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American School Foundation of Monterrey



International Criminal Court

Topic: The Prosecutor v. Nicolás Maduro

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I. Committee Background

Working as an independent body in The Hague since 2002, the International Criminal Court (ICC) is an intergovernmental organization that hears cases from all around the world, prosecuting individuals for the most heinous international crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. Currently, 124 countries are members of the ICC. In other words, they are each a party in the Rome Statute; this being the document that holds the foundation of the court and the defining characteristics of this special tribunal. The United States (US), Russia, China, and India are some of the countries that are not currently a signatory of the Statute, this means that their citizens are immune from being persecuted by the ICC. When the UN Security Council sends a case to the tribunal, all UN member states are obliged to cooperate, since their decisions are binding for all. Through international cooperation, the court will ensure that they can comply with their prime objective of bringing justice to the perpetrators of the worst crimes known to humankind.

II. Introduction

Description and Definition of the Topic

Once a beautiful country with lush potential, Venezuela has become a prime example of the rise and fall of a corrupt government. President Nicolas Maduro's effects on the country's economy and people have been catastrophic: according to the 2020-2021 National Survey of Living Conditions, around 28 million residents (76.6%) live in extreme poverty (Otis, 2020). The Venezuelan Crisis took over the international headlines during Maduro's time as president, and during the nation's eventual collapse in the former years of his presidency. Maduro's actions have led to hyperinflation in the region, forced migration, and overall shortages of basic necessities (Otis, 2020). Currently, one US dollar is equivalent to 415,221 Venezuelan bolivares. The overall lack of understanding in making decisions, and the neglect for his citizens has made Maduro the face of the country's ultimate collapse in 2016. Although he has been under deep international pressure to step down as President, he still controls the government and the decisions for the citizens (Wallenfeldt, 2021). Today, there still exists an overwhelming

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humanitarian crisis which is prompting many Venezuelans to leave the country, as the inflation rates and poverty levels rise each year.

The Problem

According to the UN Human Rights Body, Maduro's government has committed "flagrant violations" of Venezuelan citizens' human rights since 2014 (*Un accuses Maduro of ... humanity* 2020). Allegedly, government officials both knew and mandated various practices that endangered the lives of citizens, going directly against the purpose of the government and the values it is supposed to embody. Maduro has repeatedly ignored and denied all these accusations, calling them an unfounded attempt to remove him from power, but has provided no evidence to back up his defense. On the other hand, evidence supporting these accusations is well documented— the United Nations (UN) looked into nearly 3,000 cases of these human rights violations and concluded that high-level authorities in Venezuela had "power and oversight" to stop these illegal acts (Hartman, 2019). Moreover, there is strong evidence that states that the Maduro Administration utilized "arbitrary executions and the systematic use of torture" in order to deal with their critics and political opposition (Hartman, 2019). Whether or not these claims are fully factual remains to be seen, but the Venezuelan Press has found themselves in a position where they can no longer do their job without putting themselves at risk, leaving the public with little to no trust in the media.

On top of these very severe allegations, Maduro has been accused of other high crimes by many members of the international community, including the US and several members of the European Union (EU). Said crimes include the exploitation of Venezuela's resources, corruption, and the oppression of the Venezuelan people; all of these could be grounds to impeach the president or enforce another harsher punishment (Hartman, 2019). The US Department of State claims that the ramifications of this are practically undeniable in the nation and should be taken with utmost importance, as these individuals deserve justice for the suffering they have endured (*Nicolás Maduro Moros ... Target* 2020). Many of these crimes could be considered crimes against humanity; if he were to be found guilty, he would receive the harshest punishment allowed by international law.

Since the beginning of Maduro's term, basic human rights have been neglected and the government has become weaker. According to the international community, since multiple statements from members of NATO demonstrate criticism toward Venezuela and the functioning government, the Venezuelan government under Nicolás Maduro is unorganized and is constantly losing power in the nation. Venezuela suffers not only in the public health sector or lack of natural resources; the country is known internationally for suffering deeply with its economy.

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Such as, solutions to common problems like inflation are tackled poorly in the nation (Garcia Cano & Rueda, 2021). The Venezuelan economic crisis is one of the most outstanding problems causing fear among citizens as its currency may reach a point of no return. Thus, as noted by experts in the country, most Venezuelans have no other choice than to pay with US dollars for common necessities. Hence, most stores in the nation tend to be unable to give back change in bolivares. The use of electronic devices and digital pay is also very common in Venezuela. Meaning, digital pay has become the only viable solution for efficient payment transactions in the country (Garcia Cano & Rueda, 2021).

