

# Venezuela on the Eve of Presidential Elections

## Shared Concern Initiative's Report | July 2012

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## Executive Summary

The aim of the report is to provide a well-informed analysis of the current political situation in Venezuela in the run-up to the October presidential election and its potential implications for the country and international community. The report strives to foster discussion about Venezuela on the eve of the presidential election, and to provide recommendations to support the continuous development of the democratic process in the country.

The report highlights the volatility of Venezuelan politics as President Hugo Chávez and the opposition are gearing up for a showdown on the eve of the presidential election in October 2012. The country remains engulfed in political uncertainty and even more worrying is the rise of politically motivated violence at an alarming rate. Despite his severe health problems, President Chávez and his loyalists are determined to stay in power. Mr. Chávez enjoys the indisputable advantage of incumbency and can rely on the powerful state machinery to help ensure his re-election. Meanwhile, the opposition has managed to close its ranks and rally behind one candidate, no small feat if previous experience is any indication, to challenge the current president. Although the opposition seems to be closer than ever to ousting Hugo Chávez from power in recent history, the outcome of the presidential election is by no means a foregone conclusion.

Despite President Chávez's status as the frontrunner, there are a lot of lingering unknowns and uncertainties which make predicting the final outcome all but impossible. Therefore, it is important that the international community pays close attention to the period prior to the October election and continues to press the Venezuelan government to show respect for the free and fair conduct of election campaigning. More importantly, Venezuela in the post-October period is likely to face the risk of succumbing to the brink of political chaos. This has to be prevented. In the event of power handover, both the ruling regime and opposition need to follow the country's constitution to the letter as it provides mechanisms for a peaceful transition.

## Notes on Methodology

The report is based on a collection of information gathered during the fact-finding mission to Venezuela, as well as from a wide range of open sources available both in Spanish and English.

In most interviews, discussions focused on various aspects of the political scene in Venezuela on the eve of the October presidential election. Due attention was also paid to the role of the media, civil society and NGOs. The structure of every interview varied and all interviews were as comprehensive as possible. The names of interviewees are to be treated as confidential, unless agreed otherwise, or where the person interviewed is a public official. Where the interviews are quoted directly, the text is written in italics and indicated by quotation marks. (When necessary, the English has been modified for the purpose of clarity.)

All information gathered was analyzed, compared with other reputable information sources and processed into this report.

With regard to the delicate character of some information, the list of interviewees is not included in this report, but it is available at the Forum 2000 secretariat upon request. Forum 2000/SCI Representatives thank all interviewees for their cooperation.

General information about Venezuela, its background, and important events can be found at the end of this report.

# Venezuela on the Eve of Presidential Election

Venezuela will hold its Presidential election on October 7, 2012 (also referred to as 7-O<sup>1</sup>), to choose its new head of state with the new president due to take office on January 10, 2013 and serve for six years. The leading contenders are incumbent president Hugo Chávez Frías, who runs on the ticket of the Great Patriotic Pole (Gran Polo Patriótico, GPP)<sup>2</sup>, and Henrique Capriles Radonski, who represents the Venezuelan opposition. Capriles is the candidate of the Coalition for Democratic Unity (Mesa de la Unidad Democrática, MUD), an umbrella organization that brings together many disparate opposition forces in the country. President Hugo Chávez (57) has been in power for three consecutive terms and despite serious health concerns he appears to be determined to contest an election for the fourth time. The current president is allowed to run for re-election thanks to the constitutional change that he himself went to great lengths to introduce in 2009. To meet the deadline for registering his candidacy, President Chávez officially announced his decision to run during a three-hour address to his supporters on June 11. His challenger Mr. Capriles (39) emerged as a consensus candidate from what many observers consider unprecedented primary elections organized by the Venezuelan opposition, thereby breaking a long pattern of disunity and infighting in the opposition camp.

The National Electoral Council (CNE), a body responsible for conducting elections, has officially called for the presidential election to be held on October 7 and followed by state and municipal elections on 16 December. Although the contest between Messrs. Chávez and Capriles is without doubt the most closely watched political contest in the country, the importance of the elections to elect local officials ought not to be understated. Whoever becomes the new president in October, it will be incumbent on him to solidify his victory by making significant gains in the subsequent regional elections. By the same logic, the losing party in the presidential election is likely to see the elections as a welcome opportunity to offset its defeat by intensifying its electoral campaigning. Although the vast majority of opinion polls predict a victory for Hugo Chávez, many analysts and observers consider the upcoming presidential election as the closest race in recent years. However, one has to bear in mind that opinion polls in Venezuela tend to vary significantly.<sup>3</sup>

The extreme volatility of pre-election surveys is due mainly to the existence of a large number of undecided voters who can tip the balance toward either side. According to a CNE official interviewed for this report, many Venezuelans who support the opposition are expected to abstain from voting because they fear government persecution. Many of them still live with the vivid memory of the “Tascon List” controversy. The Tascon List contained all the signatures and data of those who signed a petition in 2003 and 2004 calling for the ousting of President Hugo Chávez. In February 2004 President Chávez requested the CNE to make public all the signatures of the petitioners in order to expose what he called the “opposition’s fraud”. MP Luis Tascón published a database of more than 2,400,000 people who signed the petition on his website, together with their national identity numbers. Before and after the referendum allegations emerged that the government used the list to persecute those whose names had appeared on the list.

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<sup>1</sup> From Spanish: 7-O means 7 de Octubre.

<sup>2</sup> The Great Patriotic Pole (Spanish: Gran Polo Patriótico, GPP) is an electoral coalition of Venezuelan political parties created to support the re-election of Hugo Chávez in the Venezuelan presidential election, 2012.

<sup>3</sup> “La Guerra de las Encuestas”, TV Show Grado 33 with Norberto Mazza, Globovision, April 2012.

