

Background- Venezuela¹

Once Latin America's wealthiest country, since the early 2000s, Venezuela has suffered catastrophic economic and social collapse.² In 1998, voters rejected a decade of repressive, corrupt conservative leadership to elect Colonel Hugo Chávez, a charismatic leftist who promised to end Venezuela's economic and racial inequalities. Instead, he drove the economy into the ground and withdrew from the Inter-American Court of Human Rights in the face of dozens of cases challenging his violent repression of political opponents and defiance of the law. Today, Venezuelans are starving and Chávez's handpicked successor, Nicolas Maduro, is barely hanging on to power as massive riots engulf the nation's capital, Caracas.

Venezuela's colonial period left it with economic inequalities tied to racial divisions. When Christopher Columbus first reached Venezuela in 1498, it was inhabited by Arawak and Carib Indians who lived as hunters, gatherers, and fishers. After an extended and unsuccessful search for gold, the Spanish established "encomiendas", large farms owned by Spanish colonialists and worked by Indigenous people and African slaves. This economic system created a population split between wealthy white creoles and working class mixed-race mestizos, with smaller populations of blacks and indigenous peoples.³ Despite their elite status within Venezuela, many Creoles deeply resented Spanish control and repeatedly rebelled, most persistently under the leadership of Simón Bolívar. In 1823, Bolívar finally led the country to independence with the vital support of José Antonio Páez, a mestizo ranch hand who led an army of llaneros (cowboys). With Venezuela independent, Bolívar set off to free the rest of Latin America, including Colombia, Ecuador, Panama, Peru, and his namesake, Bolivia. However, Páez, like most Venezuelans, became increasingly disillusioned with Bolívar's dream of a united Latin America as Venezuelan casualties and costs grew. Between 1826 and 1830, Páez led a successful movement to establish Venezuela as an independent republic with himself as its president.

From its independence to the 1950s, Venezuela was ruled by a series of caudillos (military dictators) with varying degrees of economic skill and commitment to human rights. Páez was a gifted political and economic leader but, like other members of his Conservative Party, supported continuing slavery and restricting voting to landowners. In 1848, Páez was forced into exile by the Liberal Party, which passed laws abolishing slavery and extending voting to all adult men. However, the dictatorial behavior of the first two Liberal Presidents, brothers José Tadeo and José Gregorio Monagas, quickly alienated even their fellow Liberals and touched off a decades-long series of coups, counter-coups, and civil wars. In 1899, the presidency was seized by General Cipriano Castro, who was as ruthless as he was ineffective. While Castro embezzled to support his own extravagant lifestyle, he refused to pay Venezuela's foreign debts, prompting Britain, Italy, and Germany to blockade its ports in 1902. Castro's behavior also inspired repeated domestic rebellions, which had to be put down by his vice president, General Juan Vicente Gómez. Finally, the exasperated Gómez overthrew Castro himself. Gómez proved to be

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² *Venezuela Still Edgy: Will There Be Coup No. 3?*, N.Y. TIMES (Dec. 3, 1992)

<http://www.nytimes.com/1992/12/03/world/venezuela-still-edgy-will-there-be-coup-no-3.html>.

³ INSTITUTO NACIONAL DE ESTADÍSTICA, VENEZUELA, XIV CENSO NACIONAL DE POBLACIÓN Y VIVIENDA 29, <http://www.ine.gob.ve/documentos/Demografia/CensodePoblacionyVivienda/pdf/nacional.pdf>.

even more ruthless than Castro but also much more economically adept. Gómez used the police and the military to imprison, exile, and kill his political opponents, bringing the legislature, judiciary, and press under his control. However, he also ably managed the discovery of oil, using the money to create jobs, build infrastructure, and pay off the foreign debt.

From the 1950s through the 1970s, Venezuela enjoyed strong oil revenues and a successful transition to democracy. In 1945, the Acción Democrática Party overthrew the government, introduced policies designed to distribute oil wealth throughout society, established women's suffrage, and held the country's first direct election for President. In 1948, the military ousted Acción Democrática's newly elected president but the precedent had been set and, in 1958, voters again elected an Acción Democrática president, Romulo Betancourt. In 1964, Betancourt peacefully handed power over to his elected successor, the first democratic transition in Venezuela's history. During the 1960s, Venezuela struggled with an economic slump and a small-scale guerilla movement that believed Acción Democrática had lost its commitment to social justice. The slump dramatically reversed in the 1970s, during the presidency of Acción Democrática politician Carlos Andrés Pérez Rodríguez, after Venezuela and its fellow OPEC members participated in an oil embargo that caused a spike in oil prices and a boom in Venezuela's economy. Colombians, Ecuadorians, and Dominicans flocked to Venezuela hoping to find jobs building its gleaming new high rises.⁴ Venezuelans enjoyed luxury goods, new cars, and flights to Miami for shopping sprees.⁵

