Rank, Value and Force of Law on Public Procurement. Accessed on June 25, 2024). Available at: <https://www.asambleanacional.gob.ve/leves/sancionadas/decreto-n0-1399-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-de-contrataciones-publicas>.

from the selection process. As illustrative examples we refer only to the contracts assigned to Odebrecht<sup>159</sup> and those framed in the Petrocaribe agreement<sup>160</sup>.

Transparencia Venezuela identified a total of 34 public works assigned to Odebrecht. However, only 23 of these had any information recorded regarding the amounts of the contracts, the agreed increases, modifications to the original agreements, and the years of delay. This information was obtained through the review of press releases or public statements issued by officials and the analysis of reports and accounts published up to 2015.

Of the 34 projects, at least 17 of the largest are either unfinished or four to eight years behind schedule. All projects for which data was obtained underwent modifications that increased the initial amount by 6% to 926%. For instance, the 23 projects for which data is available initially totaled US\$ 26,111 million at the start of the contract. However, after an average of six modifications per contract, the final amount known reached US\$ 60,612 million. Transparencia Venezuela was unable to obtain the studies, technical reports, or solid reasons for these disproportionate increases. In privileged declarations made during investigations carried out in Brazil, Odebrecht executives confessed having paid bribes in amounts ranging from 1% to 5% of the budget for each work. They also confessed to having financed electoral campaigns illegally, with payments that exceed US\$ 230 million.

From January 2016 until 2021, the Executive Branch declared by decree, states of exception under justifications that included: 1) the attack of national and international sectors adverse to any public policy that safeguards the Venezuelan people; 2) oppositionist political sectors which have assumed a hostile and destabilizing attitude against the Republic with the support of foreign spokespeople and institutions; 3) fraudulent acts and simulations of legal situations to deceive the national and international community committed by a majority of congressmen to the National Assembly.

In accordance with the State of Exception Decrees, the Executive Branch issued new regulations that streamlined the contracting process and permitted direct contracting without a selection process. Testimonies indicated that, during this period, the use of rule-abiding contractor selection processes was a rare exception to the norm<sup>161</sup>.

In August 2017, citizens were no longer able to access information on companies that contract with the state, that were recorded in the National Register of Contractors (RNC)<sup>162</sup>. In the year in question, citizens were no longer able to access digital information about companies that had contracts with the state. This included details such as shareholder identity, date of creation, experience, and the public and private entities with which such companies had contracts.

## Deficiencies

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<sup>159</sup> Transparencia Venezuela. Odebrecht, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/12/08-Odebrecht.pdf>.

<sup>160</sup> Connectas. Petrofraud, (accessed June 25, 2024). Available at: <https://www.connectas.org/especiales/petrofraude/#intro>.

<sup>161</sup> Transparencia Venezuela. States of exception and economic emergency. 2020 (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/12/04-Estados-de-excepcion-Y-DE-EMERGENCIA-ECONOMICA.pdf>. Acceso a la Justicia. Maduro government leaves states of exception behind without resolving problems it was supposed to combat, August 5, 2021 (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/gobierno-maduro-deja-atras-estados-excepcion-sin-resolver-problemas-supuestamente-combatiria/>.

<sup>162</sup> Transparencia Venezuela. Gobierno profundiza la opacidad al recortar información pública de empresas contratantes con el estado, 22/8/2017, (accessed June 25, 2024). Available at: <https://transparenciave.org/project/gobierno-profundiza-la-opacidad-al-recortar-informacion-publica-empresas-contratantes-estado/>.

- In Venezuela, the procedures for selecting contractors and the resulting awards or contracts are not published, despite the requirement set forth in Article 8 of the law to publish all notifications related to the selection of contractors.
- It is unclear how many contracts are signed following the contractor selection process and how many are awarded directly or excluded from the law. From January 2016 until 2021, the Executive decreed states of exception, within which rules were issued that made contracting processes more flexible or allowed contracting without selection processes.
- In August 2017, citizens ceased to have access to information on companies that contract with the State, as recorded in the National Register of Contractors, RNC<sup>163</sup>.
- Since 2001, the public contracting law has undergone reforms that have doubled the assumptions for excluding contracts from the contractor selection procedures and the assumptions for direct contracting. In Venezuela, contracts for the execution of public works under cooperation agreements are excluded from the application of the public contracting law. This modification to the law has enabled the exclusion from selection processes of contracts that have been investigated for major corruption. For example, contracts assigned to the company Odebrecht have been subject to this exclusion<sup>164</sup>.

#### 4.1.7 Article 9.2 – Management of public finances

The budget formulation, execution, control and evaluation process are not publicly accessible. The Budget Law has not been published since 2017<sup>165</sup>; Furthermore, since 2022, the modifications made to the hidden budget have not been published, although in some years the modifications to the budget represented more than 90% of the executed amount. Venezuela has participated in the Open Budget Survey since 2008. In the 2021 evaluation, Venezuela obtained 0 out of 100 maximum points in transparency, for third consecutive time. This places Venezuela in position 117/120 of the global ranking and in the last position in Latin America<sup>166</sup>.

The Executive Branch has designed and implemented policies that have increased managerial discretion and decreased controls in the management of public resources. From January 2016 until April 2021<sup>167</sup>, The Executive ruled through 16 Decrees of States of Exception and Economic Emergency with their extensions, with each decree lasting 60 days. This resulted in the suppression of the functions of control and approval in the public management by the National Assembly<sup>168</sup>. In addition to the aforementioned decrees and their extensions, the Executive issued 13 decrees of State of Alarm to address the Coronavirus Sanitary Emergency (Covid-19) and other decrees of Energy Emergency of the Oil Industry.

<sup>163</sup> Transparencia Venezuela. Gobierno profundiza la opacidad al recortar información pública de empresas contratantes con el estado, 22/8/2017, (accessed June 25, 2024). Available at: <https://transparenciave.org/project/gobierno-profundiza-la-opacidad-al-recortar-informacion-publica-empresas-contratantes-estado/>.

<sup>164</sup> Transparencia Venezuela. Odebrecht, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/12/08-Odebrecht.pdf>.

<sup>165</sup> Transparencia Venezuela. Presupuesto 2022, una historia que se repite, 17/12/2021, (accessed June 25, 2024). Available at: <https://transparenciave.org/presupuesto-2022-una-historia-que-se-repite/>.

<sup>166</sup> Transparencia Venezuela. Open budget survey 2021, Venezuela contra corriente, 21/5/2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/encuesta-presupuesto-abierto-2021-venezuela-contra-corriente/>.

<sup>167</sup> Transparencia Venezuela. Informe sombra EPU, (accessed June 25, 2024). Available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=9322&file=SpanishTranslation>.

<sup>168</sup> Transparencia Venezuela. States of exception and economic emergency, 2019, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/wp-content/uploads/2020/12/04-Estados-de-excepcion-Y-DE-EMERGENCIA-ECONOMICA.pdf>. Transparencia Venezuela. The exception as a rule: emergency decrees, 2018, (accessed June 25, 2024). <https://transparencia.org.ve/wp-content/uploads/2019/05/Capi%CC%81tulo-4.-La-excepcio%CC%81n-como-regla.-Decretos-de-emergencia.-TV.pdf>.

With regard to budgetary matters, the internal regulations do not mandate the preparation of the following documents: 1) the Citizen's Budget, 2) the Mid-Year Report with a balance of the budget execution, and 3) the Budget Audit Report by the the Office of the Comptroller General of the Republic (CGR).

The National Public Credit Office of the Ministry of Economy, Finance and Foreign Trade has not published data on internal debt since 2016<sup>169</sup>, nor on the external debt since 2019. The Venezuelan Economic Development Bank (Bandes), which also assumed sovereign debt, has never published the balances of its debt. The Central Bank of Venezuela (BCV) does not publish data on the amount of gold arriving<sup>170</sup>, export and import indicators, nor on foreign investments since the first quarter of 2019<sup>171</sup>. Since 2016, no entity of the public administration has published its budget execution, assets under its charge, or management report.

Since 2005, the National Executive has established procedures for making expenditures outside the national budget. These include the creation of extra-budgetary funds (Fonden, Bandes, Fondo Chino, among others) that are not subject to parliamentary discussion and for which no accountability report is available<sup>172</sup>. The Fonden is included in the budget as a decentralized entity under the Ministry of Economy, Finance and Foreign Trade. This fund contains the largest amount of money in the budget (information on the budget has only been obtained through leaks). However, the specific projects or investments allocated to it have not yet been disclosed<sup>173</sup>.

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- Since 2016, no Public Administration entity has disclosed its budget execution, assets, or management report. Furthermore, the process of formulating, executing, controlling, and evaluating the budget is not publicly accessible. The Budget Law has not been published since 2017, and since 2022, the modifications made to the hidden budget are not available for review.
- In the 2021 Open Budget Survey, Venezuela has once again been assigned 0 out of 100 maximum points for transparency, placing it in 117th position out of 120 countries and ranking last in Latin America.
- The internal regulations do not require the preparation of the following documents: 1) the Citizen's Budget, 2) the Mid-Year Report with a balance of the budget execution, and 3) the Budget Audit Report by the CGR.
- The Executive has designed and implemented policies that have increased managerial flexibility and decreased controls in the management of public resources. This was done using by means of decrees establishing states of economic exception from January 2016 to April 2021.
- Since 2005, the National Executive created mechanisms to execute expenditures outside the national budget, such as the creation of extra-budgetary funds (Fonden, Bandes, Fondo Chino,

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<sup>169</sup> ONCP. National public debt report, (accessed June 25, 2024). Available at: <http://www.oncp.gob.ve/index.php/web-links/informe-de-deuda-publica-nacional/viewcategory/85-informe-trimestral.html>.

<sup>170</sup> Central Bank of Venezuela. Gold Review, (accessed June 25, 2024). Available at: <https://www.bcv.org.ve/minerales-estrategicos/resena-del-oro>.

<sup>171</sup> Central Bank of Venezuela. Foreign Investment, (accessed June 25, 2024). Available at: <https://www.bcv.org.ve/estadisticas/inversion-extranjera>.

<sup>172</sup> Transparencia Venezuela. Fonden a political strategy to spend without control, June 2021, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/fonden-una-estrategia-politica-para-gastar-sin-control/>.

<sup>173</sup> Interview. Identity withheld, May 2024.

among others) that are not subject to parliamentary discussion and for which neither the accountability report<sup>174</sup>, nor the assigned projects are known.

#### **4.1.8 Articles 10 and 13.1 – Access to Information and Participation of Society**

The Constitution of the Bolivarian Republic of Venezuela establishes the right of access to information in Articles 51, 132, 141 and 143. Article 143 stipulates that citizens have the right to be promptly and accurately informed by the Public Administration about the status of its actions. It additionally states that citizens may have access to administrative records and files without prejudice to the limits acceptable within the democratic society in matters of internal and external security, provided that the requested data affect the development of a criminal investigation or if it violates an individual's privacy. The Constitution also prohibits the censorship of officials on matters under their responsibility.

Article 141 states that the Public Administration is at the service of the citizens and the fulfillment of its functions is based on the principles of speed, honesty, transparency and accountability.

Article 51 states that every person has the right to represent or submit petitions to any authority or public official on matters within their competence, and to obtain a timely and adequate response. Those who violate this right shall be sanctioned in accordance with the law and may be removed from their respective positions.

Venezuela also has different texts that establish obligations related to transparency and access to information, the use of information technologies, the proper administration and custody of public assets, the enhancement of public services and imposition of penalties for corrupt practices. This includes the Decree with Range, Value and Force of Law for the Reform of the Anti-Corruption Law<sup>175</sup>, the Code of Conduct of Public Servants<sup>176</sup>, the Decree with Range, Value and Force of Organic Law of the Public Administration<sup>177</sup>, the Law of the Statute of the Public Function<sup>178</sup> and the InfoGovernment Law<sup>179</sup>, among others.

Article 6 of the InfoGovernment Law requires public agencies to use information technologies in their "internal management, in the relations they maintain between the organs and entities of the State that comprise it, in their relations with the people and the People's Power". Article 8, paragraphs 4, 5 and 7 of the same law provides that persons have the right to "access public information through electronic means, with the same degree of reliability and security as that provided by traditional means"; to "electronically access the files being processed in the state in which they are" and to "obtain copies of electronic documents that are part of the procedures in which they are interested". Article 18 of the text obliges public bodies to have electronic portals, which must be governed by the principles of "integrity, veracity and updating".

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<sup>174</sup> Transparencia Venezuela. Fonden a political strategy to spend without control, June 2021, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/fonden-una-estrategia-politica-para-gastar-sin-control/>.

<sup>175</sup> Law for the Reform of the Anti-Corruption Law, Gazette No. 6.699 of May 2, 2022, (Accessed on June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-ref-20220609140054.pdf>.

<sup>176</sup> Code of Conduct of Public Servants, Gazette No. 36.496 of July 15, 1998, (Accessed June 26, 2024). Available at: <https://www.oas.org/juridico/spanish/etivene.htm>.

<sup>177</sup> Decree with Rank, Value and Force of Organic Law of the Public Administration, Gazette No.: 6,147 of November 17, 2014, (Accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/index.php/leyes/sancionadas/decreto-no-1424-con-rango-valor-y-fuerza-de-ley-organica-de-la-administracion-publica>

<sup>178</sup> Law of the Civil Service Statute, Gazette No. 37.522 of July 9, 2002, (Accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-del-estatuto-de-la-funcion-publica>.

<sup>179</sup> InfoGov Law, Gazette No.: 40.274 of October 17, 2013, (Accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-de-infogobierno>.



In practice, the Venezuelan government has failed to fulfill its obligation to make public information available to the population. In addition to the lack of transparency in the formulation, execution, and evaluation of the national budget, public contracting, and matters related to public employment and fiscal control, the State does not publish evaluations, studies, and research on the types, causes, effects, and costs of corruption with a view to developing effective mechanisms to combat it.

The size of the State is not publicly available. The list of State-owned enterprises is not publicly available, nor are the identities of their directors, their resumes, or their financial and management results. Furthermore, the main macroeconomic and socioeconomic data of general interest are not published<sup>180</sup>. To illustrate, GDP data have not been published since 2019<sup>181</sup>. The National Institute of Statistics has not published data on the total number of inhabitants in the country since 2011<sup>182</sup>. This makes it difficult to make estimates regarding the Venezuelan migratory phenomenon<sup>183</sup>. Also, the main environmental indicators have not been published since 2011<sup>184</sup>.

There has been a failure to comply with the constitutional obligation to publish draft laws, thereby preventing citizens from participating in the discussion process<sup>185</sup>. A review of the official National Assembly page indicates that no bills have been published since 2022<sup>186</sup>.

On October 12, 2020, the National Constituent Assembly approved the Constitutional Anti-Blockade Law for National Development and Guarantee of Rights. This law empowers the authorities of public bodies and entities to classify any document, information, fact, or circumstance as reserved, confidential, or limited disclosure in order to counteract the impact of international sanctions<sup>187</sup>. Furthermore, the National Executive is granted the authority to disregard laws without the need for prior control by another public authority. Additionally, the measures taken to apply or bypass a norm are to be kept confidential and secret.

On September 17, 2021, the National Assembly, elected in 2020, approved the Law on Transparency and Access to Information of Public Interest<sup>188</sup>. However, the law does not ensure the exercise of the right of access to public information. The law does not expressly establish the public nature of all information held by the bodies and entities of the administration. It also fails to implement active transparency measures, does not establish the reservation of information as an exception, does not mention the maximum time of the reservation, nor does it establish sanctions for officials who deny access to information. Furthermore, it does not create or designate a guarantor body.

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<sup>180</sup> Runrunes. Civil society demands government to publish economic and social figures, 8/29/2022, (accessed June 25, 2024). Available at: <https://runrun.es/noticias/481791/sociedad-civil-exige-al-gobierno-publicar-cifras-economicas-y-sociales/>.

<sup>181</sup> Transparencia Venezuela. Opacity in Venezuela a way of governing, November 2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/opacidad-en-venezuela-una-forma-de-gobernar/>.

<sup>182</sup> INE. Demographic data, (accessed June 25, 2024). Available at: [http://www.ine.gob.ve/index.php?option=com\\_content&view=category&id=171&Itemid=90](http://www.ine.gob.ve/index.php?option=com_content&view=category&id=171&Itemid=90).

<sup>183</sup> UNHCR. Situation of Venezuela, (accessed June 25, 2024). Available at: <https://www.acnur.org/emergencias/situacion-de-venezuela>.

<sup>184</sup> INE. Environmental indicators, (accessed June 25, 2024). Available at: [http://www.ine.gob.ve/index.php?option=com\\_content&view=category&id=68&Itemid=49#](http://www.ine.gob.ve/index.php?option=com_content&view=category&id=68&Itemid=49#).

<sup>185</sup> Acceso a la Justicia. When the law looks in the mirror of its own conviction, April 5, 2024, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/cuando-la-ley-se-mira-en-el-espejo-de-su-propia-condena/>.

<sup>186</sup> Asamblea Nacional. Bills of Law. (Accessed June 26, 2024). Available at: <https://www.asambleanacional.gob.ve/leyes/proyectos>.

<sup>187</sup> Constitutional Anti-Blockout Law for National Development and Guarantee of Rights, Article 39, (accessed June 25, 2024). <http://www.minec.gob.ve/wp-content/uploads/2021/07/Ley%20Antibloqueo.pdf>.

<sup>188</sup> Transparencia Venezuela. Transparency law passed by national assembly consolidates secrecy, 3/17/2021, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/la-ley-de-transparencia-aprobada-por-la-asamblea-nacional-consolida-el-secretismo/>.

Regarding the Bachelet Transparency Law, the United Nations High Commissioner for Human Rights has determined that it recognizes access to information of public interest that is available. However, such access is limited to information that is "necessary for the meaningful participation of the people in the design, development, and monitoring of public management." Requests may be denied if they "generate a threat to the normal socioeconomic development of the Republic," among other reasons. These vague formulations could result in arbitrary restrictions on the right of access to public information.

The OHCHR has recorded numerous instances of unanswered requests for public information from civil society organizations, including 21 since the enactment of the new law. Additionally, numerous requests have been rejected due to non-essential formalities<sup>189</sup>."

From 2015 to 2017, 42 appeals of abstention or lack of response to the refusal of state agencies to provide answers to requests for information were documented by various civil society organizations. All appeals were declared without merit. Please refer to the attached table for further details.

In the period between 2023 and 2024, Transparencia Venezuela submitted 25 requests for information to various government agencies in Venezuela. The requests covered a range of topics, including goods, contracts, public services, the status of ongoing investigations, and social programs. As of March 20, 2024, only four of these requests have been formally answered (see Annex 7.2). It should be noted that none of the requested information has been provided.

On June 12, 2023, the president of PDVSA Gas stated that all inquiries regarding the pricing of liquefied gas cylinders should be directed to the Vice-Ministry of Gas of the People's Ministry of Petroleum. On July 10, 2023, a request for information was submitted to the Vice-Ministry, and to date, no response has been received.

On September 22, 2023, the executive director of logistics services at PDVSA stated that the information requested by Transparencia Venezuela regarding the contract signed in 2010 between the Argentinean company Ascensores Servas and PDVSA is not available within the institution. The response did not indicate where the information could be located.

On November 3, 2023, the president of the Permanent Commission of Environment and Land Use Planning pointed out that the information on the deforestation dimensions should be managed before the Ministry of Eco Socialism and relevant agencies. A meeting was proposed to discuss this further, but it did not take place.

On November 10, 2023, the legal consultant of PDVSA Etanol, S.A. denied the request for information on the files of the contracts signed between the state-owned company PDVSA Agrícola and the Argentine company Paramérica, C.A., as well as any investigation initiated for alleged irregularities. The grounds for denying the request for information were that PDVSA carries out activities that "involve information of a high degree of confidentiality and state secrets." Additionally, the petitioner, Mercedes De Freitas, did not identify herself with her identity card number and did not attach a document proving her status as Executive Director

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<sup>189</sup> A/HRC/50/59: Situation of human rights in the Bolivarian Republic of Venezuela - Report of the United Nations High Commissioner for Human Rights, 23/6/2022, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/documents/country-reports/ahrc5059-situation-human-rights-bolivarian-republic-venezuela-report>.

Suprema Injusticia. Michelle Bachelet sees little progress on judicial reform and none on transparency, 6/22/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/michelle-bachelet-ve-pocos-avances-en-la-reforma-judicial-y-ninguno-en-materia-de-transparencia/>.



of Transparencia Venezuela. It was added that, should Mercedes De Freitas have a personal, legitimate, and direct interest related to the contracts in question, she is required to submit her request to the relevant jurisdictional bodies. Ultimately, the response indicated that the request for information from Mercedes De Freitas appeared to be **"a reckless and inconsequential action is evidenced"**, whose legitimate, personal and direct interest was not demonstrated, evidencing a very vague pretension who, in any case must file the appeals contemplated in the Organic Law of Administrative Procedures."

Regarding the justice system, a modernization program signed by the World Bank and the former Venezuelan Supreme Court of Justice (TSJ) resulted in the TSJ becoming one of the few in the region where decisions were publicly accessible via its website. In 2001, through its ruling number 982, the Constitutional Chamber of the TSJ declared that its portal [www.tsj.gob.ve](http://www.tsj.gob.ve) was an "auxiliary means of disclosure of its judicial activity". Also Article 126 of the Organic Law of the TSJ establishes that "the publications contained in the Judicial Gazette of the Bolivarian Republic of Venezuela shall have the force of a public document...". However, a review by Transparencia Venezuela<sup>190</sup> revealed at least 3 flaws in the TSJ portal:

1. Disappearance of rulings: On December 21st, 2023, the Constitutional Chamber of the TSJ announced the issuance of 24 sentences, the excerpts of which could be read on the portal. However, a subsequent review (carried out days later) revealed that one of the rulings was no longer available. The fields related to its file number, the parties, and the decision were populated with "X's," in the page. Also, the rulings published by the Constitutional Chamber on the 12th, 15th, and 18th of the same month were also unavailable on the date of the review.
2. The TSJ sentences are published on its website with significant delay, often years. There is a delay of nearly five years on the publication of sentences by the TSJ on its website, specifically those handed down in 2019 against deputies of the Assembly elected in 2015 for crimes of treason, conspiracy, and rebellion. Eight rulings on the disqualifications of opponents issued on January 26, 2024, by the "Enabled" Political Administrative Chamber had not been published in full at least until April 2024. The reasoning behind those rulings is currently unavailable.
3. Additionally, other documents such as the accounts, which record the agency's daily activities, and the resolutions of the Judicial Commission on the appointment or dismissal of judges are not published on the web.

In regard to the electoral system, the International Mission appointed by The Carter Center to observe the presidential elections held on July 28th, 2024, has issued a statement in which it affirmed that it is unable to "verify or corroborate the election results declared by the National Electoral Council (CNE)" due to "the omission of the electoral authority to announce the results disaggregated by polling station", which "constitutes a serious violation of electoral principles" and concluded by pointing out the existence of a "total lack of transparency of the CNE in announcing the results".<sup>191</sup>

Regarding the **participation of society in the fight against corruption**, the Constitution of the Bolivarian Republic of Venezuela establishes in Article 52 that everyone has the right to associate for lawful purposes, in accordance with the law, and the State shall be obliged to facilitate the exercise of this right. Article 67 of the Constitution establishes that citizens have the right to associate for political

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<sup>190</sup> Suprema Injusticia. Here 3 flaws of the TSJ portal: Judgments that "disappear", publication delays and announced rulings without numbering, 18/1/2024, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/aqui-3-fallas-del-portal-del-tsj-sentencias-que-desaparecen-retrasos-en-la-publicacion-y-fallos-anunciados-sin-numeracion/>.

<sup>191</sup> Carter Center. Carter Center statement on elections in Venezuela, July 30, 2024 (accessed August 8, 2024). Available at: <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html>.

purposes through democratic methods of organization, operation, and management. Article 95 of the same Constitution establishes that workers have the right to freely constitute the trade union organizations they deem convenient for the best defense of their rights and interests, as well as to join them (or not), in accordance with the law.

However, recent legislative reforms have further restricted civic space in Venezuela:

- On January 24th, 2023, the National Assembly elected in 2020, approved in first discussion, the Bill for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations. This bill has not yet been published on the National Assembly website or officially circulated for discussion. Only an unofficial version has been shared on social media<sup>192</sup>. "The regulation would impose on existing and in-formation NGO's, a set of formal requirements so onerous that it would give the State a quasi-permanent power to suppress them. The law is clearly aimed at limiting the exercise of the right of association," said an UN Fact Finding Mission (UNFFM) expert<sup>193</sup>. The discussion of the draft Law resumed in January 2024<sup>194</sup>.
- On March 1st, 2023, the National Assembly elected in 2020, approved in first discussion, the draft bill of the International Cooperation Law. According to UNFFM, "if enacted, the new regulations would consolidate an abusive control by the State over the existence, financing and activities of NGOs"<sup>195</sup>.
- On April 2nd, 2024, the National Assembly approved, in first discussion, the preliminary draft of the Law against Fascism, Neo-Fascism and Similar Expressions. This bill has not yet been officially published or disseminated. However, an alleged version of the bill has been circulating on social networks, which has prompted concern among civil society and the media. The bill establishes prohibitions and sanctions that could be interpreted as applicable to any criticism of the institutions.<sup>196</sup>.

In its evaluation of the International Covenant on Civil and Political Rights, the Human Rights Committee highlighted in its recommendation report from 2023 that there are multiple credible reports of the use of laws and regulations to limit the functioning of non-governmental organizations, trade unions, and political parties<sup>197</sup>. Various organizations have recorded the increase of arbitrary detentions against human rights defenders, trade unionists and journalists, who have been denied the right to appoint private defense. In December 2023, CIVICUS Monitor noted in its annual report "Popular Power Under Attack," that Venezuela's civic space has deteriorated, moving from "repressive" to "closed." Venezuela's score places it among the 28 countries in the worst category:

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<sup>192</sup> Transparencia Venezuela. Comunicqué: "Ley Antisociedad" Instaura Una Política De Control En La Sociedad Civil Venezolana, February 10, 2023, (accessed June 25, 2024). Available at: <https://transparenciave.org/ley-antisociedad-instaura-una-politica-de-control-en-la-sociedad-civil-venezolana/>.

<sup>193</sup> United Nations. Venezuela: NGO bill, a possible point of no return in the closing of civic space. 30/1/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space>.

<sup>194</sup> Amnesty International. Venezuela: More information: NGOs in Venezuela under serious risk, 18/1/2024, (accessed June 25, 2024). Available at: <https://www.amnesty.org/es/documents/amr53/7602/2024/es/>.

<sup>195</sup> United Nations. Venezuela: UN experts warn of constant attacks on civil society, media and unions, 3/22/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/03/venezuela-un-experts-warn-persisting-attacks-civil-society-media-and-trade>

<sup>196</sup> Acceso a la Justicia. When the law looks in the mirror of its own conviction, 5/4/2024, (accessed June 25, 2024).

Available at: <https://accesoalajusticia.org/cuando-la-ley-se-mira-en-el-espejo-de-su-propia-condena/>

Pordavinci. Entering consciences: Bill against fascism, 8/4/2024. Available at: <https://prodavinci.com/entrando-en-las-conciencias-proyecto-de-ley-contra-el-fascismo/>

<sup>197</sup> International Covenant on Civil and Political Rights. Concluding observations on the fifth periodic report of the Bolivarian Republic of Venezuela, CCPR/C/VEN/CO/5, November 28, 2023, (accessed June 25, 2024). Available at: <https://undocs.org/Home/Mobile?FinalSymbol=CCPR%2FC%2FVEN%2FCO%2F5&Language=E&DeviceType=Desktop&LangRequested=False>

closed<sup>198</sup>. On September 20, 2023, the United Nations Fact Finding Mission (UNFFM), noted that "attacks on civic and democratic space in Venezuela are intensifying through state policies that seek to silence opposition or criticism of the government of President Nicolás Maduro<sup>199</sup>".

The (UNFFM) added that "serious human rights violations continue to be committed in Venezuela. Recently, these incidents have been carried out in a more selective manner against certain individuals in civil society, such as union leaders, journalists, and human rights defenders...." The repressive structure of the State has not been dismantled, and the Government has recently intensified its efforts to reduce civic and democratic space, curtailing individual and collective freedoms and extending its control over the work of human rights defenders, civil society organizations, trade unions, the media and political parties. Constant threats, surveillance and harassment, along with defamation and censorship, have been used by the State to silence, discourage and stifle real or perceived opposition<sup>200</sup>.

On March 30th, 2021, the government created the "Unified Registry of obligated subjects before the National Office Against Organized Crime and Financing of Terrorism" which was rejected by more than 700 civil society organizations, because it violates international standards for the protection of human rights and fundamental freedoms. The law requires from all civil society organizations, without any risk assessment, documents that are already in the hands of state public entities -such as the articles of incorporation, minutes of assembly and the current board of directors- and other additional documents such as the identification of beneficiaries, the list of donors and other organizations with which they work, among other aspects. On May 3rd, 2021, the ruling was modified to exclude the requirement to submit the list of beneficiaries. These actions weaken the exercise of freedom of association.

Transparencia Venezuela, as a civil society organization, has been unable to file its annual assembly minutes with the governing body of public registries, SAREN (Autonomous Registries and Notaries Service), since 2018 because the SAREN has not yet authorized their submission. This requirement for SAREN authorization to submit the minutes was created and verbally communicated to Transparencia Venezuela in 2018. We are unaware of which Saren office is responsible for issuing that authorization. In January and August 2023, the organization requested written information from the Saren Director regarding the lack of authorization to register the minutes but has not yet received a response.

Members of Transparencia Venezuela have been targeted and harassed for several years<sup>201</sup>. Between 2019 and 2024 the organization registered at least 5 cyber-attacks or attempted cyber-attacks, and 18 threats and direct aggressions against its members due to investigations carried out. Since 2017, the organization and its Executive Director have received at least 22 accusations, which can be summarized as follows: i) it allegedly receives funding to "bring about regime change", ii) it seeks to "destabilize" the government, and iii) the organization does not act impartially.