[http://www.youtube.com/watch?feature=player\\_embedded&v=oMNJpxzER9w#](http://www.youtube.com/watch?feature=player_embedded&v=oMNJpxzER9w#)

## Anti-Chávez Opposition

The high turnout of voters in the primary elections in February is viewed as a positive sign, thus inspiring the expectations of many in the opposition of a potential victory in the presidential election. In fact, some believe that the prospects of the electoral victory are not so distant any more. The high turnout in the primaries vindicates those who believe that an opposition candidate stands a decent chance of winning the presidential race. The change in the electoral prospects of the opposition is often ascribed to the following trends:

1. For the first time, all opposition parties and movements have managed to put their longstanding differences aside and were able to agree on one candidate for the presidential election.
2. It is believed that the opposition forces have come a long way to unite in their quest to challenge the current regime. The last presidential election in 2006 was a stark example of the opposition's failure to rally behind one candidate. The main opposition candidate then, Manuel Rosales, was chosen based on back-room deals among party bosses rather than making the candidate face voters in primaries. As a result, Mr. Chávez handily defeated Mr. Rosales by a large margin.<sup>4</sup>

In the run-up to the February primary elections, the MUD focused on presenting a political manifesto to outline their proposed solutions to the wide array of challenges and ills Venezuelan citizens face. They also tried to offer an alternative to Mr. Chávez's populist policies that remain a powerful attraction to many voters. To counter President Chávez's populism, the opposition went to great lengths to emphasize the themes of cooperation and national reconciliation. In fact, Mr. Capriles' campaign picked "Reconciliation and Unity" as its motto – the decision of which was vindicated by the fact that voters in the primaries overwhelmingly backed less polarizing candidates.

Henrique Capriles represents the centre-right Justice First Party (*Partido Primero Justicia*), previously an NGO with the same name. This young politician is no stranger to the intricacies of Venezuela politics. He served as the president of the former House of Representatives, as mayor of the Baruta district in Caracas, and as governor of the rich state of Miranda. Several centre-right movements (e.g. Justice First, New Era, Project Venezuela) have thrown their support behind his candidacy and Mr. Capriles has received an important endorsement from Leopoldo López<sup>5</sup>, a leading opposition figure. Mr. Capriles was elected by a sizable majority of 64% in the primary elections, which puts him into an ideal position to unify disparate opposition forces around his candidacy. His distance from the traditional parties is viewed as an important asset for the upcoming election as many Venezuelans say they are fed up with the current political clique.<sup>6</sup>

The opposition parties within the MUD are confident that they will be able to maintain a unified front even in the aftermath of their electoral victory. "We have already defined what we stand for together, not just what we fight against", said a key member of the opposition camp in an interview with the Forum 2000 representatives.

However, the presidential campaign is shaping up to be an uphill struggle for the opposition, as they will attempt to translate the newly gained momentum of unity into Mr. Capriles' victory. Unlike his challenger, President Chávez is expected to widely utilize administrative resources at his disposal to ensure his re-election. Moreover, one ought not to forget that Mr. Chávez still enjoys strong support in mainly poor, rural parts of the country. The regime retains a strong grip on the media which makes it difficult for the opposition to get their message to voters. The ruling United Socialist Party of Venezuela (PSUV) enjoys a

<sup>4</sup> Chávez received 63 percent while Rosales got only 37 percent of votes.

<sup>5</sup> "Capriles Radonski and the New Venezuelan Opposition", Foreign Affairs, January 26, 2012.

<http://www.foreignaffairs.com/articles/137055/michael-penfold/capriles-radonski-and-the-new-venezuelan-opposition>

<sup>6</sup> Based on interviews conducted during the fact-finding mission.

disproportionate advantage over the opposition in terms of transmitting its message to voters. To that effect, the ruling regime is keen to utilize the so called “cadenzas” (chains) legislation which allows the president to make all TV stations replace their regular programming with live government broadcasting of its choosing. This measure was originally intended to be used only for special occasions, such as national holidays or emergency situations. However, the current government is notorious for abusing this tool to its own advantage.

The biggest challenge for the MUD is to convince the public that it represents a viable alternative to President Chávez and his regime. The MUD finds itself under great strains to persuade voters that in the event of its electoral victory, the country will not descend into political instability or even violence. According to Leopoldo López, “*the government is trying to create an image of a hyper-polarized country while it has politicized criminals and organized criminal gangs. Chávez and his powerful machinery seem unwilling to give up power.*”<sup>7</sup> In its effort to exploit fears of political turmoil, the MUD has made repeated calls on other parties to renounce violence and fully comply with the constitution as a way to stoke fears among the general public.

According to sources in the opposition campaign headquarters Tricolor Command (*Comando Tricolor*), Mr. Capriles will need to obtain a minimum of 7.5 million votes (under the assumption of 25 percent absence) in order to win the election. The opposition can count on its traditional base to bring in some 5.5 million votes, therefore they stand short of at least two million additional votes to win. To achieve this goal, the opposition plans to systematically target approximately one fourth of the country, the largest number of undecided voters who might vote for the opposition candidate.<sup>8</sup>

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<sup>7</sup> John Muller, “Declaración de Guerra”, Daily El Mundo, Spain, February 14, 2012.

<sup>8</sup> Information collected during the fact-finding mission.