However, in the 1980s, the oil market crashed, revealing that the prosperity had been illusory and prompting the government to implement harsh austerity measures and crackdowns. Even at the oil market's height most of the money was concentrated in the hands of a small elite, never reaching the majority of the population. The government did not save adequately for the inevitable downturn and, with oil revenues soaring, voters looked the other way when government officials skimmed money off the top.⁶ As a result, the crash in the oil market caused skyrocketing inflation, unemployment, and foreign debt. In 1989, voters nostalgic for better times re-elected Pérez.⁷ However, Pérez continued to implement austerity measures, including an increase in gas prices that prompted a corresponding increase in bus fares. Struggling to afford the commute to work and school, residents of Caracas' suburbs protested and then rioted, burning vehicles and looting stores. In response, Pérez suspended parts of the Constitution, imposed a curfew, and ordered the military to suppress the riots. The military implemented the "Plan Ávila" for regaining control of the capital, firing at crowds indiscriminately and killing hundreds, including innocent bystanders.⁸ The week of violence became known as the Caracazo (Caracas smash) and marked a decisive turn for the negative.

⁴ *Venezuela Still Edgy*, *supra* note 2; James Brooke, *Latin America Offers 'New World' to East Europe Emigrants*, N.Y. TIMES (Feb. 17, 1992) <http://www.nytimes.com/1992/02/17/world/latin-america-offers-new-world-to-east-europe-emigrants.html>.

⁵ Diana Jean Schemo, *Whatever Happened to Venezuela's Middle Class?*, N.Y. TIMES (Feb. 9, 1996), <http://www.nytimes.com/1996/02/09/world/whatever-happened-to-venezuela-s-middle-class.html>.

⁶ *Venezuela Still Edgy*, *supra* note 2.

⁷ Alan Riding, *Former Leader Is Elected President of Venezuela*, N.Y. TIMES (Dec. 5, 1988), <http://www.nytimes.com/1988/12/05/world/former-leader-is-elected-president-of-venezuela.html>.

⁸ Case of the "Caracazo" v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 58 (Nov. 11, 1999), <https://iachr.ils.edu/cases/case-caracazo-v-venezuela>. See also BRIAN A. NELSON, THE SILENCE AND THE SCORPION: THE COUP AGAINST CHAVEZ AND THE MAKING OF MODERN VENEZUELA 53 (2009); *Dozens of Venezuelans Killed In*

Throughout the 1990s, the worsening economy and continuing authoritarianism and corruption led to repeated attempts to force Pérez from power, culminating in his replacement by Colonel Hugo Chávez. Chávez was part of a small leftist movement within the military and first came to prominence in 1992 when he led a coup against Pérez. The coup failed, but Chávez gained attention and respect for his televised speech accepting responsibility for the coup, admitting defeat, and telling supporters to lay down their arms “por ahora” (for now).⁹ The coup only worsened the repression and the government used it as an excuse to fatally shoot dozens of prisoners at the Detention Center of Catia, known as “Hell” for its overcrowding, violent riots, sewage covered yard, and physically and sexually abusive guards. Guards claimed the prisoners rioted in support of the coup, while prisoners claimed that guards lured them out of their cells and then shot them for “escaping.”¹⁰ Pérez survived a second coup later the same year but was finally impeached in 1993 after voters learned that he had used \$17.8 million in government funds to provide protection for his friend, Nicaraguan President Violeta Barrios de Chamorro. Pérez and several of his ministers were arrested for embezzlement and misappropriation of public funds. However, an Inter-American Court of Human Rights case found that Venezuelan judges had improperly and repeatedly interrogated one of the ministers, without advising him he was a suspect or providing him with an attorney, and had kept him in pretrial detention for longer than his actual sentence.¹¹

Meanwhile, Chávez had also been kept in pretrial detention since his coup attempt. The government finally released him in 1994, without ever bringing charges. Once free, Chávez successfully won the 1998 presidential election, promising to implement leftist political and economic reforms to correct Venezuela’s high poverty, unemployment, and inflation. In foreign policy, Chávez allied with Cuba and created a front of like-minded anti-U.S. states, called the Bolivarian Alliance for the Peoples of Our America (*Alianza Bolivariana para los Pueblos de Nuestra América*; “ALBA”), with Cuba, Nicaragua, Bolivia and Ecuador and a handful of Caribbean nations.