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<sup>198</sup> Civicus. People Power Under Attack 2023, (accessed June 25, 2024). Available at: [https://monitor.civicus.org/globalfindings\\_2023/](https://monitor.civicus.org/globalfindings_2023/)

<sup>199</sup> United Nations. Venezuela: UN Fact-Finding Mission to Venezuela notes intensified attacks on civic and democratic space, calls for monitoring of new security force - DAET - to protect human rights, 20/9/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/09/venezuela-un-fact-finding-mission-says-attacks-civic-and-democratic-space>

<sup>200</sup> United Nations. Venezuela: UN Fact-Finding Mission to Venezuela notes intensified attacks on civic and democratic space, calls for monitoring of new security force - DAET - to protect human rights, 20/9/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/09/venezuela-un-fact-finding-mission-says-attacks-civic-and-democratic-space>.

<sup>201</sup> Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela primer semestre 2022, (accessed June 25, 2024). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/07/CDJReportePrimerSemestre2022.pdf>.

Interventions in the internal functioning of different civil society organizations have been registered. The objective of the interventions is to prevent and render ineffective the internal elections of organizations. In some cases, a directive has been imposed or another instance has been ordered to do so. The intervention of the **Venezuelan Red Cross**<sup>202</sup> and the **Communist Party of Venezuela**<sup>203</sup> by the **Constitutional Chamber of the Supreme Court of Justice (TSJ)** are examples of this. At least a dozen **political parties** have also been judicially intervened by the **TSJ**, while some **Bar Associations** have been prevented from renewing their authorities<sup>204</sup>.

On February 9th, 2024, Rocío San Miguel, a prominent human rights defender and director of the civil society organization Control Ciudadano, was detained at Maiquetía International Airport along with her daughter. Subsequently, other family members and relatives were also detained, including her ex-partner, who is currently subject to the same judicial process she is undergoing<sup>205</sup>. During the initial three days of San Miguel's detention, her place of incarceration was undisclosed, and she was not permitted to promptly seek legal counsel or contact family members. She was subsequently charged with the crimes of treason, conspiracy, terrorism, and association. San Miguel has not yet been granted the opportunity to appoint a private legal representative.

In the aftermath of the presidential elections held on July 28th, 2024, at least three human rights defenders have been taken into custody by state security forces. On August 3rd, 2024, an LGBTIQ+ advocate was detained by security forces at Maiquetia International Airport and held incommunicado for more than six hours. A professor at the Central University of Venezuela and humanitarian worker was also detained at Maiquetia International Airport on August 5th, 2024. Her family was unable to contact her for more than 20 hours<sup>206</sup>. A lawyer and counselor of a soccer club has been apprehended and is under the order of the courts with jurisdiction on terrorism in Caracas<sup>207</sup>.

The civil society organization, Acceso a la Justicia (Access To Justice), analyzed the Caribbean Action Task Force (CFATF) mutual evaluation report, in relation to civil society. The organization pointed out that CFATF assures that Venezuela imposes disproportionate supervision measures on non-profit organizations. These measures, far from protecting them, are detrimental to their fundamental activities, like their use of the banking system. The excessive monitoring of civil society organizations hinders the full development of their activities. The CFATF indicated that it does not agree with the level of risk that the Venezuelan State grants them and denies that all of them should be supervised unless, after a risk evaluation, the CSOs meet the objective criteria for State control<sup>208</sup>.

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<sup>202</sup> Suprema Injusticia. The Constitutional Chamber of the TSJ intervenes and orders a "comprehensive restructuring" of the Venezuelan Red Cross, 7/8/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/la-sala-constitucional-del-tsj-interviene-y-ordena-una-reestructuracion-amplia-de-la-cruz-roja-venezolana/>.

<sup>203</sup> Suprema Injusticia. TSJ takes a dozen political parties under intervention: Constitutional Chamber shuts the PCV's mouth by imposing an ad hoc board, 14/8/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-tsj-lleva-una-docena-de-partidos-politicos-intervenidos-la-sala-constitucional-le-cierra-el-pico-al-pcv-al-imponer-una-junta-ad-hoc/>.

<sup>204</sup> Suprema Injusticia. TSJ contra los gremios: ahora le toca al Colegio de abogados de Carabobo, 13/7/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/tsj-contra-los-gremios-ahora-le-toca-al-colegio-de-abogados-de-carabobo/>.

<sup>205</sup> Transparencia Venezuela. Cronología | Caso Rocío San Miguel, (accessed June 25, 2024). Available at: <https://transparenciave.org/cronologia-caso-rocio-san-miguel/>.

<sup>206</sup> Provea, August 5, 2024, accessed on the same date. Available at: <https://x.com/provea/status/1820216124790677971?s=48&t=rGTjaFzpcVuKKcyBmDxCMQ>.

<sup>207</sup> Luis Armando Betancourt. Lawyer coordinated by the Venezuelan Penal Forum, August 4, 2024 (accessed August 5, 2024). Available at: <https://x.com/betangut/status/1820252004536537569?t=qXgOsz0qnyASQQCx1oefqA&s=08>.

<sup>208</sup> Acceso a la Justicia. A victory for NGOs in Venezuela: the CFATF mutual evaluation, 7/9/2023, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/victoria-ong-venezuela-evaluacion-mutua-GAFIC/>. CFATF. Measures against Money Laundering and Terrorism Financing Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023, (accessed June 25, 2024). Available at: <https://www.cfatf-gafic.org/es/home-2/2015-08-11-13-42->

Access To Justice also notes that the measures taken by Venezuela are incoherent. According to data from the National Financial Intelligence Unit (UNIF), an official body, there are 9,960 Non-Profit Organizations. However, only 44 have been classified as high risk (0.44%) and 84 as moderate risk (0.84%), indicating that 98.72% are considered low risk. Given this data, it appears that the state policy of vigilance and control applied to organizations designated as high risk is disproportionate.

## Deficiencies

- **Regarding access to information**, the Venezuelan government has not fulfilled its obligation to make public information available to the population. In addition to the lack of transparency in the formulation, execution, and evaluation of the national budget, public contracting, and matters related to public employment and fiscal control, the State does not publish evaluations, studies, and research on the types, causes, effects, and costs of corruption with a view to developing effective mechanisms to combat it. The list of State-Owned Enterprises is not public, nor are their directors, much less their resumes. Furthermore, these companies do not publish their financial and management results.
- The size of the State is not known. Information on the main macroeconomic and socioeconomic data of general interest is not published<sup>209</sup>. The National Institute of Statistics has not published data on the total number of inhabitants in the country nor on the main environmental indicators since 2011. This makes it difficult to make estimates, particularly in light of the Venezuelan migratory phenomenon.
- The constitutional obligation to publish draft laws so that citizens may participate in the discussion thereof is not being fulfilled. No bill has been published in the official page of the National Assembly since 2022.
- The Constitutional Anti-Blockade Law for National Development and Guarantee of Rights of October 12, 2020 empowers the authorities of public bodies and entities to classify any document, information, fact or circumstance in order to counteract the effects of international sanctions. It also authorizes the National Executive to disregard laws without the need for prior control by another public power and expressly establishes that the measures implemented that involve the nonexecution of a norm are of a secret and reserved nature.
- The Law on Transparency and Access to Information of Public Interest of September 17th, 2021, does not guarantee the right of access to public information. The legislation does not explicitly define all information held by government agencies and entities as public. It lacks active transparency measures, does not establish confidentiality as an exception, does not mention the maximum confidentiality period, and does not provide sanctions for officials who deny access to information. Additionally, it does not create or designate a guarantor body.
- Requests for information from civil society are not answered.
- Despite offering public access to its decisions since 2011, the Supreme Court of Justice portal has several shortcomings. Sentences disappear or are not consistently published, with delays of up to years occurring frequently. Additionally, other important documents such as accounts and Judicial Commission resolutions on the appointment or dismissal of judges are not made public.
- Regarding the electoral system, the international mission appointed by the Carter Center to observe the presidential elections held on July 28th, 2024, issued a statement affirming that there was a "total lack of transparency of the CNE when announcing the results".

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[51/noticias-del-gafic-2/780-informe-de-la-cuarta-ronda-de-evaluaciones-mutuas-de-la-rep%C3%BAblica-bolivariana-de-venezuela.](https://runrun.es/noticias/481791/sociedad-civil-exige-al-gobierno-publicar-cifras-economicas-y-sociales/)

<sup>209</sup> Runrunes. Civil society demands government to publish economic and social figures, 8/29/2022, (accessed June 25, 2024). Available at: <https://runrun.es/noticias/481791/sociedad-civil-exige-al-gobierno-publicar-cifras-economicas-y-sociales/>.

- In terms of societal participation and civic space, the CIVICUS Monitor has reported a decline from a rating of "repressive" to "closed" in 2023. It is of concern that multiple credible reports indicate the use of laws and regulations to limit the operation of non-governmental organizations, trade unions, and political parties. Furthermore, there has been an increase in arbitrary arrests against human rights advocates, trade unionists, and journalists, who are not permitted to designate private defense. "Constant threats, surveillance and harassment, along with defamation and censorship, have been used by the State to silence, discourage and stifle real or perceived opposition"<sup>210</sup>. Interventions in the internal functioning have also been registered against different civil society organizations.
- In 2021, the government created the "Unified Registry of regulated entities before the National Office against Organized Crime and Financing of Terrorism." This was met with significant opposition from more than 700 civil society organizations, who cited concerns that it would violate international standards for the protection of human rights and fundamental freedoms. The government required CSOs to submit documents that were already in the hands of state public entities, such as articles of incorporation, minutes of assembly, and the current board of directors. They also required additional documents, such as the identification of beneficiaries, the list of donors, and other organizations with which they work. Although the requirement to submit the list of beneficiaries was excluded months later, these actions still weaken the exercise of freedom of association. Since 2018, the governing entity of public registries, Servicio Autónomo de Registros y Notarias, SAREN, has not authorized the insertion of Transparencia Venezuela's minutes.
- Since January 2023, several laws have been approved in first discussion that have not yet been published. However, their alleged versions have generated concern among civil society and the media. These laws establish prohibitions and sanctions that could be interpreted as applicable to any criticism of the institutions. They also set out a set of formal requirements for existing and in-information NGOs that are so onerous that they would give the State a quasi-permanent power to suppress them.
- Following the results of the presidential elections held on July 28th, 2024, at least three human rights defenders have been detained by state security forces.

#### **4.1.9 Article 11 – Judiciary and prosecution service**

Article 624 of the Constitution outlines the procedure for selecting magistrates of the Supreme Court of Justice (TSJ). Article 255 stipulates that judges will be recruited and promoted through public competitive examinations that guarantee the suitability and excellence of the participants. They will be selected by the juries of the judicial circuits, in accordance with the law of first instance and appeal, as well as in a transparent, apolitical, and merit-based manner. The Constitution also stipulates that the necessary measures shall be taken to ensure the suitability, probity, and stability of the prosecutors.

#### **Judiciary**

The new board of directors of the TSJ was appointed on January 17th, 2024. Those appointed have no judicial or academic career. None of them were judges, prosecutors or public defenders. Nor is it

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<sup>210</sup> United Nations. Venezuela: UN Fact-Finding Mission to Venezuela notes intensified attacks on civic and democratic space, calls for monitoring of new security force - DAET - to protect human rights, 20/9/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/09/venezuela-un-fact-finding-mission-says-attacks-civic-and-democratic-space>.



known that they had served as professors, thus failing to comply with the requirements to be supreme court justices as established in Article 263 of the Venezuelan Constitution<sup>211</sup>.

The three judges of the directing board of the TSJ were members of the ruling PSUV or its predecessor, the Fifth Republic Movement (MVR). Two of the Justices were candidates for voting elected positions within the PSUV, and one served as interim mayor of Caracas from August 2021 to early 2022. Prior to that, she served as a councilor of the Libertador Municipality for the governing party.

The 2023 annual report of the Rule of Law Index prepared by the World Justice Project, which measures factors related to the rule of law, placed Venezuela in last place<sup>212</sup>. In the assessment of the criminal justice system, which includes police, legal professionals, prosecutors, judges, and correctional officers, the country ranked 142 out of 142 countries evaluated.

The Human Rights Committee, in its evaluation of the International Covenant on Civil and Political Rights, expressed serious concern about the situation of the judiciary in Venezuela in its 2023 recommendation report. There is special concern about the judiciary's autonomy, independence, and impartiality, given the alleged links of several judges and magistrates, including those of the TSJ, with political parties. Furthermore, the Committee is concerned about the rulings of the TSJ that curtail the rights of political participation, including the removal of democratically elected public representatives, their illegal arrest, and the denial of their constitutional privileges and immunities<sup>213</sup>.

On November 1st, 2022, the International Criminal Court (ICC) Prosecutor requested authorization from the Pre-Trial Chamber to resume his investigation into the situation in the Bolivarian Republic of Venezuela, which had been suspended since the Government's April 2022 request to defer the investigation. The Prosecutor acknowledged that the Venezuelan authorities had undertaken legal reforms aimed at addressing structural and systemic issues. However, the **independent and objective assessment of his Office was that these efforts and reforms remained insufficient**<sup>214</sup>.

The United Nations High Commissioner for Human Rights, Michelle Bachelet, noted in her report on the situation of fundamental guarantees submitted on June 29th, 2022, to the United Nations Human Rights Council that "the open links of several judges, including alternate judges, with political parties raise concerns about the independence of the judiciary and the separation of powers"<sup>215</sup>.

On January 28th, 2022, the report on the results of the recommendations for Venezuela in the framework of the Universal Periodic Review was approved. The report contains 328 recommendations from 116 UN member states. Regarding the justice system, 30 countries made recommendations to strengthen or **reestablish the justice system**<sup>216</sup>.

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<sup>211</sup> Suprema Injusticia. Razones por las cuales la nueva directiva del TSJ despierta recelos, 22/1/2024, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/razones-por-las-cuales-la-nueva-directiva-del-tsj-despierta-recelos/>.

<sup>212</sup> World Justice Project. Venezuela, RB 2023, (accessed June 25, 2024). Available at: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Venezuela%2C%20RB/>.

<sup>213</sup> International Covenant on Civil and Political Rights. Concluding observations on the fifth periodic report of the Bolivarian Republic of Venezuela, CCPR/C/VEN/CO/5, 28/11/2023, (accessed June 25, 2024). Available at: <https://undocs.org/Home/Mobile?FinalSymbol=CCPR%2FC%2FVEN%2FCO%2F5&Language=E&DeviceType=Desktop&LangRequested=False>.

<sup>214</sup> Situation of human rights in the Bolivarian Republic of Venezuela Report of the United Nations High Commissioner for Human Rights, A/HRC/53/54, 17/11/2023, (accessed June 25, 2024). Available at: <https://documents.un.org/doc/undoc/gen/g23/134/24/pdf/g2313424.pdf?token=PVT4ZDxRK9u3wblj87&fe=true>.

<sup>215</sup> Suprema Injusticia. Michelle Bachelet sees little progress on judicial reform and none on transparency, 6/29/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/michelle-bachelet-ve-pocos-avances-en-la-reforma-judicial-y-ninguno-en-materia-de-transparencia/>.

<sup>216</sup> Acceso a la Justicia. Informe anual 2022: "El Estado de la justicia y del Estado de Derecho en Venezuela, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/informe-anual-2022-estado-justicia-estado-derecho-venezuela/>.

The Inter-American Commission on Human Rights (IACHR) included Venezuela among the countries of greatest concern in its annual report for 2022. In regard to the judiciary, the report highlighted several concerns. These include the lack of judicial independence, the provisional nature of justice operators, the lack of public competitions for judicial positions, the removal of individuals in provisional positions without due process, the lack of transparency in the appointment of TSJ judges, and the lack of transparency in the administration of justice in relation to national-interest controversies<sup>217</sup>.

In 2022, senior government officials announced a restructuring of the Supreme Court of Justice (TSJ) with an express modification of the law governing this court<sup>218</sup>. There are three vices to highlight in the restructuring procedure: i) the political-partisan control of the judicial nomination committee was maintained, ii) there was an unconstitutional reelection of magistrates (60% of the magistrates appointed had completed the legal term of office) and iii) the election of magistrates was carried out outside the time limits and behind the country's back<sup>219</sup>.

In 2022, a congressman of the governing party, PSUV, and vice president of Discipline of that organization, publicly criticized the TSJ, stating that it was a "disaster" and that it did not have 32 magistrates, but 34. In an interview with the State channel, he stated that there was an official who gave instructions to the judges and another who decided when to implement the appointments or dismissals agreed upon by the Judicial Commission. The complaint did not result in any investigation<sup>220</sup>.

The Human Rights International Fact-Finding Mission (UNFFM) highlighted in its 2021 report that since 2003, there have been no competitive selection processes for the appointment of judges. Instead, the TSJ makes provisional appointments, which means that selections and dismissals can be made without complying with the process established in the Constitution. At the opening of the judicial term in January 2021, TSJ President Maikel Moreno reported that 881 provisional judges had been appointed in 2020.<sup>221</sup>

The UNFFM report also revealed that the interviewed judges had been subjected to regular threats of dismissal, pressure to resign or take early retirement. These judges identified the presidents of the Criminal Judicial Circuits as responsible for many of these threats, which were intended to coerce or retaliate against them.<sup>222</sup>

In 2021, the International Commission of Jurists (ICJ) published a report noting that, despite a lack of official data on the number of provisional judges in Venezuela, some civil society organizations estimated in 2018 that there were 2,184 judges. Of these, only 534 (24.37%) were tenured and the remainder (75.63%) provisional. In 2019, it was estimated that only 14.7% of judges were tenured. In

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<sup>217</sup> Inter-American Commission on Human Rights. Annual Report 2022, (accessed June 25, 2024). Available at: <https://www.oas.org/es/cidh/informes/ia.asp?Year=2022>.

<sup>218</sup> Suprema Injusticia. La Asamblea Nacional redujo de 32 a 20 el numero de magistrados y recortó poderes al TSJ, 25/1/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/asamblea-redujo-tsj-magistrados-recorto-poderes-tsj/>.

<sup>219</sup> Suprema Injusticia. 3 vices that make the "new" TSJ no better than the old one, 2/5/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/3-vicios-hacen-que-nuevo-tsj-no-sea-mejor-que-anterior/>.

<sup>220</sup> Pedro Carreño denuncia corrupción en Tribunal Supremo de justicia, (accessed June 25, 2024). Available at: <https://www.youtube.com/watch?v=N384wG7umOw>.

<sup>221</sup> Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 28/12/2021, (accessed June 25, 2024). Available at: <https://documents.un.org/doc/undoc/gen/g21/396/44/pdf/g2139644.pdf?token=SiAueaNzduZN1XaBpZ&fe=true>.

<sup>222</sup> Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, 28/12/2021, (accessed June 25, 2024). Available at: <https://documents.un.org/doc/undoc/gen/g21/396/44/pdf/g2139644.pdf?token=SiAueaNzduZN1XaBpZ&fe=true>.



2020, the Judicial Commission appointed 881 provisional judges and dismissed 91,140. The CIJ does not have reliable statistics for 2020 and 2021 but understands that this trend continues<sup>223</sup>.

The ICJ report also noted that there has been a consistent practice in the Venezuelan judiciary since 2000 of issuing dismissal resolutions "almost immediately after magistrates adopt judicial decisions in cases with important political connotations". This represents a form of covert sanctions for adopting judicial decisions that are not aligned with the Supreme Court of Justice (TSJ)'s preferences. Additionally, the TSJ's jurisprudence has established that the dismissal of provisional judges does not necessitate a legal procedure that guarantees due process. Therefore, an administrative order of dismissal is sufficient<sup>224</sup>.

A judge and former president of the TSJ is under investigation by a U.S. court for a number of allegations. According to the formal accusation<sup>225</sup>, a confidential witness has come forward with information that the Justice received a luxury residence in Caracas as a gift from an individual accused in the United States. It is alleged that this gift was exchanged for the dismissal of a judicial case in Venezuela, which related to a corruption scheme that occurred in PDVSA. It has also been indicated that the judge would have accumulated an expensive collection, made sumptuous expenses in South Florida, and paid approximately USD 1,000,000 for the use of a private airplane and pilot<sup>226</sup>.

The second International Fact-Finding Mission (UNFFM) report also states that a former TSJ judge interviewed by MIIDH indicated that the Venezuelan government has corruption cases prepared against certain judges as a form of blackmail to prevent them from taking action.<sup>227</sup> The report also indicates that "Internal sources consulted by the Mission stated that Supreme Court justices routinely received orders on how to decide sentences sometimes directly from high-ranking government officials". "In 102 of the 183 detentions of real or apparent opponents that were examined by the Mission, high-level officials made public statements about the case before or within hours or days of a detention by security or intelligence forces"<sup>228</sup>.

The UNFFM also identifies corruption as a significant challenge to the independence of the judicial system. The Mission's research indicates that a number of sources, including former judges, judges and prosecutors, as well as respondents to the questionnaire, have reported that charging for transactions is a common practice among certain members of the judiciary. The Mission notes that pressure was especially exerted against prosecutors investigating high-profile corruption cases<sup>229</sup>.

Daily corruption in the courts has become deeply entrenched, without any kind of control. According to testimonies obtained by Transparencia Venezuela in surveys to judges, lawyers and users of the

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<sup>223</sup> International Commission of Jurists. Judges on a Tightrope Report on Independence and Impartiality of the Judiciary in Venezuela, June 2021, (accessed June 25, 2024). Available at: <https://www.ici.org/wp-content/uploads/2021/06/Venezuela-Judges-on-the-tightrope-Publications-Reports-Thematic-reports-2021-SPA.pdf>.

<sup>224</sup> Supreme Court of Justice. Constitutional Chamber. Judgment No. 2.414 dated December 20, 2007, (accessed June 25, 2024). Available at <http://historico.tsj.gob.ve/decisiones/scon/diciembre/2414-201207-07-1417.HTM>.

<sup>225</sup> US Department of State. Maikel José Moreno Pérez, 21/7/2020, (accessed June 25, 2024). Available at: <https://www.state.gov/inl-rewards-program/transnational-organized-crime-rewards-program/maikel-jose-moreno-perez/>.

<sup>226</sup> Transparencia Venezuela, (accessed June 25, 2024). Available at: <https://transparenciave.org/acusacion-contra-maikel-moreno-entre-cobro-de-sobornos-cuentas-millonarias-y-gastos-lujosos/maikel-moreno-2/>.

<sup>227</sup> Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 15/9/2020, (accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf).

<sup>228</sup> Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (A/HRC/48/CRP.5), 16/9/2021, (accessed 25 June 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>.

<sup>229</sup> Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/48/CRP.5, 16/9/2021, (accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf).

justice system. The testimonies were given anonymously for security reasons<sup>230</sup>. All parties concur that it is inconceivable that the high authorities of the Judiciary are unaware of the situation.

An official of the Criminal Judicial Circuit of Caracas, who became an anti-corruption prosecutor, was arrested in February 2023 for suspicion of involvement in the release on January 9th, 2023, of a member of a criminal "mega-gang" known as El Tren del Llano. The defendant allegedly paid USD 240,000 to be tried in freedom after the intervention of a woman who presented herself in court as an "envoy" of the National Assembly. This woman had previously been an assistant to a pro-government congressman. The fourth anti-terrorist judge and the president of the Criminal Circuit of Caracas and alternate magistrate of the Political Administrative Chamber of the Supreme Court (TSJ) were arrested for the same act<sup>231</sup>.

On August 21, 2021, a judge conducted a preliminary hearing to determine whether to authorize the prosecution of three detainees accused of gold smuggling. Three congressmen were present in the courtroom, and the first, in his capacity as a member of the Commission for Judicial Reform, created by Nicolás Maduro, took the floor and ordered the judge to place two of the three defendants on probation<sup>232</sup>. The judge followed the instructions of the congressmen, as outlined in a ruling by the TSJ that overturned the initial decision. The TSJ did not condemn the actions of the congressmen and did not initiate any disciplinary action against them.

The Venezuelan government has allegedly failed to comply with international cooperation obligations in the fight against corruption. Investigations initiated in Argentina for alleged overpricing and money laundering in the sale of products to Venezuela, for a total value of over USD 3 billion, have stalled due to the Venezuelan government's lack of response to the letters rogatory sent to obtain information on these contracts<sup>233</sup>. Some cases have been closed for this reason<sup>234</sup>.

In 2015, 28 Venezuelans were identified as having engaged in illicit activities involving shell companies. These individuals were found to have awarded contracts in the oil and electricity sectors of the country to suppliers who paid them commissions disguised as "consultancy" fees. The collapse and subsequent intervention of Banca Privada de Andorra in 2015 revealed the mechanisms used by the bank to launder up to 2 billion dollars. However, despite this, no one has been convicted, and the judicial process is paralyzed. "The requests for information, or rogatorias, made to Venezuela by the Andorran Court of Justice were not duly answered from Caracas by the Prosecutor's Office, then headed by Luisa Ortega Diaz, now in exile."<sup>235</sup>

On December 23rd, 2015, the National Assembly, which was composed of a majority of representatives affiliated with the ruling party, irregularly appointed 13 justices just before the

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<sup>230</sup> Transparencia Venezuela. Corruption in pandemic, 2021, (accessed June 25, 2024). Available at: <https://transparenciave.org/saludcritica/2021/05/15/corrupcion-en-pandemia-la-tragedia-de-venezuela-mas-alla-del-covid-19/>.

<sup>231</sup> Suprema Injusticia. National Anti-Corruption Police strikes its first major blow almost 9 years after its creation with 6 officers arrested, 3/20/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/la-policia-nacional-contra-la-corrupcion-da-su-primer-gran-golpe-casi-9-anos-despues-de-su-creacion-con-6-funcionarios-detenidos/>.

<sup>232</sup> Suprema Injusticia. El TSJ anula excarcelación dictada bajo presión del diputado Benavides Torres, 8/12/2021, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-ts-j-anula-excarcelacion-dictada-bajo-presion-del-diputado-benavides-torres/>.

<sup>233</sup> La Nación. El gobierno de Venezuela bloquea investigaciones judiciales contra exfuncionarios kirchneristas, 4/27/2021, (accessed June 25, 2024). Available at: <https://www.lanacion.com.ar/politica/venezuela-bloquea-investigaciones-judiciales-contra-exfuncionarios-kirchneristas-nid31032021/>.

<sup>234</sup> La Nación. Cierran una causa por la venta de arroz a Venezuela que mencionaba a la hija de Hugo Chávez, 24/2/2021, (accessed June 25, 2024). Available at: <https://www.lanacion.com.ar/politica/cierran-causa-venta-arroz-venezuela-mencionaba-hija-nid2611990/>.

<sup>235</sup> Armando Info. At last Venezuelan corruption can get away with it in Andorra, 4/18/2021, (accessed June 25, 2024). Available at: <https://armando.info/al-final-la-corrupcion-venezolana-puede-salirse-con-la-suya-en-andorra/>.

opposition assumed control of the majority in Parliament<sup>236</sup>. Some of the appointed magistrates "had held positions in the Executive Branch or were registered as members of the ruling party" and "most of them did not meet the minimum requirements established by the Constitution", according to the Report of the United Nations High Commissioner for Human Rights (UNHCHR) of July 15th, 2020<sup>237</sup>.

In 2015, the President of the Supreme Court (TSJ) pledged that the body would safeguard the government against any action by the National Assembly, now in opposition<sup>238</sup>. On May 10th, 2016, the TSJ issued a ruling that effectively abolished the functions of the Parliament<sup>239</sup>. In its July 2020 report, UNHCHR highlighted that, between December 2015 and May 2020, that court issued 127 rulings that "invalidated decisions" of the Parliament. These decisions **especially attacked the political control functions of the National Assembly over the Government and the Public Administration**. She also pointed out that since March 2017 "the TSJ has withdrawn the immunity of 29 opposition assembly members without following the procedure provided for in the Constitution and without due process"<sup>240</sup>.

### Attorney General's Office

Until August 2017, the Attorney General's Office was headed by Luisa Ortega Díaz, who was criticized for her inaction in the face of corruption and for endorsing the violation of human rights. In mid-2017, Ortega questioned the actions of the security agencies in the death of a university student in a protest in Caracas<sup>241</sup>. Furthermore, she questioned the TSJ's ruling to annul the powers of the National Assembly and initiated investigations into alleged acts of grand corruption such as the case against Odebrecht<sup>242</sup> and a national construction company<sup>243</sup>, for alleged irregularities in contracts with PDVSA in the Orinoco Oil Belt.

In August 2017, the Supreme Court of Justice (TSJ) ordered the prosecution of Ortega Díaz, the National Constituent Assembly (ANC) dismissed her, and appointed the then-Ombudsman, Tarek William Saab, in her place<sup>244</sup>. He was a prominent member of the governing party and former governor of Anzoátegui state, representing the PSUV<sup>245</sup>. In November 2018, the Attorney General's Office (MP), headed by Saab, submitted a request to the Criminal Chamber of the TSJ for the dismissal

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<sup>236</sup> Suprema Injusticia. Justicia y Chavismo, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-y-chavismo/>.

<sup>237</sup> Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the region of the Orinoco Mining Arc, 7/15/2020, (accessed June 25, 2024). Available at: <https://provea.org/wp-content/uploads/2020/07/Informe-Bachelet-julio-2020.pdf>.

<sup>238</sup> Transparencia Venezuela. Memorial de agravios, 2016, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2016/12/Memorial-de-Agravios-2016.pdf>.

<sup>239</sup> Suprema Injusticia. The TSJ appears to have annulled its coup of the National Assembly, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-tsj-aparenta-haber-anulado-su-golpe-a-la-asamblea-nacional/>.

<sup>240</sup> Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the region of the Orinoco Mining Arc, 7/15/2020, (accessed June 25, 2024). Available at: <https://provea.org/wp-content/uploads/2020/07/Informe-Bachelet-julio-2020.pdf>.

<sup>241</sup> Suprema Injusticia: Why Ortega Díaz considers that crimes against humanity have been committed in Venezuela, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/por-que-ortega-diaz-considera-que-en-venezuela-se-han-cometido-delitos-de-lesa-humanidad/>.

<sup>242</sup> Provea. Prosecutor Ortega Díaz: "Venezuela paid Odebrecht \$30 billion for unfinished works," 7/31/2017, (accessed June 25, 2024). Available at: <https://provea.org/actualidad/fiscal-ortega-diaz-venezuela-pago-a-odebrecht-30-mil-millones-de-dolares-por-obras-inconclusas/>.

<sup>243</sup> Armando Info. The case of Luis Sanchez and the intrepid Prosecutor 55, 29/5/2019, (accessed June 25, 2024). Available at: <https://armando.info/el-caso-de-luis-sanchez-y-la-intrepida-fiscalia-55/>.