# Presidential Election: Major Factors at Play

## President Chávez's Health as a Closely Guarded State Secret

In June 2011, President Chávez was diagnosed with cancer, but it is believed that his health problems began one month earlier when Chávez suddenly decided to suspend his trip abroad citing a knee injury. The following month, he underwent surgery in Cuba and for almost one year President Chávez has been treated with chemotherapy in Cuba. While he denies all speculation about his illness the Venezuelan press has been rife with speculations regarding the increasingly critical state of his health. According to leaked emails from the Stratfor group published by the WikiLeaks website, “*Russian and Cuban doctors who saw Chávez in June 2011 gave him from one to two years of survival.*”<sup>9,10</sup>

There has been a dearth of publicly available information regarding the President's health and treatment. Obviously, this has only added an element of uncertainty to the presidential campaign. It is reckoned that a sudden deterioration in Mr. Chávez's health might lead to a power vacuum engulfing the country in political chaos. Speaking on VTV, the state television channel, on February 21, Mr. Chávez said that the tumor had reappeared in the same spot in his body. The President went on to explain that he had a tumor of some two centimeters in diameter in the colon, but stressed that the cancer had not metastasized, and that he would travel to Cuba for surgery.<sup>11</sup>

The news about Hugo Chávez's worsening health has shifted the public debate. Suddenly, the question is no longer whether President Chávez will remain in power “beyond 2019” – as he himself hinted at as recently as February 18 – but whether or not he will still be the president later this year.

## Troubled State of the Venezuelan Justice System

The staggering revelations recently made by former court magistrate Eladio Aponte seem to have confirmed the worrying trend of what several human rights organizations and opposition movements have long denounced as the arbitrary use of the Venezuela justice system by the ruling regime.<sup>12</sup> During his appearance on US SoI TV, based in Miami, Mr. Aponte accused President Chávez and his Vice President, Elias Jaua of abusing the justice system. The former judge fled the country after being linked to the drug trafficking scandal and subsequently stripped of his job by the parliament. He did not attend the formal inquiry in front of the Venezuelan National Assembly (AN). Later he released a statement saying that he was in Washington, to cooperate with the Drug Enforcement Administration (DEA).<sup>13</sup>

The state of the Venezuelan judicial system is of particular concern as demonstrated by the recent revelations. “*From this point of view, a possible transition will be difficult as the system is full of judges who are not qualified enough. Some otherwise good judges have their credibility tainted by collaboration with the regime*”, opined an insider responsible for the Human Rights agenda in the MUD Coalition.

<sup>9</sup> “Venezuela: Wikileaks publishes new details on Chávez cancer and succession struggle”, Univision News, February 27, 2012, <http://univisionnews.tumblr.com/post/18415761435/venezuela-wikileaks-publishes-new-details-on-chavez>.

<sup>10</sup> “President Chávez's health – A chronology”, Daily El Universal, April 28, 2012. <http://www.eluniversal.com/nacional-y-politica/120428/president-chavez-health-a-chronology>

<sup>11</sup> Enrique ter Horst, Summary on Venezuela 57, Caracas, February 29, 2012.

<sup>12</sup> “Ex juez denuncia que Chávez controla sistema judicial venezolano”, The Miami Herald, April 4, 2012. <http://www.elnuevoherald.com/2012/04/20/v-fullstory/1182827/ex-juez-denuncia-sistema-judicial.html>

<sup>13</sup> “Noriega: Venezuelan judge cooperating with DEA”, American Enterprise Institute, April 20, 2012.

Meanwhile, the authorities claim to have accepted all 97 recommendations as suggested in the Universal Periodic Review (UPR). The UPR assesses human rights records of all 192 UN member states every four years.<sup>14</sup> The review strives to “*foster advances in the progressive guarantee of the rights to health, food, water, education, land and culture, and the protection of particularly vulnerable groups and persons.*”<sup>15</sup> The government maintains that it is committed to fully comply with the UPR findings and recommendations. However, both national and international NGOs (like the Human Rights Watch, Civicus or Sinergia, a coalition of over 100 human rights organizations) have a different view of things. They believe that Government does not accept suggestions for concrete steps to strengthen the independence and autonomy of the Judiciary. According to the UPR, for example, Venezuela will neither “*harmonize the Venezuelan legal framework related to the right of freedom of expression with the country's international obligations*” nor “*abolish the practice of using the judicial system to silence criticism of the government.*”<sup>16</sup>

On April 4, Venezuela along with Cuba, Colombia and Honduras was again included on the black list compiled each year by the Commission on Human Rights (IACHR), a body of the Organization of American States whose main mission is to promote and protect human rights in the American hemisphere<sup>17</sup> This report has criticized Caracas for not fully respecting the basic human rights of its citizens. According to experts familiar with the process of drafting the IACHR report, they contend that Venezuela was primarily censured for an apparent lack of independence and the impartiality of its courts.<sup>18</sup>

Human rights organizations (e.g. Venezuela Awareness<sup>19</sup>, Amnesty International<sup>20</sup>, HRW) have for years criticized the existence of political prisoners in Venezuela. A number of anti-Chávez opponents have been arrested, prosecuted and convicted on fabricated charges. Among them there is a group of policemen accused of participating in a failed coup d'état against the president on April 11, 2002 (11-A) that saw President Chávez ousted from office for 47 hours. He was then restored to power by military force on the back of a mass demonstration of popular support. Former judge Aponte admitted that some of the prisoners, like captain Ivan Simonovis<sup>21</sup>, one of the accused officers, were indeed unjustly convicted in the court of law to serve as a scapegoat. Captain Simonovis was arrested two years after the 11-A riots without a proper arrest warrant being ever issued. Since then, his case is considered “*the longest trial in Venezuelan history, by using all the tools that were necessary to build what seems to be an unlawful trial.*”<sup>22</sup>

But perhaps the most striking example of the lack of judicial independence in Venezuela is the prosecution and detention of Judge Maria Lourdes Afiuni, who was jailed after she ordered the release of Eligio Cedeño a businessman and banker with ties to the Venezuelan opposition, in December 2009.<sup>23</sup> Mr. Cedeño had been held in jail on charges of evading currency controls and, upon his release, he fled to the United States. President Chávez referred to Judge Afiuni as a “bandit” and stated that she should receive the “maximum penalty” possible. Maria Lourdes Afiuni was imprisoned in December 2009 and is currently under house arrest in the capital, Caracas<sup>24</sup>.