Chávez began his reforms by replacing the Constitution, the judiciary, and the legislature. As he had promised during his campaign, he established a Constitutional Assembly whose goal was to replace the 1958 Constitution, designed to keep leftists out of power, with a new Constitution, designed to allow more of Chávez’s allies into Congress and to promote social justice.¹² In the summer of 1999, voters elected pro-Chávez candidates to the Constitutional Assembly, which set

Riots Over Price Increases, N.Y. TIMES (March 1, 1989), <http://www.nytimes.com/1989/03/01/world/dozens-of-venezuelans-killed-in-riots-over-price-increases.html>; H. Márquez, *Wound Still Gaping 20 Years After ‘Caracazo’*, IPS (Feb. 27, 2009), <http://www.ipsnews.net/2009/02/venezuela-wound-still-gaping-20-years-after-lsquocaracazosquo/>; Mark A. Uhlig, *Violence Ebbs in Venezuela, but Crisis Burns On*, N.Y. TIMES (March 3, 1989), <http://www.nytimes.com/1989/03/03/world/violence-ebbs-in-venezuela-but-crisis-burns-on.html>.

⁹ NELSON, *supra* note 8 at 1, 45.

¹⁰ *Montero Aranguren et al. v. Venezuela, Merits, Reparations, and Costs*, Judgment, InterAm. Ct. H.R. (ser. C) No. 150 (July 5, 2006), https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Montero_Aranguren_et_al_v_Venezuela/yeung_montero_aranguren_et_al._v._venezuela.pdf.

¹¹ *Barreto Leiva v. Venezuela, Merits, Reparations and Costs*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 206 (Nov. 31, 2009). <https://iachr.ils.edu/cases/barreto-leiva-v-venezuela>.

¹² Clifford Krauss, *New President in Venezuela Proposes to Rewrite the Constitution*, N.Y. TIMES (Feb. 4, 1999), <http://www.nytimes.com/1999/02/04/world/new-president-in-venezuela-proposes-to-rewrite-the-constitution.html>; Larry Rohter, *Venezuela’s New Leader: Democrat or Dictator?*, N.Y. TIMES (April 10, 1999), <http://www.nytimes.com/1999/04/10/world/venezuela-s-new-leader-democrat-or-dictator.html?pagewanted=all>.

to work not only drafting a new Constitution but also removing judges accused of corruption and limiting the powers of the National Assembly.¹³ Venezuela's Supreme Court upheld the reforms but its chief justice resigned in protest.¹⁴ As Venezuelans prepared to vote on the new Constitution in December 1999, torrential rains caused massive coastal flooding and mudslides that killed thousands.¹⁵ In the midst of the natural disaster, the Constitutional Assembly dissolved Congress, replaced the Supreme Court with the Supreme Tribunal, and dismissed an official investigating corruption allegations against Chávez.¹⁶ The new Constitution passed on December 15, establishing expansive protections for human rights and social justice.¹⁷ However, the authoritarian way Chávez had pushed the Constitution through intensified the divide between Chávez's supporters, who welcomed the reforms, and his opponents, who accused Chávez of shutting them out of the political process.¹⁸

Arguably, the least effective of Chávez's reforms were his attempts to combat Venezuela's longstanding problems with police and military violence. Police and the military routinely attacked and killed both real and suspected criminals with impunity. In October 1988, Venezuelan state police patrolling the Colombian border mistook a group of fishermen for drug smugglers affiliated with the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, "FARC"), a communist guerilla group that had established bases in the area. Police opened fire on the fishermen, killing fourteen. When the two surviving fishermen sought refuge with local police, the state police and military attempted to seize them, continuing to insist that they were drug smugglers.¹⁹ In 1996, a police officer told a resident of a Caracas suburb that he would kill her sons and didn't care if she told anyone because no one would do anything. Both sons were subsequently shot to death by police or vigilantes; one son was just seventeen.²⁰ The new Constitution included expansive protections against such abuses, mandating prompt access to attorneys, families, and judges and prohibiting arbitrary arrests,

