



UNIVERSIDAD  
DE LOS ANDES  
VENEZUELA



ula  
Observatorio  
de Derechos  
Humanos

EPIKEIA  
OBSERVATORIO UNIVERSITARIO DE  
DERECHOS HUMANOS

# **Creation of the Directorate of Integral Defense Body of Merida (ODDI)**

**A blank check to perform  
Human Rights violations**

## **Creation of the Directorate of Integral Defense Body of Merida (ODDI<sup>1</sup>): A blank check to perform Human Rights violations**

Since 1999, the progressive dismantling of the Rule of Law has begun, through the subordination of the judicial authorities to the Executive branch, as well as the politicization of Justice. With the Judicial Emergency Decree of 1999, the institutionality of the State has been undermined, culminating with the imposition of an illegitimate National Constituent Assembly (ANC, by its acronym in Spanish) in 2017.

In Mérida, the Governor by the opposition coalition who was elected in December, 2017, Ramón Guevara, was impeded from participating in the exercise of the functions for which he was elected by popular vote, once the National Executive proceeded to name, above his authority, the so-called "Protector"<sup>2</sup>, arguing that the National Executive "would not leave the people adrift"<sup>3</sup>. The "Protectors" –who are in the practice *de facto* "authorities"– receive resources from the national budget through unofficial mechanisms, which are destined to gifts that are distributed in exchange for "favours and political loyalty". The "Protector" of the State of Merida, Jehyson Guzmán -in spite of having lost the elections of governors for this State-, invested with this fictitious office, holds meetings and carries out government activities<sup>4</sup>. In the report "Situation of human rights and humanitarian emergency in Venezuela: special reference to the Andean Region. January-September 2018", it is expressed that the current government of State of Mérida was not given the administration of seven agencies and institutions, including the potable water system "*Aguas de Mérida*" (AGUAMERCA) that was received by the current governor, Ramón Guevara; however, and alleging "the incapacity of the new authorities", Nicolás Maduro ordered a military intervention of AGUAMERCA on April 27<sup>th</sup>, 2018, being taken on April 30<sup>th</sup>, 2018. In the same way, the Merida State Fire Department was intervened in October 2018 by the government of Nicolás Maduro, after two members of Fire Department broadcast a satirical video as a protest for the working conditions<sup>5</sup>. Also, the municipal authorities in which the opposition won were stripped of their powers. On July 26<sup>th</sup>, 2018, the Municipal Police Department of the Libertador Municipality of the state of Merida was intervened<sup>6</sup>.

On March 10<sup>th</sup>, 2019, the Merida State Legislative Council (CLEBM, by its acronym in Spanish), through Resolution 006-19, published in the Official Gazette of the Bolivarian State

---

<sup>1</sup> By its acronym in Spanish.

<sup>2</sup> It should be noted that the figure of "Protector" does not exist in the National Constitution; therefore, it is an illegal, unconstitutional figure, lacking in legitimacy, and constitutes a clear violation of the Constitution.

<sup>3</sup> Statement by Nicolás Maduro in a public address of October 23, 2017. See: [http://www.el-nacional.com/noticias/gobierno/nombran-protectores-candidatos-oficialistas-que-perdieron-regionales\\_209008](http://www.el-nacional.com/noticias/gobierno/nombran-protectores-candidatos-oficialistas-que-perdieron-regionales_209008)

<sup>4</sup> See: [http://www.el-nacional.com/noticias/gobierno/nombran-protectores-candidatos-oficialistas-que-perdieron-regionales\\_209008](http://www.el-nacional.com/noticias/gobierno/nombran-protectores-candidatos-oficialistas-que-perdieron-regionales_209008), and also see: <https://www.analitica.com/actualidad/actualidad-nacional/maduro-designa-protectores-de-zulia-nueva-esparta-y-merida/>

<sup>5</sup> See report of ODHULA: Mérida Firemen: Violation of freedom of expression, due process and judicial impartiality

<sup>6</sup> For more information see ODHULA Report: <http://www.uladdhh.org.ve/wp-content/uploads/2018/12/Informe-Situación-de-los-Derechos-humanos-y-emergencia-humanitaria-en-Venezuela-con-especial-atención-a-la-región-andina.-Enero-septiembre-2018-Descargar.pdf>

of Merida number 4312, ordered the constitution of the Integral Defense Directorate Body (ODDI), which did not only strips the Mérida State Government and the City Halls of their legitimate powers, but it thickens the list of policies aimed at destroying democratic institutions and the rule of law in Venezuela, as we shall see.

