



**Permanent Secretariat of the Latin American and Caribbean
Network for Democracy (Redlad):
Statement about the crisis of governance in Venezuela.**

January 2013.

***Unofficial translation done only for the purpose of being understood.**

The Permanent Secretariat of the Latin American and Caribbean Network for Democracy (Redlad) platform to boost full democracy comprising more than 450 organizations, as an official member of the Civil Society Forum of the Organization of American States (OAS) and Regional Chapter of the World Movement for Democracy (WMD), it allows do the following annotations on the current situation in Venezuela, following the state of health of President Hugo Chávez Frías:

- Despite being critical of the undemocratic way in which the government of Hugo Chávez has acted on several occasions, the organization hopes for the speedy recovery of the President.
- Is concerned about the situation of uncertainty which live Venezuela and the negative impact of the manipulation of the law by groups in power.
- While President Chávez was elected popularly, the onset of the functions of his third term began on January 10, 2007 and constitutionally ends next January 10, 2013, therefore, when President Chávez elected for a new term as president constitutionally January 10 next, meaning a new term and not a continuation of the previous, this in legal and constitutional terms.
- The swearing in of President is explained in Article 231 of the Constitution, where it is stated that "the successful candidate elected will take office of President of the Republic on 10 January of the first year of his constitutional term, by an oath before the National Assembly. If for any reason befallen the



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President of the Republic could not take possession before the National Assembly, he will do it before the Supreme Court of Justice."

- Faced with an inability of the President, the Supreme Tribunal of Justice (TSJ) could act on the basis of case law. Stands one of the judgments delivered in the past, specifically the May 26, 2009, in the case of the takeover of state governor of Carabobo Henrique Salas Feo, in which he argued that "The onset of action of government depends the corresponding inauguration, it is clear that the act of swearing state chief executive is an indispensable solemnity. " This does not alter the application of Articles 230 and 231 of the Constitution, which not established an exception in case of reelection.
- Also, not sworn before the National Assembly on 10 January and not take office for which he was elected, according to Article 233, the President of the National Assembly as the sole legitimate authority constitutionally, would temporarily assume the position of President of Republic, fulfilling the conditions for the temporary absence of the President.
- Additionally, if a President is not able to assume the charge on January 10, the Constitution of the Bolivarian Republic of Venezuela clearly indicates that you must call elections within 30 calendar days after that date.. The "temporary absence" of the President-elect, based on medical certification and prolonged for no more than ninety days will not be extended under Article 234, the National Assembly should declare where the considered absolute and after that, according to Article 233 "proceed to a new election by universal, direct and secret within thirty consecutive days."
- On the other hand, Redlad rejects tampering that may have been introduced recently in the Supreme Court of Venezuela, the replacement of judges and the possible negative impact of constitutional analysis that he try to do to support the groups in power. The case of former Judge Blanca Rosa Marmol de Leon who was removed from office without the appointment of a substitute judge by part of National Assembly is just one of the facts that explain this trend..
- The decision of the President of the Supreme Court of Justice, Luisa Estela Morales, to interpret the constitution of Venezuela to favor a specific group and extend the legal vacuum and uncertainty in Venezuela, only contributes to major problems and ungovernability. The interpretation in the light of the constitution to favor political groups only brings greater legal uncertainty and is an attack on the rule of law.
- Considers that the people of Venezuela elected Hugo Chavez, not the people who now take their spokesperson, in turn, rejects the maneuvers that interpret the Constitution in a way that allows exercise to continue in an administration whose term is expiring. The continuity in the power of a president not sworn



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would be unconstitutional and therefore automatically transform it into a de facto government.

- Rejects interventionism in Venezuela by other countries this is inappropriate and in violation of international democratic principles.
- To assess the capacity or incapacity of President Chávez urges the formation of a medical board of international and Venezuelan experts that could travel to Cuba to verify the state of health of President Hugo Chavez and evaluate the possibility that it returns certainly in functions in a short notice.
- It calls on the opposition to seek formulas guarantors of democratic values and democratic principles and permanent respect the sovereign will of the Venezuelan people.
- Finally, the Permanent Secretariat of Redlad calls on government officials, representatives of the opposition and civil society of Venezuela to become aware of the seriousness of the situation and maintain the stability, democracy, peace, reconciliation and freedom of Venezuelan citizenship before to look their personal interests.
- We reject any undemocratic output to the current crisis in Venezuela and call always to seek peaceful solutions that respect all democratic groups.
- It is also a comprehensive call to the international community to reject interpretations that may be unconstitutional, foreign interference and manipulation of laws and thus help to prevent a coup or others undemocratic outputs.

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