¹³ Larry Rohter, *Voters Push Power Toward Venezuela Leader*, N.Y. TIMES (July 26, 1999), <http://www.nytimes.com/1999/07/26/world/voters-push-power-toward-venezuela-leader.html>; Larry Rohter, *Venezuelan Congress Fights Loss of Power*, N.Y. TIMES (Aug. 27, 1999), <http://www.nytimes.com/1999/08/27/world/venezuelan-congress-fights-loss-of-power.html>; *Shake-Up of Courts in Venezuela Intensifies*, N.Y. TIMES, (Sept. 18, 1999), <http://www.nytimes.com/1999/09/18/world/shake-up-of-courts-in-venezuela-intensifies.html>; *Venezuela Assembly Starts Purging Judges*, N.Y. TIMES (Sept. 9, 1999), <http://www.nytimes.com/1999/09/09/world/venezuela-assembly-starts-purging-judges.html>.

¹⁴ Rohter, *Venezuelan Congress Fights Loss of Power*, *supra* note 13.

¹⁵ Larry Rohter, *Floods Confuse Venezuela's Political Outlook*, N.Y. TIMES (Dec. 24, 1999), <http://www.nytimes.com/1999/12/24/world/floods-confuse-venezuela-s-political-outlook.html>; *Venezuela Buries Truckloads of Its Dead*, N.Y. TIMES (Dec. 22, 1999), <http://www.nytimes.com/1999/12/22/world/venezuela-buries-truckloads-of-its-dead.html>.

¹⁶ Rohter, *Floods Confuse Venezuela's Political Outlook*, *supra* note 15.

¹⁷ Constitution of the Bolivarian Republic of Venezuela, published in Gaceta Oficial de La Republica de Venezuela, No. 36.860 (Dec. 30, 1999) and republished in No. 5.453 Extraordinario (March 24, 2000).

¹⁸ Larry Rohter, *Floods Confuse Venezuela's Political Outlook*, *supra* note 15.

¹⁹ *El Amparo v. Venezuela*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 19 (Jan. 19, 1995), <https://iachr.ils.edu/cases/el-amparo-v-venezuela>

²⁰ *Landaeta Mejías Brothers et al. v. Venezuela*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 281.(Aug. 27, 2014), <https://iachr.ils.edu/cases/landaeta-mejias-brothers-et-al-v-venezuela>.

disappearances, torture, and cruel, inhumane, and degrading treatment.²¹ However, much of Chávez's distrust of police stemmed from his strong identification with the military and his fear that armed police could serve as a source of coups.²² As a result, Chávez's own commitment to the Constitutional protections was lacking, even in the midst of the Constitutional referendum. When looting broke out following the December 1999 coastal flooding, Chávez removed police from areas they normally patrolled and instead sent in the military, who beat and disappeared suspected looters.²³ Chávez also demanded that the mayor of Caracas (a former ally) place the Caracas Metropolitan Police under military control and, when the mayor refused, punished Caracas by defunding its police, hospitals, and schools.²⁴ For their part, police and the military suspected Chávez's real goal was to stop them from combatting crimes committed by the communist FARC guerrillas and by Chávez's urban, working class supporters.²⁵ Venezuela's crime rate soared and the poorly trained, poorly paid police force routinely violated the Constitution's protections, arbitrarily searching, arresting, beating, and killing the citizens they were supposed to protect.²⁶ Despite high profile efforts to combat police corruption,²⁷ police routinely retaliated against citizens who made complaints against them. When the Barrios family pursued criminal charges against police officers who shot to death a family member in front of them, police pursued a decades long vendetta against the family threatening to kill and probably actually killing multiple Barrios children.²⁸

Chávez's anti-poverty programs were initially successful and popular but his heavy-handed implementation of them generated growing concern from his supporters and violence from the opposition. Aided by soaring oil prices, Chávez initiated a flurry of anti-poverty initiatives that halved unemployment, reduced extreme poverty to a third of its former levels, and doubled the GDP per capita.²⁹ However, Chávez's old military comrade and Minister of Finance, General

²¹ Constitution, *supra* note 17, at art. 44 (prohibiting arbitrary arrest and mandating prompt access to attorneys, families, and judges), art. 45 (prohibiting disappearances), art. 46 (prohibiting torture and cruel, inhumane, and degrading treatment).

²² NELSON, *supra* note 8 at 267.

²³ Blanco Romero et al. v. Venezuela, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 138 (Nov. 28, 2005), <https://iachr.ils.edu/cases/blanco-romero-et-al-v-venezuela>.

