

White Paper
On the Case of

Leopoldo López Mendoza
Citizen of the Bolivarian Republic of Venezuela



v.

Government of the Bolivarian Republic of Venezuela

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Executive Summary

In the past decades, democracy and respect for human rights have expanded throughout Latin America. After the 1958 coup that displaced Marcos Pérez Jiménez, Venezuela became an example of a Latin American democracy. However, in the past fifteen years this has not held true, as successive rulers have eroded respect for human rights and the rule of law in Venezuela. The presidencies of Hugo Chávez (1999–2013) and Nicolás Maduro (2013–present) have been marked by violence, inflation, scarcity of goods, a lack of judicial independence and impartiality, and increasing persecution of journalists and political opponents. During his time in office, Chávez enacted a series of social and economic measures, including nationalization, social welfare programs, and opposition to neoliberal economics, aimed at improving quality of life for Venezuelans. Despite Chávez's bold vision for the country, his presidency saw a dramatic concentration of power and disregard for human-rights protections, and his economic model proved unsustainable. Starting particularly in 2009, the Chávez government targeted a number of opposition leaders for criminal prosecution.

In 2013, Nicolás Maduro was elected President of Venezuela as President Hugo Chávez's successor. The Maduro government has increased its intimidation, censorship, and prosecution of its critics. Notably, in September 2013, Maduro withdrew from the American Convention on Human Rights, leaving Venezuelans without access to the Inter-American Court of Human Rights. Many of the challenges faced by Chávez, including violence, inflation, and shortages of goods, have intensified under Maduro. It was in this context that mass protests began during January 2014. These initially non-violent demonstrations led to violence due to involvement by armed pro-government gangs and *colectivos* that are loyal to Maduro. Since the outbreak of protests, over 3,770 Venezuelans have been arrested and there are 109 political prisoners in the country.

Among those still imprisoned is Leopoldo López Mendoza, a 43-year-old Venezuelan opposition leader who is being held in *Centro Nacional de Procesados Militares* (National Center for Accused Soldiers), also known as *Ramo Verde* Prison. López is the founder and National Coordinator of the political party *Voluntad Popular* (Popular Will). He is married to Lilian Tintori, with whom he has two children.

López received his Bachelor of Arts degree from Kenyon College, where he graduated *cum laude* in 1993. He continued his education at Harvard University's John F. Kennedy School of Government, where he received a Master in Public Policy degree in 1996. In 1992, López co-founded the non-profit civil association *Primero Justicia*. From 1996 to 1999, he worked in Venezuela as an economic analyst for the *Coordinación de Planificación de Petróleos de Venezuela S.A.* (Department of Planning of Petroleum of Venezuela) ("PDVSA").

López first entered politics in 2000 when he and other prominent young leaders co-founded the new political party *Primero Justicia*. Later that year, López was elected mayor of the Chacao Municipality of Caracas. He quickly became popular for reforming the public health system and building new public places. He was also known for his transparent policies, reduction of crime, and eradication of poverty. When he left office in 2008, he held a 92% approval rating and was ranked as the world's third best mayor by the World Mayor Project. In 2002, López participated with other civil society leaders in protests. López was not a supporter of the coup and he did not sign the Act Constituting the Government of Democratic Transition and National Unity ("Carmona

Decree”), the document that attempted to oust Chávez and dissolve the National Assembly and Supreme Court.

López served as Mayor of Chacao until 2008, when an arbitrary disqualification from his running for office imposed by the Government went into effect. His ban was supposed to end on December 12, 2014, but was arbitrarily extended for two more years in March 2015. If not for the ban, López had planned to challenge the current government’s United Socialist Party to become Mayor of Caracas in November 2008. Polls at that time showed that he stood to receive 65–70% of the vote had he been allowed to run.

After leaving office in 2008, López was named a “Most Innovative People” honoree by Future Capitals. In that same year he founded *Voluntad Popular*, a democratic movement dedicated to social, economic, political, and human-rights progress for all Venezuelans. López was *Voluntad Popular*’s presidential candidate in 2012 before he backed Henrique Capriles after the Venezuelan Supreme Court refused to overturn López’s political ban. Currently, López acts as the National Coordinator of *Voluntad Popular*, and is widely seen as a major leader of the opposition movement. At a series of peaceful protests in 2014, López gave speeches calling for non-violent, democratic change in Venezuela, in accordance with the Venezuelan Constitution. Despite his repeated emphasis on urging a transition through non-violence and adherence to the Constitution, on February 12, 2014, the Government issued a warrant for his arrest claiming that his goal was to overthrow the Government through violent means.

The charges against López were for conspiracy, incitement to commit crimes, public intimidation, setting fire to a public building, damage to public property, causing serious injury, premeditated aggravated homicide, attempted premeditated aggravated homicide, and terrorism. Given the serious charges against him and current political climate, López went into temporary hiding. Later, on February 18, López peacefully submitted himself for arrest to Venezuelan military authorities and the charges for murder and terrorism were eventually dropped. After more than a year and a half in jail, on September 10, 2015, Leopoldo was convicted of all charges and sentenced to 13 years and 9 months in prison.

López’s ongoing detention is punishment for exercising his fundamental rights to freedoms of opinion and expression, peaceful assembly, and being elected and taking part in political affairs. In addition, his detention has also failed to meet international standards for due process of law, including the right to be tried before an independent and impartial judiciary, the right to be presumed innocent until proven guilty, the right to have confidential attorney-client communications, and the right to present evidence in one’s own defense. During the almost three years that he has already spent in detention, López has spent nine months in complete isolation with no access to his family. Extended solitary confinement constitutes torture under the Convention Against Torture, to which Venezuela is a party.

Amnesty International has recognized López as a prisoner of conscience. The UN High Commissioner for Human Rights, UN Working Group on Arbitrary Detention, UN Committee Against Torture, Secretary General of the Organization of American States, Argentine President Mauricio Macri, Colombian President Juan Manuel Santos, Peruvian President Pedro Pablo Kuczynski, Costa Rican President Luís Guillermo Solís, U.S. President Barack Obama, Spanish Prime Minister Mariano Rajoy, French Prime Minister Manuel Valls, former Brazilian President

Dilma Rousseff, Human Rights Watch, and the *New York Times* and *Washington Post* editorial boards, among others, have all called for López's release. The magazine *Foreign Policy* counted López among the Top 100 Global Thinkers of 2014 for "upending the tactics of Venezuela's loyal opposition." And in May 2015, the National Endowment for Democracy honored López, along with all of Venezuela's political prisoners, with its 2015 Democracy Award. Also in 2015, López was honored as the Americas Group of Daily Newspapers' Latin American Person of the Year. In 2016, the Congressional Hispanic Leadership Institute recognized López with its International Leadership Award, and an international coalition of human rights groups awarded López the 2016 Geneva Summit Courage Award for inspiring the world with his extraordinary courage in defense of liberty and universal human rights.

Since López's unjust detention in February 2014, he has become the most prominent victim of the Venezuelan regime's oppression. His continued detention has raised his profile domestically and internationally. In a Datanálisis poll from July 2015 on a hypothetical presidential match-up between López and Maduro, López would receive 52.5 percent of the vote to Maduro's 20.5 percent, putting him up by 32 percentage points.

I. Biographical Information on Leopoldo López Mendoza

Leopoldo López Mendoza is a 43-year-old Venezuelan opposition leader being held in *Ramo Verde* military prison on charges of inciting violence, arson, damage to property, and conspiracy.² López is the founder and National Coordinator of the political party *Voluntad Popular* (Popular Will).³ He is married to Lilian Tintori, who received a B.A. in Early Childhood and Elementary Education from Universidad Católica Andrés Bello. She taught pre-school for seven years and is both a recognized athlete and former TV host. They have two children.⁴

Leopoldo López was born on April 29, 1971, in Caracas, Venezuela to a family with a long history in Venezuelan politics.⁵ He received his Bachelor of Arts from Kenyon College, where he graduated *cum laude* in 1993.⁶ He continued his education at Harvard University's John F. Kennedy School of Government, where he received a Master in Public Policy degree in 1996.⁷ He also received an honorary Doctor of Laws Degree from Kenyon College in 2007.⁸ In 1992, while a student at Kenyon, López and a group of other students in his country "who were motivated by their desire to reform the legal system in Venezuela" founded the civil association *Primero Justicia* (Justice First).⁹ López returned to Venezuela to work as an analyst for the Office of the Chief

² Emilia Diaz-Struck & Nick Miroff, *For Venezuela Opposition, Meeting with President Maduro Could Further Expose Rifts*, WASHINGTON POST, Apr. 9, 2014, available at http://www.washingtonpost.com/world/the_americas/for-venezuela-opposition-meeting-with-president-maduro-could-further-expose-rifts/2014/04/09/82dca116-bb34-4cce-8a84-d7f885a82425_story.html; Rodrigo Ugarte, *Venezuela News 2014: Leopoldo López Finally Charged, Thousands Dress in Colors of National Flag to Protest*, LATIN POST, Apr. 6, 2014, available at <http://www.latinpost.com/articles/10115/20140406/venezuela-news-2014-leopoldo-lopez-finally-charged-thousands-dress-colors.htm>; *Venezuela Charges Opposition Leader, Protests Erupt*, YAHOO!, Apr. 5, 2014, available at <http://news.yahoo.com/jailed-venezuelan-opposition-leader-formally-charged-185439105.html>.

³ See, e.g., Jim Wyss, *Venezuela Government and Opposition to Begin Peace Talks Thursday on Live TV*, SACRAMENTO BEE, Apr. 15, 2014, available at <http://www.sacbee.com/2014/04/09/6311031/venezuela-government-and-opposition.html>; Jeffrey Tayler & José Orozco, *Leopoldo López, the Charismatic Face of Venezuela's Opposition*, BLOOMBERG BUSINESSWEEK, Feb. 20, 2014, available at <http://www.businessweek.com/articles/2014-02-20/leopoldo-lopez-the-venezuela-oppositions-new-hero> [hereinafter *Leopoldo López, the Charismatic Face of Venezuela's Opposition*]; AMNESTY INT'L, *Venezuela: Trial of Opposition Leader an Affront to Justice and Free Assembly*, (Feb. 19, 2014), <http://www.amnestyusa.org/news/news-item/venezuela-trial-of-opposition-leader-an-affront-to-justice-and-free-assembly>; *Leopoldo López is a Venezuelan Politician and Democratic Activist*, FREE LEOPOLDO, available at http://www.freeleopoldo.com/about_leopoldo.

⁴ Eric Martin & Corina Pons, *'Volcano of Energy' Lopez Who Rode Shot-Up Car Roils in Venezuela*, BLOOMBERG, Feb. 22, 2014, available at <http://www.bloomberg.com/news/2014-02-21/-volcano-of-energy-lopez-who-rode-shot-up-car-roils-venezuela.html> [hereinafter *'Volcano of Energy' Lopez Who Rode Shot-Up Car Roils in Venezuela*]; Jonathan Watts, *Venezuelan Opposition Leader, Leopoldo López, Tells His Allies to Keep Fighting*, THE GUARDIAN, Feb. 21, 2014, available at <http://www.theguardian.com/world/2014/feb/21/leopoldo-lopez-venezuela-opposition-leader-popular> [hereinafter *Leopoldo López, tells his allies to keep fighting*].

⁵ *Leopoldo López Hands Himself To Venezuelan Authorities: 6 Things to Know About Opposition Leader Making Nicolás Maduro Sweat*, LATIN TIMES, Feb. 18, 2014, available at <http://www.latintimes.com/leopoldo-lopez-hands-himself-venezuelan-authorities-6-things-know-about-opposition-leader-making> [hereinafter *Leopoldo López Hands Himself To Venezuelan Authorities*].

⁶ *5 Things To Know About Venezuela's Protest Leader*, NATIONAL PUBLIC RADIO, Feb. 20, 2014.

⁷ *Id.*; *Leopoldo López, the Charismatic Face of Venezuela's Opposition*, *supra* note 3; *Venezuelan opposition leader, Leopoldo López, tells his allies to keep fighting*, *supra* note 4.

⁸ *Leopoldo López Hands Himself To Venezuelan authorities*, *supra* note 5.

⁹ Immigration and Refugee Board of Canada, *Venezuela: The First Justice Party*, U.N. REFUGEE AGENCY, Sep. 22, 2003, available at <http://www.refworld.org/docid/403dd2248.html>.

Economist of *Petróleos de Venezuela S.A.* (“PDVSA”) from 1996 to 1999.¹⁰ He also taught as an economics professor at the Universidad Católica Andres Bello in 2000 and 2001.¹¹

Leopoldo López first entered politics in 2000 when he and other young prominent leaders transitioned their civil association *Primero Justicia* into a new political party.¹² Later that year, he was elected mayor of the Chacao Municipality of Caracas at age 28.¹³ He quickly became popular for reforming the public health system and building new public spaces.¹⁴ He was also known for his transparent policies, reduction of crime, and eradication of poverty.¹⁵ In 2000, he won 51% of the vote; by 2004, 81% of the electorate voted for him.¹⁶ When he left office in 2008, he held a 92% approval rating and was ranked as the world’s third best mayor by the World Mayor Project.¹⁷ Furthermore, in 2007 and 2008, Transparency International recognized López for having the most transparent municipality in Venezuela.¹⁸ During his tenure as mayor, López oversaw a budget ranging from Bs. 47.9 billion (U.S. \$ 73.2 million) in 2000 to Bs. 376.2 billion in 2007 (U.S. \$ 94 million)¹⁹ and an employee base ranging from 2,800 to 3,000.

In 2002, López participated in public protests, which came days before the failed coup against former President Hugo Chávez.²⁰ At no point was López ever a proponent of the coup, nor was he allied with the business leaders who led it. During the coup, however, López received—

¹⁰ Rafael Romo, *The Face of Venezuela’s Opposition*, CNN, Feb. 22, 2014, available at <http://www.cnn.com/2014/02/21/world/americas/profile-leopoldo-lopez/> [hereinafter *The Face of Venezuela’s Opposition*]; *Oficina del Alcalde*, CHACAO, available at <http://web.archive.org/web/20071231194747/http://www.chacao.gov.ve/alcalde/oficinadetail.asp?Id=18> [hereinafter *Oficina del Alcalde*].

¹¹ *Id.*

¹² See, generally, Peter Wilson, *The Poster Boy*, FOREIGN POLICY, Feb. 24, 2014, available at http://www.foreignpolicy.com/articles/2014/02/25/the_poster_boy [hereinafter *The Poster Boy*]; ‘Volcano of Energy’ Lopez Who Rode Shot-Up Car Roils Venezuela, *supra* note 4; Leopoldo López, the Charismatic Face of Venezuela’s Opposition, *supra* note 3.

¹³ *The Poster Boy*, *supra* note 12.

¹⁴ Venezuelan opposition leader, Leopoldo López, tells his allies to keep fighting, *supra* note 4.

¹⁵ Adam Williams, *Inter-American Court Hears Leopoldo López Case*, INFOSURHOY, Aug. 3, 2011, available at http://infosurhoy.com/en_GB/articles/saii/features/main/2011/03/08/feature-02 [hereinafter *Inter-American Court Hears Leopoldo López Case*].

¹⁶ *El Chavismo Formaliza los Cargos contra López: Incitación a la Violencia y Asociación para Delinquir*, INFOBAE, Apr. 4, 2014, available at <http://www.infobae.com/2014/04/04/1554977-el-chavismo-formaliza-los-cargos-contra-lopez-incitacion-la-violencia-y-asociacion-delinquir>; Charles Upton Sahm, *Broken and Divided*, CITY JOURNAL, Mar. 27, 2014, available at <http://www.city-journal.org/2014/eon0327cs.html>; Jackson Diehl, *The Rival Chávez Won’t Permit*, WASHINGTON POST, Jun. 30, 2008, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/29/AR2008062901480.html> [hereinafter *The Rival Chávez Won’t Permit*]; *Oficina del Alcalde*, *supra* note 10.

¹⁷ Tann vom Hove, *Helen Zille, Mayor of Cape Town, Wins the 2008 World Mayor Prize*, WORLD MAYOR, Oct. 14, 2008, available at http://www.worldmayor.com/contest_2008/world-mayor-2008-results.html; *Inter-American Court Hears Leopoldo López Case*, *supra* note 15.

¹⁸ OSLO FREEDOM FORUM, available at https://www.oslofreedomforum.com/speakers/leopoldo_lopez.html [hereinafter *Oslo Freedom Forum*].

¹⁹ In 2008, Venezuela switched over to a new currency, the bolivar fuerte (Bs.F). In 2008 the budget of Chacao was Bs.F 430,556,391.

²⁰ Chris Kraul, *A Lightning Rod for Venezuela’s Political Strife*, L.A. TIMES, July 19, 2006, available at <http://articles.latimes.com/2006/jul/19/world/fg-venezuela19> [hereinafter *A Lightning Rod for Venezuela’s Political Strife*].

along with the Mayor of Baruta (then Henrique Capriles)—a detention order and search warrant for the Minister of the Interior and Justice,²¹ Ramon Rodriguez Chacin. Judge Monica Fernandez of the 39th Control Court issued this detention order. The charges against Rodriguez were for possession of illegal war weapons and illegally possessing a vehicle that belonged to the Ministry of the Interior and Justice. While López supported democratic and constitutional change rather than the coup, he had no authority as a municipal mayor to challenge a detention order from a judge. It was also immediately apparent that Rodriguez's life was in danger and that detaining him briefly would provide him with protection. López did not sign the Carmona Decree, which was the document that attempted to oust President Hugo Chávez and dissolve the National Assembly and Supreme Court.²²

Six months after the attempted coup, protesters used Chacao's *Plaza Francia* in the post-coup general strike.²³ However, López had no role in organizing the strike. In Venezuela, under Article 68 of the Constitution, protesters may use public space without a permit.²⁴ In the aftermath of the coup, all those critical of the government were targeted, but López was "the object of a full-out campaign."²⁵ In February 2006, López was held hostage for six hours at a university auditorium where he was speaking.²⁶ Later that year, in March, his bodyguard was shot and killed in what appeared to be an attempt on López's life.²⁷

López served as the Mayor of Chacao until 2008, when his disqualification from running for office—along with at least 272 other Venezuelan public officials, a vast majority of whom were from the opposition—came into effect.²⁸ López's ban was supposed to end on December 12, 2014, but was arbitrarily extended for two more years in March 2015.²⁹ As these were administrative decisions, López was neither tried nor convicted of any crime.³⁰

²¹ The Minister of the Interior and Justice is one of one of 25 ministers in Venezuela's Executive Branch. *Politics and Government*, EMBASSY OF THE BOLIVARIAN REPUBLIC OF VENEZ., available at <http://venezuela-us.org/politics/>.

²² *A Lightning Rod for Venezuela's Political Strife*, *supra* note 20.

²³ *Id.*

²⁴ *See infra* note 276.

²⁵ *A Lightning Rod for Venezuela's Political Strife*, *supra* note 20.

²⁶ *The Rival Chávez Won't Permit*, *supra* note 16; *A Lightning Rod for Venezuela's Political Strife*, *supra* note 20.

²⁷ *Id.*

²⁸ *Venezuelan Politics Contaminate Mercosur Parliament Session*, MERCOPRESS, Aug. 19, 2008, available at <http://en.mercopress.com/2008/08/19/venezuelan-politics-contaminate-mercosur-parliament-session>. Other news outlets reported up to 400 were barred. *See, e.g.*, James Ingham, *Testing Times Ahead for Chávez*, BBC NEWS, Jun. 27, 2008, available at <http://news.bbc.co.uk/2/hi/americas/7471817.stm>.

²⁹ Ortega Díaz: "Leopoldo López está inhabilitado para las parlamentarias," EL NACIONAL, Mar. 4, 2015, available at http://www.el-nacional.com/politica/Ortega-Diaz-Leopoldo-Lopez-parlamentarias_3_585571484.html.

³⁰ *Case of López Mendoza v. Venezuela*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 233 (Sep. 1, 2011), available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_233_ing.pdf; *See also*, *Leopoldo Lopez: Venezuela's Maverick Opposition Leader*, BBC NEWS, Feb. 19, 2014, available at <http://www.bbc.com/news/world-latin-america-26238612> [hereinafter *Leopoldo Lopez: Venezuela's Maverick Opposition Leader*].

If not for the ban, López had planned to challenge members of the Venezuela United Socialist Party (PSUV) to become Mayor of Caracas in November 2008.³¹ Polls at the time showed that López stood to receive between 65% and 70% of the vote had he been allowed to run.³² The mayoral seat of Caracas is the second largest political office after the presidency, and was widely considered the second most powerful political position in Venezuela until the position was largely stripped of power following the 2008 election of another opposition leader, Antonio Ledezma.³³

At the time of the ban, López was also viewed as a serious contender for the 2012 presidential election. A 2008 poll conducted by Keller & Associates showed that López led President Chávez 43% to 41% nationally.³⁴ This marked the first time that President Chávez trailed in a poll since his election 12 years prior.³⁵ However, due to the political ban, López threw his support for president to another opposition candidate, Henrique Capriles, in January 2012.³⁶

López brought his political ban before the Inter-American Commission of Human Rights in 2008.³⁷ As discussed further below in Appendix I, the Inter-American Court ruled in 2011 that by stripping him of his ability to run for public office, Venezuela violated López's rights and ordered that his ability to run for office be restored.³⁸ However, the Supreme Tribunal of Justice of Venezuela (*Tribunal Supremo de Justicia* or Supreme Court) refused to adhere to this ruling.³⁹

After leaving political office, López was named a Most Innovative People honoree by Future Capitals, alongside other world leaders such as Stephen Hawking and Bill Gates.⁴⁰ In that same year he founded *Voluntad Popular*.⁴¹ *Voluntad Popular* defines itself as: "a plural and democratic movement organized in Popular Networks for the purposes of social and political action...[whose]...commitment is to progress, which...[is defined].... as conquering the social, economic, political, and human rights of each Venezuelan."⁴² Leopoldo López was *Voluntad Popular's* presidential candidate in 2012 before he backed Henrique Capriles after the Venezuelan Supreme Court refused to overturn López's political ban. Currently, López acts as the National

³¹ Adam Williams, *Inter-American Human Rights Court Hears Leopoldo López Case*, INFOSURHOY, Aug. 3, 2011, available at http://infosurhoy.com/en_GB/articles/saii/features/main/2011/03/08/feature-02 [hereinafter *Inter-American Human Rights Court Hears Leopoldo López Case*].

³² *Id.*

³³ See, generally John Otis, *Stripped of His Powers, Caracas' Mayor Still Tries to Run a City*, GLOBAL POST, Aug. 12, 2011, available at <http://www.globalpost.com/dispatch/news/regions/americas/venezuela/110811/Politics-Venezuela-Oppression-Chavez>.

³⁴ *Inter-American Human Rights Court Hears Leopoldo López Case*, *supra* note 31.

³⁵ *Id.*

³⁶ See, generally 'Volcano of Energy' Lopez Who Rode Shot-Up Car Roils Venezuela, *supra* note 4.

³⁷ *Inter-American Human Rights Court Hears Leopoldo López Case*, *supra* note 31.

³⁸ *Case of López Mendoza*, *supra* note 30, at 80; See also, *Top Court in Venezuela Upholds Ban on Chávez* *Foe*, CNN, Oct. 17, 2008, available at <http://www.cnn.com/2011/10/17/world/americas/venezuela-lopez/> [hereinafter *Top Court in Venezuela Upholds Ban on Chávez Foe*].

³⁹ *Top Court in Venezuela Upholds Ban on Chávez Foe*, *supra* note 38.

⁴⁰ Press Release, *Global Innovators Honored at 50-Nation Future Capitals Summit in Abu Dhabi*, FUTURE CAPITALS, Jan. 14, 2009, available at <http://www.futurecapitals.org/08/media.asp?cid=1&prid=5>.

⁴¹ *Oslo Freedom Forum*, *supra* note 18.

⁴² *Quiénes Somos*, VOLUNTAD POPULAR, available at <http://www.voluntadpopular.com/index.php/quienes-somos?view=featured> (translated from Spanish).

Coordinator of *Voluntad Popular*. He has 4.3 million Twitter followers⁴³ and is now widely seen as a major leader of the political opposition.⁴⁴ In November 2014, the magazine *Foreign Policy* counted López among the Top 100 Global Thinkers of 2014 for “upending the tactics of Venezuela’s loyal opposition.”⁴⁵ And in May 2015, the National Endowment for Democracy honored López, along with all of Venezuela’s political prisoners, its 2015 Democracy Award.⁴⁶ Also in 2015, Leopoldo was honored as the Americas Group of Daily Newspapers’ Latin American Person of the Year.⁴⁷ In 2016, the Congressional Hispanic Leadership Institute recognized López with its International Leadership Award, and an international coalition of human rights groups awarded López the 2016 Geneva Summit Courage Award for inspiring the world with his extraordinary courage in defense of liberty and universal human rights.

Since López’s unjust detention in February 2014, he has become the most prominent victim of the Venezuelan regime. His continued detention has raised his profile domestically and internationally. In a Datanálisis poll from July 2015 on a hypothetical presidential match-up between López and President Maduro, López would receive 52.5 percent of the vote to Maduro’s 20.5 percent, a difference of 32 percentage points.⁴⁸

⁴³ Leopoldo López, <https://twitter.com/leopoldolopez>.

⁴⁴ *Leopoldo López, the Charismatic Face of Venezuela’s Opposition*, *supra* note 3.

⁴⁵ *Top 100 Global Thinkers of 2014*, FOREIGN POLICY, Nov. 2014, available at <http://globalthinkers.foreignpolicy.com/#challengers/detail/lopez>.

⁴⁶ *2015 Democracy Award*, May 14, 2015, available at <http://www.ned.org/events/2015-democracy-award/>.

⁴⁷ Luana Cabrera, *Leopoldo López fue elegido como Personaje Latinoamericano 2015*, EL UNIVERSAL, Dec. 20, 2015, available at <http://www.eluniversal.com/nacional-y-politica/151220/leopoldo-lopez-fue-elegido-como-personaje-latinoamericano-2015>.

⁴⁸ *Encuesta Nacional Omnibus* slide 117, DatAnalysis, July. 23, 2015, available at <http://www.slideshare.net/energia/encuesta-julio-2015-datanalisis>.

II. Background Context and Current Situation in Venezuela

From 1999 until 2013, Hugo Chávez served as President of Venezuela.⁴⁹ Following *Chavismo*, a left-wing political ideology,⁵⁰ Chávez enacted a series of social and economic measures—termed the Bolivarian Revolution—aimed at improving quality of life for Venezuelans.⁵¹ Chávez’s policies included nationalization, social welfare programs (known as Bolivarian Missions), and opposition to neoliberal economics (particularly the International Monetary Fund and World Bank).⁵² Chávez sought to build a communal state grounded in self-government institutions such as community councils and communes.⁵³

Despite these lofty ambitions, Chávez’s presidency was characterized by corruption,⁵⁴ propaganda,⁵⁵ intimidation of the media,⁵⁶ dramatic concentration of power,⁵⁷ and disregard for human-rights protections.⁵⁸ According to Human Rights Watch, during his presidency Chávez effectively neutralized the judiciary as an independent branch of government.⁵⁹ Chávez’s government carried out a political takeover of Venezuela’s Supreme Court, dramatically expanded the government’s ability to control the content of the country’s broadcast and news media, and

⁴⁹ Ami Sedghi, *How did Venezuela change under Hugo Chávez?*, THE GUARDIAN, Mar. 6, 2013, available at <http://www.theguardian.com/news/datablog/2012/oct/04/venezuela-hugo-Chavez-election-data> (noting that Hugo Chávez assumed office in 1999 and providing key indicators that show how Venezuela changed since Chávez assumed office).

⁵⁰ Larisa Epatko, *In Venezuela, Will ‘Chavismo’ Last Without Hugo Chávez?*, PBS, Apr. 12, 2013, available at <http://www.pbs.org/newshour/rundown/venezuelas-chavismo/> (explaining that Hugo Chávez was “the force behind ‘Chavismo,’ a left-wing political ideology that favors nationalization and social welfare programs over free market development”).

⁵¹ *Socialism after Chávez: Political Divisions Deepen Amid Unrest in Venezuela*, PBS NEWSHOUR, Apr. 18, 2014, available at <http://www.pbs.org/newshour/bb/socialism-Chavez-political-divisions-deepen-amid-unrest-venezuela/> [hereinafter *Socialism After Chávez*] (explaining that Hugo Chávez called his plan Bolivarian socialism. Its goals were social justice, empowering the poor with expanded government services and redistributing Venezuela’s vast oil riches to finance it).

⁵² Arvind Sivaramakrishnan, *Hugo Chávez: Death of a Socialist*, THE HINDU, Mar. 19, 2013, available at <http://www.thehindu.com/news/international/world/hugo-chvez-death-of-a-socialist/article4481169.ece> (explaining Hugo Chávez’s social programs and his wish that the International Monetary Fund and World Bank would “disappear”).

⁵³ Dario Azzellini, NORTH AMERICAN CONGRESS ON LATIN AMERICA, *The Communal State: Communal Councils, Communes, and Workplace Democracy* (Summer 2013), <https://nacla.org/article/communal-state-communal-councils-communes-and-workplace-democracy>.

⁵⁴ Gustavo Coronel, CATO INSTITUTE, *The Corruption of Democracy in Venezuela* (Mar. 2008), <http://www.cato.org/publications/commentary/corruption-democracy-venezuela>.

⁵⁵ Joel D. Hirst, COUNCIL ON FOREIGN RELATIONS, *The Bolivarian Alliance and the Hugo Chávez Propaganda Machine* (Nov. 3, 2010), <http://www.cfr.org/venezuela/bolivarian-alliance-hugo-Chavez-propaganda-machine/p23307>.

⁵⁶ Human Rights Watch, *World Report 2012* (Jan. 22, 2012), <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>.

⁵⁷ Human Rights Watch, *Venezuela: Chávez’s Authoritarian Legacy* (Mar. 5, 2013), <http://www.hrw.org/news/2013/03/05/venezuela-Chavez-s-authoritarian-legacy> [hereinafter *Chávez’s Authoritarian Legacy*].

⁵⁸ *Chávez’s Authoritarian Legacy*, *supra* note 57; *Venezuela Violates Human Rights*, OAS commission reports, CNN, Feb. 24, 2010, available at <http://www.cnn.com/2010/WORLD/americas/02/24/venezuela.human.rights/> (explaining that the Inter-American Commission on Human Rights said in a report that Venezuela routinely violates human rights, often intimidating or punishing citizens based on their political beliefs).

⁵⁹ Human Rights Watch, *World Report 2009* (Jan. 14, 2009), <http://www.hrw.org/en/world-report-2009>.

sought to block international organizations from monitoring the country's human rights practices.⁶⁰ Further, government price controls put in place by Chávez in 2002, which initially aimed to reduce the prices of basic goods, caused inflation and shortages of basic goods.⁶¹ Additionally, the murder rate under Chávez's administration quadrupled, making Venezuela one of the most violent countries in the world.⁶² Taken together, these factors contributed to widespread discontent among the Venezuelan population.

While Venezuela under Chávez initially enjoyed vibrant public debate on political issues,⁶³ starting in 2009, several prominent opposition leaders were targeted for criminal prosecution. Without independent courts, they had little chance of a fair trial.⁶⁴ Chávez and his followers increasingly intimidated, censored, and prosecuted Venezuelans who were critical of the President or hindered his political agenda.⁶⁵ According to Human Rights Watch:

During the Chávez years, many Venezuelans continued to criticize the government, but the prospect of retribution—in the form of arbitrary or abusive state action—forced journalists and human rights defenders to weigh the consequences of disseminating information and opinions critical of the government, and undercut the ability of judges to adjudicate politically sensitive cases.⁶⁶

During the Chávez years, thousands of opposition leaders and supporters were subjected to political persecution, ranging from loss of government jobs to legal action in the country's courts.⁶⁷

Another individual targeted by the Chávez regime was María Lourdes Afiuni, a judge who was imprisoned in December 2009 after one of her rulings angered President Chávez.⁶⁸ Afiuni's offense was her having ordered the release of Eligio Cedeño, a banker who was a political prisoner who had been detained for almost three years without trial.⁶⁹ In ruling in Cedeño's favor, Afiuni applied Venezuelan law and also cited to an opinion on Cedeño's case from the UN Working Group on Arbitrary Detention (the Working Group), which found that he was being held in

⁶⁰ *Chávez's Authoritarian Legacy*, *supra* note 57; HUMAN RIGHTS WATCH, *Rigging the Rule of Law: Judicial Independence Under Siege in Venezuela* (Jun. 17, 2004), <http://www.hrw.org/node/12011/section/1>.

⁶¹ Matthew Walter, *Chávez Price Controls Mean Record Oil Fails to Prevent Shortage*, BLOOMBERG, May 23, 2008, available at <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=a6qMqmU1dCeM> (describing the price controls and shortages that were experienced during Chávez's presidency and the public discontent that they caused).

⁶² Manuel Rueda, *How Did Venezuela Become So Violent?*, FUSION, Jan. 8, 2014, available at <http://fusion.net/leadership/story/venezuela-violent-iraq-365361> (noting that under Chávez's government, Venezuela became one of the world's most violent countries; the country's murder rate has increased dramatically since 1999, the year Chávez took office, and has continued to climb under Nicolás Maduro).

⁶³ HUMAN RIGHTS WATCH, *World Report 2008* (Mar. 31, 2008), <http://www.hrw.org/legacy/wr2k8/> [hereinafter *World Report 2008*].

⁶⁴ HUMAN RIGHTS WATCH, *World Report 2010* (Jan. 31, 2010), <http://www.hrw.org/world-report-2010> [hereinafter *World Report 2010*].

⁶⁵ *Chávez's Authoritarian Legacy*, *supra* note 57.

⁶⁶ *Id.*

⁶⁷ *Criminals or Dissidents?* THE ECONOMIST, Feb. 17, 2011, available at <http://www.economist.com/node/18184396> [hereinafter *Criminals or dissidents?*] (detailing the repercussions faced by dissidents for defying Chávez).

⁶⁸ *Id.*

⁶⁹ *Id.*

violation of Venezuela's international legal obligations.⁷⁰ Nevertheless, three days after Afiuni's arrest, President Chávez demanded that she be imprisoned for thirty years.⁷¹ Widely considered one of Venezuela's highest-profile political prisoners,⁷² Afiuni was subsequently imprisoned in a jail that also housed violent offenders that she herself had sentenced.⁷³ The Working Group also determined that she was arbitrarily detained, and the Inter-American Commission on Human Rights (IACHR) called for her to be tried or released.⁷⁴ Afiuni was granted house arrest in February 2011 because of a serious medical condition.⁷⁵ She was ultimately released from house arrest in June 2013, but to comply with the conditions of her release, she must report to the court in Caracas every 14 days and is banned from both leaving the country without permission and speaking to the media.⁷⁶

Afiuni's case is an illustrative example of the many individuals targeted by Chávez during his presidency. On March 5, 2013, Hugo Chávez died of cancer⁷⁷ and Nicolás Maduro, who was vice-president at the time, took Chávez's place.⁷⁸ Maduro, Chávez's successor,⁷⁹ subsequently narrowly defeated Henrique Capriles in Venezuela's 2013 presidential election, gaining 50.6% of the vote compared to the 55.1% Chávez had received in the previous election.⁸⁰ According to Human Rights Watch, Chávez's tradition of "accumulat[ing] ... power in the executive branch and erod[ing] ... human rights guarantees"⁸¹ has continued under Maduro, which has "enabled [his] government to [similarly] intimidate, censor, and prosecute its critics."⁸² Notably, in September 2013, Maduro decision to withdraw from the American Convention on Human Rights took effect,

⁷⁰ *Criminals or Dissidents?*, *supra* note 67; *Eligio Cedeño v. Government of Venezuela*, Opinion No. 10/2009, adopted 28 May 2009, ¶ 53.

⁷¹ *Criminals or Dissidents?*, *supra* note 67.

⁷² *Venezuela Ends House Arrest of Judge Maria Afiuni*, BBC, June 14, 2013, available at <http://www.bbc.com/news/world-latin-america-22916391> [hereinafter *Venezuela ends house arrest*] (noting that opposition leaders consider Maria Afiuni to be among Venezuela's highest-profile political prisoners and explaining that she was released from house arrest in June 2013).

⁷³ *Criminals or Dissidents?*, *supra* note 67.

⁷⁴ *Id.*

⁷⁵ *Venezuela Ends House Arrest*, *supra* note 72.

⁷⁶ *Id.*

⁷⁷ *Socialism after Chávez*, *supra* note 51.

⁷⁸ Catherine E. Shoichet and Dana Ford, *Venezuelan President Hugo Chávez Dies*, CNN, Mar. 5, 2013, available at <http://www.cnn.com/2013/03/05/world/americas/venezuela-Chavez-main/> [hereinafter *Hugo Chávez Dies*] (noting that Hugo Chávez died on Mar. 5, 2013, and elections were held 30 days later, with Nicolás Maduro assuming the presidency in the interim).

⁷⁹ HUMAN RIGHTS WATCH, *World Report 2014* (Jan. 21, 2014), http://www.hrw.org/sites/default/files/wr2014_web_0.pdf. [hereinafter *World Report 2014*].

⁸⁰ *Venezuela Gives Chávez Protégé Narrow Victory*, NEW YORK TIMES, Apr. 14, 2013, available at <http://www.nytimes.com/2013/04/15/world/americas/venezuelans-vote-for-successor-to-Chavez.html?pagewanted=all> (noting that in an unexpectedly close race, Nicolás Maduro, Hugo Chávez's handpicked political heir, was chosen by Venezuelans to serve the remainder of Chávez's six-year term as president); *Maduro Wins Venezuela Presidency*, USA TODAY, Apr. 15, 2013, available at <http://www.usatoday.com/story/news/world/2013/04/14/venezuela-election-maduro-capriles/2081677/> (noting that Venezuelan officials say Nicolás Maduro defeated Henrique Capriles by only about 300,000 votes; the margin was 50.8% to 49.1%); Chris Kraul, *In Venezuela, Hugo Chávez Reelection Raises Unity Questions*, LOS ANGELES TIMES, Oct. 8, 2012, available at <http://articles.latimes.com/2012/oct/08/world/la-fg-venezuela-Chavez-20121009> (noting that in Venezuela's October 2012 presidential election, Hugo Chávez had 8.04 million votes, or 55.1%, to Capriles 6.46 million votes, or 44.3%).

⁸¹ *World Report 2014*, *supra* note 79.

⁸² *Id.*

leaving Venezuelans without access to the Inter-American Court of Human Rights, an international tribunal that had protected their rights for decades in a wide array of cases.⁸³ The Maduro government also inherited Chávez's legacy of a lack of judicial independence and impartiality, with members of the country's Supreme Court continuing to openly reject the principle of separation of powers, publicly pledging their commitment to advance the Government's political agenda, and repeatedly ruling in favor of the Government.⁸⁴

It was in this political climate that a series of protests and political demonstrations broke out in Venezuela in early February 2014.⁸⁵ The protests erupted largely as a result of high levels of violence,⁸⁶ corruption, inflation (the annualized inflation figure topped 57% in February 2014),⁸⁷ and scarcity of basic goods in the country.⁸⁸ As under Chávez, these dynamics bred profound dissatisfaction with the Government among Venezuelans across the social spectrum.⁸⁹ When the protests began, Maduro's approval rating was 46.8%, with those Venezuelans polled citing shortages of consumer goods as a major concern.⁹⁰ Armed pro-government gangs loyal to Maduro's government, on the other hand, have acted as community enforcers defending revolutionary socialism.⁹¹ These pro-government militia are often referred to as *colectivos*, a term also used in Venezuela to refer to a wide range of social organizations that support and, in some cases, help to implement the Government's policies.⁹² As described below, non-violent protests in 2014 have turned violent because of involvement by armed pro-government gangs and *colectivos*.

⁸³ *Id.*

⁸⁴ *Id.*; see also infra section B(1)(a).

⁸⁵ AMNESTY INT'L, *Venezuela: Political Spiral of Violence a Threat to the Rule of Law* (Mar. 31, 2014), <http://www.amnestyusa.org/news/news-item/venezuela-political-spiral-of-violence-a-threat-to-the-rule-of-law>.

⁸⁶ *Socialism after Chávez*, supra note 51 (noting that the UN says Venezuela under Nicolás Maduro has the second-highest murder rate in the world).

⁸⁷ *Venezuela Hikes Minimum Wage 30 percent Amid High Inflation*, CHICAGO TRIBUNE, Apr. 29, 2014, available at <http://www.chicagotribune.com/news/sns-rt-us-venezuela-salaries-20140429,0,6231814.story> (noting that Venezuela's annualized inflation figure topped 57 percent in February 2014).

⁸⁸ Anatoly Kurmanaev and Corina Pons, *Venezuela Inflation Hits 16-Year High as Shortages Rise*, BLOOMBERG, Nov. 7, 2013, available at <http://www.bloomberg.com/news/2013-11-07/venezuela-inflation-hits-16-year-high-as-shortages-rise.html> (noting that Venezuela's annual inflation rate rose more than expected to 54.3 percent in October 2013, the fastest pace in as many as 16 years, with the scarcity rate persistently remaining around 20 percent); Corina Pons & Jose Orozco, *Venezuela Planning Third Dollar Supply System as Scarcity Rises*, BLOOMBERG, Feb. 11, 2014 (noting that the Venezuela Central Bank's scarcity index reached 28 percent in January, meaning that one in four basic goods was out of stock at any given time).

⁸⁹ *Socialism After Chávez*, supra note 51; *Inside the Barrios*, THE ECONOMIST, Mar. 22, 2014, available at <http://www.economist.com/news/americas/21599382-support-among-poor-government-nicol-s-maduro-conditional-inside-barrios> [hereinafter *Inside the Barrios*] (explaining that *colectivos* are armed civilian gangs loyal to the government that act as community enforcers).

⁹⁰ *Support for Venezuela's Maduro Drops to 37 Percent: Report*, REUTERS, May 5, 2014, available at <http://www.reuters.com/article/2014/05/05/us-venezuela-politics-idUSBREA440HH20140505> (noting that Maduro's approval rate was 37 percent in April, 2014, a drop from 46.8 percent in February of that year).

⁹¹ *Inside the Barrios*, supra note 89; Daniel Wallis, *Venezuela Violence Puts Focus on Militant 'Colectivo' Groups*, REUTERS, Feb. 13, 2014, available at <http://www.reuters.com/article/2014/02/13/us-venezuela-protests-colectivos-idUSBREA1C1YW20140213> (explaining that *colectivos* "view themselves as the defenders of revolutionary socialism but are denounced by opponents as thugs").

