

Civil and Political Rights in Venezuela:
Democracy in Venezuela during Nicolas Maduro's First Presidential Term 2013-2018

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The deterioration of the state of civil and political rights in Venezuela did not start under Nicolas Maduro's government. Indeed, Hugo Chavez's regime catalyzed a more authoritarian government. Some examples of these violations include Chavez's interference with the right to property by the expropriation of domestic enterprises, the violation of freedom from discrimination by pushing the Lista Tascón—the list that caused workplace discrimination and the unjust employment dismissal of individuals as it exhibited Venezuelans who voted against Chavez in the 2004 recall referendum¹—or the censorship of media that spoke against the government such as Radio Caracas Television. Chavez's addition of Chavista government officials in the legislative and judicial branches, the centralization of powers in the executive branch, and a military system full of strong government supporters served as inspiration for Maduro to introduce a government system where only one party can take part.² Chavez's policies were the beginning of an era of distrust in the country's political system, and Maduro strengthened these feelings for Venezuelans. While Chavez partially took over the political powers, his successor excelled at making his party the total authority of the country.

Chavez's constitutional reform of 2007 eroded checks and balances with the elimination of the Senate and increased presidential power by establishing longer and unlimited terms of office. The amended constitution demonstrated a danger to the practice of human rights, despite having a newly detailed section on their protection.³ The changes in the Constitution are something that Maduro has, evidently, taken advantage of to this day. Even before the state of human rights worsened over the years, these changes were an omen of the current situation of Venezuela: a country that was corrupted by politicians who only focused on their own interests and power, with no respect to the dignity of their citizens.

Venezuela began to be considered one of the most authoritarian countries in the world once Maduro arrived at the Palace of Miraflores, a status that persists to this day. He has emulated Chavez's human rights violations in many ways, and over time the humanitarian situation became even more aggravated. Maduro's government has been in charge of perpetuating several human rights violations and has ignored the fundamental principles of democracy: violations such as unjust deprivation of lives, harsh prison conditions, arbitrary detentions and arrests, inhumane

¹ Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, 2008, <https://www.hrw.org/report/2008/09/18/decade-under-chavez/political-intolerance-and-lost-opportunities-advancing-human>.

² Javier Corrales and Michael Penfold, "The Less Competitive, More Authoritarian Regime," in *Dragon in the Tropics: Venezuela and the Legacy of Hugo Chavez* (Washington, DC: Brookings Institution Press, 2015), 179.

³ Maxwell A. Cameron and Flavie Major, "Review: Venezuela's Hugo Chavez: Savior or Threat to Democracy," *Latin American Research Review* 36, no. 3 (2001): 257.

treatment of detainees, denial of a fair trial, unlawful raids, censorship and restriction on expressions, repression of peaceful assembly, political discrimination, limited political participation, corruption, and lack in transparency in elections and government.⁴ Impunity prevails for those who commit crimes against the political opposition, and the political opposition is persecuted and ostracized from participating in the government. To retain its power, the Venezuelan government represses its political opposition through the use of authoritarian methods and “constitutional” methods, erasing the state of democracy in the nation.

The presidential election was held on April 14, 2013, a month after the death of Chavez. Members of the political opposition were already announcing the victory of the candidate Henrique Capriles Radonski after the polls closed; however, Nicolas Maduro claimed a win in the election with a victory margin of 1.59%. The day after, Capriles accused the election of being fraudulent, and demanded a vote-on-vote audit. The National Electoral Council (CNE) initially accepted the audit on April 18. Following this, the opposition made more demands to include in the audit on April 25, to which the CNE declined on April 27.⁵ The CNE’s dismissal of all the proof shown by the opposition candidate illustrates that the council did not respect the integrity of the elections, and how this request may have represented a threat to the victory of Maduro.

