

**FREE
LEOPOLDO**



Leopoldo López, a Prisoner of Conscience

"The charges brought against...López smack of a politically motivated attempt to silence dissent. Venezuelan authorities must either present solid evidence to substantiate the charges against López or release him immediately and unconditionally."

Amnesty International

"The international community should demand López's immediate release...The arrest is an egregious violation of one of the basic principles of due process, that you can't jail someone without evidence."

Human Rights Watch

* * * * *

Amnesty International defines prisoners of conscience as "people who have been jailed because of their political, religious or other conscientiously-held beliefs, ethnic origin, sex, color, language, national or social origin, economic status, birth, sexual orientation or other status, provided that they have neither used nor advocated violence."

On February 18, 2014, Leopoldo López, the most prominent leader of the Venezuelan opposition movement, was *arbitrarily arrested and imprisoned due to his political beliefs*. He was arrested without evidence, based on allegations invented out of thin air, at the direction of a government anxious to silence its opposition. The ruling government has subverted its laws and judicial system in order to deprive López his freedom of expression, thought and conscience – the most basic freedoms of society.

WHAT ACTUALLY HAPPENED

On January 23, 2014 – observed as *Democracy Day* in Venezuela – Leopoldo López spoke at a rally in which he decried the acute political and economic crisis facing Venezuela. Citing the severity of the issues facing the country, López outlined a legal path for change, including a petition calling for new elections and a constitutional assembly to map out a new framework for governance. Importantly, López’s plans were legal and sanctioned by the Venezuelan Constitution, and he emphasized that all protest must be non-violent.

In early February 2014, a series of assemblies began in Venezuela in order to protest crime on a university campus. López vocally supported these protests, and participated in them – always stressing the importance of remaining non-violent.

As these protests gained momentum, López called for a major rally on February 12, which is known as *Youth Day* in Venezuela. During the rally, López and most of his fellow protestors peacefully withdrew from the site of their march and speeches, and no disruptions occurred.

Violence later broke out, caused by uniformed police and non-uniformed government-backed militia groups known as “colectivos.” Tragically, two men died of gunshot wounds. Photos and videos show that police officers instigated the violence. Venezuela’s criminal investigative authority later admitted that police officers attached to the national intelligence service were responsible for the resulting deaths. Law enforcement failed to act diligently, and the colectivos, directed by high-ranking government officials, created chaos.

López and other opposition leaders asked why the government had allowed the situation to deteriorate and referred to photographs of *armed colectivos firing guns point blank at citizens*. That evening, a warrant for López’s arrest was requested by the Public Ministry and later signed by a judge.

AN ORCHESTRATED GOVERNMENT CAMPAIGN TO BLAME LÓPEZ

Top officials in government initiated a coordinated campaign to blame López for the violence and deaths, making unsupported and reckless claims on state-owned airwaves.

- National Assembly President Diosdado Cabello claimed that López was one of the responsible parties and referred to him as an “assassin.”
- Minister of Foreign Affairs Elías Jaua Milano accused López through *Twitter* of being the mastermind of the casualties in Caracas after the student protest, and he pointed out that now “the State has no more excuses not to punish this murderer.”

- Mayor Jorge Rodríguez of the Libertador Municipality blamed López for the acts of violence that took place at a demonstration, and said that López was directly responsible for spreading violence in the country.
- Deputy Robert Serra of the United Socialist Party of Venezuela accused López of inciting violence and calling for a violent and radical campaign.
- Even the initial arrest warrant included absurd claims of murder and terrorism - despite the video and photographic evidence showing that the gunshots were fired from the direction of police and government militia.

These and many other claims by governmental officials were made *without investigation and without any basis in fact*.