<sup>244</sup> Detailed Findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 15/9/2020, (accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf).

<sup>245</sup> In 2021 Tarek William Saab was accused by Luisa Ortega Díaz of enriching himself when he was governor of Anzoátegui state. A former mayor of the city of Guanta, in Anzoátegui, sentenced in the United States for corruption, pointed out -in September 2022- that Saab belonged to an alleged bribery network around the oil company PDVSA.

and sealing of the judicial file in a case involving a company<sup>246</sup>. There is no further information on the investigation of the Odebrecht case in Venezuela.

The Attorney General's Office has not published a management report or official statistics since 2016. The only information available regarding the management of the institution is provided by the Attorney General in press conferences and on the institution's web portal (<http://www.mp.gob.ve/>) where he presents general figures and details on a limited basis. The information provided by the Prosecutor lacks structure and organization. It is not possible to ascertain the progress or status of the cases about which he provides information. Also, the number of dismissed or closed investigations is unknown. The same format is used to report cases of grand corruption or simple corruption<sup>247</sup>.

In some cases, the information provided by the Attorney General's Office (MP) is unclear and inconsistent. For example, in response to the list of issues raised by the Venezuelan State to the Human Rights Committee, it is stated that between 2017 and 2021, the Office carried out 39,089 actions to punish acts of corruption, 12,703 imputations, 3,565 indictments, and 2,444 convictions. However, a press release published on the Office's website on February 25, 2021, cites the same data regarding sanctions for corruption: 39,089 actions, 11,719 imputations, and 3,565 indictments<sup>248</sup>.

Prosecutors are still mostly provisional. The list of prosecutors is not available for June 2024<sup>249</sup>.

It was denounced that 196 prosecutors in Venezuela "were summarily dismissed after the change of attorney general in August 2017", many of them "had made critical public demonstrations against the actions of the Government"<sup>250</sup>.

The 2021 The United Nations Fact Finding Mission (UNFFM) fact-finding report on the Bolivarian Republic of Venezuela highlighted the importance of judicial independence in addressing corruption. The report identified the dismantling of key anti-corruption agencies as a significant concern: "other units were eliminated, such as the Field Criminalistics Unit, the Technical-Scientific Unit for Environmental Crimes and the Financial and Accounting Unit, which carried out expert reports in investigations on corruption and financial crimes. According to former prosecutors interviewed, the elimination of these units has diminished the independence of the Attorney General's Office to investigate crimes committed by state institutions, including the security forces"<sup>251</sup>.

The Financial Action Task Force (FATF) report indicates that between 2016 and 2021, the Attorney General's Office received 103 requests for Mutual Legal Assistance (MLA). Of these, 22 were related to legal persons established in the Bolivarian Republic of Venezuela. Between 2017 and 2021, the

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<sup>246</sup> Video Available at: <https://www.youtube.com/watch?v=099fj9hG0U4>, (accessed June 25, 2024).

<sup>247</sup> Transparencia Venezuela. Economías Ilícitas, (accessed June 25, 2024). Available at: <https://transparenciave.org/economias-ilicitas/home-economias-ilicitas-2023/>.

<sup>248</sup> Public Prosecutor's Office. Attorney General Tarek William Saab presented management report before the National Assembly, 2/25/2021, (accessed June 25, 2024). Available at: <http://www.mp.gob.ve/index.php/2021/02/25/fiscal-general-tarek-william-saab-presento-informe-de-gestion-ante-la-asamblea-nacional/>.

<sup>249</sup> Public Prosecutor's Office, (Accessed June 26, 2024). Available at: <http://www.mp.gob.ve/>.

<sup>250</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 16/9/2021. (Accessed June 26, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf).

<sup>251</sup> Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 16/9/2021. Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf).

Office (MP) received 81 additional requests, suggesting that competent authorities may face obstacles in completing them in a timely manner<sup>252</sup>.

Status	2016	2017	2018	2019	2020	2021	Total
Processing	0	14	16	10	4	37	81
Partial Response	0	2	0	1	0	1	4
Returned	0	0	2	3	0	1	6
Deferred	1	0	3	0	0	0	4
Request of additional information	0	0	0	2	0	1	3
Executed	0	5	0	0	0	0	5
<b>Total</b>	<b>1</b>	<b>21</b>	<b>21</b>	<b>16</b>	<b>4</b>	<b>40</b>	<b>103</b>

Source: Attorney General's Office

The Venezuelan Attorney General's Office has not initiated or announced any related investigation into cases of alleged grand corruption that have been initiated in other countries. The United States has initiated at least 58 investigations into money laundering for acts of corruption with Venezuelan public money, or for drug trafficking and arms trafficking involving high-ranking Venezuelan officials. These investigations have resulted in the mention of 170 individuals, including former Venezuelan officials and those currently serving in the administration of Nicolás Maduro. Of the 170 individuals in question, 68 pleaded guilty and 76 were convicted and had their assets forfeited. However, the Venezuelan Attorney General's Office has only publicly announced investigations against 22 of those individuals<sup>253</sup>.

Since 2018, there have been allegations of overpricing and poor quality in food imports investigated in Mexico<sup>254</sup>, Colombia<sup>255</sup> and USA<sup>256</sup>. In June 2019, an inspection conducted by the General Audit Office of Argentina revealed several irregularities, including overpricing in food imports, duplicate payments, and undue triangulation<sup>257</sup>. In Venezuela, the then president of the Comptrollership Commission of the National Assembly, Freddy Superlano, denounced irregularities in the purchase of food for US\$ 15 billion<sup>258</sup>. None of these cases is known to have been investigated.

In the health sector, several high-profile corruption cases have been denounced without the benefit of a thorough investigation or a final decision. In 2014, the former Minister of Health, Eugenia Sader, was charged with fraudulent embezzlement related to the contracting of works in hospitals and the

<sup>252</sup> CFATF. Measures against Money Laundering and Financing of Terrorism Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023. Available in: [Mutual Evaluation Report of the Bolivarian Republic of Venezuela.pdf](#).

<sup>253</sup> Corruptometro. Venezuelan justice is selective and opaque in investigating corrupt individuals prosecuted in the U.S., 29/8/2023. Available at: <https://corruptometro.org/noticias/justicia-venezolana-es-selectiva-y-opaca-para-investigar-a-corruptos-procesados-en-ee-uu/>.

<sup>254</sup> Transparencia Venezuela. Complicit companies. Available at: <https://transparencia.org.ve/wp-content/uploads/2018/12/Procuraduri%CC%81a-de-Me%CC%81xico.pdf>.

<sup>255</sup> Country. Colombia seizes 400 tons of spoiled food destined for Venezuela, 17/5/2018. Available at: [https://elpais.com/internacional/2018/05/18/colombia/1526595553\\_469009.html](https://elpais.com/internacional/2018/05/18/colombia/1526595553_469009.html).

El Heraldo. 400 tons of food destined for Venezuela seized in Cartagena, 19/5/2018. Available at: <https://www.elheraldo.co/bolivar/incautan-en-cartagena-400-toneladas-de-alimentos-con-destino-venezuela-496598>.

<sup>256</sup> US Embassy, Venezuela. Treasury department increases pressure on Alex Saab and his network in Venezuela, 9/17/2019. Available at: <https://ve.usembassy.gov/es/el-departamento-del-tesoro-aumenta-la-presion-sobre-alex-saab-y-su-red-en-venezuela/>.

<sup>257</sup> Transparencia Venezuela. From briefcase to parallel Embassy Venezuela in Argentina Notebooks, 2018, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/wp-content/uploads/2019/05/Capi%CC%81tulo-2.-Del-maleti%CC%81n-a-la-embajada-paralela.-Venezuela-en-los-cuadernos-de-Argentina.-TV.pdf>.

<sup>258</sup> Transparencia Venezuela. Diputado Superlano denuncia despilfarro de \$15.000 millones en compra de alimentos para los CLAP, 24/10/2018. (Accessed June 26, 2024). Available at: <https://transparenciave.org/diputado-superlano-denuncia-despilfarro-de-15-000-millones-de-dolares-en-compra-de-alimentos-para-los-clap/>.



purchase of medicines. As of 2023, it is unclear whether any convictions have been issued<sup>259</sup>. In 2018, the former president of the Venezuelan Institute of Social Security, who was accused of having committed irregularities in the purchase of high-cost medicines, denounced the existence of official obstacles to the purchase of medical treatments, the discretionary distribution of drugs as a means of political control, and the presence of corruption chains around the importation of supplies and medicines, following his separation from the government<sup>260</sup>.

The US justice system has accused Luis Motta Domínguez, former Minister of Electricity, of colluding with businessmen to sign overpriced contracts for the purchase of transformers, generators, and other equipment worth millions of dollars<sup>261</sup>. The businessmen pleaded guilty and were convicted in the U.S. There is no known investigation of these facts in Venezuela either.

In 2020 the Attorney General's Office (MP) drastically changed its legal criteria, in cases that had shocked the citizenry for their cruelty. Concurrently, the preliminary examination by the Office of the Prosecutor of the International Criminal Court in relation to the case called Venezuela<sup>262</sup> was progressing. There was unusual swiftness in investigations into the murders<sup>263</sup> of a councilman, a student<sup>264</sup> and a captain<sup>265</sup>, which occurred during the 2017 protests. In some of the most emblematic cases, convictions of material perpetrators preceded the visit to Venezuela of the International Criminal Court prosecutor, Karim Khan, in November 2021. It is notable that the chain of command has not been touched in any of the cases.

In 2022, the United Nations Fact Finding Mission (UNFFM) established a direct correlation between impunity, serious human rights violations and acts of corruption: "The Mission has also taken into account the jurisprudence that the design and maintenance of a justice system that allows impunity for those involved in the commission of crimes against real or perceived political opponents is indicative of the involvement of high-level authorities in the successful execution of the plan...there has been judicial inaction, a lack of sufficient investigation and prosecution of these crimes...with respect to most of these crimes, there is no information to indicate that they have been investigated.

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<sup>259</sup> Transparencia Venezuela. When corruption is the virus, October 2020, (accessed June 25, 2024). Available at: <https://transparenciave.org/project/salud-en-venezuela-cuando-la-corrupcion-es-el-virus/>.

<sup>260</sup> Rotondaro: "Maduro has neither morals nor capacity to be commander in chief of the FAN". NTN24 18/03/2019, (Accessed June 26, 2024). Available at: [https://www.youtube.com/watch?v=mV8\\_NF3UKew](https://www.youtube.com/watch?v=mV8_NF3UKew)

<sup>261</sup> United States Attorney's Office. Two indicted former Venezuelan officials and two businessmen plead guilty in connection with Venezuelan bribery scheme, 6/27/2019, (accessed June 25, 2024). Available at: <https://www.justice.gov/usao-sdfl/pr/two-former-venezuelan-officials-charged-and-two-businessmen-plead-guilty-connection>.

<sup>262</sup> Suprema Injusticia. Justicia maniobra en casos de Albán y Pernalet para esquivar actuación de la CPI, 5/5/2021, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-maniobra-en-casos-de-alban-y-pernalete-para-esquivar-actuacion-de-la-cpi/>.

Suprema Injusticia. Justicia chavista busca lavarse la cara admitiendo vicios en los casos de Acosta Arévalo y Fernando Albán, 12/10/2020, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-chavista-busca-lavarse-la-cara-admitiendo-vicios-en-los-casos-de-acosta-arevalo-y-fernando-alban/>.

Suprema Injusticia. Reabren investigación contra 50 policías de Barinas por protestas de 2017, 9/11/2021, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/reabren-investigacion-contra-50-policias-de-barinas-por-protestas-de-2017/>.

<sup>263</sup> Transparencia Venezuela. Venezuelan grand corruption, human rights and impunity, page 40 (Accessed June 26, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2023/04/Gran-Corrupcion-venezolana-Derechos-Humanos-e-impunidad.pdf>.

<sup>264</sup> Suprema Injusticia (2021). "The case of David Vallenilla, inexcusable error or premeditated act of simulation of justice?" , (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-caso-de-david-vallenilla-error-inexcusable-o-acto-premeditado-de-simulacion-de-justicia/>

<sup>265</sup> CNN. (2018). "Fiscal general of Venezuela confirms suicide of councilman Fernando Albán," (accessed June 25, 2024). Available at: <https://cnnespanol.cnn.com/video/fernando-alban-suicidioconfirma-tarek-william-saab-vo-osmary-fernandez-panorama/>.

In addition, by remaining in these positions, they were also exposed to opportunities for financial gain"<sup>266</sup>.

Following the presidential elections on July 28th, 2024, protests were sparked in various states across the country. The demonstrations called for transparency in the electoral results, after the campaign leadership of opposition candidate Edmundo González published copies of the voting tally receipts that indicated him as the winner. In light of these facts, the Attorney General's Office (MP) has solely ordered the arrest of people suspected of engaging in acts of terrorism, as evidenced by the @MinpublicoVEN account, which states:

- **7/30/2024:** "You will see that the Geneva Human Rights Commission and the NGOs will say that you deserve a decoration. Your medal will be the deprivation of liberty"<sup>267</sup>.
- **7/30/2024:** "There is no doubt that the international networks and the NGOs paid by USAID are saying that they are persecuted, that they are assassinated. The people arrested for this will be prosecuted for terrorism"<sup>268</sup>.
- **7/31/2024:** "How is it possible that after doing this, they take an innocent person and throw him from the third floor? See how this citizen looks like. Don't be surprised that these two detainees who are on the right-hand side appear on the NGO lists"<sup>269</sup>.

## Deficiencies

- There is no judicial independence in Venezuela. The 2023 annual report of the Rule of Law Index prepared by the World Justice Project and designed to measure factors related to the rule of law, placed Venezuela in last place<sup>270</sup>. There is a significant concern regarding the lack of autonomy and impartiality of several judges and magistrates in the Venezuelan Judiciary who have links with political parties. Despite urgent international calls and recommendations to strengthen or reestablish the justice system, the reality is that the separation of powers is an illusion in Venezuela.
- The lack of judicial independence can be attributed to a number of factors including the high number of provisional justice operators, the lack of public competitive examinations to enter the judicial career, the removal of people in provisional positions without due process guarantees, the lack of transparency in the appointment of Supreme Court of Justice (TSJ) judges, and the opacity in the administration of justice in relation to controversies of national interest, as highlighted by the IACHR in 2022<sup>271</sup>.
- Since 2003, the TSJ has not conducted competitive selection processes for the appointment of judges. Instead, it has made provisional appointments, which allows for the selection and dismissal of judges without following the constitutionally established process. The number of judges is unknown, but it is estimated that a significant portion of them is tenured.
- The TSJ board of directors appointed in January 2004 does not meet the constitutional requirements, as outlined in Article 263 of the Venezuelan Constitution. None of the board

<sup>266</sup> Independent international fact-finding mission on the Bolivarian Republic of Venezuela, 27/9/2019, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>.

<sup>267</sup> Tarek William Saab. X account. @MinpublicoVEN. July 30, 2024 (accessed July 31, 2024). Available at: <https://x.com/minpublicoven/status/1818309832698450104?s=48&t=rGTjaFzpcVuKKcyBmDxCMQ>

<sup>268</sup> Tarek William Saab. X.@MinpublicoVEN account, July 30, 2024 (accessed July 31, 2024). Available at: <https://x.com/minpublicoven/status/1818308375253291447?s=48&t=rGTjaFzpcVuKKcyBmDxCMQ>

<sup>269</sup> Venezuelan Public Ministry in X: "Tarek William Saab, July 31, 2024 (accessed August 1, 2024). Available at: <https://x.com/minpublicoven/status/1818706245483663633?s=48&t=rGTjaFzpcVuKKcyBmDxCMQ>.

<sup>270</sup> World Justice Project. Venezuela, RB 2023, (accessed June 25, 2024). Available at: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Venezuela%2C%20RB/>.

<sup>271</sup> Inter-American Commission on Human Rights. Annual Report 2022, (accessed June 25, 2024). Available at: <https://www.oas.org/es/cidh/informes/ia.asp?Year=2022>.

members have a background in judicial or academic careers, nor have they previously served as judges, prosecutors, public defenders, or professors.

- Since 2000, the TSJ has issued dismissal resolutions almost immediately after magistrates adopt judicial decisions in cases with important political connotations. This represents a form of covert sanction for adopting judicial decisions that are not to the liking of the TSJ. Furthermore, the TSJ's jurisprudence establishes that the dismissal of provisional judges does not require a legal procedure that guarantees due process. Therefore, an administrative order of dismissal is sufficient<sup>272</sup>.
- Reliable sources have reported that "Supreme Court justices routinely received orders on how to decide sentences sometimes directly from senior government officials".
- It has been alleged that representatives of the government and judges who received threats of dismissal or pressure to resign or take early retirement have been involved in the co-opted functioning of the TSJ. However, these allegations have not been investigated in Venezuela. In a U.S. court, a judge and former president of the TSJ is under investigation for several accusations.
- Numerous sources interviewed by the MIDH, including former judges, judges and prosecutors, as well as respondents to the questionnaire, identified charging for transactions as a constant practice among certain members of the judiciary. The Mission notes that pressure was especially exerted against prosecutors investigating high-profile corruption cases<sup>273</sup>.
- In 2022, high-ranking state officials announced a restructuring of the Supreme Court of Justice (TSJ) with an express modification of the law governing this court<sup>274</sup>. There are three vices to highlight in the restructuring procedure: i) the political-partisan control of the judicial nomination committee was maintained, ii) there was an unconstitutional reelection of magistrates (60% of the magistrates appointed had completed the legal term of office) and iii) the election of magistrates was carried out outside the time limits and behind the country's back<sup>275</sup>.
- From 2007 to August 2017, the Attorney General's Office was led by Luisa Ortega Díaz, who was criticized for her inaction in the face of corruption and for endorsing human rights violations. In mid-2017, Ortega expressed reservations about the conduct of security agencies in the context of the death of a university student during a protest in Caracas. Also, she questioned the TSJ ruling that annulled the powers of the National Assembly and initiated investigations into alleged grand corruption. In August 2017, the TSJ ordered the impeachment of Ortega Díaz, the National Constituent Assembly (ANC) dismissed her, and appointed the then-Ombudsman, Tarek William Saab, who was a member of the governing party and a former governor of Anzoátegui state, representing the PSUV.
- The Attorney General's Office (MP) has not published a management report or official statistics since 2016. The only available information on the management of the institution is provided by the Attorney General in press conferences or press releases published on the institution's website. In some cases, the information provided by the Office is confusing and contradictory.

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<sup>272</sup> Supreme Court of Justice. Constitutional Chamber. Ruling No. 2,414 dated December 20, 2001.

December 2007, (accessed June 25, 2024). Available at <http://historico.tsj.gob.ve/decisiones/scon/diciembre/2414-201207-07-1417.HTM>.

<sup>273</sup> Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, A/HRC/48/CRP.5, 16/9/2021, (accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf).

<sup>274</sup> Suprema Injusticia. La Asamblea Nacional redujo de 32 a 20 el número de magistrados y recortó poderes al TSJ, 25/1/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/asamblea-redujo-tsj-magistrados-recorto-poderes-tsj/>.

<sup>275</sup> Suprema Injusticia. 3 vices that make the "new" TSJ no better than the old one, 2/5/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/3-vicios-hacen-que-nuevo-tsj-no-sea-mejor-que-anterior/>.



- Prosecutors are still mostly provisional. The list of prosecutors is not available as of April 2024. It was denounced that 196 prosecutors in Venezuela "were summarily dismissed after the change of attorney general in August 2017", many of them "had made critical public demonstrations against the government's actions"<sup>276</sup>.
- The FATF report indicates that between 2016 and 2021, the Attorney General's Office received 103 requests for mutual legal assistance (MLA). Of these, 22 were related to legal persons established in the Bolivarian Republic of Venezuela. Between 2017 and 2021, the Office received 81 additional requests, suggesting that competent authorities may face obstacles in completing them in a timely manner.<sup>277</sup>
- The Venezuelan Attorney General's Office has not announced any related investigations into cases of alleged **grand corruption** that are, or were, investigated in other countries.<sup>278</sup>

#### 4.1.10 Article 12 – Private Sector Transparency

Basic information on the date of creation, purpose, nature, shareholders or directors, management and assets of a private company or organization is only available to the public in a physical form, in the corresponding public registry. There is no electronic access to this information.

To date, no penalties have been imposed for failure to keep the beneficial owner's information up to date.

There is no public information available on contracts entered into by private companies with public entities.

A study conducted by Transparencia Venezuela examined the impact of corruption in the private sector. Organizations were asked if they had been involved in any type of irregularity (bribery, extortion, or other) at the time of processing any formal document, such as the incorporation document, updates, and/or related documents or permission to operate. The responses obtained indicate that companies paid between 20% and 30% in addition to the associated cost for the execution of these procedures<sup>279</sup>.

Inquiries were also made regarding irregularities that occurred during the inspections. Some companies indicated that situations outside the legal framework took place in the related inspections. In one instance, it was reported that officials from the Autonomous Tax Administration Service (SENIAT) demanded a payment to avoid a fine despite no justifiable reason for it. Some of the situations were duly reported, and the officials involved were either sanctioned or dismissed.

#### Deficiencies

<sup>276</sup> Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela. Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 16/9/2021. (Accessed June 26, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf).

<sup>277</sup> CFATF. Measures against Money Laundering and Terrorist Financing Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023, (accessed June 25, 2024). Available at: [Mutual Evaluation Report of the Bolivarian Republic of Venezuela.pdf](https://corruptometro.org/noticias/justicia-venezolana-es-selectiva-y-opaca-para-investigar-a-corruptos-procesados-en-ee-uu/).

<sup>278</sup> Corruptometro. Venezuelan justice is selective and opaque in investigating corrupt individuals prosecuted in the U.S., 8/29/2023, (accessed June 25, 2024). Available at: <https://corruptometro.org/noticias/justicia-venezolana-es-selectiva-y-opaca-para-investigar-a-corruptos-procesados-en-ee-uu/>.

<sup>279</sup> Transparencia Venezuela. El Impacto De La Corrupción En Las Empresas Privadas Venezolanas, February 2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2022/03/Impacto-de-la-corrupcio%CC%81n-en-las-empresas-privadas-venezolanas.pdf>.

- Basic information on the date of creation, purpose, nature, shareholders or directors, management and assets of a private company or organization is not accessible electronically.
- There are no known penalties for failure to keep the beneficial owner's information up to date.
- There is no public information available on contracts entered into by private companies with public entities.
- A study conducted by Transparencia Venezuela revealed that companies have been involved in some form of irregularity (bribery, extortion, or other) during the processing of certain formal documents, including the Incorporation Document, updates, and/or inspections. The findings indicate that companies paid between 20% and 30% in addition to the associated costs for the execution of these procedures.

## 4.2 Chapter V

### 4.2.1 Article 52 and 58 – Anti-money laundering

In the context of **anti-money laundering regulations**, a range of legal requirements were identified that mandate the provision of information and data by natural and legal persons to relevant authorities. This information is necessary to trace assets that may potentially be the proceeds of crime. The following are examples of such requirements: For instance, Article 89 of the Decree with Rank, Value, and Force of Law of Institutions of the Banking Sector requires banking institutions to provide information on a regular and timely basis to the Superintendency of Banks (SUDEBAN) and to update the Central Risk Information System.

Additional examples are: the Organic Law against Organized Crime and Financing of Terrorism (LOCDOFT)<sup>280</sup>, which provides in Article 13 the obligation to report suspicious activities; the Law against Corruption, Articles 24 to 30 of which provide for the obligation of public servants to file a sworn statement of assets, which must be a "faithful and exact expression of the truth of the data corresponding to the assets situation" of the public servant; and Circular No. UNIF-DG-DSU-04409 from November 23rd, 2023, issued by the National Financial Intelligence Unit (UNIF), which establishes a set of "Warning signs, internal controls and guidelines related to Suspicious Activity Reports (SARs)"<sup>281</sup>. It is essential that lawyers, administrators, economists, and accountants consider these legal requirements in order to establish effective mechanisms for monitoring and detecting unusual operations and suspicious activities, within the scope of their respective professions.

In addition, there is a set of institutions responsible for tracing and tracking illicit assets. These include:

- The National Financial Intelligence Unit (UNIF) is a decentralized body that reports hierarchically to the Ministry of Economy and Finance. It is responsible for centralizing, processing, and analyzing Suspicious Activity Reports (SARs) submitted by regulated entities in accordance with the LOCDOFT<sup>282</sup> provisions and informing the Attorney General's Office (FGR) of any potential criminal activity related to money laundering and for identifying the individuals involved<sup>283</sup>.
- Attorney General's Office: body responsible for criminal investigation in Venezuela.
- The Superintendency of Banks (SUDEBAN) is the regulatory authority for the Venezuelan banking sector. Its responsibilities include inspection, supervision, monitoring, regulation, control, and sanctioning of banking institutions. SUDEBAN also has the authority to instruct the correction of failures in the execution of banking activities and to sanction conduct that deviates from the provisions of the Venezuelan legal system<sup>284</sup>.

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<sup>280</sup> Asamblea Nacional, Organic Law against Organized Crime and Financing of Terrorism, (Official Gazette No. 39.912 of April 30, 2012). See: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-contra-la-delincuencia-organizada-y-financiamiento-al-terrorismo>.

<sup>281</sup> <https://finanzasdigital.com/unif-directrices-reportes-de-actividades-sospechosas-ras/>.

<sup>282</sup> Article 9 of the LOCDOFT establishes that the following are obliged subjects: 1.- Natural and legal persons whose activity is regulated by the law governing the banking sector. Natural and juridical persons, whose activity is regulated by the law governing the insurance sector

<sup>283</sup> Presidency of the Republic, Decree No. 3,656, whereby the National Financial Intelligence Unit (UNIF) is adapted as a deconcentrated body with budgetary, administrative and financial management capacity, hierarchically dependent on the People's Ministry of Economy and Finance (Official Gazette No. 41,522 of November 12, 2018). Ver: [http://spgoin.imprentanacional.gob.ve/cgiwin/be\\_alex.cgi?Documento=T028700026633/0&Nombred=spgoin&CodAsocDoc=1624&t04=1&t05=png&SFmt=Movil&Sesion=1879104425](http://spgoin.imprentanacional.gob.ve/cgiwin/be_alex.cgi?Documento=T028700026633/0&Nombred=spgoin&CodAsocDoc=1624&t04=1&t05=png&SFmt=Movil&Sesion=1879104425).

<sup>284</sup> Presidency of the Republic, Decree No. 1,402, whereby the Decree with Rank, Value and Force of Law on Banking Sector Institutions is issued, (Official Gazette No. 40,557 of December 8, 2014), Articles 153 and 154. See: <https://www.banescopedia.banescob.com/handle/100/7485#:~:text=Establece%20el%20marco%20legal%20para,en%20el%20sector%20bancario%20venezolano>.

The banking sector in Venezuela, along with financial intermediation activities in general, is subject to stringent regulatory oversight. Any natural or legal person intending to engage in intermediation activities or auxiliary financial services is required to obtain prior authorization from SUDEBAN<sup>285</sup>. Similarly, authorization is required for the opening, transfer, and closing of offices<sup>286</sup>, establishment of branches of foreign banking institutions<sup>287</sup> and the opening of branches abroad<sup>288</sup>. Therefore, at a regulatory level, banks or institutions are not permitted to operate in Venezuela, whether national or foreign, without prior authorization from SUDEBAN.

On January 4th, 2021, SUDEBAN expanded its jurisdiction with the issuance of Resolution Number 001.2121 "Normas que Regulan los Servicios de Tecnología Financiera del Sector Bancario" (Rules Regulating Financial Technology Services in the Banking Sector)<sup>289</sup> which regulates the activities of companies offering financial services in the categories of payment and money storage products, products within banking institutions and new business models to institutions of the banking sector, requiring them to comply with the process established in its article 9.

Despite the existence of regulations aimed at preventing and sanctioning money and asset laundering, as well as the creation of regulatory bodies to supervise the national financial sector (e.g., SUDEBAN), these have not performed an adequate and efficient task in preventing those activities. Moreover, the lack of independence of public authorities and the lack of initiative of the Attorney General's Office to investigate alleged corruption crimes that have been denounced in instances and jurisdictions of other countries, indicates a lack of interest on the part of the Venezuelan State in prosecuting these cases, tracing assets that may be found in the Republic and their subsequent confiscation, as stated by independent organizations<sup>290</sup>.

The documents reviewed indicate shortcomings in the prevention, investigation, and sanctioning of conduct that may constitute money laundering and money laundering activities, as detailed below:

Article 9 of the Organic Law against Organized Crime and Terrorist Financing (LOCDOFT) establishes a comprehensive list of subjects that must comply with the Suspicious Activity Register (RAS). This list includes, for instance, the hotel sector and organizations with political purposes. According to the "Feedback report, based on the descriptive analysis of suspicious activity reports (SARs) received by the National Financial Intelligence Unit (UNIF) in the second half of the year 2022"<sup>291</sup> between 2018 and 2022, a total of 7,921 suspicious activities were reported. In 1961, there were 1,961 reports; in 2019, 1,581; in 2020, 1,429; in 2021, 1,596; and 1,354 in 2022. Most of these activities originated from the banking sector<sup>292</sup>. The decline in the number of SARs received in 2022 is not due to an improvement in prevention, investigation, or sanction activity. Rather, as UNIF acknowledges in its report, this situation results "from the strategies implemented by UNIF to raise awareness among

<sup>285</sup> Presidency of the Republic, Decree No. 1,402, whereby the Decree with Rank, Value and Force of Law on Banking Sector Institutions is issued, (Official Gazette No. 40,557 of December 8, 2014), Article 7. <https://www.banescopedia.banesco.com/handle/100/7485#:~:text=Establece%20el%20marco%20legal%20para,en%20el%20sector%20bancario%20venezolano.>

<sup>286</sup> *Ibid.*, Article 22.

<sup>287</sup> *Ibid.*, Article 23, paragraph 3.

<sup>288</sup> *Ibid.*, Article 24.

<sup>289</sup> SUDEBAN. 2021. Rules regulating financial technology services in the banking sector (FINTECH). [https://sudeban.gob.ve/wp-content/uploads/N\\_Prudenciales/43-SERVICIOS-DE-TECNOLOGIA-FINANCIERA-FINTECH/43-1-RES-001-21.pdf](https://sudeban.gob.ve/wp-content/uploads/N_Prudenciales/43-SERVICIOS-DE-TECNOLOGIA-FINANCIERA-FINTECH/43-1-RES-001-21.pdf).