On April 15, he organized a nationwide casserole protest and promoted street mobilization to the CNE to protest peacefully for the post-election audit. Not only did the newly elected president accuse Capriles of attempting to overthrow the government, but other government officials accused him of terrorism and instigation of violence.⁶ The Venezuelan government’s strategy to discredit the political opposition consisted of exaggerating their opponents’ intention when they sought democratic means: they made criminal accusations to political leaders whenever a protest or a constitutional, lawful process proposed by the opposition took place, even if the political leaders were not guilty of it. In addition, the accusations are paired with fabricated evidence if a trial ever takes place. Government representatives constantly used dehumanizing language to leaders of the political opposition and protesters as well, expressing themselves with qualifiers such as “violent, fascists, coup plotters, murderers and sectors that hate and despise the [Venezuelan] people.”⁷ Chavista-Madurista officials used this type of language to demonize their opponents and present them in a way to show the public that they are at fault for the chaos caused during the demonstrations. For Maduro loyalists, the usage of this language also displays how

⁴ U.S. Department of State, *Venezuela 2018 Human Rights Report*, 2019, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/venezuela/>.

⁵ Ryan Mallett-Outtrim, “Venezuela’s Supreme Court Rules Capriles’ Appeal Against 14 April Electoral Results ‘Inadmissible,’” *Venezuelanalysis*, August 9, 2013, <https://venezuelanalysis.com/news/9917/>.

⁶ Civilis Derechos Humanos, *Situación de Derechos Humanos En Venezuela En El Marco de La Elección Presidencial Del 14 al 30 de Abril de 2013* [Human Rights Situation in Venezuela under the Presidential Elections Framework from April 14 to April 30, 2013], 2013, www.civilisac.org/informes/contexto-abril-2013-en-derechos-humanos.

⁷ *Situación de Derechos Humanos en Venezuela* [Human Rights Situation in Venezuela].

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anyone that opposes the government and “violently” protests against it deserves a less humane threat, hence justifying their human rights violations.

Although the calls for protest by the political opposition were intended to be peaceful and a solicitude of fairness in the electoral process, the Venezuelan regime tried to smear the political opposition; repressed anyone who tried to protest against the government and the election results; and falsely classified the attempts to have a fair and democratic process as unlawful. In early May, Capriles filed a lawsuit with the Supreme Court to invalidate the legitimacy of the presidential election, presenting a list with election irregularities that was over 180 pages.⁸ The Supreme Court dismissed the case and fined him 10,700 Bolivares (\$1,500) for the offensiveness of his claims towards the court and government and declared that there was a failure to provide sufficient evidence to prove the irregularities and fraud.⁹ This shows, undoubtedly, the decay of democracy in Venezuela in the early 2010s. The government’s seizure of judicial power became evident with this case, since the Chavista loyalists were in control of the Supreme Court. Capriles was punished for an action that was legal, and the Supreme Court acted in favor of Maduro despite all the proof given for the case. Capriles’ fine for the offensiveness of his claims also represents how the government tried to silence political dissent through “legal” means so it did not interfere with Maduro's tyranny.

The general opposition to the results of the 2013 election along with the discontent of the people with the humanitarian and economic conditions of the country led to protests in 2014. The protests took place between February and May, and 43 lives were taken during these months. In these protests, *colectivos*—a state-sponsored paramilitary group—allegedly had a role in the deaths of 52% of civilians during the demonstrations, including the killing of 22-year-old marketing student and model Genesis Carmona.¹⁰ Up to 2021, the people responsible for her death remained unpunished,¹¹ and it is unclear to this day if they have been convicted for these crimes. Similarly, the 24-year-old marketing student Bassil Da Costa was shot and killed by the Bolivarian National Intelligence Service (SEBIN) officers in one of the February demonstrations. The Public Ministry charged 8 officers for the homicide of Da Costa, yet they were later released.¹² These students became symbols of the Venezuelan protest against the Madurista regime, and their cases

⁸Rafael Romo and Catherine E. Shoichet, “Venezuelan Opposition Contests Presidential Vote in Country’s High Court,” *CNN*, May 2, 2013, <https://www.cnn.com/2013/05/02/world/americas/venezuela-elections-lawsuit>.