⁹² HUMAN RIGHTS WATCH, *Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System* (May 2014), <http://www.hrw.org/node/125192> [hereinafter *Punished for Protesting*].

III. Protests of January 2014 to Present

The protests in Venezuela began in early January 2014 as an outcry against Venezuela's crime rate in the aftermath of the murder of Venezuelan actress and former Miss Venezuela, Monica Spear, and her husband.⁹³ Their five-year-old daughter, who was also in the car, was shot in the leg but survived.⁹⁴

On January 23, Leopoldo López, María Corina Machado, Antonio Ledezma and other prominent leaders held a press conference during which the three opposition leaders presented a platform labeled *La Salida* (the Exit).⁹⁵ This political platform highlighted the record inflation (reportedly 56.2% in December 2013), Venezuela's high murder rate, and shortage of basic food items.⁹⁶ In short, *La Salida* is a political strategy to use democratic and constitutional means to find solutions to the political and economic crisis. The strategy presented was as follows, with each event coming only if the previous failed: a call for the resignation of President Maduro, a recall referendum under Article 72 of the Venezuela Constitution, a constitutional assembly, and as a last resort, a constitutional amendment.⁹⁷

Thus, López presented *La Salida* as the means for achieving his overall aim, which is to “rise up against oppression, the essence [of which is that] the peoples have ... [this] ... right when faced with a government that seeks imposition, authoritarianism, anti-democracy, corruption, and inefficiency as a form of government.”⁹⁸ Not to be confused with violent confrontation, López clearly defined his vision:

And what does rising up mean? So that they won't misinterpret us and say words that we are not saying, an 'uprising/revolt' [*alzamiento*] means first and foremost the rising to consciousness, the rising up of our fighting spirit, the rising up to our vocation for change. The uprising that today, January 23rd, we must demand, is that a people can take to the streets, ever since people have been people, ever since history has been history, this right has existed for people to say 'we want to

⁹³ Isben Martinez, *Chaos, Chavismo and Telenovelas*, N.Y. TIMES, Apr. 8, 2014, available at http://www.nytimes.com/2014/04/09/opinion/chaos-chavismo-and-telenovelas.html?_r=0 [hereinafter *Chaos, Chavismo, and Telenovelas*]; Jeffrey Taylor, *What the Heck is Going on in Venezuela?*, BLOOMBERG BUSINESSWEEK, Feb. 18, 2014, available at <http://www.businessweek.com/articles/2014-02-18/what-the-heck-is-going-on-in-venezuela-could-the-maduro-regime-fall>.

⁹⁴ *Chaos, Chavismo, and Telenovelas*, supra note 93; *What the Heck is Going on in Venezuela*, supra note 93.

⁹⁵ See generally *What Lies Behind the Protests in Venezuela?*, BBC NEWS, Mar. 27, 2014, available at <http://www.bbc.com/news/world-latin-america-26335287>; Leopoldo Lopez: *Venezuela's Maverick Opposition Leader*, supra note 30.

⁹⁶ See generally *Venezuela Forces 'Clear' Protest City of San Cristobal*, BBC NEWS, Mar. 31, 2014, available at <http://www.bbc.com/news/world-latin-america-26815745>; *What Lies Behind the Protests in Venezuela?*, supra note 95.

⁹⁷ See generally *Anti-Maduro Protests Persist in Venezuela, Dozens Jailed*, REUTERS, Feb. 14, 2014, available at <http://www.reuters.com/article/2014/02/14/us-venezuela-protests-idUSBREA1D19J20140214> [hereinafter *Anti-Maduro Protests Persist in Venezuela, Dozens Jailed*].

⁹⁸ See Appendix II, *Speech by López at Political Assembly in Plaza Brión—January 23, 2014* [hereinafter *López Jan. 23 Speech*].

change...’ [And] today more than ever we encourage the vocation for a peaceful struggle, popular, constitutional, and democratic.⁹⁹

Moreover, López continued in his speech to describe his views about the problems with the current Government:

Today in Venezuela there is a corrupt upper echelon of leadership. Today in Venezuela there is an elite that has hijacked the Venezuelan State, an elite that has become multimillionaires, an elite that behind the backs of the people has robbed it of all of the wealth belonging to the Venezuelans, and that elite that today is governing and that refers to themselves as revolutionaries, that refers to themselves as the agents of change, are the ones responsible for the ills endured by our people, and it is for that reason that we are not going to renounce our right, our sacrosanct right to say ‘enough, already!’, our sacrosanct right to say, as Betancourt said back in the 1950s, that we will be in the streets, that we will converge with the people, that we will converge with the strength of a people that wants to change. And we know that this announcement will be presented by the Government as a call to something different than the consolidation of democracy. But we tell Venezuelans, let’s not get sucked into deceptions, that it does not matter to us how the Government wants to interpret what we are saying, because for us what is important is the Venezuelan people, the people that want change, the people that want a better Venezuela, the people that today are frustrated, that have been driven to despair, that appear to not see a way out of the disaster to which we are subjected today. We tell Venezuelans that it is possible, it is possible to have a better Venezuela, it is possible but we need you, we need you, sister, we need you, brother, we need you, but first and foremost with the conviction, with the conviction of your soul, with the conviction of your actions.

[...]

[And] what is the exit to this disaster? We believe that calling for a political exit is not only done with political organizations; it is not done only in a restricted space. The discussion regarding where Venezuela needs to go needs to convene a people, we have to listen to the Venezuelan people, we have to debate, we have to incorporate the Venezuelan people’s sentiments of frustration and vocation for change. It is for that reason that we want to hold these street assemblies throughout the nation, in the cities, in the towns, in the neighborhoods, in the developments, we are going to debate this, the exit. And what is the exit that we are proposing? We are aware that the exit must be, first and foremost, popular, popular with the people ... Secondly, a democratic exit, and thirdly, an exit within the Constitution. The Constitution offers us various tools and we will debate with the people which of these tools is the most appropriate, which of those tools can channel us toward a

⁹⁹ López Jan. 23 Speech, *supra* note 98 (emphasis added).

change as soon as possible, toward the most profound kind of change, the most democratic, and that enable us to make progress toward a better Venezuela.¹⁰⁰

On February 2, public assemblies took place throughout the country to discuss *La Salida*. López, Machado, and Ledezma participated in the assembly in Caracas along with student leaders. During this assembly, the decision was made to support the call for a rally on February 12.

An independent set of protests began on February 4 at the University of the Andes in the western city of San Cristóbal, Táchira, where students demanded increased security after the alleged rape of a female student on February 2.¹⁰¹ The protests in San Cristóbal resulted in a crackdown by the Government and dozens of student leaders were imprisoned.¹⁰² This led to demonstrations throughout Venezuela calling for the students' release.¹⁰³ Gabriela Arellano, a student leader from Los Andes University, and Juan Requenses, a student leader from the Central University of Venezuela, called for a protest in Caracas to be held on February 12.

The February 12 protest in Caracas started at 10 am. Hundreds of thousands of protesters converged on *Plaza Venezuela*, one of the main public squares in Caracas. López, Machado, and Ledezma were invited to attend and speak. February 12 was specifically chosen because it was the 200th anniversary of the Battle of La Victoria, a battle where students played a prominent role in the Venezuelan city of La Victoria's resistance against attacks by the Spanish army during Venezuela's campaign for independence.¹⁰⁴ February 12 is also designated as Venezuela's Youth Day.¹⁰⁵ As he had done in his speech on January 23, López reaffirmed for the attendees the need to work toward a democratic Venezuela through peaceful means:

This is a struggle by the people against the State... let us go out to walk with conviction, with strength, assuming [the path of] non-violence. Our territory is the street, our struggle is non-violent.¹⁰⁶

After speeches by students and politicians, the crowd marched to the headquarters of the Public Prosecutor in *Parque Carabobo*, where the office of Attorney General Luisa Ortega Díaz is

¹⁰⁰ López Jan. 23 Speech, *supra* note 98.

¹⁰¹ *Venezuela Charges Opposition Leader, Protests Erupt*, YAHOO!, Apr. 5, 2014, available at <http://news.yahoo.com/jailed-venezuelan-opposition-leader-formally-charged-185439105.html>; *Venezuela Forces 'Clear' Protest City of San Cristobal*, *supra* note 96; *Venezuela Court Rejects Release of Opposition Leader*, YAHOO!, Mar. 28, 2014, available at <http://news.yahoo.com/venezuela-court-rejects-release-opposition-leader-184521764.html>; *What Lies Behind the Protests in Venezuela?*, *supra* note 95; Vivia Sequera, *Did Attempted Rape Ignite Venezuela's National Protests?*, CHRISTIAN SCIENCE MONITOR, Feb. 22, 2014, available at <http://www.csmonitor.com/World/Latest-News-Wires/2014/0222/Did-attempted-rape-ignite-Venezuela-s-national-protests>.

¹⁰² *Venezuela Forces 'Clear' Protest City of San Cristobal*, *supra* note 96; *What Lies Behind the Protests in Venezuela?*, *supra* note 95.

¹⁰³ *Id.*

¹⁰⁴ Nicolás Lucca, *Una Ola de Protestas, Represión y Detenciones Sacuden a Venezuela*, EDITORIAL PERFIL SA, available at <http://www.perfil.com/internacional/Una-ola-de-protestas-represion-y-detenciones-sacuden-a-Venezuela-20140211-0032.html>.

¹⁰⁵ *What the Heck is Going on in Venezuela*, *supra* note 93.

¹⁰⁶ See Appendix II, *Speech of López at the Rally at Plaza Venezuela—February 12, 2014* [hereinafter *López Plaza Venezuela Speech*] (emphasis added).

located, to submit a letter demanding the release of the arrested students. By about 1 pm, after waiting for three hours, it became clear that the Public Prosecutor's office would not accept the letter, so López urged all the protesters to return home. At the same time, a rival march by Maduro supporters was taking place. Again, López emphasized the need for non-violence:

[T]oday I want to highlight, I want to highlight that we have come peacefully, as you can see. Here there is no vocation for violence. There is irreverence, yes, there is also determination, but you in the media can emphasize that there has been no violence. Now then, when is there violence? When they bring out the law enforcement officers, when they bring out the police, the guards, and the army, and when they bring out the *colectivos* that take their orders from the Government, as occurred yesterday in Mérida when the *Tupamaros* fell heavily on the students. Today we want to send a message to the soldiers, to the soldiers of the Bolivarian Armed Forces, we want to send a message to the National Guard, to the police officers, to the public prosecutors, and to the members of the *colectivos*: Do not follow orders or instructions to destroy the people. You do not have to repress the people. You must wear that uniform with valor and in adherence to the Constitution and the law.¹⁰⁷

News reports confirmed that the rally was peaceful.¹⁰⁸ However, a small group of protesters stayed after López, Machado, Ledezma, and the vast majority of protesters dispersed.¹⁰⁹ Of this small group, an even smaller number “threw rocks and chunks of concrete at riot police, who responded with tear gas.”¹¹⁰ This group also “threw projectiles at the headquarters of the National Prosecutor's office, breaking windows on the second floor.”¹¹¹ According to Human Rights Watch, “[a]ll available accounts from witnesses indicate that the majority of protesters were peaceful, and those that engaged in violence or vandalism did not carry firearms or use lethal force against security forces or third parties.”¹¹² Police did nothing to control the situation until their vehicles were set on fire.¹¹³ At that point, police rushed a small park, “grabbing people indiscriminately, pummeling them, pushing them to the ground and kicking them. Most of the protesters were gone by then, so many of those beaten by the police were news photographers and cameramen.”¹¹⁴ In a different area the situation quickly turned deadly when three protesters—two anti-government protesters and one government supporter—were shot following the largely

¹⁰⁷ See Appendix II, *Speech of López at Rally Outside Office of the Attorney General—February 12, 2014* [hereinafter *López Attorney General Speech*] (emphasis added).

¹⁰⁸ See generally William Neuman, *Prominent Opposition Leader in Venezuela is Blamed for Unrest*, NEW YORK TIMES, Feb. 13, 2014, available at http://www.nytimes.com/2014/02/14/world/americas/prominent-opposition-leader-in-venezuela-is-blamed-for-unrest.html?_r=0 [hereinafter *Prominent Opposition Leader in Venezuela is Blamed for Unrest*].

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² HUMAN RIGHTS WATCH, *Venezuela: Violence Against Protesters, Journalists*, (Feb. 21, 2014), <http://www.hrw.org/news/2014/02/21/venezuela-violence-against-protesters-journalists> [hereinafter *Venezuela: Violence Against Protesters, Journalists*].

¹¹³ *Prominent Opposition Leader in Venezuela is Blame for Unrest*, *supra* note 108.

¹¹⁴ *Id.*

peaceful march.¹¹⁵ This happened at approximately 1:20 pm. Again, the three opposition leaders had long departed the scene.¹¹⁶

Contrary to the Venezuelan Government's claims that López incited violence, photographs and videos released by the daily newspaper *Últimas Noticias* depict uniformed and non-uniformed police agents opening fire on demonstrators who were marching towards them.¹¹⁷ As described above, reports suggest that pro-government gangs and *colectivos* also carried out violence during the protests.¹¹⁸

At 8 pm that evening, López, Machado, and Ledezma held a press conference denouncing the violence that occurred and calling once again for nonviolent action:

Those Venezuelans who came out throughout the nation did so courageously, knowing that there were threats on the part of the Government, knowing that the call we put out was a call to convene peacefully, non-violently. And that is the way it was, the demonstration that today brought together thousands of individuals in *Plaza Venezuela*. In that way we walked to the office of the Attorney General: in peace, non-violently. We were there in that way at the office of the Attorney General for several hours, protesting, demonstrating, but in peace and non-violently; and yes, with irreverence in our thoughts and in our hearts, but never with violence. ... Know this, Mr. Maduro: regardless of what you do, this that has begun will not stop until change is conquered in peace and democracy for all Venezuelans.¹¹⁹

Two years have passed since the protests of February 12, and the situation in Venezuela has only worsened. It has been noted that Venezuela's economy will shrink 10.1% in 2016, more than double prior estimates and making Venezuela one of the worst performers in the world.¹²⁰ Venezuela's inflation rate stood at 180% in 2015, and inflation in Venezuela is expected to increase multi-fold in 2016.¹²¹ This desperate economic situation has resulted in countrywide

¹¹⁵ *Venezuela Opposition Leader Barred from Capitol*, USA TODAY, Apr. 1, 2014, available at <http://www.usatoday.com/story/news/world/2014/04/01/venezuela-opposition-lawmaker/7185043/>; *Venezuelan Opposition Leader Leopoldo López Denied Bail*, BBC NEWS, Mar. 28, 2014, available at <http://www.bbc.com/news/world-latin-america-26793545> [hereinafter *Venezuelan Opposition Leader Leopoldo Lopez Denied Bail*; *What Lies Behind the Protests in Venezuela?*, *supra* note 95].

¹¹⁶ See, generally, *Prominent Opposition Leader in Venezuela is Blamed for Unrest*, *supra* note 108 (“[A]fterward a few hundred young people...stayed”).

¹¹⁷ *Uniformado y Civiles Dispararon en Cadelaria el 12F*, *ÚLTIMAS NOTICIAS*, Feb. 19, 2014, available at <http://www.ultimasnoticias.com.ve/noticias/actualidad/investigacion/video---uniformados-y-civiles-dispararon-en-candel.aspx>; Oscar Medina, *Their Claims Were Not True*, EL UNIVERSAL, Apr. 19, 2014, available at <http://english.eluniversal.com/nacional-y-politica/140419/their-claims-were-not-true> [hereinafter *Their Claims Were Not True*].

¹¹⁸ *Punished for Protesting*, *supra* note 92.

¹¹⁹ See Appendix II, *Words from Press Conference Where López Denounces Violence—February 12, 2014* (emphasis added).

¹²⁰ David Biller, *World Bank Sees Three-Year Brazil Decline, Plunge in Venezuela*, BLOOMBERG, June 7, 2016, available at <http://www.bloomberg.com/news/articles/2016-06-07/world-bank-sees-three-year-brazil-decline-plunge-in-venezuela>.

¹²¹ *Id.*

shortages of basic supplies, including medicine, rice, sugar, and cooking oil.¹²² The necessary rationing of staples has created a system of hours-long lines for groceries that are managed by government security forces, transforming supermarkets into military zones.¹²³ With an approval rating of less than 25% as of July 2015, Maduro has grown even more desperate in maintaining his grip on power and has increased his reliance on repressive tactics.¹²⁴ On February 19, 2015, he publically approved of the arbitrary arrest of Caracas mayor, Antonio Ledezma, saying he would be punished for trying to sow unrest in Venezuela.¹²⁵ In February 2016, Ledezma went on trial after a year of being detained without charge. He was then formally accused of conspiracy and criminal association—charges that carry a possible 26 year sentence.¹²⁶

On January 29, 2015, Maduro further cracked down on protestors by approving the Ministry of Defense’s decision to authorize the use of lethal force against protestors in order to “prevent disorder, support the legitimately constituted authority, and counter all aggression, immediately confronting it with the necessary measures.”¹²⁷ In 2015, it was estimated that Venezuelan police officers shot dead about 3,800 people, which would make them one of the most homicidal forces in the world.¹²⁸

Events on December 6, 2015 presented a direct challenge to Maduro’s rule when the Venezuelan opposition swept the parliamentary election, gaining a supermajority.¹²⁹ Initially, to prevent such an embarrassing defeat, Maduro tried to avoid scheduling the elections, but after domestic and international pressure, including a 30-day hunger strike led by López, the Government was forced to set a date. In the months preceding the election, Maduro attempted to hamper the mobilization efforts of the opposition by using public resources to fund the campaigns of pro-government candidates, clamping down on independent media, disqualifying countless opposition candidates from running for office, and refusing to allow credible independent election observers into the country. In response to these antidemocratic efforts, OAS Secretary General Luis Almagro wrote a public letter to the Venezuelan government demanding that it accept

¹²² Mery Mogollon & Chris Kraul, *Shortages, Inflation, and Long Lines have Venezuelans Grumbling*, LA TIMES, Jan. 24, 2015, available at <http://www.latimes.com/world/mexico-americas/la-fg-venezuela-economy-shortages-20150123-story.html>.

¹²³ Ángela Bermúdez, *In Venezuela, 2015 is full of rationing, long waits, and markets becoming militarized zones*, FOX NEWS LATINO, Jan. 15, 2015, available at <http://latino.foxnews.com/latino/news/2015/01/15/in-venezuela-2015-is-full-rationing-long-waits-markets-becoming/>.

¹²⁴ Alexandra Ulmer, *Popularity of Venezuela's Maduro Inches Down to 24.3%*, REUTERS, Aug. 13, 2015, available at <http://www.reuters.com/article/2015/08/13/us-venezuela-maduro-idUSKCN0QI25Y20150813>.

¹²⁵ Fabiola Sanchez & Hannah Dreier, *Venezuela Mayor Antonio Ledezma Arrested*, HUFFINGTON POST, Feb. 19, 2015, available at http://www.huffingtonpost.com/2015/02/19/venezuela-arrests-opposit_n_6716920.html.

¹²⁶ Harriet Alexander, *Mayor of Caracas goes on trial in Venezuela*, TELEGRAPH, Feb. 16, 2016, available at <http://www.telegraph.co.uk/news/worldnews/southamerica/venezuela/12160303/Mayor-of-Caracas-goes-on-trial-in-Venezuela.html>.

¹²⁷ Sabrina Martín, *Venezuelan Army Can Shoot Protesters, Effective Immediately*, PANAM POST, Jan. 29, 2015, available at <http://panampost.com/sabrina-martin/2015/01/29/venezuelan-army-can-shoot-protesters-effective-immediately/>.

¹²⁸ Ioan Grillo & Jorge Benezra, *Venezuela's Murder Epidemic Rages on Amid State of Emergency*, TIME, May 20, 2016, available at <http://time.com/4341450/venezuela-state-of-emergency-murder-caracas/>.

¹²⁹ William Neuman, *Venezuelan's Opposition Claims a Rare Victory: A Legislative Majority*, NEW YORK TIMES, Dec. 6, 2015, available at <http://www.nytimes.com/2015/12/07/world/americas/venezuela-elections.html>.

electoral observation and release political prisoners in the run-up to the election.¹³⁰ Countless governments, international organizations, and public figures echoed Almagro's demands in the weeks leading up to the election, including a coalition of over 150 legislators from all over the Americas.¹³¹ As the elections drew closer, President Maduro started hinting that he may resort to force should the opposition succeed in the polls, going so far as to say, "we will do whatever it takes to win."¹³² Ultimately, the elections occurred on December 6, 2016, with many members of the international community physically present in the country, though not as official electoral observers, and relatively few glitches occurred during the voting period.

Though Maduro did concede the election, he has since worked to undermine the authority of the National Assembly – the legislative body now controlled by the opposition. Before the election, Maduro stacked the Supreme Court with pro-government jurists in order to ensure his control over the judiciary.¹³³ Maduro then worked with the Supreme Court to nullify the results of four districts, removing three opposition legislators and one pro-government legislator from the National Assembly.¹³⁴ Maduro and the Supreme Court have shot down every measure proposed by the opposition-led National Assembly ever since.

On January 15, 2016, Maduro issued an economic state of emergency that would allow him to rule by decree pending approval by the National Assembly. After the National Assembly rejected the state of emergency, Maduro appealed to the Supreme Court, which ruled in his favor, thus granting the state of emergency.¹³⁵ On May 13, 2016, Maduro announced that he would prolong his special emergency powers. The next day, military drills took place throughout Venezuela. State television and government news websites showed images of deployments across the country, with tanks being unloaded from landing craft, troops setting up tents and armored vehicles on the move.¹³⁶ In addition to functioning as a display-of-force and intimidation tactic, these drills represent a huge waste of state funds amidst Venezuela's enduring economic crisis.

¹³⁰ Luis Almagro, *Letter of Response to the President of the CNE of Venezuela on Dec. 6 Elections*, ORG. OF AMERICAN STATES, Nov. 10, 2015, available at https://www.oas.org/en/about/speech_secretary_general.asp?sCodigo=15-0099.

¹³¹ *Letter to Nicolas Maduro*, U.S. SENATE, Nov. 11, 2015, available at <http://interamericansecuritywatch.com/u-s-senators-and-leading-latin-american-legislators-send-letter-to-president-maduro-calling-for-transparent-and-democratic-legislative-elections-in-venezuela>.

¹³² Moisés Naím, *Venezuela: A Dictatorship Masquerading as a Democracy*, THE ATLANTIC, Dec. 4, 2015, available at <http://www.theatlantic.com/international/archive/2015/12/maduro-venezuela-election-democracy/418860>.

¹³³ Kejal Vyas & Anatoly Kurmanaev, *Maduro's Allies Stack Venezuela's Supreme Court*, THE WALL STREET JOURNAL, Dec. 23, 2015, available at <http://www.wsj.com/articles/maduro-s-allies-stack-venezuelas-supreme-court-1450912005>.

¹³⁴ Sibylla Brodzinsky, *Venezuela Deadlock Ends as Opposition Lawmakers Barred by Court Step Aside*, THE GUARDIAN, Jan. 13, 2016, available at <http://www.theguardian.com/world/2016/jan/13/venezuela-opposition-national-assembly-deadlock-resign>.

¹³⁵ Deisy Buitrago & Alexandra Ulmer, *Venezuela Top Court Grants Maduro Economic Emergency Powers, Opposition Cries Foul*, REUTERS, Feb. 11, 2016, available at <http://www.reuters.com/article/us-venezuela-politics-idUSKCN0VL0AE>.

¹³⁶ Nathan Crooks, *Venezuela Holds War Games as Opposition Demands Recall Vote*, BLOOMBERG, May 21, 2016, available at <http://www.bloomberg.com/news/articles/2016-05-21/venezuela-holds-war-games-as-opposition-demands-recall-vote>.

In response to Maduro's consolidation of power, the National Assembly passed a law providing amnesty to the country's political prisoners on March 30, 2016.¹³⁷ On April 11, 2016, the Venezuelan Supreme Court unanimously found the amnesty law unconstitutional, despite a long precedent of the use of amnesty in Venezuela to overcome political divides. The law would have pardoned hundreds of individuals convicted of crimes such as "violence or resistance to authority" and "military rebellion" over the past seventeen years. As a result, over 80 Venezuelan political prisoners would have been freed, including opposition leaders López and Ledezma.¹³⁸

Maduro's blatant disregard for the democratic principles enumerated in his country's constitution led OAS Secretary General Luis Almagro to threaten invoking the OAS Inter-American Democratic Charter against Maduro, which could result in Venezuela's dismissal from the OAS.¹³⁹ On May 19, 2016, Venezuela's National Assembly asked Almagro to move forward and apply the Organization's Democratic Charter due to the eroding state of democracy under the Maduro regime. Later that month, Almagro invoked the body's Democratic Charter. In his report on the matter, Almagro highlighted the injustices faced by political prisoners like López, noting that "democracy is not compatible with the arrest of persons for their ideas."¹⁴⁰ On June 23, the Permanent Council accepted the Almagro report. In his presentation before the body, Almagro named the imprisonment of Leopoldo López as one factor among many justifying international efforts to help Venezuela back towards a democratic path.¹⁴¹ On August 15, 2016, Almagro wrote an open letter to López expressing his support for his plight as a political prisoner.¹⁴²

As the Venezuelan Government continues its repressive, anti-democratic acts, other Governments are voicing their concerns and addressing these human rights violations in other international fora beyond the OAS. On September 13, 2016, after months of discussion, the countries of Mercosur (Brazil, Argentina, Paraguay, and Uruguay) formally blocked Venezuela from assuming the rotating monthly presidency of the regional trade bloc. The four countries then gave Venezuela until December 1, 2016 to meet the membership requirements of the organization, specifically its democracy cause, or be suspended.¹⁴³ Two weeks later, on September 29, 2016, twelve nations, led by Paraguay, issued a joint declaration in the UN Human Rights Council, voicing concern over the human rights situation in Venezuela.¹⁴⁴ This joint statement was the first

¹³⁷ Girish Gupta & Alexandra Ulmer, *Venezuela's Maduro Says Will Veto Amnesty Laws, Reshuffle Cabinet*, REUTERS, Dec. 9, 2015, available at <http://www.reuters.com/article/us-venezuela-election-idUSKBN0TR2KD20151209>.

¹³⁸ *Venezuela's Supreme Court overturns Amnesty Bill*, BBC, Apr. 12, 2016, available at <http://www.bbc.com/news/world-latin-america-36021976>.

¹³⁹ Luis Almagro, *Letter to the President of Venezuela*, ORG. OF AMERICAN STATES, Jan. 12, 2016, available at http://www.oas.org/en/about/speech_secretary_general.asp?sCodigo=16-0002.

¹⁴⁰ Luis Almagro, *Letter to the Chairman of the Permanent Council*, ORG. OF AMERICAN STATES, May 30, 2016, available at <http://www.oas.org/documents/eng/press/OSG-243.en.pdf>.

¹⁴¹ *Presentation of the Secretary General of the OAS to the Permanent Council on the Application of the Democratic Charter*, Jun. 23, 2016, available at http://www.oas.org/en/about/speech_secretary_general.asp?sCodigo=16-0051.

¹⁴² *Secretary-General Luis Almagro, Open Letter to Leopoldo López*, ORGANIZATION OF AMERICAN STATES, Aug. 22, 2016, available at <http://www.oas.org/fpdb/press/osg-441en.pdf>.

¹⁴³ Alonso Soto, *Mercosur lays down ultimatum for Venezuela to meet membership terms*, REUTERS, Sept. 13, 2016, available at <http://www.reuters.com/article/us-brazil-mercotel-idUSKCN11K015?il=0>.

¹⁴⁴ *Joint Statement on the Human Rights Situation in the Bolivarian Republic of Venezuela*, US MISSION GENEVA, Sept. 29, 2016, available at <https://geneva.usmission.gov/2016/09/29/joint-statement-on-venezuela-at-the-human-rights-council/>.

time that a group of countries publicly denounced the Venezuelan government on human rights grounds in the UN system.

This increasing international attention has occurred during a time of rising tensions in Venezuela. Frustrated by the Executive Branch's obstruction of the National Assembly and its refusal to allow aid in response to the current humanitarian crisis in the country, the Venezuelan opposition started the process in April 2016 for a constitutionally-ensured presidential recall referendum.¹⁴⁵ The rules of the recall referendum, as dictated by the Venezuelan Constitution, require three stages of petition signings from the Venezuelan electorate. Should the referendum happen before the halfway mark of Maduro's term, January 10, 2017, and Maduro be voted out of power, then there would be a new presidential election. Should it happen after January 10, 2017, then Maduro's vice-president would take over.¹⁴⁶ The entire process is overseen by National Electoral Council (CNE), which is a branch of government controlled by the Executive Branch. Maduro has threatened a "rebellion" if the referendum were to succeed.

In May 2, 2016, the opposition completed the first stage of the referendum process, delivering over 1.85 million signatures to the CNE.¹⁴⁷ The CNE approved these signatures after three months on August 1, 2016, considered by many to be an unnecessary delay.¹⁴⁸ The CNE then prolonged the scheduling of the second stage of the referendum process. This delay was met with criticism internationally with 15 countries issuing a joint statement in the OAS calling for the referendum to be pursued "clearly, concretely and without a delay" on August 11, 2016.¹⁴⁹ With still no action taken by the CNE, over one million frustrated Venezuelans took to the street to protest this delay and demand the recall referendum on September 1, 2016.¹⁵⁰ On September 21, 2016, the CNE announced a timeline that had the referendum taking place after January 10, 2017, eliminating any hope for the removal of the current ruling party in power.¹⁵¹

The opposition rejected the CNE's timeline, with its obvious delays, and tried to schedule the second stage of the recall referendum for October 26, 27, and 28, 2016. In response to this action, the Venezuelan Supreme Court on October 20, 2016 invalidated the original signatures delivered on May 2, 2016; thus, upending the entire recall referendum process.¹⁵² With limited

¹⁴⁵ Manuel Rueda, *Venezuela Blocks Humanitarian Aid as Crisis Gets Crazier*, FUSION, June 1, 2016, available at <http://fusion.net/story/308479/venezuela-blocks-humanitarian-aid-as-crisis-gets-crazier/>.

¹⁴⁶ John Paul Rathbone, *What is Venezuela's recall referendum and how does it work?*, THE FINANCIAL TIMES, May 16, 2016, available at <https://www.ft.com/content/0ec238bc-1b78-11e6-a7bc-ee846770ec15>.

¹⁴⁷ Maria Isabel Sanchez, *Venezuela Opposition Files 2 Mn Signatures for Recall Vote*, YAHOO, May 2, 2016, available at <https://www.yahoo.com/news/venezuelas-maduro-calls-rebellion-opposition-recall-succeeds-091526014.html>.

¹⁴⁸ Daniel Kai and Andrew Cawthorne, *Venezuela Election Board Okays Opposition Recall Push First Phase*, REUTERS, Aug. 1, 2016, available at <http://www.reuters.com/article/us-venezuela-politics-idUSKCN10C3DV?il=0>.

¹⁴⁹ *Joint Statement on Recent Developments in the Bolivarian Republic of Venezuela*, DEPARTMENT OF STATE, Aug. 11, 2016, available at <http://www.state.gov/r/pa/prs/ps/2016/08/261001.htm>.

¹⁵⁰ Diego Oré and Brian Ellsworth, *Venezuelan Opposition Floods Caracas in Vast Anti-Maduro Protest*, REUTERS, Sept. 1, 2016, available at <http://www.reuters.com/article/us-venezuela-politics-idUSKCN1173LS>.

¹⁵¹ Andrew Rosati and Fabiola Zerpa, *Venezuela Says Recall Vote Could Be Held in First Quarter 2017*, BLOOMBERG, Sept. 21, 2016, available at <http://www.bloomberg.com/news/articles/2016-09-22/venezuela-says-recall-vote-could-be-held-in-first-quarter-2017>.

¹⁵² Ralph Ellis and Julia Jones, *Venezuela Halts Effort to Recall President*, CNN, Oct. 21, 2016, available at <http://www.cnn.com/2016/10/21/americas/venezuela-recall-halted/>.

options for constitutional recourse for a change in administration, the Venezuelan opposition started to plan peaceful protests again. As a result of the escalating tensions in Venezuela, the Vatican Church and UNASUR, with the support of the Venezuelan Government, initiated a dialogue between the Government and the opposition led by three former Ibero-American leaders, former Spanish Prime Minister José Luis Rodríguez Zapatero, former Panamanian President Martín Torrijos, and former Dominican President Leonel Fernández. This is the first dialogue that has participation from both members of the Government and the opposition in over a year. In this particular dialogue, however, not all members of the opposition have participated because of the belief that the Government uses the talks to delay any concrete action.¹⁵³

During this tense time, there has also been an uptick in the targeting and arbitrary detaining of officials from López's political party, *Voluntad Popular*, as they have been viewed as the most supportive, active organizers of the recall referendum and the peaceful protests in the country, as well as critical of an open-ended dialogue with few concessions made by the Government.¹⁵⁴ On November 1, 2016, Maduro called *Voluntad Popular* a "terrorist group" on national television.¹⁵⁵

A. Blame by Political Officials

President Maduro consistently referred disparagingly to López as "The Throne," which is meant to cast suspicion on López's political ambitions.¹⁵⁶ Over a year before López's imprisonment, President Maduro publicly announced, "[f]ormer Chacao Mayor Leopoldo López has already polished ... [his] ... cell. It is just a matter of time. That fascist has done a lot of damage to this country. Justice will come sooner or later."¹⁵⁷ On the night of February 12, President Maduro claimed that the protests were part of "a planned coup d'état."¹⁵⁸

After the violence on February 12, Venezuelan Foreign Minister Elías Jaua labeled López as specifically responsible for the February 12 violence, and President Maduro continued to use inflammatory language to mischaracterize López. Foreign Minister Jaua stated on television:

Leopoldo López directed a well-trained group of his followers toward the National Prosecutor's office, and once he had left the demonstration there began a coordinated and massive attack ... We can no longer tolerate that this group acts with impunity, bathing the Venezuelan people with blood.¹⁵⁹

¹⁵³ *Venezuelan Govt, Mistrustful Rivals Plan Crisis Talks*, YAHOO, Oct. 31, 2016, available at <https://au.news.yahoo.com/world/a/33047556/venezuela-opposition-agree-to-hold-talks/#page1>.

¹⁵⁴ Andrew Cawthorne, *Venezuela Detains 25 Opposition Supporters Before Rally – Rights Group*, REUTERS Aug. 31, 2016, available at <http://uk.reuters.com/article/uk-venezuela-politics-idUKKCN1162V5>.

¹⁵⁵ Diego Oré and Fabian Cambero, *Venezuelan Opposition Scraps Maduro Trial but Presses Demands*, REUTERS, Nov. 2, 2016, available at <http://www.reuters.com/article/us-venezuela-politics-idUSKBN12W4EV>.

¹⁵⁶ Joshua Goodman, *Leopoldo Lopez, Venezuelan Opposition Leader, Sought by Police After Protests*, HUFFINGTON POST, Feb. 16, 2014, available at http://www.huffingtonpost.com/2014/02/16/leopoldo-lopez-_n_4798435.html.

¹⁵⁷ *Sea Ud. El Juez Parte I*, VOLUNTAD POPULAR, Apr. 30, 2014, available at https://www.youtube.com/watch?v=_bK2S5YkWR4 [hereinafter *Sea ud. El Juez Parte I, Voluntad Popular*].

¹⁵⁸ *Prominent Opposition Leader in Venezuela is Blamed for Unrest*, *supra* note 108

¹⁵⁹ *Id.*

Minister Jaua also characterized López as the “intellectual author” of the killings.¹⁶⁰ President Maduro described López and other opposition leaders as “right-wing fascists who plant seeds of fear and violence” who have an “irrational, fascist-leaning attitude.”¹⁶¹ On the night of February 12, President Maduro declared, “I tell these fugitives from justice: give yourselves up! ... They should go behind bars.”¹⁶² And, while showing video and pictures of Leopoldo López, Maduro continued, “There you have the face of fascism!”¹⁶³ Diosdado Cabello, then-Speaker of the National Assembly, tweeted López was a “fugitive” before stating, “You’re not going to escape, coward.”¹⁶⁴

President Maduro also greatly exaggerated the extent of damage that was done on February 12. Even though the damage to public property consisted mainly of a few broken windows, President Maduro claimed “the demonstrators had destroyed the headquarters of the National Prosecutor’s office.”¹⁶⁵ He also claimed that the protesters were trained and attacked the police in a carefully organized fashion, despite the fact that the scene on the street was chaotic and there was little, if any sign of coordination.¹⁶⁶

Public Prosecutor Luisa Ortega continued the theme that López was the “intellectual author” of the violence and should therefore be punished. She stated, “We are working to sanction those who are responsible not only as material authors but as intellectual authors. That is, those who call for or incite violence. These messages are direct but sometimes also subliminal.”¹⁶⁷ Jorge Rodríguez, Mayor of Libertador, a municipality within the Metropolitan District of Caracas, stated that López was “directly responsible for sowing violence in the country.”¹⁶⁸

On the same day López’s trial resumed on July 23, 2014, President Maduro again asserted López’s guilt and insisted that he would be punished, observing:

Well, it is the trial of the extreme right leader, who is responsible of crimes, violence, and destruction of human lives that he planned ... He has ... quite a crazy messianic vision ... that, let me tell you, alienates and poisons people making them crazy. He is responsible for crimes that he has to be accountable for and he will be before justice. He will be – as simple as that ...

¹⁶⁰ *Venezuela: Violence Against Protesters, Journalists*, *supra* note 112.

¹⁶¹ Mariano Castillo, Catherine E. Shoichet, *Cheered by Supporters, Venezuelan Opposition Leader López Surrenders*, CNN, Feb. 19, 2014, available at <http://www.cnn.com/2014/02/18/world/americas/venezuela-protests/index.html>; *Anti-Maduro Protests Persist in Venezuela, Dozens Jailed*, *supra* note 97.

¹⁶² Andrew Cawthorne, David Wallis, *This Politician is a Wanted Man in Venezuela After Leading Anti-Government Protests This Week*, BUSINESS INSIDER, Feb. 14, 2014, available at <http://www.businessinsider.com/leopoldo-lopez-wanted-in-venezuela-2014-2> [hereinafter *This Politician is a Wanted Man in Venezuela After Leading Anti-Government Protests This Week*].

¹⁶³ *Id.*

¹⁶⁴ *Anti-Maduro Protests Persist in Venezuela, Dozens Jailed*, *supra* note 97.

¹⁶⁵ *Prominent Opposition Leader in Venezuela is Blamed for Unrest*, *supra* note 108.

¹⁶⁶ *Id.*

¹⁶⁷ Virginia López, Jonathan Watts, *Venezuela Violence Continues After Arrest of Leopoldo López*, THE GUARDIAN, Feb. 19, 2014, available at <http://www.theguardian.com/world/2014/feb/19/venezuela-leopoldo-lopez-court> [hereinafter *Venezuela Violence Continues After Arrest of Leopoldo López*].

¹⁶⁸ Jorge Rodríguez, *Leopoldo López es el Responsable de la Siembra de la Violencia*, EL NACIONAL, Feb. 12, 2014, available at http://173.246.50.18/politica/Jorge-Rodriguez-Leopoldo-Lopez-responsable_0_354564732.html.

Justice be done! Only justice will punish the resurgence of the neo-Nazi and fascist sectors that want to impose scenarios like Ukraine, Palestine, Syria, or Libya. That will not happen; they will not come back.¹⁶⁹

As López's detention continues, Maduro has assailed him repeatedly and publicly. On November 17, Maduro referred to López as "the Murderer of *Ramo Verde*"—even though López was never even charged with murder.¹⁷⁰ One month later, on December 9, Maduro called López "the Monster of *Ramo Verde*."¹⁷¹ In addition to the libel, Maduro's public statements have demonstrated the arbitrary and political nature of López's detention. On January 4, two days after U.S. Vice President Joe Biden met with Maduro and told him to release political prisoners in Venezuela, Maduro publically responded to that exchange on television in Venezuela by saying, "The only way I would use [presidential] powers would be to put [Leopoldo López] on a plane so he can go to the United States and stay there, and they would give me Oscar López Rivera (Puerto Rican nationalist and FALN leader convicted and sentenced to 55 years in prison for seditious conspiracy) - man for man."¹⁷² Suggesting any equivalence between these two cases is absurd and such a statement only reaffirms Maduro's lack of commitment to the rule of law. Maduro's ability to "release" a currently charged but not yet convicted prisoner demonstrates his absolute control over the judiciary and renders López his political prisoner. Under Article 50 of the Constitution of Venezuela: "No act of public power may establish the penalty of banishment from the national territory to any Venezuelan."¹⁷³ So even ignoring the extraordinary nature of the proposed action, it is also unconstitutional. In affirmation of this view, on January 26, 2015, the Vice President of Venezuela, Jorge Arreaza, accidentally referred to López as a "political prisoner" on national television.¹⁷⁴

In December 2014, Maduro extended his past criticisms of López's wife, Lilian Tintori, by publicly accusing her of grave crimes. On December 14, Maduro accused Tintori of treason for "appealing to an empire to come against your own country."¹⁷⁵ In this accusation, Maduro is referring to Tintori's public campaign to garner international support for the release of her husband. Maduro believes Tintori is actively lobbying for sanctions by the U.S. against

¹⁶⁹ Press Release, *López Defense Team Slams Venezuelan President for "Outrageous" Comments on First Day of Trial*, FRIENDS OF A FREE VENEZUELA, July 25, 2014, available at https://d3n8a8pro7vhmx.cloudfront.net/freeleopoldo/pages/56/attachments/original/1406390519/Release_7-25-14.pdf?1406390519 and <http://www.youtube.com/watch?v=9jtwFkts3YQ&feature=youtu.be> [hereinafter *Lopez Defense Team*].

¹⁷⁰ *Maduro Ataca a Leopoldo López y Lo Llama "El Asesino de Ramo Verde"*, EL PROPIO, Nov. 17, 2014, available at http://www.elpropio.com/actualidad/Maduro-Leopoldo-Lopez-Ramo-Verde_0_630536988.html [hereinafter *Maduro Attacks Leopoldo López*].

¹⁷¹ *Van a Salir Mal Parados*, TAL CUAL DIGITAL, Dec. 09, 2014, available at <http://www.talcualdigital.com/Nota/visor.aspx?id=111345>.