<sup>290</sup> Transparencia Venezuela (October 2020). Estrategias Jurídicas para la recuperación de activos venezolanos producto de la corrupción, p 116, (accessed March 15, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/10/Recuperacio%cc%81n-de-activos-Transparencia-Venezuela-oct-2020.pdf>.

<sup>291</sup> See: [https://www.sudeaseg.gob.ve/descargas/riesgos/Informes%20de%20Retroalimentación%20RAS-UNIF/IR\\_\(2022\\_IIS\).pdf](https://www.sudeaseg.gob.ve/descargas/riesgos/Informes%20de%20Retroalimentación%20RAS-UNIF/IR_(2022_IIS).pdf).

<sup>292</sup> For the second half of 2022, 92.35% of the SARs correspond to suspicious activities referred by banking institutions (SUDEBAN regulated entities), whose ownership corresponds in greater proportion to Venezuelan individuals.

regulated entities on the relevance of linking persons in the same report to strengthen risk elements and optimize analysis focus"<sup>293</sup>.

A review of the Official Gazettes published between January 1st, 2016, and January 31st, 2024, revealed only two actions by the Superintendency of Banks (SUDEBAN) related to the prevention of money laundering and financing of terrorism. The first case is documented in Official Gazette No. 41.392, published on May 8th, 2018.<sup>294</sup>, where in light of the observed increase in the risks of money laundering and financing of terrorism derived from financial services provided through virtual banking, a special intervention was ordered in the form of the appointment of a permanent representative of the government in the administration of the banking institution in question. This intervention measure did not imply the termination of the banking institution's functions. The second case is found in Official Gazette No. 6,483 Extraordinary of October 10, 2019. Administrative measures were decreed in order to protect and assure the funds of Venezuelan users, as it was observed that approximately 63,093 clients of the bank were rated as high-risk individuals, and 2,455 clients did not have a risk rating.<sup>295</sup>.

The lack of available information from the UNIF, largely due to the lack of functioning of its web page and the failure to publish information in the Official Gazettes, made it impossible to ascertain why regulated entities in sectors other than the banking sector did not carry out the SAR. It was also unclear whether periodic anti-money laundering risk assessments were conducted based on the SAR and whether dissuasive sanctions were imposed for non-compliance with anti-money laundering obligations, including non-compliance with the SAR.

In an interview with an expert conducted on May 17th, 2024<sup>296</sup> the necessity of rebuilding the capacities of the UNIF in the following areas was highlighted: 1. Collaboration with UNIF of other countries, 2. Identifying and tracing illicit assets located abroad that have been obtained with Venezuelan resources, 3. The expert emphasized that the UNIF currently monitors financial activities within Venezuela. However, its inability to trace illicit wealth abroad and operations with cryptocurrencies hinders its ability to play an active and effective role in the fight against money laundering.

Regarding the use of crypto assets as a vehicle for money laundering, we highlight the case known as "The PDVSA - Crypto corruption scheme." This involved a network of senior officials from Petroleos de Venezuela (PDVSA) and the National Superintendency of Crypto Assets (SUNACRIP). Through the acquisition of crypto assets, these individuals sought to legitimize capital obtained from illicit oil purchase and sale operations conducted by PDVSA<sup>297</sup>. This case demonstrates the necessity for the UNIF to extend its operational scope to include other economic sectors. Also, it highlights the shortcomings of the Venezuelan system in effectively monitoring and controlling money laundering activities.

It is notable that Venezuela has recently experienced a considerable influx of illicit capital, largely associated with criminal activities such as drug trafficking, fuel smuggling, illegal gold trafficking, scrap smuggling, and corruption in ports and airports. In 2021, this amounted to an estimated USD 9 billion.

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<sup>293</sup> See page 3 of the report.

<sup>294</sup> Ver: [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700024379/0&Nombred=spgoin&CodAsocDoc=1451&t04=1&t05=png&Sesion=595731319](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700024379/0&Nombred=spgoin&CodAsocDoc=1451&t04=1&t05=png&Sesion=595731319).

<sup>295</sup> See: [http://spgoin.imprentanacional.gob.ve/cgiwin/be\\_alex.cgi?Documento=T028700031397/0&Nombred=spgoin&CodAsocDoc=1981&TipoDoc=GCTOF&Sesion=1861839959](http://spgoin.imprentanacional.gob.ve/cgiwin/be_alex.cgi?Documento=T028700031397/0&Nombred=spgoin&CodAsocDoc=1981&TipoDoc=GCTOF&Sesion=1861839959).

<sup>296</sup> The interviewee's data are anonymous or reserved.

<sup>297</sup> Corruptómetro (April 13, 2023), "La trama de corrupción PDVSA - Cripto", (accessed June 12, 2024). Available at: <https://corruptometro.org/casos/la-trama-de-corrupcion-entre-pdvsa-y-sunacrip-505/>.

In 2021, the value of illicit capital in Venezuela was estimated at USD 4.444 billion, rising to USD 9.402 billion in 2022. This is equivalent to 21.74% of the country's GDP in 2021 and 15.67% in 2022<sup>298</sup>.

Regarding public servants, the Organic Law against Corruption stipulates that: 1. All individuals employed by or serving in a public body or entity are required to submit a sworn statement of their assets within 30 days of assuming their position and within 30 days of ceasing to perform public duties (Article 28). 2. Once the sworn statement of net worth is received, the Office of the Comptroller General of the Republic (CGR) shall proceed to audit its assets. This is done to verify the veracity of the assets and compare them with previously submitted statements, if any, in order to observe any deviations or obtain evidence that could indicate enrichment or illicit activities. (Article 34). In the sworn statement of net worth, public officials must indicate the assets they own both in Venezuela and abroad<sup>299</sup>.

A review of the management reports from the years 2016, 2017, 2019, 2021, and 2022 revealed that the Office of the Comptroller General of the Republic (CGR) received 1,727,670 sworn statements of net worth during the evaluation period. This figure represents 372,358 statements in 2016 and a total of 1,355,312 statements in the subsequent years. However, only 97 net worth verification audits were conducted, representing less than 1% of the total sworn statements of assets received between 2016 and 2022. Furthermore, an analysis of the Official Gazettes published between January 1st, 2016 and December 29th, 2023, containing acts issued by the Office of the Comptroller General of the Republic (CGR) (270 Official Gazettes in total), revealed that only two resolutions were issued in which public officials were sanctioned for reasons related to the sworn declaration of assets<sup>300</sup>.

The data demonstrate that the Office of the Comptroller General of the Republic (CGR) lacks sufficient follow-up and control of the assets of public servants, which hinders the timely detection of potential illicit enrichment. This follow-up cannot be carried out by civil society organizations or any other entity wishing to exercise its right of citizen participation in public management, as provided for in Article 62 of the Venezuelan Constitution of 1999. This is because the Office of the Comptroller General of the Republic (CGR) has established, through Official Communication No. 04-00-070 of June 20, 2007, that such declarations are confidential.<sup>301</sup> This contradicts the provisions of Article 9 of the Anti-Corruption Law, which states that "All information related to the administration, management and custody of public assets that corresponds to the persons subject to this Law, shall be of a public nature"<sup>302</sup>.

It should be noted that the Venezuelan State, in its responses to the list of issues related to its fifth periodic report on the International Covenant on Civil and Political Rights, stated that:

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<sup>298</sup> Transparencia Venezuela (September 2023), "Economías ilícitas en Venezuela 2023: una renta creciente repartida entre aliados", p. 52, (accessed March 15, 2024). Available at: <https://transparenciave.org/economias-ilicitas/wp-content/uploads/2023/09/Una-renta-creciente-repartida-entre-aliados.pdf>.

<sup>299</sup> Office of the Comptroller General of the Republic (CGR) (2014), Instructivo. Sistema para la presentación de la declaración jurada de patrimonio en formato electrónico, (accessed June 12, 2024). Available at: <https://www.cgr.gob.ve/assets/pdf/djp/Instructivodjpweb.pdf>. According to the instructions, the official must declare: cash in foreign banks (p. 21), liabilities in foreign banks (p. 48), place where movable and immovable assets are located, including a list of countries (p. 30 and p. 37).

<sup>300</sup> The first case is found in Official Gazette No. 40,700 of July 10, 2015 and is related to the failure to file the sworn statement of net worth in the CGR system. See: <https://app.box.com/s/r7zy55675mhc8jlpj6ckywpj03djt9d> and the second is found in Official Gazette No. 41,609 of April 3, 2019. See: <https://pandectasdigital.blogspot.com/2019/04/gaceta-oficial-de-la-republica-711.html> and relates to the omission of information (financial instruments, assets) at the time of making the sworn statement of net worth.

<sup>301</sup> Office of the Comptroller General of the Republic (CGR), Dictámenes de la Dirección General de los Servicios Jurídicos de la Contraloría General de la República, Caracas, Dirección de Comunicación Corporativa, 2012, pp. 141-143.

<sup>302</sup> Official Gazette No. 6,156, Decree No. 1,444, dated 11/19/2014. Available at: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/decreto-n0-1444-mediante-el-cual-se-dicta-el-decreto-con-rango-valor-y-fuerza-de-ley-del-cuerpo-nacional-contra-la-corrupcion-20211103132435.pdf>. Last revision made, April 5, 2024.

"From 2015 to 2022, the Office of the Comptroller General of the Republic (CGR) conducted 1,045 asset verification procedures in accordance with the Anti-Corruption Law (art. 29). In these cases, the CGR determined the administrative responsibility of 2,909 individuals and 7 legal entities, imposed 2,916 fines on individuals, and ordered 757 compensatory reparations to individuals and 3 compensatory reparations to legal persons"<sup>303</sup>.

The data presented here contradict those extracted from the Comptroller General's Office management reports. In fact, **the Questionnaire on beneficial ownership information** reveals that the Venezuelan State has acknowledged that there are no case studies or examples in which the transparency of beneficial ownership information has allowed or improved the effective recovery and return of proceeds of crime in (or for) the country.<sup>304</sup>

In interviews with tax control experts<sup>305</sup>, the efficacy of the sworn statements of assets to monitor potential illicit enrichment among public officials was questioned, largely due to the limited number of asset audits conducted and the few sanctions imposed on individuals presenting inconsistencies in the audit. In addition to monitoring the assets of public officials<sup>306</sup>, experts believe it is essential to monitor their spending patterns, as excessive expenditures that surpass income levels may indicate the existence of unaccounted income.

Finally, despite the Attorney General's Office's (FGR) website indicating the commencement of investigations into money laundering<sup>307</sup>, a review of the Supreme Court's (TSJ) web page did not reveal any rulings indicating that the parties under investigation were actually sanctioned by the courts.

Based on the above, it is concluded that, although there is regulatory framework in place that allows for the control, monitoring, evaluation, and sanctioning of risk capital and money laundering, the role of the institutions responsible for its enforcement has been deficient, resulting in an increase in risk capital within Venezuela, among other effects.

### Good practices

- There is a regulatory framework and an organizational structure in place that enables the investigation, prosecution, and punishment of those involved in money laundering activities.
- The National Financial Intelligence Unit (UNIF) prepares SAR analysis reports on periodical basis. These reports allow for the early recognition of areas and/or sectors that require greater attention with respect to possible money laundering and money laundering activities.
- The SAR analysis reports can be obtained from the web pages of the entities required by the LOCDFT.

### Deficiencies

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<sup>303</sup> United Nations Human Rights Treaty Body, Responses of the Bolivarian Republic of Venezuela to the list of issues relating to its 5th periodic report (accessed June 12, 2024): [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F5%2FVEN%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F5%2FVEN%2F5&Lang=en).

<sup>304</sup> UNODC, Venezuela Responses to Questionnaire on BOT Regimes (November 2022), (accessed June 12, 2024), [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2022-November-7-11/Venezuela\\_Responses\\_to\\_Questionnaire\\_on\\_BOT\\_Regimes\\_SP.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2022-November-7-11/Venezuela_Responses_to_Questionnaire_on_BOT_Regimes_SP.pdf), page 29.

<sup>305</sup> Interviews were conducted on May 17 and 21, 2024. The personal data of the interviewees are anonymous and/or reserved.

<sup>306</sup> They considered the DJP to be a simple ratio between the official's assets and liabilities.

<sup>307</sup> See: Ministerio Público, (January 25, 2018), "FGR: Ministerio Público acusó a Diego Salazar y José Enrique Luongo por lavado de dinero en Andorra", (accessed March 15, 2024). Available at: <http://www.mp.gob.ve/index.php/2018/01/25/fgr-ministerio-publico-acuso-a-diego-salazar-y-jose-enrique-luongo-por-lavado-de-dinero-en-andorra/>.



- In recent years, Venezuela has seen a rise in illicit capital linked to criminal activities such as drug trafficking, fuel smuggling, illegal gold trafficking, scrap metal smuggling, and corruption in ports and airports. This has led to an elevated risk of money laundering.
- The UNIF does not conduct any follow-up on transactions that involve cryptocurrencies.
- The involvement of criminal networks, armed groups, and organized crime in corruption networks within the country has an impact on various branches of public power, fiscal control bodies, public prosecutors, and private entities. These entities, operating within their respective spheres of influence, facilitate the occurrence of corrupt acts. The Caribbean Financial Action Task Force (CFATF) Report indicates that Venezuela lacks the legislative tools, regulations, and structures necessary to effectively combat money laundering and terrorist financing. During the evaluation process, several technical deficiencies were identified that must be addressed to ensure the system's stability and integrity<sup>308</sup>.
- Regarding collaboration with law enforcement and investigative authorities, the current system lacks agility and effectiveness. There is no direct communication between authorities, and the Attorney General's Office (MP) mediates the communications of all actors. Although it handles money laundering investigations, the evaluation team noted that the number of investigations initiated for previous offenses exceeds the number of money laundering investigations.
- Savings associations, cooperatives providing financial services, real estate agents, lawyers, accountants and other legal professionals, and providers of corporate and fiduciary services (i.e, those who may act as director, proxy or partner of a legal person; who provide domicile or physical space for a legal person or structure; or who act as a fiduciary agents for legal structures other than trusts), although covered by the Organic Law against Organized Crime and Financing of Terrorism (LOCDOFT), are not themselves considered regulated entities since there is no implementing legislation on the subject.
- The lack of specialized software for identifying and investigating money laundering crimes hinders the competent authorities' ability to develop timely and high-quality investigative products.
- In terms of preventive measures, the banking sector stands out for its differentiated approach to risk-based policy and procedure adoption. For other regulated entities, the implementation of preventive measures is largely rule-based instead of risk-based, showing lower compliance in the adoption of policies and procedures.
- The country has not performed risk assessments of legal entities, including corporations, cooperatives, civil society organizations, and trusts. As a result, both the authorities and the regulated entities lack the necessary knowledge and understanding of money laundering risks.
- There is lack of information on threat, vulnerability, and risk assessments of money laundering activities, as well as on the implementation of measures to mitigate such risks.
- The sworn declarations of assets of public officials or politically exposed persons (PEPs) are not available for public inspection<sup>309</sup>. This limits the scope for follow-up and monitoring, for instance, by civil society organizations to contribute to the prevention of illicit activities. Furthermore, there is a paucity of audits conducted by the Comptroller General of the Republic (CGR) of the DJPs received annually.

<sup>308</sup> CFATF. Measures against Money Laundering and Financing of Terrorism Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023. Available in: [Mutual Evaluation Report of the Bolivarian Republic of Venezuela.pdf](#).

<sup>309</sup> Article 4 numeral 19 of the LOCDOFT defines a PEP as: a natural person who is or was a high level political figure, trustworthy or related, or their closest relatives or their circle of immediate collaborators, by occupying positions as an important officer or official of an executive, legislative, judicial or military body of a national or foreign government, elected or not, a high level member of a national or foreign political party or a high level executive of a corporation, which is owned by a foreign government. Close relatives include parents, siblings, spouses, spouses, children or in-laws of the politically exposed person. Also included in this category is any legal entity that, as a corporation, business or other entity, was created by or operated for the benefit of such official.

- It should be noted that the UNIF is responsible for carrying out the SAR, however, this does not extend to all activities and sectors regulated by the LOCDOT. Currently, there is no information available regarding the initiation of administrative or judicial actions to sanction any potential illegal activities based on the SAR.
- Despite SUDEBAN's supervisory role in the Venezuelan banking system, there is currently no publicly available information on whether effective monitoring of suspicious operations or sanctions against banking entities on this issue are in place. Neither the Attorney General's Office (FGR) or the Supreme Court (TSJ) have provided any updates on the investigation and sanction of cases related to money laundering.

#### **4.2.2 Articles 53 and 56 – Measures for direct asset recovery**

Article 103 of the Anti-Corruption Law stipulates that the competent authorities shall be responsible for submitting and receiving requests for legal assistance in criminal matters related to the investigation or prosecution of acts of corruption directly or through diplomatic channels, in accordance with the provisions of their legal systems and the agreements signed and ratified by the Bolivarian Republic of Venezuela.

Article 23 of the Organic Law on Extinction of Ownership (Civil Forfeiture) establishes measures for the direct recovery of assets, stating that "Upon receipt of a request from another State that has jurisdiction to decree the extinction of ownership, the Public Ministry will immediately adopt measures aimed at the identification, location and seizure of the assets, as well as for the execution of the judgment of extinction of ownership, if applicable".

In order to facilitate the recovery of property, Article 53 of the UNCAC requires that domestic legislation in each State Party must guarantee the availability of appropriate procedures, including civil action, compensation for damages to another State Party, and confiscation as a means of recognizing the right of legitimate ownership of property acquired through the commission of an offense.

The Venezuelan legislation includes provisions for civil action in the anti-corruption law<sup>310</sup>, but only empowers the Attorney General's Office and the Comptroller General of The republic (CGR) to exercise it.

In accordance with the Organic Code of Criminal Procedure (COPP) and the decisions of the Supreme Court of Justice (TSJ), the civil action resulting from a criminal offense may only be initiated by the victim or their heirs to seek restitution, reparation, and compensation for damages caused by the crime. This action may also be pursued against the perpetrator, those involved in the crime, and, when applicable, the third party or third party civilly liable. Since States may be regarded as victims of corruption crimes that impact their assets or the reputation of their institutions, it could be argued that a foreign State could be considered an active participant in the civil action derived from the crime in Venezuela.

The Organic Law on Extinction of Ownership (Civil Forfeiture)<sup>311</sup> establishes the concept of passive cooperation, enabling the requesting State to petition for this action, provided that it has jurisdiction in this State to decree the civil forfeiture.

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<sup>310</sup> Official Gazette No. 6,699. Law for the Reform of the Decree with Rank, Form and Force of Law against Corruption, Article 96. <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-ref-20220609140054.pdf>.

<sup>311</sup> Official Gazette No. 6,745. Organic Law of Extinction of Ownership. See: [ley-organi-20230502152640.pdf](https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20230502152640.pdf) ([asambleanacional.gob.ve](https://www.asambleanacional.gob.ve)).

Article 103 of the Anti-Corruption Law stipulates that the competent authorities shall be responsible for submitting and receiving requests for legal assistance in criminal matters related to the investigation or prosecution of acts of corruption directly or through diplomatic channels, in accordance with the provisions of their legal systems and the agreements signed and ratified by the Bolivarian Republic of Venezuela.

It is not permitted for other States to bring civil actions in Venezuela with the intention of determining title or ownership of property acquired through the commission of an offense. The authorities are unable to enforce a foreign confiscation order. In the event of a judgment relating to a money laundering offense or any other offense, the authorities may order the forfeiture of property of foreign origin in accordance with the general rules applicable to forfeiture (art.116, Constitution; art.33, Criminal Code).

The September 2023 UNCAC Implementation Review document indicates that Venezuela has not received a request from another State for confiscation of property. Therefore, it has not been possible to assess the implementation of paragraphs 1 and 2 of article 55 of the Convention. In theory, upon receiving a request from another state for confiscation of proceeds, property, and instrumentalities in connection with an offense defined in the Organic Law Against Organized Crime and Financing of Terrorism (LOCDOFT), the Venezuelan State will submit it to its competent authorities (the Attorney General's Office) for a decision on the feasibility of the requested measure (art. 88, LOCDOFT)<sup>312</sup>.

#### Good practices

- The Prosecutor is entitled to propose civil action at the earliest opportunity of indictment. In a judgment relating to money laundering or other offenses, the authorities may order the forfeiture of property of foreign origin in accordance with the general rules applicable to forfeiture.

#### Deficiencies

- It is not permitted for foreign states to bring a civil action with the intention of determining the title or ownership of property acquired through the commission of a crime.
- In the event that the requesting State is unable to establish jurisdiction to declare forfeiture of ownership, it is not permitted to pursue the action in Venezuela.
- It is not within the authority's power to enforce a foreign confiscation order.

#### 4.2.3 Articles 54 – Seizure tools

Regarding the **Seizure tools**, the following was observed:

*Preventive seizure*: is a precautionary measure that may be requested before the judge of the case or decreed *ex officio*, when it is suspected that the assets are the product of or related to the crime being prosecuted. The figure of seizure is established in article 204 of the COPP.

Article 55 of the Organic Law against Organized Crime and Financing of Terrorism (LOCDOFT) stipulates that the judge of control, upon request of the prosecutor of the Attorney General's Office, shall order

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<sup>312</sup> Conference of the States Parties to the United Nations Convention against Corruption. September 2023.

the preventive seizure of assets and real estate that has been used in the commission of a crime investigated in accordance with this Law or presumed to have illicit origins."<sup>313</sup>

The LOCDOT stipulates that the State is obliged to provide the necessary conditions to enable its criminal courts or criminal investigation bodies to seize proceeds, property, instrumentalities, or any other items subject to seizure or confiscation in the context of mutual legal assistance.

*Freezing or immobilization of accounts:* This resource found in the LOCDOT has the same precautionary nature as seizure. Article 56 provides as follows: "During the course of a criminal investigation for any of the crimes committed by an organized crime group, the prosecutor of the Attorney General's Office may request before the control judge authorization for the blocking or preventive immobilization of bank accounts belonging to any of the members of the organization under investigation".

*Confiscation or forfeiture:* the Venezuelan Constitution establishes in Article 271 that, "...prior judicial decision, the assets originating from activities related to crimes against the public patrimony or drug trafficking will be confiscated".

Article 33 of the Criminal Code stipulates that confiscation is an inherent component of a principal penalty, underscoring the necessity for a criminal proceeding that may result in the confiscation of property obtained through illicit means.

Article 349 of the COPP stipulates that the conviction will determine the course of action regarding confiscation, destruction, or forfeiture, in accordance with the provisions set forth in the Constitution and the Law.

In accordance with Article 4 of the LOCDOT, confiscation is defined as an accessory penalty consisting of the definitive deprivation of ownership of any property, by decision of a court.

Article 98 of the Anti-Corruption Law states that:

"In the final decision the Judge may order, according to the circumstances of the case, the confiscation of the assets of individuals or companies, national or foreign, who commit or are responsible for crimes established in this Decree with Rank, Value and Force of Law that seriously affect the public patrimony, for which purpose he/she will request before the competent authorities, the repatriation of capitals, if applicable.

Likewise, the Judge may order, according to the seriousness of the case, the confiscation of the assets of individuals who have incurred in the crime of illicit enrichment typified in Article 47 of this Decree with Rank, Value and Force of Law, and consequently the repatriation of capitals."

In this article, the Convention establishes mechanisms of international cooperation, including mutual legal assistance. This aims to: ensuring the effective implementation of confiscation orders issued by the requesting State; confiscating property of foreign origin in cases where the offence in question falls within the jurisdiction of the requesting State; and freezing or seizing property at the request of the requesting State, in accordance with a freezing or seizure order issued by the requesting State. Additionally, the Convention sets out measures to preserve property for the purpose of confiscation.

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<sup>313</sup> Asamblea Nacional, Organic Law against Organized Crime and Financing of Terrorism, (Official Gazette No. 39.912 of April 30, 2012), Article 20. See: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-contra-la-delincuencia-organizada-y-financiamiento-al-terrorismo>.

The Organic Law of Extinction of Ownership (Civil Forfeiture) establishes in the second part of article 23 that:

"Once a request is received from another State that has jurisdiction to decree the forfeiture of ownership, the Attorney General's Office shall immediately adopt measures aimed at the identification, location and **seizure of** the assets, as well as for the execution of the sentence of forfeiture of ownership, as the case may be."

It can be concluded that this law, which proposes an action *in rem*, does establish a forfeiture tool through international cooperation.

Information obtained from the media indicates that confiscation orders have been issued in the United States, Spain, Andorra, Barbados, and Argentina based on money laundering crimes related to Venezuelan corruption in these countries. According to data compiled by Transparencia Venezuela and Alianza Rebelde Investiga:

" Between July of 2009 and October 2021, by order of the courts in the US, 306 ill-gotten assets were affected of which 111 (36% of the total) correspond to real estate; 66 cases of cash (22%); 58 bank accounts (19%), 35 luxury watches (11%), 17 jumping horses (6%), 15 vehicles (5%) and 2 yachts (0.6%), among others. In the U.S. alone, properties linked to corruption were seized at a rate of 26 per year for more than a decade"<sup>314</sup> .

In an interview on May 17th, 2024, an expert revealed that the state-owned oil company Petróleos de Venezuela (PDVSA) has attempted to participate as a victim in the proceedings in the United States where the confiscation of assets has been ordered. However, PDVSA has been denied participation, primarily due to two reasons: 1. It does not recognize the government of Nicolás Maduro, and 2. It is considered to be involved in corruption<sup>315</sup>.

The Venezuelan government does not provide judicial assistance to third countries when requested to do so and has even questioned the actions of foreign countries that have seized Venezuelan assets. In January 2024, the government of Nicolás Maduro accused the authorities of the Argentine justice system of acting in accordance with U.S. interests and seizing a Venezuelan aircraft, when a federal judge ordered "the maintenance and securing of the aircraft, the custody of the aircraft, that the aircraft be put in proper condition and the definitive seizure in favor of the justice of the United States"<sup>316</sup> . On the other hand, in November 2021, the media in Argentina denounced that:

"The lack of collaboration from Caracas blocks in the Argentine Justice at least a dozen of judicial causes of high political impact that investigate irregularities in the business promoted by *Kirchnerismo* towards Venezuela, files that pursue the whereabouts of about US\$ 3000 million of the Venezuelan public patrimony, according to the survey of LA NACION. These causes, in

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<sup>314</sup> Transparencia Venezuela and Alianza Rebelde Investiga (n/d), "306 assets linked to Venezuelan corruption seized in the US in more than a decade", (accessed June 14, 2024). Available at: [https://corruptometro.org/especiales/306-bienes-vinculados-a-la-corrupcion-venezolana-se-decomisaron-en-ee-uu-en-mas-de-una-decada/#:~:text=Entre%20julio%20de%202009%20y,5%25\)%20y%202%20yates](https://corruptometro.org/especiales/306-bienes-vinculados-a-la-corrupcion-venezolana-se-decomisaron-en-ee-uu-en-mas-de-una-decada/#:~:text=Entre%20julio%20de%202009%20y,5%25)%20y%202%20yates).

<sup>315</sup> The interviewee's data are anonymous and/or reserved.

<sup>316</sup> Deutsche Welle (January 4, 2024), "Justicia de Argentina autoriza decomiso de avión venezolano," (accessed June 12, 2024). Available at: <https://www.dw.com/es/justicia-de-argentina-autoriza-decomiso-de-avi%C3%B3n-venezolano/a-67886766>.

addition, put under the spotlight the role of former officials, but also high-ranking Chavista officials as (...)." <sup>317</sup>

In April 2023, the government of Nicolás Maduro reported the seizure of 1,007 assets from more than 60 *chavista* leaders, military personnel, Bolivarian businessmen, and detained judges inside Venezuelan territory. The assets are reported to include 361 high-end vehicles, 19 aircraft, and seven boats <sup>318</sup>. In accordance with Article 45 of the Organic Law of Extinction of Ownership (Civil Forfeiture), the seized goods will be placed under the custody, maintenance, and administration of the Service of Recovered Assets. The Service of Recovered Assets may order the anticipated sale of the goods prior to authorization by the Court of Extinction of Ownership in cases where the goods present a risk of perishing, deteriorating, or devaluing, or when the costs of their conservation would exceed their value (Article 46).

In regard to the work of the Service of Recovered Assets, expert interviewed for this report emphasizes the importance of maintaining the highest standards of transparency in this service's operations. As of the report's preparation date (June 2024), the details of the seized assets, their legal status, and their current location remain unknown. In addition, the same expert suggests that the Venezuelan State should be prevented from retaining the seized assets, as this could lead to an undue incentive to carry out seizures due to the possibility of assuming ownership of the goods. Furthermore, the maintenance and conservation of the seized assets may prove costly for the State. The expert suggests the creation of a liquidation company to oversee the sale of the seized assets, thus preventing them from remaining in the hands of the Venezuelan State <sup>319</sup>.

The currently available information and evidence do not allow us to confirm that the Venezuelan State is effectively applying Article 23 of the UNCAC.

#### **Good practices**

- The authorities are unable to enforce a foreign confiscation order. However, they may order the forfeiture of property of foreign origin by a court decision regarding a money laundering offense or any other offense, in accordance with the general rules applicable to forfeiture. (art.116, Constitution; art.33, Criminal Code).

#### **Deficiencies**

- Other states are not permitted to initiate civil proceedings in Venezuela with the intention of determining title or ownership of property acquired through criminal activity.

#### **4.2.4 Articles 51, 54, 55, 56 and 59 – International cooperation confiscation purposes**

With regard to international cooperation for the purpose of confiscation, the Venezuelan State signed and ratified the Inter-American Convention against Corruption on March 29, 1996. This convention became effective on May 22, 1997, following the enactment of an approving law. Article 15 of the Convention establishes that "the States Parties shall afford one another the widest measure of

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<sup>317</sup> Ruiz, Ivan (April 27, 2021), "El gobierno de Venezuela bloquea investigaciones judiciales contra exfuncionarios kirchneristas", (accessed June 12, 2024). Available at: <https://www.lanacion.com.ar/politica/venezuela-bloquea-investigaciones-judiciales-contr-exfuncionarios-kirchneristas-nid31032021/>.

<sup>318</sup> Lozano, Daniel (April 29, 2023), "La lista millonaria de lo decomisado en la purga de Maduro: 19 aviones, 361 coches de alta gama, 28 mansiones...", (accessed June 12, 2024). Available at: <https://www.elmundo.es/internacional/2023/04/29/644c64defc6c83563d8b45a4.html>.

