The European Parliament,

– having regard to its previous resolutions on Venezuela, in particular those of 31 January 2019 on the situation in Venezuela, of 16 January 2020 on the situation in Venezuela after the illegal election of the new National Assembly Presidency and Bureau (parliamentary coup), and of 10 July 2020 on the humanitarian situation in Venezuela and the migration and refugee crisis,

– having regard to the declarations by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 6 January 2021 and of 7 December 2020 on Venezuela and on the elections of 6 December 2020 for the National Assembly, and to the previous statements by the Spokesperson of 4 and 16 June 2020 on the latest developments in Venezuela,

– having regard to the International Contact Group statements of 8 December 2020 on the Venezuelan National Assembly elections held on 6 December 2020, of 16 June 2020 that rejected as illegitimate the designation of the new National Electoral Council (CNE) directive by the Supreme Court of Justice (TSJ), and of 24 June 2020 on the worsening political crisis in Venezuela,

– having regard to the recent Lima Group statements, in particular that of 5 January 2021,

– having regard to the statement of its Committee on Foreign Affairs of 11 June 2020 on the attacks on Venezuela’s National Assembly,

– having regard to the statement of the co-chairs of its Democracy Support and Election Coordination Group of 2 December 2020 on the non-recognition of the European Parliament of the legislative elections in Venezuela on 6 December 2020,

– having regard to the recent statements of the Secretary-General of the Organization of
American States on the situation in Venezuela,

– having regard to Council Decision (CFSP) 2020/898 of 29 June 2020 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela¹, which added 11 leading Venezuelan officials to the list of those subject to restrictive measures,

– having regard to the first report of the UN Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela published on 16 September 2020,

– having regard to the International Donors Conference in solidarity with Venezuelan refugees and migrants in Latin America and the Caribbean of 26 May 2020,

– having regard to the Venezuelan Constitution,

– having regard to the Rome Statute of the International Criminal Court (ICC),

– having regard to the report of the ICC entitled ‘Preliminary Examination Activities (2020) – Venezuela I’ of 14 December 2020,

– having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas the illegal and illegitimate parliamentary elections held in Venezuela on 6 December 2020 were conducted without complying with the minimum international standards for a credible process and failed to respect political pluralism, democracy, transparency and the rule of law; whereas the turnout was extremely poor and therefore the rejection of the elections by the Venezuelan people is evident; whereas the democratic forces in Venezuela agreed unanimously not to participate in this electoral farce; whereas 27 political parties signed the agreement, including the four largest opposition parties Voluntad Popular, Primero Justicia, Acción Democrática and Un Nuevo Tiempo; whereas the elections failed to meet the conditions required by Venezuelan laws;

B. whereas the international community, comprising the European Union, the International Contact Group, the Lima Group and the United States, rejected the holding of parliamentary elections in 2020 owing to the complete lack of free and fair conditions and have not recognised the results of this electoral process as legitimate or representative of the will of the Venezuelan people; whereas this illegal election has further reduced the democratic space in the country to the bare minimum and has created major obstacles to the resolution of the political crisis in Venezuela;

C. whereas on 26 December 2020, the legitimate National Assembly of 2015 chaired by Juan Guaidó proceeded to pass legislation in order to extend its constitutional and administrative mandate for one year until free, fair, verifiable and democratic elections could be held in Venezuela;

D. whereas on 13 June 2020, the illegitimate TSJ appointed new members to the CNE without any legal power to do so; whereas, in accordance with Articles 187 and 296 of the Venezuelan Constitution, these appointments are the sole and exclusive responsibility of the National Assembly, a body democratically elected by the

Venezuelan people; whereas the international community has not recognised any decision or ruling that has been unilaterally taken by these illegitimate bodies; whereas the officials responsible for these decisions have also been included on the Council’s sanctions list;

E. whereas in July 2020, the Office of the UN High Commissioner for Human Rights, headed by Michelle Bachelet, found that ‘the decisions of the Supreme Tribunal of Justice diminish the possibility to build conditions for democratic and credible electoral processes’ and that these judicial decisions ‘appoint new National Electoral Council rectors without the consensus of all the political forces’;

F. whereas on 10 January 2019, Nicolás Maduro illegitimately usurped presidential power before the TSJ, in breach of the constitutional order;

