

ICC



Topic: “Responsibility of Political Leaders in Venezuela for Crimes Against Humanity: The Case of Nicolás Maduro and Diosdado Cabello”

UNDERSECRETARY:

**Valentina
Caballero**

JUDGE I:

**Fabiola
Castro**

JUDGE II:

**Arantza
Juaristi**





Welcoming letter

Delegates,

We want to welcome you all to this first edition of the International Criminal Court of the Colegio Fontanar Model of the United Nations.

We are really excited of counting with your participations at this court, and of making it a reality which will be a place for you to strength the abilities you already count with, or even to start to develop some new ones.

We invite you to work hard and with all your effort throughout the sessions, and by this to get the best possible results.

Sincerely,

Fabiola Castro and Arantza Juaristi

Judges of the International Criminal Court



Table of contents

I. Committee Background

II. Context

III. Accusations

IV. Roles in trial

A. Prosecutor (fiscal)

B. Defendants

C. Witnesses

V. Preparation

VI. Conclusion

VII. Participation List

VIII. References



I. Committee Background

The International Criminal Court (ICC), was established on July 1st, 2002, through the Rome Statute.

It serves as a crucial institution in the realm of the international law, dedicated to prosecuting individuals for serious crimes such as genocide, war crimes, and crimes against humanity.

Headquartered in The Hague, Netherlands, the ICC operates under the principle of complementarity, intervening only when national jurisdictions are unable or unwilling to prosecute these grave offenses.

II. Context

The case of Nicolás Maduro and Diosdado Cabello in Venezuela, highlights concerns regarding the responsibility of political leaders for crimes against humanity.

The International Criminal Court (ICC) has been investigating allegations against the Maduro government, specifically about its violent repression of anti-government protests, notably the 2017 “guarimbas”, which resulted in over 130 deaths.

While publicly rejecting the ICC's probe as politically motivated, the Venezuelan government has engaged in a complex relationship with the court, evidenced by the establishment of a technical assistance office at Venezuela, aimed at helping the country meet its obligations under international law.

IMPORTANT! This ICC committee case, is pure simulation, due to the fact that president Nicolás Maduro and Diosdado Cabello have never been tried by the International Criminal Court.

III. Accusations

Presidential Fraud:

- **Electoral Manipulation:** Maduro and his administration are accused of engaging in fraudulent voting practices, including voter intimidation and manipulation of election results to illegitimately maintain power.

Crimes Against Humanity:

- **Torture:** Victims have provided testimonies, detailing various methods of torture employed in detention centers, such as beatings, asphyxiation, and sexual violence.
- **Extrajudicial Executions:** It exists documentation of security operations, where political opponents and suspected dissidents were executed without due process.

III. Accusations

Repression of Opposition: Evidence indicates that security forces and armed collectives were used to violently suppress peaceful protests, resulting in violent confrontations with demonstrators.

IV. Roles in Trial

A) Prosecutor (Fiscal):

Arguments:

- The prosecution will present documented evidence of human rights violations and electoral fraud, utilizing reports from organizations, such as Human Rights Watch, Amnesty International, and the Organization of American States (OAS).
- Testimonies from victims who suffered torture and repression will be shared to illustrate the human impact of the alleged crimes.
- The prosecutors will challenge the legality of the defendant's actions, demonstrating how these actions constitute crimes against humanity under the Rome Statute and electoral fraud.

IV. Roles in Trial

B) Defendants:

- **Nicolás Maduro:**

The defense will argue that the government's actions were legitimate responses to terrorism and foreign intervention to protect the country's sovereignty.

They will also contest the ICC's jurisdiction and question the impartiality of the accusations.

- **Diosdado Cabello:**

Cabello's defense will assert that his role is purely political and that he was not directly involved in acts of violence.

They will argue that a leader should not be held accountable for the independent actions of subordinates and that the accusations are part of a broader campaign to delegitimize their government.

