



Supreme Court Decision on Interim President Juan Guaidó's Mandate

By Holland & Knight

The Venezuelan Supreme Tribunal of Justice declared on Dec. 30, 2020, through Decision 0274, the "Partial Reform of the Statute governing the Transition to Democracy in order to Restore the Validity of the Bolivarian Republic of Venezuela" (Reform), of Dec. 26, 2020, null and void. The reasons for the court's decision are based on the fact that, in the court's judgment, the deputies of the National Assembly under Interim President Juan Guaidó usurped the powers of the Board of Directors, simulated an ordinary session and ignored the provisions set forth in the Constitution of the Bolivarian Republic of Venezuela in order to illegally extend the constitutional period and office of the deputies.

In this sense, the court pointed out that the Reform lacks any legal validity since it sought to "perpetuate, extend, continue, or prolong the investiture or the office of deputies of the National Assembly, of those citizens who were deputies for the national legislative period that just expired, and with it attempt to or undermine the investment of deputies of the National Assembly for the new constitutional period 2021-2026, to begin on January 5, 2021."¹

Likewise, the ruling states that any action carried out by the National Assembly in disregard of what was resolved is considered null and void, and that the Comptroller General of the Bolivarian Republic of Venezuela was requested to initiate the corresponding investigations to implement criminal, civil or administrative responsibilities against the deputies who established the Reform.

This decision was enforced amid tensions within the opposition parties (since the Reform was rejected and considered by some members of the opposition as unconstitutional) and – in the framework of elections held on Dec. 6, 2020 – in the absence of international support, the deputies who will be members of the National Assembly for the period 2021-2026 were elected.

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¹ [Constitutional Chamber of the TSJ Declared Null the Alleged "Partial Reform of the Statute Governing the Transition to Democracy to Restore the Validity of the Constitution of the Bolivarian Republic of Venezuela,"](#) The Constitutional Chamber of the Supreme Court of Justice, Dec. 30, 2020