Despite the spiked inflation in Venezuela, the government introduced six fewer zeros into the bolivar. However, experts believe that it will take more than a reduction in the currency for the Venezuelan economy to recover. For this reason, Nicolás Maduro recently attended the Community of Latin American and Caribbean States (CELAC) conference in search of efforts for foreign investment into the country. However, what is projected by other Latin American countries—like Uruguay, Paraguay, and Brazil—firmly states that they believe there is another rightful president in Venezuela. For example, The president of Paraguay, Mario Abdo, denied the government of Nicolás Maduro. In retaliation, Maduro announced that he denied recognizing the Republic of Paraguay (*Surgen fricciones por ... Celac*, 2021). Plus, the president of Uruguay, Luis Lacalle, spoke out for the lack of democracy in Venezuela and the injustices that opposition parties suffer constantly. For instance, opposition leader Juan Guaidó, has been blocked in democratic processes by Maduro's Administration numerous times in recent years. Many members of Guaidós' party have also mentioned how they have received death threats and false accusations from members connected to the actual controlling government. In fact, these actions are a violation to international law, seeming how these actions weaken democracy and human rights. According to CNN, it is extremely difficult for another party to enter into the actual controlling government in Venezuela (Hernández, 2021). Nicolás Maduro stated that democracy has no flaws in Venezuela and there should be a debate about democracy and what it stands for (*Surgen fricciones por ... Celac*, 2021).

Numerous Venezuelans seek justice for the atrocities and negative impact that Nicolás Maduro and his party have committed during the last eight years. However, it is difficult to prosecute an acting president in control of the official government with international force. Plus, there is little to no sufficient evidence to prove that Nicolás Maduro should be prosecuted. Meaning, atrocities committed by the Venezuelan government are difficult to trace and there is little to no evidence about how Nicolás Maduro has responsibility over past events. Furthermore, only a significantly heavy force of international tension could force Nicolás Maduro out of Venezuela to stand trial on the numerous crimes he and his party are accused of. That being said,

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in every trial there must be consideration of the defendant's potential innocence—in this case, Maduro's potential innocence—to avoid punishing someone who has done no wrong and has been falsely accused of committing crimes. To uphold the true definition of justice, all sides of the story must be considered and evaluated to the point that there is no reasonable doubt on Maduro's guilt or innocence.

III. History of the Topic

Chronological History of the Topic

The rise of Nicolás Maduro through the ranks of the Venezuelan government began from the very beginning of his political career, just like his support and involvement for Hugo Chávez. When Chávez became president, Maduro did not stay far behind and he worked on the National Constituent Assembly, the Chamber of Deputies, and the Foreign Ministry between 1999 and 2006 (Wallenfeldt, 2021). For the following years, Hugo Chávez would remain as the 45th President of Venezuela, but in 2011, it was announced that he was diagnosed with cancer (Neuman, 2013). In the final months of 2012, Chávez had been reelected as president for the fourth time, beating out Henrique Capriles Radonski, who was a state governor at the time (Neuman, 2013). In light of Hugo's deteriorating health, Maduro's political profile and influence grew larger, resulting in him becoming vice president and Chávez's 'preferred successor' during the aforementioned elections. After being treated at both a military hospital in Caracas and a treatment center in Havana, Cuba, Chávez was unable to survive and passed away after ruling the country for 14 years, with few details concerning his death made public. Many devastated Venezuelans were then injected with a new sense of hope, Chávez's appointed successor and vice president of Venezuela Nicolás Maduro was set to make a run for president, battling Capriles in a newly-arranged election that took place on April 14, 2013 (Neuman, 2013). Maduro came out victorious, surpassing Capriles by 1.6% of the votes, and became the new president of Venezuela, a country that was facing food shortages and inflation under Hugo Chávez's term (Watts, 2013).

Applying the same socialist policies that his predecessor implemented, Maduro's form of government did not improve the economic and social circumstances in Venezuela, leaving food shortages, rising inflation, corruption, and crime unattended. This lack of change led to a series of protests termed 'The Exit', which were led by well-known opposition politician Leopoldo López on February 12, 2014 (Cohen, 2019). After six days of protest, Leopoldo López was arrested by the Venezuelan security forces for organizing the public cry out, being charged with "fomenting unrest" (Cohen, 2019). In December 2015, the Democratic Unity coalition that

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opposed Maduro managed to take over the country's legislative body, the National Assembly, after a 16-year absence in power. The new rulers of the National Assembly stood strong in support of a "wave of discontent" that involved plummeting oil prices, which resulted in an even larger increase in inflation (Cohen, 2019). As a direct consequence, the Venezuelan Supreme Court which has a history of "consistently [siding] with the ruling Socialist Party" decreed that it would be taking over the functions of the National Assembly, essentially invalidating the assembly and Maduro's opposition in March of 2017 (Cohen, 2019).

