

“No más dictadura”: the prospect of transitional justice in Venezuela

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The ongoing political impasse in Venezuela has been subject to increasing international attention. As members of the regime took part in negotiations with the opposition led by Juan Guaido, who is recognised as Venezuela’s interim president by over 50 sovereign states, many Venezuelans restored hope in a transition that would mark a departure from the worst crisis in the country’s history.

Nevertheless, a year on from the moment when Leopoldo Lopez and Juan Guaido tried to reclaim state institutions by offering amnesties to the security forces, the situation remains stalemate. However, the opposition is adamant that a transition will still happen, and organisations allied to them, such as Plan País, have demonstrated planning towards this transition through economic, social and institutional policy. Where I believe not enough attention has been given, on the other hand, is to the question of transitional justice.

Transitional justice seeks to address past harms taken place in either a conflict or under a repressive regime, whilst working towards reconciling society. In the case of Venezuela, it seems that if any transition were to take place, it would need to account for the drastic harm caused by the state over the last few years. Under the current Chavista regime, there have been widespread reports of human rights abuses, such as kidnappings, torture and extrajudicial killings carried out by government-supporting Colectivos. What’s more, senior officials in Venezuelan government, including Nicolas Maduro, have recently been indicted by the USA for drug trafficking. In Venezuela’s more remote, Amazonian territories, there is a continued presence of irregular actors involved in illegal mining of resources and the narcotics trade, all of which are allegedly supported by the government. These groups, notable amongst them the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army of Colombia (ELN), take over local communities and coerce local peasants into forced work.

It thus becomes evident that any opposition movement wanting to achieve reconciliation in Venezuela must address these issues, but how they should do so remains unclear. As a transition has not taken place yet, transitional justice becomes a bargaining chip, where parties must be prepared to make concessions to perpetrators of abuses in order to ensure that a transition can happen at all. In response to the many calls for comparative study within the field of transitional

justice, Colombia's recent experience with the 2016 Peace Deal made between President Santos and the FARC can offer guidance for any transition leaders in Venezuela. Whilst the process was heralded internationally as a breakthrough moment in Colombia's prolonged civil conflict, the fact that the 'No' campaign prevailed in a popular referendum warns against the overuse of amnesty for former combatants. Even though the deal dismisses amnesties in the cases of grave crimes being committed, opposition to the deal ultimately signals the importance of catering to public opinion in a peace process, and ensuring that feelings of injustice are properly addressed. For Venezuela, overcoming this perpetual tension between peace versus justice becomes all the more critical. Concessions must be offered to Chavista officials so that a transition can be guaranteed, but they cannot be deemed by the Venezuelan population as irrespective of the harm caused to civilians.

Therefore, if the Venezuelan opposition wants to achieve reconciliation it must tread carefully. Any transitional justice model will almost always have its critics, but in order to establish a legitimate process, perhaps it would be wise to outline its ultimate objective: re-establishing democracy or pursuing accountability. Crucially, whether a transition is seen as legitimate by Venezuelan society will determine the longevity of the peace it seeks to achieve.