<sup>14</sup> “Universal Periodic Review – Venezuela (Bolivarian Republic of)”, Office of the High Commissioner for Human Rights, October 7, 2011. <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/VESession12.aspx>

<sup>15</sup> Ibid.

<sup>16</sup> “EPU-ONU: Las recomendaciones que Venezuela no aceptó”, Web Site La Patilla, October 11, 2011. <http://www.lapatilla.com/site/2011/10/11/epu-ONU-las-recomendaciones-que-venezuela-no-acepto>

<sup>17</sup> “Venezuela, Colombia, Cuba and Honduras are still in the ‘black list’ on human rights”, The Delta World, April 9, 2012.

<sup>18</sup> World Report 2011: Venezuela. Human Rights Watch. <http://www.hrw.org/world-report-2011/venezuela>

<sup>19</sup> “Venezuela Awareness acude a la Comisión Interamericana de Derechos Humanos por el caso Arráiz”, Official Website of the NGO Venezuela Awareness, May 22, 2012. <http://venezuelaawareness.com/web/index.php/2012/05/22/venezuela-awareness-acude-a-la-comision-interamericana-de-derechos-humanos-por-el-caso-arraiz>

<sup>20</sup> “Political Prisoners in Venezuela?”, Daily Correo del Orinoco International, April 8, 2010. <http://venezuelanalysis.com/analysis/5261>

<sup>21</sup> “Summary of the case of political prisoner Ivan Simonovis. Court Judgement in the case of Ivan Simonovis,” Website Urru.org, November 15, 2007. [http://www.urru.org/papers/ddhh/PresosPoliticos/2005\\_PP\\_varios/RESUMEN\\_CASO\\_IVAN\\_SIMONOVIS\\_Largo.pdf](http://www.urru.org/papers/ddhh/PresosPoliticos/2005_PP_varios/RESUMEN_CASO_IVAN_SIMONOVIS_Largo.pdf)

<sup>22</sup> Official Journal of the European Union, 5.8.2010 (C 212 E/114). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:212E:0113:0115:EN:PDF>

<sup>23</sup> “Eligio Cedeño: A banker battles Hugo Chávez”, The New Miami, September 1, 2011. <http://www.miaminewtimes.com/2011-09-01/news/eligio-cedeno-a-banker-battles-hugo-chavez>

<sup>24</sup> Wikipedia Article on Detention of Judge Afiuni. [http://en.wikipedia.org/wiki/Detention\\_of\\_Maria\\_Lourdes\\_Afiuni](http://en.wikipedia.org/wiki/Detention_of_Maria_Lourdes_Afiuni)

Judge Afiuni is a cancer patient who underwent an abdominal hysterectomy while in jail. Therefore, her unfortunate fate has caused quite an uproar abroad. The European Parliament, in its resolution of July 8, 2011<sup>25</sup>, as well as a number of activists and human rights organizations, such as the Amnesty International, issued a strong appeal to the Venezuelan government for the judge's release.<sup>26</sup>

Concerning the situation of either Judge Afiuni or many other political prisoners in Venezuela, observers do not see any chance for improvement (e.g. a possible release on humanitarian grounds) unless the government changes.<sup>27</sup>

Representatives of 150 Venezuelan non-governmental organizations within the Synergy Network (Red Sinergia) have expressed their own concern that the authorities remain inflexible in allowing the visit of the United Nations High Commissioner for Human Rights and other UN officials. *"Since 1997 Venezuela has not officially received a rapporteur of the United Nations, and since 2003 the government has not received a rapporteur of the Inter-American System. Finally, since 2005 there hasn't been any mission of the International Labour Organisation (ILO) officially,"* said President of Synergy Feliciano Reyna in March 2012.<sup>28</sup>

One prime example of disrespect of international institutions is the well-known case of Leopoldo López, sanctioned by the Venezuelan Justice in a controversial decision that prevents him from running for public office until 2014 due to ongoing corruption investigations. Mr. López insists that he is innocent and maintains that he has never been convicted in a court of law. As concerns this specific case, Venezuela has clearly violated the American Convention on Human Rights by disqualifying him from participating in public elections without due process. In addition, the Venezuelan Constitution states that citizens cannot lose their political rights unless convicted of a crime in a court of law. In a case brought against the Chávez regime by the Inter-American Court for Human Rights (IACHR) it says that the regime stands guilty of *"violating the human rights of opposition candidates by disqualifying them for administrative reasons."* The court reached a unanimous decision in favor of Mr. López in 2011.<sup>29</sup>

## Violence on the Rise<sup>30</sup>

Crime and violence seriously threaten Venezuela's long-term stability, regardless of whether or not President Hugo Chávez retains power after the 2012 election. As reflected in reports and opinions collected during the fact-finding mission, the degree of polarization and militarization in society makes it increasingly difficult to prevent a rise in violence irrespective of who wins the October election.<sup>31</sup>

According to the latest report from the International Crisis Group, the impact of insecurity and institutional fragility is enormous. Every half an hour a person falls victim to violent death in Venezuela. According to Insight Crime, a group researching and analyzing organized crime in Latin America, Venezuela saw a record spike in the number of murders last year, making it the most violent country in South America. During 2011, over twenty thousand murders were documented in the country. The large presence of

<sup>25</sup> European Parliament resolution of July 8, 2010 on Venezuela, in particular the case of Maria Lourdes Afiuni.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0289+0+DOC+XML+V0/EN>

<sup>26</sup> "Amnesty international calls for immediate release of Judge Afiuni", Public Statement made by Amnesty International (AMR 53/001/2012), January 6, 2012. <http://www.amnesty.org/en/library/asset/AMR53/001/2012/en/e52f76c2-b661-4f6e-af70-065b9398109e/amr530012012en.html>

<sup>27</sup> Information collected during the fact-finding mission.