¹⁷² Hannah Dreier & Josh Lederman, *Biden, Venezuela Leader Discuss Improving Relations*, ABC NEWS, Jan. 2, 2015, available at <http://abcnews.go.com/International/wireStory/biden-venezuelas-maduro-speak-sanctions-okd-27966876>; Brian Ellsworth, *Venezuela's Maduro would free Lopez if U.S. freed Puerto Rican*, REUTERS, Jan. 4, 2014, available at <http://www.reuters.com/article/2015/01/04/us-venezuela-prisoners-idUSKBN0KD0PQ20150104>.

¹⁷³ See *Venezuelan Constitution*, *supra* note 276.

¹⁷⁴ *#UstedLoVio Arreaza y los presos politico*, available at <https://www.youtube.com/watch?v=MMKQoyCb21U&feature=youtu.be&app=desktop>.

¹⁷⁵ *Maduro: A veces provoca romper todas las relaciones con Estados Unidos*, APORREA, Dec. 14, 2014, available at <http://www.aporrea.org/tiburon/n262254.html>.

Venezuela; a leaked private memo from the former Venezuelan Ambassador to Spain, Mario Isea, revealed that the Venezuela government's current stance is to "neutralize the [international] campaign" led by Tintori to free López.¹⁷⁶ Should Tintori be charged and convicted of treason, she could spend up to 30 years in prison.

As Tintori continues her efforts to free her husband, the threats have escalated to violence. In November 2015, while campaigning for the opposition in the legislative elections, Tintori was attacked by a mob of government supporters while entering the city of San Carlos in Cojedes State, Venezuela. The mob of around 100 people, wearing government-sponsored campaign gear, surrounded her car on motorcycles and in trucks armed with hammers, knives, and guns. They then began chanting and jumping on the car while pointing their weapons to the passengers. Tintori felt so threatened during the attack that she went into the fetal position in the car in order to protect herself. Eventually, Tintori was able to escape the mob without harm.¹⁷⁷ A week later, while finishing her speech at a campaign stop in Altagracia de Orituco in Guarico State, Venezuela, Tintori heard gunshots and immediately dropped to the floor of the stage. Luis Manuel Díaz, a leading member of the Venezuelan opposition party, *Acción Democrática*, was hit by several shots and killed just six feet (two meters) from Tintori.¹⁷⁸ On July 8, 2016, the Venezuelan Minister of Interior, Gustavo González, issued a statement on the government-run television channel VTV where he accused Tintori's ongoing humanitarian efforts of being a "façade of a failed subversive, violent act." And on August 24, 2016, government supporters in Barinas State sequestered Tintori in her hotel room by starting fires outside her room and threatening to burn her.¹⁷⁹ These recent acts of intimidation against Tintori continue the government's campaign to threaten her in an attempt to end her advocacy.

B. Charges and Arrest

Order of Apprehension N 007-14¹⁸⁰ (the arrest warrant) was issued for López by the Prosecutor's Office on the evening of February 12, and approved shortly thereafter by Caracas 16th Control Judge, Ralenys Tovar Guillén.¹⁸¹ The arrest warrant ordered the Chief of the Bolivarian

¹⁷⁶ *Embajador en España Mario Isea: Pide "neutralizar la campaña" por la liberación de Leopoldo López*, NOTIAMANECE, Dec. 6, 2014, available at <http://notiamanece.com/noticias/2014/12/06/embajador-en-espana-mario-isea-pide-neutralizar-la-campana-por-la-liberacion-de-leopoldo-lopez/>.

¹⁷⁷ *Lilian Tintori reveló como fueron las agresiones hechas por colectivos en Cojedes*, EL NACIONAL, Nov. 10, 2015, available at http://www.el-nacional.com/politica/Lilian-Tintori-agresiones-colectivos-Cojedes_0_740926097.html.

¹⁷⁸ James Badcock, *Venezuela Politician Assassinated as Opposition Denounces Election Violence*, THE TELEGRAPH, Nov. 26, 2015, available at <http://www.telegraph.co.uk/news/worldnews/southamerica/venezuela/12018865/Venezuela-politician-assassinated-as-opposition-denounces-election-violence.html>.

¹⁷⁹ *Chavistas Secuestran A Lilian Tintori Y Su Equipo en Barinas. Amenazan Con Quemarlos ¡Urgente!*, REPORTEROS DE CALLE, Aug. 26, 2016, available at <http://reporterosdecalle.net/chavistas-secuestran-lilian-tintori-equipo-barinas-amenazan-quemarlos-urgente/>.

¹⁸⁰ Orden de Aprehension N° 007-14, Feb. 12, 2014, Circuito Judicial Penal, Área Metropolitana de Caracas, Tribunal 16 en Funciones de Control [hereinafter "Orden de Aprehension"].

¹⁸¹ *Their Claims Were Not True*, *supra* note 117; *Venezuelan Opposition Leader Leopoldo López Denied Bail*, *supra* note 115; Juan Francisco Alonso, *Bench Warrant Against Venezuelan Opposition Leader Leopoldo López*, EL UNIVERSAL, Feb. 16, 2014, available at <http://www.eluniversal.com/nacional-y-politica/140213/bench-warrant-against-venezuelan-opposition-leader-leopoldo-lopez> [hereinafter *Bench Warrant Against Venezuelan Opposition Leader Leopoldo López*].

National Intelligence Agency,¹⁸² rather than the local police, to arrest López. Judge Tovar also reportedly ordered the Bolivarian Intelligence Service to enter López's residence.¹⁸³ However, no search warrant was ever presented to family members.

Judge Tovar, who was only a temporary judge, admitted to being pressured by the Venezuelan executive branch to detain López. On February 26, the Spanish-language news station *Nuestra Tele Noticias 24 Horas* disclosed text messages given to them by Gabriela Mata, a friend of Judge Tovar. In a conversation using the smartphone application WhatsApp, which was confirmed by the media as having been traced to her telephone number, Judge Tovar illustrated her lack of judicial independence, writing to Mata, "My friend, I had to choose between keeping my job or waking up fired."¹⁸⁴ The television segment of this news story was not available within Venezuela, as this channel was banned from the air for covering the February 12 protests.¹⁸⁵

The initial charges against López were for conspiracy, incitement to commit crimes, public intimidation, setting fire to a public building, damage to public property, causing serious injury, premeditated aggravated homicide of Juan Montoya and Bassil Alejandro Da Costa Frías, attempted premeditated aggravated homicide of Neider Arellano Serra and others, and terrorism. Given the serious charges and political climate, and without any specific evidence of the existence of a legal detention order, López went into temporary hiding.

In the early morning hours of February 16, security forces simultaneously raided López's home and that of his parents.¹⁸⁶ At López's house, officials showed only a copy of the arrest warrant issued by Judge Tovar, but did not present a search warrant. The arresting officers wore ski masks and at first presented no identification. At López's parents' house, more than 20 heavily armed men who identified themselves as police showed up in four vehicles. They blocked access to the street from the residence at two points, preventing neighbors from coming in or out of the area. They then searched through the homes without lawyers present. López was not present at either house.

On the evening of February 16, López declared on YouTube that he would turn himself in and called for a peaceful demonstration on February 18.¹⁸⁷ In the video, López clearly articulated his non-violent intentions: "I will be there showing my face. I have nothing to fear ... If there is

¹⁸² In Spanish, "Servicio Bolivariano de Inteligencia Nacional," also referred to as "SEBIN."

¹⁸³ *Bench Warrant Against Venezuelan Opposition Leader Leopoldo López*, *supra* note 181.

¹⁸⁴ *Judge Who Ordered Detention of Opposition Leader López Pressured by Maduro Gov't*, NUESTRA TELE NOTICIAS 24 HORAS, Feb. 26, 2014, available at <http://www.ntn24.com/noticias/exclusive-judge-who-ordered-detention-opposition-leader-lopez-pressured-maduro-govt-123025>; see also *Ciudadana Venezolana Denuncia en NTN24 que Jueza del Caso Leopoldo López Recibió Presión*, NUESTRA TELE NOTICIAS 24 HORAS, Feb. 26, 2014, available at <https://www.youtube.com/watch?v=Qi8LsVLW-b0#t=84> (video in Spanish).

¹⁸⁵ *Anti-Maduro Protests Persist in Venezuela, Dozens Jailed*, *supra* note 97.

¹⁸⁶ *Allanan Residencia de los Padres de Leopoldo López*, ÚLTIMAS NOTICIAS, Feb. 16, 2014, available at <http://www.ultimasnoticias.com.ve/noticias/actualidad/politica/allanan-residencia-de-los-padres-de-leopoldo-lopez.aspx>; *Who is the Opposition Leader Leopoldo López?*, CNN, Feb. 2, 2014, (video, at 1:10) available at <http://www.cnn.com/video/api/embed.html#/video/world/2014/02/19/venezuela-leopoldo-lopez-profile-romo-pkg.cnn>.

¹⁸⁷ *#Resistencia18F*, available at <https://www.youtube.com/watch?v=vCmoGxEnEJc&list=UUa7FaW0KNECwcCelo5b0Ibw>; *The Face of Venezuela's Opposition*, *supra* note 10.

any illegal decision to jail me, then I will accept that decision and that infamous persecution by the State ... I want to tell all of you who want to accompany us that that day we must go out as we have always done, peacefully. I ask that this time let us go dressed in white so as to symbolize our commitment to peace”.¹⁸⁸

The protest was to be carried out on *Plaza Venezuela* and lead to the headquarters of the Ministry of Popular Power for the Interior, Justice, and Peace. Within minutes of the video going public, government officials stated that they could not protect López and that his life could be in danger. On February 18, government security forces blocked access to *Plaza Venezuela*, preventing entry for the protestors. The group therefore moved to a different area, *Plaza Brión de Chacaíto*, and began a peaceful protest. Around noon, López gave a speech to tens of thousands of supporters with his wife beside him before turning himself in to the authorities.¹⁸⁹ Using a megaphone, he told the crowd: “The options I had were to leave the country, and I will never leave Venezuela ... The other option was to remain in hiding, but that option could’ve left doubt among some, including some who are here, and we don’t have anything to hide.”¹⁹⁰ He also stated: “I present myself to an unjust judiciary.”¹⁹¹

López also reiterated again the necessity of protesters remaining peaceful in accordance with his vision for a better Venezuela. He stated:

Nevertheless, I do not want to take this step, perhaps into silence for a while, without stating very clearly the reasons behind this struggle: This struggle is indeed for our youth, this struggle is for our students. This struggle is for those who have been repressed, this struggle is for those who are imprisoned. This fight, brothers and sisters, is for all the people of Venezuela, who are suffering today. Our people have to endure long lines and shortages; there are no jobs and there is no future for young people because of a failed model, a model that is not our own, but exported by other countries, one that has nothing to do with the brave people of Venezuela. Brothers and sisters, we have to find our way out of this disaster together. While our solution has to be peaceful and constitutional, it also needs to be on the streets because we no longer have any free media to express ourselves in Venezuela. If the media remains silent, then let the streets speak out! Let the streets speak out with

¹⁸⁸ See Appendix II, *YouTube Video Wherein López Declares his Intent to Turn Himself In – February 16, 2014* (emphasis added); see also Eyanir Chinae, Daniel Wallis, *Venezuela’s López Says Ready for Arrest at Tuesday’s March*, REUTERS, Feb. 16, 2014, available at <http://www.reuters.com/article/2014/02/16/us-venezuela-protests-idUSBREA1F0SQ20140216>.

¹⁸⁹ Leopoldo López, *the Charismatic Face of Venezuela’s Opposition*, *supra* note 3.

¹⁹⁰ *The Face of Venezuela’s Opposition*, *supra* note 10; *Read the Speech Venezuelan Opposition Leader Leopoldo López Made Before He Was Jailed*, DAILY BEAST, Feb. 19, 2014, available at <http://www.thedailybeast.com/articles/2014/02/19/exclusive-read-the-speech-venezuelan-opposition-leader-leopoldo-lopez-made-before-he-was-jailed.html> [hereinafter *Read the Speech Venezuelan Opposition Leader Leopoldo López Made Before He Was Jailed*].

¹⁹¹ See Appendix II, *Speech López at Plaza Brión Just Prior to Arrest and Detainment—February 18, 2014* [hereinafter *López February 18 Speech*]; See also *Venezuelan Opposition Leader Leopoldo Lopez Denied Bail*, *supra* note 115; *Exclusive: Read the Speech Venezuelan Opposition Leader Leopoldo López Made Before He Was Jailed*, *supra* note 190.

people! Let the streets speak out peacefully! And let the streets speak out in democracy!¹⁹²

Furthermore, he urged his followers to “remain peaceful” once he turned himself in. He concluded by saying:

Well, brothers and sisters, I ask you to continue this struggle and stay on the streets, to embrace our right to protest. But do so peacefully and without resorting to violence. I ask that all of us here today, all Venezuelans who want change, to get informed, educated and organized, and to carry out a non-violent protest, a massive demonstration of freewill, hearts and souls of the people who want change. But without hurting thy neighbor.¹⁹³

López then peacefully submitted himself for arrest after this speech. He was detained by military forces and put into an armored military vehicle, as depicted on the cover page of this report, before ultimately being transferred to a civilian car.¹⁹⁴ He was then taken to a military prison at Francisco de Miranda Military Air Base. From there the authorities moved him to Fort Tiuna Military Base via helicopter and then eventually to the 16th Control Court.

The then-Speaker of the National Assembly, Diosdado Cabello, drove López from the helicopter to the court with his wife and parents.¹⁹⁵ Cabello then drove López to *Ramo Verde* Prison (officially called the National Center for Accused Soldiers), with the Commander of the National Guard. Why Diosdado Cabello served as the driver is both unknown and highly unusual given his role as head of the Legislature, with one report suggesting Cabello sought to persuade López to leave the country and seek asylum.¹⁹⁶

With his arrest, López became one of 3,716 Venezuelans that have been detained since January 2014. Of these, 2,006 (198 minors) have been released with precautionary measures, 284 (10 minors) are yet to be verified, 746 (58 minors) have their full freedom, 633 (93 minors) have been released without legal action, and 47 have been deprived of their liberty, for a total of 3,716 (359 minors).¹⁹⁷

As indicated in the several-hundred-page indictment, the core of the Government’s criminal case against López is that he used subliminal messages to incite his followers to overthrow the Government through violent means.

¹⁹² López February 18 Speech, *supra* note 191 (emphasis added); *see, also, Read the Speech Venezuelan Opposition Leader Leopoldo López Made Before He Was Jailed*, *supra* note 190.

¹⁹³ López February 18 Speech, *supra* note 191 (emphasis added); *Read the Speech Venezuelan Opposition Leader Leopoldo López Made Before He Was Jailed*, *supra* note 190.

¹⁹⁴ *See, generally, A Tale of Two Prisoners*, *ECONOMIST*, Feb. 22, 2014, *available at* <http://www.economist.com/news/americas/21596945-after-opposition-leader-arrested-violence-continues-unabated-tale-two-prisoners>.

¹⁹⁵ *The Poster Boy*, *supra* note 12.

¹⁹⁶ *Id.*

¹⁹⁷ FORO PENAL VENEZOLANO, *available at* <http://www.foropenal.com/> (translated from Spanish).

The Government specifically states:

[T]he defendant Leopoldo López intentionally, through his speech, incites his followers to take to the streets to refuse to recognize the law, Government, and State institutions, highlighting therein the commitment of the Venezuelan people to take to the streets to rebel against this Government, as it is their legitimate right to do so. He makes this assertion in reference to the presentation of an anti-democratic, inefficient, corrupt government that is allied to drug-traffickers and profoundly regressive. He accuses the Maduro government and holds it responsible for being the only party responsible for all the evils that are currently being endured in the country.¹⁹⁸

The indictment further states these speeches and expression on social media were “inflamed speech that incited people to violence and [to] disrespect ... legally established authorities.”¹⁹⁹ The Government claims that this speech was carried out through subliminal means, saying “[E]vidence can be seen in the social networks, especially in the Twitter account @leopoldolopez, of various declarations with subliminal messages issued by said citizen.”²⁰⁰ The Government defines subliminal messages as a message “which is captured by thousands of persons through several means of communication and has the goal of persuading someone of something without that person being conscious of it.”²⁰¹ It arrives at this conclusion by using an alleged expert of semantic analysis, who states that:

Leopoldo López possesses a discursive ethos that dominates and influences the ethos of his listeners; consequently, everything that the sender or speaker tells his recipients would exercise great influence, not only in their manner of thinking, but also in the potential actions that the recipients might perform, acting as a consequence. On this point, the discursive power and influence of citizen Leopoldo López as a political leader is unquestionable, as he has served as the catalyst of annoyances felt by a significant part of the Venezuelan population. Thus, whatever he says or may be able to transmit to his audience is effectively transferred, so much so that his recipients feel encouraged to continue to carry out the actions that he indicates they should do, even though he does not explain it to them clearly.²⁰²

The Government fails to explain in its indictment how such subliminal messages could be received by the population at large when in every speech referenced in the indictment, he specifically, explicitly, clearly, and unequivocally urges his followers to use exclusively non-violent and constitutional means to challenge the Government.

This argument, which was the single alleged and attenuated connection between López and the violence in question, was recanted on February 27, 2015 when the expert of semantic analysis, Dr. Rosa Amelia Asuaje León, withdrew her previous arguments during the trial proceedings.

¹⁹⁸ Indictment, Apr. 4, 2014, at 240–41 (translated from Spanish) [hereinafter *Indictment*].

¹⁹⁹ *Id.* at 54–55.

²⁰⁰ *Id.* at 40–41.

²⁰¹ *Id.* at 41.

²⁰² *Id.* at 171.

Under cross-examination from López's domestic counsel, Juan Carlos Gutierrez, Dr. Asuaje revised her testimony and admitted that López had never called for violence. She stated, "López's messages are not subliminal; they are clear, direct, and specific. They call for non-violence. There was never a call to violence by López."²⁰³ Months later, in November 2015, Dr. Asuaje further revealed that her original testimony had been manipulated by Judge Barreiros to support the prosecution's claims.²⁰⁴

C. *Conduct of the Trial*

Prosecutor Franklin Nieves eventually dropped the murder and terrorism charges²⁰⁵ when journalists showed it to be impossible that López was responsible.²⁰⁶ An investigative piece showed video footage of Government security forces shooting at unarmed protesters on February 12.²⁰⁷ As a result, the murder charges for the two deaths were filed against members of the Bolivarian Intelligence Service.²⁰⁸

Supervisory Judge No. 16 of Caracas, Ralenys Tovar Guillén, who issued the arrest warrant, ordered López's pretrial detention on February 20.²⁰⁹ The arraignment took place inside a military bus parked outside *Ramo Verde* Prison.²¹⁰ The hearing was originally supposed to take place at 10:30 am on February 19 at the 16th Control Court in the Palace of Justice. However, at approximately 4 pm, López's defense team was notified about Judge Tovar's decision to hold the hearing at the military prison. This decision was made after a group of students supporting López arrived outside the Palace of Justice to demonstrate, and were subsequently attacked by Maduro supporters.²¹¹ One of López's defense counsels, Bernardo Pulido, stated to the media, "I had never seen the courthouse as heavily guarded as today. Thus, we do not understand how the security of our client cannot be guaranteed."²¹²

After the hearing took place in the bus known as the "Mobile Court," López then went back inside the prison walls. The bus is usually limited to hearings for parties that are incapacitated. The hearing took place on the bus, parked just outside the military prison. The hearing did not

²⁰³ *Experta Reconoce que Leopoldo López No Instó a La Violencia*, EL NACIONAL, Feb. 27, 2015, available at http://www.el-nacional.com/politica/Experta-reconoce-Leopoldo-Lopez-violencia_0_581942045.html [hereinafter *Expert Recognizes Leopoldo's Non-Violence*].

²⁰⁴ Sabrina Martín, *Witness in Leopoldo López Trial Outs Manipulation of Her Testimony*, PANAM POST, Nov. 3, 2015, available at <https://panampost.com/sabrina-martin/2015/11/03/witness-in-leopoldo-lopez-trial-outs-manipulation-of-her-testimony/>.

²⁰⁵ Mariano Castillo & Ed Payne, *Murder Charges Against Venezuela Opposition Leader Dropped*, CNN, Feb. 20, 2014, available at <http://www.cnn.com/2014/02/20/world/americas/venezuela-protests/> [hereinafter *Murder Charges Against Venezuela Opposition Leader Dropped*].

²⁰⁶ *See ud. El Juez Parte I, Voluntad Popular*, *supra* note 157.

²⁰⁷ *Punished for Protesting*, *supra* note 92.

²⁰⁸ *Their Claims Were Not True*, *supra* note 117.

²⁰⁹ *Venezuela: Violence Against Protesters, Journalists*, *supra* note 112.

²¹⁰ *Id.*; *Murder Charges Against Venezuela Opposition Leader Dropped*, *supra* note 205.

²¹¹ Juan Francisco Alonso, *Pre-trial Hearing of Leopoldo López to be Held in Ramo Verde Prison*, EL UNIVERSAL, Feb. 19, 2014, available at <http://www.eluniversal.com/nacional-y-politica/140219/pre-trial-hearing-of-leopoldo-lopez-to-be-held-in-ramo-verde-prison>.

²¹² *Id.*

begin until 10 pm²¹³ and ended at approximately 4 am. Furthermore, because the hearing took place in Los Teques, Miranda, Judge Tovar was sitting outside of her jurisdiction when the hearing took place, making the hearing and the resulting adoption of charges against López illegal.

On March 28, the Caracas Court of Appeals denied López bail.²¹⁴ The judge stated the petition filed by López's counsel was "without merit."²¹⁵ On April 4, Prosecutor Luisa Ortega Diaz officially announced the charges; which carried a maximum sentence of 14 years imprisonment.²¹⁶ There was also an inherent conflict of interest in the prosecution, as the Attorney General's Office claimed it was the primary victim of the February 12 violence, which damaged its offices, while nevertheless maintaining its prosecutorial authority.

In early May 2014, the Government appointed Judge Adriana López of Court 16 Control of Caracas (who has no relation to López or his sister with the same name) to replace Judge Tovar, allegedly due to a usual rotation of judges. Judge López was set to decide whether López would be tried in a probable-cause hearing set for the morning of May 8, 2014.²¹⁷ However, on May 8, López's domestic attorneys were notified that the hearing had been postponed on account of Judge López being ill, and the hearing was postponed until June.

The intermediate phase of the Venezuelan penal process culminated on June 5, 2014. After four days of hearings, provisional Judge López admitted all the charges filed against López for the crimes of fire, damages, incitement, and association to commit crimes. She also admitted all the evidence offered by the Office of the Public Prosecutor and ordered the case to be sent for a public trial.

Similarly, Judge López declared inadmissible all the requests for annulments that had been raised by the defense for human rights violations, including inhumane conditions of imprisonment. In addition, she denied all the objections that were presented against the Office of the Public Prosecutor for factual and legal flaws in their presentation of the case. Although the defense proposed sixty witnesses, twelve experts, and thirteen videos, Judge López refused all defense evidence except for two witnesses, while all of the prosecution's evidence, including 100 witnesses, seven reports, four videos, and two site inspections were admitted. Her decision also reaffirmed that López would continue to be held in custody through the trial. These judicial pronouncements violated the Venezuelan Constitution and ratified the systematic violation of

²¹³ *The Poster Boy*, *supra* note 12.

²¹⁴ *Venezuela Opposition Leader Leopoldo López Will Remain in a Military Prison*, MERCOPRESS, Mar. 29, 2014, available at <http://en.mercopress.com/2014/03/29/venezuela-opposition-leader-leopoldo-lopez-will-remain-in-a-military-prison> [hereinafter *Venezuela Opposition Leader Leopoldo López Will Remain in a Military Prison*]; *Venezuelan Opposition Leader Leopoldo López Denied Bail*, *supra* note 115; *Venezuela Court Rejects Release of Opposition Leader*, YAHOO!, Mar. 28, 2014, available at <http://news.yahoo.com/venezuela-court-rejects-release-opposition-leader-184521764.html> [hereinafter *Venezuela Court Rejects Release of Opposition Leader*].

²¹⁵ *Venezuela Court Rejects Release of Opposition Leader*, *supra* note 214.

²¹⁶ *Venezuelan Opposition leader Leopoldo López Formally Charged, Faces 14 Years*, FOX NEWS LATINO, Apr. 4, 2014, available at <http://latino.foxnews.com/latino/news/2014/04/04/venezuelan-opposition-leader-leopoldo-lopez-formally-charged-faces-14-up-to/>.

²¹⁷ Juan Francisco Alonso, *López's Probable-cause Hearing to be Held on May 8*, EL UNIVERSAL, Apr. 10, 2014, available at <http://www.eluniversal.com/nacional-y-politica/140410/lopezs-probable-cause-hearing-to-be-held-on-may-8>.

fundamental rights committed against Leopoldo López.

López's trial opened on July 23, 2014, with Judge Susana Barreiros of the 28th Trial Court of the Metropolitan Area of Caracas. The Prosecutor General was Luisa Ortega Díaz, and the Prosecutor for López's case was Franklin Nieves. Judge Barreiros, like Judge López, appeared to be continuing the pattern of denying requests by the defense: for example, she rejected all claims presented by defense lawyers requesting remedy for human rights abuses.²¹⁸ Of particular concern was that she affirmed Judge López's decision to block the vast majority of the defense's evidence. The trial proceeded with over 100 exhibits for the prosecution, including 82 witnesses (mostly police or officials from the prosecutorial officials), 16 expert testimonies, 7 reports, 4 videos, and 2 on-site inspections. In contrast, only 2 defense witnesses were allowed—who were ultimately unwilling or unable to testify. Such a gross imbalance in the proceedings prevented López from making a proper defense, and represented a failure of the Venezuelan justice system to provide him a fair trial.

After the initial announcement on October 7 of the UN Working Group on Arbitrary Detention's decision, which found López's detention arbitrary, Judge Barreiros stated she would respond publically, but then, closed her court without notice until November 13.²¹⁹ On November 13, Judge Barreiros officially rejected the decision of the UN Working Group on Arbitrary Detention on the basis that "Venezuela is a sovereign country that does not accept interferences on internal matters."²²⁰ On that same day, the UN Committee Against Torture, which oversees implementation of the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment, issued its final report on Venezuela's review. It is worth noting that the Committee Against Torture explicitly called for the immediate release of López and all political prisoners in Venezuela, stating, "the State party should . . . release immediately Leopoldo López . . . and all those who have been arbitrarily detained for exercising their right to speak out and protest peacefully."²²¹ On December 16, Judge Barreiros formally rejected the Committee Against Torture's call for López's release as well.²²²

In response to Judge Barreiros' rejection of the UN Working Group on Arbitrary Detention decision, López appealed immediately to the Court of Appeals of Caracas. On November 18, López announced that he would not be participating in the trial and would continue to protest the

²¹⁸ Juan Francisco Alonso, *López Feels that Democracy is Prosecuted in His Case*, EL UNIVERSAL, Jul. 24, 2014, available at <http://english.eluniversal.com/nacional-y-politica/140724/lopez-feels-that-democracy-is-prosecuted-in-his-case>.

²¹⁹ Juan Francisco Alonso, *Tintori exige a Tribunal 28 el cese de receso y acatar dictamen de la ONU*, EL UNIVERSAL, Nov. 11, 2014, available at <http://www.eluniversal.com/nacional-y-politica/141111/tintori-exige-a-tribunal-28-el-cese-de-receso-y-acatar-dictamen-de-la->.

²²⁰ Edgar López, *Jueza negó liberación de López pedida por la ONU*, EL NACIONAL, Nov. 14, 2014, available at http://www.el-nacional.com/politica/Jueza-liberacion-Lopez-pedida-ONU_0_518948357.html [hereinafter *Judge Rejects UN Decision*].

²²¹ *Observaciones finales sobre el tercer y cuarto informe periódico de la República Bolivariana de Venezuela*, CAT/C/VEN/3-4, UN COMMITTEE AGAINST TORTURE, Issued Nov. 13, 2014, at ¶ 9. [hereinafter *UN Committee Against Torture Final Report on Venezuela*].

²²² *Jueza Rechaza Resolución de Comité de la ONU que Pide Liberar a López*, LA VERDAD, Dec. 16, 2014, available at <http://www.laverdad.com/politica/66021-jueza-rechaza-resolucion-de-comite-de-la-onu-que-pide-liberar-a-lopez.html>.

trial until his appeal was considered. After López missed seven scheduled court hearings, on January 13, 2015, Judge Barreiros issued a contempt of court ruling and stated that the trial would continue despite López's absence.²²³ Two months later, on March 15, 2015, the Court of Appeals of Caracas ruled in favor of Judge Barreiros' rejection of the UN Working Group on Arbitrary Detention decision.²²⁴

On February 27, 2015, the Government of Venezuela's domestic legal case against López collapsed. Since the start of the trial, the central claim of the Government of Venezuela was that, although López was not present when the violence between protesters and security officers occurred, he had used "subliminal messages" to incite people to violence, even though in the speeches presented as evidence to the court he unequivocally has advocated non-violence. When the Government presented its expert witness, Dr. Rosa Amelia Asuaje León, a PhD in Linguistics, who is a Professor at Universidad de Los Andes and writer for the pro-government newspaper *Aporrea*, she analyzed several speeches from some 30 videos supplied by the prosecution, which had provided the basis of her written report that she had submitted to the court.

Nevertheless, under cross-examination from López's domestic counsel Juan Carlos Gutierrez, Dr. Asuaje recanted her prior testimony and admitted that López had never called for violence. She stated, "López's messages are not subliminal; they are clear, direct, and specific. They call for non-violence. There was never a call to violence by López."²²⁵ Dr. Asuaje was the most important witness because her analysis of López's speeches was the basis for his indictment. Without her tying López to these events, there is no legal case against him.

On August 25, 2015, Judge Susana Barreiros concluded the trial against Leopoldo López. This action taken by the judge came as a surprise, as the Court had failed to examine crucial evidence, excluding from its consideration the very speeches that served as the basis of López's conviction, as well as a declaration by several adolescents claiming sole responsibility for the violence on February 12 and accounts from witnesses affirming that López's speeches had never called for violence.²²⁶ Over the course of the 70 hearings, which spanned some 600 hours, the judge heard 108 witness and 30 pieces of evidence for the prosecution.²²⁷ There was not a single incriminating piece of evidence to support the prosecution's case. López was provided only three hours for his defense.²²⁸

As expressed above, López's trial was plagued with procedural flaws and irregularities. The use of provisional judges, necessarily beholden to the executive branch, violated the

²²³ *Leopoldo López Trial To Continue Despite His Absence*, PANAM POST, Jan. 15, 2015, available at <http://panampost.com/panam-staff/2015/01/15/leopoldo-lopez-trial-to-continue-despite-his-absence>.

²²⁴ *Corte de Apelaciones de Caracas Decide Mantener "La Medida Privativa de Libertad" contra Leopoldo López*, NTN 24, Mar. 15, 2015, available <http://www.ntn24.com/noticia/corte-de-apelaciones-decide-mantener-la-medida-privativa-de-libertad-contra-leopoldo-lopez-43426>.

²²⁵ *Expert Recognizes Leopoldo's Non-Violence*, *supra* note 203.

²²⁶ Jeffrey Tayler, *Kafka in Caracas*, FOREIGN POLICY, Sept. 3, 2015, available at <http://foreignpolicy.com/2015/09/03/kafka-in-caracas-leopoldo-lopez-trial-sentencing-maduro-venezuela/> [hereinafter *Kafka in Caracas*].

²²⁷ *Id.*

²²⁸ *Id.*

requirement for an independent and impartial judiciary.²²⁹ Impartiality was threatened by the fact that high-level officials publicly blamed López for “murders” and violence before any investigation had begun, violating his right to the presumption of innocence. López’s right to confidential attorney-client communications was also repeatedly violated. And the involvement of the state as Public Prosecutor, while that office and the national police were also designated as “victims” in the case, presented a clear conflict of interest. The trial itself was regularly closed and otherwise gave only highly limited access to journalists and independent observers.

Additionally, both judges refused to order any investigation into repeated complaints of mistreatment, included months of extended solitary confinement, harassment, and intimidation by prison guards. Despite these human rights and due process violations and his obvious innocence, López was ultimately convicted of conspiracy, incitement to commit crimes, arson, and damage to public property and was sentenced to 13 years and 9 months in prison on September 10, 2015.

A month later, the legitimacy of López’s trial was further called into question when the main prosecutor, Franklin Nieves, abandoned his post, traveled to the U.S., and admitted that he was pressured by the Venezuelan government to rely on bogus evidence to wrongly prosecute López. In a video statement, he announced that he could no longer defend “the false evidence” that was used to convict López and attested to López’s innocence. The director of Human Rights Watch’s Americas division, Jose Miguel Vivanco, ultimately described López trial as “something out of the Spanish Inquisition.”²³⁰

D. 2015 Hunger Strike

On May 25, 2015, López, along with fellow political prisoner (and former inmate before being transferred to another prison), Daniel Ceballos, announced a hunger strike in a video released from a cell phone secretly hidden in his prison cell. In the video, López explained his reasoning behind the strike and also called for a protest on May 31:

One year and three months after our call for change, the situation has got even worse. More queues, more inflation, more scarcity, more crime, more corruption.... We want to call for a demonstration. A strong, massive, peaceful demonstration without any kind of violence in the streets of Venezuela next Saturday....Let's go out for peace and democracy. Let's not lose hope, let's not lose faith....We have three clear demands - freedom for all political prisoners, the end of censorship and repression and that the date for the parliamentary elections is set.²³¹

López’s call for protests was ultimately heeded throughout the nation and on May 31, 2015, tens of thousands of protesters rallied in the streets of cities throughout Venezuela. In Caracas,

²²⁹ *Cedeño v. Bolivarian Republic of Venezuela*, Communication No. 1940/2010, U.N. Doc. CCPR/C/106/D/1940/2010, at ¶ 7.2 (2012) [hereinafter *Cedeño v. Venezuela*].

²³⁰ José de Córdoba and Kejal Vyas, *Venezuela Prosecutor Franklin Nieves Says Opposition Leader’s Trial Was a Sham*, THE WALL STREET JOURNAL, Oct. 26, 2015, available at <http://www.wsj.com/articles/venezuela-prosecutor-franklin-nieves-says-opposition-leaders-trial-was-a-sham-1445895707>.

²³¹ *Venezuela Opposition Leader Leopoldo Lopez on Hunger Strike*, BBC NEWS, May 24, 2015, available at <http://www.bbc.com/news/world-latin-america-32871566>.

estimates were as high as 20,000 protesters, which is considerable given that the Government has publicly condoned use of lethal force against non-violent protesters in the intervening period after López's detention.²³² His hunger strike ultimately lasted 30 days and was joined by over 100 different political prisoners and student leaders. He ultimately decided to end his strike upon learning that the Government had set the date of December 6, 2015 for the parliamentary elections.²³³

During López's hunger strike, the Government did not permit the International Red Cross or doctors of his choosing to visit him – despite multiple requests from López, his family, and numerous international leaders. Many prominent personalities, including former Prime Minister Felipe González of Spain, former President Andrés Pastrana of Colombia, and former President Sebastian Piñera of Chile, tried visiting him in prison during this period, but all were denied entry.²³⁴ López lost 30 pounds (15 kg) during his hunger strike.²³⁵

E. Judgment and Sentence

On September 10, 2015, Judge Barreiros issued a verdict in López's case. Under international law, the right to a fair trial requires a verdict that emanates from a fair and public hearing by a competent, independent, and impartial tribunal.²³⁶ Instead, Leopoldo López's judgment reads as though it were written by the prosecution, with no attempt to address the claims of the defense or to adequately present evidence or any legal rationale for the decision, reserving only nine pages of the 283-page opinion for this purpose.²³⁷ The UN Working Group on Arbitrary Detention,²³⁸ Amnesty International,²³⁹ Freedom House,²⁴⁰ and many current and former heads of state have since denounced this judgment and called for López's immediate release.

²³² Ewald Scharfenberg, *La Oposición a Maduro Vuelve a la Calle en 30 Ciudades Venezolanas*, EL PAÍS, May 30, 2015, available at http://internacional.elpais.com/internacional/2015/05/30/actualidad/1433011457_154350.html?id_externo_rsoc=FB_CM.

²³³ Anatoly Kurmanaev, *Venezuela's Opposition Lopez Ends Hunger Strike After Vote Date*, BLOOMBERG BUSINESS, June 24, 2015, available at <http://www.bloomberg.com/news/articles/2015-06-23/venezuela-s-leopoldo-lopez-to-end-hunger-strike-tintori>.

²³⁴ Harriet Alexander & Donna Bowater, *Brazilian Senators Forced Out of Venezuela After Failed Solidarity Mission*, THE TELEGRAPH, June 19, 2015, available at <http://www.telegraph.co.uk/news/worldnews/southamerica/brazil/11686436/Brazilian-senators-forced-out-of-Venezuela-after-failed-solidarity-mission.html>.

²³⁵ Brianna Lee, *Venezuelan Political Prisoner Leopoldo López Suspends Hunger Strike After 30 Days*, INTERNATIONAL BUSINESS TIMES, Jun. 23, 2015, available at <http://www.ibtimes.com/venezuelan-political-prisoner-leopoldo-lopez-suspends-hunger-strike-after-30-days-1979815>.

²³⁶ International Covenant on Civil and Political Rights, G.A. Res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16), at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, at Article 14(1) [hereinafter ICCPR].

²³⁷ Raquel Leon, *Leopoldo Lopez: Venezuela opposition leader jailed for his 'art of words' while leader of protest movement*, THE INDEPENDENT, Oct. 8, 2015, available at <http://www.independent.co.uk/news/world/americas/leopoldo-lopez-venezuela-opposition-leader-jailed-for-his-art-of-words-while-leader-of-protest-a6686906.html> (noting that only 9 pages of 283-page opinion addressed legal rationale for the decision).

²³⁸ *Venezuela: UN Working Group on arbitrary detention demands immediate release of Leopoldo López*, Sept. 18, 2015, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16466&LangID=E>.

According to Judge Susana Barreiros, López is responsible for “calls to the streets” that led people to act violently, with disregard for the authorities and the law, following an otherwise peaceful protest on February 12, 2014.²⁴¹ On that day, a group of people allegedly acting under the direction of López are said to have attacked the headquarters of the Public Prosecutor’s office, set fire to seven vehicles (of which six were national police patrol cars), and damaged public property in Carabobo Park.²⁴²

Following this event, López was ultimately charged with ordering the crimes of arson and damage to public property, and committing the crimes of public incitement to commit crimes and association to commit crimes. López was convicted of these charges and sentenced to 13 years and 9 months in prison. In short, the prosecution’s theory of the case was that López used “subliminal messages” to inspire people to violence.²⁴³

The judgment does not provide any precise relationship between the alleged offenses and the laws governing them. The judgment fails to specify or substantiate with evidence: López’s relationship to the co-defendants; the individual laws that López allegedly ordered his followers to disobey; the time, place, or manner in which López “coerced” the individuals to commit crimes given that he was not present at the time; the operations or structure of the so-called criminal organization within which López was supposedly working; the expressions in López’s speech that could have motivated the acts of violence; or the presence of criminal intent. Indeed, the judgment fails to explain how people could be inspired to commit violence when López repeatedly exhorted his followers to non-violence.²⁴⁴

The judgment is predicated on an *interpretation* of López’s speeches by two linguistic experts – rather than the plain language of the speeches themselves – and this manipulation is adulterated further in the judgment, which employs very selective selections of the linguists’ testimonies. For example, the judgment overlooks the linguists’ disclaimers that they can only guess at López’s intent and that the defense should be allowed to correct their interpretations as necessary. Furthermore, the testimony upon which the judgment depends most heavily was actually recanted by the expert under cross-examination by the defense.²⁴⁵

²³⁹ *Venezuela: Sentence against opposition leader shows utter lack of judicial independence*, AMNESTY INT’L, Sept. 10, 2015, available at <https://www.amnesty.org/en/latest/news/2015/09/venezuela-sentence-against-opposition-leader-shows-utter-lack-of-judicial-independence/>.

²⁴⁰ *Venezuelan Court Convicts, Imprisons Opposition Leader Lopez*, FREEDOM HOUSE, Sept. 11, 2015, available at <https://freedomhouse.org/article/venezuelan-court-convicts-imprisons-opposition-leader-lopez>.

²⁴¹ Allan R. Brewer-Carías, *La Condena Contra Leopoldo López por El “Delito de Opinión”*: O de cómo los jueces del horror están obligando al pueblo a la rebelión popular 13, Oct. 10, 2015, available at <http://www.allanbrewercarias.com/Content/449725d9-f1cb-474b-8ab2-41efb849fea3/Content/Brewer.%20I,%202,%20119.%20CONDENA%20DE%20LEOPOLDO%20L%C3%93PEZ.%2010%20Oct.%202016.pdf> [hereinafter *La Condena Contra Leopoldo López por El “Delito de Opinión”*].

²⁴² *Id.*

²⁴³ The Editorial Board, *Free Venezuela’s Leopoldo López*, THE NEW YORK TIMES, Sept. 13, 2015, available at <http://www.nytimes.com/2015/09/14/opinion/free-venezuelas-leopoldo-lopez.html>.

²⁴⁴ Jared Genser & Juan Carlos Gutierrez, *The Other Side of Leopoldo López*, FOREIGN POLICY, Sept. 7, 2015, available at <http://foreignpolicy.com/2015/09/07/the-other-side-of-leopoldo-lopez-venezuela-opposition/>.

²⁴⁵ *Kafka in Caracas*, *supra* note 226.

The judgment ignored the defendant's repeated claims that he did not call for violence, despite the prosecution's inability to produce a single piece of evidence to the contrary. This judgment willfully misconstrues López's legitimate exercise of his rights to freedom of opinion, expression, and association as criminal activity, and deems López's legitimate political party a criminal organization. In asserting that any call to change the status quo is an inherently violent proposition, as it does,²⁴⁶ this judgment threatens all political associations and expressions of dissent in Venezuela.

On May 31, 2016, the Court of Appeals of Caracas accepted an appeal on the ruling against López— eight months after the appeal was requested. A public oral hearing was scheduled to take place on June 20, 2016. Yet on the day of the hearing, justice was once more postponed, with Judge Mendoza citing illness. Shortly after learning of this deferral of justice, Lillian Tintori declared, “they want to delay the inevitable: the full freedom of Leopoldo López.”²⁴⁷ López's oral hearing was then rescheduled for July 7th. Unfortunately, the July 7th hearing was similarly delayed and postponed.