<sup>319</sup> Interview conducted on May 17, 2024.

assistance in the identification, tracing, freezing, seizure and forfeiture of property obtained or derived from the commission of the offenses established in accordance with this Convention, of property used in such commission or of the proceeds of such property"<sup>320</sup>.

In addition to multilateral treaties, Venezuela has entered into several bilateral agreements on mutual legal assistance in criminal matters with Italy, Mexico, Paraguay, Colombia, the United States<sup>321</sup>, China, Belarus, Ukraine, the Dominican Republic, and Cuba<sup>322</sup>.

These agreements are designed to ensure compliance with mutual legal assistance, and they establish measures that include: assistance in asset immobilization and confiscation proceedings; measures aimed at the search, seizure, forfeiture, confiscation, and transfer of assets used or derived from criminal activities.

In the domestic legal framework, Venezuela has regulations that facilitate mutual legal assistance. The Attorney General's Office is responsible for requesting and executing letters rogatory and requests for mutual assistance in criminal matters, as outlined in numeral 17 of article 111 of the Code of Criminal Procedure (COPP)<sup>323</sup>. Likewise, Article 185 *eiusdem* stipulates that the Attorney General's Office, in coordination with the Ministry of Foreign Affairs, is responsible for processing letters rogatory and requests for mutual assistance in criminal matters. This is done in accordance with the provisions of domestic legislation and based on international treaties and agreements signed and ratified by the Republic on the matter.

The Organic Law of the Attorney General's Office, in the norms referring to its competence, states that this institution may:

"[r]elease and execute letters rogatory and requests for mutual assistance in criminal matters, and to exercise the other functions inherent in its capacity as central authority in the matter. The Central Authorities shall communicate directly with each other and transmit requests for assistance to the competent authorities for their execution"<sup>324</sup>.

Article 37 *eiusdem* delineates the powers and duties of the Prosecutors of the Attorney General's Office, which include requesting and executing letters rogatory, as well as implementing, requesting, and executing international cooperation based on international treaties in place for the Bolivarian Republic of Venezuela.

Article 22 of the Organic Law on Extinction of Ownership (Civil Forfeiture) outlines the conditions for international cooperation in this matter and confirms that the international conventions and treaties signed by the Republic in matters of mutual legal or judicial assistance for the identification, location, recovery, repatriation, and extinction of ownership are applicable under the new law. It also authorizes the Attorney General's Office and other judicial bodies to directly request and obtain information on assets located in the jurisdiction of the requested state.

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<sup>320</sup> Inter-American Convention against Corruption. Organization of American States OAS. (1996). Article 15.

<sup>321</sup> Asamblea Nacional. Law approving the agreement between the government of the Republic of Venezuela and the government of the United States of America on mutual legal assistance in criminal matters (Official Gazette No. 37.884 of February 20, 2004). See: <https://pandectasdigital.blogspot.com/2019/07/gaceta-oficial-de-la-republica-17.html>.

<sup>322</sup> Transparencia Venezuela (October 2020). Estrategias Jurídicas para la recuperación de activos venezolanos producto de la corrupción, *op. cit.*, p. 114. <https://transparenciave.org/transparencia-venezuela-publica-estrategias-juridicas-para-la-recuperacion-de-activos-venezolanos-producto-de-la-corrupcion/>.

<sup>323</sup> Asamblea Nacional. Organic Law for the Reform of the Organic Code of Criminal Procedure (Official Gazette No. 6,644 Extraordinary of September 17, 2021). See: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>.

<sup>324</sup> Asamblea Nacional. Organic Law of the Public Ministry (Official Gazette No. 38.647 of March 19, 2007), Article 16. See: <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organi-20220208191011.pdf>.



The Report of Venezuela on Resolution 6/2 to Identify Best Practices in Asset Recovery, submitted by the Venezuelan State in August 2017.<sup>325</sup>, identifies that 335 requests for mutual assistance in criminal matters were received in 2016. Of these, 181 were passive and 154 were active. Twenty-six passive letters rogatory were executed, while only two active letters rogatory were executed by foreign authorities.

In an interview with a former official of the Attorney General's Office, it was revealed that despite the existence of valid national and international legal instruments in Venezuela, the Directorate of International Affairs of the Attorney General's Office does not respond to requests for assistance from foreign states. This is in line with the observations made above. Venezuela has a regulatory framework that is, although not yet perfect, sufficient to comply with the recommendations of the UNCAC. However, the effective application of these rules is deficient, which leaves the request for assistance for the recovery of assets owned by a foreign state on hold or prevents the obtaining of essential evidence for criminal investigations in Venezuela.

Article 55 of the Organic Law against Organized Crime and Financing of Terrorism LOCOFT provides for international cooperation in the confiscation of property. This process is initiated upon receipt of a request from another State Party to confiscate property, proceeds of crime, or other assets. The request is then forwarded to the relevant authorities, such as the Attorney General's Office or Criminal Courts, to obtain a confiscation order. The confiscation order issued by the requesting State's authorities is then submitted to the competent authorities, such as the Criminal Courts, for enforcement. In response to the confiscation request, the requested State shall take the necessary measures to identify, trace and freeze or seize the proceeds of crime.

Article 103 of the Anti-Corruption Law outlines the responsibility of the competent authorities to submit and receive requests for legal assistance in criminal matters related to the investigation or prosecution of acts of corruption. This is to be done directly or through diplomatic channels, in accordance with the provisions of their legal systems and the agreements signed and ratified by the Bolivarian Republic of Venezuela.

As noted in the discussion of Articles 52 and 58 (Anti-Money Laundering), the National Financial Intelligence Unit (UNIF), in its "Feedback Report, based on the Descriptive Analysis of Suspicious Activity Reports (SARs), received by the national financial intelligence unit in the second half of the year 2022"<sup>326</sup>, has acknowledged a decrease in the number of SARs received in 2022 compared to 2021. This is not due to an improvement in prevention, investigation, or sanction activity. Rather, it is the result of strategies implemented by the UNIF in terms of awareness-raising aimed at regulated subjects by linking persons in the same report to strengthen the elements of risk and optimize the analysis<sup>327</sup>. This leads to the conclusion that there are shortcomings in the way SARs are prepared by regulated entities, which in turn prevents the adoption of proactive measures for asset securitization.

As indicated in the analysis of articles 53 and 56 (measures for the direct recovery of assets), Venezuela has not responded to requests for cooperation and assistance received from foreign authorities. Venezuela has also questioned decisions made by third country courts regarding the confiscation of Venezuelan assets. The issues have arisen due to a lack of cooperation from the Venezuelan authorities.

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<sup>325</sup> UNODC (August 2017), Venezuela Report on Resolution 6/2 Identifying Best Practices in Asset Recovery, (accessed June 12, 2024), [https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2017-August-24-25/Contributions\\_NV/Venezuela\\_SP.pdf](https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup2/2017-August-24-25/Contributions_NV/Venezuela_SP.pdf).

<sup>326</sup> See: [https://www.sudeaseg.gob.ve/descargas/riesgos/Informes%20de%20Retroalimentación%20RAS-UNIF/IR\\_\(2022\\_IIS\).pdf](https://www.sudeaseg.gob.ve/descargas/riesgos/Informes%20de%20Retroalimentación%20RAS-UNIF/IR_(2022_IIS).pdf).

<sup>327</sup> Ibidem, page 3.

However, Venezuela remains engaged in other international forums and agreements that emphasize the exchange of information and collaboration on financial and legal matters. For instance, Venezuela is a member of the Latin American Financial Action Task Force (GAFILAT), a regional body comparable to the Financial Action Task Force (FATF), which advocates for policies to combat money laundering and terrorist financing.

At the regulatory level, legislation has been enacted that permits mutual assistance in criminal matters and international cooperation for asset recovery. Venezuelan courts are able to recognize and enforce confiscation orders issued by other States Parties to the UNCAC. Furthermore, the Organic Law against Organized Crime and Financing of Terrorism (LOCDOFT) outlines procedures for the seizure and freezing of assets and bank accounts during criminal investigations for serious crimes, thus facilitating international cooperation in the recovery of illicit assets. However, there is currently no known measure for the recovery of assets located in Venezuela that has been executed at the request of another State. On the other hand, there is no evidence that foreign confiscation orders not based on a criminal conviction have been executed in Venezuela.

Venezuela has faced significant challenges in the recovery of international assets, particularly in cases where attempts have been made to apply the provisions of the UNCAC.

Despite the provisions of the UNCAC that allow international cooperation for the identification, freezing, and recovery of illicit assets, these mechanisms have proven to be inadequate in practice in some cases. One of the main obstacles to asset recovery is the perception that the Venezuelan government promotes corruption. This makes it unlikely that they would comply with the criteria set by other countries, such as the United States, for the recovery of assets. This is particularly true when the circumstances that led to the assets being held abroad were, in fact, acts of corruption<sup>328</sup>. In several cases, this has resulted in minimal or no recovery of the stolen assets.

In Venezuela, the National Office against Organized Crime and Financing of Terrorism (ONCDOFT) is the government body responsible for coordinating asset recovery cases at the international level<sup>329</sup>. The ONCDOFT is responsible for coordinating and supervising investigations and procedures related to the recovery of criminal assets, including international cooperation in these cases. However, the ONCDOFT's performance is deficient and lacks transparency. There is no access to information on the cases it coordinates, or the amount of assets or monies confiscated and administered by this entity.

In regard to international agreements, it is worth noting that, according to information available on the Organization of American States website, Venezuela has established several bilateral agreements on cooperation and legal assistance in criminal matters with Colombia, Cuba, the Dominican Republic, Mexico, Paraguay, and the United States. These agreements are designed to bolster international cooperation in asset recovery<sup>330</sup>, and include treaties and conventions with other countries and international organizations to facilitate the exchange of information, mutual legal assistance, and the recovery of criminal assets. Among the multilateral agreements, Venezuela is a party to the United Nations Convention against Corruption (UNCAC), which establishes frameworks for international cooperation in asset recovery. Additionally, it participates in initiatives such as the Stolen Asset Recovery Initiative (StAR), which promotes cooperation in the recovery of criminal assets.

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<sup>328</sup> Goyret, Lucas (June 5, 2021), "Chavista corruption: what is the destination of the billions of dollars stolen by the Venezuelan dictatorship that are seized by the United States", (accessed June 10, 2024). Available at: <https://www.infobae.com/america/venezuela/2021/06/05/corrupcion-chavista-cual-es-el-destino-de-los-miles-de-millones-de-dolares-robados-por-la-dictadura-venezolana-que-son-decomisados-por-estados-unidos/>.

<sup>329</sup> There is no functioning website, only Instagram account, and twitter. One refers to the other (Accessed August 5, 2024). Available at: <https://www.instagram.com/oncdofvzla/?hl=es>.

<sup>330</sup> [https://www.oas.org/ext/Portals/33/Files/MLA/sp\\_ven-mla-other-agreements.pdf](https://www.oas.org/ext/Portals/33/Files/MLA/sp_ven-mla-other-agreements.pdf).

As previously indicated, the Venezuelan State has not been able to take any action to recover assets abroad.

### Good practices

- Venezuela has a legal system that can facilitate international cooperation, both through bilateral agreements and direct cooperation.
- Venezuela does not require the adoption of the measures mentioned in Article 55, paragraphs 1 and 2 of the Convention to be contingent on the existence of a relevant treaty. Venezuela may request additional information in order to process a request. (art. 80, Organic Law against Organized Crime and Financing of Terrorism (LOCDOFT).
- The reasons for declining a request for assistance (Article 81, LOCDOFT) do not include the value of the assets in question.

### Deficiencies

- Lack of early response or no response to requests from requesting States.
- Since there is no obligation to provide the requesting state with an opportunity to present its reasons for maintaining the requesting measure in force, a measure may be lifted without prior consultation.
- Provisions to protect the rights of bona fide third parties in connection with international cooperation for purposes of confiscation only apply in cases of advance disposition of perishable and other specific goods within the scope of the LOCDOFT.
- There is lack of transparency and accountability for recovered assets.

#### 4.2.5 Article 57 – Restitution and disposal of assets

One avenue for asset recovery in Venezuela is outlined in the Organic Law of Extinction of Ownership (Civil Forfeiture) <sup>331</sup>. The purpose of this law is to establish mechanisms that allow the identification, location and recovery of assets and financial instruments derived from or destined to illicit activities, as well as the termination of any rights and attributes in favor of the Republic, by means of a court order, without any consideration or compensation. This is an action *in rem* which does not require a criminal conviction to return the assets to the state.

Article 5 of this Law establishes that the extinction of ownership includes the declaration of property rights, in favor of the State, of the assets and patrimonial effects of natural or legal persons related to illicit activities, by means of a final judgment, without consideration or compensation of any nature, safeguarding the rights of third parties in good faith.

The regulation is consistent with the model law presented by the Legal Assistance Program for Latin America and the Caribbean of the United Nations Office on Drugs and Crime (UNODC), which reflects international best practices<sup>332</sup>. In an interview with a former official of the Attorney General's Office, it was revealed that there have been no training programs for the implementation of this law and prosecutorial actions. According to the NGO Acceso a la Justicia, this new regulation does not seem

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<sup>331</sup> Asamblea Nacional, Organic Law of Extinction of Ownership (Official Gazette No. 6,745 Extraordinary of April 28, 2023). See: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%ADcitas%20o%20destinados%20a%20%C3%A9stas.>

<sup>332</sup> UNODC (n/d). "Ley Modelo para la Extinción de Dominio" (accessed March 15, 2024). Available at: [https://www.unodc.org/documents/legal-tools/Ley\\_Modelo\\_Sobre\\_Extincion\\_de\\_Dominio.pdf](https://www.unodc.org/documents/legal-tools/Ley_Modelo_Sobre_Extincion_de_Dominio.pdf)

to deter the commission of acts of corruption and illicit enrichment in the country and demonstrates the failure of other regulations in this matter<sup>333</sup>.

The implementation of this new law (enacted in April 2023) has been met with opposition since the stipulation in the legal text regarding the creation of specialized Prosecutor's Offices and Courts, which was to occur within 60 days following the enactment of the Law, has not been fulfilled. Their functions are currently being temporarily assigned to existing prosecutors' offices and courts that do not specialize in this matter. As reported by the Transparencia Venezuela's portal *Suprema Injusticia*, the Attorney General of the Republic has granted competencies to national prosecutors 50, 67, 73 and 74 to hear cases in accordance with the provisions of the Organic Law of Extinction of Ownership (Civil Forfeiture). This expansion of competencies is in addition to those already assigned to these prosecutors' offices, which were responsible for hearing and investigating matters of corruption, money laundering, financial movements and the capital market<sup>334</sup>.

To date, it is not known how many criminal investigations have been initiated under this law, nor how many cases are pending in the courts for forfeiture of ownership.

Another resource for the restitution and recovery of assets is the **Civil action for damages derived from crimes against the Public Patrimony**; established in articles 51 and 96 of the Anti-Corruption Law.

As stated in Article 5, the civil action can be exercised by the Attorney General's Office in the case of illicit enrichment, when crimes have been committed against the public patrimony, and when rights, assets and patrimonial interests of the Republic are adversely affected.

Article 96 establishes that the Attorney General's Office will propose the corresponding civil action for the reparation of losses, restitutions, compensation of damages, or payments of interest that the criminal acts charged against the defendant may have caused to the Public Patrimony. This will be done in accordance with the requirements of the lawsuit established in Article 340 of the Code of Civil Procedure.

The Constitutional Chamber of the Supreme Court of Justice, in ruling No. 1251 of year 2010, discussed the applicability of the rule set forth in the Anti-Corruption Law referring to the proposal of a civil action by the Attorney General at the time of the accusation, when there is divergence of criteria between two judges on the application of the rules established in the Anti-Corruption Law and in the Organic Code of Criminal Procedure (COPP)<sup>335</sup>. The Chamber reached the following conclusion:

"[t]he civil claim shall be formulated by the Attorney General's Office together with the prosecutor's accusation as provided in Article 88 of the Law against Corruption (currently Article 91), but it shall be up to the single judge or the presiding judge in the case of a mixed court, to rule on its admissibility, once the conviction handed down is definitely final, in

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<sup>333</sup> Acceso a la Justicia (May 3, 2023). "Ley Orgánica de Extinción de Dominio" (accessed March 15, 2024). Available at: <https://accesoalajusticia.org/ley-organica-de-extincion-de-dominio/>.

<sup>334</sup> Suprema Injusticia (October 4, 2023). "Cuatro fiscalías tendrán la tarea de conocer los casos relacionados con la Extinción de Dominio" (accessed March 15, 2024). Available at: <https://supremainjusticia.org/cuatro-fiscalias-tendran-la-tarea-de-conocer-los-casos-relacionados-con-la-extincion-de-dominio%E2%80%AF/#::~:~:text=Dominio%20%2D%20Suprema%20Injusticia-Cuatro%20fiscal%C3%ADas%20tendr%C3%A1n%20la%20tarea%20de%20conocer%20los%20casos%20relacionados,relacionados%20con%20Extinci%C3%B3n%20de%20Dominio>.

<sup>335</sup> Transparencia Venezuela (October 2020). Estrategias Jurídicas para la recuperación de activos venezolanos producto de la corrupción, *op. cit.*, pp. 129 - 130, (accessed June 12, 2024), <https://transparenciave.org/transparencia-venezuela-publica-estrategias-juridicas-para-la-recuperacion-de-activos-venezolanos-producto-de-la-corrupcion/>.

accordance with the provisions of Title IX of the Procedure for the Reparation of Damages and the Compensation of Damages of the Organic Code of Criminal Procedure, specifically in articles 422 and following"<sup>336</sup>.

**Civil action derived from the crime (reparation):** Articles 50 to 54 of the Organic Code of Criminal Procedure (COPP) establish the civil action, which may be exercised after the conviction has become final. This does not affect the right of the victim to bring actions before the civil jurisdiction.

The claim may only be filed for the purpose of obtaining restitution, reparation, and compensation for damages caused by the crime. It may only be initiated by the victim or their heirs, against the perpetrator and any accessory to the crime, and, if applicable, against any third party civilly liable.<sup>337</sup>

The civil action resulting from the criminal offense is a manifestation of the rights of the victims, as set forth in the COPP. The procedure for the civil action is governed by the provisions of Articles 413 and subsequent articles of the COPP. In Judgment No. 333 of 2001, the Constitutional Chamber of the Supreme Court of Justice ruled that the COPP establishes:

"[a] procedure by which a subjective right is exercised through a civil action separate from the criminal action; it is not possible to think that, during the criminal proceeding, the victim can be protected with the possible reparation of the pecuniary damage caused to him that has not yet been requested, and it is not even known whether such right will be asserted. The situation is different when the laws order that the damage must be repaired independently of the victim's demands, as occurs in matters such as safeguarding public patrimony, the environment, or drugs."<sup>338</sup>

This sentence refers to the civil action established in the last reform of the Organic Code of Criminal Procedure (COPP) in articles 50 and following. This action must be requested for the reparation to be considered and allows the possibility of requesting it within the criminal proceeding, before its conclusion. The action is initiated once a final decision is issued.

After reviewing the Venezuelan legislation regarding forfeiture and the interpretations of the Supreme Court of Justice (TSJ), it can be concluded that there are legal means through which the forfeiture can be declared, both for the restitution of the assets to the State and for reparation. However, due to the lack of publication of the sentences of the criminal courts and chambers of the TSJ, it was not possible to verify the application of these rules during the period under study. Furthermore, the court did not provide access to physical files, as it does not offer any information unless there is legal standing to participate in any given case.

It is worth noting that, in the courts with temporary jurisdiction over forfeiture of ownership (civil forfeiture), no rulings related to this action have been published since the date this temporary jurisdiction was granted<sup>339</sup>.

### **Disposition of assets**

Regarding the disposition of assets, the Presidency of the Republic, through Decree 4,801 of April 5th, 2023, changed the name of the "Specialized Service for the Administration and Disposition of Seized,

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<sup>336</sup> Decision No. 1251. Constitutional Chamber. Supreme Court of Justice. 2010.

<sup>337</sup> Article 50 of the Organic Law for the Reform of the Organic Code of Criminal Procedure.

<sup>338</sup> Decision No. 333. Constitutional Chamber. Supreme Court of Justice. 2001.

<sup>339</sup> See in this sense: Tribunal Superior de Justicia, Últimas Decisiones, <http://caracas.tsj.gob.ve/decisiones/instituciones.asp?instituto=2369&id=010&ano=2023>.

and Forfeited Assets” to the “Service of Recovered Assets”, giving it the status of a decentralized service without legal personality, with technical autonomy and administrative, operational, budgetary, financial and management capacity, hierarchically dependent on the Vice-Presidency of the Republic<sup>340</sup>.

Article 45 of the Organic Law of Extinction of Ownership (Civil Forfeiture) establishes that the: "State shall ensure the existence of strict supervision mechanisms with respect to the administration of seized and forfeited assets". However, this specifically pertains to assets that have been subject to preventive seizure. Once an asset has been declared forfeited, the law allows the National Executive to dispose of it or to retain it within the state's patrimony for use in administrative activities<sup>341</sup>.

Despite the recent statements made by the Attorney General regarding the criminal prosecution of several cases of corruption and money laundering<sup>342</sup>, a search of the Supreme Court of Justice website for interlocutory sentences with measures of confiscation, preventive seizure, freezing of funds, or seizure revealed no results for the period between 2016 and 2024 (Annex 7.4). Only six sentences for corruption offenses were identified, and none of them declared the seizure of assets.

In accordance with the terms of the Convention, Venezuela is entitled to deduct reasonable expenses incurred in the investigation or judicial proceedings that have facilitated the restitution or disposition of the property in question.

It should be noted that Venezuela has not entered into any specific agreements regarding the final disposition of confiscated property. Some bilateral treaties do contain provisions related to mutual legal assistance with respect to actual provisional measures or the confiscation of proceeds or instrumentalities of crime. Article 20 of the bilateral agreement with Colombia<sup>343</sup> provides that the State party in custody of the property is required to dispose of it in accordance with its domestic legislation. The proceeds from the sale of the property may be shared with the other State party.

## Good practices

- The Organic Law against Organized Crime and Terrorist Financing (LOCDOFT) allows for the disposal of assets under domestic law. This includes the allocation of resources to intergovernmental agencies that are specialized in the fight against illicit trafficking and abuse of narcotic drugs and psychotropic substances, as well as other organized crime and terrorist financing offenses. It also allows for the sharing of proceeds with other parties.

## Deficiencies

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<sup>340</sup> Presidency of the Republic. Decree No. 4,801, whereby the name of the Specialized Service for the Administration and Disposal of Seized, Confiscated and Confiscated Assets is changed to Service of Recovered Assets, a decentralized service without legal personality, with technical autonomy and capacity for administrative, operative, budgetary, financial and disposition management, hierarchically dependent on the Vice Presidency of the Republic (Official Gazette No. 42,604 of April 5, 2023). Ver: [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700041976/0&Nombrebd=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700041976/0&Nombrebd=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199).

<sup>341</sup> Asamblea Nacional. Organic Law of Extinction of Ownership (Official Gazette No. 6,745 Extraordinary of April 28, 2023), Article 48. See: <https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%ADcit%20o%20destinados%20a%20C3%A9stas>.

<sup>342</sup> Public Prosecutor's Office (April 9, 2024), "Fiscal General anunció detención de Tareck El Aissami y otras dos personas por caso PDVSA-Cripto" (accessed April 15, 2024). Available at: <http://www.mp.gob.ve/index.php/2024/04/09/fiscal-general-anuncio-detencion-de-tareck-el-aissami-y-otras-dos-personas-por-caso-pdvsa-cripto/>.

<sup>343</sup> Agreement on cooperation and judicial assistance in criminal matters between the Government of the Republic of Colombia and the Government of the Republic of Venezuela. February 20, 1998. Available at: [https://www.oas.org/ext/Portals/33/Files/TreatiesB/Ven\\_biltrat\\_col\\_esp\\_1.pdf](https://www.oas.org/ext/Portals/33/Files/TreatiesB/Ven_biltrat_col_esp_1.pdf).



- Lack of timely response or lack of response to requests from requesting States.
- There are no specific provisions establishing the obligation to return property in the cases provided for by the Convention.
- CSOs encounter difficulties when attempting to intervene in proceedings, even when the COPP allows for participation through a complaint. To date, there have been no documented instances of CSO involvement in corruption proceedings.
- Total opacity in the publication of restituted assets.

### 4.3 Statistics<sup>344</sup>

#### Money laundering

Information/intelligence phase	Year: 2019	Year: 2020	Year: 2021
Number of suspicious transaction reports (STRs) filed by each category of obligated entities <sup>345</sup> :			
1. SUDEBAN	1. 720	1. 1390	1. 1580
2. SAREN	2. 3	2. 29	2. 8
3. PSAV	3. 5	3. 7	3. 4
4. SUDEASEG	4. 3	4. 3	4. 1
5. SUNAVAL	5. 0	5. 0	5. 3
Number of deferral orders adopted in reported transactions	N/I	N/I	N/I
Number of money laundering investigations conducted independently by law enforcement (without a prior STR)	N/I	N/I	N/I
Number of suspicious cash activities at the border reported to the National Financial Intelligence Unit (UNIF) (including those based on declarations and smuggling)	N/I	N/I	N/I
Number of SARs sent to law enforcement agencies that were subject of further analysis	N/I	N/I	N/I
Number of full-time (or full-time equivalent) staff members dedicated to money laundering at the UNIF <sup>346</sup>	N/I	N/I	11

Research phase	Year: 2019	Year: 2020	Year: 2021
Number of cases initiated by law enforcement agencies based on STRs sent by UNIF	N/I	N/I	N/I

<sup>344</sup> The following tables follow the format of this Eurostat report:

<http://ec.europa.eu/eurostat/documents/3888793/5856465/KS-TC-13-007-EN.PDF/69cde077-3bd9-4d0d-8c19-a6fe3608c2cd>.

<sup>345</sup> CFATF, (March 2023), "Anti-Money Laundering and Terrorist Financing Measures - Bolivarian Republic of Venezuela, Mutual Evaluation Report," p. 56-57 (accessed March 15, 2024). Available at: <https://www.cfatf-gafic.org/documents/4thround-meval-reports>.

<sup>346</sup> Ibid, p. 58.



Number of full-time (or full-time equivalent) law enforcement staff members dedicated to money laundering	N/I	N/I	N/I
Number of cases brought to trial: originating from SARs, CTRs and independent law enforcement investigations	N/I	N/I	N/I

Judicial phase	Year: 2019	Year: 2020	Year: 2021
Number of full-time (or full-time equivalent) staff members dedicated to money laundering investigations in the judiciary	N/I	N/I	N/I
Number of persons/legal entities convicted of money laundering offenses <sup>347</sup>	12	13	10
Number of convictions for laundering the proceeds of crimes committed abroad	N/I	N/I	N/I
Number of convictions for offenses other than money laundering arising from STRs	N/I	N/I	N/I
Number of convictions by type of money laundering offenses	N/I	N/I	N/I
Number of non-suspended custodial sentences by duration (as main offense, as predicate offense) <sup>348</sup>	12	13	10

#### Asset recovery

Judicial phase	Year: 2019	Year: 2020	Year: 2021
Number of freezing procedures (based on court order)	N/I	N/I	N/I
Number of forfeiture proceedings	N/I	N/I	N/I
Number of freezing orders requests received from other countries	N/I	N/I	N/I
Value of frozen assets	N/I	N/I	N/I
Number of confiscation orders requests received from other countries	N/I	N/I	N/I
Value of confiscated assets <sup>349</sup>	US\$ 2.906	US\$ 480	US\$ 453.106
Amounts recovered from assets	N/I	N/I	N/I
Amounts returned	N/I	N/I	N/I

#### 4.3.1 Brief analysis

<sup>347</sup> Ibid, p. 66.

<sup>348</sup> Ibid, p. 67.

<sup>349</sup> Ibid, p. 71.

The data in the tables above were obtained from the Caribbean Financial Action Task Force (CFATF) report "Anti-Money Laundering and Terrorist Financing Measures - Bolivarian Republic of Venezuela, Mutual Evaluation Report". These could not be contrasted with any official source, as the requests for information submitted to the various public sector bodies and entities, which are detailed in this report, were not answered. In any event, as shown by the data, few actions have been taken by the Venezuelan State to effectively comply with the provisions of the UNCAC.

#### 4.4 Information about asset recovery cases

Venezuela does not publish figures of cases or details regarding cases in which assets have been declared forfeited, restituted or disposed of. The Attorney General's Office has not released a management report since 2016. Similarly, courts have not frequently published their sentences on the Supreme Court of Justice (TSJ)'s website.

Information can only be obtained through press conferences or statements by high-level government officials in programs or special broadcasts through official channels, without a detailed report being published.

As reported on Transparencia Venezuela's *Suprema Injusticia* website, in April 2023, the President of the Republic assured that over 1,000 assets had been seized from individuals involved in the corruption schemes dismantled earlier that year in Petróleos de Venezuela (PDVSA), the Superintendency of Crypto Assets (Sunacrip), the Venezuelan Paper Industry (Invepal), and the Venezuelan Guyana Corporation (CVG). In these operations conducted by the Venezuelan judiciary, approximately 60 individuals were apprehended, and two detainees passed away while in custody. Among the assets confiscated in the police operations were 361 vehicles, 52 trucks, 38 luxury apartments, 28 mansion-houses, 23 heavy machinery, 19 aircrafts, 16 offices, 13 business complexes, 9 motorcycles, 9 buses, 7 boats, 7 companies, 6 buildings, an inn, a club, and a group of weapons<sup>350</sup>. The court and the Prosecutor's Office involved in the case are unknown.

On April 9, 2024, the Attorney General of the Republic announced the arrest of Tareck El Aissami, former Minister of Petroleum and former President of Petróleos de Venezuela (PDVSA), and two other individuals for their alleged involvement in the corruption scheme known as PDVSA-Cripto. The other two individuals detained are Simón Alejandro Zerpa, former Minister of Economy and Finance and former president of the National Development Fund, and Samark López. They will be charged with treason, appropriation or distraction of public assets, bribery or influence peddling, money laundering and association<sup>351</sup>.

The Attorney General's Office has not yet disclosed the scale of resources involved in the alleged corruption scheme. However, according to calculations by Transparencia Venezuela and Ecoanalítica, the total value of the compromised funds reaches US\$ 16.96 billion<sup>352</sup>.