<sup>28</sup> *"Al país no acude un relator de DDHH desde 1997"*, Interview in Spanish with Feliciano Reyna, March 23, 2012.

<http://elpolitico.com/2012/03/latinoamerica/venezuela-entrevista-feliciano-reyna-relator-ddhh-1997>

<sup>29</sup> An Open Letter to the Venezuelan Government, October 23, 2011. <http://democraciaenjuego.org/en/?p=1940>

<sup>30</sup> "Violence and Politics in Venezuela", Latin America Report N°38, August 17, 2011. <http://www.crisisgroup.org/~media/Files/latin-america/venezuela/38%20Violence%20and%20Politics%20in%20Venezuela.pdf>

<sup>31</sup> "Violence and Politics in Venezuela", Latin America Report N°38, International Crisis Group, August 17, 2011.

<http://www.crisisgroup.org/~media/Files/latin-america/venezuela/38%20Violence%20and%20Politics%20in%20Venezuela.pdf>

organized crime combined with an enormous number of firearms in civilian hands – estimate of the total number of firearms in the hands of civilians range from 1.6 million to 4.1 million – in a country of 28 million people, combined with police corruption and brutality has only further exacerbated the violence<sup>32</sup>.

Security has become one of the key issues in the pre-election period and will likely dominate any transition following Mr. Chávez's departure from power. According to interviews conducted by the Forum 2000 representatives with a number of security experts, like former General Pedro Rangel, now Executive Director of the think-tank INCOSEC, both citizens and authorities alike abhor the idea of more violence.

A number of reasons account for the worsening of the security situation in the country. By and large, the state fails to effectively combat the rising level of crime. It is said that only a small proportion of arrested criminals get convicted due to the poor state of the country's judicial system. Prisons are overcrowded and prison authorities find it increasingly difficult to establish effective control over restless inmates. Furthermore, the security situation in the country is not helped by the excessive concentration of firearms among the civilian population.<sup>33</sup>

Whilst the roots of such problems go beyond the reign of President Hugo Chávez, his government should be held accountable for its inability or unwillingness to tackle corruption and crime in parts of the security forces, its policy to arm civilians "in defense of the revolution", and the president's own confrontational rhetoric.

The rise of violence in Venezuela has also been manifested in the increasing amount of violence against foreign diplomats and their families in the country. A report published by The Economist seems only to confirm the fear of foreign diplomats in Caracas, who have become increasingly concerned about their own safety. In the last decade, several violent incidents have occurred involving diplomats and their relatives.<sup>34</sup>

The most shocking case is the murder of Karen Berendique, daughter of the Chilean consul in the Western city of Maracaibo. The young woman was travelling with her brother on the way to a friend's party when a police truck stopped them. Fearing that they were being robbed, the driver panicked and drove his car through the checkpoint. Without warning, the police reportedly opened fire on the vehicle leading to the death of Ms. Berendique. According to local observers this is a good indication of the recurring tendencies of the police and other security bodies in Venezuela to act beyond the law. Amnesty International reports that thousands of police officers have been accused of abuse of power in recent years, worsening the negative perception of state authorities among the general public.<sup>35</sup>

The case of Ms. Berendique only adds to the list of events in a country where ambassadors and relatives fall victim to various forms of violent attacks. Between 2011 and 2012 eleven diplomats have been victims of crime. The series of incidents began in November 2011 with the kidnapping of Chilean diplomatic officials in Caracas. In January 2012 the Ambassador of Mexico and his wife were also kidnapped in Caracas for four hours. The most recent incident was the hijacking of a commercial attaché of the Embassy of Costa Rica.<sup>36</sup>

The above are well-known cases. However, there have been two more hijackings. One victim was the military attaché of the Embassy of Bolivia; the second was the son of the Ambassador of Vietnam. Also, cars belonging to the diplomats from Mexico and the UK have been stolen. Additionally, attacks on the embassies of Greece, France and Suriname in Caracas, have been reported. All things considered, there is little denying the fact that violence is on the rise.

<sup>32</sup> "Violence and Politics in Venezuela", Latin America Report N°38, August 17, 2011. <http://www.crisisgroup.org/~media/Files/latin-america/venezuela/38%20Violence%20and%20Politics%20in%20Venezuela.pdf>

<sup>33</sup> Based on interviews conducted during the fact-finding mission.

<sup>34</sup> "No immunity here", The Economist, April 14, 2012. <http://www.economist.com/node/21552585>

<sup>35</sup> "Enough Bullets (Basta de Balas) Campaign", Amnesty Venezuela Report, October 29, 2008. <http://amnistia.me/profiles/blogs/2262821:BlogPost:14271>

<sup>36</sup> "Venezuela: Costa Rican Diplomat Kidnapped", The New York Times, April 9, 2012.

## Alleged Plot to Assassinate Henrique Capriles

An announcement made by President Chávez in March of an assassination plot against Capriles Radonski is a clear example of political violence that continues to grip Venezuela<sup>37</sup>. The president did not say who might be behind the plan, but emphatically denied any government involvement. Rather than revealing the existence of a credible plot, the president might have had an ulterior motive in revealing the existence of an alleged plot against his opponent. One can only speculate to what extent Mr. Chávez might have used this incident to discredit Mr. Capriles in the eyes of the public. Since stability is one of the top concerns for many voters in the October election, connecting Mr. Capriles with potential future instability in the country might work to President Chávez's advantage. Similarly, President Chávez made it clear that it was only the government that could maintain peace and order while asserting that the victory of the opposition would only bring about more violence<sup>38</sup>.