On July 22, 2016, López was finally given the opportunity to have an oral hearing on his appeal. The Court had previously promised López's domestic council that the hearing would be public in nature.²⁴⁸ Yet on the morning of the hearing, López's guests, including journalists, international observers, and representatives of NGOs, discovered that the Court entrance was blocked by soldiers and the Court's own security officials. Without the previously ordered participation of observers, including two of Mr. López's international lawyers, this case was once more riddled with procedural flaws. The Court of Appeals of Caracas has ten business days to issue its sentence, which should arrive around August 5th. As was noted by Juan Carlos Gutiérrez, the head of López's domestic council:

“This obstruction was committed in a way that was totally and absolutely controlled by military personnel. It was an obvious abuse of government power. Such actions significantly reduce the possibility that the decision in the López appeal will be emitted in a manner that conforms to due process.”

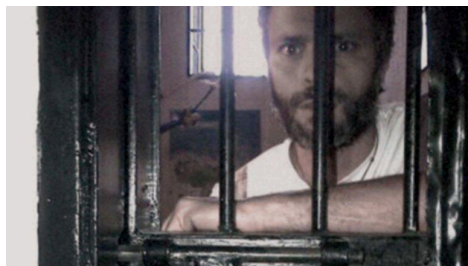
The Court of Appeals of Caracas rejected López's appeal and upheld his conviction on August 12, 2016.

F. Evolving Conditions of Imprisonment

²⁴⁶ *La Condena Contra Leopoldo López por El “Delito de Opinión 5”*, *supra* note 241.

²⁴⁷ Lillian Tintori: *quieren diferir lo inevitable: la libertad plena de Leopoldo López*, VOLUNTADPOPULAR.COM, available at <http://www.voluntadpopular.com/index.php/ver-noticia/component/content/article/8-noticias/4902-lilian-tintori-quieren-diferir-lo-inevitable-la-libertad-plena-de-leopoldo-lopez>.

²⁴⁸ This occurred via a written decision issued by the Court on June 16, 2016.



Leopoldo López is being held in solitary confinement at *Ramo Verde* Prison, the official name of which is *Centro Penitenciario para Procesados Militares* (CENAPROMIL) (“National Center for Accused Soldiers”)²⁴⁹ The prison is located in Los Teques, a municipality about one hour outside of Caracas.²⁵⁰ He has been placed in permanent, enforced, and arbitrary solitary confinement up to 23-24 hours a day. For a three-month period of time, he was confined without natural light and was not allowed to leave his cell. López has also been punished on multiple occasions for purported offenses and denied all visitors for over nine months of his imprisonment. On one notable occasion in October 2014, López was punished in response to his hanging a sign outside his window praising the UN for standing with political prisoners in Venezuela.²⁵¹



²⁴⁹ *Venezuela Opposition Leader Leopoldo López Will Remain in a Military Prison*, *supra* note 214; *Una Cárcel Militar Alberga al Politico Leopoldo López*, EL MUNDO, Feb, 24, 2014, available at <http://www.elmundo.es/america/2014/02/21/530777b0ca474106648b4579.html>.

²⁵⁰ *Venezuelan Opposition Leader Leopoldo López Denied Bail*, *supra* note 115; *Venezuela Charges Opposition Leader, Protests Erupt*, YAHOO!, Apr. 5, 2014, available at <http://news.yahoo.com/jailed-venezuelan-opposition-leader-formally-charged-185439105.html>; *The Face of Venezuela’s Opposition*, *supra* note 10.

²⁵¹ *López y Ceballos Exigen a la ONU Libertad Para Presos Políticos*, MIAMI DIARIO, Oct, 17, 2014, available at <http://www.miamidiario.com/noticia/329999>.

In addition, he has suffered at least nine arbitrary and highly physical searches of his cell and confiscation of previously approved items, including music players, books, private correspondence, and notes prepared for his trial. These searches and punishments are in response to not only López's actions, but also the actions of his wife, Lilian Tintori.

The Government states the reason for López being held in a military prison, despite the fact that he is a civilian, is that it is the only place where they can guarantee his safety.²⁵² However, López's lawyers and relatives found inhumane conditions upon visiting López. His original cell was both dark and cold. The cell contained one small window, which allows for inadequate light, which has caused López to develop vision impairment. The guards of the prison further worsen López's inhumane condition. They play music at odd hours of the night, especially before important hearings, in order to keep López awake. Periodically, they cut off the water supply. On October 27, 2014, around 1 am, the guards broke plastic bags of human urine and feces against the bars of López's prison windows that were swung down from the roof, spraying the entire cell and López himself with excrement. The prison officials then shut off water and electricity for 12 hours, making it impossible for him to clean himself.²⁵³

The conditions of López's imprisonment were changed after he gave a telephone interview from *Ramo Verde* to CNN Español with Fernando del Rincón²⁵⁴ on February 18, 2015, and after his wife, Lilian Tintori, met publicly with US Vice-President Joe Biden on February 11, 2015.²⁵⁵ On February 13, 2015, armed men, dressed in black and with ski masks, ransacked López's cell. After forcibly entering his cell, they destroyed all his books and personal note that he used for his defense. López was then violently removed from his cell and put in a small isolation cell that had no toilet or running water. About a week later, López's isolation cell was once again raided by about 30 Venezuelan military, heavily armed and wearing ski masks and dressed in black. They aggressively struggled with López, pointing a gun directly at him, in an attempt to remove him from his cell. López was told that he was being moved a new prison.

Ultimately, López was not transferred to another prison and remained in his punishment cell. The cell was much smaller than this previous cell, about 3x2 meters (10x7 feet) with a bed, a plastic table, and a plastic chair. In the cell, López had access to a bathroom with running water. For the first month that he was in this cell, he was kept in complete isolation as punishment for his and his wife's actions. For a short time, he was able to spend time with the two other prisoners in that section of the prison and to see his family. It was during his time in this cell that the guards started preventing the family from bringing López books or personal letters, however, as the guards claimed that "he is reading too much."

²⁵² *Murder Charges Against Venezuela Opposition Leader Dropped*, *supra* note 205.

²⁵³ *Aíslan y Castigan a Presos Políticos en Ramo Verde*, EL NACIONAL, Oct. 31, 2014, available at http://www.elnacional.com/politica/Aislan-castigan-politicos-Ramo-Verde_0_510549135.html [hereinafter *Isolating and Punishing Political Prisoners in Ramo Verde*].

²⁵⁴ The interview with English subtitles is available at <https://vimeo.com/122755695>.

²⁵⁵ Guy Taylor, *Amid Coup Charges, Joe Biden Meets Venezuelan Opposition Figures*, THE WASHINGTON TIMES, Feb. 11, 2015, available at <http://www.washingtontimes.com/news/2015/feb/11/amid-coup-charges-biden-meets-venezuelan-oppositio/>.

On the night of López's conviction, he was moved to a new cell. His cell is the only cell used in a prison building at *Ramo Verde* that consists of 30 cells. It is 7-by-10 foot and has nothing more than a single bed, toilet, and a small shelf for a few changes of clothes. He is not allowed writing materials nor any book considered "political." He is not provided a light or candle when it is dark outside. López is regularly forced to move identical cells within the empty building.

In his current cell, López's contact with other prisoners and with his family is extremely limited. López is permitted a brief, daily period of exercise in the athletics area and is occasionally allowed to attend mass at the prison, but guards accompany him and prevent him from having any meaningful social contact with the priest or other prisoners at mass. Monday through Thursday, López is allowed a short, three-minute phone call at the end of the day. These calls are listened in on by a guard standing 15 feet away: if the guard hears anything that he doesn't like, or anything related to politics, he can push a button and the line is dropped. Other inmates in *Ramo Verde* are not subject to this same surveillance and can access a phone whenever they want, as long as other prisoners aren't occupying all of the phones. When López first arrived at *Ramo Verde*, all prisoners were allowed to have cell phones, but the prison officials have since established a rule against cell phones – a rule that is only, discriminatorily, applied against López.

This discriminatory and demeaning treatment has also extended to López's family members on several occasions. On January 17, 2016, López's wife, Lilian Tintori, attempted to see him at *Ramo Verde* for a routine familial visit. After forcing Tintori to wait two hours while other visitors passed through without delay, Colonel Vilorio, the director of *Ramo Verde*, began yelling loudly at Tintori and insulting her family relationship and her marriage. When Tintori asked Colonel Vilorio to lower his voice, he told her that if she continued to talk back to him, he would prevent her from visiting López for six months. He then continued to yell, hurling insults at Tintori in front of all of the soldiers. Tintori was then led to a very small room with two prison guards where she was ordered to remove all of her clothing and undergarments for a full body search. She was asked to repeatedly open and close her legs, while being subjected to verbal abuse from the prison guards, whose lewd and aggressive comments ranged from name calling to disparaging comments about her marriage. The soldiers even searched and then confiscated the sanitary pad that Tintori had been wearing. Arriving several hours later, López's mother, Antonieta Mendoza de López, was also forced to undress completely and comply with a similarly violative and degrading search in front of her grandchildren, Manuela, age six, and Leopoldo Santiago, age three. She was made to open her legs repeatedly, with the guards yelling at her to "open them more." When the guards attempted to remove the children's clothes and search them as well, Mendoza refused to let them. During these abusive searches, the guards indicated to Tintori and Mendoza that they were acting on orders received by their superiors. The actions of the guards drew criticism from the international community, including President Michelle Bachelet of Chile and the Paraguayan Ministry of Foreign Affairs.²⁵⁶

²⁵⁶ *Paraguay rechaza "trato denigrante" a Lilian Tintori y Antonieta de López en Ramo Verde*, LA PATILLA, Jan. 20, 2016, available at <http://www.lapatilla.com/site/2016/01/20/paraguay-rechaza-trato-denigrante-a-lilian-tintori-y-antonieta-de-lopez-en-ramo-verde>; *El Gobierno de Chile se solidariza con Lilian Tintori*, DIARIO LAS AMÉRICAS, Nov. 29, 2015, available at http://www.diariolasamericas.com/5051_portada-america-latina/3484105_el-gobierno-de-chile-se-solidariza-con-lilian-tintori.html.

Even before López's move to his first punishment cell, the UN Special Rapporteur on Torture, Juan Méndez, expressed concern over López's cruel living conditions. In his report to the UN Human Rights Council, Méndez states, "In the absence of information to the contrary, the Rapporteur concludes that the Government of Venezuela, by not protecting the physical and psychological integrity of Leopoldo López, as proved by his being maintained in solitary confinement 23 hours a day, and the violent searches that resulted in bruises on the skin of Lopez . . . is responsible for [his] physical and mental sufferings."²⁵⁷ On March 16, 2015, in response to these concerns, the Foreign Ministers of Colombia, Brazil, and Ecuador, as members of UNASUR, sent a formal request to President Maduro, asking him to allow the Red Cross to visit López and the other political prisoners in the country and inspect their living conditions.²⁵⁸ On April 20, 2015, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures to protect López's "life and personal integrity," meaning that his detention conditions must be in accordance with international law.²⁵⁹ And on October 12, 2015, the IACHR extended the precautionary measures to include López's immediate family—his wife, children, parents, and siblings—as well as his lawyer.²⁶⁰

In addition to his poor living conditions, López does not have access to confidential communication with his attorneys. The attorneys are physically searched when entering the prison, and documents they bring to the prison are read. The attorneys are only allowed to meet in López's prison cell, which affords no privacy because a prison guard is stationed directly outside within earshot of their conversations. López has also been allowed no private moment with his family, as all of their limited interactions are monitored and recorded by prison officials. On October 28, 2015, then-President of the National Assembly Diosdado Cabello used his national television program to reveal images of López's family visiting him in prison, as captured on the so-called security cameras. In doing so, Cabello exposed López's young children—Manuela, who was then five years old, and Leopoldo Santiago, who was then three years old—in clear violation of Article 65, Paragraph 1, of Venezuela's Organic Law on the Protection of Children and Adolescents. This was clearly intended as an act of degradation, as Colonel Viloria had threatened to share such images on several occasions. When López's lawyers asked to know who had shared the military prison's "security camera" footage with Cabello, a civilian, the officials responded that they had been acting in compliance with a direct order from the President of the National Assembly.

Finally, under Venezuelan prison law, López should be allowed any visitors that he deems as a "close friend," which is commonly interpreted in Venezuela as anyone whom the person under detention agrees to receive as a visitor.²⁶¹ On more than one occasion, visitors whom López has

²⁵⁷ Juan Méndez, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Addendum*, HRC/28/68/Add.1, UN HUMAN RIGHTS COUNCIL, Mar. 5, 2015, at ¶ 642.

²⁵⁸ *Ecuador, Brasil y Colombia Pidieron a Maduro Autorizar una Visita de la Cruz Roja a Leopoldo López*, DIARIO DE CUBA, Mar. 17, 2015, available at http://www.diariodecuba.com/internacional/1426594800_13446.html.

²⁵⁹ Comisión Interamericana de Derechos Humanos, Resolución 12/2015, Apr. 20, 2015, pg. 1, available at <http://www.oas.org/es/cidh/decisiones/pdf/2015/MC335-14-ES.pdf>.

²⁶⁰ *IACHR and UN Rapporteur Concerned over Continued Harassment of Lilian Tintori in Venezuela*, ORG. OF AMERICAN STATES, Nov. 10, 2015, available at http://www.oas.org/en/iachr/media_center/PReleases/2015/128.asp.

²⁶¹ Ley de Régimen Penitenciario de Venezuela, Art. 58, available at http://www.oas.org/Juridico/mla/sp/ven/sp_ven-mla-law-penitent.html.

desired to meet with have been turned away at the gate of the military prison. On November 14, 2014, José Antonio Viera-Gallo and Claudio Herrera, Chilean politicians representing the organization Socialist International, attempted to visit López with members of López's family and were refused entry.²⁶² On January 25, 2015, former presidents, Andrés Pastrana of Colombia and Sebastián Piñera of Chile, attempted to visit López, again with members of López's family, and were denied entry by security forces.²⁶³ On June 9, 2015, the former Spanish Prime Minister Felipe González, who serves on López's international legal team, was also denied from visiting him at *Ramo Verde*.²⁶⁴ That same month, on June 18, a group of Brazilian senators, acting as representatives from their country, tried to visit López in *Ramo Verde*, but were unable to reach the prison due to protests and road blockages organized by forces loyal to the government.²⁶⁵

In May 2016, the leader of Spain's *Ciudadanos* party, Albert Rivera, was denied visitation to López.²⁶⁶ However, in a surprise turn of events and amidst mounting international pressure, José Luis Rodríguez Zapatero, the former Prime Minister of Spain, was permitted to meet with López in prison on June 4, 2016. He is the first foreign dignitary to have been allowed to visit López in prison.²⁶⁷ On the night of June 30, 2016, heavily armed officers stormed into López's cell at *Ramo Verde*.²⁶⁸ Among other things, the officers stole the notes that López had been preparing for his upcoming hearing at the Court of Appeals. On August 21, 2016, a sergeant in the prison threatened to kill Leopoldo.²⁶⁹ This serious harassment is indicative of the repression that López has faced throughout the entirety of his imprisonment. López's wife, Lilian Tintori, also revealed in September 2016 that on some days López is physically searched and made to undress up to ten times per day.²⁷⁰

²⁶² *Impiden a Viera-Gallo Visitar a Leopoldo López en Cárcel de Venezuela*, LA NACIÓN, Nov. 17, 2014, available at <http://www.lanacion.cl/noticias/mundo/impiden-a-viera-gallo-visitar-a-leopoldo-lopez-en-carcel-de-venezuela/2014-11-17/140545.html>.

²⁶³ Ernesto Londoño, *Colombia Calls for Release of Venezuelan Political Prisoner*, THE NEW YORK TIMES, Jan. 28, 2015, available at <http://takingnote.blogs.nytimes.com/2015/01/28/colombia-calls-for-release-of-venezuelan-political-prisoner/>.

²⁶⁴ *Felipe González leaves Venezuela; Not Allowed to Visit Dissenters*, EL UNIVERSAL, June 9, 2015, available at <http://www.eluniversal.com/nacional-y-politica/150609/felipe-gonzalez-leaves-venezuela-not-allowed-to-visit-dissenters>.

²⁶⁵ *Senadores Brasileños no Logran Llegar a Ramo Verde Para Visitar a Leopoldo López*, NOTIHOY, June 18, 2015, <http://notihoy.com/en-fotos-impiden-a-senadores-brasilenos-llegar-hasta-ramo-verde/>.

²⁶⁶ *Spanish Pol Unsuccessfully Tries to Visit Leopoldo Lopez in Prison*, FOX NEWS LATINO, May 25, 2016, available here <http://latino.foxnews.com/latino/politics/2016/05/25/spanish-pol-unsuccessfully-tries-to-visit-leopoldo-lopez-in-venezuelan-prison/>.

²⁶⁷ Associated Press, *Spain's Zapatero has surprise meeting with jailed Venezuelan opposition leader Leopoldo Lopez*, THE WASHINGTON POST, Jun. 4, 2016, available at https://www.washingtonpost.com/world/the_americas/spains-zapatero-has-surprise-meeting-with-jailed-venezuelan-opposition-leader-leopoldo-lopez/2016/06/04/816eee90-2ab5-11e6-8329-6104954928d2_story.html.

²⁶⁸ *A un día de audiencia de apelación roban a Leopoldo López documentos para su defensa*, Jul. 7, 2016, available at <http://www.voluntadpopular.com/index.php/ver-noticia/noticias/8-noticias/4994-a-un-dia-de-audiencia-de-apelacion-roban-a-leopoldo-lopez-documentos-para-su-defensa>.

²⁶⁹ *Venezuela: Leopoldo López fue amenazado de muerte en la cárcel*, EL COMERCIO, Aug. 21, 2016, available at <http://elcomercio.pe/mundo/actualidad/venezuela-leopoldo-lopez-fue-amenazado-muerte-carcel-noticia-1925938>.

²⁷⁰ *"A Leopoldo López lo registran y desnudan diez veces al día"*, EL COMERCIO, Sept. 19, 2016, available at <http://elcomercio.pe/mundo/actualidad/leopoldo-lopez-lo-registran-y-desnudan-diez-veces-al-dia-noticia-1932802>.

On October 23, 2016, former Panamanian President Martín Torrijos became the second foreign dignitary allowed to meet with López.²⁷¹ Both Prime Minister Zapatero and President Torrijos are facilitating a dialogue between the Venezuelan Opposition and the Venezuelan Government, which is favored by Maduro. Thus, it can be assumed that their access to López is a result of the Venezuelan government's support of their efforts.

IV. History of Past Persecution – False Accusations and Disqualification to Exercise Political Rights Without Due Process of Law

Beyond prior violent attacks, the Government has a long history of persecuting López dating back to 2004. Despite being recognized as running the most transparent municipality²⁷² in all of Venezuela during his time as mayor, the Venezuelan government banned López from public office for six years. His political disqualification originally ran from December 12, 2008 to December 12, 2014, but was extended for two more years, and stemmed from two administrative proceedings related to accusations of corruption.

López is also currently subject to criminal proceedings on one of these grounds, despite the statute of limitations having expired. He was criminally charged for an alleged involvement in the 2002 attempted coup, despite merely following judicial orders to detain and protect a government official and never having signed the Carmona Decree. As described below in substantial detail in Appendix I, all of these proceedings are without merit, and are simply an attempt to undermine López as a political opposition figure, permanently oust him from political office, silence him, and imprison him.

V. Legal Analysis

The detention of López is arbitrary and in violation of international law.²⁷³ Specifically, the detention is arbitrary because López was imprisoned for exercising his rights to freedom of expression, peaceful assembly, and right to take part in public affairs and be elected without unreasonable restrictions. The detention is also arbitrary because in the prosecution of López, the Government is failing to observe international norms related to a fair trial.

Venezuela is a party²⁷⁴ to the International Covenant on Civil and Political Rights²⁷⁵ (ICCPR), and must therefore abide by all provisions contained therein. In addition, the rights provided for in the ICCPR are binding on the Government not only as a matter of international law

²⁷¹ El opositor Leopoldo López recibió la visita del expresidente panameño Torrijos en prisión, EFE, Oct. 24, 2016, available at <http://www.efe.com/efe/america/portada/el-opositor-leopoldo-lopez-recibio-la-visita-del-expresidente-panameno-torrijos-en-prision/20000064-3076257>.

²⁷² *Oslo Freedom Forum*, *supra* note 18.

²⁷³ *Leopoldo López v. Government of Bolivarian Republic of Venezuela*, Opinion No. 26/2014, Adopted Aug. 26, 2014; See *Revised Methods of Work of the Working Group*, Human Rights Council, A/HRC/16/47 (Annex), Jan. 19, 2011, para. 8(b)-(c) [hereinafter *Revised Methods of Work*].

²⁷⁴ United Nations Treaty Status: ICCPR, <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREA>

TY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec (noting that Venezuela signed the treaty on June 24, 1969, and ratified it on May 10, 1978).

²⁷⁵ ICCPR, *supra* note 236, at Article 9(1).

but also because the Venezuelan Constitution explicitly states that the international treaties to which it is a party have constitutional status and overrule any conflicting domestic legislation. Article 23 of the Constitution reads:

The treaties, pacts and conventions relating to human rights which have been executed and ratified by Venezuela have a constitutional rank, and prevail over internal legislation, insofar as they contain provisions concerning the enjoyment and exercise of such rights that are more favorable than those established by this Constitution and the laws of the Republic, and shall be immediately and directly applied by the courts and other organs of the Public Power.²⁷⁶

A. *The Detention Resulted from Leopoldo López's Exercise of the Rights or Freedoms Guaranteed by the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights*

A detention is considered arbitrary when it results from the exercise of fundamental rights protected by international law.²⁷⁷ These fundamental rights include the rights to freedom of expression, peaceful assembly, and right to take part in public affairs and be elected without unreasonable restrictions.²⁷⁸ López's detention is a result of his exercising these rights and, therefore, is considered an arbitrary detention.

1. *The Venezuelan Government Arrested and Imprisoned Leopoldo López Because He Exercised His Right to Freedom of Expression*

The Government's detention of Leopoldo López is punishment for exercising his right to freedom of expression protected by the ICCPR and Universal Declaration of Human Rights.²⁷⁹ Freedom of expression includes the "freedom to hold opinions without interference" and "to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."²⁸⁰ Freedom of

²⁷⁶ Constitution of the Bolivarian Republic of Venezuela 1999, Article 23 (emphasis added) [hereinafter *Venezuelan Constitution*].

²⁷⁷ A Category II deprivation of liberty occurs, "When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights." See *Revised Methods of Work*, *supra* note 273.

²⁷⁸ *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810, at arts. 19-21 (1948) [hereinafter *Universal Declaration*]. See also ICCPR, *supra* note 236, at Arts. 19, 21, and 25.

²⁷⁹ While the Universal Declaration, as a General Assembly resolution, is not technically considered binding in its entirety on all states, scholars continue to debate the binding nature of specific provisions. However, in looking to the Universal Declaration and the Body of Principles Regarding Any Form of Detention or Imprisonment, the UN Working Group on Arbitrary Detention has decided to "rely heavily on 'soft' international legal principles to adjudicate individual cases." Jared M. Genser & Margaret Winterkorn-Meikle, *The Intersection of Politics and International Law: The United Nations Working Group on Arbitrary Detention in Theory and Practice*, 39 COLUM. HUM. RTS. L. REV. 101, 114 (2008).

²⁸⁰ ICCPR, *supra* note 236, at Article 19(1), (2) ("Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideals of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"); see also Universal Declaration, *supra* note 278, at Article 19 ("Everyone has the right to freedom of opinion and expression; this right

expression also includes the right to political discourse.²⁸¹ As the Human Rights Committee observed:

[T]he freedoms of information and of expression are cornerstones in any free and democratic society. It is in the essence of such societies that its citizens must be allowed to inform themselves about alternatives to the political system/parties in power, and that they may criticize or openly and publicly evaluate their Governments without fear of interference or punishment²⁸²

In addition to the requirements of international law, Venezuelan law protects the right to freedom of expression. Article 57 of the Venezuelan Constitution guarantees “the right to express freely his or her thoughts, ideas or opinions . . . and to use for such purpose any means of communication . . . and no censorship shall be established [against this right].”²⁸³ As noted above, this Constitutional protection is inextricably linked to Venezuela’s international obligations pursuant to Article 23 of its Constitution.²⁸⁴

The speeches and other statements cited by the Government as reason for López’s detention fit squarely within López’s right to freedom of expression. Contrary to what the Government asserts, López never advocated for violent overthrow. In fact, he specifically, explicitly, and consistently—in all speeches presented and analyzed in the indictment—called for non-violent²⁸⁵ and democratic change within the parameters of the Venezuelan Constitution.²⁸⁶ López’s speech evaluated and strongly criticized policies of the Government.²⁸⁷ But, the imprisonment of López is solely in reaction to his criticism of the Government, which he should be able to deliver without fear of interference or punishment. López’s speech is well within the protection of freedom of expression afforded by both international and Venezuelan law and therefore his detention on these grounds is in violation of both domestic and international law.

includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”).

²⁸¹ *Human Rights Committee General Comment No. 34 (2011) on Article 19: Freedom of Expression*, Sept. 12, 2011 (adopted at 102nd session July 11-29, 2011), CCPR/C/GC/34 at ¶ 11 [hereinafter *General Comment 34*].

²⁸² *Aduayom et al. v. Togo*, Communications Nos. 422/1990, 423/1990 and 424/1990, U.N. Doc. CCPR/C/51/D/422/1990/423/1990 and 424/1990 (1996) at ¶ 7.4 (emphasis added). See also *de Morais v. Angola*, Communication No. 1128/2002, U.N. Doc. CCPR/C/83/D/1128/2002 (2005) at ¶ 6.7.

²⁸³ See *supra* note 276; see also Venezuelan Constitution, *supra* note 276, at Article 57 (“Everyone has the right to express freely his or her thoughts, ideas or opinions orally, in writing or by any other form of expression, and to use for such purpose any means of communication and diffusion, and no censorship shall be established. Anyone making use of this right assumes full responsibility for everything expressed. Anonymity, war propaganda, discriminatory messages or those promoting religious intolerance are not permitted. Censorship restricting the ability of public officials to report on matters for which they are responsible is prohibited”).

²⁸⁴ See *Venezuelan Constitution*, *supra* note 276.

²⁸⁵ See *López Attorney General Speech*, *supra* note 107 (“Here there is no vocation for violence”); See *López Plaza Venezuela Speech*, *supra* note 106 (“[L]et us go out...assuming [the path of] non-violence. Our territory is the street, our struggle is non-violent”); See *López Jan. 23 Speech*, *supra* note 98 (“[A]n uprising/revolt [‘*alzamiento*’] means first and foremost the rising to consciousness, the rising up of our fighting spirit, the rising up to our vocation for change... a peaceful struggle, popular, constitutional, and democratic”).

²⁸⁶ *López Jan. 23 Speech*, *supra* note 98 (“[T]he exit must be, first and foremost, popular... Secondly, a democratic exit, and thirdly, an exit within the Constitution. The Constitution offers us various tools and we will debate with the people which of these tools is the most appropriate... the most democratic”).

²⁸⁷ *Id.*

Further, the narrow limitation on the right to freedoms of opinion and expression contained in Article 19(3) of the ICCPR does not apply in this case. Article 19(3) provides that:

The exercise of the [right to freedom of expression] carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) [f]or the respect of the rights or reputations of others; [or] (b) [f]or the protection of national security or of public order (*ordre public*), or of public health and morals.²⁸⁸

The scope of this restriction is highly limited. The Human Rights Committee has emphasized the narrowness of this limitation by noting that:

[W]hen a State party imposes a limitation on the exercise of freedom of expression, [it] may not put in jeopardy the right itself.²⁸⁹ [Moreover, Article 19(3)] may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights. Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest ... be compatible with article 19.²⁹⁰

As such, any limitation “must meet a strict test of justification.”²⁹¹ To guide states, the Human Rights Committee has established three requirements for any limitation on the right to freedom of expression. A permissible limitation must be (1) “provided by law,” (2) for the protection of one of the “enumerated purposes,” and (3) “necessary” to achieve that purpose.²⁹²

Venezuela attempts to satisfy this narrow restriction by claiming López’s imprisonment is necessary for the protection of public order. The Government states “public order is violated by placing an entire society in imminent danger when individuals gather together in order to commit crimes of a collective nature that evolve into destabilizing the prevailing social peace.”²⁹³ While protection of public order may serve as a legitimate objective, the Government fails to demonstrate how López’s speech caused such a threat, and even assuming it did, how his detention is necessary to achieve this purpose. As such, the imprisonment of López amounts to no more than an attempt to muzzle multi-party democracy in Venezuela.

Despite invoking public order, the Venezuelan Government cites no law and therefore fails to establish a *prima facie* argument for López’s detention. Even if it had cited to a law, this invocation still falls outside of the exception because it does not satisfy the third part of the test that requires detention to be necessary to achieve the enumerated purpose. It is not enough that a

²⁸⁸ ICCPR, *supra* note 236, at Article 19(3).

²⁸⁹ General Comment 34, *supra* note 281, at ¶ 21.

²⁹⁰ General Comment 34, *supra* note 281, at ¶ 23 (emphasis added).

²⁹¹ *Park v. Republic Korea*, Communication No. 628/1995, U.N. Doc. CCPR/C/64/D/628/1995 (1998) at ¶ 10.3.

²⁹² *Shin v. Republic of Korea*, Communication No. 926/2000, U.N. Doc. CCPR/C/80/D/926/2000 (2004) at ¶ 7.3.

²⁹³ Indictment, *supra* note 198, at 2.

limitation on freedom of expression merely advance the government's purpose.²⁹⁴ The Human Rights Committee has observed, "[T]he requirement of necessity implies an element of proportionality, in the sense that the scope of the restriction imposed on the freedom of expression must be proportional to the value which the restriction serves to protect."²⁹⁵ This requires the government to establish a "direct and immediate connection between the expression and the threat."²⁹⁶ Here, the Government has offered no such arguments.

Moreover, the Government acknowledges the weakness of its own arguments in three key ways. First, it admits that López merely "may" have been able to incite his supporters to violence using subliminal messaging. Second, the Government fails to account for the fact that virtually all the protesters remained peaceful and that sporadic violence continues despite López remaining in a prison cell, unable to tweet or give speeches. Third, the Venezuelan government contradicts itself by actually admitting that López preached non-violence, but then claiming he did not do so with enough specificity to be effective or genuine.

The Government admits the weakness of its own argument when it claims only López "may" have been able to incite his followers to violence using subliminal messaging:

[T]he speaker (Leopoldo López), by cultivating rage in his speech arguing against the current national government, may have been able to transfer this sentiment to his public (followers) by activating a discursive mechanism that he named #LaSalida, under an argument that denounced the present government (led by President Nicolás Maduro) of having omitted a series of offences, excesses, and omissions that could have inflamed those who follow Leopoldo López to materialize this solution by a possible violent path.²⁹⁷

The Government's own expert acknowledges the subliminal messages theory is tenuous, in their own analysis.

For me, what occurred in the afternoon of 12 February 2014 in front of the Office of the Public Prosecutor of the Bolivarian Republic of Venezuela is proof that the incitement by a political leader to struggle in the streets in order to escape from a constitutional government can generate erratic, desperate acts that are very likely violent.²⁹⁸

²⁹⁴ The UN Human Rights Committee has noted that even if the State party establishes the existence of a legitimate purpose for the limitation, it must also demonstrate that the actions taken were "necessary" for protecting that purpose. *Shin v. Republic of Korea*, *supra* note 292.

²⁹⁵ *Gauthier v. Canada*, Communication No. 633/1995, U.N. Doc. CCPR/C/65/D/633/1995, at ¶ 13.6 (*adopted* Apr. 7, 1999). *See also Jong-Kyu Sohn v. Republic of Korea*, Communication No. 518/1992, U.N. Doc. CCPR/C/54/D/518/1992 at ¶10.4 (*adopted* July 19, 1995) (finding that "reference to the general nature of the labor movement" and "alleging that the statements issued by the author in collaboration with others was a disguise for the incitement to a national strike" was insufficiently precise to meet the necessity requirement).

²⁹⁶ General Comment No. 34, *supra* note 281, at ¶ 35 (emphasis added).

²⁹⁷ Indictment, *supra* note 198, at 172–73 (emphasis added).

²⁹⁸ *Id.* at 173–75 (emphasis added).

If one assumes, *arguendo*, the Government's claim that López has the ability to influence others through subliminal messages, including his 3.45 million Twitter followers, then it follows that many of his 3.45 million followers should have engaged in violent action against the Government. This clearly did not occur, however, because media reports indicate that a very small minority of protesters engaged in violence on February 12, and all three deaths actually came at the hands of government forces. If one follows the Government's logic a step further, it should follow that the violence would cease once López was detained, as he cannot tweet, give speeches, or easily communicate with his supporters from his prison cell. However, since his detention, both street protests and sporadic violence has continued.

Along these same lines, despite arguing that López has control of his 3.45 million Twitter followers, the Government simultaneously asserts that López's followers only represent a small segment of the population:

[I]t is important to emphasize that the idea of the 'people' is very vague and not easy to delimit how much of the Venezuelan people follow his ideals. The fact that there are annoyances felt on the part of a sector of the Venezuelan population, and that the speaker catalyzes them, does not mean that the entire Venezuelan people follows what citizen Leopoldo López proposes, much less that they are in agreement with his stance and political decisions.²⁹⁹

Perplexingly, the Government argues that López is somehow able to control those who agree with him through subliminal messages, yet is unable to control those who do not believe him. Simultaneously, it argues that the segment López does represent is simply a small minority nevertheless. This tenuous argument contradicts the Government's implicit argument that López's imprisonment is necessary to control public order. If most people don't follow what López wants, then there is by definition no threat to public order.

Finally, on one hand, the Government claims that López incited his followers to carry out a specific plan of violence. Yet, on the other hand, the Government asserts that López did not give clear enough instructions regarding the type of nonviolent protests that were to be carried out, and thus he cannot really be characterized as nonviolent:

[W]e could appeal to the figure of Gandhi, a leader who achieved independence for India through the use of non-violent methods such as fasting and vigils... but in that case Gandhi always gave precise instructions to his followers ... In the speeches analyzed, citizen Leopoldo López ... did not establish precise guidelines for the characteristics of the protests that would be carried out.³⁰⁰

Because the Government has no evidence of López calling for its violent overthrow, it is left to present a dubious and illogical semantic analysis of his speeches. What emerges in the final analysis is that López was exercising his right to freedoms of opinion and expression by calling for what any person who lives in an oppressive country desires: a democratic political system that is

²⁹⁹ *Id.* at 171.

³⁰⁰ *Id.*, at 173–75.

free from corruption and that works for its citizens. Therefore, the Government has failed to establish a *prima facie* case as to how López's detention is necessary to protect public order. The Government's restriction on López's speech through its arbitrary detention is a clear violation of his right to freedoms of opinion and expression.

Similarly, the Venezuelan Government cannot invoke derogation as a defense for its behavior. In accordance with Article 4 of the ICCPR, a State party may derogate from its obligations under Article 19, but only in time of public emergency.³⁰¹ However, it may do so only to the extent "strictly required by the exigencies of the situation" and "provided that such measures are not inconsistent with their other obligations under international law."³⁰² Additionally, any restrictions must be limited to the needs of the situation and cease as soon as the state of emergency no longer exists.³⁰³ Finally, the State party must inform other State parties to the ICCPR immediately of any such derogation.³⁰⁴

Here, derogation is not applicable because there is no public emergency, and even if there had been, Venezuela has not informed other State parties of a desire to derogate. Furthermore, and assuming *arguendo*, such derogation would be impermissible because it would be inconsistent with Venezuela's other international legal obligations and would still result in the continued illegal treatment of López in violation of his rights under Article 14.

In short, the speech Leopoldo López engaged in is fully protected by international and Venezuelan law. The Government has unsuccessfully attempted to invoke the public order exception by failing to demonstrate how López's speech directly and immediately posed a threat to public order and why his imprisonment is necessary to maintain public order. The Government also fails to invoke derogation. Therefore, the imprisonment of Leopoldo López is a violation of his right to freedom of opinion and expression as guaranteed by Articles 19 of the ICCPR and UDHR.

2. The Venezuelan Government Arrested and Imprisoned Leopoldo López Because He Exercised His Right to Freedoms of Peaceful Assembly and Association

The Venezuelan government's arrest and detention of López is punishment for exercising his right to freedoms of peaceful assembly and association as protected by Articles 21³⁰⁵ and 22(1)³⁰⁶ of the ICCPR and Article 20 of the UDHR.³⁰⁷ The Venezuelan Constitution further

³⁰¹ ICCPR, *supra* note 236, at Article 4(1).

³⁰² *Id.*

³⁰³ Human Rights Committee General Comment No. 29 (2001) on Article 4: Derogations During a State of Emergency, Aug. 31, 2001 (adopted at 1950th meeting on Jul. 24, 2001), CCPR/C/21/Rev.1/Add.11 at ¶ 5.

³⁰⁴ ICCPR, *supra* note 236, at Article 4(3).

³⁰⁵ ICCPR, *supra* note 236, at Article 21 ("The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others").

³⁰⁶ ICCPR, *supra* note 236, at Article 22(1) ("Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests").

guarantees these rights. Article 68 gives citizens “the right to demonstrate, peacefully and without weapons”³⁰⁸ and Article 67 provides citizens “the right of association for political purposes.”³⁰⁹ López’s arrest at a peaceful political protest unquestionably violated these rights. Although both ICCPR Articles 21 and 22 provide exceptions for national security, public safety, and public order,³¹⁰ the same tests that apply to restrictions on freedom of expression apply to these rights as well,³¹¹ and for the same reasons, they have neither been invoked nor met.

3. The Venezuelan Government Arrested and Imprisoned Leopoldo López Because He Exercised His Right to Take Part in Public Affairs and Be Elected Without Unreasonable Restrictions

The Venezuelan government’s arrest and detention of López is also punishment for exercising his right to take part in public affairs and be elected without unreasonable restrictions as protected by Article 25³¹² of the ICCPR and Article 21³¹³ of the UDHR. This right is also protected in the Venezuelan Constitution.³¹⁴ According to the Human Rights Committee, the right allows “[c]itizens ... [to] take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring the freedoms of expression, assembly and association.”³¹⁵ Moreover, this right depends on the ability of individuals to run for office. As the Human Rights Committee has noted:

³⁰⁷ Universal Declaration, *supra* note 278, at Article 20 (“(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association”).

³⁰⁸ *Venezuelan Constitution*, *supra* note 276, at Article 68; *see also Venezuelan Constitution supra* note 276, at Article 23.

³⁰⁹ *Venezuelan Constitution*, *supra* note 276, at Article 67; *see also Venezuelan Constitution supra* note 276, at Article 23.

³¹⁰ *See supra* note 305. *See also* ICCPR, *supra* note 236, at Article 22(2) (“No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right”).

³¹¹ Sarah Joseph, et al., *THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS* 426-427 (2000) [hereinafter *The International Covenant on Civil and Political Rights*] (citing to Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights (1985) 7 HRQ 1 “which indicates that all limitation clauses in the ICCPR are to be interpreted in the same way with regard to each right.”).

³¹² ICCPR, *supra* note 236, at Article 25 (“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country”).

³¹³ *Universal Declaration*, *supra* note 278, at Article 21 (“(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures”).

³¹⁴ *Venezuelan Constitution*, *supra* note 276, at Article 62 (“All citizens have the right to participate freely in public affairs, either directly or through their elected representatives”) (emphasis added); *see also Venezuelan Constitution supra* note 276, at Article 23.

³¹⁵ *Human Rights Committee General Comment No. 25 (1996)*, CCPR/C/21/Rev.1/Add.7 at ¶ 8 (emphasis added) [hereinafter *General Comment 25*].

The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates ... Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person's candidacy.³¹⁶

In addition, the Working Group jurisprudence supports this right; a violation of Article 25 occurs where individuals are detained solely for exercising their right to freedom of association and the right to take part in the conduct of public affairs.³¹⁷

Here, as discussed above in Section A(4) and below in Appendix I, the Government has repeatedly violated López's political rights so as to remove him as a political opponent. His current arrest and detention are simply the latest in a series of political persecutions that are illegal and in violation of Venezuelan's obligations under international law. His detention on these grounds is therefore illegal.

B. The Trial and Detention of Leopoldo López Failed to Respect International Norms Relating to the Right to a Fair Trial Guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights

Leopoldo López is being held arbitrarily in violation of his due process rights. The ICCPR and UDHR, and Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment provide López with the right to a fair trial, which Venezuela is denying him, and in the process of doing so, is also violating Venezuelan law providing for due process protections.

It is considered an arbitrary detention "[w]hen the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character."³¹⁸ Because the trial and ongoing detention of López has failed to observe the minimum international norms relating to a fair trial, as contained in the ICCPR, UDHR, and Body of Principles, his detention is arbitrary.

1. The Venezuelan Government Failed to Provide Leopoldo López an Independent and Impartial Judiciary

ICCPR Article 14(1) affords individuals "a fair and public hearing by a competent, independent and impartial tribunal established by law."³¹⁹ This right is further guaranteed by

³¹⁶ *General Comment 25*, *supra* note 315, at ¶ 15 (emphasis added).

³¹⁷ *See Tran Thi Thuy et al. v. Government of Viet Nam*, Opinion No. 46/2011, adopted Sept. 2, 2011, ¶¶ 21, 22, 26.

³¹⁸ *See Revised Methods of Work*, *supra* note 273.

³¹⁹ ICCPR, *supra* note 236, at Article 14(1) ("All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be

Venezuela's constitution.³²⁰ Despite these *de jure* protections, the Human Rights Committee recently stated its clear views about the lack of independence in Venezuela's judiciary, in facts very similar to López's situation. In a prominent case³²¹ regarding Venezuelan petitioner Eligio Cedeño, it found:

[T]he judicial authorities who heard the case were not independent because the State party has imposed a system of provisional judges who are not secure in their positions and who can be removed at will without any predefined procedure; and that those who do not follow instructions from the executive branch are subject to reprisals³²² . . . The Committee recalls that States should take specific measures to guarantee the independence of the judiciary, protect judges from any form of political influence, and establish clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and for disciplinary sanctions against them. A situation where the functions and competencies of the judiciary and the executive branches are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal. The Committee finds that the arrest of the judge presiding over [the case] suggests a possible link with the wishes of the executive branch, in view of the public statements made by the President of the Republic in relation to the arrest . . . In view of this, together with the provisional nature of the judicial authorities involved in the proceedings against the author, the Committee concludes that in the case at hand the State party violated the independence of the judicial bodies involved and article 14, paragraph 1, of the Covenant.³²³

Furthermore, during Venezuela's most recent Universal Periodic Review³²⁴ before the Human Rights Council, numerous member states urged Venezuela to reform its judiciary to make it

entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law..."). This same right is established by the Universal Declaration Article 10: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

³²⁰ See *Venezuelan Constitution*, *supra* note 276; see also Organization of American States, Inter-American Commission on Human Rights, *Democracy and Human Rights in Venezuela*, Dec. 30, 2009 (noting that, "The State of Venezuela has said that the Constitution of the Bolivarian Republic of Venezuela provides the mechanisms necessary to ensure the independence of the branches of government. Specifically, Title IV, 'Public Power,' establishes the independence of the country's branches of government and, in the rationale section, sets forth the principle of restrictive competence, whereby those agencies that wield public power may only perform those functions expressly assigned to them by the Constitution and by law") [hereinafter *OAS 2009 Venezuela Report*].