The Venezuelan Supreme Court's statement was met with international outcry and was taken back, but this unconstitutional behavior had a lot of serious repercussions and fed a growing anti-government sentiment in Venezuela. Even so, months later, Maduro announced that there would be a new "all-powerful legislative body called the Constituent Assembly" that would go on to rewrite the constitution and take over many legislative duties from the National Assembly (Cohen, 2019). Since Maduro's opposition boycotted the election of the Assembly members as a form of protest, it is believed that all 545 members of the Constituent Assembly support the President and his policies. After only a month, the members of the Assembly, Maduro's family among them, had already dismissed critics from government positions, put opposition leaders on trial for treason, incarcerated opposition members—barring many from running for office—given themselves increased legislative power, and above all, expressed seemingly unwavering support for President Maduro (*What has Venezuela's ... achieved?*, 2017). To add on, despite an official plebiscite at the hands of the opposition showing that 98% of 7.2 million Venezuelans "rejected the constituent assembly," Maduro actually "encouraged participation in the election for the constituent assembly" and deemed the plebiscite as unconstitutional.

From his first attempt to dissolve the National Assembly to the emergence of the Constituent Assembly, Maduro's unconstitutional decisions were met with public outcry and daily protests in the streets of Venezuela. At this time, the government retaliated against these demonstrations with violence and brutality, injuring, incarcerating, censoring, torturing, sexually assaulting, and even killing hundreds (*Crackdown on Dissent* 2017). Though the protests died down in the following months, the disregard for human rights in Venezuela only skyrocketed, causing the United Nations Human Rights Council (UNHRC) to launch an investigation on Maduro. In September 2020, experts for the UN's top human rights body accused Nicolás Maduro of crimes against humanity after looking into nearly 5,000 killings and 3,000 human rights violations from his rise to power in 2014 to 2020 (Keaten, 2020). Though Maduro's legitimacy as president is questionable due to the presidential crisis, to this day he continues to control the country's state institutions. Adding on to his turbulent relationship with the

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Venezuelan people, inflation and poverty in the country continued to rise steadily under Maduro's rule, leaving the nation vulnerable and in need of immediate action against Nicolás Maduro.

Historical Case Studies

Mao Zedong and the People's Republic of China

Mao Zedong was the founder of the People's Republic of China, serving as chairman of the Chinese Communist Party from 1949 to 1976. In his years at the helm, Zedong utilized authoritarian measures in order to fully control his country, especially China's political landscape. An event that clearly displays Mao's ways as China's leader occurred in the 1960s, when he dismissed Peng Dehuai from his position as defence minister. Dehuai had previously led the Chinese in the Korean War and agreed to the truce that ended the violent situation (*In its 100 ... purged?* 2021). In the time that followed, he was promoted by Zedong as defence minister and China had developed the Great Leap Forward programme, which was an economic programme that pushed for an increase in industrialization but ended up in the starvation of more than 30 million Chinese citizens (*In its 100 ... purged?* 2021). As the Great Leap Forward was being established in the Asian country, Dehuai criticized the programme, calling out its impracticability (*In its 100 ... purged?* 2021). After publicly offending Mao's economic strategy, Dehuai was imprisoned in 1966 and continuously tortured while incarcerated until dying in solitary confinement in 1974. Additionally, Zedong's head of state and supposed heir, Liu Shaoqi, was purged from office in October 1968 (North, 2021). Shaoqi was denounced by the Red Guards, who were loyal followers of Zedong and key players in the Cultural Revolution in China during the 1960s, as a "renegade, traitor, [and] scab" that wanted to challenge the Communist revolution in China (*In its 100 ... purged?* 2021). The situation in China during Zedong's regime is no different than what is seen in Venezuela: people, citizens of the country, suffering starvation and lack of basic resources, as well as the eradication of any form of opposition towards the ruling government.

