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RESPONSES TO INFORMATION REQUESTS (RIRs)

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Venezuela: Reasons why the Technical Body of the Judiciary Police (Cuerpo Técnico de Policía Judicial) would issue a summons; the summons' appearance; information that it would contain; legal and administrative authorities that would issue it; consequences for not complying with such a summons, issued under Article 239 of the Penal Code Research Directorate, Immigration and Refugee Board, Ottawa

In a telephone interview with the Research Directorate on 14 June 2004, two research coordinators for the Venezuelan Program of Action and Education in Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA) provided the following information.

A summons by the "Technical Body of the Judicial Police (Cuerpo Técnico de la Policía Judicial, CTPJ) is a rare occurrence because much investigation has to take place before it can be issued. The CTPJ is an investigative body that is part of the federal police force. The CTPJ gathers evidence on behalf of the Attorney General's Office (Fiscalía). The CTPJ also falls under the Ministry of the Interior and Justice. In certain circumstances, the CTPJ can summon the accused or a witness if they have gathered sufficient evidence surrounding the crime in question. Regional or municipal police forces cannot issue a summons. Normally, it is the Attorney General's Office that issues the summons and not the CTPJ. In the case of a car robbery, for example, the CTPJ will only initiate an investigation of the case and generally does not issue a summons. The Attorney General will then take over the case and, depending on the circumstances, can issue a summons. A summons could also be issued by a court of justice.

The research coordinators at PROVEA were unable to provide any details about the appearance of a summons issued by the CTPJ or the information contained therein, besides the fact that it consists of a letter with, minimally, the name of the person summoned, the motives for the summons, as well as the file number.

Article 239 of the Penal Code calls for two weeks to three months imprisonment for any [translation] "... witness, expert, doctor, surgeon or interpreter" who either does not comply with a summons to appear or who [translation] "refuses to testify or perform his/her requested duty according to the summons," providing there was no justifiable reason (Venezuela 2000, Art. 239). Once the prison sentence has been served, this same person will not be allowed to occupy her/his professional position for a length of time equal to his/her prison sentence (ibid.). The article goes on to state that [translation] "the penalties set out in this article apply only in cases where special provisions do not state otherwise" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

References

Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA). 14 June 2004. Telephone interview with two research coordinators.

Venezuela. 2000. Penal Code of Venezuela (Código Penal de Venezuela).
<http://www.justiciacriminal.cl/cp/pen_venezuela.pdf> [Accessed 14 June 2004]

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