G. whereas on 23 January 2019, the legitimately and democratically elected President of the National Assembly, Juan Guaidó, was sworn in as interim President of Venezuela, in accordance with Article 233 of the Venezuelan Constitution;

H. whereas the EU and Parliament have repeatedly called for ‘the restoration of democracy and the rule of law in Venezuela through a credible political process’; whereas Nicolás Maduro has publicly rejected the possibility of urgently holding free and fair, transparent, inclusive and credible presidential, legislative and local elections in response to the requests from the VP/HR, the International Contact Group and Parliament;

I. whereas Parliament, through its resolution of 31 January 2019, recognised Juan Guaidó as the legitimate interim President of the Bolivarian Republic of Venezuela in accordance with the Venezuelan Constitution;

J. whereas 25 out of the 27 Member States have recognised Juan Guaidó as the only legitimate interim president of the country until new free, transparent and credible presidential elections were called in order to restore democracy; whereas many other democratic states have done the same;

K. whereas on 12 November 2020, the Council extended the restrictive measures against Venezuela until 14 November 2021; whereas these measures included an embargo on arms and on equipment for internal repression, as well as a travel ban and asset freezes on 36 Venezuelan leaders and top officials;

L. whereas in 2017, Parliament awarded its Sakharov Prize for Freedom of Thought to the democratic opposition and political prisoners in Venezuela;

M. whereas COVID-19 has further exacerbated the already critical situation in Venezuela; whereas the collapse of the health system, hyperinflation, severe food and medicine shortages and a dire humanitarian crisis have forced around at least one sixth of the population to leave the country, with over five and a half million Venezuelans having left by the end of 2020;

N. whereas the ICC Prosecutor’s Office announced on 14 December 2020, in advance of its preliminary report, after a detailed evaluation and analysis of the available information that there are reasonable grounds to believe that the civil authorities, members of the armed forces and individuals in favour of the Government in Venezuela
are responsible for ‘imprisonment, torture, rape and/or other forms of sexual violence
and persecution of a group or community for political reasons, and may have committed
very serious crimes against humanity’; whereas a final decision will be taken on the
matter in the first half of 2021; whereas on 16 September 2020 the UN Independent
International Fact-Finding Mission on Venezuela reported that the government and
security forces of the regime, with the knowledge of President Maduro and some of his
ministers, had committed crimes against humanity including executions and torture,
stating that the Venezuelan State must hold to account those responsible for
extrajudicial executions, enforced disappearances, arbitrary detentions and torture, and
prevent further acts of this nature from taking place;

O. whereas the most recent report published by the CASLA Institute on 14 January 2021
provides evidence of the strategic planning of systematic repression and the continued
crimes against humanity committed by the regime, and reveals new patterns of torture,
the increase in illegal clandestine detention and torture centres, and the interference of
other states in the instigation and execution of such crimes; whereas this report also
highlights the inhumane conditions in which political prisoners are held underground
and exposed to continuous physical and psychological torture, which does not meet the
minimum standards of the Rules for the Treatment of Prisoners adopted by the First
United Nations Congress on the Prevention of Crime and the Treatment of Offenders,
held at Geneva in 1955, and approved by the Economic and Social Council in its
resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977;

P. whereas the political and indigenous prisoner of the Pemón ethnic group, Salvador
Franco, died from illness in a Venezuelan jail on 3 January 2021, without having
received any medical attention, despite the fact that since November 2020 he had held a
court order to be transferred to a hospital, which was ignored;

Q. whereas, since 5 January 2021, the regime has intensified its onslaught and persecution
of the few free and independent media outlets that still remain in the country,
confiscating their assets and tools, forcing them to stop their activity immediately;

R. whereas, according to news reports and human rights activists, at least 23 people
recently died in a clash between the police and gangs in Venezuela’s capital, Caracas, as
the government faces international scrutiny and investigation for killings by security
forces;

1. Reiterates that until truly free, credible, inclusive, transparent and fully democratic
elections are held in Venezuela, it will continue to consider the National Assembly
elected in December 2015, its president Juan Guaidó, and its Delegated Commission
also led by Juan Guaidó, which were the last free expression of Venezuelans in an
electoral process, as the single legitimate democratic representative political body in
Venezuela; calls on the Council and the Member States to unequivocally recognise the
constitutional continuation of the legitimate National Assembly of Venezuela elected in
2015 and the legitimate interim President of Venezuela, Juan Guaidó;