## **1. Creation by law of the Directorate of Integral Defense Body of Merida (ODDI)**

Through Resolution 006-19, dated on March 10<sup>th</sup>, 2019, published in the Official Gazette of the Bolivarian State of Merida N° 4312, the CLEBM ordered the constitution of ODDI. This body must attend any event that disturbs the peace and security of the Nation, both in the State of Merida and in neighboring states, after the "terrorist attack" that affected the power supply system, an attack that, according to this Resolution, still persists.

The ODDI is constituted as a military body with broad and undetermined powers in areas such as health, justice, risk management, economy, food, information, telematics and public order, and it is above the public powers, constituting itself as the only and maximum authority in the State of Merida, as indicated in Article 4 of the mentioned Resolution.

## **2. Progressive implementation of Resolution 006-19 that creates the ODDI**

a) Even though the ODDI of the State of Mérida is an unconstitutional and illegal body, on Saturday, March 16<sup>th</sup>, 2019, the members of the Commissions, designated and mentioned in Article 5 of the Resolution, were sworn in as part of a civic-military exercise in which the President of the Municipal Council of Libertador Municipality, Leonel Matos, indicated that the ODDI was a method of defense "to give a timely and forceful response to any attack against the peace and sovereignty of the nation", specifying six strategic points of action: 1. Health, 2. Electricity, 3. Water, 4. Food, 5. Gas, 6. Fuel, and 7. Telecommunications. He also pointed out that "through the ODDI, people of Merida will carry out permanent guards in the Don Luis Zambrano power plant and in the electric substations of the territory as well." From the ODH-ULA, we are concerned about the fact that paramilitary groups assume military and police functions under the label of "people of Merida"<sup>7</sup>.

It is important to say that on March 21<sup>st</sup>, 2019, Miguel Reyes, who holds the presidency of the CLEBM, told the media that "the opponents had protested for a simple publication of the Gazette, and that the ODDI was not a mechanism to usurp any parallel government, so that it was clear to them, it is an integral defense body of the Nation for moments of commotion like the national power outage (...)"<sup>8</sup>

b) The ODDI is an unconstitutional and illegal entity, which not only assumes security and public order functions, as the President of the CLEBM points out, but it is also assuming functions of the National and State Executive Power in areas such as health, education, food and others.

On March 21<sup>st</sup>, 2019, at the headquarters of the 22<sup>nd</sup> Infantry Brigade, Miguel Reyes, who holds the presidency of the CLEBM, and who is also the Coordinator of the ODDI, made an

---

<sup>7</sup> <http://www.radiomundial.com.ve/article/oddi-m%C3%A9rida-fue-activado-en-el-municipio-libertador>

<sup>8</sup> <http://comunicacioncontinua.com/miguel-reyesclebm-opositores-patalearon-con-una-simple-publicacion-de-gaceta-matan-el-tigre-y-se-asustan-con-el-cuero/>

assessment of the gas supply in the State of Merida, highlighting that thirty-two cisterns had entered the State, for a total of **42,942.63** cubic feet of gas<sup>9</sup>.

c) On March 23<sup>rd</sup>, 2019, the representative of 'National Economy Cabinet for Mérida', Yeimy Suárez, pointed out that in the middle of ODDI, the control and supply of gasoline in the state of Mérida is maintained, and that during the days of the so-called 'attack to the national electrical system'<sup>10</sup>, more than 1,400,000 gallons of fuel were sold. It should be noted that, in at least one gas station in Mérida, paramilitary groups were observed controlling the selling of fuel<sup>11</sup>.