²⁴ NELSON, *supra* note 8 at 84-85, 101-102.

²⁵ *Id.* at 205.

²⁶ For Venezuela's high crime rate, see Simon Romero, *As Crime Soars for Venezuela, Chávez Coasts*, N.Y. TIMES (Dec. 2, 2006), <http://www.nytimes.com/2006/12/02/world/americas/02venezuela.html>; United Nations Office on Drugs and Crime, UNDOC Statistics, <https://data.unodc.org/> (Browse to Crime and Criminal Justice > Homicide > Homicide counts and rates (2000-2015) and Download as...Microsoft Excel. As of June 1, 2017, Venezuela had the third highest homicide rate of countries reporting data for 2015.) For police abuses, see *Country Reports on Human Rights Practices for 2016: Venezuela*, U.S. DEPARTMENT OF STATE (2016), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265622>; Steve Inskeep, *In Venezuela, A Family Blames The Police For Their Misery*, NPR (June 20, 2013), <http://www.npr.org/sections/parallels/2013/06/10/189599517/barrios-family-blames-venezuelan-police-for-mens-murders>, NELSON, *supra* note 8 at 204-205.

²⁷ *Venezuelan Minister Targets Corrupt Police*, BBC (Jan. 11, 2014), <http://www.bbc.com/news/world-latin-america-25701480>; *Country Reports on Human Rights Practices for 2016*, *supra* note 26.

²⁸ Barrios Family v. Venezuela, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 237 (Nov. 24, 2011), <https://iachr.ils.edu/cases/barrios-family-v-venezuela>. See also Inskeep, *supra* note 26.

²⁹ Victor Bulmer-Thomas, *How Hugo Chavez changed Venezuela*, BBC (March 6, 2013), <http://www.bbc.com/news/world-latin-america-15240081>; NELSON, *supra* note 8, at 65, 284-285; Ami Sedghi, *How*

Francisco Usón Ramírez, grew increasingly alarmed by Chávez's habit of spontaneously announcing programs the government could not actually afford and by the poor planning and management of programs, which allowed waste and embezzlement to flourish.³⁰ Chávez's autocratic approach to pushing programs through also generated widespread resentment. In 2000, with the economy still struggling, the legislature passed an enabling act that granted Chávez emergency powers to issue laws by decree. In November 2001, the day before the act expired, Chávez passed a package of 49 laws, including a land reform law redistributing land from large land owners to *campesinos* (peasants).³¹ Chávez's opponents saw the laws as a blatant attempt to redistribute land to his supporters.³² In Caracas, protestors participated in a national strike, held marches, and banged pots and pans in *cacerolazos* (casserole strikes). In regions on the Colombian border, landowners turned violent. Already disgusted by Chávez's perceived tolerance for FARC, landowners and law enforcement recruited Colombian paramilitary groups to kill *campesinos*, activists, and attorneys who sought to enforce the law.³³ Even Chávez's supporters were shaken by the way Chávez had forced the laws through and the controversy prompted Chávez's Minister of Justice and the Interior to resign.³⁴

Unfortunately, Chávez was deeply unwilling to hear criticism and quickly became embroiled in a battle with Venezuela's television stations. Chávez complained that media criticism of him was unfair and unpatriotic and dubbed Venezuela's four major television stations "the four horsemen of the apocalypse."³⁵ Taking their cues from the president, Chávez supporters formed groups called "Bolivarian Circles" that harassed and attacked journalists covering anti-Chávez protests, hitting, kicking, and throwing rocks, eggs, and dirty water at them.³⁶ The violence against reporters only hardened their opposition to Chávez, with many openly supporting and encouraging viewers to join the protests against him.³⁷ Usón and other moderate members of the military became increasingly concerned that Chávez was ignoring and even encouraging violence by the Bolivarian Circles, to the extent that more militant members of the military openly discussed using them as a paramilitary force to disrupt opposition protests.³⁸

In April 2002, tensions between Chávez supporters and opponents exploded into a short-lived coup.³⁹ On April 7, Chávez publically fired board members of the state oil company, Petroleum of Venezuela (*Petroleos de Venezuela S.A.*; PDVSA) for refusing to cooperate with his economic programs. The response was a massive strike and accompanying march, joined by PDVSA

Did Venezuela Change Under Chávez?, THE GUARDIAN (Mar. 6, 2013),

<https://www.theguardian.com/news/datablog/2012/oct/04/venezuela-hugo-chavez-election-data>.