IV. Roles in Trial

C) Witnesses:

1. Victim Testimonies: Individuals who have experienced torture, witnessed extrajudicial executions, or faced voter intimidation.

These accounts are crucial for humanizing the accusations and presenting evidence of the crimes committed.

- **Bruno Gato:** A Venezuelan political activist, who was imprisoned and tortured during protests against the Maduro regime. His testimony would provide a firsthand account of the treatment political prisoners face in Venezuela.
- **Norelys González:** A former detainee, who experienced severe torture while being in custody. Her story would highlight the methods of abuse used in detention centers and the psychological impact provoked on victims.

IV. Roles in Trial

2. Human Rights Experts: Researchers and advocates, who can provide context regarding the systematic human rights violations and the repressive apparatus employed by the Venezuelan state.

- **Jose Miguel Vivanco:** Executive Director of Human Rights Watch's Americas Division. He can provide an analysis of the human rights situation in Venezuela, drawing on extensive research and documentation of abuses under Maduro's government.
- **María Beatriz Martínez:** A prominent Venezuelan human rights lawyer and activist. She could discuss the legal implications of the alleged crimes and provide context on the systematic nature of human rights violations in the country.

IV. Roles in Trial

3. Electoral Fraud Experts: Analysts, who will detail the irregularities observed in Venezuelan elections, offering evidence of manipulation and electoral misconduct.

- **Gonzalo Himiob:** A Venezuelan lawyer and human rights activist with expertise in electoral processes. He can testify about irregularities in recent elections and provide analysis of the legal framework surrounding electoral fraud in Venezuela.
- **Roberto Picón:** An electoral expert and former member of the National Electoral Council of Venezuela. He could testify about the manipulations and abuses observed during elections and provide credible insights into the electoral process.

IV. Roles in Trial

4. International Observers: Representatives from the OAS or other international organizations who monitored the electoral process in Venezuela and documented issues related to voter suppression and fraud.

- **Luis Almagro:** Secretary General of the Organization of American States (OAS). He could provide testimony about the OAS' observations of electoral processes in Venezuela and the findings of international monitoring missions.
- **Michelle Bachelet:** Former United Nations High Commissioner for Human Rights. She has extensive knowledge of the human rights situation in Venezuela and could provide insights based on her official reports and visits.

V. Preparation

- **Prosecutors:** Gather reports, testimonies, and statistics on human rights violations in Venezuela. Prepare to present a compelling case that connects the actions of Maduro and Cabello to crimes against humanity.
- **Defendants:** Develop strong arguments highlighting the defense of sovereignty and the legality of government actions. Prepare rebuttals to the evidence presented by the prosecutors.

VI. Conclusion

This trial has the potential to shed light on the serious human rights situation in Venezuela and create awareness of the individual responsibility of political leaders for their actions.

The dynamic between the prosecutors and the defendants can foster a rich debate on justice, sovereignty, and human rights.

VII. Participation List

- Defence A. I
- Defence A. II
- Defence A. III
- Defence A. IV
- Defence A. V
- Defence A. VI
- Defence A. VII
- Defence A. VIII
- Defence A. IX
- Defence A. X
- Prosecutor I
- Prosecutor II
- Prosecutor III
- Prosecutor IV
- Prosecutor V
- Prosecutor VI
- Prosecutor VII
- Prosecutor VIII
- Prosecutor IX
- Prosecutor X

VIII. References

Granados, J.L. (2023). *ICC Prosecutor Opens 'Technical Assistance Office' in Venezuela Amid Human Rights Probe*. Recovered from: <https://venezuelanalysis.com/news/icc-prosecutor-opens-technical-assistance-office-in-venezuela-amid-human-rights-probe/>

International Criminal Court. (n.d.). *The ICC at a Glance*. Recovered from: <https://www.icc-cpi.int/sites/default/files/ICCAtAGlanceEng.pdf>