Philippine Government and Journalists

Over the past few years, the Philippines have been frequently appearing on various international news outlets for their controversial treatment of journalists, in particular their supposed red-tagging policies (De Jesus, 2021). Red-tagging is an intimidation tactic that the Philippine government uses to "keep journalists in line" and commonplace practices range from surveillance, harassment, doxxing, extortion, or, in some cases, assassination (De Jesus, 2021). Moreover, police and military officials regularly detain and kill reporters for being "enemies of

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the state” and later give inconsistent information on their reasoning while simultaneously delaying the judicial process (Beltran, 2021). In some cases, journalists can be detained for months on end with no updates on their current legal standing. Nonetheless, it is also well known that these members of the police and military are rarely held accountable for their actions and often repeat these same crimes over and over again. This hostile environment is only made worse by comments high ranking officials make on these situations in attempts to justify their actions. As President Duterte put it in 2016: “just because you’re a journalist, you are not exempted from assassination” (Cullen, 2020). Some say that this was a declaration of outright war against the press, indicating a new era of ruthlessness in a nation whose government is more concerned with their image than their citizens. Clearly the government fears the media’s power to report various crimes and events that might be detrimental to their image. The fact that most of the dead journalists in the country were reporting on corruption, election fraud, and human rights violations is evidence of such a claim (Cullen, 2020). Since the start of Duterte’s term in 2016, a total of 21 journalists have been killed in the Philippines while only a fraction of these cases have ended with a conviction (*Journalist shot dead ... office* 2021). The current state of the nation provides only uncertainty for the people of the Philippines for both their lives and freedom of speech. This case is similar to that of Maduro because in the Philippines the government covers up their crimes and denies them to the public, similarly to Maduro’s government.

Fidel Castro’s Harassment to Cuban Opposition

During the five decade rule of Fidel Castro in Cuba, a repressive system was built that punished all forms of denial and dissent to the Cuban government. Undoubtedly, the abuse and harassment caused by the Cuban government during Castro's regime is a dark legacy that still lives on within the country. During Castro's rule, numerous Cubans were forcibly incarcerated in prisons with inhumane and abysmal conditions. Moreover, the family members of those targeted by the regime were also revoked from health services, education, and political freedoms (*Cuba: Fidel Castro's ... Repression* 2016). Castro's harsh punishments were the thing that kept the country moving as a whole; intimidation demonstrated effectiveness in favor of the Cuban government. This strategy kept on promising stability for Fidel Castro during the entirety of his rule; even when many countries started moving away from authoritarian rule and society, Castro’s oppressive and intimidating system mainly targeted those prosecuted in Cuba. As a result, prisoners were constantly beaten and stabbed with batons. Hence, since the prisons were poorly maintained in the country, prisoners were treated poorly, and rarely fed properly by security forces. As a result, many prisoners were victims of malnourishment and hunger which

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oftenly ended up killing many victims of Castro's unjustness (*Cuba: Fidel Castro's ... Repression* 2016). Approximately, more than 11,000 Cubans were victims of Castro's regime. Although most victims of this brutal rule were opositors, many protesters in demand of better pay and basic human resources were also subjected to murder or unjustified severe injuries: "Thousands of protesters against the government and its abysmal rule were commonly confronted with fire arms and brutal force from national security," as said by Miguel Vivanco, director of the Human Rights Watch (*Cuba: Fidel Castro's ... Repression* 2016). It should be noted, these problems and oppression in Cuba are still existent. Cuban Archives demonstrate how thousands of Cubans have been killed in these confrontations even after Castro's death. Plus, these archives also demonstrate evidence of how minors and children were killed, something considered to be illegal and extrajudicial in many countries. It is unclear whether Cuba will keep on finding itself in this repressive system which has been dismantling the nation for decades. In the end, Cuba will keep on suffering the consequences for their actions towards their citizens, something shamed upon by many nations in the world.

Narcosobrinos Affair

On November 13th, 2015, Efraín Antonio Campo Flores and Francisco Flores de Freitas, both directly related to Nicolás Maduro and his wife Cilia Flores, were arrested for narcotics trafficking after attempting to transport 800 kilograms of cocaine into US territory (Guerrero et al., 2015). Upon their arrest "both men had Venezuelan diplomatic passports and openly identified themselves as the son and nephew of Flores, maintaining that they had diplomatic immunity", not only displaying a clear abuse of their power but also showing a clear and direct connection with Venezuela's head of state (Guerrero et al., 2015). Regardless, both men were swiftly turned in to the US Drug Enforcement Administration (DEA) to face immediate trial and consequently, punishment. Soon after, Maduro, his wife, and members of the government defended both men. The president himself claimed that these arrests attributed to the US were nothing but "attacks" and "imperial ambushes" via Twitter (*Venezuelan first lady's ... US* 2015). Additionally, senior Venezuelan officials and the first lady also stated that the Maduro's family members were "kidnapped" in an attempt to discredit the government due to their connection with the two perpetrators (Kurmanaev, 2015). The arrest of Nicolás Maduro's nephews was just the beginning to the whole 'Narcosobrinos affair'. Though the event attracted a lot of media coverage because of the nature of the trial and the high profile defendants, news agencies in Venezuela like *Globovisión* and *Últimas Noticias* purposely omitted the mention of the president and the first lady in an attempt to protect the government's reputation, whether it was a choice or an order is unknown. The politically charged drug case itself is also important to look at because