³⁰ NELSON, *supra* note 8 at 21-22, 137-140.

³¹ *Id.* at 41.

³² *Id.* at 40-41.

³³ Castillo González et al. v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 256 (Nov. 27, 2012), <https://iachr.ils.edu/cases/castillo-gonz%C3%A1lez-et-al-v-venezuela>.

³⁴ NELSON, *supra* note 8 at 40-41, 136.

³⁵ *Id.* at 72-74.

³⁶ Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R.

(ser. C) No. 194 (Jan. 28, 2009) <https://iachr.ils.edu/cases/r%C3%ADos-et-al-v-venezuela>; Perozo et al. v.

Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 195, (Jan. 28, 2009), <https://iachr.ils.edu/cases/perozo-et-al-v-venezuela>.

³⁷ NELSON, *supra* note 8 at 75.

³⁸ *Id.* at 49-50, 64, 145.

³⁹ For details regarding the coup, see NELSON, *supra* note 8.

workers, conservatives, moderate socialists, and hardline communists alike. Huge crowds descended on the presidential palace, Miraflores, where they were met by Bolivarian Circle members. Both sides threw rocks and concrete chunks at one another and Bolivarian Circle members began shooting protestors and journalists, prompting the Caracas Metropolitan Police to shoot back. Seeking to regain control, Chávez ordered the military to implement “Plan Ávila” for the first time since the Caracazo. Appalled by the order to attack their own people, military leaders refused to implement the plan, instead replacing Chávez with conservative politician Pedro Carmona. Fortunately for Chávez, Carmona swiftly alienated virtually everyone outside of his small conservative clique. In front of a cheering crowd of wealthy supporters, Carmona issued a decree (the Carmona Decree), reversing the 49 laws passed under the enabling act, announcing a return to the 1958 Constitution, dissolving the Supreme Tribunal, and sending the National Guard to shut down the National Assembly.⁴⁰ Carmona distributed plum government positions to his wealthy friends, shutting out both the union and military leaders who had supported him. However, the military promptly withdrew its support from Carmona and swore in Chávez’s vice president, who swiftly reinstated Chávez.

Following the coup, Chávez accused the United States of having plotted to overturn him and cracked down on dissent, rewarding his supporters and taking revenge on his opponents. The government refused to renew the broadcasting license of one of the stations it accused of supporting the coup and seized its building and equipment to use for a government-run station.⁴¹ The Bolivarian Circles escalated their attacks on journalists, attacking them with sticks and pipes, shooting at them, stealing equipment, and setting fires to cars and parking lots, often while the National Guard and police stood idly by.⁴² Usón had privately resigned as Minister of Finance during the coup,⁴³ and, after Chávez’s return, he was first formally removed as Minister and then dismissed from the military when he continued to criticize the government. Undeterred, Usón joined the opposition and participated in the 2003 *firmazo*, collecting signatures to initiate a recall election against the president, a process authorized by the 1999 Constitution.⁴⁴ In 2004, Usón appeared on TV to discuss eight soldiers who had been tortured with a flamethrower for signing the *firmazo*, killing two. Although Usón merely explained how a flamethrower worked, a military court convicted him of criminal slander, sending him to prison for five and a half years.⁴⁵ The government also prosecuted Leopoldo López Mendoza, a former PDVSA analyst who had left to found an opposition party and successfully run for mayor of a wealthy Caracas suburb. López had enthusiastically supported the protest march and, during the coup, had personally arrested the Interior Minister for ordering the shootings of protestors. In 2005, the

⁴⁰ The Carmona Decree is archived at https://web.archive.org/web/20051014203548/http://www.analitica.com/bitbli o/carmona_estanga/decreto1.asp.

⁴¹ Granier et al. (Radio Caracas Television) v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Inter-Am. Ct. H.R. (ser. C) No. 293 (June 22, 2015), <https://iachr.ils.edu/cases/granier-et-al-radio-caracas-television-y-venezuela>.

⁴² Ríos et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 194 (Jan. 28, 2009) <https://iachr.ils.edu/cases/r%C3%ADos-et-al-v-venezuela>; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 195, (Jan. 28, 2009), <https://iachr.ils.edu/cases/perozo-et-al-v-venezuela>.

⁴³ NELSON, *supra* note 8 at 144-146, 169-170.

⁴⁴ Constitution, *supra* note 17, at art. 71.