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<sup>350</sup> Suprema Injusticia (October 4, 2023). "Cuatro fiscalías tendrán la tarea de conocer los casos relacionados con la Extinción de Dominio", *op. cit.*

<sup>351</sup> Public Prosecutor's Office (April 9, 2024), "Fiscal General anunció detención de Tareck El Aissami y otras dos personas por caso PDVSA-Cripto", *op. cit.*

<sup>352</sup> Transparencia Venezuela (April 10, 2024). "Claves para entender la segunda fase de la trama de corrupción PDVSA-Cripto" (accessed April 15, 2024). Available at: <https://corruptometro.org/noticias/claves-para-entender-la-segunda-fase-de-pdvsa-cripto/>.

## **V. Recent Developments**

In May 2022, the Anti-Corruption Law underwent a reform without a discussion on the evaluation of the application of the previous law. The reform includes changes in wording, an increase in the amount of fines, an expansion of everything related to the sworn declaration of assets to the point of making it an end in itself, an increase in the sanction of suspension of salary, and an increase of one of the penalties of deprivation of personal liberty<sup>353</sup>. There are no modifications regarding confiscation tools or international cooperation for the recovery of assets.

On April 28, 2023, the Organic Law of Extinction of Ownership (Civil Forfeiture) was published. On that same date, the Constitutional Chamber of the Supreme Court of Justice (TSJ), by means of Ruling No. 0315-2023 presented by the president of the high court, Judge Gladys María Gutiérrez Alvarado, declared the constitutionality of the organic nature of the law.

The Constitutional Chamber's decision adds that the Organic Law on Extinction of Ownership (Civil Forfeiture) contains norms that seek to strengthen the State's capacity to efficiently combat these criminal practices. It incorporates into the Venezuelan legal system a criminal policy instrument such as "extinction of ownership", which complements the set of measures adopted by the Bolivarian Republic of Venezuela in this area<sup>354</sup>.

In the same month and year, prior to the publication of the aforementioned Law, by means of Decree N° 4.801, issued by the Presidency of the Republic, the name of the Specialized Service for the Administration and Disposal of Seized, Confiscated and Forfeited Assets was changed to the Service of Recovered Assets. This is a decentralized service without legal personality, with technical autonomy and administrative, operative, budgetary, financial and disposition management capacity, hierarchically dependent on the Vice Presidency of the Republic<sup>355</sup>.

In November 2023, the UNIF issued the notification UNIF-DG-DSU-04409<sup>356</sup>, which outlined "Warning signs, internal controls and guidelines related to Suspicious Activity Reports (SARs)" with the intention of establishing mechanisms for monitoring and detecting unusual transactions and suspicious activities, that should be considered by lawyers, administrators, economists and accountants, in the free exercise of their professions. These regulations were issued to comply with the recommendations and international standards issued by the Financial Action Task Force (FATF) related to the fight against money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction. However, from the date of their issuance to the date of preparation of this report, it has not been possible to verify the applicability or effectiveness of the provisions of this notification.

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<sup>353</sup> Acceso a la Justicia (June 22, 2022) "The Law Against Corruption and its reform" (accessed April 17, 2024). Available at: <https://accesoalajusticia.org/la-ley-contra-la-corrupcion-y-su-reforma/>.

<sup>354</sup> Constitutional Chamber of the Supreme Court of Justice (April 28, 2023). Judgment declaring the constitutionality of the Organic Law on Extinction of Ownership (accessed April 15, 2024). Disponible en: <http://historico.tsj.gob.ve/decisiones/scon/abril/324581-0315-28423-2023-23-0453.HTML>.

<sup>355</sup> Decree No. 4.801, whereby the name of the Specialized Service for the Administration and Disposal of Assured or Seized, Confiscated and Forfeited Goods is changed to Service of Recovered Goods, a decentralized service without legal personality, with technical autonomy and administrative, operative, budgetary, financial and disposition management capacity, hierarchically dependent on the Vice Presidency of the Republic (Official Gazette No. 42.604 of April 5, 2023): See: [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700041976/0&Nombred=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700041976/0&Nombred=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199).

<sup>356</sup> <https://finanzasdigital.com/unif-directrices-reportes-de-actividades-sospechosas-ras/>.

On June 28, 2024, the FATF-Financial Action Task Force included Venezuela in its gray list<sup>357</sup>. However, according to the FATF website, the country "made a high-level political commitment to work with the FATF and the Caribbean Financial Action Task Force (CFATF) to strengthen the effectiveness of its anti-money laundering and terrorist financing regime."

In this regard, the country committed to improve understanding of the risks of money laundering and terrorist financing and their relationship with individuals and legal structures; ensure that financial institutions implement anti-money laundering measures and risk-based supervision; and ensure that adequate, accurate and up-to-date beneficial ownership information is accessible in a timely manner, among others<sup>358</sup>.

An Observer Mission appointed by the Carter Center was present at the presidential elections held on July 28, 2024. This organization released a statement on July 30 in which it concluded: "The Venezuelan electoral process did not meet international standards of electoral integrity in any of its stages (...) The incumbent president's campaign was well financed and widely visible through rallies, posters, murals and street campaigns. The abuse of administrative resources by the incumbent president - including the use of government vehicles, public officials campaigning in the exercise of their official duties and the use of social programs - was observed throughout the campaign"<sup>359</sup>. In addition, there have been reports of the arbitrary detention of at least three human rights defenders.

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<sup>357</sup> Swissinfo (June 2024), Gafi puts Venezuela and Monaco on its 'Grey List' on action against blockade, (Accessed June 28, 2024). Available at: <https://www.swissinfo.ch/spa/el-gafi-pone-a-venezuela-y-m%C3%B3naco-en-su-%27lista-gris%27-sobre-la-acci%C3%B3n-contra-el-blanqueo/82077559>.

<sup>358</sup> FATF (June 2024), Jurisdictions under increased Monitoring, (Accessed June 28, 2024), <https://www.fatf-gafi.org/en/publications/High-risk-and-other-monitored-jurisdictions/increased-monitoring-june-2024.html>.

<sup>359</sup> Carter Center. Carter Center statement on elections in Venezuela, July 30, 2024 (accessed 4/8/2024). Available at: <https://www.cartercenter.org/news/pr/2024/venezuela-073024.html>.

## **VI. Recommendations**

### **Chapter II:**

1. Approve a true Law of Transparency and Access to Information that complies with the standards of the model law of the Organization of American States (OAS), with minimum exceptions, maximum publicity, an independent guarantor body with enforcement and sanctioning capacity.
2. Repeal any regulation contrary to the right of access to public information.
3. Implement transparency and accountability in the public administration and in the control and justice system, especially in relation to the public budget, public contracting, public employment, electoral financing and anti-corruption plans.
4. Guarantee the right to freedom of expression, in accordance with international standards.
5. Reform the Anti-Corruption Law to create an anti-corruption body with the necessary capacity and powers to prevent and investigate cases of grand corruption, as well as to include rules that require the establishment of systems and sanctions to reduce conflicts of interest, especially nepotism.
6. Guarantee the autonomy, independence, and impartiality of the judicial system, including the Judiciary, the Attorney General's Office, and the judicial investigation bodies. These entities must be free from undue pressure or interference from the Executive or Legislative Branches to ensure the fair and unbiased exercise of their functions. It is essential to ensure that allegations of corruption are thoroughly investigated in an independent and impartial manner, and that victims receive full compensation.
7. Reverse as soon as possible the situation of provisional status in which most judges and prosecutors find themselves.
8. Ensure and protect the full autonomy and independence of the fiscal investigation bodies. That they are appointed in compliance with the criteria and mechanism established in the Constitution and that their actions are impartial, objective and serve the strategic sectors of the country.
9. Provide the justice administration system and bodies with the necessary resources and capacity to guarantee due process and justice. Prosecutor's offices and investigative bodies must have the capacity to investigate complex crimes with international scope.
10. Adopt measures to promote whistleblowing and guarantee the protection of whistleblowers, witnesses and victims of corruption, ensuring that they are not criminalized, harassed or persecuted.
11. Conduct prompt, effective and impartial investigations into allegations of threats or acts of violence against journalists, media professionals, human rights defenders and political activists.
12. Return to the civil judicial investigation bodies the competence to investigate illicit activities, such as drug trafficking and smuggling, currently in the hands of the Armed Forces.
13. Implement the publication of sworn statements of assets and declaration of interests and ensure that they are audited.
14. Ensure that the Venezuelan justice system cooperates with the justice systems of other countries by responding to letters rogatory and other requests for information.
15. Guarantee the citizen's right to participate, to evaluate, criticize, denounce abuse, corruption or weaknesses in public administration and public officials, as well as to submit proposals and request information.
16. Ensure that emergency decrees are temporary and strictly necessary and are subject to parliamentary authorization and judicial review.
17. Adopt immediate measures to ensure that the right to freedom of expression is exercised by everybody.

18. Repeal or refrain from adopting any measure or law that may limit the exercise of the right to freedom of association or result in undue control over civil society organizations or interference in their activities.

## **Chapter V:**

### Fight against money laundering

1. Guarantee the autonomy and independence of the institutions responsible for monitoring and follow-up of risk capital so that they can fulfill their role in preventing money laundering and financing of terrorism.
2. Strengthen actions aimed at the prevention, follow-up, monitoring and sanctioning of criminal activities such as drug trafficking, fuel smuggling, illegal gold trafficking, scrap metal smuggling, and corruption in ports and airports, since criminal activities and corruption are financed through these activities.
3. Urge the Office of the Comptroller General of the Republic (CGR) to modify the criteria that establishes the sworn declaration of assets as confidential and order their periodic publication on the web page of the control body, as a mechanism that facilitates citizen oversight of the assets of public servants, in order to comply with the provisions of Article 9 of the Anti-Corruption Law.
4. Urge the Office of the Comptroller General of the Republic (CGR) to improve the processes of verifying the assets of public officials to ensure early detection of any illicit enrichment that may derive from corruption and criminal activities.
5. Implement controls and mechanisms to monitor the spending of public officials (mainly the highest authorities of public authorities, high-level officials, and managers of public funds) in order to detect possible discrepancies between accrued income and incurred expenses.
6. Reinforce and expand the capabilities of the National Financial Intelligence Unit (UNIF), extending them beyond the banking sector. This will enable effective monitoring of other economic transactions that may be used for money laundering, including those involving crypto-assets.
7. Reinforce due diligence procedures to establish the final beneficiaries and intermediaries of funds collected or cleared in national and international accounts, as well as compel banks to follow up on the banking instruments of high-level government officials and politically exposed individuals.
8. Implement a system to monitor the activities of public institutions and their representatives who engage in commercial alliances with national or international companies, as well as the final beneficiary of the funds.

### Direct recovery of assets

9. Develop and implement clear and specific rules within the domestic legal system that allow for the direct recovery of assets in both *in rem* actions and criminal proceedings.
10. Respond to letters rogatory and other requests for mutual legal or judicial assistance.
11. Grant autonomy to the Recovered Assets Service to function as an independent agency to consolidate the exchange of information on recovered assets.

### Seizure tools

12. Establish different forfeiture tools in the Anti-Corruption Law, such as those established in the different laws mentioned in this report (preventive seizure, freezing of accounts, etc.).
13. Establish aggravating and mitigating mechanisms in the criminal process to encourage the voluntary surrender of assets<sup>360</sup>.
14. Ensure that seized assets maintain their market value for the proper restitution and disposal of assets at the time of confiscation<sup>361</sup>.
15. The Recovered Assets Service must exhibit high standards of transparency and publish detailed information on seized assets, including their legal status or location.
16. Create a liquidation company in charge of selling the seized assets to ensure that the seized assets do not remain in the hands of the Venezuelan State.

#### International cooperation for purposes of confiscation

17. Support Requesting States in forfeiture requests, especially when there is a conviction.
18. Include civil society organizations in extraterritorial processes to promote speed, follow-up between multilateral and bilateral agreements, and promote transparency in the mobilization of assets<sup>362</sup>.
19. Conduct negotiations and pursue recovery of assets that have been confiscated in other countries, even if they have been liquidated<sup>363</sup>.

#### Asset recovery

20. Create specialized prosecutor's offices and courts for civil forfeiture, in accordance with the provisions of the Law.
21. Enhance the capacities of judges and prosecutors in the application of the Organic Law on Extinction of Ownership<sup>364</sup>.
22. Strengthen the capabilities of prosecutors in their power to propose civil action in the indictment.

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<sup>360</sup> UN. UNODC. Organized Crime, aggravating and mitigating factors. <https://sherloc.unodc.org/cld/es/education/tertiary/organized-crime/module-10/key-issues/aggravating-and-mitigating-factors.html>.

<sup>361</sup> UN. UNODC. Manual on international cooperation in the confiscation of proceeds of crime. 2013. [https://www.unodc.org/documents/organized-crime/Publications/Confiscation\\_Manual\\_Ebook\\_S.pdf](https://www.unodc.org/documents/organized-crime/Publications/Confiscation_Manual_Ebook_S.pdf).

<sup>362</sup> Transparency International, France. Good Practices And Recommendations For The Responsible Return Of Stolen Assets. Success Stories: In 2020 an asset return by the United States and Jersey to Nigeria as the receiving party, in which the CSO played an important role in promoting transparency of the mobilization of assets within the country, included organizations specializing in public works, anti-corruption and public procurement having powers of review of financial reports, and anti-corruption due diligence reports, as well as assessing compliance with the agreement in a transparent and accessible manner. [https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution\\_Transparency-France\\_230622.pdf](https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution_Transparency-France_230622.pdf).

<sup>363</sup> Transparency International, Good Practices And Recommendations For The Responsible Return Of Stolen Assets. Page 85. [https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution\\_Transparency-France\\_230622.pdf](https://transparency-france.org/wp-content/uploads/2022/06/Handbook-for-asset-restitution_Transparency-France_230622.pdf).

<sup>364</sup> On several occasions, when a law has been enacted that significantly modifies the previous procedural regime, the Judicial Branch has carried out campaigns to disseminate the new system, as occurred with the COPP (in which the accusatory system was adopted to replace the classic inquisitorial system), or with the Organic Labor Procedure Code or the Organic Law of the Contentious-Administrative Jurisdiction. However, such massive dissemination does not necessarily produce the necessary professional training of the officials in charge of the application of the new law.



23. To broaden the concept of interested party and provide access to court records of cases involving corruption, asset recovery or any other cases that are motivated by the Law of Extinction of Ownership<sup>365</sup>.
24. Adopt measures to empower other states parties to initiate civil actions in their courts to determine title or ownership of property and guarantee that courts can order offenders to provide compensation or remediation to another state party that has suffered harm as a result of such offenses.
25. Incorporate in the Venezuelan legal system other types of forfeiture such as extended forfeiture or forfeiture by equivalent<sup>366</sup>.
26. Adopt measures to allow the competent Venezuelan authorities to execute a foreign confiscation order.
27. Implement appropriate measures to enable the competent Venezuelan authorities to freeze or seize property pursuant to a request, with or without a foreign order, in respect of all offenses established in accordance with the Convention.
28. Provide the requesting State Party with an opportunity to present its reasons in favor of maintaining it in force, before lifting a precautionary measure.
29. Implement a robust system to safeguard the rights of *bona fide* third parties in the event of freezing, seizure, or confiscation of assets, including instances where mutual legal assistance is provided.
30. Adopt measures for the restitution and disposal of confiscated property in accordance with Article 57 and ensure that confiscated property is returned to the requesting State Party.
31. Design, implement and promote the complaint mechanism, through which civil society organizations could become parties in criminal proceedings involving crimes against public property.

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<sup>365</sup> OAS. Public Information in the Framework of the Judiciary. 2018.

[https://www.oas.org/es/sla/ddi/docs/acceso\\_informacion\\_Primer\\_Taller\\_Chile\\_2018\\_documentos\\_informacion\\_publica.pdf](https://www.oas.org/es/sla/ddi/docs/acceso_informacion_Primer_Taller_Chile_2018_documentos_informacion_publica.pdf).

<sup>366</sup> García Caverro, Percy, "El decomiso de bienes relacionados con el delito en la legislación penal peruana", *Derecho PUCP: Revista de la Facultad de Derecho*, no. 81, 2018, pp. 113-136.

## VII. Annexes

### 7.1 Case data and information

The *Corruptómetro* database allows exploring more than 200 investigations that have been opened in some twenty countries and that involve the misappropriation of Venezuelan public assets or the participation of high-level officials in organized crime: <https://corruptometro.org/casos/>.

### 7.2 Rulings that violate the right of access to information

	Data	Case	Parts
1	Constitutional Chamber. Ruling N°1317 of 6/22/2005	Action for protection against the Ministry of the People's Power for Defense for having violated the right to petition and to obtain a timely and adequate response on the existence and application of the Avila Plan.	Provea Vs. Ministry of the People's Power for Defense.
2	Constitutional Chamber. Ruling N° 697 of 7/9/2010	Action for protection against the refusal of the Ministry of Health to provide a timely and adequate response to the request for epidemiological bulletins and the reason why these bulletins are not available on the website of the office.	Espacio Público, Provea Vs. Ministry of Popular Power for Health.
3	Constitutional Chamber. Decision N°745 of 7/15/10	<i>Amparo</i> protection action filed to know the base salary and other expenses earned by the Comptroller General of the Republic and the rest of the personnel of the Comptroller's Office.	Espacio Público Vs. Office of the Comptroller General of the Republic.
4	Constitutional Chamber. Ruling N°1171 of 7/25/2011	<i>Amparo</i> protection action submitted to request access to public information contained in the files of the National Electoral Council (CNE).	Carlos Miguel Subero vs. National Electoral Council.
5	Constitutional Chamber. Ruling N°679 of 5/23/2012	<i>Amparo</i> protection action against the omission of the Minister of People's Power for Women and Gender Equality, for not responding to communications requesting information on: prevention programs, monitoring and policy design in relation to violence against women; existence of a plan of care and prevention of violence against women; the main results of the impact of the programs related to violence against women obtained in the development of these public policies in 2008, 2009 and 2010.	Espacio Público, Provea Vs. Ministry of Popular Power for Women and Gender Equality.
6	Political Administrative Chamber. Ruling N°384 of 4/24/2012	Claim of abstention or deficiency against the Ministry of People's Power of Oil and Mining, for not granting timely response to the requests for information regarding the acquisition process of electric units by PDVSA.	César Bátiz vs. Ministry of Energy and Petroleum.
7	Political-Administrative Chamber. Ruling N°667 of 6/6/2012	Appeal against a decision of the First Court of Administrative Disputes that declared inadmissible a claim of abstention due to the refusal of Venezolana de Televisión, C.A. to inform about a television campaign against a human rights defender.	Espacio Público vs. Venezolana de Televisión.
8	Constitutional Chamber. Ruling N°805 of 6/18/2012	<i>Amparo</i> protection action against the failure of the Ministry of Health to respond to a request for information on expired medicines.	Espacio Público, Provea, AcsoL Vs. Ministry of Popular Power for Health.
9	Constitutional Chamber. Ruling N°1118 of 8/7/2013	Contentious-electoral appeal against the National Electoral Council for not responding to the hierarchical appeal requesting a pronouncement on allegations of improper electoral propaganda.	Transparencia Venezuela Vs. National Electoral Council.
10	Constitutional Chamber. Ruling N° 1701 of 11/29/2013	Review of a decision of the Political Administrative Chamber declaring inadmissible a claim of abstention.	César Bátiz vs. Ministry of Energy and Petroleum

11	Political Administrative Chamber. Ruling N° 1177 of 8/6/2014	Abstention or deficiency lawsuit against the Ministry of Health for not responding to a request for information on the situation of medicines in the country.	Espacio Público, Transparencia Venezuela, Acción Solidaria and Provea, v. Ministry of Popular Power for Health.
12	Constitutional Chamber. Ruling N° 860 of 7/17/2014	Lawsuit of diffuse and collective interests against the Foreign Currency Administration Commission (Cadivi), due to the refusal of this entity to publish the list of companies that were benefited with the foreign currency quota provided by Cadivi.	José Simón Calzadilla Peraza, José Antonio España, and José Ángel Guerra vs. Comisión de Administración de Divisas (Cadivil) Ministry of People's Power for Finance and the President of Venezuela.
13	Political Administrative Chamber. Decision No. 1554 11/8/2014	Complaint of abstention or failure to act against the Ombudsman for not providing a timely and adequate response to requests for information on the mechanisms implemented to monitor the recommendations of the report on sexual and reproductive health in Venezuela, and what the results were 5 years after its publication.	Public Space Vs. Ombudsman's Office.
14	Political-Administrative Chamber. Judgment No. 1636 of 12/3/2014	Claim of abstention or deficiency due to the refusal of the Ministry of Popular Power for University Education, Science and Technology to respond to information on Internet blockades in Venezuela.	Espacio Público vs. Ministry of People's Power for University Education, Science and Technology.
15	Political-Administrative Chamber. Judgment No. 1736 From 12/18/2014	Suit for abstention or deficiency together with an unnamed precautionary measure against the Ministry of the People's Power for Health, for not granting a timely and adequate response to the request made regarding its budget for the years 2011, 2012 and 2013, and other operative aspects.	Espacio Público Vs. Ministry of People's Power for Health.
16	First Contentious-Administrative Court. Judgment No. 2015-113 3/24/2015	Lawsuit of abstention or deficiency against Compañía Anónima Nacional Teléfonos de Venezuela (Cantv) for the lack of timely response to requests for information regarding complaints about slow service and impossibility of connection.	Espacio Público Vs. Cantv.
17	Second Contentious Administrative Court. Ruling N° 2015-0705 of 7/28/2015.	Abstention or deficiency lawsuit against the National Institute of Land Transportation (INTT) for not responding to repeated communications containing information related to alleged acts of corruption committed by officials assigned to that institution.	Transparencia Venezuela Vs. INTT.
18	Political Administrative Chamber. Ruling N° 935 of 8/4/2015	Abstention lawsuit against the president of the Central Bank of Venezuela (BCV), Nelson Merentes, for not publishing data of vital importance for the country's economy.	Transparencia Venezuela Vs. president of the BCV.
19	Second Contentious-Administrative Court. Ruling N° 2015-0784 of 12/8/2015.	Lawsuit of abstention or failure to act against the Autonomous Service of Registries and Notaries (SAREN) for not responding to repeated communications containing information on alleged acts of corruption committed by officials assigned to that institution.	Transparencia Venezuela Vs. Saren.
20	Political-Administrative Chamber Ruling N° 1172 of 10/20/2015.	Abstention lawsuit due to the refusal of the president of Compañía Anónima Nacional Teléfonos de Venezuela (Cantv) to answer information on Internet blockades in Venezuela.	Espacio Público Vs. Cantv.
21	Political Administrative Chamber. Ruling N° 1222 of 10/27/2017	Claim of abstention or failure to act against the secretary of the National Assembly for not making public the Journal of Debate and the Legislative Gazette as established in its regulations.	Transparencia Venezuela, Espacio Público, Paz Activa Vs. Secretary of the National Assembly.

22	Political Administrative Chamber. Ruling N° 1263 of 10/28/2015	Abstention or lack of jurisdiction lawsuit together with a precautionary injunction against the president of the Central Bank of Venezuela (BCV), Nelson Merentes, for not publishing data of vital importance for the country's economy.	José Gregorio Lara Hernández Vs. BCV.
23	Political Administrative Chamber. Ruling N° 119 of 02/10/2016	Abstention or deficiency lawsuit against the Ministry of Penitentiary Services, for not responding in a timely manner to requests for information regarding the number of deaths in prisons and the number of doctors assigned to care for prisoners.	Public Space Vs. Ministry of Correctional Services.
24	Political Administrative Chamber. Judgment No. 682. 4/5/2017	Abstention or deficiency lawsuit against the Ministry of Transportation and Public Works due to the lack of response to the request for information related to the works to be executed by the contractor Norberto Odebrecht.	Transparencia Venezuela Vs. Ministry of Transportation and Public Works.
25	First Contentious-Administrative Court. Ruling N°659 of 10/13/2016	Abstention or deficiency lawsuit against the National Institute of Land Transportation (INTT) due to the lack of response to the request for information regarding complaints of irregular charges for vehicle procedures at the INTT headquarters in Maturín.	Transparencia Venezuela Vs. INTT.
26	Second Court of the Contentious Administrative Jurisdiction. Ruling N°560 of 10/19/2016	Abstention or deficiency lawsuit against the Superintendency of Savings Banks due to the lack of response to the request for information on irregularities in the financing and construction of housing for public employees.	Transparencia Venezuela Vs. Superintendencia de las Cajas de Ahorro.
27	Second Court of the Contentious Administrative Jurisdiction. Ruling N°580 of 10/25/2016	Abstention or deficiency lawsuit against the National Foundation "El Niño Simón" due to the lack of response to the request for information on the allegations of embezzlement against the former president of that foundation in the state of Miranda, with supplies and donations obtained by that organization.	Transparencia Venezuela Vs. National Foundation "El Niño Simón".
28	Political-Administrative Chamber. Ruling N° 191 of 3/15/2017	Abstention or deficiency lawsuit against the Office of the Comptroller General of the Republic due to the lack of response to the request for information on allegations of merchandise diversion from <i>Abastos Bicentenarios</i> and the alleged improper use of the spaces of the National University of Táchira.	Transparencia Venezuela vs. Comptroller General of the Republic.
29	Political-Administrative Chamber. Ruling N° 229 of 03/23/2017	Claim of abstention or deficiency against the Ministry of People's Power for Industry and Commerce for not responding to the request for information on the steel plant Nacional Abreu De Lima.	Transparencia Venezuela Vs. Ministry of Industry and Commerce.
30	Political-Administrative Chamber. Ruling N° 254 of 3/29/2017	Abstention or deficiency lawsuit against the Ministry of People's Power for Banking and Finance due to the lack of response to the request for information on alleged acts of corruption in the Superintendence of Insurance Activity.	Transparencia Venezuela Vs. Ministry of People's Power for Banking and Finance.
31	Political-Administrative Chamber. Ruling N°0686 of 6/8/2017.	Abstention or deficiency lawsuit against the Ministry of People's Power for Ecosocialism and Water for not responding to the request for information related to the environmental impact of the concessions in the Mining Arc.	Asociación Civil Espacio Público Vs Ministerio del Poder Popular para Ecosocialismo y Aguas.
32	Political-Administrative Chamber. Judgment N°974 of 8/9/2017	Clarification of the claim of abstention or deficiency against the Ministry of People's Power for Industry and Commerce due to the lack of response to the request for information on the steel plant Nacional Abreu De Lima.	Transparencia Venezuela Vs. Ministry of People's Power for Industry and Commerce.
33	Political-Administrative Chamber. Ruling N°981 of 8/9/2017	Clarification of the claim of abstention or lack against the Ministry of People's Power for Banking and Finance for not responding to the request for information related to alleged acts of corruption in the Superintendence of Insurance Activity.	Transparencia Venezuela Vs. Ministry of Banking and Finance.
34	Political-Administrative	Clarification of the claim of abstention or deficiency against the Office of the Comptroller General of the Republic due to the lack of response to the request for information on allegations of	Transparencia Venezuela vs. Comptroller General of the Republic.