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of the events that unfolded with the trial. It was reported that two important witnesses against Campo and Flores were murdered shortly before and after the men were arrested (*Witness Killings Deepen ... Case 2016*). The witness murder, unreliable media coverage, and association with the executive branch of the country make the “Narcosobrinos affair” an important event in Maduro’s presidency and show a potential abuse of power from his actions in order to protect his name and family. Bruce Bagley, an expert on South American drug trafficking at the University of Miami, alleged that the case against Campo and Flores only showed a small portion of the ‘rampant’ corruption in Venezuelan power circles. Thus, demonstrating that the whole case “suggests a culture that drug trafficking is routine and daily fare for someone with contacts in the presidential palace” (Adams, 2016).

Past UN Actions

Ever since Nicolás Maduro was elected into office, the UN recognizes Venezuela’s governing body as its official representative, meaning that they have accepted Maduro’s position as Venezuelan leader despite Juan Guaidó being recognized as acting president by many countries (Nichols & Wroughton, 2019). The UN is also incapable of “[ramping] up a humanitarian response”, as once requested by Guaidó in a letter directed to UN Secretary-General Antonio Guterres, in Venezuela seeing as they require approval from Maduro or authorization from the UN Security Council (Nichols & Wroughton, 2019). Following Guaidó’s request, Guterres mentioned that the UN was eager and ready to “increase their activities in Venezuela in the areas of humanitarian assistance and development”, but without Maduro’s cooperation, the UN is powerless when trying to help the Venezuelan crisis (Nichols & Wroughton, 2019). A notable interaction between the UN and Venezuela occurred in June 2013, Maduro’s first year as president of the unstable nation, when the Food and Agriculture Organization (FAO) congratulated the Maduro administration and the past effort of the Chávez administration for reducing the number of “hungry people by half over the past 20 years” (Rueda, 2013). Nonetheless, the Venezuelan citizens expressed discontent with the recognition given to its government because food shortages were becoming more common as the years progressed, along with an economic decline that inflated food prices more than ever before.

In more recent years, the UN has also engaged two different Independent International Fact-Finding Missions to Venezuela, the second of which finished in mid-September 2021. The investigative team alleges that the Maduro administration has used “intimidation against civil society organizations” in order to ensure their position as the leaders of the state and prevent actual change in Venezuela (*Stop criminalizing civil ... authorities 2021*). The same report claims that the government has also used the justice system to incarcerate “real or perceived” political

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opponents (*Venezuela's justice system ... probe 2021*). In total, there were 183 recorded detentions that were considered “irregularities” within the justice system that violated at least one procedural or constitutional amendment (*Venezuela's justice system ... probe 2021*). Although this might not seem like a major step into the resolution of this conflict, these reports provided the international community with essential information that would be otherwise difficult to obtain without cooperation with Venezuela directly, therefore it demonstrates some degree of effort on behalf of the UN.

On the other hand, the UN has implemented extremely harsh sanctions on the country that are endorsed by various world leaders such as US President Joe Biden and French President Emmanuel Macron. These sanctions impact Venezuela’s ability to grow economically and their ability to support their citizens. Maduro calls them “financial, monetary, commercial, economic, energy persecution” that intends to make an example out of Venezuela and rob them of their rightful place in the “new world” (*Venezuela demands the ... world’ 2021*). This comes after the Venezuelan government announced that they will be moving forth with a “comprehensive agenda to advance in the social and economic recovery” with the support of Mexican President Andres Manuel Lopez Obrador, the Norwegian Government, the Russian Federation, and the Netherlands (*Venezuela demands the ... world’ 2021*). Some experts argue that these sanctions are part of the reason that the situation in Venezuela is not getting better and only seems to affect the human rights of the people within the country’s borders by making basic resources nearly impossible to attain (*Independent UN rights ... Venezuela 2021*).