Mr. Chávez's claims regarding the plot to assassinate Mr. Capriles have not surprised the opposition. During a walking tour of Caracas that the opposition presidential candidate made on March 5, a couple of motorcycle riders attacked Mr. Capriles' procession with gunfire and tear gas. Ismael Garcia<sup>39</sup>, a medical student who was standing right next to Mr. Capriles at that fateful moment, was shot in the leg. The opposition still believes that this was a failed assassination attempt against their candidate. *"This was an attack against our candidate,"* said MP Ismael Garcia, father of the injured student.

## Irregularities at Polling Stations

One of the most persistent obstacles to the fair conduct of elections in Venezuela remains various forms of intimidation at polling stations. This is why it is essential for the opposition to place its observers at all the polling stations. The opposition fears that, this year, as many as 600,000 votes may be at risk of being stolen.

Many opposition leaders are almost certain that the government has been guilty of electoral fraud in some form or another in the past. For instance, the opposition has complained about the absence of its representative at some polling stations. Analyzing the results of the past elections, electoral experts from the Tricolor Command have discovered inconsistencies in around 25 percent of the ballot boxes. In 2010, they estimated that approximately 270,000 votes were added to benefit the government. In 2004, there was widespread belief that electoral fraud had taken place, but no convincing evidence has been produced so far. Inspection of the voting machines is regularly performed (at around 54 percent of the ballot boxes). To prevent vote rigging, the voting machines also produce paper records of voting ("papeletas", "comprobantes") that can be checked against the electronic database. So far no major inconsistency has been discovered.

According to a former close collaborator of President Chávez, now head of a prestigious election monitoring NGO, the National Electoral Council (CNE) allegedly does what the president wants despite the fact that it is supposed to act as an independent body. Therefore, there are a number of risks prior to 7 October, such as a dubious selection process to recruit the polling station staff and their lack of training, an inadequate fingerprint system to verify identity of voters, and various forms of intimidation. However, the above-mentioned NGO has been monitoring previous elections and they have never discovered fraud by the CNE.

<sup>37</sup> "Venezuela government sees a plot to kill top opponent", The Global Post, March 20, 2012.

<http://www.globalpost.com/dispatches/globalpost-blogs/que-pasa/venezuela-chavez-plot-against-opposition-capriles>

<sup>38</sup> "Somos garantía de unidad nacional". Article published in Chávez's Personal Website ([www.chavez.org.ve](http://www.chavez.org.ve)), March 29, 2012.

<http://www.chavez.org.ve/temas/noticias/somos-garantia-unidad-nacional/#.T98sjstth0w>

<sup>39</sup> Ismael Garcia is the son of an opposition MP.

The representatives of the MUD insist that the current Constitution is not perfect. But it is imperative that it be followed to the letter as the worst-case scenario would probably lead to lawlessness. The constitution is likely to be of great importance in case the need for the handing over of power arises after a sudden departure from power. The constitution, for instance, stipulates a line of succession should the president of the country become incapacitated (e.g. Mr. Chávez's sudden death). To avoid political chaos and a power vacuum, both parties would be well advised to observe the relevant provisions of the constitution.

## Voting Machines Controversy

The Venezuelan voting system relies on Smartmatic Automated Election Systems (SAES) voting machines. Their manufacturer is the Venezuelan company Smartmatic which was chosen through competitive bidding after obtaining the highest scores in terms of the security and transparency of its system.

Voting is done directly using the voting machines with built-in touch screens. On an election day voters can select one of the presented options on the machine screen as a way to cast their vote for the candidate of their choosing. After voting, the machine also prints a receipt as a paper record of the vote. The print receipt is then placed in a nearby box for a subsequent recount.

Following the presidential recall referendum of 2004 in Venezuela, some controversy arose over the use of electronic voting (i.e. SAES voting machines) in the country. After the referendum, certain voices in the opposition camp spoke of fraud and submitted several formal complaints and technical reports. Yet, international observers present on the ground, including those from the Carter Center, the EU and the Organization of American States, did not report any major irregularities concerning the use of the SAES voting machines.<sup>40</sup>

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<sup>40</sup> Final Report European Union EOM Venezuela 2006. [http://www.eucomvenezuela.org/pdf/MOE\\_UE\\_Venezuela\\_2006\\_final\\_eng.pdf](http://www.eucomvenezuela.org/pdf/MOE_UE_Venezuela_2006_final_eng.pdf)

## Conclusions

President Chávez has announced his intention to remain in power for an unprecedented fourth term. Despite his rumored serious health problems, Mr. Chávez has not named his successor yet. Members of the ruling class, especially those in the military, are unlikely to stay idle should the power vacuum develop. Some independent analysts like Andres Oppenheimer, a commentator from the Miami Herald, warn of coup d'état scenarios being allegedly hatched by certain elements within the military.<sup>41</sup>

There are three major scenarios of events likely to unfold in Venezuela in the coming months: The first scenario envisages that Hugo Chávez decides to keep a low profile during the campaign, but leaves his name on the ballot for the October presidential elections. Assuming that in addition to heavy state propaganda and voter intimidation the government would find enough extra cash to dispense largesse to people. For that to succeed, the government would have to hope that oil prices stay as high as possible in order to be able to fund its generous pre-election promises. This is the most likely scenario since Mr. Chávez made his candidacy official in June.<sup>42</sup>

The second scenario sees Mr. Chávez's health rapidly deteriorate in which case the Venezuelan president decides to appoint a successor to run in the October elections instead of him. Still, without Mr. Chávez's constant presence in the media, his successor could lose the October election. Polls show that President Chávez is much more popular than his government. Moreover, electoral trends in recent years have shown steady gains for the opposition. Anti-Chávez candidates won 52 percent of the vote in the 2010 legislative elections while President Chávez's current challenger managed to receive almost three million votes in the February primary elections.

