



## OCCASIONAL REPORT ON VENEZUELA'S POLITICAL ELECTORAL CONTEXT

CARTER CENTER VENEZUELA

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### **EXECUTIVE SUMMARY**

This report includes a summary of some of the major political/electoral events which took place in Venezuela in January 2015, involving both institutional matters (the repercussions of the process of appointing National Electoral Council officials) and actual political matters (the various political forces preparing for upcoming parliamentary elections). Also featured is an overview of progress made on a possible resumption of what is referred to as “national dialogue.”

The first item touches on the reactions of political actors to the Supreme Court’s appointment and swearing in of new National Electoral Council officials. While the issue of the appointment of the new rectors and subsequent selection of CNE board members dropped off the news media radar, significant statements were made by representatives of political parties and civil society organizations during the period considered herein.

The second item covered in this report deals with the debate stirred up around setting the date for parliamentary elections, which should take place in 2015, and attempts at re-organization and activation of political forces in country (ruling and opposition party supporters alike), of which some are currently concentrating on their primary election processes.

Lastly, the report examines the initiatives and controversies introduced into the country by national and international actors concerning the possibility of reopening the national dialogue over political and economic issues.

## I. RENEWAL OF THE ELECTORAL POWER INDUCTION OF THE NEW NATIONAL ELECTORAL COUNCIL AND DESIGNATION OF SUBORDINATE BODIES

After a long, controversial process spanning from April to December last year, the consensus required to appoint three new rectors and their alternates<sup>1</sup> (a two-thirds vote of the deputies in attendance according to Article 296 of the constitution) could not be reached at a plenary session of the National Assembly (NA). Consequently, as NA President, Deputy Diosdado Cabello invoked what is known as “unconstitutional legislative omission,” on the basis of the Supreme Court’s July 9, 2002 Constitutional Chamber ruling 1,556, allowing the court to intervene when the legislature “has failed to issue rules or measures essential to ensuring compliance with the constitution,” or, instead, has issued them in an “incomplete” fashion ([see court file](#)).

Based on the aforementioned ruling, the TSJ Constitutional Chamber agreed to Deputy Cabello’s request, and thereby proceeded to appoint Tibisay Lucena (reappointed), Sandra Oblitas (reappointed) and Luis Emilio Rondón as principal rectors along with Abdón Rodolfo Hernández, Carlos Enrique Quintero, Marco Octavio Méndez, Ali Padrón and Andrés Eloy Brito as alternate rectors for the 2014-2021 term by ruling 14-1343 on December 26, 2014.

Pursuant to the provisions of this ruling, the new officers were sworn in on December 29, thus concluding the electoral power renewal process.<sup>2</sup> Notably, while the Supreme Court had initially appointed Pablo José Durán as alternate rector, he declined the appointment in response to the call made by Venezuelan opposition members for any officials appointed who were not “aligned with the government” to not accept these positions.

### **Principal Rectors and alternate rectors appointed by the TSJ**

<b>PRINCIPAL RECTOR:</b> Tibisay Lucena	<b>PRINCIPAL RECTOR:</b> Sandra Oblitas	<b>PRINCIPAL RECTOR:</b> Luis Emilio Rondón
•ALTERNATE: Abdón Rodolfo Hernández	•ALTERNATE: Carlos Enrique Quintero	•ALTERNATE: Marco Octavio Méndez
•ALTERNATE: Ali Padrón	•ALTERNATE: Pablo José Durán	•ALTERNATE: Andrés Eloy Brito

### **Reactions to the new CNE appointments**

The appointment of new CNE rectors by the Supreme Court via the aforementioned declaration of “unconstitutional legislative omission” yielded

<sup>1</sup> The process of renewing the terms for the three rectors, began one year after they had expired, on April 9, 2014, and ended on December 22, 2014, seven months and two weeks later, altogether.

<sup>2</sup> To learn about the entire Electoral Power renewal process, examine the Carter Center’s Political/Electoral Reports: [report 1](#), [report 2](#), [report 3](#) and [report 4](#)

mixed reactions among political actors and civil society members, alike ([see Carter Center report, December 2014](#)). In an interview, outgoing CNE Rector Vicente Díaz ([see note](#)) demanded that the Constitutional Court make a ruling on the appeal for interpretation filed by *Un Nuevo Tiempo* party Deputy Stalin González, demanding that the court rule on the provisional nature of the appointments ([see video](#)). At the time that this report was published, the Constitutional Chamber of the Supreme Court had not yet ruled on the matter. According to sources consulted by the Carter Center at the CNE Rectors' Office, the Constitutional Court's decision clearly stipulates that the new rectors are to serve out their seven-year terms as specified in Article 296.<sup>3</sup>

Aside from the controversy over the temporary nature of the new CNE rector appointments, former Rector Díaz stressed that, despite reservations over this issue, progress made in the electoral management body's institutional framework over recent years affords enough guarantees for citizens to get out and vote with confidence in the next parliamentary elections. The name of Rector Luis Emilio Rondón was also proposed by the opposition, he added. Therefore, according to Díaz, he will be representing that sector's voice at the CNE.