IV. Key Players and Points of View

The United States of America

Since the beginning of the Venezuelan Presidential Crisis, a topic with major influence in Venezuela since 2017, the US has publicly recognized Interim President, Juan Guaidó, and the National Assembly as the acting government in the nation (*U.S. Relations With Venezuela 2021*). Periodically, more than sixty countries joined the statement along with the US siding with Maduro’s defiance. Examples of nations publicly defending this statement include the EU, Brazil, Colombia, Canada, Japan, South Korea, Ecuador, Chile, Uruguay, and Paraguay. Moreover, the US condemns and declares the parliamentary elections in December as rigged elections, illegitimately organized by Nicolás Maduro's regime. As a result, funding from the US Government aids Juan Guaidó and his cabinet with the goal to eventually restore democracy. The Independent Party of Juan Guaidó, which contested the Venezuelan government, clearly believes that polls published by the United Socialist Party of Venezuela (PSUV) in December 2020 are

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false and inaccurate. Hence, Juan Guaidó received massive support internationally and in his country even before the polls were published. This comes to demonstrate how Guaidó should have won the elections if the system was fair and diplomatic (*OAS Resolution Condemns ... Venezuela 2020*). The US does project that Maduro's government is not the actual office in the country. Plus, the PSUV is also constantly referred to as a regime and a dictatorship. Currently, the US is not enacting military activity in any way in the country; the US does have an American consulate in Caracas. President Joe Biden has rejected meeting with Nicolás Maduro multiple times to negotiate due to the American government's statement on the lack of democracy present in Maduro's regime. However, President Biden does seek to meet with Juan Guaidó and his cabinet eventually. Meanwhile, Nicolás Maduro seeks recognition and cooperation from the US, the American government firmly continues to deny cooperation until democracy is improved. The mission and vision that the American government has on Venezuela is for Juan Guaidó to eventually succeed and enter office.

Canada

Canada has been known to be deeply concerned by the political, economic, and humanitarian crisis in Venezuela. The country has become essential in the impact of several statements and resolutions in order to help ease the tension in Venezuela. According to the government of Canada, the nation was involved in the resolution at the “G7, the G20, the UN Human Rights Council, the Organization of American States and the Lima Group in support of the people of Venezuela” (*Canada and the ... crisis 2019*). They have joined forces to improve the quality of life in Venezuela. Additionally, Canada has made serious impacts to host and integrate Venezuelan migrants and refugees and respond to their needs: “Since 2019, for example, it has committed over 86 million in international assistance” (*Canada and the ... crisis 2019*). In September 2020, the UN Fact-Finding Mission on Venezuela released a report exposing the participation of members of the Maduro regime in acts that may be considered “crimes against humanity” (*Canada and the ... crisis 2019*). For that reason, Canada has joined with partners in the Americas in order to take the situation to the International Criminal Court based on credible reports of “systematic violations of human rights and acts of significant corruption” (*Canada and the ... crisis 2019*). Currently, the nation continues to work with like-minded partners to identify and impose sanctions on people associated with Nicolás Maduro's administration.

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National Bolivarian Armed Forces of Venezuela

A fundamental piece of the current governmental regime in Venezuela is their military, which has been on Maduro's corner ever since he replaced Hugo Chávez in 2013. In the time period that Chávez was the supreme leader of Venezuela, he received total support from the armed forces by promoting active members into senior officers, generating a deep attachment between the military and the Venezuelan president, something that did not change when the power vacuum in the troubled nation was filled by Nicolás Maduro. As matters in the nation quickly deteriorated, it was of high importance that the president and the country's military remain loyal to one another, which led to a large increase in Venezuelan admirals and generals. As of now, there are a total of 2,000 top-ranked officers in Venezuela's military, which houses only 63,000 troops (Ellsworth & Armas, 2019). To put the number into perspective, the US has 173,000 troops in their armed forces and has half the number of generals and admirals that Venezuela has (Ellsworth & Armas, 2019). Furthermore, an unnecessary abundance of highly-ranked commanders has created a highly dysfunctional system in the armed forces, one where there is no clear leading branch in the military. Despite the majority of lower-class officers and many high-class officers desiring to leave Maduro's side and join the opposition, the powerful order-enforcing group in the country has made no change in its stance on Maduro, as shown when acting president Juan Guaidó attempted to convert the military's political stance and failed to do so (Ellsworth & Armas, 2019). Moreover, Guaidó has previously mentioned that a lack of "ability to speak openly, directly with each of the sectors" is the reason why it has been difficult to turn the military against Maduro, while also stating that "it has to do with the persecution inside the Socialist Party, inside the armed forces" (Ellsworth & Armas, 2019). The power-hungry armed forces group has immensely benefited from Nicolás Maduro's time as Venezuela's leader, becoming the key factor that has halted progress in the nation and protected Maduro from the flustered citizens and politicians that oppose his way of rule.