The final scenario predicts President Chávez succumbs to his illness. This might push the Venezuelan military to create a provisional government, claiming that the country has become ungovernable. One has to bear in mind that in the event of the regime's sudden collapse President Chávez's top generals are the ones who stand the most to lose. Some of the generals, including his defense minister Gen. Henry Rangel Silva, are wanted by the US law enforcement agencies on drug trafficking charges, while others fear that they might face corruption trials if the opposition wins the election.

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<sup>41</sup> "Oppenheimer: Tres escenarios para Venezuela", Daily The Miami Herald, February 2012. <http://www.elnuevoherald.com/2012/02/22/v-fullstory/1133834/oppenheimer-tres-escenarios-para.html>

<sup>42</sup> "Hugo Chávez registers for Venezuela's election", BBC News. <http://www.bbc.co.uk/news/world-latin-america-18403483>

## Policy Recommendations

1. **Closely monitor the pre-election period.** The period in the run-up to the October election risks sliding into further uncertainty, shrouded in misinformation and propaganda. For this reason, it is paramount that there is as accurate a picture of the reality on the ground as possible. The international community shall strive to ensure it has an uninterrupted inflow of reliable news information from Venezuela. Only through well-informed decisions can the international community hope to craft an effective policy towards Venezuela. To that end, foreign embassies, in particular those of the EU and OAS should step up their monitoring activities to inform their respective capitals. EU embassies, for instance, might consider pooling their resources in this regard. The foreign media should also increase their coverage of the pre-election situation in Venezuela, which could benefit both foreign audiences and those segments of Venezuelan society with access to the foreign media.
2. **Insist on the presence of international election observers.** The international community ought to insist on the substantial presence of international observers in Venezuela for the upcoming presidential election. International organizations, such as the EU, the OAS, and the UN should commit the necessary resources and dispatch their election monitoring teams in accordance with international agreements and established practices. The Venezuelan government ought to be constantly reminded that the presence of international observers is essential to give necessary credibility to any government that emerges from the upcoming elections.
3. **Show restraint and respect for the constitution.** Both the current regime and opposition should show maximum respect for the current constitution and its provisions. This will be extremely important, especially in the immediate aftermath of the October election. The constitution in its current form can guide any transition process while reducing the risk of lawlessness and chaos. To act outside of the constitution poses a great danger for a long period of uncertainty for both sides with potentially disastrous consequences for Venezuela.
4. **Stop violence from destabilizing Venezuela.** Both sides should exercise maximum restraint. Similarly, they should stay clear of making hateful and irresponsible comments that might only incite violence. Using the threat of violence as a pretext to push through undemocratic measures is equally unacceptable.
5. **Ensure maximum transparency of the election process.** To dispel any claims of foul play, the Venezuelan government should go out its way to ensure the maximum transparency of the October election. The regime ought to ensure that the opposition is able to place their representatives at every polling station **in the country and that their safety is guaranteed.** Similarly, the government ought not to try to limit the number of foreign election observers in any way. Finally, the regime should allow the opposition equal access to the state-controlled media. In this regard, foreign governments and international **NGOs in their conversation with the Venezuelan authorities** should press for greater media freedom in the country.

## General Information and Overview<sup>43</sup>

Venezuela, officially known as the Bolivarian Republic of Venezuela, is a country on the northern coast of South America. It borders Colombia to the west, **Guyana to the east, and Brazil to the south.** **Venezuela's** territory covers around 916,445 square kilometers (353,841 sq mi) with an estimated population of 29,105,632.<sup>44</sup>

“Venezuela remains highly dependent on oil revenues, which account for roughly 95% of export earnings, about 40% of federal budget revenues, and around 12% of GDP. Fuelled by high oil prices, record government spending helped to boost GDP growth by 4.2% in 2011, after a sharp drop in oil prices caused an economic contraction in 2009-10. Government spending, minimum wage hikes, and improved access to domestic credit created an increase in consumption which combined with supply problems to cause higher inflation – roughly 28% in 2011. President Hugo Chávez's efforts to increase the government's control of the economy by nationalizing firms in the agribusiness, financial, construction, oil, and steel sectors have hurt the private investment environment, reduced productive capacity, and slowed non-petroleum exports. In the first half of 2010 Venezuela faced the prospect of lengthy nationwide blackouts when its main hydroelectric power plant – which provides more than 35% of the country's electricity – nearly shut down. In May 2010, President Chávez closed the unofficial foreign exchange market – the ‘parallel market’ – In an effort to stem inflation and slow the currency's depreciation. In June 2010, the government created the ‘Transaction System for Foreign Currency Denominated Securities’ to replace the ‘parallel’ market. In December 2010, Mr. Chávez eliminated the dual exchange rate system and unified the exchange rate at 4.3 bolivars per dollar. In January 2011, Mr. Chávez announced the second devaluation of the bolivar within twelve months. In December 2010, the National Assembly passed a package of five organic laws designed to complete the transformation of the Venezuelan economy in line with President Chávez's vision of 21st century socialism. In 2011, Venezuela continued to wrestle with a housing crisis, higher inflation, an electricity crisis, and rolling food and goods shortages – all of which were fallout from the government's unorthodox economic policies.”<sup>45</sup>

Economic crises in the 1980s and 1990s led to a political crisis which saw hundreds dead in the “Caracazo riots”<sup>46</sup> of 1989, two attempted coups in 1992, and the impeachment of President Carlos Andrés Pérez (re-elected in 1988) for corruption in 1993. Coup leader Hugo Chávez was pardoned in March 1994 by President Rafael Caldera, with a clean slate and his political rights intact. A collapse in confidence in the existing parties saw Mr. Chávez elected President in 1998, and the subsequent launch of a “Bolivarian Revolution”, beginning with a 1999 Constituent Assembly to write the new Constitution of Venezuela.

