



Bolivarian Republic of Venezuela
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PRONOUNCEMENT OF THE ADMINISTRATIVE LAW DEPARTMENT OF THE "UNIVERSIDAD CENTRAL DE VENEZUELA" ON THE BREACH OF THE CONSTITUTIONAL ORDER

1. Since the National Assembly was elected on December 6, 2015, the National Government along with the Supreme Court of Justice has progressively eliminated the National Assembly's legal capacities. Under an apparent legal form, this process has contributed to disacknowledge the Assembly and therefore, disacknowledge the elections of December 6, 2015.
2. These decisions were mainly issued by the Constitutional Court of the Supreme Court of Justice. While apparently carrying out its judicial control functions attributed to this Court by the Constitution in its Article 336, the Constitutional Court perpetrated a definite Coup d'Etat against the Assembly. This Coup d'Etat was officially consolidated by the judgments 155 and 156 of Constitutional Court respectively issued on the 27th and 29th of March, 2017.
3. Through these judgments the Constitutional Court (i) hindered the National Assembly from carrying out its legislative, deliberating and control functions; (ii) illegally took over these functions and (iii) allowed other organs of the Public Power to also illegally take over these functions. Therefore, the judgments 155 and 156 ratified the breach of Venezuela's constitutional order by officially disacknowledging the Assembly.
4. It is important to clarify that the Constitutional Court disregarded the Article 336 of the Constitution in its judgments 155 and 156 for the Constitutional Court did not act in defense of the Constitution. On the contrary, the Constitutional Court, by means of these judgments, disclaimed all the functions of the Assembly. To do this, the Constitutional Court based its judgments on the thesis of "desobedience" of the judgment 260/261 of the Electoral Court. Had this "desobedience" theory been true, it would have only justified the execution procedures of the judgments acknowledged by the Organic Law of the Supreme Court, but in no case whatsoever, would disacknowledge the National Assembly by questioning the incorporation of three (3) of its hundred and sixty-seven (167) representatives.
5. This serious situation was supposed to be amended by the Constitutional Court, which upon the petition of National Defense Council "revised" its judgments 155 and 156 on April 1, 2017. By doing so, the Constitutional Court violated the constitutional order even more severely. The National Defense Council is (i) not legally competent to supervise the judgments of the Constitutional Court ; (ii) the Constitutional Court can not comply with the

- petitions of the National Defense Council and (iii) the Constitutional Court can not revise and modify its judgments as it has repeatedly declared in many pronouncements.
6. The judgment 156 concludes by stating that the Constitutional Court assumes all the functions of the National Assembly, disacknowledging the Sovereign Power of the People and invalidating its constitutional powers in a satirical and paradoxical protection of the legal government. This misfortunate statement of “totally assuming” the legislative functions of the National Assembly should have never been issued by the Constitutional Court. In accordance to the Article 336 Number 7 of the Constitution, the Constitutional Court should have, if it would have really been protecting the state of law, declared the unconstitutional nature of the omission and indicated a term in which the person should have complied with the law and thereby amended the omission. The Constitutional Court could have, if necessary, indicated the procedure for this amendment, but by no means, taken over the legislative functions of the National Assembly.
 7. Since the purpose of the judgments 155 and 156 was to suspend the validity of the Constitution by means different to those stated in the Constitution, the abovementioned judgments should not be considered valid and will therefore have no effect. Each and every public functionary has the right to disobey the orders that instruct him or her to execute the abovementioned judgments and is entitled to suspend the execution of the order or modify it and even actively take part in the defense and reestablishment of the effective validity of the Constitution and report it to his or her superior.
 8. We hereby state that the fact that this “breach of the constitutional order” throughout the abovementioned judgments and unconstitutional revisions was carried out by those who have the duty to be “the guardians” of the Constitution acutely aggravates the situation. Therefore, we consider that the judges who signed such judgments and revisions should be compelled to assume their responsibility for their actions such as it is stated in the Constitution and laws.
 9. In conclusion, instead of being solved, the breach of Venezuela’s constitutional order has become more severe. The Administrative Law Department of the Universidad Central de Venezuela calls for a collective effort to effectively reestablish the legal binding of the Constitution.

Signed in Caracas, on the 3rd of April, 2017.

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