VIOLATIONS OF DUE PROCESS

On February 16, National Guard and Military Counter-Intelligence forces entered and searched López's home without a search warrant. *Twenty heavily-armed officials then raided his parents' home, again without a warrant.*

López called for a second peaceful protest and pledged not to flee the country since *he had committed no crimes.*

At a rally on February 18, López peacefully presented himself to authorities. He was *promptly arrested and placed into an armored tank.* Eventually, he was taken to a courthouse, where Judge Ragnelys Tovar ordered López to be transported to and held at the Ramo Verde military prison. Judge Tovar is a temporary judge who was substituted without proper designation or appropriate credentials.

President Maduro took to the national radio and television to announce that López would have to answer for his offenses. These claims were baseless. Maduro seemed to confirm his direct involvement in López's arrest, saying immediately afterward during a televised address, "I said, 'send him to jail,' and that's what happened and that's what will happen with all of the fascists."

On February 19, a preliminary hearing was held regarding López's arrest. After long delays, the hearing was finally held – not at a courthouse, but *in a bus parked outside the prison.* The hearing was not held publicly, but rather was conducted with no witnesses other than his lawyers and no press. López was denied the dignity and publicity of a fair hearing in court. The hearing started at 8:30 PM and ended after 6:00 AM the next day. López's defense attorneys requested an extension after four new sections were added to the case file at the last moment – their request was denied.

López was ordered to be detained at the military prison and was held on four charges – Public Instigation, Damages against Public Property, Criminal Association, and Arson in a Public Building.

To date, all evidence gathering has been controlled by the prosecution. In fact, the defense has proposed over *30 witnesses and 8 videos. All have been rejected.* López himself requested the opportunity to be heard by the judges, but his right to speak and defend himself was rejected. The prosecution has faced no such restrictions, and has included witnesses unknown to the defense and even experts related to the ruling party.

Government officials continue to publically attack López as guilty of the charges against him before any fair hearing has occurred. President Maduro recklessly claimed, *“López ordered [burning down] the streets. And where is he now? He is imprisoned like I said.”*

The decision to keep López in jail while he awaits trial was appealed, but the appeal was denied by a superior court composed of three judges strongly linked to the government, including one judge (Diaz La Place) who was one of the ruling party’s candidates in the 2008 municipal elections.

On April 4, just one day before the legal deadline, Prosecutor Luisa Ortega Diaz formally announced charges that could subject López to nearly fourteen years in prison. The charges are utter nonsense, falsely accusing López of urging protestors to set fire to government buildings and instigating criminal behavior. Even after these formal charges, President Maduro boasted, “[t]hose who try to topple the government are prisoners now.” While the Prosecution lies about arson and other trumped-up charges, clearly it was López’s call for political and constitutional change in Venezuela that led to his imprisonment.

López’s unfair treatment extends even to the conditions of his incarceration. Unlike other prisoners, López is being held in the “punishment area” and cannot freely walk within the walls of the military prison. He may leave his cell only once per day, very early in the morning so he cannot speak with other inmates. Visits are restricted to only his lawyers and immediate family – another example of disparate treatment depriving López of the rights afforded other prisoners – and his visitors are harassed and pressed for information about López.

López also has been denied his rights to receive and send correspondence – rights that normally are available even to prisoners of war. The military has reviewed all written communications to and from López – including legal documents – and gone so far as to block many of them. This deprivation of the ability to receive and deliver communications underscores the highly political nature of López’s imprisonment.

IMPRISONMENT VIOLATES VENEZUELAN LAW AND INTERNATIONAL HUMAN RIGHTS STANDARDS

The Venezuelan government has *failed to produce any evidence linking López to any crime*. The government has produced no evidence placing López at the scene of any crime, nor linking him to illegal acts under any Venezuelan laws.

The Venezuelan government's actions against López violate freedoms enshrined in the Venezuelan Constitution, the Universal Declaration of Human Rights, the International Covenant on Civil and Political rights and the Inter-American Convention of Human Rights.

- **Right to Personal Liberty:** The irregular court order, arrest warrant and hearing violated López's right to personal liberty.

(Violations of Article 44 of the Venezuelan Constitution, Article 3 of the Universal Declaration of Human Rights, Article 7 of the Inter-American Convention of Human Rights, and Article 9 of the International Covenant on Civil and Political Rights)

- **Right to Presumption of Innocence:** Government officials have made public accusations of crimes made against López without any investigation or fair court proceedings.