In April 2002, his opponents briefly ousted Hugo Chávez from power in a coup d'état attempt following popular demonstrations, but his supporters' actions returned him to power after two days as a result of popular demonstrations and actions by the military. Mr. Chávez also remained in power after an all-out national strike that lasted more than two months in December 2002 – February 2003, including a strike/lockout in the state oil company PDVSA, and an August 2004 recall referendum. He was elected for another term in December 2006.

<sup>43</sup> Based on the compilation of various open sources, this section provides a reader with a general overview of political and economic situation in Venezuela. It in no way strives to be original in content.

<sup>44</sup> Wikipedia article on Venezuela. <http://en.wikipedia.org/wiki/Venezuela>

<sup>45</sup> CIA: The World Factbook – Venezuela. <https://www.cia.gov/library/publications/the-world-factbook/geos/ve.html>

<sup>46</sup> “El Caracazo Case”, University of Minnesota, Human Rights Library, November 11, 1999. <http://www1.umn.edu/humanrts/iachr/C/58-ing.html>

## Appendix I: About the Shared Concern Initiative

The Shared Concern Initiative is an open and informal group of recognized personalities representing various cultures, historical backgrounds, religions, and traditions. In the interest of fostering principles of good governance, respect for human rights, and tolerance, the SCI addresses, by the issuance of joint-statements, the important challenges of today's world with the understanding that changes towards the better can be effectively promoted with a common voice.

Current members of the Shared Concern Initiative are:

**H.R.H. El Hassan Bin Talal**, Chairman, West Asia-North Africa Forum, Jordan

**H.H. the Dalai Lama**, Spiritual Leader and Head of State, Nobel Peace Prize Laureate, Tibet

**Frederik Willem de Klerk**, Former President, Nobel Peace Prize Laureate, Republic of South Africa

**André Glucksmann**, Philosopher, France

**Vartan Gregorian**, President, Carnegie Corporation of New York, USA

**Hans Küng**, President of the Foundation for Global Ethics, Germany

**Michael Novak**, Theologian and Political Scientist, USA

**Shimon Peres**, Nobel Peace Prize Laureate, Israel

**Yohei Sasakawa**, Chairman, The Nippon Foundation, Japan

**Karel Schwarzenberg**, Minister of Foreign Affairs, Czech Republic

**Desmond Tutu**, Nobel Peace Prize Laureate, Republic of South Africa

**Richard von Weizsäcker**, Former President, Germany

**Grigory Yavlinsky**, Economist and Politician, Russia

## Appendix II: About the Forum 2000 Foundation

### Origins

The Forum 2000 Foundation was established in 1996 as a joint initiative of Czech President Václav Havel, the Japanese philanthropist Yohei Sasakawa, and the Nobel Peace Prize Laureate Elie Wiesel.

### Mission

Forum 2000 pursues the legacy of Václav Havel by supporting the values of democracy and respect for human rights, assisting the development of civil society, and encouraging religious, cultural and ethnic tolerance. It provides a platform for global leaders, as well as thinkers and courageous individuals from every field of endeavor, to openly debate and share these critical issues.

## Appendix III: Forum 2000 Team

### **Jakub Klepal**

Jakub Klepal is Executive Director of the Forum 2000 Foundation, Member of the Supervisory Board for the Association for International Affairs (AMO) and a Member of the Board of Directors of the Association for Democracy Assistance and Human Rights (DEMAS), where he served as Chairman in 2009–2010. He is also a representative for DEMAS in the European Human Rights and Democracy Network (HRDN). Jakub Klepal has been working with the Forum 2000 Foundation since 2004 as Deputy Executive Director. Previously, he worked as the Head of the Working Group on the Americas and as analyst with the AMO Research Centre. He also worked as a journalist. He was a research scholar at the Universidad Nacional Autónoma de México and a Fulbright Scholar at the Monterey Institute of International Studies in the USA. Jakub Klepal is a graduate of the Faculty of Social Sciences at Charles University as well as a graduate of the Joseph M. Katz Graduate School of Business at the University of Pittsburgh.

### **Carlos González**

Carlos González is a political analyst and journalist with considerable expertise in Latin American foreign policy and Human Rights. He co-founded the Center for Analysis and Studies for Latin America associated with Respekt Institut, where he is a research fellow. He is member of the Advisory Board of the Guatemalan think-tank PROLODER. Worked in the human rights section of the People in Need Foundation, Czech Republic, and in recent years has been advising the Lech Walesa Foundation. Since 2007, he has been an external consultant of the Forum 2000 Foundation. His comments are often published in Central European and Latin American newspapers.

### **Jakub Kulhánek**

Jakub Kulhánek is a policy consultant and works as a chief advisor to Jan Hamáček, the Czech Shadow Defense Minister. In addition, he serves as a research fellow and the head of the East-European Program at the Association for International Affairs (AMO), a Prague-based think tank. He has published extensively, among other things, in the Harvard International Review, Problems of Post-Communism, Royal United Services Institute (RUSI) journal, the Moscow Times and on the Atlantic Council and Foreign Policy Magazine websites. Apart from AMO, he has worked for the Center for European Policy Analysis and Eurasian Strategy Project. He holds an MA in Eurasian Studies from the Edmund A. Walsh School of Foreign Service at Georgetown University, Washington DC, and a BA in International Area Studies from Charles University, Prague.

### **Elena Sabová**

Elena Sabová is Forum 2000 Foundation's Logistic Coordinator, and, since 2010, she has also coordinated the Forum 2000's Shared Concern Initiative project. Previously, she worked as a lecturer in a language school and as a chancellor in the Lutheran Church in the Czech Republic. She is a graduate of the Faculty of Humanities of the Charles University in Prague.

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Jakub Klepal, Carlos González, Jakub Kulhánek, with Elena Sabová

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