On March 25<sup>th</sup>, 2019, the Movement of *Abogados Solidaridad Gremial* requested the CLEBM to repeal the resolution created by the ODDI, because they considered it was a clear violation to the Law<sup>12</sup>.

d) On March 31<sup>st</sup>, 2019, at 03:20 p.m., on the 100.1 FM radio station, *Miraflores* Radio Circuit, attached to the Vice Presidency of the Republic, the radio announcer called on ODDI to take the facilities of the private company of *Tovarsat Cable* because, a few hours earlier that day, when Nicolás Maduro was on air, the company signal had gone off air.

e) On April 5<sup>th</sup>, 2019, after the fourth national blackout, a meeting took place in the auditorium of the *Liceo Libertador* in Mérida City. In that meeting, Miguel Reyes, president of CLEBM and coordinator of the ODDI, altogether with 120 directors of educational establishments were present. In this meeting the restart of scholar activities and the operation of school dining services were evaluated. The ODDI took over the coordination and direction of school canteens<sup>13</sup>. Professor Nelson Ruiz, Director of the Educational Zone of Mérida, pointed out that in the same meeting were designated the teachers who will be responsible for ODDI in the educational area “in order to safeguard and defend the country<sup>14</sup>”.

f) On April 16<sup>th</sup>, 2019, Miguel Reyes, president of CLEBM and coordinator of the ODDI, along with the 'Protector' Jehyson Guzmán and the General of Division César Méndez López, indicated that 5,000 security officers had been deployed in the State of Merida, within the frame of the Holy Week holidays<sup>15</sup>.

---

<sup>9</sup> <http://comunicacioncontinua.com/segun-el-oddi-ha-coordinado-el-suministro-de-combustibles-para-merida>

<sup>10</sup> <http://www.ultimasnoticias.com.ve/noticias/comunidad/garantizan-combustible-para-el-estado-merida/> Also see: <http://actualidadygente.com/noticias-de-merida-venezuela/noticias-merida-informacion-general-merida/112985-oddi-merida-esta-atendiendo-eficazmente-coyuntura-de-la-gasolina> and <http://fronteradigital.com.ve/entrada/7697>

<sup>11</sup> Although the event was not recorded by free press, the monitors of the ODH-UCLA testify about it on March 11. This fact was also denounced by users in different social networks.

<sup>12</sup> The full statement can be found at: <http://comunicacioncontinua.com/mov-solidaridad-gremial-rechaza-la-vulneracion-del-estado-de-derecho-por-parte-del-clebm-en-merida/>

<sup>13</sup> See: <http://comunicacioncontinua.com/oddi-y-docentes-de-merida-evaluaron-operatividad-de-comedores-escolares/> Also see: <http://fronteradigital.com.ve/entrada/7706>

<sup>14</sup> See: [http://www.reporterosdemerida.com.ve/2019/04/blog-post\\_76.html](http://www.reporterosdemerida.com.ve/2019/04/blog-post_76.html)

<sup>15</sup> Twitter account of the Legislative Council of the State of Merida: [https://twitter.com/CLEBM\\_2019](https://twitter.com/CLEBM_2019)

### 3. Violation of the Rule of Law

- a) The CLEBM, when dictating the resolution 006-19, ordaining the constitution of the ODDI, attributed itself powers and competences in security of the Nation, **which are exclusive of the National Public Power**, as it indicates the article 156, numeral 7 of the National Constitution, as well as powers to issue states of exception, which are an exclusive competence of the National Executive Power as indicated in article 337 of the same Constitution.
- b) The Resolution annuls the powers of the State Government, since it defines the ODDI to be “the maximum and only authority” in the federal entity of Mérida.
- c) The Resolution attributes to the ODDI broad and indeterminate powers of investigation, in a clear violation of article 285, numeral 3 of the National Constitution, according to which the only body that has powers to direct investigations is the Public Prosecutor's Office, being the Police its auxiliary body.
- d) The Resolution assigns to the ODDI public order functions, which are the exclusive competence of the police bodies, as it is contemplated in article 34 numeral 2 of the Organic Law of the Police Service and Bolivarian National Police Force, and article 332 of the National Constitution.

In this way, the Rule of Law is violated, and this situation leaves citizens deprived of legal security and rights to due process. Even in constitutional states of exception, the right to life, the right not to be tortured, due process and the right not to be held incommunicado can be violated.