⁴⁵ Usón Ramírez v. Venezuela, Petition to the Court, Preliminary Objection, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No 207 (Nov. 20, 2009), <https://iachr.ils.edu/cases/usón-ramírez-v-venezuela>; NELSON, *supra* note 8 at 271, 276-277.

Comptroller General and Supreme Tribunal accused López of corruption and disqualified him from holding public office for three years. When López Mendoza continued to actively support anti-government protests, the government imprisoned him for inciting violence.⁴⁶

Accompanying Chávez's crackdown on dissent was his growing disrespect for the courts. Chávez restructured Venezuela's judiciary when he first took office in 1998. Sixty-six to eighty percent of the judiciary became composed of easily removed provisional judges, highly vulnerable to government pressure.⁴⁷ From 2004 onwards, a series of provisional judges filed complaints alleging that they had been dismissed, harassed, and threatened for ruling against the government.⁴⁸ Even the Supreme Tribunal was not immune. When they ruled that the government did not have enough evidence to prosecute many of the suspected coup participants, Chávez responded by packing the court with additional justices who overturned the previous ruling and re-initiated the prosecutions, forcing the suspected coup participants to flee the country.⁴⁹ With Venezuela's highest court now firmly pro-government, opponents had little domestic recourse or ability to enforce international judgments. When the Inter-American Court of Human Rights ruled that the sanctions against López were illegal and must be lifted, the Supreme Tribunal refused to obey the order.⁵⁰ Finally, in 2003, police arrested opposition member Raúl José Díaz Peña on suspicion of participating in a bombing of the Colombian and Spanish embassies.⁵¹ Díaz spent four years and five months in pretrial detention, his health deteriorating due to inadequate prison conditions and abuse by guards. When the Inter-American Court of Human Rights found that Díaz had been held in inhumane conditions, Chávez accused the Court of siding with terrorism. On September 10, 2012, Venezuela formally denounced the American Convention on Human Rights and withdrew its acceptance of jurisdiction of the Inter-American Court, preventing it from adjudicating future violations of human rights in the country.⁵²

⁴⁶ López Mendoza v. Venezuela, Merits, Reparations, and Costs, Judgment, Inter-Am.Ct. H.R. (ser. C) No. 233 (Sept. 1, 2011), <https://iachr.ils.edu/cases/l%C3%B3pez-mendoza-v-venezuela>; Roberto Lovato, *The Making of Leopoldo López*, FOREIGN POLICY (July 27, 2015), <http://foreignpolicy.com/2015/07/27/the-making-of-leopoldo-lopez-democratic-venezuela-opposition/>.

⁴⁷ *Country Reports on Human Rights Practices for 2016*, *supra* note 26.

⁴⁸ Apitz Barbera et al. ("First Court of Administrative Disputes") v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 182 (Aug. 5, 2008), <https://iachr.ils.edu/cases/apitz-barbera-et-al-first-court-administrative-disputes-v-venezuela>; Chocrón Chocrón v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 227 (July 5, 2011) <https://iachr.ils.edu/cases/chocr%C3%B3n-chocr%C3%B3n-v-venezuela>; Reverón Trujillo v. Venezuela, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R., (ser. C) No. 197 (June 30, 2009), <https://iachr.ils.edu/cases/rever%C3%B3n-trujillo-v-venezuela>.

⁴⁹ NELSON, *supra* note 8 at 269.

⁵⁰ Lovato, *supra* note 46.

⁵¹ Díaz Peña v. Venezuela, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 244 (June 26, 2012), <https://iachr.ils.edu/cases/d%C3%ADaz-pe%C3%B1a-v-venezuela>.

⁵² Gov't of the Bolivarian Republic of Venezuela, Ministry of the Popular Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Note 000125 (Sept. 6, 2012), https://web.archive.org/web/20120915211818/http://www.oas.org/dil/esp/Nota_Republica_Bolivariana_de_Venezuela_al_SG_OEA.PDF; *Venezuela to Withdraw From Regional Human Rights Court*, BBC (July 25, 2012), <http://www.bbc.com/news/world-latin-america-18978997>.