From the ruling party side, PSUV Deputy Tania Díaz attributed opposition criticism of the appointment process for new rectors to a sabotage attempt, behind which "U.S. interests" would eventually be discovered. Similar arguments were made in a newspaper article ([see note](#)) by PSUV Deputy and former Electoral Nominations Committee member Earle Herrera.

From opposition sectors, former presidential candidate Henrique Capriles, in a press conference held on January 14, chose to focus the public's attention on the upcoming parliamentary elections, thus downplaying the importance of the various circumstances associated with the electoral official renewal process. Elections, he said, "are won by voters, not by rectors." On parliamentary election day, he added, "all polling station witnesses must feel as if they were CNE rectors" ([see note](#)).

Meanwhile, civil society, through the NGOs of *Ciudadanía Activa* (Active Citizenship), *Compromiso Ciudadano* (Citizen Commitment), *Comunidadanas*, *Grupo La Colina* (The "La Colina" Group) and *Súmate* (Join Up), in a joint press release rejected the appointment of Rectors Tibusay Lucena and Sandra Oblitas by the TSJ Constitutional Chamber since, according to signatories, they failed to meet eligibility requirements laid down in the constitution.<sup>4</sup> As the signatories pointed out, both the principal rectors and alternates Hernández and Brito were part of the outgoing CNE leadership, the performance of which exhibited "political bias and administrative irregularities" under their administration. As for alternates Padrón and Quintero, the aforementioned

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<sup>3</sup> In his statements, former rector Díaz pointed out that the new rector appointments are provisional "until the Assembly so decides." Therefore the Supreme Court, he said, "may not supplant the Parliament, but it can cover a temporary vacancy." The Constitutional Court, therefore, should rule on the appeal for interpretation requested.

<sup>4</sup> The alternates listed in the communiqué are Abdón Rodolfo Hernández, Andrés Eloy Brito, Alí Ernesto Padrón Paredes and Carlos Enrique Quintero Cuevas.

organizations expressed reservations about their appointment due to their links to the ruling party. The press release signatories urged the next National Assembly to reestablish the institutional framework for the Electoral Power by appointing and swearing in new rectors, so that they will be “authentic representatives of the various sectors of society” and not “individuals linked to political organizations,” as stipulated in Articles 294, 295 and 296 of the Constitution ([see note](#)).

Likewise, the national electoral observation group *Observatorio Electoral Venezolano* (Venezuelan Electoral Observatory-OEV) issued a statement expressing its disappointment over the new authorities not having been appointed by the NA. According to the OEV, following the Supreme Court appointment of new rectors, the balance or makeup of the new CNE remained virtually unchanged, which according to this organization does not help to enhance Venezuelans’ trust and belief in this institution. As for tasks ahead for the CNE in preparation for the upcoming parliamentary elections, the Observatory established the following imperatives: setting up the timeline for majoritarian electoral districts for the election of nominally designated deputies, programming pre-election and post-election technical audits, the participation of specialists from across the political spectrum in these activities and conducting an extensive audit of the Electoral Roll, as well as establishing controls to curtail “imbalances in the material conditions of the electoral contest.”

Despite the objections raised by dissenting sectors, once the new CNE leadership was sworn in, the issue was rapidly displaced from main headlines in the national press, so this new chapter of complex Venezuelan political-electoral process appears to have come to a close.