	Chamber. Ruling N°980 of 8/9/2017	merchandise diversion from <i>Abastos Bicentenarios</i> and the alleged improper use of the spaces of the National University of Táchira	
35	Political-Administrative Chamber. Ruling N°982 of 8/9/2017	Clarification of the claim of abstention or lack of information against the Ministry of People's Power for Food for not responding to the request for information related to possible deviations of food that corresponded to Pdval in the states of Sucre and Vargas.	Transparencia Venezuela Vs. Ministry of Food.
36	Political-Administrative Chamber. Ruling N°995 of 8/9/2017	Abstention or deficiency lawsuit against the Ministry of Health due to the lack of response to the request for information regarding reports of alleged irregularities at the San Bernardino Immunology Center.	Provea Vs. Ministry of Health.
37	Political-Administrative Chamber. Ruling N° 1108 of 10/17/2017	Appeal against the decision rendered by the Court that declared without merit the claim of abstention or lack of jurisdiction against Cantv, related to allegations of irregular charges for increasing the speed of the service and resale of equipment.	Transparencia Venezuela Vs. Cantv.
38	Second Contentious-Administrative Court. Ruling N° 2017- 00561 of 7/27/2017.	Abstention or deficiency lawsuit against the Administrative Service of Identification, Migration and Alien Affairs (Saime) due to the lack of response to the request for information regarding complaints of alleged irregular charges in exchange for paperwork.	Transparencia Venezuela Vs. Saime.
39	Second Superior Court for Civil and Contentious-Administrative Matters of the Judicial District of the Capital Region. Case No. 007846.	Claim of abstention or deficiency against the Government of the Capital District due to the lack of response to the request for information on allegations of irregularities in the Fire Department of the Capital District.	Transparencia Venezuela vs. Government of the Capital District.
40	Political-Administrative Chamber. Ruling N° 1313 of 11/29/2017	Abstention or deficiency lawsuit against the Niño Simón Foundation for not responding to the request for information related to reports of alleged acts of corruption in the Regional Foundation "El Niño Simón" Miranda.	Transparencia Venezuela Vs. Fundación Niño Simón.
41	Political Administrative Chamber. Ruling N° 418 of 4/12/2017	Complaint of abstention or deficiency against the president of the Permanent Commission of Comptrollership of the National Assembly, for not responding to two requests for information made in 2015, linked to the reports and accounts of each of the ministries of the Venezuelan State from 2001 to 2014.	Acceso a la Justicia vs. President of the Permanent Commission of Comptrollership of the National Assembly.
42	Political Administrative Chamber. Decision N°816 7/27/2016	Abstention or failure to act lawsuit against the General Director of Procedural Action of the Attorney General's Office, for not providing due and timely response to requests for information on cases of alleged attacks and threats to journalists and social communicators.	Espacio Público, Union of Press Workers and National Association of Journalists v. Attorney General's Office.
43	Political Administrative Chamber. Decision No. 1447 12/15/2016	Complaint of abstention or failure to act against the Ministry of People's Power for Internal Relations, Justice and Peace, for not giving timely and adequate response to repeated requests for information related to possible acts of corruption in police procedures.	Transparencia Venezuela Vs. Ministry of the People's Power for Internal Relations, Justice and Peace
44	Political Administrative Chamber. Decision No. 1448 12/15/2016	Complaint of abstention or deficiency against the Ministry of Popular Power for Youth and Sports, for not giving timely and adequate response to requests for information on alleged allegations of overbilling.	Transparencia Venezuela Vs. Ministry of Popular Power for Youth and Sports.
45	Political Administrative Chamber. Decision No. 1463 12/15/2016	Lawsuit of abstention or failure to act against the Ministry of Popular Power for Ecosocialism and Water, for not giving timely and adequate response to the requests for information on the execution of a 147-meter dam on the Cuira River, its	Transparencia Venezuela vs. Ministry of People's Power for Ecosocialism.

		complementary works and the irrigation system in the Quíbor Valley, Lara State.	
46	Political Administrative Chamber. Decision No. 1464 12/15/2016	Lawsuit of abstention or failure to act against the Ministry of Popular Power for Transportation and Public Works, for not giving timely and adequate response to requests for information regarding possible acts of corruption of officials of a company in charge of carrying out the execution of works on roads and bridges in the state of Táchira.	Transparencia Venezuela vs. Minister of People's Power for Transportation and Public Works.
47	Political Administrative Chamber. Judgment No. 1465 12/15/2016	Claim of abstention or deficiency against the Ministry of People's Power for Tourism, for the lack of timely and adequate response to requests for information regarding possible acts of corruption by officials of the Hotel Venetur Orinoco.	Transparencia Venezuela vs. Ministry of People's Power for Tourism.
48	Political Administrative Chamber. Decision No. 1466 12/15/2016	Claim of abstention or deficiency against the Ministry of People's Power for Health, for not granting timely and adequate response to requests for information regarding allegations of possible differences in the supply of medicines, embezzlement and failures in the provision of medical supplies.	Transparencia Venezuela Vs. Ministry of People's Power for Health.
49	Political Administrative Chamber. Judgment No. 1523 12/15/2016	Claim of abstention or deficiency against the Ministry of People's Power for Productive Agriculture and Lands, for not providing timely and adequate answers to the requests for information on the expansion of the physical scope of the El Diluvio-El Palmar Irrigation System, Zulia State.	Transparencia Venezuela vs. Ministry of People's Power for Productive Agriculture and Land.
50	Political Administrative Chamber. Decision No. 1526 12/15/2016	Claim of abstention or failure to act against the Ministry of People's Power for the Social Process of Labor for the lack of timely and adequate response to requests for information related to allegations of possible commissions charged for expediting labor reinstatements.	Transparencia Venezuela Vs Ministerio del Poder Popular para el Proceso Social del Trabajo.
51	Political Administrative Chamber. Decision No. 1527 12/15/2016	Claim of abstention or failure to act against the Ministry of Popular Power for Habitat and Housing for not granting a timely and adequate response to requests for information on allegations of possible acts of corruption in different parts of the country.	Transparencia Venezuela Vs. Ministry of Popular Power for Habitat and Housing.
52	Political Administrative Chamber. Decision No. 1561 12/15/2016	Lawsuit of abstention or failure to act against the Ministry of Popular Power for Education for not giving timely and adequate response to requests for information related to reports of alleged acts of corruption in the Santa Rita Cecilio Acosta Educational Zone, Municipality of Maracaibo, State of Zulia.	Transparencia Venezuela Vs. Ministry of Popular Power for Education.
53	Political Administrative Chamber. Judgment No. 1562 12/15/2016	Abstention or deficiency lawsuit against the Ministry of People's Power for Industry and Commerce for not giving timely and adequate response to requests for information related to reports of alleged acts of corruption, linked to the collection of commissions from suppliers in exchange for the issuance of pending payments and embezzlement of vehicles financed by the State.	Transparencia Venezuela Vs Ministry of People's Power for Industry and Commerce.
54	Political Administrative Chamber. Judgment No. 1534 12/15/2016	Claim of abstention or deficiency against the Ministry of Popular Power for Indigenous Peoples for failing to provide timely and adequate response to requests for information related to he projects and budgets destined for the protection and support of the Indigenous Peoples that will be affected by the Mining Arc.	Transparencia Venezuela Vs. Ministry of Popular Power for Indigenous Peoples.
55	Political Administrative Chamber. Judgment No. 1339 11/18/2015	Claim of abstention or deficiency against the Ministry of People's Power for Internal Relations, Justice and Peace for not granting timely and adequate response to requests for information on the crime rate from 2001 to 2014.	Transparencia Venezuela Vs Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz.
56	Political Administrative Chamber. Judgment No. 1333 11/18/2015	Claim of abstention or failure to act against the President of the Bolivarian Republic of Venezuela for not granting a timely and adequate response to the request for information related to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.	Transparencia Venezuela Vs. President of the Bolivarian Republic of Venezuela.

57	Constitutional Chamber. Ruling N°782 6/5/2012	Constitutional protection action against the Ministry of People's Power for Communication and Information, for failing to answer requests for information related to the budgetary activity of that office.	Espacio Público Vs Ministry of People's Power for Communication and Information.
58	Constitutional Chamber. Ruling N°1494 08/06/2004	Constitutional protection action against the National Housing Institute (Instituto Nacional de la Vivienda, Inavi), for failing to respond to requests for information on the housing units of the Nueva Tacagua housing development.	Provea Vs. National Housing Institute (INAVI).
59	Political Administrative Chamber. Judgment No. 1179 11/24/2010	Lawsuit of abstention or deficiency against the Ministry of Popular Power for Internal Relations and Justice for refraining from transferring certain resources to the State of Carabobo.	Attorney of the State of Carabobo vs. Ministry of the People's Power for Internal Relations and Justice.
60	Constitutional Chamber. Ruling N° 1504 11/16/2011	Constitutional protection action against the Ministry of the People's Power for Health for not responding to requests for information related to the Epidemiological Bulletins.	Espacio Público and Provea Vs. Ministry of the People's Power for Health
61	Political Administrative Chamber. Decision No. 663 6/6/2011	Lawsuit of abstention or deficiency against the President of the Bolivarian Republic of Venezuela for refraining from publishing the regulation on Popular Participation in the Organic Law for the Protection of Children and Adolescents.	Cecodap, Fundación Luz y Vida, Manos por la Niñez y Adolescencia, CEIDES and Proadopción vs. President of the Bolivarian Republic of Venezuela.
62	Political Administrative Chamber. Decision No. 36593 3/31/2011	Lawsuit of abstention or lack thereof against the President of the Bolivarian Republic of Venezuela for failing to provide timely and adequate response to various requests for information related to issues of interest on habitat and housing.	Provea Vs. President of the Bolivarian Republic of Venezuela.
63	Constitutional Chamber. Ruling No. 458 4/8/2005	Constitutional protection action against the President of the National Fund for Urban Development (Fondur), for failing to respond to requests for information on the budget of this institution and aspects of the construction of the Miranda City Project.	Provea Vs. President of the National Urban Development Fund (Fondur).
64	Constitutional Chamber. Ruling N° 3137 12/15/2004	Constitutional protection action against the Ministry of Finance, for not responding to requests for information on the budget of this institution and aspects of the Venezuelan Institute of Social Security.	Provea Vs. Minister of Finance.
65	Constitutional Chamber. Ruling No. 613 4/16/2008	Constitutional protection action against the Ministry of People's Power for Housing and Habitat, for not responding to requests for information related to the relocation of the families of the Ojo de Agua sector of the Old Caracas La Guaira Highway.	Provea Vs. Ministry of Popular Power for Housing and Habitat.
66	Constitutional Chamber. Ruling No. 1050 8/23/2010	Constitutional protection action against the National Electoral Council (CNE) for failure to respond to requests for information on the results of the vote count of the elections held on July 30, 2000.	Universidad Católica Andres Bello's Network of Overseers vs. the CNE.
67	Political Administrative Chamber. Ruling N°1636 of 8/6/2014	Claim of abstention or deficiency against the Ministry of People's Power for Health, due to the refusal to respond to requests for information on the status of the distribution of medicines.	Espacio Público, Transparencia Venezuela, Acsol and Provea Vs. Ministry of Popular Power for Health.
68	Political Administrative Chamber. Ruling N°249 of 3/21/2012	Claim of abstention or failure to act against the Ministry of People's Power for Foreign Affairs, for not giving a timely response on the request regarding the Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.	Provea Vs. Minister of People's Power for Foreign Affairs.
69	Political Administrative Chamber. Ruling N°122 of 1/27/2011	Claim of abstention or failure to act against the Ministry of People's Power for Foreign Affairs, for not granting a timely response on the request regarding the Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.	Provea Vs. Minister of People's Power for Foreign Affairs.



70	Political Administrative Chamber. Ruling of N°1061 of 8/3/2011	Claim of abstention or default against the Ministry of the People's Power for Energy and Petroleum, for not giving a timely response on the request regarding the so-called "Petrocasas".	Provea Vs Minister of the People's Power for Energy and Petroleum.
71	Political Administrative Chamber. Ruling of N°564 of 4/28/2011	Lawsuit of abstention or failure to act against the Ministry of Popular Power for Education, due to the lack of response to the request regarding irregularities allegedly committed in an educational center in the state of Anzoátegui.	Provea Vs Ministry of Popular Power for Education.

### 7.3 Table on access to information requests

#### Record of information requests made by INRAV

Institution	Date of application	Date of response	Information requested	Information provided
CGR	02/27/2024 (not received by the agency)		Management reports for the years 2018 and 2020 Performance reports for the years 2018, 2020 and 2022 Special reports made after 2013. Decisions in which the Comptroller General of the Republic agreed, suspension from office without pay, dismissal or disqualification from the exercise of public functions. Copy of the national anti-corruption plan.	None
Attorney General's Office (MP)		No response	Management reports Number of provisional prosecutors and prosecutors appointed by public competition Prosecutors' salary scale Number of corruption cases brought from 2017 to date, with disaggregated information.	None
Onapre	02/27/2024	No response	Public Budget for the years 2023 and 2024. Budget modifications from 2021.	None
CGR	02/27/2024	No response	Affidavit of net worth	None
Attorney General's Office (FGR)	02/27/2024	No response	Actions taken to prevent and investigate money laundering activities	None
SUDEBAN	02/27/2024	No response	Actions aimed at the prevention of money laundering and other suspicious activities	None
UNIF	03/11/2024	No response	Actions implemented in the area of SAR	None

#### Registry of Information Requests made by Transparencia Venezuela

Institution	Date of application	Date of response	Information requested	State / Region
Attorney General's Office	01/19/2023	No response	Request for information on the inventory of assets secured in the framework of a criminal investigation, from 2017 to 2022.	Capital District

Specialized Service for the Administration and Disposal of Insured or Seized, Forfeited and Confiscated Assets (SEB)	01/19/2023	No response	Request for information on the inventory of assets secured in the framework of a criminal investigation, from 2017 to 2022.	Capital District
General Directorate of the Autonomous Service of Registries and Notary Publics (Saren)	01/27/2023	No response	Request for information on the completion of the necessary administrative steps to be able to register the Minutes of the Assembly of Transparencia Venezuela, since for more than two years it has been indicated in the Public Registry that "no authorization has been received for its registration".	Capital District
Attorney General's Office. Prosecutor's Office 23 (with competence in environmental matters).	06/02/2023	No response	Request for information regarding the progress of the investigations on the unpermitted interventions of Ventel CA in Sierra Nevada Park, specifically in the vicinity of the Mukumbarí cable car stations.	Merida
Inparques	02/06/2023	No response	Request for information regarding the progress of the investigations on the unpermitted interventions of Ventel CA in Sierra Nevada Park, specifically in the vicinity of the Mukumbarí cable car stations.	Merida
Attorney General's Office. Prosecutor's Office with competence in gender issues	03/08/2023	A joint work table was agreed to address the request. Some incomplete verbal responses were achieved.	Request for information on investigations of three cases of gender violence in the state of Merida.	Merida
Government of Merida	03/08/2023	No response	Request for information on the petition delivered on 08/03/2022 and reiterating the request for better gender-based violence prevention policies as well as statistics and budget allocated to these policies.	Merida
Rector and University Council of the Universidad de Los Andes	03/08/2023	No response	Request for approval of a protocol for the prevention of gender-based violence and request for data on reports of gender-based violence.	Merida
Pdvsa Gas Comunal	06/07/2023	They responded on 12/6/2023, indicating that the competent entity to respond to the request is	Request for information related to the price of liquefied gas in response to anonymous complaints received by the organization.	Capital District

		the Vice-Ministry.		
Vice-Ministry of Gas of the People's Ministry of Petroleum	07/10/2023		Request for information related to the price of liquefied gas in response to anonymous complaints received by the organization.	Capital District
PDVSA	08/30/2023	Responded on 11/13/2023 indicating that Transparencia Venezuela was not qualified to request this information.	Request for information on contracts signed between the Argentine company Paramérica and Pdvsa Agrícola, during 2012 and 2014 <sup>a</sup> .	Capital District
General Directorate of the Autonomous Service of Registries and Notary Publics (Saren)	08/17/2023	No response	Request for authorization to register the Minutes of the Assembly of Transparencia Venezuela, in view of the two years that have elapsed without a response	Capital District
Office of the Comptroller General of the Republic	08/16/2023	No response	Request for information on contracts entered into with Argentina within the framework of the Comprehensive Cooperation Agreement signed in 2004.	Capital District
PDVSA	08/17/2023	Responded on 9/22/2023, indicating that they did not have the information.	Request for information on contracts entered into by the Argentine company Ascensores Servas with Pdvsa, under the Comprehensive Cooperation Agreement signed in 2004.	Capital District
CENCOEX	08/21/2023	No response	Request for information related to the companies that received preferential foreign currency for the importation of goods and services to Venezuela in 2011 and 2014.	Capital District
Ministry of Agriculture and Lands	08/16/2023	No response	Request for information related to the contracts signed between CVA Leander Carnes y Pescados, and the Argentinean company Baldric in June 2008.	Capital District
Office of the Attorney General of the Republic	08/16/2023	No response	Request for information related to investigations on the Argentina-Venezuela Bilateral Agreement signed in April 2004.	Capital District
Hidrocaribe	10/06/2023	No response	Request for information on drinking water supply in the State of Nueva Esparta	New Esparta

CLEBM Environmental Commission	10/26/2023	Responded on 3/11/2023. It is indicated that the information is held by the Ministry of Ecosocialism and that the information will be requested. A meeting was also invited.	Request for information on deforestation in the State of Mérida	Merida
Hidrocentro	10/16/2023	No response	Request for information on drinking water supply in the State of Carabobo	Carabobo
Government of the State of Lara	12/07/2023	No response	Request for information related to the quality and frequency of distribution of drinking water service.	Lara
HIDROLARA	12/07/2023	No response	Request for information related to the quality and frequency of distribution of drinking water service.	Lara
Ombudsman's Office	12/14/2023	No response	Request for information related to the public electric energy service.	Táchira
National Coordination of the National HIV/AIDS Program	12/15/2023	No response	Request for information on the lack of official data on care for young people, pregnant women and babies with HIV in Venezuela.	Carabobo
Hidrocaribe	02/20/2024	No response	Request for information on drinking water supply in the State of Nueva Esparta	New Esparta

#### 7.4 Photographic record of the review of the sentences of Venezuela's criminal courts

<https://drive.google.com/file/d/14xAELRRPIAz5wh46h26KK-tk-pS-WE0R/view>

## **VIII. Bibliography**

Acceso a la Justicia (June 22, 2022) "The Law against Corruption and its reform" (accessed April 17, 2024). Available at: <https://accesoalajusticia.org/la-ley-contra-la-corrupcion-y-su-reforma/>

Acceso a la Justicia (May 3, 2023). "Ley Orgánica de Extinción de Dominio" (accessed March 15, 2024). Available at: <https://accesoalajusticia.org/ley-organica-de-extincion-de-dominio/>

Acceso a la Justicia. When the law looks in the mirror of its own conviction, April 5, 2024, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/cuando-la-ley-se-mira-en-el-espejo-de-su-propia-condena/>

Acceso a la Justicia. The "new" TSJ appointed by the AN of 2020 has nothing new, 4/29/2022, (Accessed June 26, 2024). Available at: <https://accesoalajusticia.org/nuevo-tsj-designado-an-2020-no-tiene-nada-nuevo/>

Acceso a la Justicia. Informe anual 2022: "El Estado de la justicia y del Estado de Derecho en Venezuela, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/informe-anual-2022-estado-justicia-estado-derecho-venezuela/>

Acceso a la Justicia. A victory for NGOs in Venezuela: the CFATF mutual evaluation, 7/9/2023, (accessed June 25, 2024). Available at: <https://accesoalajusticia.org/victoria-ong-venezuela-evaluacion-mutua-GAFIC/>

ACNUR (UNHCR). Situation of Venezuela, (accessed June 25, 2024). Available at: <https://www.acnur.org/emergencias/situacion-de-venezuela>

Amnesty International. Amnesty International Report 2020/21: The State of the World's Human Rights, 7/4/2021, (accessed 5 June 2024). Available at: <https://www.amnesty.org/download/Documents/POL1032022021SPANISH.PDF>

Amnesty International. Venezuela: More information: NGOs in Venezuela under serious risk, 18/1/2024, (accessed June 25, 2024). Available at: <https://www.amnesty.org/es/documents/amr53/7602/2024/es/>

Armando Info. At last Venezuelan corruption may get its way in Andorra, 4/18/2021, (accessed June 25, 2024). Available at: <https://armando.info/al-final-la-corrupcion-venezolana-puede-salirse-con-la-suya-en-andorra/>

Armando Info. The case of Luis Sanchez and the intrepid Prosecutor 55, 29/5/2019, (accessed June 25, 2024). Available at: <https://armando.info/el-caso-de-luis-sanchez-y-la-intrepida-fiscalia-55/>

Armando Info. Venezuela's judges pave streets and sign sentences, 2/17/2019, (accessed June 5, 2024). Available at: <https://armando.info/los-jueces-de-venezuela-asfaltan-calles-y-firman-sentencias/>

Asamblea Nacional. Law for the Reform of the Decree with Rank, Value and Force of Law Against Corruption, (Official Gazette No. 6.699 Extraordinary of May 2, 2022). <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-ref-20220609140054.pdf>

Asamblea Nacional. Organic Law against Organized Crime and Financing of Terrorism, (Official Gazette No. 39.912 of April 30, 2012). See:

<https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-contra-la-delincuencia-organizada-y-financiamiento-al-terrorismo>

Asamblea Nacional. Law approving the agreement between the government of the Republic of Venezuela and the government of the United States of America on mutual legal assistance in criminal matters (Official Gazette No. 37.884 of February 20, 2004). See:

[https://pandectasdigital.blogspot.com/2019/07/gaceta-oficial-de-la-republica\\_17.html](https://pandectasdigital.blogspot.com/2019/07/gaceta-oficial-de-la-republica_17.html)

Asamblea Nacional. Infogovernance Law (Official Gazette No. 40.274 of October 17, 2013)

<https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-de-infogobierno-20211108160540.pdf>

Asamblea Nacional. Organic Law of Extinction of Ownership (Official Gazette No. 6,745 Extraordinary of April 28, 2023). See: [https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-](https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%AD citas%20o%20destinados%20a%20%C3%A9stas)

[dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%AD citas%20o%20destinados%20a%20%C3%A9stas](https://www.asambleanacional.gob.ve/leyes/sancionadas/ley-organica-de-extincion-de-dominio#:~:text=Esta%20Ley%20tiene%20por%20objeto,il%C3%AD citas%20o%20destinados%20a%20%C3%A9stas)

Asamblea Nacional. Organic Law for the Reform of the Organic Code of Criminal Procedure (Official Gazette No. 6.644 Extraordinary of September 17, 2021).

<https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>

Asamblea Nacional. Organic Law of the Attorney General's Office (Official Gazette No. 38.647 of March 19, 2007) <https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf>

[20220208191011.pdf](https://www.asambleanacional.gob.ve/storage/documentos/leyes/ley-organica-de-reforma-del-codigo-organico-procesal-penal-20211004180004.pdf)

Atodomomento. MUD published report where it affirms irregularities in elections, 5/20/2018, (accessed June 5, 2024). Available at: <https://atodomomento.com/nacionales/mud-informe-irregularidades-elecciones/>

Banco Central de Venezuela (Central Bank of Venezuela). Deuda Externa, (Accessed June 26, 2024). Available at: <https://www.bcv.org.ve/estadisticas/deuda-externa>

Banco Central de Venezuela (Central Bank of Venezuela). Gold Review, (Accessed June 26, 2024). Available at: <https://www.bcv.org.ve/minerales-estrategicos/resena-del-oro>

BBC. Smartmatic, the company in charge of Venezuela's voting system, denounces "manipulation" in the Constituent election and the CNE denies it, 2/8/2017, (accessed June 5, 2024). Available at: <https://www.bbc.com/mundo/noticias-america-latina-40804551>

Center for Defenders and Justice. Situación de las personas defensoras de derechos humanos en Venezuela primer semestre 2022, (accessed June 25, 2024). Available at: <https://centrodefensores.org.ve/wp-content/uploads/2022/07/CDJReportePrimerSemestre2022.pdf>

Civicus. People Power Under Attack 2023, (accessed June 25, 2024). Available at: [https://monitor.civicus.org/globalfindings\\_2023/](https://monitor.civicus.org/globalfindings_2023/)

CNN. (2018). "Venezuelan attorney general confirms suicide of councilman Fernando Albán," (accessed June 25, 2024). Available at: <https://cnnespanol.cnn.com/video/fernando-alban-suicidioconfirma-tarek-william-saab-vo-osmary-hernandez-panorama/>

Comisión Interamericana de Derechos Humanos (Inter-American Commission on Human Rights). Annual Report 2022, (accessed June 25, 2024). Available at: <https://www.oas.org/es/cidh/informes/ia.asp?Year=2022>

Comisión Internacional de Juristas (International Commission of Jurists). Judges on a Tightrope Report on Independence and Impartiality of the Judiciary in Venezuela, June 2021, (accessed June 25, 2024). Available at: <https://www.icj.org/wp-content/uploads/2021/06/Venezuela-Judges-on-the-tightrope-Publications-Reports-Thematic-reports-2021-SPA.pdf>

Conclusionsof the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (A/HRC/48/CRP.5), 16/9/2021, (accessed 25 June 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>

Conclusionsof the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 15/9/2020, (accessed June 25, 2024). Available at: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A\\_HRC\\_45\\_CRP.11\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11_SP.pdf)

Conclusionsof the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and persons involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, of 20/9/2022, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>

Conclusionsof the International Independent Fact-Finding Mission on the Bolivarian Republic of Venezuela. Crimes against humanity committed through the State intelligence services: structures and individuals involved in the implementation of a plan to repress opposition to the government. A/HCR/51/CRP.3, of 20/9/2022, (accessed June 5, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>

Consejo Nacional Electoral (National Electoral Council). Political Participation and Financing Commission, (accessed June 5, 2024). Available at: <http://www.cne.gob.ve/copafi/index.php#:~:text=Es%20el%20C3%B3rgano%20subordinado%20del,y%20un%20rector%20suplente%20incorporado> .

Comptroller General of the Republic (CGR) (2014), Instructivo. Sistema para la presentación de la declaración jurada de patrimonio en formato electrónico, (accessed June 12, 2024). Available at: <https://www.cgr.gob.ve/assets/pdf/djp/Instructivodjpweb.pdf>

Comptroller General of the Republic (CGR), Dictámenes de la Dirección General de los Servicios Jurídicos de la Contraloría General de la República, Caracas, Dirección de Comunicación Corporativa, 2012. Available at: <https://www.cgr.gob.ve/publicaciones/dictamen>

Comptroller General of the Republic. Management Reports, (accessed June 4, 2024). Available at: <https://www.cgr.gob.ve/informes/gestion/026>



Convite. Nepotism and Military in Power in Venezuela (2016) (accessed June 5, 2024). Available at: <https://conviteac.org/publicaciones/especiales/nepotismo-y-militares-en-el-poder-en-venezuela-2016/>

Correo del Orinoco. Realizan formación anticorrupción a funcionarios y funcionarias de Cuadrantes de Paz, July 7, 2023, (accessed June 26, 2024). Available at: <http://www.correodelorinoco.gob.ve/realizan-formacion-anticorrupcion-funcionarios-funcionarias-cuadrantes-de-paz/>

Corruptómetro (April 13, 2023), "La trama de corrupción PDVSA - Cripto", (accessed June 12, 2024). Available at: <https://corruptometro.org/casos/la-trama-de-corrupcion-entre-pdvs-a-y-sunacrip-505/>

Corruptómetro. Venezuelan justice is selective and opaque in investigating corrupt individuals prosecuted in the U.S., 29/8/2023. Available at: <https://corruptometro.org/noticias/justicia-venezolana-es-selectiva-y-opaca-para-investigar-a-corruptos-procesados-en-ee-uu/>

Corruptómetro. Rafael Ramírez y el Estado venezolano deben rendir cuentas sobre el saqueo a PDVSA, 20/8/2022, (accessed June 5, 2024). Available at: <https://corruptometro.org/informes/rafael-ramirez-y-el-estado-venezolano-deben-rendir-cuentas-sobre-el-saqueo-a-pdvs-a/>

Crónica Uno . Carnet de la patria una soga que amarra a la población, 2/9/2018, (accessed June 5, 2024). Available at: <https://cronica.uno/carnet-de-la-patria-una-soga-que-amarra-a-la-poblacion/>

Deutsche Welle (January 4, 2024), "Argentine Justice Authorizes Seizure of Venezuelan Plane," (accessed June 12, 2024). Available at: <https://www.dw.com/es/justicia-de-argentina-autoriza-decomiso-de-avi%C3%B3n-venezolano/a-67886766>

Diario Las Américas. Salario mínimo cubre solo el 2.3 % de la canasta alimentaria, (accessed June 5, 2024). Available at: <https://www.diariolasamericas.com/america-latina/salario-minimo-cubre-solo-el-23-la-canasta-alimentaria-n5329528#:~:text=Para%20el%20OVF%2C%20el%20valor,bienes%20de%20la%20Canasta%20Alimentaria>

Efecto cocuyo. Falcón cuestiona instalación de "puntos rojos" en centros electorales #20May, 20/5/2018, (accessed June 5, 2024). Available at: <https://efectococuyo.com/politica/falcon-cuestiona-instalacion-de-350-puntos-rojos-en-centros-electorales-20may-2/>

El Heraldo. 400 tons of food destined for Venezuela seized in Cartagena, 19/5/2018. Available at: <https://www.elheraldo.co/bolivar/incautan-en-cartagena-400-toneladas-de-alimentos-con-destino-venezuela-496598>

El Impulso. Cenda: Canasta alimentaria en diciembre costó Bs. 5,651.58 equivalente a \$377.27 #31Ene, 31/1/2023, (accessed June 5, 2024). Available at: <https://www.elimpulso.com/2023/01/31/cenda-canasta-alimentaria-en-diciembre-costo-bs-5-65158-equivalente-a-37727-31ene/>

El País. Colombia seizes 400 tons of spoiled food destined for Venezuela, 17/5/2018. Available at: [https://elpais.com/internacional/2018/05/18/colombia/1526595553\\_469009.html](https://elpais.com/internacional/2018/05/18/colombia/1526595553_469009.html)

Embassy of the United States, Venezuela. Treasury department increases pressure on Alex Saab and his network in Venezuela, 9/17/2019. Available at: <https://ve.usembassy.gov/es/el-departamento-del-tesoro-aumenta-la-presion-sobre-alex-saab-y-su-red-en-venezuela/>

Espacio Público (March 4, 2024), "Sin respuestas completas: Informe de Acceso a la Información Pública en Venezuela 2023", (accessed April 24, 2024). Available at: <https://espaciopublico.org/sin-respuestas-completas-informe-de-acceso-a-la-informacion-publica-en-venezuela-2023/>

Espacio Público . Anti-corruption body: a faceless police, 21/1/2015. Available at: <http://espaciopublico.org/cuerpo-anticorrupcion-policia-sin-rostro/>

Finanzas Digital (November 20, 2023). "UNIF: Warning Signs, Internal Controls and Guidelines Related to Suspicious Activity Reports (SARs)," (accessed June 12, 2024). Available at: <https://finanzasdigital.com/unif-directrices-reportes-de-actividades-sospechosas-ras/>

GAFIC (CFATF), (March 2023), "Anti-Money Laundering and Terrorist Financing Measures - Bolivarian Republic of Venezuela, Mutual Evaluation Report", (accessed March 15, 2024). Available at: <https://www.cfatf-GAFIC.org/documents/4thround-meval-reports>

GAFIC (CFATF). Measures against Money Laundering and Financing of Terrorism Bolivarian Republic of Venezuela Mutual Evaluation Report, March 2023. Available at: <https://www.cfatf-gafic.org/es/home-2/2015-08-11-13-42-51/noticias-del-gafic-2/780-informe-de-la-cuarta-ronda-de-evaluaciones-mutuas-de-la-rep%C3%BAblica-bolivariana-de-venezuela>.

García Cavero, Percy, "El decomiso de bienes relacionados con el delito en la legislación penal peruana", Derecho PUCP: Revista de la Facultad de Derecho, no. 81, 2018, pp. 113-136.