³²¹ *Cedeño v. Venezuela*, *supra* note 229.

³²² *Id.* at ¶ 7.2 (emphasis added).

³²³ *Id.* at ¶ 7.3 (emphasis added).

³²⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Venezuela*, A/HRC/60/1, Dec. 7, 2011 [hereinafter *Venezuela 2011 UPR*].

independent and free of political influence.³²⁵ Despite the reasonable nature of the proposals, Venezuela rejected the vast majority of the suggested improvements.³²⁶

The Inter-American Commission on Human Rights³²⁷ has repeatedly found violations in Venezuela,³²⁸ including the way judges and prosecutors are appointed,³²⁹ their lack of independence and impartiality,³³⁰ political interference in the removal of judges,³³¹ and the delegation of legislative powers to the executive branch.³³² Of particular concern was information IACHR became aware of in April 2012, where the former president of the Criminal Cassation Chamber of the Supreme Court, Eladio Aponte Aponte, “referred to the workings of the judicial branch in Venezuela and said that while he had served in the judiciary he would receive instructions from senior government officials on decisions in cases under his cognizance.”³³³

Numerous international human rights groups have conveyed serious concern about Venezuela’s judicial system. In their annual country reports, Amnesty International³³⁴ and

³²⁵ Venezuela 2011 UPR, *supra* note 324, at ¶¶ 57, 88, 89, 90.

³²⁶ For an list of the rejected improvements, see Venezuela 2011 UPR, *supra* note 324, at ¶¶ 96.1 (Comply with its international obligations in respect to the judiciary and the right to freedom of expression and implement recommendations, resolutions and decisions of the international and regional human rights protection systems), ¶ 96.13 (Respect the independence of the judiciary), ¶ 96.14 (Work to ensure the independence of the judiciary), ¶ 96.15 (Guarantee the independence of judiciary and take all the necessary measures to combat impunity), ¶ 96.16 (Ensure independent, open and transparent selection procedures based on merit for judges and prosecutors), ¶ 96.17 (Take necessary measures to ensure transparency in the independent appointment of judicial and prosecutorial officers), ¶ 96.18 (Reinforce the independence of the judiciary by increasing institutional and material support for the justice system and putting an end to the provisional nature of judicial appointments), ¶ 96.19 (Fully guarantee the independence of the judiciary, in particular by taking concrete measures to ensure that judges can exercise their profession in full impartiality), ¶ 96.20 (Reinforce the independence of the judiciary, including bringing to an end the provisional nature of judicial appointments and repealing the provisions of the Supreme Court law that undermine the court’s independence), ¶ 96.21 (Abolish the practice of using the judicial system to silence critics of the Government, reinforce the independence of the judiciary by increasing institutional and material support for the justice system and end the provisional nature of judicial appointments), ¶ 96.22 (Investigate allegations of executive branch interference in judicial decision-making).

³²⁷ OAS 2009 Venezuela Report, *supra* note 320; Organization of American States, *Annual Report of the Inter-American Commission on Human Rights 2011, Chapter IV: Venezuela* [hereinafter OAS 2011 Venezuela Report]; Organization of American States, *Annual Report of the Inter-American Commission on Human Rights 2012, Chapter IV: Venezuela* [hereinafter OAS 2012 Venezuela Report]; Organization of American States, *Annual Report of the Inter-American Commission on Human Rights 2013, Chapter IV: Venezuela* [hereinafter OAS 2013 Venezuela Report].

³²⁸ OAS 2012 Venezuela Report, *supra* note 327, at § II(C).

³²⁹ OAS 2009 Venezuela Report, *supra* note 320, at 48; OAS 2013 Venezuela Report, *supra* note 327, at ¶¶ 645–48.

³³⁰ OAS 2009 Venezuela Report, *supra* note 320, at 59; OAS 2011 Venezuela Report, *supra* note 327, at § II(D); OAS 2013 Venezuela Report, *supra* note 327, at ¶ 642.

³³¹ OAS 2009 Venezuela Report, *supra* note 320, at 71; OAS 2011 Venezuela Report, *supra* note 327, at § II(D)(2); OAS 2012 Venezuela Report, *supra* note 327, at ¶¶ 494–96. OAS 2013 Venezuela Report, *supra* note 327, at ¶¶ 633–41, 657–660.

³³² OAS 2009 Venezuela Report, *supra* note 320, at 80.

³³³ OAS 2012 Venezuela Report, *supra* note 327, at ¶ 449.

³³⁴ Amnesty International, *2012 Annual Report: Venezuela*, <https://www.amnesty.org/en/region/venezuela/report-2012#section-30-6> (noting concern about Judge María Lourdes Afiuni, who has suffered various forms of arbitrary detention since 2009 for ruling against the government).

Freedom House³³⁵ both called into question the independence of the judiciary. In its 2014 report on Venezuela, Human Rights Watch echoed this sentiment, noting that:

[Because] ... President Chávez and his supporters in the National Assembly conducted a political takeover of the Supreme Court in 2004, the judiciary has largely ceased to function as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers, publicly pledged their commitment to advancing the government's political agenda, and repeatedly ruled in favor of the government, validating the government's disregard for human rights.³³⁶

This high-level concern with the lack of an independent and impartial judiciary in Venezuela was quickly exemplified in the current proceedings against López. The judge originally appointed to López's case, Judge Ralenys Tovar Guillén, is not a permanently appointed judge. Furthermore, the phone messages leaked by the Spanish-language station *Nuestra Tele Noticias 24 Horas*, where Judge Tovar expressed to a friend that she had to "choose between keeping my job or waking up fired"³³⁷ clearly demonstrates the symbiotic relationship between the judiciary branch and the executive—where President Maduro has made clear his desire to imprison López a year well in advance of the protests. The second and third judges appointed to López's criminal case, Judge Adriana López and Judge Susana Barreiros, are also temporarily appointed judges. In addition, the ICCPR assumes that a judge may only act with legal authority of the State. Judge Tovar held a hearing and issued a ruling on López's indictment in a location outside of her authority – in a mobile courtroom sitting outside her geographical jurisdiction – in violation of Venezuelan law. Finally, there is also an inherent conflict of interest because the prosecutors are charged with carrying out the investigation and prosecution while simultaneously claiming to be the victim. Because López is imprisoned by and will be tried by Venezuela's judicial system, which is neither independent nor impartial, López is not receiving a fair judicial process and his detention is therefore arbitrary.

2. The Venezuelan Government Failed to Afford Leopoldo López the Presumption of Innocence

ICCPR affords individuals "the right to be presumed innocent until proved guilty according to law."³³⁸ The Human Rights Committee has noted that the presumption of innocence is expressed in unambiguous terms, and "the burden of proof of the charge is on the prosecution and the accused has the benefit of doubt. No guilt can be presumed until the charge has been proved

³³⁵ Freedom House, *Freedom in the World 2014: Venezuela*, <http://www.freedomhouse.org/report/freedom-world/2014/venezuela-0#.U1fguuZdXbY> (noting that "Politicization of the judicial branch increased dramatically under Chávez, and high courts generally do not rule against the government." As such, "Venezuela received a downward trend arrow due to an increase in the selective enforcement of laws and regulations against the opposition in order to minimize its role as a check on government power") (emphasis added).

³³⁶ *World Report 2014*, *supra* note 79; *see also Punished for Protesting*, *supra* note 92.

³³⁷ *Supra* note 184.

³³⁸ ICCPR, *supra* note 236. This same right is established by the Universal Declaration Article 11(1): "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

beyond reasonable doubt. Further, the presumption of innocence implies a right to be treated in accordance with this principle. It is, therefore, a duty for all public authorities to refrain from prejudging the outcome of a trial.”³³⁹ The Venezuelan Constitution also enshrines this right.³⁴⁰

In the present case, multiple public authorities used inflammatory language in public, labeling López as being responsible for the violence that occurred on February 12, 2014, in addition to the greater unrest Venezuela is currently facing. This language made clear that the outcome of López’s case had been pre-determined, even before a preliminary investigation had been completed. Venezuela’s Foreign Minister, Elías Jaua, labeled Leopoldo López as the “intellectual author” of the killings that took place on February 12, 2014.³⁴¹ Minister Jaua also stated in a television interview that López “directed a well trained group of followers toward the national prosecutor’s office, and once he had left the demonstrators began a coordinated and massive attack ... We can no longer tolerate that this group ... bath[es] the Venezuelan people with blood.”³⁴² On the very night of the February 12 protests, President Maduro stated that López and other opposition leaders were fugitives who “should go behind bars.”³⁴³ Upon resumption of the trial on July 23, President Maduro again made it clear that he believes López to be guilty and a criminal, saying he has a “crazy messianic vision” and is “responsible of crimes, violence, and destruction of human lives that he planned . . .”³⁴⁴ On November 17, Maduro referred to López as “the murderer of *Ramo Verde*” even though López has never been charged with murder.³⁴⁵

Given these above statements, it is abundantly clear that López has been considered guilty before his indictment was even presented. When these statements are coupled with the lack of an independent judiciary, it is clear that López’s right to be presumed innocent by the judicial system is being violated.

3. The Venezuelan Government Failed to Provide Leopoldo López with the Right to Present His Defense

The Venezuelan Constitution enshrines the right of a defendant to legal defense.³⁴⁶ Similarly, under the ICCPR, a defendant must be allowed “to defend himself in person or through legal assistance of his own choosing.”³⁴⁷ In practice, this means that “(t)he accused or his lawyer must have the right to act diligently and fearlessly in pursuing all available defenses.”³⁴⁸ Because Leopoldo López has not been allowed to present evidence in support of his case, he cannot properly present a defense, particularly when the prosecution has been allowed to present all its

³³⁹ ICCPR, *supra* note 311, at 308 (emphasis added).

³⁴⁰ *Venezuelan Constitution*, *supra* note 276, at Article 49(2) (“Any person shall be presumed innocent until proven otherwise”); *see also* *Venezuelan Constitution* *supra* note 276, at Article 23.

³⁴¹ *Venezuela: Violence Against Protesters, Journalists*, *supra* note 112.

³⁴² *Prominent Opposition Leader in Venezuela is Blamed for Unrest*, *supra* note 159.

³⁴³ *This Politician is a Wanted Man in Venezuela After Leading Anti-Government Protests This Week*, *supra* note 162.

³⁴⁴ *Lopez Defense Team*, *supra* note 169.

³⁴⁵ *Maduro Attacks López*, *supra* note 170.

³⁴⁶ *Venezuelan Constitution* *supra* note 276, at Article 49(1).

³⁴⁷ ICCPR, *supra* note 236, at Article 14(3)(d).

³⁴⁸ Office of the High Comm’r for Human Rights, United Nations, *General Comment No. 13: Equality Before the Courts and the Right to a Fair and Public Hearing by an Independent Court Established by Law (Art. 14)*, Apr. 13, 1984 at ¶11 [hereinafter *General Comment 13*].

evidence. An acceptance of almost 100% of the prosecution evidence when almost all of the defense evidence has been rejected can hardly afford the defense a fair opportunity to respond to the claims made by the prosecution.

In addition, the ICCPR specifically guarantees a defendant the right “to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.”³⁴⁹ While a defendant does not have an unrestricted or unlimited right to call witnesses of his choosing, the courts must ensure “equality of rights to call witnesses as between the defense and the prosecution.”³⁵⁰ Again, an acceptance of only two out of 60 proposed defense witnesses when 82 witnesses and 16 additional expert witnesses have been allowed for the prosecution demonstrates dramatic unequal access to the right to call witnesses between the prosecution and the defense.

The decision to exclude virtually all defense evidence while admitting all the evidence offered by the prosecutor also shows a clear deprivation of Leopoldo López’s ability to offer a fair defense, without even granting a pretense of respecting his due process rights or providing a fair trial. This represents a blatant disregard for López’s due process rights and the integrity of the judicial process.

4. The Venezuelan Government Failed to Provide the Right to Attorney-Client Confidentiality

The ICCPR states unequivocally that the accused “should be able to have recourse to a lawyer” and further “requires counsel to communicate with the *accused* in conditions giving full respect for the confidentiality of their communications. Lawyers should be able to counsel and to represent their clients in accordance with their established professional standards and judgment without any restrictions, influences, pressures or undue interference from any quarter.”³⁵¹ The Human Rights Committee³⁵² has also discussed the importance of attorney-client confidentiality,³⁵³ with both bodies finding that, in maintaining the right to a fair trial, the ability of lawyers and their clients to communicate in private is of paramount importance. The Venezuelan Constitution also provides this right to its citizens.³⁵⁴

³⁴⁹ ICCPR, *supra* note 236, at Article 14(3)(e).

³⁵⁰ *The International Covenant on Civil and Political Rights*, *supra* note 311, at 325.

³⁵¹ *General Comment 13*, *supra* note 348.

³⁵² Human Rights Committee, *General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial*, CCPR/C/GC/32 (2007) at V (“Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications”).

³⁵³ UN Working Group on Arbitrary Detention, Communication Addressed to the Government on March 16, 2009, Decision No. 27/2009, Adopted Nov. 24, 2009 (noting that “in order to determine whether a detention is arbitrary or not, a number of critical procedural safeguards need to be confirmed by the Government. For instance, the Working Group has not received an unequivocal confirmation that the three detainees were arrested pursuant to a warrant; that they had access to a lawyer; that they were able to have private meetings with their lawyer...”).

³⁵⁴ *Venezuelan Constitution*, *supra* note 276, at Article 48 (“The secrecy and inviolability of private communications in all forms are guaranteed. The same may not be interfered with except by order of a competent court, with observance of applicable provisions of law and preserving the secrecy of the private issues unrelated to the pertinent proceedings”); *see also Venezuelan Constitution* *supra* note 276, at Article 23.

In this case, the Government has violated López's right to communicate confidentially with his attorneys. López's attorneys are physically searched and all of their documents are read upon entering the prison. Furthermore, López is not afforded private meetings with his attorneys. Attorney-client meetings only may take place in López's cell, where a guard is always present within earshot of their conversations. Thus, López is unable to have confidential conversations with his legal counsel in violation of ICCPR.

C. *The Extended Solitary Confinement of Leopoldo López Violates the Prohibition Against Torture*

Under both the ICCPR and the UDHR, "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."³⁵⁵ The Human Rights Committee has said that "Prolonged solitary confinement . . . may amount to acts prohibited by article 7." While there is no universal definition of solitary confinement, the UN Special Rapporteur on Torture defines it as "the physical and social isolation of individuals who are confined to their cells for 22 to 24 hours a day."³⁵⁶ Prolonged solitary confinement is generally that which is over 15 days, as beyond this point solitary confinement can have a permanent psychological impact.³⁵⁷ López spent his first ninety days in prison in complete isolation twenty-four hours a day. Although he was allowed some visits from family members or lawyers, these also took place in his cell. Since then he is allowed one hour of solitary exercise per day, but remains in his cell in isolation for twenty-three hours per day. These conditions have been ongoing since February 2014, more than constituting a period of "prolonged solitary confinement."

Additional features of López's solitary confinement cause the mistreatment to amount to torture. The UN Special Rapporteur on Torture has said: "[c]onsidering the severe mental pain or suffering solitary confinement may cause, it can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pretrial detention, [or] indefinitely."³⁵⁸ All three of these features are present in López's case. Periods of absolute isolation have been imposed six different times as punishment for writing letters, the presence of journalists at the prison, a phone call, protesting the poor conditions of the prison, the outspokenness of his wife, and the holding of a sign outside his window thanking the UN for urging the release of Venezuela's political prisoners. In addition, López has been deprived of his allowed hour of exercise on various occasions as a form of "punishment." This solitary confinement has also been imposed during pretrial detention and continuously, with no given end date.

Venezuela is also a party to the Convention Against Torture (CAT).³⁵⁹ The Committee against Torture has recommended that the use of solitary confinement be abolished except in exceptional circumstances, and even then should be subject to judicial and legal regulation and

³⁵⁵ ICCPR, *supra* note 236, at Article 7; Universal Declaration, *supra* note 278, at Article 5.

³⁵⁶ Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/66/268, Aug. 5, 2011, at ¶ 25.

³⁵⁷ *Id.* at ¶ 26.

³⁵⁸ UN Special Rapporteur on Torture Calls for Prohibition of Solitary Confinement, United Nations, Oct. 18, 2011, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11506&>.

³⁵⁹ United Nations Treaty Status: CAT, https://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-9&chapter=4&lang=en (noting that Venezuela signed the treaty on Feb. 15, 1985, and ratified it on Jul. 29, 1991).

oversight.³⁶⁰ These exceptional circumstances include “when the safety of persons or property is involved.” The Government has not shown how keeping López under indefinite, constant solitary conditions is necessary to protect the safety of persons or property. Furthermore, the Committee has expressed particular concern regarding the use of solitary confinement during pre-trial detention or for disciplinary reasons. As noted previously, López’s solitary confinement has been imposed in a punitive manner, and has been ongoing during pre-trial detention. This represents an unjustified and improper use of solitary confinement, and constitutes torture under the ICCPR, UDHR, and CAT. Additionally, the degrading, unjustifiable, and grotesque incident where prison guards swung excrement-filled plastic bags from the roof into López’s cell was treatment that constitutes cruel, inhumane, and degrading treatment.³⁶¹

In response to these inhumane conditions, López’s legal team has submitted complaints to the UN Special Rapporteur on Torture and to the Committee. On November 6, 2014, the Government of Venezuela appeared before the Committee for the first time in twelve years. While the Government vigorously denied any of the accusations concerning torture or inhumane conditions of prisoners, the committee expressed concern that “only 12 public officials have been convicted for human rights violations over the last decade, even though there have been more than 5,000 complaints.” Furthermore, members of the Committee urged Venezuela to invite the UN Special Rapporteur on Torture to the country, and questioned the fact that none of the requests to conduct a visit submitted by eight UN Special Rapporteurs have been accepted by Venezuela.³⁶²

VI. Opinion of the UN Working Group on Arbitrary Detention

The UN Working Group on Arbitrary Detention (Working Group) was established by Resolution 1991/42 of the former Commission on Human Rights. Its mandate was clarified and extended in successive resolutions of the Commission and later the successor Human Rights Council, most recently by Resolution 24/7 of September 26, 2013. The Working Group consists of five independent experts, appointed by the UN Human Rights Council, that serve in their individual capacities. When López’s case was submitted to the Working Group, its current membership included representatives of Benin, Mexico, Norway, South Korea, and Ukraine.

In addition to conducting country visits and producing annual reports, the Working Group is the only one of the UN Special Procedures that adjudicates individual cases. After receiving a complaint from a petitioner (referred to as the “source”), the government against whom the complaint is made is given 60 days to respond. If a response is received, the petitioner is given the opportunity to reply. The case is then considered at the next tri-annual session of the Working Group, at which point an opinion may be adopted.

After the Government of Venezuela detained López, local counsel submitted a complaint to the Working Group. The complaint recounted much of the information contained in this White

³⁶⁰ Committee against Torture, *Report to the General Assembly: Concluding Observations, Denmark*, A/52/44(SUPP) (1997) at ¶181-186.

³⁶¹ *Isolating and Punishing Political Prisoners in Ramo Verde*, *supra* note 253.

³⁶² *UN Questions Venezuela Over Alleged Cases of Torture Against Dissenters*, EL UNIVERSAL, Nov. 6, 2014, available at <http://english.eluniversal.com/nacional-y-politica/141106/un-questions-venezuela-over-alleged-cases-of-torture-against-dissenter>.

Paper. The Government of Venezuela responded to the complaint alleging as it did in its indictment that López “personally incited hate and violence, creating a situation of tension and aggressiveness that unleashed a wave of violence nationwide.” In response, López’s counsel reaffirmed that the Government did not contradict most of the evidence that had been put forward and answered other charges point by point.³⁶³

In its deliberations, the Working Group began by noting that the Government of Venezuela did not contradict López’s claims that he had been subject to 20 legal processes involving sanctions, including being forbidden from running for public office, which had later been found illegal by the Inter-American Court of Human Rights. Furthermore, the Working Group noted that the Government did not explain what damages were caused by López, what expressions motivated these grave events or induced their commission, or what specific illegal associations López was involved with.³⁶⁴

Furthermore, the Working Group concluded that López’s participation in the march of February 12, 2014, did not justify the deprivation of liberty of a speaker or participant: “There are no elements that allow the concluding of a cause and effect relationship between the call for a political demonstration, speaking during the same demonstration, and the resulting deaths, wounds, and material damage.” It also noted that López’s detention in a military prison “seems based on a motive of discrimination on the basis of his political opinions.”³⁶⁵

In conclusion:

58. The Working Group considers that the deprivation of Mr. Leopoldo López’s liberty, with the objective of restricting his political rights and by his being detained in a military prison, as well as his exercising his rights to freedom of thought and opinion, expression, association and politics, enshrined in Articles 18, 19, 20, and 21 of the International Covenant on Civil Rights and Political and in Articles 9, 10, 18 to 21 of the Universal Declaration of Human Rights, it is arbitrary under Category II of the Group’s methods of work.

59. The arrest of Mr. López on February 18 2014, having been executed without order from a judicial authority; having been extended for a period of more than six months; having exposed Mr. López to isolation; not having granted Mr. López provisional freedom subject to bail if necessary; and having imposed obstacles to the defense lawyers, including the censorship of their communications with the detainee, affects the right to a fair and impartial trial, the presumption of innocence, and due process. The foregoing constitutes a serious violation of the rules concerning the right to a fair trial contained in Articles 9 and 14 of the referred International Covenant.³⁶⁶

³⁶³ *Leopoldo López v. Venezuela*, Opinion No. 26/2014, UN WORKING GROUP ON ARBITRARY DETENTION, A/HRC/WGAD/2014/26, Adopted Aug. 26, 2014, at ¶¶ 36, 37–45.

³⁶⁴ *Id.* at ¶¶ 51–52.

³⁶⁵ *Id.* at ¶¶ 54–55.

³⁶⁶ *Id.*

As a result, the Working Group recommended that the Government of Venezuela “immediately free” López, grant him “comprehensive reparation, including compensation of his moral and compensatory character,” and “measures of satisfaction,” which could be a “public statement of apology in his favor.”³⁶⁷

It is interesting to note that when the Government of Venezuela withdrew from the Inter-American Convention of Human Rights on September 6, 2012, it claimed that it was doing so because of perceived bias of the Inter-American Commission and Court of Human Rights. It also noted, however, that it “remains committed to increasing its cooperation with the Human Rights Council.”³⁶⁸ Not surprisingly, however, Venezuelan Foreign Minister Rafael Ramírez rejected the Working Group opinion out of hand stating: “All the judgments that are in development on the basis of acts of violence that occurred at the beginning of this year, have their course within the framework of our laws . . . Just as we demand respect for our sovereign decisions and oil policy, we demand respect across the line of action.”³⁶⁹

Judge Barreiros officially rejected the decision of the Working Group on the basis that “Venezuela is a sovereign country that does not accept interferences on internal matters.”³⁷⁰ This decision followed similarly dismissive statements made by Attorney General Luisa Ortega Díaz who said “How can one say that there is an arbitrary detention in this case if he [López] handed himself over to the authorities? No one stopped him, he surrendered six days after his capture was ordered.”³⁷¹

VII. International Support

International Organizations:

“The prolonged and arbitrary detention of political opponents and protestors in Venezuela is causing more and more concern internationally . . . I call on the Venezuelan authorities to act on the opinion[] of the Working Group and immediately release Mr. López . . . as well as all those detained for exercising their legitimate right to express themselves and protest peacefully.” – Prince Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights³⁷²

“It recommends to the Government of . . . Venezuela that it immediately free . . . Leopoldo López and grant comprehensive reparation, including the compensation of his moral and compensatory character, as well as measures of satisfaction, which could be a public statement of apology in his

³⁶⁷ *Id.* at ¶ 60.

³⁶⁸ Letter From Minister of Foreign Affairs of Venezuela to Secretary General of the Organization of American States, Sept. 6, 2012.

³⁶⁹ *Venezuela Rejects UN Resolution on the Case of Leopoldo López*, EL NACIONAL, Oct. 10, 2014.

³⁷⁰ Edgar López, *Jueza negó liberación de López pedida por la ONU*, EL NACIONAL, Nov. 14, 2014, *available at* http://www.el-nacional.com/politica/Jueza-liberacion-Lopez-pedida-ONU_0_518948357.html.

³⁷¹ *Judge Rejects UN Decision*, *supra* note 220.

³⁷² *UN Human Rights Chief Urges Venezuela to Release Arbitrarily Detained Protesters and Politicians*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, Oct. 20, 2014, *available at* <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15187&LangID=E>.

favor.” – United Nations Working Group on Arbitrary Detention³⁷³

“Leopoldo López’s 1,000 days in prison have hurt an entire continent. They mean that the Hemisphere is not yet free of arbitrariness and political persecution, that the struggles of our heroes and liberators are not complete...It’s time to free Leopoldo.” – Luis Almagro, Secretary General of the Organization of American States³⁷⁴

“The opposition cannot have a seat at the table, as long as so many of their leaders are imprisoned, and even if they wouldn’t want to have a dialogue, they are the opposition and should have the opportunity... Venezuela is clearly a divided country, a country divided in half. If these halves do not come together, appalling results will follow for years to come. We have learned this in a terrible way, and paid a high price.” – Jose Miguel Insulza, former Secretary General of the Organization of American States³⁷⁵

“[W]e also share the concerns presented by the High Commissioner about the grave and repeated reports of repression of the voices of the opposition and members of the Venezuelan civil society, those of arbitrary arrests, enforced disappearances and use of excessive force against peaceful protesters and journalists; as we request the early release of persons arrested for political reasons.” – Ambassador Oscar Cabello Sarubbi, Vice Minister of Foreign Affairs of Paraguay, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Israel, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Paraguay, Spain, Sweden, Switzerland, Ukraine, United Kingdom, and United States of America³⁷⁶

“The State party should adopt without delay effective measures to restrict the number of individuals detained at the scene of the crime, and that, according to the views of the Working Group on Arbitrary Detention, release immediately Leopoldo López . . . and all those who have been arbitrarily detained for exercising their right to speak out and protest peacefully. Likewise, the State must guarantee the enjoyment, from the beginning of the deprivation of liberty, of all the fundamental legal guarantees.” – United Nations Committee Against Torture³⁷⁷

“Reinstituting full space for the freedoms of expression, association and assembly, and ensuring accountability in all reports on violence is key to dissipating political tensions in Venezuela and to ensuring democratic governance.... Democracy requires a year-round commitment to creating an environment where people can express political opinions, organize for political purposes and

³⁷³ *Leopoldo López v. Venezuela*, Opinion No. 26/2014, UN WORKING GROUP ON ARBITRARY DETENTION, A/HRC/WGAD/2014/26, Adopted Aug. 26, 2014, at ¶ 60.

³⁷⁴ Luis Almagro, *Los 1.000 días de preso político de Leopoldo en Venezuela*, EL PAÍS, Nov. 14, 2016, available at http://elpais.com/elpais/2016/11/14/opinion/1479139557_886766.html?id_externo_rsoc=TW_CC.

³⁷⁵ *Insulza Dice Que La Oposición No Puede Dialogar Si Tiene Dirigentes Presos*, EL UNIVERSAL, Sept. 26, 2014, available at <http://www.eluniversal.com/nacional-y-politica/140926/insulza-dice-que-la-oposicion-no-puede-dialogar-si-tiene-dirigentes-pr>.

³⁷⁶ *Joint Statement on Venezuela at the Human Rights Council*, 33rd Session of the UN Human Rights Council, Item 10, Sept. 29, 2016, available at <https://geneva.usmission.gov/2016/09/29/joint-statement-on-venezuela-at-the-human-rights-council/>.

³⁷⁷ *UN Committee Against Torture Final Report on Venezuela*, *supra* note 221.

peacefully assemble – all without fear of retribution.... Political debate cannot be open when politicians are arbitrarily detained.” - Maina Kiai, Special Rapporteurs on Freedom of Expression, David Kaye, and on the Rights to Freedom of Peaceful Assembly and of Association³⁷⁸

“I am seriously worried about the continuing climate of confrontation in the country and the continuing arbitrary detentions and arrests of leaders of the opposition and of students . . . We continue to monitor certain cases, including that of Leopoldo López and the four students detained at the same time.” – Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy³⁷⁹

“[We] call on the Venezuelan authorities to immediately release Antonio Ledezma, Leopoldo López, Daniel Ceballos and all peaceful protesters, students, and opposition leaders arbitrarily detained for exercising their right to freedom of expression and their fundamental rights.” – European Parliament³⁸⁰

“Pleased to meet Lilian Tintori to urge release of husband Leopoldo López and all political prisoners in Venezuela.” – Martin Schulz, President of the European Parliament³⁸¹

“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 Watch³⁸²

“Leopoldo López, leader of the Venezuelan opposition party Voluntad Popular, should be immediately released in compliance with an August 2014 call by the UN Working Group on Arbitrary Detention.” – Amnesty International³⁸³

“Terms like ‘kangaroo court’ or ‘sham trial’ do not begin to describe what happened to [Leopoldo] López. A teenager with rudimentary knowledge of a fair legal system would have found the charges brought against him absurd. López wouldn’t be in jail if Venezuela were a democratic nation. López now joins the group of prominent prodemocracy activists under dictatorial regimes

³⁷⁸ David Kaye & Maina Kiai, *Fundamental freedoms key to ensuring peaceful and fair elections in Venezuela* – UN human rights experts, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, Dec. 4, 2015, available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16839&LangID=E#sthash.ay5RpTvz.dpuf>.

³⁷⁹ UE “*seriamente preocupada*” por detenciones arbitrarias en Venezuela, EL UNIVERSAL, Dec. 10, 2014, available at <http://www.eluniversal.com/nacional-y-politica/141219/ue-seriamente-preocupada-por-detenciones-arbitrarias-en-venezuela>.

³⁸⁰ *European Parliament Resolution on the Situation in Venezuela*, 2015/2582(RSP), EUROPEAN PARLIAMENT, Adopted Mar. 12, 2015, at ¶ 1.

³⁸¹ *Tweet by President of the European Parliament, Martin Schulz* — Dec. 16, 2014, available at https://twitter.com/EP_President/status/544769096261591040.

³⁸² Merry Mogollon & Chris Kraul, *Venezuela Opposition Leader Leopoldo Lopez Surrenders, Urges Protests*, LOS ANGELES TIMES, Feb. 18, 2014, available at <http://www.latimes.com/world/la-fg-venezuela-opposition-20140219-story.html>.

³⁸³ *Venezuela: Opposition Leader Leopoldo López Should Be Released*, AMNESTY INT’L, Nov. 4, 2014, available at <http://www.amnesty.org/en/library/info/AMR53/023/2014/en>.

worldwide who have been convicted to serve dozens of years in prison for advocating basic human rights.” – Javier El-Hage, Chief Legal Officer, Human Rights Foundation³⁸⁴

“Opposition leader Leopoldo López and others are still imprisoned and Caracas Mayor Antonio Ledezma was arrested in February 2015. Their detention has become a rallying point for the opposition.” – Council on Foreign Relations³⁸⁵

“What is needed includes . . . the immediate freeing of Antonio Ledezma, Leopoldo López and all those currently imprisoned for political activities.” – International Crisis Group³⁸⁶

“The Interamerican Institute for Democracy...declares its full support to the National Assembly, the only democratic branch of National Power in Venezuela, in their struggle to restore legality, respect for the Constitution and the rule of law in their country. We declare that, it is essential to avoid violence and to engage in a serious dialogue between the government and the opposition, provided that: First, all political prisoners wrongfully held in captivity, be released.” – Carlos Alberto Montaner, President, The Interamerican Institute for Democracy³⁸⁷

“I strongly condemn the unjust sentence against Leopoldo López. Solidarity to Lilian Tintori and all those fighting for justice in Venezuela.” – George A. Papandreou, President, Socialist International & Former Prime Minister of Greece³⁸⁸

“We urge the Government of the Bolivarian Republic of Venezuela to faithfully comply with these resolutions and, therefore, release Leopoldo Lopez and Daniel Ceballos ... The world has already opened its eyes wide and is very clear about what is happening in Venezuela, that there is no guarantee of human rights, no guarantee of political or civil rights, no freedom of expression, and that for those who think and express themselves differently, there is persecution and systematic repression.” – The Latin American Federation of Mayors (FLACMA)³⁸⁹

³⁸⁴ *Venezuela: HRF Condemns 13-Year Prison Sentence Against Leopoldo López*, HUMAN RIGHTS FOUNDATION, Sept. 10, 2015, available at <https://humanrightsfoundation.org/news/venezuela-hrf-condemns-13-year-prison-sentence-against-leopoldo-lopez-00462>.

³⁸⁵ Patrick Duddy, *Political Crisis in Venezuela*, CENTER FOR PREVENTATIVE ACTION AT COUNCIL ON FOREIGN RELATIONS, Mar. 2015.

³⁸⁶ *Time for UNASUR to Defuse the Crisis in Venezuela*, INTERNATIONAL CRISIS GROUP, Mar. 11, 2015, available at <http://www.crisisgroup.org/en/publication-type/media-releases/2015/latin-america/statement-time-for-unasur-to-defuse-the-crisis-in-venezuela.aspx>.

³⁸⁷ *Institutional Statement by the Interamerican Institute for Democracy on the Crisis in Venezuela*, INTERAMERICAN INSTITUTE FOR DEMOCRACY, Oct. 26, 2016, available at <http://www.intdemocratic.org/en/2016/10/27/1538/>.

³⁸⁸ *Tweet by Former Prime Minister of Greece and President of Socialist International George A. Papandreou* – Sept. 11, 2015, available at <https://twitter.com/GPapandreou>.

³⁸⁹ *Federación Latinoamericana de Ciudades, Municipios y Asociaciones pide a gobierno venezolano liberar a Leopoldo López, Ceballos, Scarano, Lucchesse y estudiantes*, Nov. 10, 2014, available at <http://www.voluntadpopular.com/index.php/ver-noticia/noticias/8-noticias/2077-federacion-latinoamericana-de-ciudades-municipios-y-asociaciones-pide-a-gobierno-venezolano-liberar-a-leopoldo-lopez-ceballos-scarano-lucchesse-y-estudiantes>.

Public Personalities:

“From Russia to China to Venezuela, you are seeing relentless crackdowns, vilifying legitimate dissent as subversive . . . We stand in solidarity with those who are detained at this very moment. In Venezuela, Leopoldo López . . . And so many others. They deserve to be free. They ought to be released.” – U.S. President Barack Obama³⁹⁰

“I want to specifically demand . . . the immediate liberation of political prisoners in Venezuela.” – Argentine President Mauricio Macri³⁹¹

“We are concerned with the latest developments [in Venezuela]. We have expressed—publicly and privately—our desire that the rights of opponents are respected. We have even called for the release of Leopoldo López.” – Colombian President Juan Manuel Santos³⁹²

“It cannot be that the government gets to decide on amnesty for Leopoldo López when he has not done anything.” – Peruvian President Pedro Pablo Kuczynski³⁹³

“The countries of UNASUR . . . have today an absolute interest in the liberation of political prisoners in Venezuela . . . We don’t think the best relationship with the opposition is to imprison anyone . . . if the person did not commit a crime, he should not be imprisoned.” Former Brazilian President Dilma Rousseff³⁹⁴

“To imprison a democrat is to betray democracy. We make a call for Venezuela to ensure an independent judiciary. And we make a call to the Venezuelan judiciary to immediately release Leopoldo López and all imprisoned political opponents.” – Spanish Prime Minister Mariano Rajoy, British Prime Minister David Cameron, Council of Europe Secretary General Thorbjørn Jagland, former Spanish Prime Minister Felipe González, and former Chilean President Ricardo Lagos³⁹⁵

“With Lilian Tintori, concerned by Leopoldo López, prisoner in Venezuela. His freedom and right to demonstrate are necessary.” – Spanish Prime Minister Mariano Rajoy³⁹⁶

³⁹⁰ Speech by U.S. President Obama at Clinton Global Initiative in New York, NY—Sept. 23, 2014, available at <http://www.whitehouse.gov/the-press-office/2014/09/23/remarks-president-clinton-global-initiative>.

³⁹¹ Speech by Argentine President Mauricio Macri at MERCOSUR Summit in Asunción, Paraguay – Dec. 21, 2015, available at <https://www.youtube.com/watch?v=LkJeDG1xF4A>.

³⁹² Juan Manuel Santos pidió liberación de Leopoldo López y que se garantice el debido proceso a Ledezma, NOTIHOY, Feb. 20, 2015, available at <http://notihoy.com/juan-manuel-santos-pidio-liberacion-de-leopoldo-lopez-y-que-se-garantice-el-debido-proceso-ledezma/>.

³⁹³ Kuczynski: En Venezuela tiene que haber respeto a los DDHH, EL UNIVERSAL, June 12, 2016, available at http://www.eluniversal.com/noticias/politica/kuczynski-venezuela-tiene-que-haber-respeto-los-ddhh_314603.

³⁹⁴ Dilma Rousseff Cree que Nicolás Maduro Debe Liberar a los Presos Políticos, EL UNIVERSO, Apr. 9, 2015, available at <http://www.eluniverso.com/noticias/2015/04/09/nota/4751106/dilma-rousseff-cree-que-nicolas-maduro-debe-liberar-presos>.

³⁹⁵ Mariano Rajoy, David Cameron, Thorbjørn Jagland, Felipe González, & Ricardo Lagos, *Venezuela Grita Libertad*, EL PAÍS, Dec. 1, 2015, available at http://internacional.elpais.com/internacional/2015/11/30/actualidad/1448890473_971718.html.

³⁹⁶ Tweet by Spanish Prime Minister Mariano Rajoy Brey—Oct. 22, 2014, available at <https://twitter.com/marianorajoy/status/524897980030402560>.

“Freedom for Leopoldo López already!” – French Prime Minister Manuel Valls³⁹⁷

“The unjust imprisonment of Leopoldo López and the unjust sentence that he has received, in violation of the most basic guarantees of due process, constitute an unquestionable example of what the current Venezuelan political regime represents: a system that has distorted democracy, violates human rights and the separation of powers, lacks judicial independence, lacks legal certainty and openly suppresses the freedom of the press and [uses] any other instrument of social control.” – former Prime Ministers of Spain Felipe González and José María Aznar, as well as over 1,200 lawyers in 20 countries, in an open letter³⁹⁸

“We demand the immediate release of all of the political prisoners [in Venezuela], among them the democratic leader Leopoldo López and mayors Antonio Ledezma and Daniel Ceballos.” – former Presidents: Nicolas Arbito Barletta (Panama), Oscar Arias (Costa Rica), Jose María Aznar (Spain), Belisario Betancur (Colombia), Armando Calderón Sol (El Salvador), Felipe Calderón (Mexico), Rafael Ángel Calderón (Costa Rica), Laura Chinchilla (Costa Rica), Alfredo Cristiani (El Salvador), Ernesto Duhalde (Argentina), Vincente Fox (Mexico), Felipe Gonzalez (Spain), Lucio Guitierrez (Ecuador), Osvaldo Hurtado (Ecuador), Luis Alberto Lacalle (Uruguay), Luis Alberto Monge (Costa Rica), Mireya Moscoso (Panama), Andres Pastrana (Colombia), Sebastián Piñera (Chile), Jorge Quiroga (Bolivia), Miguel Ángel Rodríguez (Costa Rica), Alejandro Toledo (Peru), Álvaro Uribe (Colombia), and Juan Carlos Wasmosy (Paraguay)³⁹⁹

“Leopoldo López, leader of an opposition party, has been abruptly deprived of his freedom and indicted for various crimes, with a noticeably political bias... We condemn such acts and urge the Venezuelan Government and all parties and political actors to establish a constructive discussion, in accordance with the canons of democracy universally recognized and embodied in the Inter-American Democratic Charter.” – Oscar Arias Sanchez (Costa Rica), Fernando Henrique Cardoso (Brazil), Ricardo Lagos (Chile), and Alejandro Toledo (Peru), Former Presidents on Behalf of the Club of Madrid⁴⁰⁰

“We have been witnessing with deep concern the ongoing weakening of the rule of law, the lack of independence of public institutions, and the criminalization of freedom of expression in Venezuela,

³⁹⁷ Tweet by French Prime Minister Manuel Valls—Dec. 17, 2015, available at <https://twitter.com/manuelvalls/status/677449529814360064>.

³⁹⁸ *Manifiesto de juristas por los derechos humanos en Venezuela: “Libertad para Leopoldo Lopez,”* Mar. 3, 2016, available at <http://ep00.epimg.net/descargables/2016/03/03/127a4afe9f7f6399d1f4c0f87eaf3376.pdf>.

³⁹⁹ Nicolas Arbito Barletta, Oscar Arias, Jose María Aznar, Belisario Betancur, Armando Calderón Sol, Felipe Calderón, Rafael Ángel Calderón, Laura Chinchilla, Alfredo Cristiani, Ernesto Duhalde, Vincente Fox, Felipe Gonzalez, Lucio Guitierrez, Osvaldo Hurtado, Luis Alberto Lacalle, Luis Alberto Monge, Mireya Moscoso, Andres Pastrana, Sebastián Piñera, Jorge Quiroga, Miguel Ángel Rodríguez, Alejandro Toledo, Álvaro Uribe, and Juan Carlos Wasmosy, *Declaration of Panama about Venezuela from the Former Heads of Government and State*, IDEA, Apr. 9, 2015 available at <http://perseus-strategies.com/wp-content/uploads/2014/09/Ex-Presidents-Declaration-of-Panama-about-Venezuela-1.pdf>.

