

# VENEZUELA

## CCPR

### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offence against the res publica may be tried in absentia , with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the res publica to be tried in absentia.

### **DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT**

12 April 1989

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

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(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

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5 February 1992

(Dated 4 February 1992)

Temporary suspension of certain constitutional guarantees throughout Venezuela with a view to facilitating the full restoration of public order throughout the national territory.

The Government of Venezuela specified that "the measures were made necessary after criminal attempt was made to assassinate the President of the Republic with the aim of upsetting the rule of law and undermining the constitutional order of the Republic thereby constituting an attempt against the achievements of the Venezuelan people over more than three decades of fully democratic government".

The constitutional guarantees suspended in Venezuela relate to the rights provided for in articles 9, 12, 17, 19 and 21. The right to strike was also temporarily suspended.

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24 February 1992  
(Dated 21 February 1992)

Restoration, as from 17 February 1991, of the guarantees provided for under articles 12 and 19 of the Covenant and also of the right to strike.

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6 May 1992  
(Dated 30 April 1992)

Restoration, as from 21 February 1991, of the guarantees provided for in articles 9, 17 and 21 of the Covenant, thereby fully ending the state of emergency declared on 4 February 1992.

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2 December 1992  
(Dated 30 November 1992)

On 27 November 1992, certain constitutional guarantees relating to the rights provided for in articles 9, 17, 19 and 21 of the Covenant have been suspended in Venezuela.

This measure was made necessary after a group of civil subversives in connivance with a small military squad took over Palo Negro air base in the city of Maracay, Aragua State, and Francisco de Miranda Base in the city of Caracas, which services as Headquarters of the Air Force Command, thereby threatening the democratic system.

On 28 November 1992, restoration, as from that date, of the rights provided for in article 21 of the Covenant, so as to allow public electioneering in contemplation of the elections to be held on 6 December 1992.

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5 March 1993

Restoration, pursuant to Decree No. 2764 of 16 January 1993, of rights regarding personal liberty corresponding to articles 9 (1) and 11 of the Covenant throughout the national territory. Rights regarding liberty and security of person as well as the inviolability of the home and the right to demonstrate had been restored as from 22 December 1992.

Restoration, pursuant to Decree No. 2672 of 1 December 1992 of certain rights which had been suspended by Decree No. 2668 of 27 November 1992.

Suspension, pursuant to Decree 2765 of 16 January 1993, of certain rights in the State of Sucre as a result of a breach of the peace in that State. These rights, corresponding to articles 12 (1) and 21, were restored by Decree No. 2780 on 25 January 1993.

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7 July 1994  
(Dated 29 June 1994)

By Decree No. 241 of 27 June 1994, suspension of certain constitutional guarantees in view of the fact that the economic and financial situation of the country has created circumstances liable to endanger public order.

Derogation from the provisions of articles 9, 12 and 17 of the Covenant.

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1 September 1995  
(Dated 18 July 1995)

By Decree No. 739 of 6 July 1995, restoration of the constitutional guarantees, suspended by Decree No. 241 of 27 June 1994 [see notification received on 7 July 1994], throughout the national territory, except in the autonomous municipalities of Rosario de Perijá and Catatumbo, State of Zulia; García de Hevia, Pedro María Ureña, Bolívar, Panamericano and Fernández Feo, State of Táchira; Páez, Pedro Camejo and Rómulo Gallegos, State of Apure; and Atures, Atuana, Manapiare, Atabapo, Alto Orinoco and Guainía, State of Amazonas. The Government considers that the situation in these border municipalities, where the theatre of conflict and the theatre of operations No. 1 were decreed, requires that, in the interest of protecting its borders, the above guarantees remain suspended.

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22 March 1999  
(Dated 3 March 1999)

Restoration of the guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by Decree No. 739 of 6 July 1995. [See notification received on 1 September 1995.] [*Ed. note: see above*]