### 4. Legalization of irregular armed groups (national or foreign)

In its article N° 1, the Resolution 'legalizes' armed civilians groups, paramilitary bodies and irregular groups, both national and foreign, when it states that ODDI aims to “organize civil society that is located in the national geographic space, to act with the National Armed Forces, in defense of the sovereignty of the State of Merida”.

It is worth to say that in January 2017, within the framework of the national installation of ODDI, and in a meeting of the Council of Ministers, Vladimir Padrino López, Minister of Defense, defined ODDI as **"an executive and directive body, a national power that employs all the national potential to put it at the service of the armed struggle."**<sup>16</sup>

### 5. Human Rights violations

This Resolution empowers the ODDI to request inventories of its movable and immovable property, supplies, materials of any nature, food, medicines, machinery, vehicles and infrastructure to any individual or legal entity, public or private. The ODDI can dispose, use

---

<sup>16</sup> [http://www.el-nacional.com/noticias/gobierno/organo-para-defensa-integral-fue-instalado-durante-consejo-ministros\\_74693](http://www.el-nacional.com/noticias/gobierno/organo-para-defensa-integral-fue-instalado-durante-consejo-ministros_74693)

and manage those goods, supplies, materials and equipment according to what the ODDI itself may consider necessary. In this way, the right to property contained in Article 115 of the National Constitution is absolutely violated.

Any individual, as well as organs of the municipal public power, educational centers and universities, welfare centers, autonomous institutes, construction companies, computer and technology companies, supermarkets, drugstores, food dispensing businesses, among others, could be illegitimately deprived of the provision, administration and use of their goods, **having to** deliver them to the ODDI.

In its 4<sup>th</sup> article, the Resolution empowers the ODDI to request the transfer of personnel to ODDI, from public and private institutions as well, in order to carry out specific tasks, according to their profile.

Article N° 22 of the Universal Declaration of Human Rights and Article N° 20 of the National Constitution enshrine the Right to the free development of personality. Likewise, the Article N° 8 of the International Covenant on Civil and Political Rights states that “no one shall be forced to perform forced or compulsory labor”. Article N° 87 of the National Constitution establishes that **freedom of work shall not be subject to other restrictions than those established by law.**

## **6. Disobedience to ODDI results in criminal responsibility**

Article N° 5 of the Resolution establishes the obligation of all persons and institutions to fulfill with ODDI orders and instructions, under the threat of incurring civil, criminal and administrative liability.

## **7. ODH-ULA denounces that:**

a. No organ of the Public Power has the competence to issue resolutions that violate the National Constitution and the laws; even less, the privilege to suspend the free enjoyment of human rights.

b. The competences of the CLEBM are exhaustively established in Article N° 64 of the Constitution of the State of Merida; therefore, the officials who issued Resolution 006-19, legislators Miguel Reyes, Sorainnel Castillo, Niloha Delgado, Douglas Jover, Jesus Araque, Duglas Lobo, Maurian Zamudia, Nelsi Rivera, Esteban Fernández and Juan Luis Suárez, incur criminal, civil and administrative responsibility, in accordance with article N° 25 of National Constitution.

c. The Legislative Council of the Bolivarian State of Mérida is illegitimate due to its origin, and its so-called “public officials” usurp regional authority.

d. We insist that the elections for the positions of legislators of the Legislative Councils of the states that took place on May 20, 2018, are vitiated by a ground of nullity, since they were called by the illegitimate National Constituent Assembly. On the other hand, they were made

in a blatant disregard of article N° 2, numeral 1 of the Law of Regulation of the Constitutional and Legal Periods of the State and Municipal Public Powers.

e. The acts dictated by the CLEBM are not valid, and their authority ineffective, as indicated in articles N° 25 and N° 138 of the National Constitution; and, therefore, do not impose any duty of obedience.



UNIVERSIDAD  
DE LOS ANDES  
VENEZUELA

[www.uladdhh.org.ve](http://www.uladdhh.org.ve)



Av. Alberto Carnevali  
Núcleo Universitario Pedro Rincón Gutiérrez  
Entrada estacionamiento Facultad de Arquitectura y Diseño.  
La Hechicera

 [odhula@gmail.com](mailto:odhula@gmail.com)

   @uladdhh