### **The CNE’s new leadership and subordinate bodies**

Unlike the events that took place in 2003, when the Supreme Court took over both appointment of rectors and assignment of positions they were to fill within CNE leadership, this time around the ruling was limited to just appointing the officials, leaving the designation of positions up to the CNE.<sup>5</sup>

Consequently, on December 29, after the new electoral officials were sworn in and pursuant to Article 30 of the Electoral Power Organic Law (LOPE),<sup>6</sup> the rectors called to order the so-called “induction session,” at which the electoral body’s new leadership was chosen. Unanimously appointed were Tibisay Lucena as President, Sandra Oblitas as Vice-President and Xavier Antonio Moreno Reyes as Secretary General of the CNE ([see note](#)). According to LOPE Article 37, the terms of CNE President and

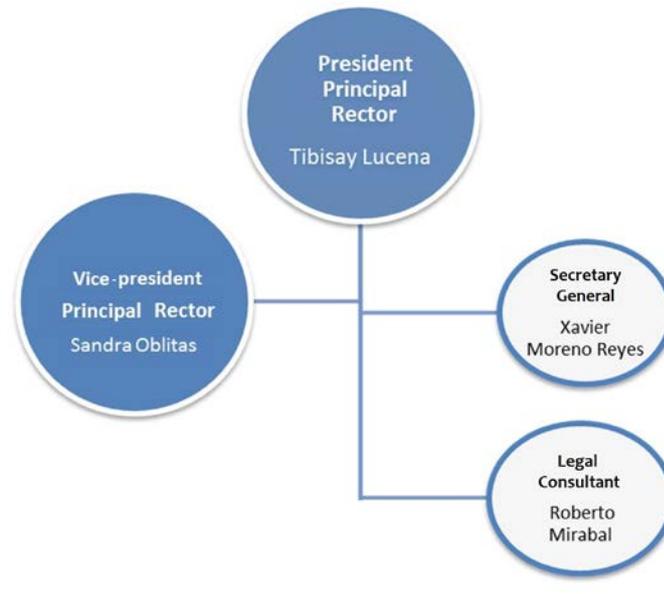
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<sup>5</sup> At that time, facing a lack of consensus to reach a qualified majority in the NA, the TSJ Constitutional Chamber appointed Francisco Carrasquero (President), Ezequiel Zamora (Vice-President), Jorge Rodríguez, Sobella Mejías and Óscar Battaglini (Principal Rectors).

<sup>6</sup> Article 30 of the Electoral Power Organic Law (LOPE) stipulates that, following the selection of new rectors, “National Assembly leadership shall swear in the rectors, who are to take office the following day.” In this case, however, since the decision to appoint the new rectors was made by the Supreme Court, it conducted the swearing-in ceremony.

Vice-President may last as long as three and a half years and these officials are eligible for reappointment.<sup>7</sup>

### **CNE Governing Body 2015-2018**



During the induction session, rectors were selected to form the National Electoral Council's three "subordinate bodies," which are the National Electoral Board, the Civil and Electoral Registry Commission and the Political Participation and Financing Commission. Each of these bodies are to consist of three members, two of which must be principal rectors and the third, an alternate. Also, as stipulated in LOPE Article 44, these bodies must be presided over by civil society-nominated rectors, which is the case with the three newly appointed rectors.<sup>8</sup>

In that session, then, Rectors Tibisay Lucena and Sandra Oblitas were picked to continue serving as president of the National Electoral Board and the Civil and Electoral Registry Commission, respectively, both positions held by these individuals since 2006. Reappointed to join the former were Principal Rector Socorro Hernández and Alternate Rector Carlos Quintero, while Principal Rector Tania D'Amelio and Alternate Rector Andrés Eloy Brito were reappointed to join the latter.<sup>9</sup> Principal Rector Luis Emilio Rondón was appointed as President of the Political Participation and Financing

<sup>7</sup> The term of the CNE's governing body is for three and a half years, from 2015 to 2018. Therefore, the principle of administrative continuity is supposedly applied for outgoing rectors, which by Supreme Court ruling extended their term of office from April 2013 (the CNE administration's formal ending date according to LOPE) up to its renewal date, i.e., December 2014.

<sup>8</sup> Rectors Tania D'Amelio and Socorro Hernández were nominated by the Citizen's Branch or "Citizen's Power" and the Faculties of Legal and Political Sciences at the National Universities, and were appointed in 2009.

<sup>9</sup> Alternate rectors who, by decision of the electoral body, go on to perform roles in the CNE, either subordinate bodies of the CNE or other divisions, are called "incorporated alternate rectors."

Commission (replacing Vicente Díaz), accompanied by Principal Rector Tania D'Amelio and Alternate Rector Abdón Hernández<sup>10</sup> (see diagram below).

While sources close to the CNE have stated that the EMB's governing board is promoting the policy of reaching a consensus in its decision-making, the affirmative vote of at least two of its three members in each of the subordinate bodies is needed for a motion to be considered valid.<sup>11</sup> Given the makeup of the subordinate bodies (only one of its nine members represents the opposition), this situation will continue to guarantee ruling party control over these bodies.