⁹ Mallett-Outtrim, “Venezuela's Supreme Court Rules Capriles' Appeal Against 14 April Electoral Results ‘Inadmissible.’”

¹⁰ U.S Department of State, *Venezuela 2014 Human Rights Report*, 2015, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2014/wha/236724.htm>.

¹¹ Raul Castillo, “El Recuerdo de Génesis Carmona, la Joven Asesinada en 2014 por Colectivos Paramilitares” [The Memory of Génesis Carmona, the Young Girl Killed in 2014 by Paramilitary Colectivos], *El Diario*, February 19, 2021, <https://eldiario.com/2021/02/19/genesis-carmona-asesinada-2014-colectivos-paramilitares/>.

¹² U.S. Department of State, *Venezuela 2014 Human Rights Report*, 2.

demonstrate how the government failed in its duty to protect civilians. It shows how the government offers impunity to those who operate against their regime as well.

Members of the Venezuelan armed forces acted with excessive violence towards unarmed protesters during these demonstrations, engaging in abuses that included: beatings; the use of tear gas against multitudes; the use of firearms and rubber bullets; and the deliberate shooting of rubber bullets at close range against unarmed people who were already detained. During the 2014 demonstrations, 3,306 civilians were detained, suffering from arbitrary detentions in which they would have no communication with law officials or family members for more than 48 hours. Additionally, law enforcement officials tortured many of these civilians.¹³ Once more, the crimes done by law enforcement officials and colectivos were not punished. The government failed to address the human rights violations caused by its law enforcement officials, and they enjoyed impunity from all the abuses they committed; the government encouraged attacks against civilians for the sake of protecting the government from a “coup” instead of condemning its public officials.

Many politicians from the political opposition were imprisoned unjustly for their participation in the 2014 protests. Leopoldo Lopez, the former governor of the city of Chacao in Caracas, was accused of arson; instigation; homicide; conspiracy; damage to public property, and terrorism. Lopez turned himself in during one of the pacifistic demonstrations in February 18, 2014, and the next day he was only charged with arson, instigation, and conspiracy. Despite having offered evidence from “the testimonies of forty-one eyewitnesses, three journalists, one cameraman, four videos, fifteen press releases, and four press conference recordings,” all the proof provided by Lopez was rejected.¹⁴ In September 2015, Lopez was sentenced to 14 years in prison. In October 2015, one of his prosecutors admitted that “the evidence . . . was non-existent or fabricated.”¹⁵ As one of the strategies to maintain less competition, the Chavista-Madurista governments have continuously barred their political opponents from running for office, demonstrating political bias to those who challenge their hegemony in the country.

Furthermore, Hugo Chavez’s administration had previously violated Lopez’s political rights. Along with 271 Venezuelans, Lopez was accused of corruption and funds mismanagement and was subsequently banned from running for office in 2008.¹⁶ In 2011, the Inter-American Commission on Human Rights determined that his political disqualification from seeking public

¹³ Kenneth Roth, *Informe Mundial 2015: Venezuela* [World Report 2015: Venezuela], Human Rights Watch, 2015, <https://www.hrw.org/es/world-report/2015/country-chapters/world-report-2015-venezuel>.

¹⁴ *Cronología del Caso Leopoldo López* [Chronology of the Leopoldo López Case], Acceso a la Justicia, 2021, <https://accesoalajusticia.org/cronologia-del-caso-leopoldo-lopez/>.

¹⁵ Human Rights Watch, “The Shattered Case Against Leopoldo López,” <https://www.hrw.org/news/2015/12/02/shattered-case-against-leopoldo-lopez>.