Juan Guaidó

Formerly one of the leaders of the Venezuelan Opposition Party, Juan Guaidó used to be the sole political opponent to the Maduro Administration's regime during the presidential election of 2019, when he declared himself the interim president of Venezuela (Sonneland, 2017). Since then, he has taken the role of President of the National Assembly of Venezuela and oversees most of the legislative body in the country and is the "highest-ranked opposition leader" in government (*Venezuela's Maduro 'pardons' ... detainees* 2021). For this reason, he has taken the "bulk of the blame for his failure to deliver" on his promises to supporters of the opposition (Cabrices & Stolk, 2021). During his time in the opposition movement, he participated in general

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strikes, election boycotts, marches, negotiation, mediation, and international negotiations but has little to show for it (Cabrices & Stolk, 2021). Many regard him as the main reason for the prosecution of his former allies in the movement, like his close friend Freddy Guevara who was recently incarcerated for “ties to extremist groups” (Fernandez Vilorio, 2021). His former allies, in particular, accuse him of “ratting out” the leaders of the opposition in exchange for political gain (Sonneland, 2017). This, however, is only partly true, the armed forces have repeatedly threatened Guaidó and his wife with lethal force (*Venezuela opposition figure ... arrested*, 2021). In many ways his safety depends on his compliance to the Maduro Administration and is, therefore, unable to create meaningful change, making him a puppet who promotes “coexistence” between Maduro and opposition supporters (Rosati & Vasquez, 2019).

Nicolás Maduro

Having held the title of president since 2013, he is one of the longest-serving presidents in the history of Venezuela (Wallenfeldt, 2021). Despite the ongoing presidential crisis, Maduro is still widely recognized as the official head of the country, with strong support from the government—which consists mostly of his supporters—and the National Bolivarian Armed Forces of Venezuela, but not his citizens. Though Venezuelans can “vote [leaders] out of office, protest for them to change course or resign, or make demands through face-to-face dialogue” in order to demand democratic change, this has not worked against Maduro even with his unpopularity (Smilde, 2019). The president “has managed to retain power amid a collapsing economy” despite the growing demand for him to leave (Gigova & Lemons, 2021). Even with the aforementioned economic crisis and countless issues explained previously which Maduro and his administration are partly to blame, he puts up a very proud and patriotic front claiming that all he does is with the country’s best interest at heart. However, the president’s mandate has not gone under the radar. Just recently, the ICC’s chief prosecutor Karim Khan announced that he “will open an investigation into possible crimes against humanity in Venezuela” (Buitrago & Sequera, 2021). Though this investigation was met with approval from the opposition and the public, Maduro’s reaction was not as enthusiastic. The official statement from the government says that though the president respects the work the ICC does, it does not approve it. Additionally, in a memorandum signed by both Maduro and Khan, it was reassured that the state of Venezuela does not “[justify] the movement from the preliminary examination phase to [an] investigation phase” (Buitrago & Sequera, 2021). Nicolás Maduro also went on to say that Venezuela will be open to cooperation and support to find “truth” and “justice”, which in Maduro’s agenda means disproving the claims of crimes against humanity that opened the investigation in the first place (Gigova & Lemons, 2021).

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V. Possible Solutions

For Nicolás Maduro to pay for his crimes, he must be extradited away from Venezuela to be taken into justice. However, for this to happen, the International Criminal Court must come to an agreement of prosecuting Maduro for his crimes and violence caused in Venezuela against the opposition. The International Criminal Court can send out criminal investigations to the Security Council, which will be able to enforce justice to international cases if agreed upon (*About the Court* 2021). Meaning, the US, Russia, China, and India can cooperate even though they are not a part of the intergovernmental organization. Since February 2018, it is unclear whether Venezuela is an acting member of the ICC as the nation currently stands under investigation. However, if agreed upon by the committee, enforced with sanctions, and political pressure, Venezuela may see a change in their acting government (*How the Court Works* 2021). Therefore, justice is to be made for the victims of the Maduro regime and democratic elections can be held in the country. The ICC must also take into consideration the effects that revoking the nation's actual government with international pressure will have on its citizens (Romo, 2019). The reason being, as seen in other governments ever contested in the past, crime rates may rise and humanitarian aid and resources may also shatter. Hence, requesting the Security Council's involvement in a UN intervention in the country may be a possibility. In effect, if this UN intervention is possible, violence may reduce and people may have secure access to humanitarian resources. However, a motion for intervention from the UN may not be possible, so the committee must think of other short-term solutions, such as promoting non-governmental organizations (NGOs), which, with enough funding, may be enough to secure humanitarian aid in the country if Maduro is to be extradited from Venezuela. Currently, it is uncertain whether it is even possible to achieve the sentencing of Nicolás Maduro. Meaning, the International Crime Court will mainly need to focus on short-term solutions which call on democracy and life quality in the nation.

