

ADDRESS BEFORE THE NATIONAL COMMISSION OF VENEZUELAN JURISTS

Good afternoon to all.

We deeply appreciate the invitation and the opening of this space, so necessary for the legal, political, and ethical reflection that brings us together today.

Introduction

From the Venezuelan Association of Jurists, as a civil organization committed to the defense of human rights, democratic principles, and international law, we express our most energetic repudiation of the illegitimate, cruel, and multidimensional military attack perpetrated on January 3 of this year against the sovereignty of the Bolivarian Republic of Venezuela and against the international legal order.

Among the direct consequences of this criminal act are the deaths of civilians and military personnel, the destruction of homes and infrastructure, as well as buildings destined to provide essential public services for life. To this is added a fact of extreme legal and political seriousness: the kidnapping of the constitutional president in office, Nicolás Maduro Moros, and his wife, Deputy Cilia Flores.

For the past twenty-six years, our Motherland has been subjected to a systematic set of arbitrariness and illegal actions by the different administrations of the United States of America.

Among these stand out the imposition of unilateral coercive measures, the economic, financial, and commercial blockade; the forced stimulation of migratory processes; the sustained attack on the national currency; the plundering of the Republic's assets abroad; and the recognition of a supposed "interim government," through which one of the largest looting of national resources was perpetrated.

These actions have had devastating effects, such as the pulverization of wages and the deterioration of the living conditions of the Venezuelan people, all with the objective of bending the sovereign will of a nation that has decided that another world is possible.

To this long history of aggressions is added, in recent months, the naval siege imposed in the Caribbean through a prolonged military occupation for almost five months, culminating in the ruthless attack carried out at night through bombings directed against the Venezuelan civilian population.

We thus face an imperialist onslaught that acts with hatred and treachery, imposing the law of the strongest and pushing humanity toward a historical regression that moves us away from civilization and dangerously approaches barbarism. This scenario represents a blatant disregard for the international law built during the last eighty years, precisely to establish limits between States, based on the principles of sovereign equality, non-interference in internal affairs, and mutual respect, preventing the power of some from being arbitrarily imposed on others.

II. Violations of Public International Law

Kidnapping of President Nicolás Maduro Moros and Deputy Cilia Flores

The kidnapping of a head of state in office constitutes one of the most serious violations to the contemporary international legal order. From the perspective of Public International Law (PIL), this chapter examines the norms, principles, and international obligations violated following the military attack and subsequent kidnapping of the constitutional president of the Bolivarian Republic of Venezuela, Nicolás Maduro Moros, and his wife, Deputy Cilia Flores.

Legal effects of the kidnapping action

Heads of state in office enjoy immunity from foreign criminal jurisdiction and absolute personal inviolability during the exercise of their mandate. This protection constitutes a norm of customary international law with *ius cogens* character, widely recognized by international practice and reflected, among other instruments, in the Vienna Convention on Diplomatic Relations —by analogy— and in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (1973).

Consequently, any act of detention, deprivation of liberty or exercise of physical coercion against President Nicolás Maduro constitutes a direct violation of his personal inviolability. The kidnapping is not merely an attack on his individual integrity, but represents a direct aggression against the sovereignty, dignity, and institutional continuity of the Venezuelan State.

It is fundamental to emphasize that the immunity of a head of state is not a personal or discretionary privilege, but a functional guarantee of the international order, which operates independently of the political assessments that may be made about the government he heads.

Likewise, the Charter of the United Nations enshrines the principle of sovereign equality of States and expressly prohibits any form of intervention in the internal affairs of another State. The kidnapping of a serving head of government constitutes the most extreme manifestation of foreign interference, directly subverting the right of self-determination of peoples and the free decision about their political system.

In the present case, the act of kidnapping President Nicolás Maduro constitutes an act of international aggression, insofar as it de facto nullifies the capacity of the Venezuelan State to exercise its sovereignty. It implies that an external actor illegitimately arrogates itself the power to depose by force the highest constitutional authority of the Bolivarian Republic of Venezuela, blatantly violating the fundamental principles of Public International Law.

III. Configuration of the Crime of Aggression and other international crimes

In accordance with Resolution 3314 (XXIX) of the United Nations General Assembly, an act of aggression is considered, among other hypotheses, "the attack by the armed forces of one State against the land, naval or air forces of another State". This definition constitutes the normative framework of reference to identify conduct that seriously violates international peace and security.

The Rome Statute of the International Criminal Court classifies the crime of aggression as an international crime, imputable to those who, in a position of control or political or military direction, plan, prepare, initiate or execute an act of aggression that, by its nature, seriousness and scale, constitutes a manifest violation of the Charter of the United Nations.

Applied to the present case, the armed attack against the Bolivarian Republic of Venezuela constitutes prima facie an act of aggression. The fact that the specific objective was the forced capture of the head of state in office substantially aggravates the nature of the act, evidencing a direct intention to break the constitutional order, suppress the legitimate authority of the State and subvert by force the sovereign will of the Venezuelan people.

Violation of the Convention against the Taking of Hostages

Additionally, in the present case there is a direct violation of the International Convention against the Taking of Hostages (1979). Said instrument defines as an international crime the taking of persons with the purpose of obliging a State, international organization or third party to carry out or omit an act as a condition for the release of the hostage.

The kidnapping of President Nicolás Maduro Moros and Deputy Cilia Flores, for political purposes such as the demand for concessions, change of government or imposition of external decisions, fully fits the international legal definition of taking of hostages. This

qualification activates erga omnes obligations for the States parties, including the duty to cooperate for the liberation of the kidnapped persons and for the investigation, prosecution or extradition of those responsible.