¹⁶ Tamara Pearson, “Venezuelan Opposition Politician Lopez Barred for Breaking the Law, Not for Politics,” *Venezuelanalysis*, October 19, 2011, <https://venezuelanalysis.com/news/6566/>.

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office was unjustified; however, the Supreme Court maintained its ruling.¹⁷ Actors of the international community have repeatedly shown their disapproval of this ruling and have pointed out the violations done by the Venezuelan government of their own constitution and international law, yet the government denies it and refuses to be compliant with them. The Chavista government barred Lopez from running for office with the aim of eliminating any political dissidents, and this aim repeats with the Madurista government arresting him under false claims.

A different instance of unjust disqualification from running for office is the case of Maria Corina Machado. In 2014, after joining the Panamanian delegation to be able to speak in the General Assembly of the Organization of American States, Machado was expelled from the National Assembly on the premise of being a “traitor to the country” just months before the parliamentary elections. In 2015, she was banned from running for public office for a year. In 2023, it was revealed that she had been banned for 15 years instead, coincidentally after winning the primary election of the political opposition with more than 90% of the votes.¹⁸ The practice of disqualifying political opponents from holding any office position seems to be a pattern in the Chavista-Madurista regime, particularly with opposition leaders that have major support from the Venezuelan people.

Demonstrations came back in 2016 when the political opposition protested the same issues as before: the aggravation of the humanitarian and economic situation of the country and the lack of democracy. Food and medicine shortages, a rise in criminality, and ongoing human rights violations were prevalent this year. Again, the Venezuelan government had infuriated its people by ignoring their calls for a just constitutional process, as the opposition handed in a petition to have a referendum recall and obtained 1.8 million signatures from the electorate when they initially needed only 200,000 signatures.¹⁹ A week before continuing to the second phase of the referendum recall, the CNE suspended the referendum, and government officials claimed that there was massive fraud in this process. Madurista government officials claimed that they “would stick to the Constitution, without allowing them [the opposition] to try to deceive our people again.”²⁰ Even though most of the Venezuelan population does not support Maduro’s government and would have proceeded with the recall referendum process, the government keeps making false claims to prevent the opposition from defying the government in social, judiciary, and political ways. The

¹⁷ Daniel Bases, “Chavez Rival to Run Despite Venezuela Court Ruling,” *Reuters*, October 18, 2011, <https://www.reuters.com/article/us-venezuela-opposition/chavez-rival-to-run-despite-venezuela-court-ruling-idUSTRE79H6JA20111019>.

¹⁸ Inés Santaerulelia, “María Corina Machado, Razones (o Sinrazones) de su Inhabilitación Política” [María Corina Machado, Reasons (or Lack of Reasons) of Her Political Disqualification], *EL PAÍS*, October 24, 2023, <https://elpais.com/america/2023-10-24/maria-corina-machado-razones-o-sinrazones-de-su-inhabilitacion-politica.html>.

¹⁹ Sebastián Acevedo, “Venezuela: el CNE Paraliza el Referendo Revocatorio a Nicolás Maduro” [Venezuela: The CNE Suspends the Referendum Recall of Nicolás Maduro], *BBC*, October 21, 2016, <https://www.bbc.com/mundo/noticias-america-latina-37723172>.

²⁰ Acevedo, “Venezuela.”

government affirms their backing of the constitution although there are consistent violations of it as well. Thus, Venezuelans are unable to exercise their right to participate freely in the political system.