Given that Venezuela gave its ratification of the Roman Statute on June 7th 2000, Maduro's actions can have international consequences. The ICC has jurisdiction to prosecute over Roman Statute crimes committed in the territory of Venezuela and its nationals. According to the ICC preliminary examination of the 2017 Venezuelan crisis, there exist grounds for an in depth examination which would focus on alleged "crimes against humanity, particularly in the context of detention, have been committed in Venezuela since at least April 2017" (*Venezuela* 2021). Generating a conclusive investigation and drawing out concrete charges can be one of the most impactful ways to bring Maduro to justice in the eyes of the international arena, and help give victims of Maduro's actions peace. A change in government in Venezuela can be seen as the

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most impactful part of the re-construction of a democratic nation built on the same principles as the rest of the international community.

VI. Current Status and Charges

Although many victims of this tyrannical behavior will not be able to receive compensation or justice for the abuse they have endured, it is still possible to protect the lives of future victims and Venezuelan citizens. Nonetheless, it is important to understand whether or not these accusations are true in the first place. If the court finds all these accounts to be true and directly the fault of Nicolás Maduro, then the subsequent punishment will be well deserved. However, if these charges prove to be false and he is still found guilty, then there will be an innocent man being punished for crimes he did not commit. In a way, the court will be in charge of finding justice for not only the victims and their families, but also Nicolás Maduro. Meaning, it may not be a possibility to extradite and incarcerate Maduro. However, the International Criminal Court may be able to seek justice for those affected by injustice in the country. Currently, aid entering the country is denied and burned in the country's borders. The reason being, the government denies accepting that the country requires resources for its people. In order for NGOs to function properly in Venezuela, the court must acknowledge the denial of resources in the country as a crime that impacts the humanitarian crisis occurring in Venezuela.

When approaching this trial, the judges must consider that this is a delicate and multifaceted problem. For example, attorneys should address the censorship and media attacks that the President is responsible for, violating the right of having information and free speech. Besides his attacks on the press, the creation of the Constituent Assembly is a clear abuse of his presidential power by creating a council filled with people from his party to rewrite the constitution to his favor. The state at which Maduro has left the country not only economically but at a social level is truly alarming with protests, fights, and an overall instability breaking out all around the country. If the court were to find Nicolás Maduro guilty of the crimes he is being accused of, attorneys must also consider what will come next for Venezuela. First of all, his supporters and party members will do anything in their power to keep him and his policies in office. Attorneys must consider the use of the Constituent Assembly and how to make sure Maduro is not able to remain president. Not only that but the government will be left in shambles, making it hard for the opposition to take power and leaving the country's administration more vulnerable and unstable than ever before. Additionally, the interim president, Juan Guaidó will need support at a global level and from the UN in order to gain recognition and leave Venezuela with at least some hope for the future.

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A rebellious Venezuela, led by opposing politicians like Juan Guaidó, has become the quintessential factor that gives the country an opportunity to take down Nicolás Maduro and prosper once again. Not to mention, Guaidó is currently recognized as the official leader of Venezuela by various influential countries. Having gathered the support of the international community, desperate Venezuelans have been willing to protest and stay on their feet despite the abundance of problems that the nation faces due to the president's actions. Finally, many members of the Venezuelan armed forces have wanted a change in government for years, which is another piece to the puzzle that opposing leaders like Guaidó can take advantage of, seeing as Maduro becomes completely vulnerable without the support of his military. The International Criminal Court has started to investigate alleged crimes against humanity that were committed during Venezuela's crackdown against anti-government protests in 2017. This is one of the many specific instances that attorneys need to understand and bring up in court in order to help their case become more reliable to the panel of judges. The attorneys who will defend Maduro need to take into consideration all of the possible crimes the defendant can be charged with before the trial so that the team does not fall behind.

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