⁴⁰⁰ Oscar Arias Sánchez, Fernando Henrique Cardoso, Ricardo Lagos, & Alejandro Toledo, *Declaración Conjunta, CLUB OF MADRID*, Mar. 10, 2014, available at http://www.clubmadrid.org/es/noticia/el_club_de_madrid_se_adhiere_a_la_declaracion_sobre_venezuela_de_sus_miembros_arias_cardoso_lagos_y.

all of which entail and represent serious human rights violations . . . On this occasion, we have decided to adhere to the opinion of the Working Group on Arbitrary Detention of the UN dated August 26, 2014, which recommends the immediate release of Mr. Leopoldo López, leader of the Venezuelan opposition party *Voluntad Popular*, by the Government of the Bolivarian Republic of Venezuela. The Working Group on Arbitrary Detention's opinion confirms our prior statements on the lack of compliance with democratic principles and the respect for human rights in Venezuela." – Alejandro Toledo (Peru), Andres Pastrana (Colombia), Luis Alberto LaCalle (Uruguay), Ricardo Lagos (Chile), Felipe Calderón (Mexico), Jorge Quiroga (Bolivia) and Osvaldo Hurtado (Ecuador), Former Presidents on Behalf of the Club of Madrid⁴⁰¹

"We are very concerned by the use of the justice system to condemn leaders of the democratic opposition such as Leopoldo López." – former Presidents: Nicolás Ardito-Barletta (Panama), Oscar Arias (Costa Rica), José María Aznar (Spain), Belisario Betancur (Colombia), Armando Calderón Sol (El Salvador), Felipe Calderón (Mexico), Rafael Ángel Calderón F. (Costa Rica), Fernando Henrique Cardoso (Brazil), Laura Chinchilla Miranda (Costa Rica), Alfredo Cristiani (El Salvador), Fernando de la Rúa (Argentina), Eduardo Duhalde (Argentina), Vicente Fox (Mexico), Eduardo Frei (Chile), César Gaviria (Colombia), Felipe González (Spain), Lucio Gutiérrez (Ecuador), Osvaldo Hurtado L. (Ecuador), Luis Alberto Lacalle (Uruguay), Ricardo Lagos (Chile), Ricardo Martinelli (Panama), Luis Alberto Monge (Costa Rica), Mireya Moscoso (Panama), Andrés Pastrana (Colombia), Sebastián Piñera (Chile), Jorge Quiroga (Bolivia), Miguel Ángel Rodríguez (Costa Rica), Julio M. Sanguinetti (Uruguay), Alejandro Toledo (Peru), Álvaro Uribe (Colombia), and Juan Carlos Wasmosy (Paraguay)⁴⁰²

"Venezuela has become a de facto dictatorship. The President makes decisions for the Parliament and the Judiciary . . . [López] has been convicted by Nicolás Maduro, as have all the other political prisoners in Venezuela." – Felipe González, Former Prime Minister of Spain⁴⁰³

"We reject with deep, civic conviction, the sentence of Leopoldo López and his four companions and demand immediate freedom for them all." – Eduardo Frei Ruiz-Tagle & Ricardo Lagos, Former Presidents of Chile⁴⁰⁴

⁴⁰¹ Felipe Calderón, Osvaldo Hurtado, Luis Alberto LaCalle, Ricardo Lagos, Andres Pastrana, Jorge Quiroga, & Alejandro Toledo, *Declaración Conjunta*, CLUB OF MADRID, Nov. 25, 2014, available at <http://www.voluntadpopular.com/index.php/ver-noticia/noticias/8-noticias/2128-expresidentes-del-mundo-piden-a-maduro-cumplir-resolucion-de-onu-y-liberar-inmediatamente-a-leopoldo-lopez>.

⁴⁰² Nicolás Ardito-Barletta, Oscar Arias, José María Aznar, Belisario Betancur, Armando Calderón Sol, Felipe Calderón, Rafael Ángel Calderón F., Fernando Henrique Cardoso, Laura Chinchilla Miranda, Alfredo Cristiani, Fernando de la Rúa, Eduardo Duhalde, Vicente Fox, Eduardo Frei, César Gaviria, Felipe González, Lucio Gutiérrez, Osvaldo Hurtado L., Luis Alberto Lacalle, Ricardo Lagos, Ricardo Martinelli, Luis Alberto Monge, Mireya Moscoso, Andrés Pastrana, Sebastián Piñera, Jorge Quiroga, Miguel Ángel Rodríguez, Julio M. Sanguinetti, Alejandro Toledo, Álvaro Uribe, & Juan Carlos Wasmosy, Declaration of the Ex-Presidents on the Venezuelan Electoral Process, IDEA, Sept. 23, 2015, available at http://www.prensa.com/mundo/IDEAdecloracionelecciones230915_LPRFIL20150923_0002.pdf.

⁴⁰³ Felipe González, *sobre la condena a Leopoldo López*, "Venezuela se ha convertido en una dictadura de facto," EL MUNDO, Sept. 11, 2015, available at <http://www.elmundo.es/internacional/2015/09/11/55f2a399ca4741c7168b457e.html>.

⁴⁰⁴ *Saludo a los demócratas de Venezuela*, Eduardo Frei Ruiz-Tagle & Ricardo Lagos, EL PAÍS, Sept. 14, 2105, available at http://internacional.elpais.com/internacional/2015/09/14/actualidad/1442249181_299570.html.

“My solidarity with Leopoldo López whose spurious sentence is a stain on democracy in Latin America.” – Alejandro Toledo, Former President of Peru⁴⁰⁵

“Today a great Latin American democrat was unjustly sentenced. All our solidarity with Lilian Tintori and Antonieta López.” – Andrés Pastrana, Former President of Colombia⁴⁰⁶

“Our hope for Leopoldo López’s freedom lies in the knowledge that the Venezuelan tyranny has little time left.” – Álvaro Uribe, Former President of Colombia⁴⁰⁷

“The world’s democrats should all be fighting for the freedom of Leopoldo López.” – Sebastian Piñera, Former President of Chile⁴⁰⁸

“Anger from democrats all over the world because of the conviction of Leopoldo López. Who can stay quiet?” – Felipe Calderón, Former President of Mexico⁴⁰⁹

“It is not acceptable that there are citizens convicted in Venezuela for reasons that are only due to political persecution. Those who defend freedom, democracy and human rights will not abandon this cause and we will continue to demand the release of Leopoldo López.” – José María Aznar, Former Prime Minister of Spain⁴¹⁰

“Whether Venezuela can return to being known as a democracy that respects human rights depends on the release of all political prisoners and the release of Leopoldo López.” – Óscar Arias, Former President of Costa Rica and Nobel Peace Prize Laureate⁴¹¹

“[The imprisonment of political prisoners,] an act that puts in question all that is righteous in our society and our country. Don’t bring people to jail, get them to work....our wisdom depends on our being united.” – Lech Walesa, former Prime Minister of Poland and Nobel Peace Prize Laureate⁴¹²

⁴⁰⁵ *Tweet by Former President of Peru Alejandro Toledo – Sept. 11, 2015, available at* <https://twitter.com/AlejandroToledo>.

⁴⁰⁶ *Tweet by Former President of Colombia Andrés Pastrana – Sept. 10, 2015, available at* https://twitter.com/AndresPastrana_.

⁴⁰⁷ *Tweet by Former President of Colombia Álvaro Uribe Vélez – Sept. 11, 2015, available at* <https://twitter.com/AlvaroUribeVel>.

⁴⁰⁸ *Tweet by Former President of Chile Sebastian Piñera – Sept. 11, 2015, available at* <https://twitter.com/sebastianpinera/status/642292813711994880>.

⁴⁰⁹ *Tweet by Former President of Mexico Felipe Calderón – Sept. 11, 2015, available at* <https://twitter.com/FelipeCalderon/status/642320022816301056>.

⁴¹⁰ *Aznar ve en la condena a Leopoldo López "un atentado al Estado de Derecho" y exige observación internacional ya*, EL DIARIO, Sept. 11, 2015, available at http://www.eldiario.es/politica/Aznar-Leopoldo-Lopez-Derecho-internacional_0_429757682.html.

⁴¹¹ *Expresidente Oscar Arias pide liberación de Leopoldo López*, LA PRENSA, Feb. 18, 2016, available at http://www.prensa.com/mundo/Expresidente-Arias-liberacion-Leopoldo-Lopez_0_4418558249.html#sthash.4aPynw0l.59pVFqOA.dpuf.

⁴¹² *Óscar Arias y Lech Walesa claman por libertad de Leopoldo López*, NOTITARDE, Feb. 18, 2016, available at <http://www.notitarde.com/Pais/Oscar-Arias-y-Lech-Walesa-claman-por-libertad-de-Leopoldo-Lopez/2016/02/18/889526/>.

“The International Advisory Board of the Forum 2000 Foundation considers the arrest against Mr. López to be arbitrary as it breaches his civil and political rights. We hold Mr. López to have purely exercised his right to freedom of expression and association during the protests in his homeland and advocated for peace and dialogue. We reiterate our firm conviction that such rights and guarantees should not be trampled on and we urge the Venezuelan authorities to abide by international law and safeguard the civil and political rights of Mr. López.” – The International Advisory Board of the Forum 2000 Foundation, including Aung San Suu Kyi, Prince Hassan bin Talal, Frederik Willem de Klerk, Ivan M. Havel, Adam Michnik, Šimon Pánek, and Yohei Sasakawa⁴¹³

“The free association of politicians, businessmen, and intellectuals expresses their full agreement and support for the request made to Venezuela by the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, to release arbitrarily arrested political opponents as well as the recent opinion of the UN Working Group urging Venezuela to free Leopoldo Lopez, Enzo Scarano and Daniel Ceballos.” –*Foro Iberoamérica*, including ex-presidents Felipe González (Spain), Fernando Henrique Cardoso (Brazil), Ricardo Lagos (Chile), Julio María Sanguinetti (Uruguay), and Belisario Betancur (Colombia)⁴¹⁴

“We call for the immediate release of Leopoldo López, the cessation of harassment against the opposition and the restoration of plurality in the media and in electoral and judicial bodies.” – Mario Vargas Llosa, Fernando Savater, Enrique Krauze, Rafael Cadenas, Moisés Naím, and 16 other public intellectuals⁴¹⁵

“The Government repression against the legitimate exercise of the right to peaceful protest is unjustifiable, unacceptable and outrageous . . . In particular, it should be a demand of international democratic consciousness that the order of arrest for Leopoldo López is suspended. Freedom is indivisible, and one cannot be free in his own country, if others are not free in theirs.” – Sergio Ramírez, writer and former Vice President of Nicaragua, and Edmundo Jarquín, Nicaraguan politician⁴¹⁶

“Leopoldo López and the political prisoners in Venezuela should be released without delay.” – Bill Clinton, former U.S. President⁴¹⁷

⁴¹³ Aung San Suu Kyi, Prince Hassan bin Talal, Frederik Willem de Klerk, Ivan M. Havel, Adam Michnik, Šimon Pánek, and Yohei Sasakawa, *Forum 2000 International Advisory Board Calls for the Release of Leopoldo López*, FORUM 2000, Mar. 20, 2014, available at <https://www.forum2000.cz/en/about-us/news-archive/detail/forum-2000-international-advisory-board-calls-for-the-release-of-leopoldo-lopez/?wWGoVWldXQVBFFm8=50>.

⁴¹⁴ *Líderes políticos reunidos en Foro Iberoamérica piden liberación de Leopoldo López y Ceballos*, NOTICIAS24 CARABOBO, July 11, 2014, available at <http://noticias24carabobo.com/actualidad/noticia/56939/lideres-politicos-reunidos-en-foro-iberoamerica-piden-liberacion-de-leopoldo-lopez-exigida-por-onu/>.

⁴¹⁵ Mario Vargas Llosa, Enrique Krauze, Antonio Muñoz Molina & 17 others, *Solidaridad con Venezuela*, EL PAÍS, Aug. 6, 2014, available at http://elpais.com/elpais/2014/08/05/opinion/1407253359_026592.html.

⁴¹⁶ Edmundo Jarquín & Sergio Ramírez, *Declaración de Personalidades Nicaragüenses Sergio Ramírez y Edmundo Jarquín sobre situación en Venezuela*, FUNDACIÓN ARIAS PARA LA PAZ Y EL PROGRESO HUMANO, Feb. 18, 2014, available at <http://arias.or.cr/declaracion-de-personalidades-nicaraguenses-sergio-ramirez-y-edmundo-jarquín-sobre-situación-en-venezuela>.

⁴¹⁷ *Tweet Former US President Bill Clinton—Feb. 19, 2015*, available at <https://twitter.com/billclinton/status/568605975286026241>.

“The United States is deeply troubled by the conviction and sentencing of opposition leader Leopoldo Lopez. The decision by the court raises great concern about the political nature of the judicial process and verdict, and the use of the Venezuelan judicial system to suppress and punish government critics.” – John Kerry, U.S. Secretary of State⁴¹⁸

“Just last week, hundreds of thousands of Venezuelans converged on Caracas to demand their constitutional right to a presidential recall referendum. Their voices must not be ignored. A recall referendum should take place by the end of this year, and the Venezuelan constitution should be respected. And political prisoners should be released.” – U.S. Vice President Joe Biden⁴¹⁹

“It is unfortunate that the appeal hearing for jailed Venezuelan opposition leader Leopoldo López, scheduled for today, has once again been postponed. It bears recalling that the United Nations Working Group on Arbitrary Detention had determined his imprisonment was arbitrary and called for his release ‘forthwith’, and for ‘full redress’...The single most tangible action President Nicolás Maduro can take to demonstrate his commitment to dialogue is to release his political opponents, including not only Leopoldo López but also Antonio Ledezma, Daniel Ceballos and others.” – Stéphane Dion, Canadian Foreign Minister⁴²⁰

“Venezuelan opposition leader Leopoldo López has today spent four months in custody. And there is still not even a trial.” – Carl Bildt, Former Swedish Prime and Foreign Minister⁴²¹

“They have Leopoldo López in a white tower, isolated and in deplorable and inhumane conditions. All this because he has a political view different from that of Nicolás Maduro. This is something that, as a democratic nation, we cannot tolerate. We demand his freedom and remain concerned about Venezuela, because a government that holds political prisoners is not democratic.” – José Serra, Brazilian Foreign Minister⁴²²

“With regard to the sentencing in the case of Leopoldo López and four other Venezuelan citizens, the Government of Perú wishes to express its concern over the internal polarization that has affected its sister Bolivarian Republic of Venezuela...[Perú] calls for the prioritization of dialogue,

⁴¹⁸ Press Statement, *Conviction of Leopoldo Lopez*, U.S. DEPARTMENT OF STATE, Sept. 11, 2015, available at <http://m.state.gov/md246824.htm>.

⁴¹⁹ *Remarks by Vice President Joe Biden at the 20th Annual CAF Conference*, THE WHITE HOUSE, OFFICE OF THE VICE PRESIDENT, Sept. 7, 2016, available at <https://www.whitehouse.gov/the-press-office/2016/09/08/remarks-vice-president-joe-biden-20th-annual-caf-conference>.

⁴²⁰ Press Statement, *Statement by Minister Dion on Venezuela*, GLOBAL AFFAIRS CANADA, July 7, 2016, available at <http://news.gc.ca/web/article-en.do?nid=1095979>.

⁴²¹ *Tweet by Swedish Foreign Minister Carl Bildt—Jun. 18, 2014*, available at <https://twitter.com/carlbildt/status/479202454849208320>.

⁴²² *Canciller brasileño: Un gobierno que mantiene presos politicos no es democrático*, LA PATILLA, Aug. 18, 2016, available at <https://www.lapatilla.com/site/2016/08/18/canciller-brasileno-un-gobierno-que-mantiene-presos-politicos-no-es-democratico/>.

urging the various political forces to maintain peace and tranquility at this time.” – Foreign Ministry of Peru⁴²³

“[The Foreign Ministry of Paraguay] has carefully followed the developments concerning Leopoldo López who, along with other student leaders, has been sentenced in the court of first instance. With regard to this, [the Ministry] hopes that they are able to exercise the right of the defense in trial and the procedural rights in the higher court to which they can appeal, with full adherence to due process and adequate respect for the fundamental rights enshrined and universally recognized in international treaties.” – Foreign Ministry of Paraguay⁴²⁴

“[The Foreign Ministry of Chile] has attentively followed the developments concerning Mr. Leopoldo López and four student leaders and, now, the condemning sentence imposed against them in the court of first instance... We hope that the judicial guarantees of due process and the available evidence are observed so that those affected can appeal the decision of the trial court. All of this in accordance with full respect of the fundamental human rights universally recognized and enshrined in the various international treaties that obligate our States.” – Foreign Ministry of Chile⁴²⁵

“Whereas domestic and international human rights groups recognize more than 85 political prisoners in Venezuela, including...opposition leader and former Chacao mayor Leopoldo Lopez...the House of Representatives...calls on the Government of Venezuela to immediately release all political prisoners, including United States citizens, to provide protections for freedom of expression and assembly, and to respect internationally recognized human rights.” – U.S. House of Representatives⁴²⁶

“The only head of state in Latin America who has met with President Maduro and asked specifically for the release of Leopoldo Lopez has been President Bachelet. She did this as a head of state, she made no fuss about it, but she did it. Now whether President Maduro will listen to anyone, that's another subject.” – Jorge Tarud, Representative in the Parliament of Chile⁴²⁷

“[We] request the release of all political prisoners in Venezuela, all those who for representing democratic values or thinking differently have been deprived of their liberty... Our call for the

⁴²³ María Elena Alvarez, *Perú y Paraguay se suman a preocupación por condena de Leopoldo López*, LA TERCERA, Sept. 15, 2015, available at <http://www.latercera.com/noticia/politica/2015/09/674-647349-9-peru-y-paraguay-se-suman-a-preocupacion-por-condena-de-leopoldo-lopez.shtml>.

⁴²⁴ Press Release, MINISTERIO DE RELACIONES EXTERIORES DE PARAGUAY, Sept. 14, 2015, available at <http://www.mre.gov.py/v2/Noticia/3177/comunicado-de-prensa>.

⁴²⁵ Press Release, MINISTERIO DE RELACIONES EXTERIORES DE CHILE, Sept. 12, 2015, available at <http://www.minrel.gob.cl/minrel/site/artic/20150912/pags/20150912223658.html>.

⁴²⁶ *H.Res.851 – Expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes*, U.S. HOUSE OF REPRESENTATIVES, Adopted Sept. 27, 2016.

⁴²⁷ Mario José Vega, *Tarud Asegura que Bachelet Pidió a Maduro Liberar a Leopoldo López*, 24 HORAS.CL, Mar. 3, 2015, available at <http://www.24horas.cl/politica/tarud-asegura-que-bachelet-pidio-a-maduro-liberar-a-leopoldo-lopez-1596680>.

release of Leopoldo Lopez and Antonio Ledezma symbolizes this call for the release of everyone.” – Senate of Chile⁴²⁸

“We demand the release of all political prisoners in Venezuela, who as members of the democratic opposition...have been captured by the government, as evident with opposition leaders Leopoldo Lopez and Antonio Ledezma.” – Senate of Colombia⁴²⁹

“[We] demand the immediate release of the leader of *Voluntad Popular*, Leopoldo Lopez, the Mayor of Caracas, Antonio Ledezma, the Mayor of San Cristobal, Daniel Ceballos, and other members of the oppositions, students and demonstrators arbitrarily imprisoned in Venezuela in the wake of the peaceful protests staged in January 2014.” – Congress of Deputies of Spain⁴³⁰

“The imprisoning of the opposition is worrisome for when trying to strength the climate of democracy, which we need in Latin America and in South America, things like this generate much concern.” – Foreign Minister of Uruguay, Rodolfo Nin Novoa⁴³¹

“More than 100 Venezuelan political prisoners should be freed....Among them, leader of *Voluntad Popular*, Leopoldo López, [who has been] sentenced to thirteen years and nine months in prison in a farse of a trial.” – Congress of Deputies of Spain⁴³²

“Be it resolved that the Subcommittee condemns the arbitrary and illegal detention and imprisonment of Mr. López and the violations of his fundamental freedoms and rights to a fair trial as guaranteed under international law and the Venezuelan constitution... [and] calls for the release of Leopoldo López . . . and all political prisoners in the country.” – Subcommittee on International Human Rights of the House of Commons of Canada.⁴³³

“The fight for amnesty is the first step towards national reconciliation.” – Roberto Gil Zuarth, President of the Mexican Senate⁴³⁴

⁴²⁸ *Senado Chileno Solicitó Liberación de Presos Politicos Venezolanoos*, EL CARABOBEÑO, Apr. 14, 2015, available at <http://m.el-carabobeno.com/articles/show/102589>.

⁴²⁹ *Senado Exige liberación de Leopoldo López y Antonio Ledezma*, EL TIEMPO, Apr. 15, 2105, available at <http://www.eltiempo.com/politica/congreso/piden-liberacion-de-leopoldo-lopez-y-antonio-ledezma/15576317>.

⁴³⁰ *El Congreso Pide la Liberación de los Opositores Venezolanos en Prisión*, EL PAÍS, Apr. 15, 2015, available at http://politica.elpais.com/politica/2015/04/14/actualidad/1429027060_434534.html.

⁴³¹ *Encarcalamiento de opositores en Venezuela es “preocupante”*: Canciller Uruguay, REUTERS, Apr. 6, 2015, available at <http://lta.reuters.com/article/domesticNews/idLTAKBN0MX13S20150406>.

⁴³² *Proposición no de Ley sobre apoyo a la Ley de Amnistía y Reconciliación de la República Bolivariana de Venezuela. (161/000419)*, EL CONGRESO DE DIPUTADOS DE ESPAÑA, Apr. 12, 2016, available at http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas?_piref73_2148295_73_1335437_1335437.n ext_page=/wc/servidorCGI&CMD=VERLST&BASE=IW11&PIECE=IWC1&FMT=INITXD1S.fmt&FORM1=INIT XLUS.fmt&DOCS=3-3&QUERY=%28I%29.ACIN1.+%26+%28VENEZUELA%29.OBJE.

⁴³³ *House of Commons Subcommittee on International Human Rights Condemn Venezuela’s Arbitrary and Illegal Detention and Imprisonment of Opposition Leader Leopoldo López*, SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS OF THE HOUSE OF COMMONS OF CANADA, Adopted Nov. 27, 2014.

⁴³⁴ Press Release, SENADO DE LA REPÚBLICA DE MÉXICO, Feb. 19, 2015, available at <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/26352-el-senado-mexicano-se-solidariza-con-venezuela-su-lucha-es-la-lucha-de-muchos-roberto-gil-zuarth.html>.

“The situation of Leopoldo López, other political leaders, and university students detained cannot pass unnoticed one minute more in the eyes of the international community. This case has become the symbol of those who believe that it is not acceptable, under any circumstances, to repress citizens for publicly expressing their political opinion, whatever it is, if it is consistent with the Supreme values of freedom and democracy” – José Antonio Kast and 63 Others, Representatives in the Parliament of Chile⁴³⁵

“We demand the immediate, unconditional release of the prominent Venezuelan opposition leader, Leopoldo Lopez.” – Representatives from the Parliaments of El Salvador, Guatemala, and Nicaragua⁴³⁶

“Yesterday’s sham trial is indicative of the corrupt judicial system in Venezuela that is being used to silence freedom-loving individuals who seek justice” – U.S. Congresswomen Debbie Wasserman-Schultz (D-FL) and Ileana Ros-Lehtinen (R-FL)⁴³⁷

“1000 days since Venezuela unjustly jailed opposition leader Leopoldo López, routinely denied the right to see his wife, kids, and lawyer. He should be freed immediately.” – U.S. Ambassador to the United Nations, Samantha Power⁴³⁸

Media:

Top 100 Global Thinkers of 2014 for “upending the tactics of Venezuela’s loyal opposition.” – *Foreign Policy*⁴³⁹

“The charges against Mr. López, a Harvard-educated former mayor of one of the municipalities that make up Caracas, were scurrilous... The government, in its criminal complaint, preposterously claimed that Mr. López had incited Venezuelans to violence through subliminal messages... The Organization of American States, the Union of South American Nations and Latin American presidents all should be denouncing the imprisonment of an innocent man and demanding his release.” – *New York Times* Editorial Board⁴⁴⁰

⁴³⁵ R. Alvarez, *UDI Entrega Carta a Bachelet para que Intervenga por Violaciones a DD.HH en Venezuela*, LA TERCERA, Aug. 22, 2014, available at <http://www.latercera.com/noticia/politica/2014/08/674-592522-9-udi-entrega-carta-a-bachelet-para-que-intervenga-por-violaciones-a-ddhh-en.shtml>.

⁴³⁶ *Diputados centroamericanos piden liberación de López y Ledezma*, EL UNIVERSAL, Mar. 9, 2015, available at <http://www.eluniversal.com/nacional-y-politica/150309/diputados-centroamericanos-piden-liberacion-de-lopez-y-ledezma/>.

⁴³⁷ *Joint Statement by U.S. Representatives, Ileana Ros-Lehtinen and Debbie Wasserman Schultz in Washington DC—Jul. 24, 2014*, available at <http://ros-lehtinen.house.gov/press-release/joint-statement-us-reps-ileana-ros-lehtinen-and-debbie-wasserman-schultz-continuing>.

⁴³⁸ *Tweet by U.S. Ambassador to the United Nations Samantha Power—Nov. 14, 2016*, available at <https://twitter.com/AmbassadorPower/status/798220202747887616>.

⁴³⁹ *Top 100 Global Thinkers of 2014*, FOREIGN POLICY, Nov 2014, available at <http://globalthinkers.foreignpolicy.com/#challengers/detail/lopez>.

⁴⁴⁰ The Editorial Board, *Free Venezuela’s Leopoldo López*, THE NEW YORK TIMES, Sept. 13, 2015, available at <http://www.nytimes.com/2015/09/14/opinion/free-venezuelas-leopoldo-lopez.html>.

“Mr. López is jailed for inciting violence during 2014 antigovernment street protests. But his real crime is that he’s a leader of the struggle to restore Venezuelan democracy and has shown no fear in confronting strongman Nicolás Maduro.” – *Wall Street Journal* Editorial Board⁴⁴¹

“We’ve often written about one-sided political trials...but for sheer brazenness, nothing quite matches Venezuela’s prosecution of opposition leader Leopoldo López, who on Thursday was sentenced to nearly 14 years in prison...To call this case “a complete travesty of justice,” as did Human Rights Watch, gives it more credit than it deserves. It was nothing more than a crude propaganda show and a device for shutting down an opponent the regime greatly fears...To deter more lawlessness, the United States should sanction every person who participated in the prosecution of Mr. López, starting with the judge and prosecutors. If Venezuela is to have a democratic exit from its mounting chaos, clear and concerted action by the United States and other outside powers will be essential in the coming months.” – *Washington Post* Editorial Board⁴⁴²

“If President Nicolas Maduro believed that he could neutralize the Venezuelan opposition by arbitrarily imprisoning one of its leaders, Leopoldo López, the two years that have elapsed since then have done nothing but prove his error. The opposition won the massive support of its citizens in the legislative elections of December and López, far from fading into obscurity in Venezuelan and world opinion, has become the most well-known political prisoner in Latin America. No excuses of any kind can stand in the way of his immediate release. The prolongation of his detention is a flagrant violation of human rights.” – *El País* (Spain)⁴⁴³

“In February of this year, the Venezuelan opposition leader Leopoldo López was imprisoned by the Chavez regime, accused—without any foundation . . . In the middle of [his] . . . custody by an authoritarian Government, the Working Group on Arbitrary Detention of the United Nations made public a decision that not only expresses their objection to his detention, but also recommends his immediate release . . . It is true that, more than presenting new information, the decision confirms what we already knew: the trial of Leopoldo López is unfair and arbitrary . . . To the irregularities denounced by the UN we could add many more. Well, what is at stake in the case of Leopoldo López is now much more than the declaration of his innocence. López is perhaps the most visible but not the only victim of the Venezuelan regime. Mr. Nicolás Maduro and the rest of the ruling party are proving that they have no qualms in violating the human rights of Venezuelans. We hope that, as the Working Group of Arbitrary Detention of the United Nations opened its eyes to the case of Venezuela, their neighbors in Latin America may do the same.” – *El Comercio* (Peru)⁴⁴⁴

“Mr. Maduro and government media are trying to portray Mr. López as an extremist, calling him “the face of fascism” and alleging he was plotting a coup. In fact, the 42-year-old former mayor is

⁴⁴¹ The Editorial Board, *Venezuela’s Descent*, THE WALL STREET JOURNAL, Aug. 14, 2016, available at <http://www.wsj.com/articles/venezuelas-descent-1471213512>.

⁴⁴² The Editorial Board, *A Venezuelan Opposition Leader’s Absurd Sentence*, THE WASHINGTON POST, Sept. 11, 2015, available at https://www.washingtonpost.com/opinions/a-venezuelan-opposition-leaders-absurd-sentence/2015/09/11/5d277f2a-5897-11e5-abe9-27d53f250b11_story.html.

⁴⁴³ Consejo Editorial, *López, Preso pero Libre*, EL PAÍS, Mar. 15, 2016, available at http://elpais.com/elpais/2016/03/15/opinion/1458066312_243990.html.

⁴⁴⁴ *Violación en Venezuela*, EL COMERCIO, Oct. 10, 2014, available at <http://elcomercio.pe/opinion/editorial/editorial-violacion-venezuela-noticia-1761947>.

a left-leaning, Harvard-educated moderate who has proven over a decade that he is committed to peaceful and democratic change.” – *Washington Post* Editorial Board⁴⁴⁵

“The only evident fact is that Mr. López was turned into a prisoner of conscience for having exercised his right to free speech in leading peaceful protests. The U.S. government should sanction everyone involved in this scandalous incident and lead a regional campaign to support fair elections in Venezuela later this year.” – *Miami Herald* Editorial Board⁴⁴⁶

Conclusion

Leopoldo López’s ongoing detention is punishment for exercising his fundamental rights to freedoms of opinion and expression, peaceful assembly, and to be elected and take part in political affairs. In addition, his detention has also failed to meet international standards for due process of law, including the right to be tried before an independent and impartial judiciary, the right to be presumed innocent until proven guilty, and the right to have confidential attorney-client communications. Accordingly, and as confirmed by the UN Working Group on Arbitrary Detention, his detention is arbitrary as established by international law and he should be immediately released from prison.

⁴⁴⁵ The Editorial Board, *Venezuela’s Neighbors Have to Work to Stem the Chaos*, THE WASHINGTON POST, Feb. 18, 2014, available at http://www.washingtonpost.com/opinions/venezuelas-neighbors-have-to-work-to-stem-the-chaos/2014/02/18/f0fedae0-98cc-11e3-b931-0204122c514b_story.html.

⁴⁴⁶ The Editorial Board, *Venezuela Sinks Deeper*, THE MIAMI HERALD, Sept. 17, 2015, available at <http://www.miamiherald.com/opinion/editorials/article35639268.html>.

Appendix I – Overview of Past Political Persecution Against Leopoldo López by Venezuelan Government: False Accusations and Disqualification to Exercise Political Rights Without Due Process of Law

As discussed in the three sections below, López has been the victim of political persecution at the hands of the Government. Its goal is to silence him for fear that his vision of a democratic Venezuela will undermine the status quo and strip away the current administration's political power.

Despite being hailed as running the most transparent municipality in Venezuela by Transparency International,⁴⁴⁷ López was banned from running for and holding a political position for six years beginning in 2008. Though he acted appropriately, two administrative actions found López administratively responsible for acts of corruption. Because these were administrative proceedings, López was never tried nor convicted in any court of law. In 2011, the Inter-American Court of Human Rights issued a judgment finding that López's disqualification from political office was a violation of international law and ordered that he be allowed to hold and run for office. However, the Supreme Justice Tribunal of Venezuela refused to implement this ruling.

Furthermore, the Government filed charges against López in 2004 for an alleged involvement in the attempted 2002 coup. All of these proceedings are without merit, however, and are simply an attempt by the Government to remove López as an opposition figure.

Finally, in addition to these false court charges, there have been repeated attempts on López's life. In sum, these violent attacks against his person combined with the false charges and court proceedings demonstrate that the Government views López as a political threat. It is this past persecution which sets the context for the current charges.

1. Leopoldo López Banned From Politics 2008-2014

Administrative Proceeding on Alleged "Conflict of Interest" while an Employee at Petróleos de Venezuela S.A. (2004)

In 2004, Leopoldo López was banned from running for public office for three years due to allegations that he improperly received public money in 1998. At the time in question, López was employed within the Office of the Chief Economist at *Petróleos de Venezuela S.A.* ("PDVSA") as an Analyst of the National Environment.⁴⁴⁸ He was also a member of the Board of Directors for the non-profit civil association *Primero Justicia*.⁴⁴⁹ López's mother, Antonieta Mendoza de López, was a Manager of Public Affairs at *División de PDVSA Petróleo y Gas, S.A.*, a subsidiary of PDVSA.⁴⁵⁰

⁴⁴⁷ *Oslo Freedom Forum*, *supra* note 18.

⁴⁴⁸ *Case of López Mendoza v. Venezuela*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 233, ¶ 40 (Sep. 1, 2011), available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_233_ing.pdf [hereinafter *Inter-Am. Ct. H.R. (ser. C) No. 233*].

⁴⁴⁹ *Id.* at ¶ 40.

⁴⁵⁰ See generally *Inter-Am. Ct. H.R. (ser. C) No. 233*, *supra* note 448, at ¶ 42.

It is common practice for PDVSA to donate money to local nonprofits. In 1998, the PDVSA Board of Directors held a contest for nonprofits to apply to receive donations. Around 600 nonprofits applied, and PDVSA approved donations to over 200 organizations. Two donations made in 1998 by PDVSA to the civil association *Primero Justicia* were cited in the administrative action as reason for López's ban. These donations were executed under an agreement made between the Inter-American Foundation and PDVSA dated June 24, 1998. Both the board of the IAF and the board of PDVSA independently approved these donations; the donations were also integrated and reflected in the Social Investment Budget of both organizations.

No members of the PDVSA Board of Directors were never investigated nor punished for granting the funds. Neither was the President of *Primero Justicia* at the time, Dr. Alirio Breu Burelli. The only people accused of any wrongdoing were López and his mother, despite the fact that at no time did López personally receive any money donated to *Primero Justicia*, nor did Mrs. Mendoza de López have any role in selecting which non-profits received the grants.

The donations in question are as follows. On December 23, 1998, PDVSA donated Bs. 60,060,000 (U.S. \$ 117, 764.00) to *Primero Justicia* to fund a project⁴⁵¹ aimed at increasing the number of justices of the peace and thereby increase Venezuelans' access to judicial services.⁴⁵² A separate donation of Bs. 25,000,000 (U.S. \$ 49,019.00) was made to *Primero Justicia* on September 11, 1998 to support the project "*Educando Para La Justicia 1998-1999*" ("Educating for Justice 1998-1999").⁴⁵³

In an audit conducted by the Internal Comptroller of PDVSA completed on May 22, 2001, it was specifically noted that the cash flow and use of donations demonstrated that the money was used for its intended purpose. López never personally received nor benefited from these donations. Nevertheless, an administrative proceeding was initiated against López on July 15, 2004—despite no wrongdoing on his part—and in violation of a five-year statute of limitations to bring administrative actions in Venezuela.⁴⁵⁴

Despite López never receiving the money, and Mrs. Mendoza de López's lack of involvement in the selection of *Primero Justicia* as a recipient, the Office of the Determination of Responsibility of the Comptroller General of the Republic ("Office of the Determination of Responsibility") issued an order declaring López administratively responsible for a conflict of interest on October 29, 2004.⁴⁵⁵ The order imposed a fine on both López and Mrs. Mendoza de López for Bs. 1,243,200 (U.S. \$647.50 at that time).⁴⁵⁶

⁴⁵¹ The project was labeled "Expansión y consolidación de la justicia de paz en los Estados Monagas, Anzoátegui, Sucre y Delta Amacuro: una oportunidad para la equidad en un context de crecimiento económico Regional" ("Expansion and consolidation of justice for peace in the States of Monagas, Anzoátegui, Sucre, and Delta Amacuro: an opportunity for equity in a context of regional economic growth"). See Inter-Am Ct. H.R. (ser. C) No. 233 ¶ 41.

⁴⁵² See generally Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶ 41.

⁴⁵³ *Id.* at ¶ 41.

⁴⁵⁴ *Id.* at ¶ 51.

⁴⁵⁵ *Id.* at ¶ 54.

⁴⁵⁶ *Id.* at ¶ 55.

Almost ten months later and without a new administrative hearing, the Comptroller General issued Resolution No. 01-00-000206 on August 24, 2005. This resolution banned López from holding public office for a period of three years.⁴⁵⁷ The Comptroller General forwarded the administrative action to the Public Prosecutor's Office on December 2, 2004, for a simultaneous "corresponding criminal investigation."⁴⁵⁸ However, criminal charges were not brought against López until almost a decade later,⁴⁵⁹ in February 2013—again in violation of the five-year statute of limitations. These charges accuse López of "influence peddling" and are still ongoing.⁴⁶⁰

Administrative Proceeding on Budget Decision as Mayor of Chacao (2004)

Legislation created the Metropolitan District of Caracas ("Metropolitan District") on March 8, 2000. The Metropolitan District officially came into existence on August 30, 2000, with the swearing in of the first Metropolitan Mayor.

Each year, municipalities that make up the Metropolitan District must transfer 10% of their tax revenue from two years earlier, along with 10% of funds granted by the federal government in the current fiscal year.⁴⁶¹ In the first year these payments were due under this new system, Chacao initially made a mistake in the amount of money it allocated to transfer to the Metropolitan District.

All municipalities must set their budgets for the following year by October 31. Chacao thus set its 2002 budget on October 31, 2001. After correctly budgeting 10% of its anticipated 2002 federal funds, Chacao mistakenly budgeted its estimated tax revenue for all of 2001, in addition to the last four months of 2000 (September through December, after the Metropolitan District was validly constituted). However, as mentioned above, Chacao did not need to transfer its 2001 tax revenue until 2003. The rationale for this approach is that municipalities do not know what their actual tax revenue for the current tax year in October, months before the remaining taxes for the municipality are actually collected.

Once Chacao realized this mistake, the money originally budgeted for the Metropolitan District of Caracas was returned to the general fund of the Chacao treasury at the directive of Mayor Leopoldo López, who confirmed the legality of conducting such a transaction with the independent Municipal Comptroller. As Chacao is one the wealthiest municipality in Venezuela, total revenue dwarfs federal funds received. Therefore, removing 10% of its funds over an entire year greatly reduced the amount of money transferred to the Metropolitan District as compared to what had been originally budgeted.

⁴⁵⁷ See generally Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶¶ 58-59.

⁴⁵⁸ *Id.* at ¶ 64 [external citations omitted].

⁴⁵⁹ Chávez *Opponent Charged With Influence Peddling*, ASSOCIATED PRESS, Feb. 28, 2013, available at <http://bigstory.ap.org/article/Chávez-opponent-charged-influence-peddling>.

⁴⁶⁰ *Id.*

⁴⁶¹ Special Law on the Regime of the Metropolitan District of Caracas, Art. 22, Ordinal 4, 5; Inter-Am. Ct. H.R. (ser. C) No. 233, ¶ 65 (citing Judgment No. 912 of August 6, 2008, of the Political-Administrative Chamber of the Supreme Tribunal of Justice, Case file No. 2005-5124).

Municipalities have the power to authorize additional allocations to their expense budgets by declaring total or partial annulments of excess budgetary funds not used in full.⁴⁶² In accordance with this law, Mayor López passed Resolution No. 14802 on October 25, 2002, which “declared a partial shortage of some budget appropriations.”⁴⁶³ The Chacao City Council then reallocated a portion of the money originally allocated for the Metropolitan District for things such as payment to the police and fire departments, teachers, and electricity, telephone, garbage, water and maintenance service. Mayor López publicly announced this reallocation of funds during a news conference.

As noted previously, prior to transferring the excess budgetary funds back into the Treasury, Mayor López consulted with the Municipal Comptroller of Chacao—which is an entity separate and independent from the Chacao Mayor’s Office. The independent Chacao City Council also explicitly approved the reallocation of funds, which was required by law. Later, the Municipal Comptroller submitted a written report in support of these actions.⁴⁶⁴

Despite municipalities possessing the power to authorize additional allocations, and endorsement by two independent entities of this administrative decision to do so, the Office of Municipal Oversight within the Comptroller’s Office (“Office of Municipal Oversight”)—which is a Federal Executive agency—began an investigation on December 6, 2002, regarding the “use given to the resources [originally] destined for the Metropolitan Mayor[’]s Office of Caracas.”⁴⁶⁵ This investigation was commenced only when a member of the Chacao City Council made a complaint to the Office of Municipal Oversight. This council member was a member of the same political party as President Hugo Chávez and was politically opposed to Mayor López and his party.

On September 9, 2003, the Office of Municipal Oversight issued a report.⁴⁶⁶ This report inaccurately stated that Chacao should have paid 10% of its tax revenue from 2001. Mayor López was not afforded the opportunity to give input or submit evidence that the correct procedure was followed. Subsequently, the Office of Municipal Oversight created administrative record No. 07-02-PI-2003-020 and ordered that legal notice be provided by López.⁴⁶⁷ Six of the seven city council members were also investigated and declared administratively responsible, while the seventh member, who was a member of Chávez’s party and called for the initial investigation, was never investigated.

On April 26, 2004, a Report on Results was issued by the Office of Municipal Oversight, which incorrectly found that the money originally allocated to the Metropolitan District “constitute[d] a legal obligation... by which they cannot be used for means distinct from those

⁴⁶² Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶ 65.

⁴⁶³ *Id.* at ¶ 66 (citing Official Letter DA. 3255.10.2002 and DA. 3253.10.2022 signed by López Mendoza on October 28, 2002).

⁴⁶⁴ *Id.* at n. 171 (citing Note No. CMDC/GL/776, Nov. 18, 2002).

⁴⁶⁵ *Id.* at ¶ 67 (quoting Official Letter No. 07-02-4457 of December 6, 2002, from the Office of Municipal Oversight to the Municipality of Chacao).

⁴⁶⁶ *Id.* at ¶ 68.

⁴⁶⁷ *Id.* at ¶ 70.

foreseen.”⁴⁶⁸ The report also erroneously stated that Chacao should have paid 10% of their 2001 tax revenue in their 2002 budget to the Metropolitan District.

The administrative case was then transferred to another office within the Comptroller General, the Office of Determination of Responsibility of the General Office of Special Procedures of the Comptroller General (“Office of Determination of Responsibility”), which is within the same Federal agency as the Office of Municipal Oversight. A public hearing was held on October 26, 2004. On November 2, 2004, the Office of Determination of Responsibility issued an order finding López administratively responsible for what it claimed was a flawed budget reallocation.⁴⁶⁹ The Office of Determination of Responsibility made no finding regarding the amount owed to the Metropolitan District. The order solely regarded the decision to reassign money to the general fund within the treasury and then reallocate this money for other purposes.