In 2013, Hugo Chávez died of cancer, after having sought treatment in the politically allied Cuba. Chávez's chosen successor, President Nicolás Maduro, a former bus driver and trade union leader who rose through the ranks under Chávez, stuck to the policies of *Chavismo*. In 2014, oil prices crashed, and the economy fell apart. Thanks to pervasive mismanagement and corruption, spending by Chávez's ambitious social programs soon outstripped the oil funding from PDVSA they relied upon.⁵³ President Maduro responded to falling oil prices by printing money, setting price controls, and fixing the currency exchange rate.⁵⁴ The result was hyperinflation and an inability to import basic goods. Hospitals were left with no medicine, stores empty, and Venezuelans lined up for hours with bags of cash to buy food on the black market.⁵⁵ As the economy worsened, protests spread from the wealthy, conservative suburbs to the impoverished shanty towns that had formed Chávez's traditional base.⁵⁶ Members of the Bolivarian Circles alternately participated in attacks on protestors and turned criminal, committing kidnappings, car jackings, and robberies.⁵⁷ The military and police beat, electrocuted, and murdered protestors and suspected criminals alike.⁵⁸ When the opposition won control of the National Assembly in the December 2015 elections, the Supreme Tribunal refused to seat four opposition legislators due to alleged voting irregularities, denying them a supermajority. Over the next two years, the Supreme Tribunal systematically struck down laws passed by the opposition and finally dissolved the National Assembly in March 2017, paving the way for the reelection of a new, pro-Maduro Assembly that plans to rewrite the Constitution again.⁵⁹ As of August 2017, Venezuela is engulfed in massive protests and it is unclear how long Maduro can hold on.

More information

⁵³ Max Fisher and Amanda Taub, *How Venezuela Stumbled to the Brink of Collapse*, N.Y. TIMES (May 14, 2017), <https://www.nytimes.com/2017/05/14/world/americas/venezuela-collapse-analysis-interpret.html>; Justin Fox, *How Hugo Chavez Trashed Latin America's Richest Economy*, BLOOMBERG (Aug. 27, 2015), <https://www.bloomberg.com/view/articles/2015-08-27/how-hugo-chavez-trashed-latin-americas-richest-economy>; P.G., *Up in Smoke*, THE ECONOMIST (Aug. 27, 2012), <https://www.economist.com/blogs/americasview/2012/08/venezuelas-oil-industry>; NELSON, *supra* note 8 at 137-140.

⁵⁴ Fisher & Taub, *supra* note **Error! Bookmark not defined.**

⁵⁵ Nicholas Casey, *Traveling Through Venezuela, a Country Teetering on the Brink*, N.Y. TIMES, (Feb. 9, 2016) <http://www.nytimes.com/2016/02/09/world/americas/a-reporter-travels-through-venezuela-a-country-teetering-on-the-brink.html>.

⁵⁶ *Id.*; William Neuman, *Slum Dwellers in Caracas Ask, What Protests?*, N.Y. TIMES (Feb. 28, 2014), <https://www.nytimes.com/2014/03/01/world/americas/slum-dwellers-in-caracas-ask-what-protests.html>; Hugo Prieto, *Chaos Looms Over Venezuela*, N.Y. TIMES (May 3, 2017), <https://www.nytimes.com/2017/05/03/opinion/chaos-in-venezuela-nicols-maduro.html>.

⁵⁷ Nicholas Casey, *In a Brutal Year in Venezuela, Even Crime Fighters Are Killers*, N.Y. TIMES (Dec. 30, 2016), <https://www.nytimes.com/2016/12/30/world/americas/venezuela-violence.html>; Patricia Torres and Nicholas Casey, *Armed Civilian Bands in Venezuela Prop Up Unpopular President*, N.Y. TIMES (April 22, 2017), <https://www.nytimes.com/2017/04/22/world/americas/armed-civilian-bands-in-venezuela-prop-up-unpopular-president.html>.

⁵⁸ Casey, *supra* note 57; William Neuman, *In Venezuela, Protestors Point to Their Scars*, N.Y. TIMES (April 27, 2014), <https://www.nytimes.com/2014/04/28/world/americas/in-venezuela-protesters-point-to-their-scars.html>.

⁵⁹ Nicholas Casey and Patricia Torres, *Venezuela Muzzles Legislature, Moving Closer to One-Man Rule*, N.Y. TIMES (March 30, 2017), <https://www.nytimes.com/2017/03/30/world/americas/venezuelas-supreme-court-takes-power-from-legislature.html>; Nicholas Casey, *Venezuela's New Leaders Begin Their March Toward Total Control*, N.Y. TIMES (Aug. 4, 2017), <https://www.nytimes.com/2017/08/04/world/americas/venezuela-constituent-assembly-maduro.html>.

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State's 2016 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).