### **CNE Subordinate Bodies 2015**



## **II. PARLIAMENTARY ELECTIONS THE START OF THE CAMPAIGN SEASON**

Given the proximity of parliamentary elections, political forces in the country have begun to organize accordingly over recent months. While Venezuelan law does not precisely define the exact date for holding these elections, and the CNE (responsible for organizing and conducting elections) has not ruled on the matter, according to the constitution the date scheduled for inauguration is January 5, 2016, so elections must necessarily take place in 2015.

The absence of a published date for elections triggered several speculations in recent months. Pointing out the current electorally unfavorable economic situation for the ruling party, opposition leader Henry Ramos Allup (*Acción Democrática*) slipped in statements to a digital media outlet regarding the possibility that the government may be attempting to extend the current term, calling for the next parliamentary elections in 2016, which would be in violation of the constitution ([see note](#)). The governor of Carabobo state, PSUV Vice-President of organization and electoral affairs Francisco

<sup>10</sup> Repetition of Rector D'Amelio's name in these last two commissions precludes the incorporation of new Alternate Rector Marco Octavio Méndez.

<sup>11</sup> LOPE, Article 45.

Ameliach reacted to these statements by announcing that parliamentary elections would not only be held in 2015, but could even take place “sooner than the Democratic Unity Table coalition expects,” thereby implying that he may have had inside information on the matter (setting election dates is the exclusive domain of the Electoral Branch) ([see note](#)).

According to experts consulted by the Carter Center, the CNE’s decision to provide the PSUV technical and logistical support for it to conduct its primary elections to select candidates for seats in the National Assembly<sup>12</sup> ([see note](#)) would make it possible to determine that parliamentary elections must be held in mid-September or thereafter.

Considering that the date of the PSUV primary elections was set for June 7, and that CNE organization of parliamentary elections should not occur simultaneously to its organizing another electoral process, the parliamentary elections preparation process should not begin before June 7. If in addition to this we consider that, from a technical standpoint, the CNE needs at least one hundred days to coordinate the technical and logistical details involved in the parliamentary elections,<sup>13</sup> we realize that these elections (as mentioned above) could not be held before mid-September.

## **Opposition party movements**

Following a period characterized by marked differences between major opposition leaders, the current governor of Miranda, Henrique Capriles Radonski broke the silence that had hitherto characterized his administration by holding a press conference on January 14, at which he, in an attempt at assuming opposition leadership, announced that for change to occur in the country the utmost unity of opposition forces is required. He added that he was willing to take any initiative deemed necessary to achieve this goal ([see video](#)). In this regard, he said that he would be meeting with major opposition leaders to develop a common agenda to deal with the coordination of the upcoming political activities as well as the coordination of the various Unity parties, with a view toward parliamentary elections ([see note](#)).<sup>14</sup>

In keeping with the statements made by Capriles, opposition leaders Leopoldo López, María Corina Machado and Antonio Ledezma made a “patriotic appeal” for all opposition forces to jointly develop an alternative to “pull the country out of the serious problems it currently faces.” While they said that “differing perspectives” within Unity do exist, they concur on “claiming peaceful, constitutional protest and rallying of people as a means of exerting pressure” ([see communiqué](#)).

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<sup>12</sup> The CNE announced that it will also lend technical and logistical support to the opposition party *Voluntad Popular* (Popular Will) for that group to conduct its primary elections.

<sup>13</sup> During the upcoming parliamentary elections, 110 different elections will be held simultaneously: 87 to select nominal deputies in each district, and 23 to pick party-list proportional deputy representation in each state.

<sup>14</sup> In his speech, Henrique Capriles mentioned María Corina Machado, Antonio Ledezma and the leadership of Popular Will, the party of jailed opposition leader Leopoldo López.

Meanwhile, MUD Secretary General Jesús Torrealba spoke in similar terms in two public statements on January 23 and 24. In a manifesto issued on January 23, the MUD called for political unity among the opposition, defining values and principles for “a united Venezuela” ([see manifesto](#)),<sup>15</sup> while the following day in what was dubbed the “empty pots” march, Torrealba, together with other opposition leaders stressed the importance of the call to unite ([see note](#)).

Yet at the publication date of this report, opposition forces do not appear to have developed a political agenda or an electoral action plan that would include the comprehensive mobilization of opposition forces, as announced by Torrealba. The fact that Henrique Capriles was not among the list of speakers at the January 24 march also sparked a series of speculations as to the feasibility of this unity ([see note](#)). The absence of Lara State Governor Henri Falcón triggered similar remarks.