Gil, Valentina (September 30, 2022), "Did Sudeban ban Yummy (delivery) from using financial instruments?", (accessed June 12, 2024). Available at: <https://espaja.com/verifications/la-sudeban-le-prohibio-a-yummy-delivery-usar-instrumentos-financieros>

Goyret, Lucas (June 5, 2021), "Chavista corruption: what is the destination of the billions of dollars stolen by the Venezuelan dictatorship that are seized by the United States", (accessed June 10, 2024). Available at: <https://www.infobae.com/america/venezuela/2021/06/05/corrupcion-chavista-cual-es-el-destino-de-los-miles-de-millones-de-dolares-robados-por-la-dictadura-venezolana-que-son-decomisados-por-estados-unidos/>

Human Rights Watch. Venezuela, events 2020, (accessed June 5, 2024). Available at: <https://www.hrw.org/es/world-report/2021/country-chapters/377387>

Independence of the justice system and access to justice, including violations of economic and social rights in the Bolivarian Republic of Venezuela, and the human rights situation in the region of the Orinoco Mining Arc, 15/7/2020, (accessed June 25, 2024). Available at: <https://provea.org/wp-content/uploads/2020/07/Informe-Bachelet-julio-2020.pdf>

INE. Environmental indicators, (accessed June 25, 2024). Available at: [http://www.ine.gob.ve/index.php?option=com\\_content&view=category&id=68&Itemid=49#](http://www.ine.gob.ve/index.php?option=com_content&view=category&id=68&Itemid=49#)

Informe de la misión internacional de determinación de los hechos (Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela), 28/12/2021, (accessed June 25, 2024). Available at: <https://documents.un.org/doc/undoc/gen/g21/396/44/pdf/g2139644.pdf?token=SiAueaNzduZN1XaBpZ&fe=true>

La Nación. Cierran una causa por la venta de arroz a Venezuela que mencionaba a la hija de Hugo Chávez, 24/2/2021, (accessed June 25, 2024). Available at:

<https://www.lanacion.com.ar/politica/cierran-causa-venta-arroz-venezuela-mencionaba-hija-nid2611990/>

La Nación. El gobierno de Venezuela bloquea investigaciones judiciales contra exfuncionarios kirchneristas, 4/27/2021, (accessed June 25, 2024). Available at:

<https://www.lanacion.com.ar/politica/venezuela-bloquea-investigaciones-judiciales-contra-exfuncionarios-kirchneristas-nid31032021/>

La República. Elvis Amoroso is the new rector of the National Electoral Council, (accessed June 26, 2024). Available at: <https://larepublica.pe/mundo/venezuela/2023/08/24/elvis-amoroso-es-el-nuevo-rector-del-consejo-nacional-electoral-lrtmv-2271336>

Lozano, Daniel (April 29, 2023), "La lista millonaria de lo decomisado en la purga de Maduro: 19 aviones, 361 coches de alta gama, 28 mansiones...", (accessed June 12, 2024). Available at:

<https://www.elmundo.es/internacional/2023/04/29/644c64defc6c83563d8b45a4.html>

Ministry of People's Power for Ecosocialism. Designado Pedro Rafael Tellechea como nuevo ministro del petróleo, 21/3/2023, (accessed June 5, 2024). Available at: <http://www.minec.gob.ve/designado-pedro-rafael-tellechea-como-nuevo-ministro-del-petroleo/>

Ministerio Público (Attorney General's Office) (April 9, 2024), "Fiscal General anunció detención de Tareck El Aissami y otras dos personas por caso PDVSA-Cripto" (accessed April 15, 2024). Available at: <http://www.mp.gob.ve/index.php/2024/04/09/fiscal-general-anuncio-detencion-de-tareck-el-aissami-y-otras-dos-personas-por-caso-pdvsa-cripto/>

Ministerio Público, (January 25, 2018), "FGR: Ministerio Público acusó a Diego Salazar y José Enrique Luongo por lavado de dinero en Andorra", (accessed March 15, 2024). Available at:

<http://www.mp.gob.ve/index.php/2018/01/25/fgr-ministerio-publico-acuso-a-diego-salazar-y-jose-enrique-luongo-por-lavado-de-dinero-en-andorra/>

Misión Internacional Independiente de Determinación de los Hechos sobre Venezuela (Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela). Detailed findings of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 16/9/2021. (Accessed June 26, 2024). Available at:

[https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5\\_SP.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFMV/A-HRC-48-CRP.5_SP.pdf)

Misión Internacional Independiente de Determinación de los Hechos sobre Venezuela (Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela). The State apparatus, its mechanisms of repression and restrictions to civic and democratic space (A/HRC/54/CRP.8), September 18, 2023, (accessed June 26, 2024). Available at: <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/index>

Naciones Unidas / United Nations (n/d). Review of the implementation of the United Nations Convention against Corruption. CAC/COSP/IRG/II/4/1/Add.8 (accessed 12 June 2024). Available at: <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/4-8September2023/CAC-COSP-IRG-II-4-1-Add.8/2314656S.pdf>

Naciones Unidas / United Nations. Human Rights Committee. Replies of the Bolivarian Republic of Venezuela to the list of issues relating to its fifth periodic report (CCPR/C/VEN/RQ/5), 9/10/2023, (accessed June 5, 2024). Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FRQ%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVEN%2FRQ%2F5&Lang=en)

Naciones Unidas / United Nations. Venezuela: NGO bill, a possible point of no return in the closing of civic space. 30/1/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/01/venezuela-draft-ngo-law-reaching-point-no-return-closure-civic-space>

Naciones Unidas / United Nations. Venezuela: UN experts warn of constant attacks on civil society, media and unions, 3/22/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/03/venezuela-un-experts-warn-persisting-attacks-civil-society-media-and-trade>

Naciones Unidas/ United Nations. Venezuela: UN Fact-Finding Mission to Venezuela notes intensified attacks on civic and democratic space, calls for monitoring of new security force - DAET - to protect human rights, 20/9/2023, (accessed June 25, 2024). Available at: <https://www.ohchr.org/es/press-releases/2023/09/venezuela-un-fact-finding-mission-says-attacks-civic-and-democratic-space>

OCCRP. The 35 Club: how Venezuela bought the loyalty of its generals, (accessed June 5, 2024). Available at: <https://www.occrp.org/es/revolution-to-riches/how-venezuela-bought-military-loyalty>

ONCP. National public debt report, (accessed June 25, 2024). Available at: <http://www.oncp.gob.ve/index.php/web-links/informe-de-deuda-publica-nacional/viewcategory/85-informe-trimestral.html>

Pacto Internacional de Derechos Civiles y Políticos (International Covenant on Civil and Political Rights). Concluding observations on the fifth periodic report of the Bolivarian Republic of Venezuela, CCPR/C/VEN/CO/5, November 28, 2023, (accessed June 25, 2024). Available at: <https://undocs.org/Home/Mobile?FinalSymbol=CCPR%2FC%2FVEN%2FCO%2F5&Language=E&DeviceType=Desktop&LangRequested=False>

Pedro Carreño denuncia corrupción en Tribunal Supremo de justicia, (accessed June 25, 2024). Available in Spanish at: <https://www.youtube.com/watch?v=N384wG7umOw>

Presidency of the Republic, Decree No. 1,402, whereby the Decree with Rank, Value and Force of Law on Banking Sector Institutions is issued, (Official Gazette No. 40,557 of December 8, 2014). See: <https://www.banescopedia.banESCO.com/handle/100/7485#:~:text=Establece%20el%20marco%20legal%20para,en%20el%20sector%20bancario%20venezolano>

Presidency of the Republic, Decree No. 3,656, whereby the National Financial Intelligence Unit (UNIF) is adapted as a deconcentrated body with budgetary, administrative and financial management capacity, hierarchically dependent on the People's Ministry of Economy and Finance (Official Gazette No. 41,522 of November 12, 2018). Ver: [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700026633/0&Nombrebd=spgoin&CodAsocDoc=1624&t04=1&t05=png&Sfmt=Movil&Sesion=1879104425](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700026633/0&Nombrebd=spgoin&CodAsocDoc=1624&t04=1&t05=png&Sfmt=Movil&Sesion=1879104425)

Presidency of the Republic. Decree No. 4.801, whereby the name of the Specialized Service for the Administration and Disposal of Assured or Seized, Confiscated and Forfeited Goods is changed to

Service of Recovered Goods, a decentralized service without legal personality, with technical autonomy and administrative, operative, budgetary, financial and disposition management capacity, hierarchically dependent on the Vice Presidency of the Republic (Official Gazette No. 42.604 of April 5, 2023): See: [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700041976/0&Nombrebd=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700041976/0&Nombrebd=spgoin&CodAsocDoc=3270&t04=1-3&t05=png&Sesion=1431130199)

Prodavinci. Entering consciences: Bill against fascism, 8/4/2024. Available at: <https://prodavinci.com/entrando-en-las-conciencias-proyecto-de-ley-contra-el-fascismo/>

Provea. Prosecutor Ortega Díaz: "Venezuela paid Odebrecht \$30 billion for unfinished works," 7/31/2017, (accessed June 25, 2024). Available at: <https://provea.org/actualidad/fiscal-ortega-diaz-venezuela-pago-a-odebrecht-30-mil-millones-de-dolares-por-obras-inconclusas/>

Republic of Venezuela, "10th Session of the Conference of the States Parties to the United Nations Convention against Corruption (December 15, 2023)," (accessed March 15, 2024). Available at: [https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela\\_ES.pdf](https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/statements/Venezuela_ES.pdf)

Rotondaro: "Maduro has neither morals nor capacity to be commander in chief of the FAN". NTN24 18/03/2019, (Accessed June 26, 2024). Available at: [https://www.youtube.com/watch?v=mV8\\_NF3UKew](https://www.youtube.com/watch?v=mV8_NF3UKew)

Ruiz, Ivan (April 27, 2021), "El gobierno de Venezuela bloquea investigaciones judiciales contra exfuncionarios kirchneristas", (accessed June 12, 2024). Available at: <https://www.lanacion.com.ar/politica/venezuela-bloquea-investigaciones-judiciales-contra-exfuncionarios-kirchneristas-nid31032021/>

Runrunes. Sociedad civil exige al gobierno publicar cifras económicas y sociales, 29/8/2022, (accessed June 25, 2024). Available at: <https://runrun.es/noticias/481791/sociedad-civil-exige-al-gobierno-publicar-cifras-economicas-y-sociales/>

Sala Constitucional de la Corte Suprema de Justicia (Constitutional Chamber of the Supreme Court of Justice) (April 28, 2023). Judgment declaring the constitutionality of the Organic Law on Extinction of Ownership (accessed April 15, 2024). Disponible en: <http://historico.tsj.gob.ve/decisiones/scon/abril/324581-0315-28423-2023-23-0453.HTML>

Sentencia de la Sala Constitucional de la Corte Suprema de Justicia (Ruling of the Constitutional Chamber of the Supreme Court of Justice). Case: Carlos Miguel Subero v. CNE, of 7/25/2011, (accessed June 5, 2024). Available at: <http://historico.tsj.gob.ve/decisiones/scon/Julio/1171-25711-2011-10-0438.html>

Situation of human rights in the Bolivarian Republic of Venezuela Report of the United Nations High Commissioner for Human Rights, A/HRC/53/54, 17/11/2023, (accessed June 25, 2024). Available at: Human Rights, <https://documents.un.org/doc/undoc/gen/g23/134/24/pdf/g2313424.pdf?token=PVT4ZDxRK9u3wbIj87&fe=true>

SUNAI. 7 Steps for the Exercise of Social Comptrollership, September 27, 2023, (accessed June 26, 2024). Available at: <http://www.sunai.gob.ve/publicacion/con-exito-culmino-conversatorio-en-linea-7-pasos-para-el-ejercicio-de-la-contraloria-social>

Superintendency of Banking Sector Institutions. Resolution No. 031.18, whereby the special intervention measure is formalized to the commercial company Banesco Banco Universal, C.A., which will be executed through a permanent representative in the administration of that banking entity, without implying the cessation of its operations (Official Gazette No. 41.392 of May 8, 2018) [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700024379/0&Nombrebd=spgoin&CodAsocDoc=1451&t04=1&t05=png&Sesion=595731319](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700024379/0&Nombrebd=spgoin&CodAsocDoc=1451&t04=1&t05=png&Sesion=595731319)

Superintendency of Banking Sector Institutions. Resolution No. 051.19, whereby administrative measures are imposed to protect and secure the funds of Venezuelan users, to the commercial company Banco Occidental de Descuento, Banco Universal C.A. (Official Gazette No. 6,483 Extraordinary of October 10, 2019) [http://spgoin.imprentanacional.gob.ve/cgi-win/be\\_alex.cgi?Documento=T028700031397/0&Nombrebd=spgoin&CodAsocDoc=1981&TipoDoc=GCTOF&Sesion=1861839959](http://spgoin.imprentanacional.gob.ve/cgi-win/be_alex.cgi?Documento=T028700031397/0&Nombrebd=spgoin&CodAsocDoc=1981&TipoDoc=GCTOF&Sesion=1861839959)

Suprema Injusticia (October 4, 2023). "Cuatro fiscalías tendrán la tarea de conocer los casos relacionados con la Extinción de Dominio" (accessed March 15, 2024). Available at: <https://supremainjusticia.org/cuatro-fiscalias-tendran-la-tarea-de-conocer-los-casos-relacionados-con-la-extincion-de-dominio%E2%80%AF/#:~:text=Dominio%20%2D%20Suprema%20Injusticia-Cuatro%20fiscal%C3%ADas%20tendr%C3%A1n%20la%20tarea%20de%20conocer%20los%20casos%20relacionados,relacionados%20con%20Extinci%C3%B3n%20de%20Dominio>

Suprema Injusticia (2021). "El caso de David Vallenilla, ¿error inexcusable o acto premeditado de simulación de justicia?", (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-caso-de-david-vallenilla-error-inexcusable-o-acto-premeditado-de-simulacion-de-justicia/>

Suprema Injusticia : Why Ortega Díaz considers that crimes against humanity have been committed in Venezuela, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/por-que-ortega-diaz-considera-que-en-venezuela-se-han-cometido-delitos-de-lesa-humanidad/>

Suprema Injusticia. 3 vices that make the "new" TSJ no better than the previous one, 2/5/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/3-vicios-hacen-que-nuevo-tsj-no-sea-mejor-que-anterior/>

Suprema Injusticia. Here 3 flaws of the TSJ portal: Judgments that "disappear", delays in publication and rulings announced without numbering, 18/1/2024, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/aqui-3-fallas-del-portal-del-tsj-sentencias-que-desaparecen-retrasos-en-la-publicacion-y-fallos-anunciados-sin-numeracion/>

Suprema Injusticia. The Venezuelan government defended before the UN the alleged effectiveness of the Office of the Comptroller General of the Republic. Available at: <https://supremainjusticia.org/el-gobierno-venezolano-defendio-ante-la-onu-la-supuesta-efectividad-de-la-contraloria-general-de-la-republica/>

Suprema Injusticia. El TSJ anula excarcelación dictada bajo presión del diputado Benavides Torres, 8/12/2021, (accessed June 25, 2024). Available in Spanish at: <https://supremainjusticia.org/el-tsj-anula-excarcelacion-dictada-bajo-presion-del-diputado-benavides-torres/>

Suprema Injusticia. The TSJ appears to have annulled its coup of the National Assembly, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-tsj-aparenta-haber-anulado-su-golpe-a-la-asamblea-nacional/>



Suprema Injusticia. TSJ takes a dozen political parties under intervention: Constitutional Chamber shuts the PCV's mouth by imposing an ad hoc board, 14/8/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/el-tsj-lleva-una-docena-de-partidos-politicos-intervenidos-la-sala-constitucional-le-cierra-el-pico-al-pcv-al-imponer-una-junta-ad-hoc/>

Suprema Injusticia. In 2023 the Attorney General's Office did not give tenure to any anti-corruption prosecutor despite his crusade for PDVSA Crypto, December 9, 2023, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/en-2023-el-ministerio-publico-no-dio-la-titularidad-a-ningun-fiscal-anticorrupcion-pese-a-su-cruzada-por-pdvsa-crypto/>

Suprema Injusticia. Justicia chavista busca lavarse la cara admitiendo vicios en los casos de Acosta Arévalo y Fernando Albán, 12/10/2020, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-chavista-busca-lavars-e-la-cara-admitting-vices-in-the-cases-of-acosta-arevalo-and-fernando-alban/>

Suprema Injusticia. Justicia maniobra en casos de Albán y Pernalet para esquivar actuación de la CPI, 5/5/2021, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-maniobra-en-casos-de-alban-y-pernalete-para-esquivar-actuacion-de-la-cpi/>

Suprema Injusticia. Justicia y Chavismo, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/justicia-y-chavismo/>

Suprema Injusticia. La Asamblea Nacional redujo de 32 a 20 el número de magistrados y recortó poderes al TSJ, 25/1/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/asamblea-redujo-tsj-magistrados-recorto-poderes-tsj/>

Suprema Injusticia. National Anti-Corruption Police strikes its first major blow almost 9 years after its creation with 6 officers arrested, 3/20/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/la-policia-nacional-contra-la-corrupcion-da-su-primer-gran-golpe-casi-9-anos-despues-de-su-creacion-con-6-funcionarios-detenidos/>

Suprema Injusticia. The Constitutional Chamber of the TSJ intervenes and orders a "comprehensive restructuring" of the Venezuelan Red Cross, 7/8/2023, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/la-sala-constitucional-del-tsj-interviene-y-ordena-una-reestructuracion-amplia-de-la-cruz-roja-venezolana/>.

Suprema Injusticia. Las interrogantes que deja (Hidrobo) Amoroso en la Contraloría General de la República, 29/8/2023. Available at: <https://supremainjusticia.org/las-interrogantes-que-deja-hidrobo-amoroso-en-la-contraloria-general-de-la-republica/>

Suprema Injusticia. Michelle Bachelet sees little progress on judicial reform and none on transparency, 6/29/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/michelle-bachelet-ve-pocos-avances-en-la-reforma-judicial-y-ninguno-en-materia-de-transparencia/>

Suprema Injusticia. Razones por qué la nueva directiva del TSJ despierta recelos, 22/1/2024, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/razones-por-las-cuales-la-nueva-directiva-del-tsj-despierta-recelos/>



Suprema Injusticia. Reabren investigación contra 50 policías de Barinas por protestas de 2017, 9/11/2021, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/reabren-investigacion-contra-50-policias-de-barinas-por-protestas-de-2017/>

Suprema Injusticia. TSJ contra los gremios: ahora le toca al Colegio de abogados de Carabobo, 13/7/2022, (accessed June 25, 2024). Available at: <https://supremainjusticia.org/tsj-contra-los-gremios-ahora-le-toca-al-colegio-de-abogados-de-carabobo/>

Suprema Injusticia. Una Contraloría poco transparente inhabilitó a diputados opositores por no rendir cuentas, 1/3/2021, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/una-contraloria-poco-transparente-inhabilito-a-diputados-opositores-por-no-rendir-cuentas/>

Suprema Injusticia. Venezuela cuenta con 2496 fiscales del Ministerio Público, sin estabilidad laboral, February 16, 2023, (accessed June 26, 2024). Available at: <https://supremainjusticia.org/venezuela-cuenta-con-2496-fiscales-del-ministerio-publico-sin-estabilidad-laboral/>

Tal Cual. Cendas-FVM estimates April 2024 food basket at \$552.29, 5/21/2024, (accessed June 5, 2024). Available at: <https://talcualdigital.com/cendas-fvm-estima-que-canasta-alimentaria-de-abril-de-2024-se-situa-en-55229-dolares/#:~:text=El%20Centro%20de%20Documentaci%C3%B3n%20y,bol%C3%ADvares%3B%20sien do%20un%200.4%25%20menos>

Tal Cual. AN-2020 named new CNE: Elvis Amoroso, until now comptroller, remains among the rectors, August 24, 2023. Available at: <https://talcualdigital.com/an-2020-designa-a-elvis-amoroso-como-rector-principal-del-cne/>

Tal Cual. Exclusiva | Ministros de Economía e Interior se embolsillan 50% del presupuesto 2024, December 12, 2023, (accessed June 26, 2024). Available at: <https://talcualdigital.com/exclusiva-chavismo-amasa-presupuesto-de-20-492-millones-para-2024/>

The New York Times. Nepotism and corruption scandals dog Cilia Flores, Venezuela's most powerful woman, 11/13/2015, (accessed June 5, 2024). Available at: <https://www.nytimes.com/2015/11/13/universal/es/escandalos-nepotismo-corrupcion-nicolas-maduro-cilia-flores-venezuela.html>

Tomillo, Manuel, (September 28, 2022), "Usuarios de Yummy no pueden pagar en bolívares por sanción de la Sudeban" (accessed June 12, 2024). Available at: <https://efectocucuyo.com/economia/usuarios-de-yummy-no-pueden-pagar-en-bolivares-por-sancion-de-la-sudeban/>

Transparencia Venezuela (April 10, 2024). "Claves para entender la segunda fase de la trama de corrupción PDVSA-Cripto" (accessed April 15, 2024). Available at: <https://corruptometro.org/noticias/claves-para-entender-la-segunda-fase-de-pdvsa-cripto/>

Transparencia Venezuela (2017), "Opacity: the rule imposed from the high government", (accessed March 15, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2018/06/Opacidad-la-regla-impuesta-desde-el-alto-gobierno.pdf>

Transparencia Venezuela (October 2020). Estrategias Jurídicas para la recuperación de activos venezolanos producto de la corrupción, (accessed March 15, 2024). Available at:

<https://transparenciave.org/wp-content/uploads/2020/10/Recuperacio%cc%81n-de-activos-Transparencia-Venezuela-oct-2020.pdf>.

Transparencia Venezuela (September 2023), "Economías ilícitas en Venezuela 2023: una renta creciente repartida entre aliados", (accessed March 15, 2024). Available at: <https://transparenciave.org/economias-ilicitas/wp-content/uploads/2023/09/Una-renta-creciente-repartida-entre-aliados.pdf>

Transparencia Venezuela and Alianza Rebelde Investiga (n/d), "306 assets linked to Venezuelan corruption seized in the U.S. in more than a decade", (accessed June 14, 2024). Available at: [https://corruptometro.org/especiales/306-bienes-vinculados-a-la-corrupcion-venezolana-se-decomisaron-en-ee-uu-en-mas-de-una-decada/#:~:text=Entre%20julio%20de%202009%20y,5%25\)%20y%20y%202%20yates](https://corruptometro.org/especiales/306-bienes-vinculados-a-la-corrupcion-venezolana-se-decomisaron-en-ee-uu-en-mas-de-una-decada/#:~:text=Entre%20julio%20de%202009%20y,5%25)%20y%20y%202%20yates)

Transparencia Venezuela, (accessed June 25, 2024). Available at: <https://transparenciave.org/acusacion-contramaikel-moreno-entre-cobro-de-sobornos-cuentas-millonarias-y-gastos-lujosos/maikel-moreno-2/>

Transparencia Venezuela, ¿VOPE LA PENA DENUNCIAR LA CORRUPCIÓN EN VENEZUELA?, June 23, 2023, (accessed June 5, 2024). Available at: <https://transparenciave.org/vale-la-pena-denunciar-en-venezuela/>

Transparencia Venezuela. CNE, elections and corruption, 2017, (accessed June 5, 2024). Available at: <https://transparencia.org.ve/wp-content/uploads/2018/06/CNE-elecciones-y-corrupci%C3%B3n.pdf>

Transparencia Venezuela. Comunicué: "Ley Antisociedad" Instaura Una Política De Control En La Sociedad Civil Venezolana, February 10, 2023, (accessed June 25, 2024). Available at: <https://transparenciave.org/ley-antisociedad-instaura-una-politica-de-control-en-la-sociedad-civil-venezolana/>

Transparencia Venezuela. Corruption in Pandemic, 4/22/2021 (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/saludcritica/2021/05/10/riesgos-de-corrupcion-se-dispararon-durante-el-primer-ano-de-la-pandemia/>

Transparencia Venezuela. Cronología | Caso Rocío San Miguel, (accessed June 25, 2024). Available at: <https://transparenciave.org/cronologia-caso-rocio-san-miguel/>

Transparencia Venezuela. When corruption is the virus, October 2020, (accessed June 25, 2024). Available at: <https://transparenciave.org/project/salud-en-venezuela-cuando-la-corrupcion-es-el-virus/>

Transparencia Venezuela. From briefcase to parallel Embassy Venezuela in Argentina Notebooks, 2018, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/wp-content/uploads/2019/05/Capi%CC%81tulo-2.-Del-maleti%CC%81n-a-la-embajada-paralela.-Venezuela-en-los-cuadernos-de-Argentina.-TV.pdf>

Transparencia Venezuela. Diputado Superlano denuncia despilfarro de \$15.000 millones en compra de alimentos para los CLAP, 24/10/2018. (Accessed June 26, 2024). Available at: <https://transparenciave.org/diputado-superlano-denuncia-despilfarro-de-15-000-millones-de-dolares-en-compra-de-alimentos-para-los-clap/>

Transparencia Venezuela. Economías Ilícitas, (accessed June 25, 2024). Available at: <https://transparenciave.org/economias-ilicitas/home-economias-ilicitas-2023/>

Transparencia Venezuela. El Impacto De La Corrupción En Las Empresas Privadas Venezolanas, February 2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2022/03/Impacto-de-la-corruptio%CC%81n-en-las-empresas-privadas-venezolanas.pdf>

Transparencia Venezuela. Nepotism must be execrated from the Venezuelan state, September 8, 2016, (accessed June 5, 2024). Available at: <https://transparenciave.org/el-nepotismo-debe-ser-execrado-del-estado-venezolano/>

Transparencia Venezuela. El nepotismo se pasea impunemente por el poder judicial, (accessed June 5, 2024). Available at: <https://transparencia.org.ve/el-nepotismo-se-pasea-impunemente-por-el-poder-judicial/>

Transparencia Venezuela. Complicit companies. Available at: <https://transparencia.org.ve/wp-content/uploads/2018/12/Procuraduri%CC%81a-de-Me%CC%81xico.pdf>

Transparencia Venezuela. Open budget survey 2021, Venezuela contra corriente, 5/21/2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/encuesta-presupuesto-abierto-2021-venezuela-contra-corriente/>

Transparencia Venezuela. States of exception and economic emergency, 2019, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/wp-content/uploads/2020/12/04-Estados-de-excepcion-Y-DE-EMERGENCIA-ECONOMICA.pdf>

Transparencia Venezuela. Fonden una estrategia política para gastar sin control, June 2021, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/fonden-una-estrategia-politica-para-gastar-sin-control/>

Transparencia Venezuela. Government deepens opacity by cutting public information of companies contracting with the state, 22/8/2017. Available at: <https://transparenciave.org/project/gobierno-profundiza-la-opacidad-al-recortar-informacion-publica-empresas-contratantes-estado/>

Transparencia Venezuela. Venezuelan grand corruption, human rights and impunity, page 40 (Accessed June 26, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2023/04/Gran-Corruptcion-venezolana-Derechos-Humanos-e-impunidad.pdf>

Transparencia Venezuela. Informe sombra EPU (Accessed June 26, 2024). Available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=9322&file=SpanishTranslation>

Transparencia Venezuela. Corruption reports, 2018, (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/project/informe-anual-corruptcion/>

Transparencia Venezuela. La contraloría inhabilita pero calla ante la gran corrupción, (accessed June 5, 2024). Available at: <https://transparenciave.org/contraloria-inhabilita-pero-calla-gran-corruptcion/>

Transparencia Venezuela. La excepción como regla: decretos de emergencia, 2018, (accessed June 25, 2024). <https://transparencia.org.ve/wp-content/uploads/2019/05/Capi%CC%81tulo-4.-La-excepcio%CC%81n-como-regla.-Decretos-de-emergencia.-TV.pdf>

Transparencia Venezuela. La institucionalidad frente a las economías ilícitas, September 2023. Available at: <https://transparenciave.org/economias-ilicitas/home-economias-ilicitas-2023/>

Transparencia Venezuela. Transparency law approved by national assembly consolidates secrecy, 3/17/2021, (accessed June 25, 2024). Available at: <https://transparencia.org.ve/la-ley-de-transparencia-aprobada-por-la-asamblea-nacional-consolida-el-secretismo/>

Transparencia Venezuela. Memorial de agravios, 2016, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2016/12/Memorial-de-Agravios-2016.pdf>

Transparencia Venezuela. Nepotism in the State: Case of Comptroller Manuel Galindo (Accessed June 26, 2024). Available at: <https://transparencia.org.ve/project/31093/>

Transparencia Venezuela. Odebrecht, (accessed June 25, 2024). Available at: <https://transparenciave.org/wp-content/uploads/2020/12/08-Odebrecht.pdf>

Transparencia Venezuela. Opacity in Venezuela a way of governing, November 2022, (accessed June 25, 2024). Available at: <https://transparenciave.org/opacidad-en-venezuela-una-forma-de-gobernar/>

Transparencia Venezuela. Opacity the rule imposed from the high government, 2017. Available at: <https://transparenciave.org/wp-content/uploads/2018/06/Opacidad-la-regla-impuesta-desde-el-alto-gobierno.pdf>

Transparencia Venezuela. Presupuesto 2022, una historia que se repite, 17/12/2021, (accessed June 25, 2024). Available at: <https://transparenciave.org/presupuesto-2022-una-historia-que-se-repite/>

Transparencia Venezuela. Trama PDVSA-Cripto un desfalco sin precedentes, November 2023, (accessed June 26, 2024). Available at: <https://transparenciave.org/trama-pdvsa-cripto-un-desfalco-sin-precedentes/>

Tribunal Supremo de Justicia (Supreme Court of Justice). Constitutional Chamber. Judgment No. 2.414 dated December 20, 2007, (accessed June 25, 2024). Available at <http://historico.tsj.gob.ve/decisiones/scon/diciembre/2414-201207-07-1417.HTM>

Unión Europea / European Union. Informe final de la Misión de Observación Electoral Venezuela, 2021, (accessed June 5, 2024). Available at: [https://www.eeas.europa.eu/sites/default/files/eu\\_eom\\_ven\\_2021\\_fr\\_es.pdf](https://www.eeas.europa.eu/sites/default/files/eu_eom_ven_2021_fr_es.pdf)

United States Attorney s Office. Two indicted former Venezuelan officials and two businessmen plead guilty in connection with Venezuelan bribery scheme, 6/27/2019, (accessed June 25, 2024). Available at: <https://www.justice.gov/usao-sdfl/pr/two-former-venezuelan-officials-charged-and-two-businessmen-plead-guilty-connection>

UNODC (n/d). "Ley Modelo para la Extinción de Dominio" (accessed March 15, 2024). Available at: [https://www.unodc.org/documents/legal-tools/Ley\\_Modelo\\_Sobre\\_Extincion\\_de\\_Dominio.pdf](https://www.unodc.org/documents/legal-tools/Ley_Modelo_Sobre_Extincion_de_Dominio.pdf)

US Department of State. Maikel José Moreno Pérez, 7/21/2020, (accessed June 25, 2024). Available at: <https://www.state.gov/inl-rewards-program/transnational-organized-crime-rewards-program/maikel-jose-moreno-perez/>

Video Available at: <https://www.youtube.com/watch?v=099fj9hG0U4>, (accessed June 25, 2024).

VOA. Who is the former Chavista deputy who disqualifies politicians as comptroller in Venezuela, 3/7/2023, (accessed June 5, 2024). Available at: <https://www.vozdeamerica.com/a/quien-es-elvis-amoroso-el-contralor-de-venezuela-que-inhabilita-a-opositores-/7165100.html>

World Justice Project. Venezuela, RB 2023, (accessed June 25, 2024). Available at: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Venezuela%2C%20RB/>