Consequently, López was fined Bs. 8,140,000, equivalent at the time to U.S. \$4,239.58.⁴⁷⁰ López appealed the decision to the Venezuelan Supreme Court. Almost a year after the original order, on September 26, 2005, the Office of Determination of Responsibility, acting in response to a directive issued by the Comptroller General’s Office imposed an “accessory sanction” on López, disqualifying him from public office for a period of six years.⁴⁷¹ López was also charged with embezzlement on May 8, 2005. This criminal case is still open and ongoing.

López appealed the fine, administrative responsibility, and political disqualification, and requested to have these suspended pending the Supreme Court’s review and decision on his case. The Supreme Court denied this request and took two years to act on López’s appeal, longer than is permissible under Venezuelan law. Ultimately, the Venezuelan Supreme Court upheld the decision by the Office of Determination of Responsibility on August 5 and 6, 2008.⁴⁷² Over the course of these events, López was never accused of receiving any of the reallocated money, nor was he ever charged or convicted in a court of law. López was only found to be administratively responsible on dubious administrative procedural grounds that were contrary to law.

As the 2008 election season approached, the Comptroller General forwarded a list of hundreds of people disqualified from holding public office for administrative reasons to the National Electoral Council (*Consejo Nacional Electoral* or CNE), the vast majority of whom were opposition politicians and office holders.⁴⁷³ As a result, on July 21, 2008, CNE approved a law barring citizens on this list from running for office in the November 2008 election.⁴⁷⁴ Leopoldo López was on this list. López’s disqualification went into effect in 2008, allowing him to finish his term as mayor, but prohibiting him to run for office in the November 2008 elections. López had

⁴⁶⁸ *Id.* at ¶ 71 (quoting Report on Results of April 26, 2004, issued by the Office of Municipal Oversight).

⁴⁶⁹ *Id.* at ¶¶ 66, 76.

⁴⁷⁰ *Id.* at ¶ 78.

⁴⁷¹ *Id.* at ¶ 81.

⁴⁷² *Id.* at ¶ 87.

⁴⁷³ See generally Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶ 91.

⁴⁷⁴ *Id.* at ¶ 91 (noting “Article 9 of the regulation stated: “[the] following may not run for a position through popular election...[t]hose who committed acts enshrined in Article 65 of the Bolivarian Republic of Venezuela and the other laws of the Republic... [t]hose who are subject to civil interdiction or disqualification”).

planned to run for Mayor of Caracas. Polling suggested that he stood to receive between 65 and 70% of the vote.⁴⁷⁵

Despite reallocating the money in accordance with law, the facts clearly indicate that this action against Leopoldo López was politically motivated and designed to remove him as an opposition figure. This conclusion is evident from the following facts: López's decision to reallocate the money was legal and endorsed by two independent entities (Municipal Comptroller and Chacao City Council); López was never found to have engaged in corruption or to have personally used the public money in question; López was never charged or found guilty in a court of law; the Supreme Court denied López's request to suspend his political disbarment until it made its ruling two years later, in violation of López's due process rights; the CNE passed a law barring López from running for office; and finally, the Supreme Court upheld López's political ban. These events thus all resulted in Leopoldo López not being able to run for office in 2008 for a position that polls show he would have won, and thus these actions are emblematic of the Venezuelan Government's relentless efforts to eliminate López as a political opponent.

Decision of the Inter-American Court of Human Rights (2011)

The Inter-American Court of Human Rights heard the case *Leopoldo López Mendoza v. the Bolivarian Republic of Venezuela* on March 1-2, 2011.⁴⁷⁶ Both administrative orders discussed above were under review.⁴⁷⁷ On September 1, 2011, the Inter-American Court of Human Rights (IACtHR) ruled that Venezuela, "through its competent bodies, particularly the National Electoral Council (CNE), must ensure that the sanction of disqualification is not an impediment to Leopoldo López Mendoza in the election in which he wishes to register as a candidate."⁴⁷⁸ The decision by the court was unanimous.⁴⁷⁹

The IACtHR based its decision under Article 23(2) of the American Convention on Human Rights, which states that only the conviction of a crime may be used to disqualify someone from running for and holding public office.⁴⁸⁰ The Court also found a violation of Article 8(1). This article reads: "Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal ... in the substantiation of any accusation of a criminal nature ... or for the determination of his rights and obligations."⁴⁸¹ President Hugo Chávez immediately dismissed the ruling, stating, "What value can that Court have? For me, it means nothing, zero."⁴⁸²

⁴⁷⁵ *Inter-American Court Hears Leopoldo López Case*, *supra* note 15.

⁴⁷⁶ *Id.*; Javier El-Hage, *Leopoldo López v. Venezuela: A Case Not About Venezuela*, AMERICAS QUARTERLY, Apr. 4, 2011, available at <http://www.americasquarterly.org/node/2369> [hereinafter *Leopoldo López v. Venezuela: A Case Not About Venezuela*].

⁴⁷⁷ *Leopoldo López v. Venezuela: A Case Not About Venezuela*, *supra* note 476.

⁴⁷⁸ Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶ 217.

⁴⁷⁹ Jorge Rueda, *Rights Court Sides with Chávez Opponent*, YAHOO!, available at <http://news.yahoo.com/rights-court-sides-Chávez-opponent-215636280.html>.

⁴⁸⁰ *Inter-American Human Rights Court Hears Leopoldo López Case*, *supra* note 15; *Leopoldo López v. Venezuela: A Case Not About Venezuela*, *supra* note 476.

⁴⁸¹ Inter-Am. Ct. H.R. (ser. C) No. 233, *supra* note 448, at ¶ 217.

⁴⁸² Carlos Camacho, *After Court Ruling, Lopez to Run for Venezuela President*, Latin American Herald Tribune, (last visited Apr 29, 2014), available at <http://www.laht.com/article.asp?CategoryId=10717&ArticleId=426123>.

Decision of the Supreme Justice Tribunal of Venezuela (2011)

On October 17, 2011, the Supreme Court held that the decision by the Inter-American Court on Human Rights was unenforceable.⁴⁸³ Perplexingly, the Supreme Court claimed that technically López would be able to run for, but not hold office, and therefore was still allowed to participate politically.⁴⁸⁴ However, then-Comptroller General Adelina Gonzalez “warned that López might be committing fraud if he runs a presidential campaign given the measures against him.”⁴⁸⁵

2. Court Proceedings on Alleged “Coups Plotting” (2004)

As discussed above in Section A(1), at no point was López a proponent of the 2002 attempted coup. The extent of his involvement was participating in public protests that occurred days before the attempted coup, and acting on a detention order and search warrant for the Minister of the Interior and Justice, Ramon Rodriguez Chacin, that was issued by Judge Monica Fernandez of the 39th Control Court, in a way that also provided him with brief and temporary protection.

Nevertheless, the Government charged Leopoldo López for involvement in the coup, and he was charged in November 2004 with illegal detention and burglary. He was also charged with instigation, civil rebellion, and conspiracy for his alleged involvement with the coup. These charges were made as a consequence of the protests that took place at Plaza Altamira Square where more than 100 members of the military made public statements and speeches against the government. Though López had no involvement with the coup and had acted within his rights by following the detention order for the Minister of the Interior and Justice, the Government used the 2002 coup as an excuse to punish and silence political opposition leaders such as Mayor López.

However, on December 31, 2007, President Hugo Chávez approved an amnesty law for those involved in the detention of Minister of the Interior and Justice, and for those who were accused of instigation of crime and rebellion up until 2007. At this point all coup-based criminal charges against López were dropped. López, through his counsel, opposed the granting of amnesty to him and wished to continue with the case in court so he could be declared not guilty, but the court dismissed the charges against him.

3. Acts of Violence against Leopoldo López

In addition to these civil and criminal court actions aimed at disqualifying López as a political opponent, there have been a series of violent attacks against López. In at least some of these the attackers used government equipment.

⁴⁸³ *Lopez Vows to Challenge Chávez Despite Ban*, AL JAZEERA, Oct. 19, 2011, available at <http://www.aljazeera.com/news/americas/2011/10/2011101921536934227.html> [hereinafter *Lopez Vows to Challenge Chávez Despite Ban*].

⁴⁸⁴ *Id.*; Girish Gupta, *Chávez Opponent Can Run for President, but Can’t Take Office, Says Court*, CHRISTIAN SCIENCE MONITOR, Oct. 19, 2011, available at <http://www.csmonitor.com/World/Americas/2011/1019/Chávez-opponent-can-run-for-president-but-can-t-take-office-says-court>.

⁴⁸⁵ *Lopez Vows to Challenge Chávez Despite Ban*, *supra* note 483.

On May 24, 2002 López was attacked in *Puerto La Cruz*. One of his companions was injured and López's vehicle sustained damage. The attackers arrived in official City Hall vehicles. On June 25, 2002, members of *Primero Justicia* were attacked at the Central University of Venezuela. The attackers identified themselves as members of *Grupo M-28* of the *Coordinadora Simón Bolívar*, and *Grupo Utopía*. López's vehicle was shot 12 times. On June 6, 2003, López was at the University of Zulia in Maracaibo City when eight men broke into the room where López was present. These men were armed with automatic rifles, tear gas, and smoke bombs. Two students were shot and wounded. One of these students, Germán Petzol, was a member of *Primero Justicia*. As mentioned in Section A(1) above, in April 2006, López's police escort was killed in an apparent attempt on López's life. Carlos Mendoza, a police officer from the Chacao police force was seated in a car seat where López typically sat. Carlos Mendoza was shot more than 12 times. Finally, on October 2, 2006, López was held as a hostage for several hours by a group of masked men. López had been with a group of students at the University of Carabobo when roughly 20 masked individuals with guns and tears gas entered the University. These men wore shirts that indicated they were members of the political party *Podemos*, and some of them were driving government vehicles.⁴⁸⁶

These violent attacks against his person—along with the false charges and court proceedings—clearly demonstrate that the Government views Leopoldo López as a political threat, and it is therefore attempting to undermine his opposition by all means possible.

Appendix II – Leopoldo López's Speeches (January 23, 2014, February 12, 2014, February 16, 2014, and February 18, 2014; Opening Statement to Court, June 2, 2014)

Speech by Leopoldo López at Political Assembly in Plaza Brión—January 23, 2014

Thank you very, very much, thanks to all of the Venezuelans who are listening to us today, who are watching us, who are accompanying us, Venezuelans who are in all of the corners of national territory, Venezuelans who know that Venezuela needs a change, who know that we have to move through a change of system, not only a change of government, a change of model.

Today is January 23rd, every January 23rd we celebrate something. Today we want to remember the essence of the rebellion of a people, the essence that the peoples can rise up against oppression, the essence that the peoples have the right when faced with a government that seeks imposition, authoritarianism, anti-democracy, corruption, and inefficiency as a form of government.

Today, January 23rd, which the government claims to also be celebrating, we who are in the opposition also celebrate it. We must be clear about what it is that is being celebrated: in this way do we celebrate the beginning of democracy, but on January 23, 1958 what happened was that a people rose up, that a people revolted, that a people said 'enough, already!' that a people said 'from the streets we must go out to conquer democracy.'

⁴⁸⁶ *Secuestrado por Varias Horas Alcalde Leopoldo López en la Universidad de Carabobo*, GLOBOVISION, Feb. 10, 2006, available at <http://globovision.com/articulo/secuestrado-por-varias-horas-alcalde-leopoldo-lopez-en-la-universidad-de-carabobo> (translated from Spanish).

Democracy in '58 was not conquered by itself, it was conquered after years of struggle, years of resistance, of political prisoners, of dead, of persecution, of deception, of militarism, and of anti-democracy and today, years later, more than 50 years later, Venezuela is also subjugated in the same ways it was subjugated in 1958: it is subjugated by a government that claims to hold the truth in its hands, it is subjugated by a government that utilizes power to subjugate, it is subjugated by a government that utilizes lies, it is subjugated by a government that utilizes intimidation, jail, authoritarianism, the police in seeking to quiet a people. We, from the windows where they are listening to us, from the media where they may be hearing us, from the radios, television, the print media that may come out tomorrow, we invite the Venezuelan people to lift up their fighting spirit.

To lift up our fighting spirit and today we say it as Venezuelans who are worried about what is happening and we want to say it very clearly: we are opposed to this government, we are opposed to this system, we are opposed to everything that represents anti-democracy, we are opposed to an economic model that has subjugated the people. We are opposed to the fact that in the years of the greatest petroleum boom – this year, 2014, is the 100th year of being an oil country and in the 100 years of being an oil country this has been the strongest boom – the price of petroleum has been above 90 dollars during the last eight years but paradoxically these years [have been the ones] with the highest inflation, highest rates of unemployment, of lines, of shortages, of unemployment, and of lack of opportunities. There are no adolescents in Venezuela today who are not thinking about the possibility of leaving Venezuela; there are no adolescents in Venezuela today who are not thinking about the uncertainty of their attending university in the future, and knowing that they will not have employment opportunities; there are no youth in Venezuela today who are thinking about the possibility of taking to the streets and being peaceful; and if the youth harbor these worries, then so do the parents, so do their grandparents, so does the people who know that there is no future with this government. We Venezuelans are committed to change, we are committed to democracy, to the Constitution, but above all we are committed to the people and we want to tell the Venezuelans that the government will do what it wants to do, that the government will do everything it can at its disposal: utilize the oil resource that belongs to all Venezuelans to subjugate us, utilize its intimidation to seek to quiet the media, utilize the police to intimidate us. But they will not quiet our fighting spirit, they will not suppress our rebelliousness of wanting to change what today signifies a government of oppression, a government of anti-democracy, a government that is profoundly inefficient, and a government that is responsible for all of the ills that we are experiencing today.

The government is the one responsible for the economic crisis; the government is the one responsible for the insecurity; the government is the one responsible for the despair; the government is the one responsible for the lack of opportunities; and being as it is that the government – and we are not just talking about the executive [branch] but rather about the system – is the one responsible for all of the ills being endured by the Venezuelan people, we assume our responsibility, which is to make a call to struggle, to fight, to dream, to dream with optimism but also to dream with the strength of knowing that we are entering a new stage of risks because the government continues to take root through its aims of persecution.

We do not care how the government describes us, because they are not the owners of the truth. For us it is important that the people want change. Today we call on Venezuelans – women, men, adolescents, people of prolonged youth [i.e. senior citizens], indigenous people, creoles, whites,

and blacks, women and men – to rise up in the face of the meaning of a government that wants to drive pressure on our people.

And what does rising up mean? So that they won't misinterpret us and say words that we are not saying, an 'uprising/revolt' [*alzamiento*] means first and foremost the rising to consciousness, the rising up of our fighting spirit, the rising up to our vocation for change. The uprising that today, January 23rd, we must demand, is that a people can take to the streets, ever since peoples have been peoples, ever since history has been history, this right has existed for peoples to say 'we want to change and we want to change.'

We do not agree with the economic model that is being driven by the government. Last week Nicolás Maduro said that he does not devalue [the currency], and yesterday they devalued the currency by practically 400%. The government says that the parties responsible for the violence are the television soap operas [*telenovelas*] and cartoons/comic strips [*comiquitas*], and the Attorney General of the Republic, in her presentation to the National Assembly, does not speak of impunity. The government says that the economic war is the responsibility of the businesspersons and producers, when the reality is that today we Venezuelans are suffering the worst [effects] of bad economic management because of the government, and it is for that reason that we invite the Venezuelan people, to all who desire change, to all who wish for Venezuela to be able to improve, to all who dream of a Venezuela in peace, of a Venezuela with wellbeing, of a Venezuela with progress, to all Venezuelans who know that we can be better off, to all Venezuelans who know that we can have a country of opportunities, a country of employment, of progress, a country of justice, of equality before the law, a country of justice, a country in which they kill a mother's son when she discovers that a public prosecutor has not found another criminal who has asked him for 15,000, 20,000 Bolivares to see if his child's case might be processed, a Venezuela in which the judges can treat everyone equally, a Venezuela in which democracy is the essence of all of the rights for all persons, all of the rights for all of the people, not some of the rights for some of the people.

Today in Venezuela there is a corrupt upper echelon of leadership. Today in Venezuela there is an elite that has hijacked the Venezuelan State, an elite that has become multimillionaires, an elite that behind the backs of the people has robbed it of all of the wealth belonging to the Venezuelans, and that elite that today is governing and that refers to themselves as revolutionaries, that refers to themselves as the agents of change, are the ones responsible for the ills endured by our people, and it is for that reason that we are not going to renounce our right, our sacrosanct right to say 'enough, already!', our sacrosanct right to say, as Betancourt said back in the 1950s, that we will be in the streets, that we will converge with the people, that we will converge with the strength of a people that wants to change. And we know that this announcement will be presented by the government as a call to something different than the consolidation of democracy. But we tell Venezuelans, let's not get sucked into deceptions, that it does not matter to us how the government wants to interpret what we are saying, because for us what is important is the Venezuelan people, that people that wants change, that people that wants a better Venezuela, that people that today is frustrated, that has been driven to despair, that appears to not perceive a way out of the disaster to which we are subjected today. We tell Venezuelans that it is possible, it is possible to have a better Venezuela, it is possible but we need you, we need you, sister, we need you, brother, we need you, but first and foremost with the conviction, with the conviction of your soul, with the conviction of your actions.

And it is for that reason that we call on the Venezuelan people to say ‘enough, already!’ We do not know when change will come about, we do not know if it will be in one month, in one year, in two years – but what we do know is that if we do not begin today, that change will not come, that if we do not begin today that change will never come to the Venezuelans’ doors of destiny. And it is for that reason, and it is for that reason, that we today on the 23rd of January, there is no date, there is no more appropriate date to make a statement such as this one, where today we celebrate the people’s revolt, where today we celebrate the street as a space for struggle, where today we celebrate the strength of a people that was dominated, that was crushed, that was despairing over the imposition of a government that sold significant changes within the economic sphere, that sold a supposed stability, but that below at the level of the people the essence and liberty were lacking, the freedom to be able to say and do what we wanted, to be able to say and do what was on our consciences.

Today Venezuela is suppressed by the darkness, and the sunlight is in our hands, the sunlight of a better future is in the hands of the women and men who know that we can change, and that is why we are aware that there are different spaces for struggle, but that there is one which we will not renounce, and that is the street. And in this sense we want to tell Venezuelans that as of this moment we are going to initiate a cycle of street assemblies throughout national territory, street assemblies with one goal, with one topic to discuss: the exit.

What is the exit to this disaster? We believe that calling for a political exit is not only done with political organizations, it is not done only in a restricted space. That discussion regarding where Venezuela needs to go needs to convene a people, we have to listen to the Venezuelan people, we have to debate, we have to incorporate the Venezuelan people’s sentiments of frustration and vocation for change. It is for that reason that we in these street assemblies that we want to hold and which will be held on national territory, in the cities, in the towns, in the neighborhoods, in the developments, we are going to debate this, the exit.

And what is the exit that we are proposing? We are aware that the exit must be, first and foremost, popular, popular with the people, people, people, persons who want an exit, persons who want to be the strength of a people seeking change. Secondly, a democratic exit, and thirdly, an exit within the Constitution. The Constitution offers us various tools and we will debate with the people which of these tools is the most appropriate, which of those tools can channel us toward a change as soon as possible, toward the most profound kind of change, the most democratic, and that enable us to make progress toward a better Venezuela.

Next Sunday, the 2nd of February, we will have a national day of street assemblies, a national assembly that we want and that will be repeated throughout national territory, and in these street assembly days we will stimulate this debate, this dialogue, this encounter with the people that wants change, this encounter with a people that knows that we can be better off, the dialogue with the Venezuelans who want change, the dialogue with the Venezuelans who know that there is no justification for someone who goes to a hospital and is told that there are no supplies, the dialogue with a people that knows that there is no justification for having to stand in line for seven hours to get two chickens, the people that knows that there is no justification for having a family member killed and receiving no response, the people that knows that there is no justification for having a government that robs, robs, and robs, and nothing happens, the dialogue with a people that knows

that we have an obligation to point out those who are at fault, to point out those who are responsible.

But we also have the obligation to lead toward a change, and that change must convene millions. And we are millions, there are millions of us Venezuelans who want change, there are millions of us Venezuelans who are conscious that today Venezuela is not on the right path, that today Venezuela needs to change, and thus Venezuela [*sic*].

Sisters, brothers throughout national territory who are listening to us, wherever you are listening to us: we invite you to go out onto the streets for this debate, for this encounter, for these street assemblies. Do not wait for us to convene you. Go out onto the streets for this debate, in your development, in your neighborhood, in your small village, with your people at work, in all corners, in the small car, in the metro, in the street: go out to speak about the exit. Venezuela needs an exit.

We do not know what chance we'll have in the future; what we do know is that today we have the chance to issue this statement; that today, January 23, 2014, we assume the responsibility for the fighting spirit that opened the doors to democracy in the 20th Century and that today we have that same responsibility to light the flame of the strength of the people that knows that we be much better off. Hand in hand with the people, hand in hand with the women and men of the struggle, hand in hand with the youth, with students, with workers, with the victims of violence, hand in hand with those who have been driven to despair but who want hope, hand in hand with those who do not see the change but who have in their hearts the vocation for things to change, we will proceed to create this strength, this strength for change to which we call the entire Venezuelan people.

Thank you so very much, brothers of Venezuela, sisters of Venezuela. Today more than ever, today more than ever, today more than ever, today more than ever we encourage the vocation for a peaceful struggle, popular, constitutional, and democratic. This is the message that we bring to Venezuelans and will replicate in all of the corners of national territory.

To the struggle, Venezuelan people! To the struggle, Venezuelan people, with strength and faith to affect the change that we Venezuelans know we deserve! Many, many thanks!

Speech of Leopoldo López at the Rally at Plaza Venezuela—February 12, 2014

A very good day to you, a very good day to you Venezuela, a good day to those of us who are in Caracas and those who are throughout Venezuela. Today this demonstration is being held throughout national territory; we are tens of thousands, we will be hundreds of thousands of Venezuelans who seek political change in Venezuela. Long live Venezuela! Long live Venezuela! Long live the women and men who today are convinced that Venezuela must change!

And I would like to start by recognizing the Venezuelan youth who today are in the streets, but most especially those who have been suppressed, those who are imprisoned today, those who have been hurt by bullets, those who have been repressed by security officers, by the army, by the police, and by the government's irregular groups. We want to tell those youth that they are not alone: their parents, their grandparents, and all of Venezuela are with the Venezuelan youth.

Today, Youth Day, we should be celebrating a Venezuela full of opportunities, we should be celebrating the young people of the future, but unfortunately today our youth ask themselves: ‘What will I do in the future here in this homeland?’ And today we want to demand the right that the youth and all Venezuelans have to struggle, to be in the street, and to build a future that is being robbed from us today.

Unfortunately, today Venezuela is living through one of the worst moments in our history: shortages, lines, salaries are not sufficient [for people’s needs], insecurity, impunity, drug-trafficking inside the government, corruption, the hand-over of our country to foreign interests. Today we are living through all of these problems during a dark moment of our country. The shortages, inflation, insecurity, lack of opportunities have a culprit: the government. It has a group that is responsible for everything that is happening. What a contradiction, brothers and sisters: in the midst of the biggest oil boom in the history of Venezuela, we have the highest inflation; in the midst of this oil boom we have the greatest shortages; in the midst of this oil boom we have the highest rate of unemployment of our youth. And do you know why? Because here in Venezuela, they intend to install – and an incorrect model has been making progress – a model that, it’s not that it is getting us closer to a cliff but rather, Venezuela is falling over a cliff.

We are doing it first and foremost with a patriotic consciousness, nationalistic, we the parents who know that if things continue as they are, there will not be a future for our people, and we are doing it with the awareness that the Constitution provides various options for producing political change. I invite you to continue with us in the street convincing the people that it is indeed possible to change. There are options in the Constitution: there is resignation, there is the *revocatorio* [recall election], there is the *constituyente* [Constituent Assembly]. But, do you know what? All of these mechanisms, which are vehicles that appear in the Constitution, are secondary, secondary to that which is of primary importance, to the individuals, to the people, to the street, to the street, and to the protest; because it is in the street, it is in the street and with the protest in the street that we will be able to activate an exit from this disaster.

Think about how we got here, the convening announcement traveling by word of mouth through social networks. But here we are, and we are in all of Venezuela, and this is going to continue to grow and grow and grow until we are millions in the street, millions of women and men in the streets of Venezuela demanding our rights and our commitment to political change. As we said in Chacaíto, each person will look for five and 10 [other people]. I tell each of you who are here today assembled that each one of you, that each of you who are here today and who are attending the rallies throughout Venezuela, let us understand that change is within you, let us understand that change is within each one of us, each of us must be an active conscience, an active medium for communication, an ongoing source of information, and when we grow and become millions in the street, we will achieve what we are seeking, which is political change in Venezuela. But that will happen because we are being very clear that we are not willing to give up on those who are being abused.

Today the young people have issued a call to go to the Office of the Attorney General with a very concrete goal of declaring that they will remain in the street with a protest that will grow ever more determined, ever more potent, until the prisoners of Táchira, Nueva Esparta, and Mérida are freed. I want, I want to celebrate the unity in the street, I want to celebrate and ratify that those of us

whose second home is the '*alianza unitaria*' [united alliance'] are united, we are all committed to change. Let's not get it wrong by seeking adversaries on the sides, let's not get it wrong by sowing noise where there is none; our adversary is the government, it is Maduro, and it is the government authorities that have been hijacked. This is a struggle by the people against the State. This is a struggle of millions against those who have hijacked the power that should belong to the Venezuelan people. It will not be easy. We are not inviting you [with the idea that] the exit will be generated in one or two days. We are inviting you to [join] the struggle, we are inviting you to take to the street, we are inviting you to be a part of this change, and I want to tell you that this invitation is not an invitation devoid of risks. We all are going to assume the necessary risks for confronting a government that intends to silence us.

Yesterday the government, which wants to disregard the fact that there are millions who are against them, attempted to belittle this convening announcement via national [television] channels by branding this convening announcement as violent, trying to sow fear so that the people would not come. But I am told that not only are we comprised of those of us who are here, but that the crowd reaches all the way to Sabana Grande and throughout Venezuela. And throughout Venezuela today the vocation for change is being given expression. This is a struggle of all Venezuelans, of the middle class and of the poorest, of those who suffer in the lines and do not receive an answer, of those who suffer from the insecurity and do not receive an answer, of those who suffer from the suffocation of not having a future and do not receive an answer. And as they say, 'We are not afraid.' We are not afraid of being in the street and remaining in the street. I ask you, brothers and brothers [*sic*], can this be done or not? Let it be heard: can this be done or not? Well, I would like, I would like . . . 'Yes it can be done, yes it can be done.' I would like to ask all of you who are here today that we assume a commitment to continue to multiply our numbers, to continue growing, to continue making progress in the conquest of this political change that belongs to us. And I ask you, that we raise our right hands and say: "We, male and female Venezuelans, committed to our history of struggling for freedom, committed today, Youth Day, to the future of our children, we assume the commitment of having a vocation for change, the dedication and determination until we achieve political change, the social change that Venezuela deserves. Long live Venezuela! Long live the future of Venezuela! Long live our youth.'

And let us go out now, let us go out to walk with conviction, with strength, assuming [the path of] non-violence. Our territory is the street, our struggle is non-violent. May God bless you. Many, many thanks.

Speech of Leopoldo López at Rally Outside Office of the Attorney General—February 12, 2014

Today there has been a massive response, and not only what we are seeing in Caracas, and not only what is going to be picked up by the regional media, but also the information that we have of what is happening in towns, in all of the cities, in neighborhoods, in small villages throughout Venezuela. Today Venezuela is in the street, today Venezuela is in the street asking for change, today Venezuela is in the street saying, 'enough, already!' Enough already with the abuse, enough already with the lies, enough already with the manipulation.

Today Venezuela, the youth convened, their parents joined, their siblings, their grandparents . . . We are in the street because we are convinced that we can have a much better country than the one we have. We want to say that one's struggle is everyone's struggle. We are here today to ask for the release of the students, there are more than 20 students who have been detained, who have been tortured, who have been manipulated, who have been forced to sign blank sheets of paper where they later pieced together accusations and fragments of information in an attempt to inculcate [*'montar ollas'*] them, and thus we issue the alert. And the chant that is being said today at the Office of the Attorney General is, "Maduro, you coward, free these student prisoners." Why is this being cried out at the Office of the Attorney General? Because no one has any doubt that the person who issues the orders here at the Office of the Attorney General is Maduro, because the governmental authorities here have no autonomy, because here the Attorney General, the comptroller, the Human Rights Ombudsman [*'Defensora del Pueblo'*], the CNE [National Electoral Council], and the courts depend on the government and on a political agenda of twisting [human] rights, twisting justice based on their interests.

This movement that is in the street today will continue to grow. I want to say that this doesn't, that this doesn't remain here. Last Sunday, February 2 we were thousands, today we are tens of thousands, I would dare say hundreds of thousands throughout the country, and this movement will continue to grow, this movement assumes that one's struggle is everyone's struggle.

Yesterday we were with press workers, today with the students. We will be with the workers of Guayana, with the victims of violence, with all those who are in the street protesting. We call on them, [saying] let's unite and create a single strength, a single voice, a single fighting spirit, and a single commitment: [to affect] change in Venezuela.

That is a demonstration of Maduro's cowardice and fear. I imagine that they are hurling that insinuation at me, no? I say now, look, Maduro, Diosdado, and to all of the people who accompanies him, because they are a small elite who see themselves as owners of the country. That does not scare us, nor do we lose sleep over it, among other things because this is not the moment for anyone's candidacy, this is the moment to struggle for political and social change in Venezuela. Despite the threats – look, bring out your uniforms, bring out your epaulettes, your planes, your submarines, your rifles, your pistols, bring out your drug-trafficking and bring out your corruption – we are not afraid, we will not retreat in conquering change in Venezuela, because it is Constitutional, because it belongs to us, because we are millions who are seeking it and are proceeding step by step. The commitment to freeing the students, the youth who have been tortured and imprisoned, is a commitment we will not renounce, and the government should know this. This protest will escalate, it will grow, and we will achieve the objectives we have set for ourselves.

Thus, today I want to highlight, I want to highlight that we have come peacefully, as you can see. Here there is no vocation for violence. There is irreverence, yes, there is also determination, but you in the media can emphasize that there has been no violence. Now then, when is there violence? When they bring out the law enforcement officers, when they bring out the police, the guards, and the army, and when they bring out the collective groups that take their orders from the government, as occurred yesterday in Mérida when the Tupamaros fell heavily on the students. Today we want to send a message to the soldiers, to the soldiers of the Bolivarian Armed Forces, we want to send a message to the National Guard, to the police officers, to the public prosecutors,

and to the members of the collectives: Do not follow orders or instructions to destroy the people. You do not have to repress the people. You must wear that uniform with valor and in adherence to the Constitution and the law.

Look, nothing has happened here because no group has come from the government or from law enforcement. We leave here in peace, taking on the conquest of the objective that we are setting for ourselves. And this protest will continue to grow, every day it will grow. This is a national sentiment, a popular force. One's struggle is everyone's struggle.

Who are the collectives that are in the UCV [Central University of Venezuela] today kidnapping students at gunpoint? They are the ones that are violent. What is happening now is that the government brings out chains to criminalize us. What we have is this small window of communication with you to be able our message [*sic*]. We are committed to this massive, popular struggle. We are millions, this wave will continue to grow, let no one doubt that. This strength will continue to grow every day until we achieve the objective we have set for ourselves, which is political change.

The immediate release of those who have been tortured, of the prisoners, and the [lifting of the] repression that has occurred in recent days during the peaceful demonstrations of the students and the people who are in the street: this is the complete demand. And they should know that we are not going to leave the street, they should know that we are not going to rest until we achieve what we are proposing, which is political change in the country.

Up to now, the information we have is that there are tens of thousands, I would dare say hundreds of thousands, of Venezuelans in the streets. Just in Caracas alone there are more than 50,000, I would dare say almost 60,000, 70,000 persons who came out today non-violently. That same thing is happening in the capitals, but also in the small villages. Venezuela woke up. What did Maduro expect? What did the government expect? What did the crooks expect who today are in charge of the governmental authorities? That the people would not awaken? The people has already awoken, it is in the street, we are determined, we are convinced that we are going to make progress toward conquering the change that Venezuela needs and deserves. Many thanks.

We will be announcing day by day which they are going to be, but what I can tell you is that what we are seeing here will grow, this is a wave that will grow, this is a wave that will grow every day, week by week, until we achieve what [the objective] we have set for ourselves, which is, with the Constitution in hand, with the people in the street, in a non-violent fashion, to open a door to guide the country toward an exit from the disaster that Nicolás Maduro and his government represent.

The next actions will be in the street, street, assemblies, it will entail accompanying all of the protests, it will be a coming together of all of the social movements that are in the street with the determination to create one strength from the strength of them all, a single strength with the same determination. Many thanks.

**Words from Press Conference Where Leopoldo López Denounces Violence
February 12, 2014**

First and foremost, our condolences to the family members of the two Venezuelans who died today, our most sincere condolences go out to them, to their family members, regardless of what their political ideology was. Today, despite all of the predictions, despite a brutal campaign mounted by the government over the last four days to sow fear, radio stations and television channels sowing fear in Venezuelans so that they would not take to the streets, lying, manipulating. Hundreds of thousands of Venezuelans took to the streets, hundreds of thousands of Venezuelans, because it wasn't only in Caracas; it was throughout Venezuela that women and men came out [to the streets], committed to the cause, a better country, a country that we know is being hijacked by a small group of women and men who are manipulating power, who manipulate the institutions, who manipulate the truth.

Those Venezuelans who came out throughout national territory did so courageously, knowing that there were threats on the part of the government, knowing that the call we put out was a call to convene peacefully, non-violently. And that is the way it was, the demonstration that today brought together thousands of individuals in Plaza Venezuela. In that way did we walk to the Office of the Attorney General: in peace, non-violently. We were there in that way at the Office of the Attorney General for several hours, protesting, demonstrating, but in peace and non-violently; and yes, with irreverence in our thoughts and in our hearts, but never with violence.

Now there are some questions that we believe are fundamental that remain today in the minds of Venezuelans. Why wasn't there a clear police presence, if they knew that we were going to go to the Office of the Attorney General? If the permit ran up to the Office of the Attorney General, why, in contrast to what has transpired for 15 years in various demonstrations, were there no law enforcement officers at the edges of the demonstration as established by the guidelines? Why, after one-and-one-half hours did a squad of hundreds of law enforcement officers appear one block away from the Office of the Attorney General, but with armed groups behind them? Why do uniformed law enforcement officers attack those who are in front of them, when there are armed groups behind them? Why, if when we withdrew in a peaceful manner, as Mayor Ledezma has stated [and] was recorded in the media, we withdrew and the thousands of people who were there withdrew, and a small group of 30 people stayed there and began to throw rocks and bottles at the Office of the Attorney General, why, why if there was a squad of more than 300 law enforcement officers less than 50 meters away, did they do nothing? The answer to that is because it involved a plan, an orchestrated plan, a plan conceived in the communications being bombarded by the State for several days now that intensified yesterday with [television and/or radio] channels directly criminalizing us, [a plan] that was executed today.

Now then, times have changed and the truth will come out, and the truth is present in the tens, and I dare say hundreds, of photographs that the people took. There are photos of the armed groups, there are videos of the squads who looked on as mere spectators when they [persons] were destroying the Office of the Attorney General with rocks. There are photos of uniformed officers firing *a mansalva* [liberally, at close range, without fear of reprisal], there are photos that might be able to link those who had weapons with the ammunitions that today ended the lives of two Venezuelans. Times have changed and the truth is there. I call on the media who were here today, I call on the Venezuelans who recorded [the incidents] in photographs, in videos, to make them public, to present them, because therein exists the defense of the truth. This is a fragile government, and it is fragile because it is anti-democratic, corrupt, and inefficient. Its fragility is displayed through the [television] channels today, its fragility was displayed through the

[television] channels yesterday, its fragility is displayed by Maduro when he tries to tell us Venezuelans that he is going to suspend guarantees through extrajudicial means and that we won't do anything. Today Maduro tells us Venezuelans that he is suspending the street demonstrations – on account of what? That is a suspension of a guarantee without openly declaring it as such, executing it in order to sow fear.

I would like to tell Nicolás Maduro and the head of governmental authority that we are not afraid: we are on the right side of history, we are on the right side of the truth, we are on the right side of justice, we are on the right side of the people, we are the side of the poor, of the excluded ones, of those who have to stand in line, of those who do not receive answers regarding so much insecurity, of those who are victims and are the recipients of more impunity, of the youth who have no future.

Today [is] the 12th of February, Youth Day; we have youth who not dream in Venezuela because the government has robbed them of their future. We are on the side of those who wish to dream of a better Venezuela. We are on the side of women and men who know that we can have a much better country than we have today, and being on the side of truth, of justice, of the future, we also have the strength of the people to not retreat in our conditions.

They may threaten us, they may threaten us with their uniforms and with all of their epaulettes and with all of their sashes and with all of their military collars, with all of their symbols of power. They may threaten us with their small tanks, with threats of raids, they may threaten us with imprisonment, they may threaten us with their weapons or their airplanes or their submarines, they may threaten us with all of their violent speech. They may threaten us with their drug-trafficking, with their corruption. They may threaten us with all of the communicational power that they intend to utilize to divert the truth, but we will not retreat.

We will not retreat in our conviction to fight for a better Venezuela, to fight for a Venezuela that we know that we can and want to conquer. And I issue this call, most especially to those of you who have come out to walk in the streets of Venezuela today and to those who wanted to walk but for reason did not come out: “Let us not lose hope, let us not permit them to vanquish us in the only space wherein we cannot be vanquished – in the heart, in hope. We can never lose that battle, we can never lose that space, the strength we derive from hope, truth, and justice.”

We know that difficult times are coming, we knew this, we know that the threats may turn into actions, we know that the government may continue to manipulate the law, the Constitution, and the institutions, but that makes us stronger because they are the weak ones, those who manipulate, those who assembled that macabre plan which had to be completed, as Maduro said, because Maduro announced it yesterday: go look up Maduro's statements, Maduro declared yesterday that there someone was going to die during this demonstration. What a coincidence, someone did indeed die and later another one in this demonstration. In light of the fact that Maduro said that yesterday, what information did Maduro have yesterday? And I directly point the finger: you are responsible, you and yours are responsible. I point the finger directly at the hijacked governmental authorities.

But I issue a call, a call to civil servants: do not be complicit, do not place yourselves on the wrong side of history, do not place themselves on the side of those who wish to defend the indefensible. To the public prosecutors, to the judges, to the police, to those in uniform, to the Venezuelans, we

tell them: that at this time let us seek the truth. That at this time let us be with [on the side of] hope, with [on the side of] the future of knowing that together we can construct a better Venezuela.

And I want to end by saying, as Antonio said so well, as María Corina said so well, that we continue forward. There will be more convening announcements. The wave that began on the 2nd of February and that today was multiplied by 100, that wave will grow. They may threaten us, they may even imprison us, but this wave will continue to grow, because this is a wave with a collective spirit that knows that we need to change. Know this, Mr. Maduro: regardless what you do, this that has begun will not stop until change is conquered in peace and democracy for all Venezuelans.

Thank you very, very much, good evening.

YouTube Video Wherein Leopoldo López Declares his Intent to Turn Himself In – February 16, 2014

I would like to thank you for all of the messages of support and solidarity you have given me during recent days. As I have said, I continue in Venezuela and will continue to fight for a better country. Naturally, I have taken a few days to think, to share with my family, and be able to make the best decision in these moments. As I have confirmed, I will continue to struggle in the streets and hand-in-hand with the Venezuelan people, and it is for that reason that this coming 18th [of February] I want to call on all of you: let us walk together from Plaza Venezuela where on February 12th a flame of hope for change awoke in favor of all Venezuelans, and that from there we walk to the Ministry of Interior and Justice, the place that has become the symbol of repression, of persecution, of torture, and of lies, the place where we will bring very concrete demands: 1) clarification of the responsibility of the State in the homicides that occurred on 12 February; there are photos, videos, irrefutable evidence of what happened that day; 2) the immediate release of all citizens, especially the youth who have been persecuted and who are still imprisoned and continue to be tortured; 3) the ceasing of the repression and persecution of what is a right of all Venezuelans: the right to protest; [and] 4) the disarming once and for all of the paramilitary groups and collective groups that have been responsible for homicides, insecurity, the devastation and intimidation of the people while under the protection and hand of impunity of the Venezuelan State.

And lastly, I will be there to show my face. It has been said in recent days that they want to see me imprisoned. I will be there to show my face. I have nothing to fear, I have committed no crime. I have been a Venezuelan who is committed to our country, to our people, to the Constitution, and to our future. If there is a decision made to illegally imprison me, well I will be there to take on that persecution and that despicable decision by the State.

I want to tell all of you who want to accompany us that that day we must go out as we have always done, peacefully. I ask that this time let us go dressed in white so as to symbolize our commitment to peace. I will invite you to walk [with me] up to a certain point, and from there on I will go alone to deliver these demands to the Ministry of Interior and Justice. I do not want you to risk your lives or integrity, nor [do I want] the insecurity of any compatriot; but together we must show our faces in these moments. Sister, brother, today more than ever let us assume that the future belongs

to us, that it is our responsibility to construct in this dark moment the window that can open onto a better future for our children, for all Venezuelans. We are on the right side of history, we are on the right side of justice, we are on the right side of the truth.

Strength and faith.

We will see each other on Tuesday.

Speech Leopoldo López at Plaza Brión Just Prior to Arrest and Detainment—February 18, 2014

As you know, today in Venezuela, we're living dark times, where criminals are rewarded by the government, and those of us in Venezuela who want peaceful, democratic change following the constitution, are threatened with jail.

Today, I show my face before an unjust justice system, before a corrupt judiciary and before a justice system that does not pass judgments in accordance with the constitution and the laws. But today, I also offer you, Venezuelans, our deepest commitment that, if my imprisonment helps awaken our people, if it is good enough to finally make Venezuela wake up so that the majority of those of us who want change are able to affect that change peacefully and democratically, then this infamous imprisonment that Nicolás Maduro wants, so openly and so cowardly, then for me it will have been worth it. This is the biggest example of how there is no separation of powers in Venezuela. How many times did Maduro say he wanted me in jail? How many times did he say he was giving instructions for our arrests? What is a president doing giving instructions to a district attorney, or to a court? Those actions are the best examples of how there is no justice in Venezuela.

Nevertheless, I do not want to take this step, perhaps into silence for awhile, without stating very clearly the reasons behind this struggle: This struggle is indeed for our youth, this struggle is for our students. This struggle is for those who have been repressed, this struggle is for those who are imprisoned. This fight, brothers and sisters, is for all the people of Venezuela, who are suffering today. Our people have to endure long lines and shortages; there are no jobs and there is no future for young people because of a failed model, a model that is not our own, but exported by other countries, one that has nothing to do with the brave people of Venezuela. Brothers and sisters, we have to find our way out of this disaster together. While our solution has to be peaceful and constitutional, it also needs to be on the streets because we no longer have any free media to express ourselves in Venezuela. If the media remain silent, then let the streets speak out! Let the streets speak out with people! Let the streets speak out peacefully! And let the streets speak out in democracy!