Furthermore, the Venezuelan government took all the power from the political opposition after the victory of their coalition, the Democratic Unity Roundtable (MUD), in the parliamentary elections of 2015. After nullifying the majority of the legislature passed in the National Assembly, transferring the budget oversight powers to President Maduro and engaging in other methods to make them unable to participate in the political system, the Supreme Court seized lawmaking powers from the National Assembly in 2017. Additionally, Maduro convened a Constituent Assembly in which members of the opposition had no participation and which Venezuelans had no right to reject.²¹ Over the years, the Venezuelan regime discretely would form more approaches to possess more power and divert it from the opposition, however, their attempt to have absolute power over all the government branches without letting others participate in their political process became a reality. The creation of the Constituent Assembly represented the ultimate fall of a state of democracy in Venezuela, as no government officials from the opposition could have a say in the government, nor did the Venezuelan people; it represented the official entering of a non-official one-party system. Chavez already tried to centralize all the powers in his government with constitutional changes, and now, Maduro achieved his goal of retaining all the powers not only by preventing others from having a legislative say but making changes in the Constitution through the new assembly.

The regional elections were held in 2017, and Nicolas Maduro's government won in 18 out of 23 states.²² Irregularities during the elections were denounced: a lack of international observers, voter intimidation, unexpected changes in the locations of voting centers without prior notification, vote buying, and limited access to voting machines in opposition-supporting areas.²³ Maduro's government employed voting suppression strategies to receive more support and was unfairly advantaged with the support of all members of the CNE. As a result, the CNE members did not fulfill their duty of overseeing the elections properly to have results that accurately reflected Venezuelan people's wants.

To gain voting support, Venezuelans were told that they would face employment termination or lose access to food supply at state-regulated prices.²⁴ The government social

²¹ Nicholas Casey, "Venezuela's New, Powerful Assembly Takes Over Legislature's Duties," *The New York Times*, August 18, 2017, <https://www.nytimes.com/2017/08/18/world/americas/venezuela-constituent-assembly-maduro.html>.

²² Arundhati Roy, "US: Venezuela Elections 'Neither Free nor Fair,'" *Deutsche Welle*, October 17, 2017, <https://www.dw.com/en/us-says-venezuela-vote-neither-free-nor-fair/a-40978262>.

²³ Freedom House, *Venezuela: Freedom in the World 2018 Country Report*, 2018, <https://freedomhouse.org/country/venezuela/freedom-world/2018>.

²⁴ Tamara T. Broner, "Venezuela: The Constituent Assembly Sham," *Human Rights Watch*, July 31, 2017, <https://www.hrw.org/news/2017/07/31/venezuela-constituent-assembly-sham>.

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program for food supply is the Local Committees for Supply and Production (CLAP). It was created to alleviate the food crisis but was considered unsatisfactory to the nutritional needs of the Venezuelan people.²⁵ Hence, the government plays with the needs of the people to achieve their political goals and fails to give its people social help and an adequate standard of living.

The protests that resulted from the discontent of Venezuelans with Leopoldo Lopez's situation, the establishment of the Constituent Assembly, and the disregard for the referendum recall in 2017 demonstrated the increase of violence and human rights abuse. Between April and September, the protests had a death toll of 136 people and at least 102 were killed by colectivos or security forces.²⁶ After the demonstrations, security forces would conduct illegal raids with excessive force for political repression purposes. They would enter residential buildings and houses without arrest warrants and mentioning names, looking for any individual that had been involved in the protests. The security forces would destroy locks or forcibly open doors, destroy surveillance cameras, and take valuable items from the places of residence. They would also verbally or physically threaten the residents of these sites.²⁷ Repressive methods as arbitrary detentions, use of force on civilians, raids, and torture have been used since 2014, with the only difference that there was a rise in violence in 2017. The government uses these strategies to silence opposition supporters by intimidating them into not expressing any type of discontent with the government, since the consequences for it get gradually worse.