Violations of Fundamental Human Rights

Similarly, the facts described constitute serious violations of fundamental human rights enshrined in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. Both instruments guarantee the right to life, liberty and personal security (Article 3 of the UDHR and Article 9 of the ICCPR), as well as the absolute prohibition of torture and cruel, inhuman or degrading treatment (Article 5 of the UDHR and Article 7 of the ICCPR).

Both President Nicolás Maduro and Deputy Cilia Flores, in their capacity as persons, are full holders of these rights. Their kidnapping constitutes a flagrant violation of their liberty and personal security. Any form of physical or psychological mistreatment during captivity would constitute an additional violation of extreme gravity, susceptible of generating aggravated international responsibility.

Legal situation of Deputy Cilia Flores

The condition of "first lady" does not grant Deputy Cilia Flores the status of prisoner of war. In the absence of any proof of formal membership in the armed forces, her capture must be legally qualified as taking of hostages, which constitutes a serious international crime and, in certain contexts, a war crime.

While the primary and absolute protection falls on the head of state in office, Deputy Cilia Flores, in her capacity as deputy to the National Assembly and spouse of the constitutional president, also enjoys specific forms of international legal protection, although not necessarily of the same *ius cogens* rank as presidential inviolability.

As a deputy, certain levels of functional immunity can be invoked. However, her main protection in this context derives from her condition as a victim of an international crime — taking of hostages— and a serious violation of human rights.

As spouse of the head of state, her simultaneous kidnapping enhances the character of the attack directed against the Venezuelan State and the international public order, constituting an aggravating circumstance. This practice is recognized as a form of extreme psychological pressure aimed at breaking the will of the legitimate authority and forcing political decisions under coercion.

IV. Conclusion. International responsibility, mechanisms of complaint and reparation

From the analysis carried out, it follows that the facts examined constitute a serious and systematic aggression against the Bolivarian Republic of Venezuela, configuring concurrent violations of Public International Law, International Humanitarian Law and the universal system of protection of human rights.

The declaration of prisoner of war as a legitimate legal and political response

In this context, the declaration of the constitutional president Nicolás Maduro Moros as prisoner of war must be understood not as a legal fiction, but as a legitimate legal and political response to an internationally illicit act of force.

While International Humanitarian Law establishes specific criteria for the formal qualification of prisoners of war, it also recognizes that said category arises from the material reality of an international armed conflict, not from a unilateral declaration of the aggressor State nor from the internal criminal jurisdiction of a foreign State.

The military attack against Venezuelan territory, the forced capture of the head of state in office and the coercive occupation of his liberty constitute an objective situation of imposed international armed conflict. In that framework, the self-definition of the president as prisoner of war fulfills an essential legal function: to activate the reinforced protection regime of International Humanitarian Law, prevent his treatment as a common criminal and denounce the belligerent nature of the attack suffered by the Venezuelan State.

This declaration also contributes to delegitimize any attempt to subject the president to the ordinary criminal jurisdiction of a foreign State, evidencing that it is not a regular judicial process, but a direct consequence of an armed aggression against a sovereign State.

International responsibility of the aggressor State

The facts analyzed generate aggravated international responsibility for the aggressor State, insofar as they constitute violations of peremptory norms (*ius cogens*), among them the prohibition of the use of force, respect for sovereignty and the inviolability of heads of state.

Such responsibility implies:

- the immediate obligation to cease illicit acts,
- the duty to guarantee the physical and legal integrity of the president and Deputy Cilia Flores,
- the demand for comprehensive reparation for the damages caused to the Venezuelan State and the victims,

- and effective guarantees of non-repetition.

These obligations are not merely bilateral, but engage the international community as a whole, given the seriousness of the facts and their impact on international peace and security.

Possible mechanisms of complaint and demand for reparation

Venezuela is fully empowered to activate the mechanisms provided for by international law, among them:

- the action of the political organs of the United Nations, including the General Assembly and the Security Council;
- the filing of actions before the International Court of Justice for violation of the UN Charter;
- the referral of the facts to the International Criminal Court for the possible commission of crimes of aggression, war crimes and other international crimes;
- and the use of international and regional human rights protection systems.

Reparation must be comprehensive and proportional to the seriousness of the violations, covering restitution, compensation, satisfaction and guarantees of non-repetition.

In this sense, the Venezuelan Association of Jurists accompanies the complaint made by the American Association of Jurists, in which we request the opening of a preliminary examination pursuant to article 15 of the Rome Statute, drafted with abundant details of the aggression actions by the imperialist regime of the United States against Venezuela. Signed by a significant number of jurists, lawyers, and human rights organizations, we present this document before the International Criminal Court denouncing the war crimes, crimes against humanity and serious violations of International Humanitarian Law committed in the framework of the actions ordered by Donald Trump, Marco Rubio, and other authorities involved in the military actions and in the kidnapping of the president of the Bolivarian Republic of Venezuela, Nicolás Maduro Moros, and the first lady Deputy Cilia Flores.

Closing

The declaration of President Nicolás Maduro Moros as prisoner of war is not a rhetorical act, but a high-level legal denunciation that exposes to the world the true nature of the conflict: an armed aggression against a sovereign State and against the international legal order.

Venezuela reaffirms its vocation for peace, respect for multilateralism and peaceful settlement of disputes, but also its firm determination to defend its sovereignty, its institutional framework and the right of its people to decide its own destiny, in accordance with the founding principles of International Law.

From what has been expressed throughout this address, it is clearly evident that the facts analyzed do not constitute isolated episodes nor discretionary political acts, but a coherent set of serious and concurrent violations.

Venezuela is no one's colony, we are a sovereign and independent homeland!

Freedom for President Nicolás Maduro!

Freedom for Deputy Cilia Flores!

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