

VENEZUELA: Declaration of State of Emergency: Sweeping powers can open floodgates to human rights abuse

May 20, 2016.- OMCT expresses grave concern about what [Venezuelan human rights organizations](#) see as a "rupture of constitutional order".

The decree was enacted on May 13, 2016, by the President Nicolás Maduro, to address the "extraordinary circumstances" of social, economic, political, natural and ecological order that seriously affect the national economy. Pursuant to article 227 of the Venezuelan Constitution, under States of Exception rights can be temporarily restricted except the right to life, the prohibition of incommunicado detention and torture, due process and the right to information.

The approval of the decree, which was rejected by the National Assembly on May 17, 2016, and yesterday (May 19, 2016) finally declared constitutional by the Supreme Court, gives the National Executive discretionary powers to, among others: 1) adopt extraordinary plans to ensure the maintenance of public order against "destabilizing actions" and 2) undertake special measures to guarantee national sovereignty and prevent foreign interference in internal affairs, including the suspension of foreign funding received by national legal entities or individuals for the execution of projects in the country.

"In the experience of OMCT and SOS-Torture network members worldwide, States of Exception dramatically weaken the guarantees against torture and personal integrity and security", stated Gerald Staberock, Secretary General of the OMCT.

The recent declaration of a State of Exception in three municipalities in the Zulia state (bordering state with Colombia) brought about an increase of human rights abuses. It is also noteworthy to mention that the current militarization of public order, reflected in security operations such as the "Operación Liberación y Protección del Pueblo" (launched in July 2015), has raised alarms over the increase of extrajudicial killings and arbitrary arrests, as OMCT [denounced in its last mission](#) in October 2015. In this setting, OMCT is alarmed by the potential implications of a nation-wide State of Exception.

Any decree declaring the State of Exception should be enacted lawfully, meet the necessity and proportionality requirements and be defined in concrete terms. In light of its wording, OMCT is very concerned that the decree does not spell out the implications these new powers may entail for the enjoyment of human rights and does not note that they may worsen a social context already marked by the widespread shortage of food and medicine. In this setting, OMCT calls on Venezuelan authorities to uphold the safeguards against arbitrary detention and

torture, ensuring that due process guarantees and the right to an effective remedy are upheld in all circumstances.

“History especially in Latin America is replete with emergency frameworks opening the floodgates to unfettered executive power, militarization and impunity for serious human rights violations. In crisis situations such as this, arbitrariness and the restriction of individual and collective rights including the right to peaceful assembly, only exacerbate tensions further”, stresses Gerald Staberock.

Finally, OMCT urges the Venezuelan authorities to guarantee full respect for fundamental human rights, and reminds the authorities of the vital role that individuals and organizations protecting human rights play, particularly in situations of crisis.

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