2. Regrets and rejects the illegal and illegitimate parliamentary elections resulting from the
fraudulent electoral process organised on 6 December 2020 and reiterates that the
electoral process neither complied with internationally accepted conditions and
standards, nor with Venezuelan laws, nor was it free and fair, and nor did it represent
the will of the Venezuelan people; recognises neither the legitimacy nor the legality of
the fraudulent National Assembly established on 5 January 2021 on the basis of these non-democratic elections;

3. Reiterates that the only sustainable solution to the multidimensional crisis in Venezuela, which has an impact on the entire region, is a political, peaceful and democratic way forward, involving credible, inclusive, free, fair and transparent presidential, parliamentary, regional and local elections that respect international standards, with guarantees for a level playing field and for the unimpeded participation of all political parties, and held under objective international observation;

4. Expresses its solidarity with and full support to the people of Venezuela who are suffering the effects of a severe humanitarian and political crisis, which is currently being exacerbated by the COVID-19 pandemic; draws attention to the alarming migratory crisis and its spill-over effects across the entire region and praises the efforts and solidarity shown by neighbouring countries;

5. Requests the unconditional and immediate release of the more than 350 political prisoners held in Venezuela, a figure certified by Foro Penal Venezolano and the Organization of American States;

6. Reiterates the obligation to fully guarantee respect for and the protection of human rights in Venezuela and undertakes to be particularly vigilant with regard to any acts of repression, in particular against members of the democratic forces; denounces the threats made by the Vice-President of the illegally constituted National Assembly Iris Varela, to the effect that she will order the arrest and prosecution, confiscation of the assets and revocation of the nationality of members of the opposition and President Juan Guaidó;

7. Condemns the most recent crackdown on freedom of expression perpetrated by the regime and the closure of newspapers and media outlets that are not politically aligned with the Maduro regime;

8. Welcomes the recent Council decision of 29 June 2020 extending the targeted sanctions to 11 additional individuals, which does not harm the Venezuelan population, and calls for these sanctions to be strengthened and expanded immediately; considers that the EU authorities must consequently restrict the movements of the individuals on that list, as well as those of their closest relatives, and freeze their assets and visas; further calls for an immediate ban on the trade in and circulation of blood gold from Venezuela in the EU;

9. Reiterates the importance of continued close cooperation with international allies, namely the new US administration and the Lima Group, in order to re-energise an extensive international diplomatic effort to bring back democracy, the rule of law and prosperity to the people of Venezuela; calls on the VP/HR and the Council for high-level policy coordinated with the US and the Lima Group, in order to contribute to a more comprehensive strategic approach to international diplomatic efforts and thoroughly assess the re-escalating situation in Venezuela;

10. Calls on the legitimate National Assembly and its president Juan Guaidó to ensure full transparency in their management of funds in order to guarantee full accountability;
11. Recalls that the crisis in Venezuela is the most underfinanced in the world and calls on the international community to honour its financial commitments and disburse the amounts committed for the humanitarian crisis in Venezuela as agreed by the Donors Conference;

12. Fully supports the ICC investigations into the extensive crimes and acts of repression perpetrated by the Venezuelan regime; calls for the European Union to support the initiative of the ICC States Parties to open an investigation into alleged crimes against humanity committed by the Maduro regime, in order to hold those responsible to account;

13. Strongly supports the call by the UN Secretary-General for a full and independent investigation into the perpetrated killings to be carried out, in line with its previously adopted resolutions;

14. Calls for a Contact Group between Members of the European Parliament and the democratically elected representatives of the Delegated Commission of the National Assembly to be set up in order to facilitate regular contact and dialogue with the legitimate democratic forces in Venezuela;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the legitimate interim President of the Republic and National Assembly of the Bolivarian Republic of Venezuela Juan Guaidó, the governments and parliaments of the Lima Group countries, the Euro-Latin American Parliamentary Assembly, the Secretary-General of the Organization of American States and the Secretary-General of the United Nations.