### **Ruling party movements**

As for the government, President Maduro remained out of the country for a large portion of January on a tour of oil producing ally countries and China in an attempt to develop alliances to defend against declining oil prices and to secure resources to enable him to meet goals set for his administration in 2015. On January 17, four days after his return, during the presentation of the annual report (*Memoria y Cuenta*) on his administration’s management in 2014 held at the National Assembly, Maduro made no reference to the results of his trip. While he did announce a set of economic and social measures aimed at reviving the economy, these measures were not well received by markets or by most local and international analysts ([see note](#)).

On the political front, in the context of what was termed “the electoral battle,” President Maduro revealed in his speech to the National Assembly the aim of 50 percent of all PSUV candidates for deputy to be women and young people under 30 ([see note](#)). In the year’s first rally organized by the ruling party sector on the occasion of January 23 celebrations (commemorating 56 years of democracy in Venezuela), President Maduro defended the measures announced six days earlier at the NA, while he criticized actions taken by the opposition to “jeopardize Venezuelan democracy.”

While the PSUV had planned to hold its primary elections on January 28 to pick its national and state level leaders, as of the date this report was published no official information has been released concerning this process. This would be the latest in a series of similar elections held by the ruling party since last June 31 to move forward with the reorganization and renewal of all party bodies ([see note](#)).

## **III. NATIONAL DIALOGUE A LONG ROAD AHEAD**

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<sup>15</sup> The manifesto entitled United Venezuela: Solidarity, democracy and liberty! (*La Venezuela Unida: ¡Solidaridad, democracia y libertad!*).

The difficult economic situation that Venezuela is undergoing has inspired a number of social and political actors to reintroduce appeals for the resumption of dialogue between the highest levels of government and the various political sectors in Venezuelan society.

The Venezuelan Episcopal Conference, in a communiqué issued on January 12, openly criticized the Maduro administration, attributing the cause of the crisis to the decision of the government and other governmental bodies to impose “a Marxist socialist or communist political-economic system,” which doesn’t exist in the constitution. He further labeled the governance system as “totalitarian” and “centralist” characterizing it as a system committed to the restriction of individual freedoms and the ruin of countries wherever it has been put into practice. Based on this analysis, the episcopate advocated opening up “effective dialogue” between the government and the various sectors of society. The Episcopal Conference, however, considered it essential that a number of preconditions be met, such as the release of political prisoners and the government embarking on a reflection over how it is running the country. The episcopate also made a statement on the upcoming parliamentary elections, asking the country’s political forces to make efforts to nominate the best candidates possible, while also asking the CNE to improve the electoral system so as to avoid both opportunism and the use of public resources for partisan purposes ([see communiqué](#)).<sup>16</sup>

Meanwhile, during the period covered in this report, the foremost business confederation in Venezuela made a number of public appeals for the resumption of dialogue between the government and the country’s production sector in order to address the specific economic aspects involved in the crisis as well as the public policy behind it. The problem with the Venezuelan economy is structural, as pointed out by *FEDECÁMARAS*, so it requires broad dialogue to facilitate progress on assessment of the positive and the negative aspects of economic achievements made in recent years ([see video](#)).<sup>17</sup> In this same vein, Lara state Governor Henri Falcón argued that two types of dialogue should be opened up: an economic dialogue to address the issue of productivity, and a political dialogue to discuss good governance-related issues ([see note](#)).

As part of the presentation of his 2014 annual report, President Maduro noted that while the opposition in Venezuela brandishes public discourse favoring dialogue, privately it “allows itself to be swayed by extremist elements heedless of constitutionality and the country’s political situation by waging an economic war against the government.” A broad spectrum of analysts agreed that, judging by the tone of the president’s speech, the government will continue to favor economic dialogue over political dialogue in its political agenda ([see video](#)).

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<sup>16</sup> The government’s response to this communiqué issued by the Catholic Church was emphatic. Members President Maduro’s Cabinet said that the episcopate should register as a political party in order to debate with the government, stating that by criticizing socialism the Church was defending capitalism ([see video](#)).

<sup>17</sup> Beginning in early January 2015, the Venezuelan government met with stakeholders and economic and strategic sectors of the economy to jointly coordinate efforts; however, this differs from the inclusive dialogue proposal made by *FEDECÁMARAS*. For information on sectoral meetings go to ([see note](#)) and listen to the following ([audio](#)).