Not unexpectedly, freedom of speech has been jeopardized in the country. In 2017, the Constituent Assembly introduced the Law Against Hatred, a law in violation of 7 articles of the Constitution. Its 20th article imposes 10 to 20 years prison sentences to "whom publicly (...) encourages, promotes or incites hatred, discrimination or violence against a person or group of people."²⁸ Following the establishment of the law, two firefighters were detained "on charges of 'instigating hate'" after posting a comical video comparing Maduro to a donkey on social media, and a hospital worker was arrested for taking a picture of a women in labor in the waiting room, as it portrayed Venezuela's health crisis.²⁹ The law is vague in matter and fails to offer a definition of hatred, giving the government the opportunity to classify as hatred any messages against

²⁵ United Nations, Office of the High Commissioner for Human Rights, *Human Rights Violations in the Bolivarian Republic of Venezuela: a Downward Spiral With no End in Sight*, 2018, <https://www.ohchr.org/es/documents/country-reports/human-rights-violations-bolivarian-republic-venezuela-downward-spiral-no>.

²⁶ *Venezuela: Freedom in the World 2018 Country Report*.

²⁷ Amnesty International, *Venezuela: Nights of Terror: Attacks and Illegal Raids on Homes in Venezuela*, 2017, <https://www.amnesty.org/en/documents/amr53/7285/2017/en/>.

²⁸ "Ley Contra el Odio Viola 7 Artículos de la Constitución" [Law Against Hatred Violates 7 Articles of the Constitution], *El Nacional*, November 15, 2017, https://www.elnacional.com/noticias/politica/ley-contra-odio-viola-articulos-constitucion_211662/.

²⁹ *Venezuela 2018 Human Rights Report*, 10.

Maduro's ruling and targets leaders of the political opposition when expressing their objections on human rights violations and breaking of constitutional law.

In May 2018, Maduro celebrated a victory in the presidential election. The opposition called for a boycott in this year's elections, and the majority of voters did not participate in it. The Venezuelan people were manipulated into voting for Maduro: after voting many would visit the Red Spot, booths where they had to present a special identity document to receive food assistance. Workers would track the names of the voters that came, and claimed that "there was no effort to pressure voters or link a pro-Maduro vote to future food deliveries."³⁰ Even if the government claims not to be trying to persuade voters into casting a ballot for them, it was a strategy that makes vulnerable Venezuelans fear for their food income because these benefits could be taken away if they do not show their support to Maduro's regime. In a similar manner, Maduro was advantaged during the elections because of the banning of opposition members from running from office in the past, only leaving him with weak opponents during the presidential race.

Unfortunately, Venezuela became an authoritarian state, and it has stayed that way up to now. The government succeeded in taking over all authority of the state and used legislature and repression to be able to do it. From offering impunity to repressors, slandering the opposition, using excessive violence to keep civilians away from revolting, unfair trials and detentions, political censorship, manipulating elections how they please, to seizing all the existing powers in the government branches: the state of democracy in Venezuela had been destroyed almost in its totality, and Venezuelans' attempts to revolt against the Chavista-Madurista hegemony became pointless after countless tries of expressing their political dissent and being plainly dismissed. The humanitarian crisis became even worse the years following Maduro's reelection, especially with the pandemic. Venezuela became a hopeless nation, waiting for freedom in the future.

Nevertheless, presidential elections will be held in 2024, and many Venezuelans have shown their support to the opposition candidate Maria Corina Machado, who won the primary opposition election with more than 1.4 million votes, almost 93% of all the votes cast. Maduro has referred to this election as a "farce,"³¹ and despite resistance of the regime to a new form of government in the country, many Venezuelans have regained their optimism in having a democratic country again. Venezuela waits for a brighter future after the next election, and Maduro is not expected to be part of it.

³⁰ Flora Charner, Paula Newton, and Natalie Gallón, "Venezuela Presidential Elections: Nicolas Maduro's Victory Denounced as a Sham," *CNN*, May 21, 2018, <https://www.cnn.com/2018/05/20/americas/venezuela-elections/index.html>.

³¹ Regina G. Cano, "Former Lawmaker Maria Corina Machado Dominates Opposition's Presidential Primary in Venezuela," *PBS*, October 23, 2023, <https://www.pbs.org/newshour/politics/former-lawmaker-maria-corina-machado-dominates-oppositions-presidential-primary-in-venezuela>.

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