(Violations of Article 49 of the Venezuelan Constitution, Article 11 of the Universal Declaration of Human Rights, and Article 8 of the Inter-American Convention of Human Rights)

- **Right to Freedom of Thought and Speech:** The Venezuelan government has criminalized organized protest and ruthlessly used force against protestors.

(Violations of Article 57 of the Venezuelan Constitution, Article 19 of the Universal Declaration of Human Rights, and Article 13 of the Inter-American Convention of Human Rights)

- **Right to Political Participation:** The Venezuelan government has unjustly prohibited López from participating in politics or holding public office. His imprisonment has restricted him from conducting any political activities and he has been restricted from sharing letters and other materials with political content.

(Violations of Articles 62 and 67 of the Venezuelan Constitution, Article 21 of the Universal Declaration of Human Rights, and Articles 16 and 23 of the Inter-American Convention on Human Rights)

- **Right to Protest:** The government has violated Lopez's right to participate in and call for peaceful protest.

(Right protected in Article 68 of the Venezuelan Constitution, the Universal Declaration of Human Rights, and the Inter-American Convention on Human Rights)

- **Right to Equality:** The Venezuelan government has singled out López for unequal treatment and charged him with serious crimes without evidence.

(Violations of Article 21 of the Venezuelan Constitution, Article 7 of the Universal Declaration of Human Rights, Article 24 of the Inter-American Convention of Human Rights, and Article 14 of the International Covenant on Civil and Political Rights)

A PATTERN OF POLITICAL PERSECUTION

The *obvious political motives* of these violations of López's human rights are undeniable. These actions are the latest in a decade-long attempt to remove one of the regime's most viable opponents from the political arena. Years prior, when it became apparent that López might pose an electoral challenge to then-President Hugo Chavez, the government announced that López was to be disqualified from seeking election, citing vague administrative allegations that were never investigated nor heard in a court of law. When the Inter-American Court on Human Rights ultimately ruled that López's political disqualification must be overturned, the Venezuelan government refused to comply.

Not content with unjustly jailing López, the Maduro regime is doing all it can to dismantle his political party, *Voluntad Popular*, issuing scurrilous arrest warrants for other party leaders. Intelligence forces have conducted warrantless, armed raids on party headquarters.

WHAT COMES NEXT?

López is being held in a cold, dark jail cell. One of the two rooms lacks light, and the bathroom has no door and is in *deplorable condition*. A fire must have occurred at the cell entrance, which has *soot-covered, blackened walls* and burnt light fixtures.

The Venezuelan government must make good on its promises to its people embodied in the law. ***Without any legitimate evidence of wrongdoing by López, the law requires that he be released.*** However, given that other prominent elected officials have also been detained, accused, and sentenced with no due process in recent weeks, there is grave cause for concern.

The world is watching – the 62% of the people of Venezuela who believe that López is a political prisoner; the neighboring countries in Latin America such as Brazil, which has been disappointed in President Maduro's response to the recent unrest;

and even the Vatican, where the Holy See is studying how to take part in finding a solution.

Numerous human rights and legal organizations have spoken against López's imprisonment and called for his release, including Amnesty International, Human Rights Watch, and the United Nations High Commission for Human Rights.

Venezuela continues in crisis. The National Guard and police forces continue to repress supporters of López, and more than 30 people have needlessly died, 40 cases of torture have been reported, and literally thousands have been detained.

López will stand trial before a judge allied with the Maduro administration. He sits in a military prison, accused of crimes he did not commit by a *regime insistent on silencing dissent*. In the most recent IVAD survey, a majority of Venezuelans believe they now live under a dictatorship. This dictatorship has used prosecutors and the judicial system to window-dress its insistence upon absolute control of the people of Venezuela – and ***now it turns its institutions of persecution against its latest political prisoner – Leopoldo López.***