Sectors of opposition leadership outside the ranks of the MUD were skeptical about these new appeals for dialogue. Felipe Mujica, president of the Movement Toward Socialism (*Movimiento al Socialismo* – MAS) party, addressing his most extreme base of support (thereby leaving out half the population) noted that rather than seeking dialogue, Maduro’s speech sought to polarize the country ([see note](#)).<sup>18</sup>

On the international front, in statements he made on January 12, Chilean Foreign Minister Heraldo Muñoz mentioned the need to make efforts to revive national dialogue in Venezuela, while he also expressed that he was keeping an eye on the human rights situation in the country ([see note](#)). This appeal made by the Chilean foreign minister was interpreted by the Venezuelan government as an “intervention into the country’s internal affairs,” sparking a series of responses back and forth between the governments of both countries.<sup>19</sup>

Incidents taking place during the visit to Venezuela by former Chilean President Sebastián Piñera, accompanied by his peers from Colombia (Andrés Pastrana) and Mexico (Felipe Calderón), all arriving to participate at a forum organized by, among others, opposition leader María Corina Machado,<sup>20</sup> added a new chapter to the dueling diatribes between both foreign affairs ministries. Though the Venezuelan government did not shirk its responsibility for the safety of these former presidents, President Maduro not abstain from harshly criticizing the visit, indicating that these former presidents had visited in order to “throw their support behind a future coup” ([see note](#)). The Chilean and Colombian Foreign Ministries both harshly rejected statements made by Maduro and other senior Venezuelan government officials against former presidents Piñera and Pastrana, in both cases defending their right to make statements or to visit jailed Venezuelan political leaders (the Chilean government cannot tell a former president “what he/she can and cannot do,” said the Chilean Foreign Ministry, while the Colombian Foreign Ministry pointed out that former President Pastrana “has the right to decide who he wants to visit”) ([see note](#)). The statement in the Colombian Foreign Ministry’s note expressed wishes for political leader Leopoldo López (the man who these former presidents decided to visit) to regain his freedom “as soon as possible”

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<sup>18</sup> National analysts, among them Maryclen Stelling and Luis Salamanca, noted that the President’s speech was determined by a potential scenario of abstention by the Chavista electorate in the upcoming elections ([see note](#)).

<sup>19</sup> The Venezuelan Foreign Ministry reacted by demanding explanations through the Chilean ambassador to Caracas, noting that it had received “no request for intervention in the internal affairs of the country, nor would the extraterritorial engagement of any foreign official or government in the dynamics of national politics be endorsed” ([see note](#)). The Chilean Ministry of Foreign Affairs in turn responded that Foreign Minister Muñoz’s statements had been made in a brotherly, constructive spirit consistent with the resolution adopted on March 12, 2014 by the Council of UNASUR member Foreign Affairs Ministers, wherein it was agreed that, at the request of the Venezuelan Government, a commission would be designated consisting of the Foreign Affairs Ministers of UNASUR countries to assist and advise signatories in a “broad, constructive political dialogue aimed at reclaiming peaceful coexistence in Venezuela” ([see note](#)). Venezuela replied that Chile had not participated in the commission of foreign ministers designated to address the specific circumstances behind the resolution’s adoption. Therefore, according to the Venezuelan Foreign Ministry, such statements were made “on a bilateral basis, outside the context of UNASUR” ([see note](#)).

<sup>20</sup> The event was organized by the Citizens’ Congress (Congreso Ciudadano) and hosted by María Corina Machado, Antonio Ledezma and the Mayor of El Hatillo, David Smolansky.

([see note](#)). From the Venezuelan government’s perspective, by making this statement the Colombian Foreign Ministry was “sadly complicit” in the “unfriendly” actions of former President Pastrana, noting that, among other things, the incident represented “a dangerous setback in bilateral relations” between the two countries ([see note](#)).

Among positive signs that may facilitate the possible resumption of national dialogue was the meeting held January 22 between newly appointed Ombudsman Tarek William Saab and representatives of about one hundred civil society organizations working on behalf of the defense of human rights in Venezuela, including those who have held positions critical of the national government ([see note](#)).

Interpreted by analysts as another positive sign was President Maduro’s announcement to appoint the president of the government corporation, Fedehindustria, Miguel Ángel Pérez Abad, as coordinator of a special dialogue and consultation team for the Economic General Staff to include economists, national and international figures and all the schools of economy nationwide ([see note](#)). Potential resumption of a dialogue process, however, does not seem close at hand. The electoral atmosphere at the outset of 2015 could make this possibility even more remote.

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