Now, I will go to the police and National Guard's barricade. Believe me, I put a lot of thought into this. I want to tell you that in the past few days I had a lot of time to think things over and to analyze things, to listen to the radio and watch TV, read things I had not read in a while and to talk to my family. One of the options I had was to leave the country, but I am never leaving Venezuela! The other option I was faced with was to stay in hiding, in the shadows; but that choice may have made some people doubt—even some of those present here today—that we had something to hide. But we have nothing to hide! I have not committed any crime! I am not a criminal! I simply have

no reason to hide! So the only option left for me is to show my face. And so I ask you, from the bottom of my heart, that when I go to the other side and turn myself in, you remain peaceful. We have no choice. I do not want violence. This is why I ask for your understanding; I ask you to organize yourselves and to be disciplined.

I want to thank everyone, but someone in particular, someone who has given me much strength and who is my greatest pillar that allows me to be here with you: My wife Lilian, who is right here with us.

Well, brothers and sisters, I ask you to continue this struggle and stay on the streets, to embrace our right to protest. But do so peacefully and without resorting to violence. I ask that all of us here today, all Venezuelans who want change, to get informed, educated and organized, and to carry out a non-violent protest, a massive demonstration of freewill, hearts and souls of the people who want change. But without hurting thy neighbor. I ask you not to lose faith, and I am sure that in the name of my children, my daughter Manuela, my son Leopoldo—and like Andres Eloy Blanco once said, “He who has fathered one child, becomes a father for every child.”

In the name of every child in Venezuela, I swear we will prevail and soon we will have a free and democratic Venezuela.

Opening Statement, Leopoldo López, Preliminary Hearing, Court of Justice, Caracas, June 2, 2014

I am a political prisoner, a prisoner of conscience. These are my words in the face of an unjust imprisonment on the occasion of the preliminary hearing of my case, which has taken away my freedom for seventy (70) days. I write these lines from my confinement cell in the “*Ramo Verde*” military prison.

I have been politically prosecuted by the regime for more than ten (10) years. I have undergone more than twenty (20) accusations, political trials, attempted murders duly denounced but never answered; moral assassination by the communication means of the State and two (2) political bans that, even after having obtained a favorable sentence from the Inter-American Court of Human Rights for the violation of my rights to the defense and to the political participation, I have been prevented from exercising posts of popular election.

For more than a year, since January 2013, Nicolás Maduro has publicly expressed his desire of putting me in jail. In more than ten (10) opportunities during his national TV and radio networks, Maduro announced that I should be put in jail based on the opinions issued against his Government.

Based on the above context of permanent and explicit prosecution and threats by Maduro, an arrest warrant is issued against me on February 12 of this year. I understand that this new attack is a political one and having my conscience at peace for those claims; I decided to voluntarily present myself before an unworthy justice on February 18 of this year from which date I have been in prison.

I am in jail because I have denounced the Venezuelan State and its main responsible representatives for being corrupt, inefficient, repressive and anti-democratic. I am in jail for having denounced in person that there is no democracy in Venezuela, that the public authorities have been seized by a corrupted elite, inefficient and anti-democratic which has resulted in a deep social, economical and political crisis that all the Venezuelan people undergo today. I am in jail, for denouncing that in Venezuela we are living under a dictatorship. I am in jail for proposing a deep change, which must go through the substitution of those who are in charge of all the political authorities. I am in jail for demanding the resignation or substitution – through the constitutional way – of Nicolás Maduro as President of Venezuela.

I am in jail for having called the Venezuelan people to go out to the streets to protest, exercising our historical and constitutional right to protest until we achieve a political change that guarantees the peace, wellbeing and the progress for the Venezuelan people. I am in jail for exposing ideas, opinions, and proposals that today are shared by the majority of Venezuelans that from their outrage and patriotic heart ask for a deep change which shall allow setting out the route of our nation.

I am physically in jail, I am isolated with severe restriction to visits but neither today nor ever can they jail my deep conviction that we have the right to fight to conquer democracy and freedom for Venezuela. Thank God I am not alone in these ideas, in this conviction to fight. We are millions; we are that majority who are ready to fight for a change towards democracy in Venezuela. They might imprison me and thousand others but they may never imprison the fighting spirit that with the young people in the vanguard walk along the streets of the cities, the quarters and shantytowns of all Venezuela. Today Venezuela decided to change, my imprisonment and that of many others is only the face of a dictatorship weaker and weaker and with less popular support which pretends to hold onto the power, refraining, silencing the critical voices and criminalizing the protest.

The political reasons of my imprisonment are clearly exposed in the accusation presented by the provisory prosecutors, Franklin Nieves Capace, Nardin Sanabria Bernatte, Juan Canelón Marín, Guendy Duque Carvajal and José Foti González before the 16th Court of Control of the Metropolitan Area of Caracas. From the document presented by the Office of the Public Prosecutor before the Court of Control there are four resulting accusations or offenses against me. My best defense before to denounce this case and as a political prisoner is precisely the accusations made by such prosecutors against me.

There are four accusations made against me by the Office of the Public Prosecutor:

First Accusation:

“Leopoldo López . . . made calls for violence, there was disregard of the legitimate authorities and disobedience of the laws which triggered the excessive attack by a group of persons who acted individually but determined by the speeches of the mentioned citizen against the headquarters of the Office of the Public Prosecutor.” p. 2.

Second Accusation:

The reason was for denouncing the State as corrupt, inefficient and anti-democratic.

(Leopoldo López) intensified his speech and began a public and aggressive campaign against the President of the Republic and the Institutions of the State, making aware to the public with his speech that this government has ties with drug dealers, besides being corrupt, oppressing, inefficient, and anti-democratic and that it was necessary to go out to conquer the democracy and that in order to reach this objective the change or results only would be possible with the people in the streets.” p. 3.

Third Accusation, made by the Office of the Public Prosecutor against me for having called the Venezuelan people to conquer democracy:

“It is so that in a conclusive way (Leopoldo López) affirmed “WE HAVE TO GO OUT TO CONQUER DEMOCRACY” (capital letters by the Office of the Public Prosecutor, that is, that his purpose was no other than to sow the idea among his followers that only in the street he may generate a change, inviting them to be actors, with the purpose of ignoring the legitimacy of the National Executive as well as the heads of the Public Authorities. (p. 3) . . . Which objective was to carry out a deep and total change with the purpose of substituting the authorities from their posts, since in its criteria the problem (of the country and of the Venezuelans) was not only Nicolás Maduro, but also all the heads of the public authorities which have been seized. (p. 4) . . . All of these (making reference to the damages caused to the headquarters of the Office of the Public Prosecutor) were executed as a consequence of the persuasion and induction carried out by citizen Leopoldo López, who exercised a strong influence, not only in their way of thinking, but also in the potential actions of their targets who fully acted and complied his message.” (p. 5).

Fourth Accusation, made by the Office of the Public Prosecutor, pretends to extend the scope of responsibility in a vague manner to other persons arguing the existence of a “criminal structure” with a criminal plan to promote the resignation or way out of Nicolás Maduro.

“It is evident that all the instrumentation employed by citizen Leopoldo López, was not carried out per se, necessarily he counted with a criminal structure . . . to develop his criminal plan, which was no other than to persuade or induce a group of persons not to recognize the legitimate authorities and the laws in order to promote the dismissal of the President of the Republic.” (p. 5.)

These four accusations are based, according to the prosecutors of the Office of the Prosecution Office in the testimony of 115 witnesses out of which 110 are officers from the Office of the prosecution Office and from the Government; the presentation and analysis of 4 videos with political speeches that I really made and of which I assume what I said, from the beginning to the end of each one; and in a report issued by the prosecutors. It is important to emphasize that the prosecutors denied all our requests; the presentation of 30 eyewitnesses was denied as well; the promotion of a balanced team and of mutual agreement for the analysis of the speeches was also denied.

The conclusion of the Office of the Public Prosecutor is to implicate me four offenses for these facts, such as: damages, fire, incitement and association to commit crime.

Without sound evidence, since there are none, preventing a just defense and following a political guideline, the prosecutors are accusing me of crimes in which I did not participate, manipulating the events and keeping me as a prisoner of the dictatorship.

Following is my answer to each one of the four charges that the prosecutors are making against me:

The first charge made by the Office of the Public Prosecutor is calling for violence. False. I reject totally and absolutely the claim of the prosecutors to conclude that our speech, before, during and after February 12, had a subliminal message to call violence. I clearly state: “subliminal message” for two reasons: First, the technical report submitted by the Office of the Public Prosecutor, which was prepared by an obedient professional and member of the ruling party concludes that the link between my words and the actions by dozens of protesters is of such magnitude that without calling the violence, the interpretation of the protesters is that in fact there was a call for violence. That is, because a subliminal, message which was not said but that it was in fact understood? And the second reason, why all the videos, photographs recorded by the Office of the Public Prosecutor are a clearly and unquestionably call to a NON VIOLENT protest in the streets (See speeches 23E, 2F, 12F).

The following paragraph of the indictment summarizes the heart of the argument logic of the Prosecutors is summarized as follows:

“Leopoldo López has a discursive ethos that dominates and impacts on the ethos of its recipients; as a result, everything that the sender tells the receivers, would exert a strong influence, not only in their way of thinking but also in the potential actions that the receivers may carry out as a consequence. At this point, the discursive force and the ascendancy of the citizen Leopoldo López as a political leader is unquestionable because it has served as a catalyst of discomfort felt by a significant part of the Venezuelan population; from this point whatever he says may transmit to his audience is transferred so effectively that his recipients feel encouraged to follow, in actions, what he is indicating they should do, although he does not clearly explains it (that is, subliminal).”

It is clear, explicitly clear, that the accusation against me is based on criminalization, the prohibition of my ideas, proposals and actions, which it is worth to say, are now supported by the majority of Venezuelans.

The accusation against me, based on several speeches I made between January 23 and February 12 has, as a best defense, the same speeches, either read or seen from the beginning to the end, without editing, without manipulation. In these speeches I clearly explain our political proposal that, based on a critical analysis of the present crisis, we propose a way out, a deep political change activated from the street, with non-violent actions and materialized through the popular call to one of the four alternatives offered by the Constitution to bring about a political change.

On January 23 we made a call to the rise of our consciousness, the uprising of the optimistic spirit of the Venezuelan people that we really can have a better Venezuela. A call to the streets made in commemoration of the “23 January 1958,” celebrated by government and opposition, when the Venezuelan people rose in the streets against the dictatorship of Marcos Pérez Jiménez. That day we called upon the celebration of Popular Assemblies throughout Venezuela to discuss the options to a way out of the social, economic and political crisis which we live, which assemblies were to be held on February 2nd.

On February 2nd hundreds of assemblies were held throughout Venezuela, some large, some smaller, ones were held in squares, others in houses or streets. Different organizations, individuals and political parties participated with different protests. The conclusion was to assume the commitment of peacefully protesting in the street for a better country.

During my presentation (the video with the full intervention was presented by the Office of the Public Prosecutor as evidence), explains the non-violent character of our call:

“These struggles, brothers and sisters, must have a clear conduction and methodology, based on non-violence.” Non-violence has been the most effective method of struggle that was invented by the oppressed people. Non-violence does not mean passivity, non-violence does not mean bowing our heads, non-violence does not mean to move backwards. Non-violence is not to be afraid, it means challenging; non-violence means to be on the streets, non-violence means to have a state of awareness where we do not allow anyone to manipulate us.”

Our vocation is the change, our space is the street, our strategy is non-violence. Our commitment is the way out, which is in the Constitution (see speech 2F, Plaza Brion).

The February 2 assemblies were a major step in the performance of non-violent protest. Despite the peaceful attitude of the protesters, that day the repressive face of the regime was shown. An announcement of what would come. Several students and young people were prisoners. Six in Nueva Esparta and six in Táchira. In both cases these detainees were treated as terrorists of highest risk. Moved with a disproportionately deployment of police: helicopters, boats, vans outside of their States. This repressive action generated a great discomfort, especially in young people, which in the case of Táchira were also protesting the rape of a female student.

On February 9, when I was about to board a Conviasa flight via Santo Domingo, Táchira, I was pulled from the aircraft violently and unjustified, by the State security bodies which did not offer any type of explanations and who simply said: “we have orders not to let you take this flight.” I mention this incident, since the words that I said upon leaving the plane in Maiquetia are part of the evidence submitted by the Office of the Public Prosecutor. In these words, I rejected such abuse since it is a reflex of what happens every day to millions of Venezuelans who are victims of abuse and indifference by public officers.

On February 12, as we had called, thousands of people took the streets in all Venezuela. In Caracas, the demonstration began in Plaza Venezuela. There, once more we explained our proposal to the disaster that we live in Venezuela, to the fact that we don't live in a democracy, that there is a dictatorship in Venezuela. We proposed to activate the protest, the right to protest in the street as a popular impulse driven to build the democratic and constitutional road to a political change. The way out from the disaster, the output of the dictatorship and the conquest of democracy (see the 12F speech video in Plaza Venezuela, Caracas).

From Plaza Venezuela we left heading to the headquarters of the Office of the Public Prosecutor, as reported to the authorities. The demonstration arrived to the Office of the Public Prosecutor, massively, in peace and without violence.

There, we protested in peace and without violence, for more than two hours. We massively left in peace and without violence. We finished our protest without any type of violent demonstration. As a support of these declarations you may see the videos recording the declarations made to the media always calling to non-violence.

The description in detail of what happened that day was given at a press conference the same February 12 at night (see statements 12F night).

After thousands and thousands of protesters retired from the site, the vandalism events in front of the headquarters of Office of the Public Prosecutor took place. As we previously explained the intention of the prosecutors is to establish a criminal link between my words and the actions of young people, who threw objects at the headquarters of the MP.

What calls the attention with regard to the narrative of the facts by the Office of the Public Prosecutor MP, is that it ignores completely the more relevant facts occurred that day which is the murder of Juan Montoya and Bassil Da Costa by SEBIN officials.

In a twisted way, the Public Prosecutors establish a line of causality between my words and the stones thrown at the building, ignoring the fact that the violent reaction of the demonstrators was caused by these two murders carried out by the SEBIN officials; SEBIN officials are credited as bodyguards of the Minister Rodríguez Torres, accompanied by armed civilians, who fired against the protestors “Avenida Urdaneta.” Two persons were killed. SEBIN returned to the site of the murders, manipulated the scene of the crime withdrawing evidence and never providing any kind of explanations. Nobody ever explained what the SEBIN was doing in the march if Maduro confessed that he had given orders to keep the military force quartered in their corresponding places. Who gave the order to get out of the barracks? Who gave the order to shoot? To shoot against the protesters in a command way action, as shown in the videos, is not a spontaneous action. Someone gave the order. Was it Manuel Bernal, Director of the SEBIN which was removed the same 14F and sent to another administrative position without any explanation? Perhaps the order was given by Minister Rodríguez Torres, former head of the SEBIN and Minister in charge of the present police entity? Why Manuel Bernal or Rodríguez Torres have not clarified to the justice what kind of responsibility they had in these murders? They must have given the order to SEBIN to go to the march and shoot, if they were not the responsible, who was? Who gave the order?

The other element about the responsibility of the security forces in the events, is the passive presence of the “Policía Nacional Bolivariana” and the “Guardia Nacional Bolivariana” before the facts against the headquarters of the Office of the Public Prosecutor MP who during 45 minutes, and being only 20 meters away from the site of the incident did not act, they did nothing. Who gave the order to the “Guardia Nacional Bolivariana” to prevent these attacks against the site of the Office of the Public Prosecutor? Obviously, it is more than clear that there is a clear intention behind the passivity of the “Policía Nacional Bolivariana” the “Guardia Nacional”? To allow the actions and then to accuse the protesters and their conveners as violent people. It was a plan, a trap that Maduro himself announced the night before when he said: “tomorrow there will be a dead man.” How did Maduro know? Why there are so many questions before the actions and omissions of the Institutions of the State?

On this first charge, of having instigated vandalism acts as a result of my speech, we may conclude that there are no elements that establish this relation and that rather the violent events that took place on such a date are the responsibility, by action and omission, of the Venezuelan State (see note on the direct call made by Ameliach to violence).

The second accusation brought by the Office of the Public Prosecutor against me is having denounced as corrupt, inefficient, oppressive and anti-democratic Maduro's Government and the Venezuelan State. I fully assume my responsibility on the above accusations. I not only take responsibility for having made such accusations but I take this opportunity to ratify each and every one of them as these is the pure and inviolable truth.

If it is a crime to denounce corruption, inefficiency, loss of freedom and the anti-democratic vocation of those who run the government, I assume my responsibility.

Taking into consideration that the Office of the Public Prosecutor questions and criminalizes my complaint about the presence of a corrupt State, inefficient, oppressive and anti-democratic which has been the result of the progressive dismantling of the democratic State and the unconstitutional installation and contrary to the national spirit, of a dictatorship, it is appropriate to make a balance of the present situation of the nation.

This balance is confirmed into two interdependent blocks. The cause and effects of the disaster. The responsible ones and the affected people. The cause of the current crisis in all its dimensions, is the installation of a model of an authoritarian Government, the dictatorship. The effects, the consequences of this dictatorship model are the hardships now suffered by our people in the economic, social and political. That is, the problems we Venezuelans suffer today, shortages, queues, inflation, insecurity, impunity, injustice and loss of freedom are not consequences of external factors, of an economic war or much less an action from the citizens. The problems, all of them, have their origin in the lack of democracy and the asphyxia of freedom. They are the result of a State kidnapped by sectarian political and economic interests of a small elite that manipulates the institutions, derogating the Constitution by way of the facts, which have been placed from origin and performance outside of the Constitution and the national interest, which has made all public authorities assume a condition of illegitimacy. Unlawful in origin and in performance.

Democratic legitimacy is what differentiates the democracy from another system, it is recognized when evaluating the legitimacy of origin and legitimacy of the performance in a democratic system.

The legitimacy of origin refers to the fact that it was the person who, as set out in the Constitution, has elected its representatives. In this sense the elections on April 14, 2013, when Nicolás Maduro was proclaimed President, represent a contested and non-resolved chapter about the legitimacy of the democratic origin. In the first place, on January 2013 the Supreme Court of Justice issued a ruling allowing, contrary to the provisions of the Constitution, that a Vice President in charge of the Presidency is a presidential candidate as well. In the second place, the electoral results of April 14, leave a reasonable doubt on the validity of more than 200,000 contested ballots that might have made a difference in the outcome of the elections. Despite having reported with sufficient evidence the irregular usurpation of identities, double or triple

votes, and violence at the polls that could have generated the cancellation of enough votes to change the outcome of the election, there was never a full audit of the congruence between the electoral notebooks, the results of the voting machines and the ballots deposited in the boxes. Despite the fact that this audit was requested to Maduro who readily accepted on the night of April 14 and being this also an express request by the UNASUR, this audit was never conducted. Upon the non-successful closing of this doubt, for more than half of the Venezuelan population Maduro simply seized the elections just as the “Mesa de la Unidad” and Henrique Capriles denounced in the days after the election of April 14.

In addition to this severe questioning of the electoral legitimacy of the triumph of Maduro, weeks after the election there emerged evidence that allegedly questioned the Venezuelan nationality of Maduro. These signs indicate that Nicolas Maduro is presumably of Colombian nationality, which would prevent him, by constitutional provision, to exercise the Presidency of the Republic. This doubt has not been satisfactorily clarified.

On the legitimacy of the origin of the other public authorities we may point out the fact of several designations of people openly militant of the governing party, which would also constitutionally prevent them from exercising the maximum responsibilities of the Public Powers. In addition to this questioning, there is the fact that several officials exercise the highest positions in the public powers having their period expired. Such is the case of the sub-comptroller who has been performing illegally the post of Comptroller for more than four years. Three principals of the CNE (National Election Council) have their posts already expired and eleven members of the Supreme Court of Justice have also expired periods. This situation has been recently recognized by the regime who has been announcing the constitution of commissions to propose the replacement of these officials.

About the legitimacy of democratic performance of the Venezuelan State, that is, full compliance with the Constitution, the autonomy of the public powers, the rule of law, the guarantee of fundamental freedoms, the politicization of the national armed forces and the respect of all rights for all people, we can make a long and detailed balance concluding in the sad statement that in Venezuela systematically and permanently the conditions which make of a State a democratic system are being violated. For limitation of space, we shall refer only to some of these violations to the democratic system.

The justice system made up by the courts, the Office of the Public Prosecutor and the Office of the Ombudsman, are highly corrupted and kidnapped by political manipulation. Most of the judges are provisional, temporary, or substituted judges who are removed to convenience of political interests. Upon the absence of the judge's autonomy and by not having stability, the decisions issued are highly permeable to political manipulation. The same provisional situation is present in the Prosecutor's Office. Example of this situation, is our own case. All the prosecutors who are charging me are provisional and the female judge who was to serve as alternate, was recently removed and replaced. This unstable situation has been denounced on a permanent basis by the Inter-American Commission on Human Rights and various non-governmental organizations as one of the main causes of the breakdown of Justice in Venezuela

On the performance of the powers that includes the system of justice, the result is regrettable. Today Venezuela has the country's highest rates of insecurity in South America. Just

2% of homicides are resolved by the Public Prosecutor. Every year the number of homicides, kidnappings, and crime in general increases. Despite having announced 14 security plans, each year is more violent than the previous one. During 2012, 21,000 homicides were recorded; during 2013 more than 25,000 were recorded, and 2014 is projected with an increase in this figure. In addition to the increase of crimes, increasing impunity and the procedural delay, the prison crisis, a prolonged crisis that worsens every year with higher levels of overcrowding and killings in prisons, closing the cycle of a dysfunctional, corrupt and anti-democratic system of security and justice dysfunctional, corrupt and anti-democratic in the absence of prevention, the organization of the police force, the Office of the Public Prosecutor, courts and prison system. A system of justice that suffers from permanent violations of human rights of thousands of Venezuelans who upon coming into contact with the Venezuelan Justice are encountered with chronic inefficiencies, corruption checkpoints and politicization preventing the exercise of justice.

To these permanent violations of human rights, the institution that was conceived by the 1999 Constitution to be the voice of the oppressed, the Office of the Ombudsman, has become an institution accomplice of the power, which has not had a single case of exemplary justice against abuses of power and violations of human rights by the Venezuelan State.

In regard to the Office of the General Comptroller of the Republic, the responsible entity for ensuring the healthy and transparent administration of the State, it also has become an appendage of the political structure taken by assault by the Venezuelan State. In addition to more than four years of unlawful exercising the responsibility as General Comptroller in the permanent absence of Clodosbaldo Russian, the Comptroller has not achieved a firm and transparent work against corruption.

In regard to the cases of corruption reported to the Office of the Comptroller and the public opinion we could draw up a long list, but with the intention of presenting the complicity of the Office of the Comptroller with corruption and, as an example, I can mention the largest embezzlement case of corruption in the history of Venezuela. Even in times of Guzmán Blanco there had never been a fraud of such magnitude which was the theft of more than 30 billion dollars handed over by CADIVI to fake companies, those call “briefcase companies” linked with the senior leaders of the ruling party. This case is emblematic by the magnitude and the direct impact that has had on the well-being of the Venezuelan people.

During 2013, several State officials reported the loss of tens of billions of dollars in fraudulent assignments and “briefcase companies.” The President of the Venezuelan Central Bank, Ms. Edmme Betancourt, made the first announcement, followed by the announcement from the Finance Minister Jorge Giordani, Minister of Internal Affairs and Justice Miguel Rodríguez Torres, and finally by the President of PDVSA and Economy, Rafael Ramírez. All agreed in reporting the fraud of 30 billion dollars equivalent to 50% of the annual income resulting from the sale of oil or 130% of international reserves of the Republic.

Thirty billion dollars were stolen and, with a baring face and under the most absolute impunity, they denounced this fact and simply “nothings happens”. No one is guilty, no one knows where the dollars are, or who, or why the delivery of this amount was authorized to phantom companies. The Office of the Comptroller has not investigated. In recent statements, the lady Comptroller in charge said that in 2007 she had reported that there were “Briefcases

Companies” but nothing happened. Why nothing happens? Because this fraud is the best example of the installation of a true criminal structure within the Venezuelan State, from which its highest level has been enriched with the resources of all Venezuelans with impunity. Why Manuel Barroso, former President of CADIVI has not been brought to Justice? Why has Rafael Ramírez not explained to the country what happened with those dollars that necessarily passed through PDVSA? Why the President of the Central Bank, Nelson Merentes has not explained to the justice and to the country the fate of a number of dollars greater than its international reserves? The answer is clear: those dollars were handed out to a cast of “entrepreneurs” that far from being productive entrepreneurs had the function of figureheads of the high hierarchy of power. Each company that irregularly received US dollars is linked to some patron that at a given time transacted with a telephone call or with a prior agreement the approval of delivering preferential dollars without complying with the appropriate requirements.

To open the black box of the CADIVI dollars, is to open a complex network of influences, extortion, and abuse of power that would compromise a good part of the high hierarchy of the official power.

This corruption scandal is of such magnitude that today the Venezuelan people are paying the consequences with shortages, inflation, and with the destruction of the national production apparatus that in addition to not receiving timely dollars to operate, its activities have been subjected to an economic model that has been a grind of regulations, threats and corruption that have destroyed the domestic production.

We could extend our statements on the magnitude and impact of corruption acts, which have counted with the indispensable ally and complicity of the Office of the General Comptroller of the Republic.

About the illegitimacy of the performance of the Electoral Power, there is “plenty of fabric to be cut.” Political coercion and manipulation of processes, laws, and decisions are in place long ago. The first element is the public and notorious fact that two of the Principals of the Electoral Power were enrolled militants of the Government (PSUV) and that 4 of the 5 Principals have shown their open political inclination towards the ruling party.

Lack of transparency, dark contractual documents, permissiveness of unfair and unbalanced campaigns in favor of the regime, politicization of the electoral technical structure, change of electoral circuit in favor of the ruling party, and the negative of having done an audit of the voting papers on April 14 after the disputed presidential election set a very negative and anti-democratic the CNE's picture as electoral referee.

Finally the performance of the National Assembly was also contrary to the spirit of the constitutional and democratic performance. To name some examples, the National Assembly making use of an illegitimate simple majority, approved the so called “Plan of the Homeland” as a law, being this document a clear expression of authoritarianism and violative of the Constitution as it was clearly and accurately denounced by the Venezuelan Episcopal Conference. In addition to approving laws contrary to the Constitution, the handling of the Assembly reached the level of democratic outrage that, to date, three deputies from the opposition, elected under the alliance of the Democratic Unit, have been removed illegally from their parliamentary seat. Such is the case of Nora Bracho, Richard Nardo and Maria Corina Machado.

This brief diagnosis of the legitimacy of origin and performance of public powers in Venezuela leads us to conclude that in Venezuela, we cannot speak of the entry into force of a Democratic System. In Venezuela there is no democracy, there is a dictatorship installed by the ruling party.

Besides the poor democratic performance of the institutions of the State, there are some other signs of the anti-democratic vocation of the regime that are worthwhile to point out. The loss of strategic and territorial sovereignty also represents a side of the anti-democracy installed in the Venezuelan State.

In the first place, the loss of sovereignty or irresponsible management of territorial sovereignty. This issue highlights the case of virtual delivery of the Essequibo to the Republic of Guyana by the Maduro Government. Since 2011 the Government of the Republic of Guyana has acted in a hostile manner against Venezuela. In September 2011 Guyana notifies the United Nations a unilateral issue about its continental platform in 300 nautical miles. Venezuela was not notified. Venezuela answered but obviously in accommodating terms because on September of 2013 some maps were published giving account of concessions for the exploration and exploitation of oil which include Venezuelan territory. In October of the same year, a Panamanian-flagged vessel contracted by the company Anadarko, franchised by Guyana was identified on Venezuelan territorial waters. The diplomatic and military response by the Venezuelan State has not been at the level of the threat, which constitutes a risk to give a Venezuelan territory back by the negligence of the State as it occurred during the Governments of Guzmán Blanco, Cipriano Castro and Juan Vicente Gómez.

The problem of territorial integrity is also present in the western border with Colombia where due to the negligence of the authorities and the installation of a system of corrupted interests has allowed a large scale smuggling and the presence of criminal organizations and irregular groups that terrorize and have subjected the people of the border with criminal practices such as kidnapping, the generalized “vaccination” and the penetration of these groups in the handling of some State institutions as well as the presence of drug trafficking in the Venezuelan territory.

The loss of sovereignty in the strategic field has been demonstrated by the presence of representatives of the Cuban regime on such sensitive and strategic issues as the policy of importation of food, handling of State intelligence, and the conduction of military affairs. One of the pieces of evidence of the Cuban presence in the military field was the reverence to the Cuban flag at the military installation of the Paramacay Fort at the State of Carabobo.

Finally, another area where it is evident the anti-democratic vocation and contrary to the Constitution is the management of the national armed forces.

According to Article 338 of the Constitution “the armed force constitutes an institution essentially professional without political militancy . . . in the execution of their duties is the exclusive service to the nation and in no case to a any political partiality.” Unfortunately, the facts show otherwise; it is worrying the progressive penetration of the politics in the national armed forces. It is public and notorious the subordination of the National Armed Forces to the political partiality that represents the ruling party. Political acts where the staff and especially the military

officials are forced to politically subordinate to the ruling party. Military harassment conditioned by political loyalty, not merit as laid down in Article 330 of the Constitution. The installation of political slogans as part of the day-to-day organization of military life. Unjustified and untimely promotions of political components outside of the military institution with the intention of merging more and more the National Armed Forces with the Political Party of the Government – PSUV following the style and example of the behavior of the Cuban National Armed Forces and the Cuban Communist party.

These are some of the features of the anti-democratic and unconstitutional handling of the Venezuelan State. Which clarification is relevant to our case since our calling out of the disaster, the dictatorship, is based on specific facts that deserve a strong and patriotic response of all Venezuelan democrats

Although the causes that lead us to say that today we do not live in democracy in Venezuela and that we are rather subject to a dictatorship, have been exhibited, its effects on the population are not just political. The cause, the origin of the crisis in Venezuela is installing a non-democratic system, which is corrupt, repressive and inefficient, the effects are economic, social and political affecting the entire population.

As it has been argued and demonstrated empirically by visionaries like Amartya Sen, Roberto Unger and William Stanley, among many others, there can be no progress, i.e. welfare, overcoming poverty, if there is no freedom.

Freedom is an indivisible concept, you cannot have partial freedom. Without freedom of expression, there can be no freedom, without freedom there can be no freedom to protest, and so on.

The democratic well-being is the coexistence of successful and efficient public policies with the guarantee of freedom for citizens. Social democracy as it emerges from the text of the Constitution is the conquest of all rights for all Venezuelans without anyone being excluded.

The effects of a corrupt, inefficient system, repressive and anti-democratic touch the lives of all Venezuelans, with the exception of the small ruling elite.

The effects of the dictatorship:

The economic collapse. Today in Venezuela, we are experiencing an economic crisis due to the installation of a failed economic model that the regime insists on keeping. Controls of unsustainable prices, exaggerated regulations, expropriations, absence of legal certainty, addiction to imports and the progressive destruction of the national productive apparatus are the characteristics of an economic model that despite living the largest oil boom cycle in 100 years, has generated the highest levels of inflation in Latin America: 56% in 2013 and 80% by 2014 projections. The highest shortage of the continent, which is approaching 30%, evident every day everywhere with long queues to purchase commodities. An exaggerated and non-transparent debt to the nation. The collapse of the oil industry which has lost production capacity more than 700 tbd of conventional crudes from 2008, the highest rate of labor and environmental accidents and an

increase in the debt of PDVSA's \$50 billion to \$2.9 billion (between 2006-2013). They are all effects, consequences of the application of an anti-democratic and contrary to the Constitution.

The consequence of the anti-democratic system is that in Venezuela we have an education system that does not educate, of health that does not heal the sick, of social security that does not cover the unprotected, of justice that is not fair, of citizen security that does not protect, and of defense that does not defend our sovereignty.

It is in the face of this collapse of democracy, the kidnapping of democratic institutions and the progressive installation of a dictatorship that we have pronounced ourselves in favor of the conquest of democracy.

Being this the third accusation of the Office of the Public Prosecutor against me, the call to the street to enable the constitutional options that allow by way of popular initiative, it was necessary to expose in a detailed and schematic way the reasons that have led us to affirm that in Venezuela we don't live under a democratic regime.

To the conclusion that in Venezuela we don't live in a democracy, and following our patriotic, democratic and nationalist responsibility, we have made a concrete proposal to articulate an exit to the crisis, an output of dictatorship by popular, democratic and constitutional way. This proposal, has been called the "The way out."

As it is clearly shown in all videos and records evidenced by the Office of the Public Prosecutor, the proposal that we made to the Venezuelan people and why today I am prisoner in *Ramo Verde* and probably subjected to a political trial, is specific, popular, and framed in the Constitution.

Taking into account the progressive advancement of the installation of a dictatorship in Venezuela we have made a call to nonviolent protest in the streets with the intention of activating any of the four constitutional options that can trigger political change for the restoration of democracy and freedom in Venezuela by way of popular initiative.

The present Constitution contemplates as options to achieve a political change the following:

- a) The resignation of the President of the Republic. Article 233 of the Constitution.
- b) The reform or amendment with the intention to reduce, shorten, constitutional period, and proceed to a replacement of those responsible for the Government as it contemplates the Constitution. Article 340, 341 and 342 of the Constitution. The call for a national constituent Assembly with the intention of transforming the State and restore democracy and freedom in Venezuela. Article 347 and 348 of the Constitution.
- c) The call for a national constituent Assembly with the intention of transforming the State and restore democracy and freedom in Venezuela. Article 347 and 348 of the Constitution.

In all public and private presentations which we have made about the "way out" of the dictatorship, we have based them on the activation of the popular protest as the common denominator to achieve the popular organization and the enabled critical mass that allows the desire of the majority of the Venezuelan people wanting a political change (more than 60%

according to various opinion polls), can be carried out by activating a popular initiative from one of the options contemplated in the Constitution to produce the necessary political change for Venezuela.

The street, the popular protest which has been criminalized by the State apparatus that has used all its power, economic, diplomatic, law enforcement, and communication to disqualify this initiative of protest and to protesters as terrorists covering a fascist plan for Venezuela. Nothing is further from reality calling our proposal fascist.

So, it is clear that our proposal of the “way out” is not a call to the violent insurrection or a coup d’état as it relates to our own history, which only the military forces can carry out. Our proposal is then the call for a national protest in the streets, based in the sacred concept of the self-determination of people and endorsed by the Constitution, which allows the realization of a political change as the way out to the deep crisis which we live today in Venezuela.

In this context, I fully assume my responsibility to be summoned to protest, to the street, with the intention to win democracy and freedom for all Venezuelans.

It is important to stress that our proposal is not an empty change of content, it is not a leap into the dark as it has tried to point out the Office of the Public Prosecutor, as the interlocutors of the dictatorship, in its accusation against me. Our proposal is a way out from the dictatorship of the corrupt, inefficient, and anti-democratic system that we have in Venezuela, so that once and for all after conquering the political change we can build together the path towards a strong, inclusive democracy as guarantor of freedom for all which can be materialized in the collective desire that all rights are a reality for all people. A true social democracy centered in each Venezuelan and the materialization of all and each one of the rights that are enshrined in the Constitution.

To achieve this step from dictatorship to democracy, driven by the popular initiative and the implementation of the Constitution it is required the transformation of the State in three dimensions.

The first is to have a Government and an efficient state that can make rights a reality: an education that educate, a health system that heals the sick, a social security system that protect the unprotected, an economic system that produces jobs and prosperity, a system of citizen security that protect and provide security for all.

The second is a system of justice that is really fair. To avoid anyone being outside in the realization of their rights. That all Venezuelans are equal before the law.

And the third is active conscience, permanently active, of every Venezuelan in function of the defense and conquest of their rights.

Yes, it is possible to achieve a better Venezuela, much better than what we have today, but that country that we want cannot arrive by itself. It is imperative that every Venezuelan assumes its responsibility to the present situation of generalized crisis and to become an active and permanent factor in the construction of the road that will take us out from the dictatorship and allows us to conquer freedom and democracy.

All the options that we propose as a constitutional “way out” to the political and economic crisis, social and democratic legitimacy, must be activated by way of the popular initiative. This means that one of the responsibilities which should take this movement of non-violent struggle is the organization of popular support for the back-up of any of the alternatives: reform, amendment or call to a national constituent Assembly in the mandate to replace the powers that have been kidnapped.

Not only they are proposals activated by popular initiative, they all lead to a process of electoral legitimacy.

Just as all constitutional ways out of the crisis have to rely on an active street movement, all of them also lead to a process of electoral legitimacy.

A process of political change as we are proposing, from the bottom and upwards, starting with the people, the common citizen, ordinary people and for the people, is not a simple process, but it is not only possible since such roads are clearly defined in the Constitution. Our proposal for political change, the way out of the dictatorship begins and ends in the exercise of the sovereignty of the Venezuelan people.

To take the street as the ground of our struggle is a right that we Venezuelans have. Since the history is history and the people are people in the face of the oppression of the people have raised its voice. In democracy it is precisely the idea that it is the people who defines its authorities.

The right to protest is part of the essence of a democracy but if there is no right to the free expression and protest the alternative of power cannot be materialized. In Venezuela the protest is a constitutionally guaranteed right. In Article 68 of the Constitution it is clear that there are no limitations to a peaceful and non-violent protest.

Since February 12 the regime has continued its policy of criminalizing the protests. As Marino Alvarado from Provea, has said: “It cannot be said that it is only a strategy of the Government, it is a State policy because all judicial and political structure is used to criminalize the protest.”

Up to April 28, the State/regime has arrested 2,500 persons of which, 1,406 are kept under precautionary measures and 106 have been deprived of their freedom. This balance represents the face of judicial repression that accompanied by police repression and of armed groups from the regime set a sophisticated apparatus of social repression.

According to COFAVIC Liliana Ortega, the situation lived in Venezuela since February 12 is a situation similar to that of the Caracazo in 1989: “The same answer that we had from the Government of Carlos Andrés Pérez with respect to the Caracazo, we have had it as well from the Maduro Government in regard to the protesters. The victims have been criminalized, serious violations to human rights have been disregarded and the actions of the protests have been minimized.”

The bravery of the people into the street and the consolidation of a sense of change expressing in a same movement the various reasons that have generated the outrage of millions, the response of the regime has been the desire of imposing a curfew by way of an accommodative and anti-democratic ruling of the TSJ. It is our right, the right of the Venezuelan people, to disregard such illegal and anti-democratic ruling. While that sentence is another authoritative expression, it also represents a positive sign since, historically, it is when regimes are being cornered that they engage in the use of tools such as the pretension of prohibiting pacific and peaceful demonstrations by way of a Decree. That was the great mistake of the British Empire before the father of non-violent struggle in current times, Mahatma Ghandi.

The fourth accusation from the Office of the Public Prosecutor represents the pretension of the regime of not limiting its accusation against me, aims to expand this accusation to our organization “Voluntad Popular.”

Our party “Voluntad Popular” has been victim of a permanent persecution and at all levels of our leadership. A raid at our national headquarters, raids to regional headquarters, detention of more than 100 activists, order of arrest of Antonio Rivero national leaders and of our Political Coordinator, Carlos Vecchio, the imprisonment of our Mayor of San Cristóbal Daniel Ceballos and the imprisonment of my person. It is evident the systematic persecution to “Voluntad Popular.”

It is pertinent to point out that “Voluntad Popular” has been the only party undergoing elections to choose the parish, municipal, regional, and national authorities of the political organization. Voluntad Popular is a social democratic organization linked to the family of the Socialist International. We organize ourselves in popular networks, teams democratically-elected and social movements.

In the face of the present deep crisis going through the country and after several days of deliberation at regional and national level, “Voluntad Popular” democratically decided to assume the proposal of a “Way Out” as an organizational and political route to face the reality imposed by the dictatorship of Nicolas Maduro.

In the face of the events occurred since February 2, the permanent harassment by various bodies and at all levels has been a State policy.

The last episode of this judicial persecution was the request made by the political collective “Tupamaro”, an organization with a public and notorious violent record, to the TSJ to outlaw “Voluntad Popular”. The appeal was delivered to Francisco Carrasquero as rapporteur.

To all who are reading this document, I hereby confirm the above contents. In the face of the accusations made against me by the Office of the Public Prosecutor about:

1. Having made calls to violence.
2. Having denounced the State and the Government as corrupt, inefficient and anti-democratic
3. Having made a call to go out to exercise the right to protest to conquer democracy in Venezuela.

4. To link alleged organizations and persons as part of a criminal structure with a criminal plan.

I reject, specifically, that we have done before, during, and after the February 12 was a call to violence.

I assume my responsibility for having denounced the Venezuelan State and government as corrupt, inefficient, repressive and anti-democratic.

I assume my responsibility in making a call to the streets to protest in a non violent way.

I assume my responsibility in making a call to consolidate a route to political and constitutional change of the structure of the Venezuelan State.

I declare myself innocent from the charges made by the Office of the Public Prosecutor on having committed criminal actions like damages, fires, instigation, and association to commit crimes.

I am innocent from the crimes charged against me and responsible for having call protests as an impulse for a political change in Venezuela.

I hereby deliver this testimony from my own handwriting and I confirm my denounce of having been prevented from my right to participate in all the phases of the process and being able to give my defense arguments.

In my condition of political and conscience prisoner.

Justice for all political prisoners and persecuted people.

Strength and faith!

EL PAÍS

September 1, 2016

Venezuela and Its Liberating Spirit

A large and solid majority has risen and seeks political change through democratic means

By Leopoldo Lopez

I have been in the military prison Ramo Verde, close to Caracas, since February 18, 2014. My crime was protesting peacefully against the corrupt, inefficient, repressive, and anti-democratic government of Nicolas Maduro, and promoting a political —electoral— change envisioned in the Constitution of Venezuela. For this, I have been condemned to fourteen years of prison. But I am not alone. There are hundreds of citizens incarcerated for the same cause: the political leaders Antonio Ledezma, Manuel Rosales y Daniel Ceballos, the dozens of activists and students, and the millions who suffer daily abuses from the authoritarian regime that has governed our country since 1999.

The judgment to which I was subjected, together with four students—in which we were condemned without any proof and in violation of due process—and the abuses to which we have been objected to in this prison since day one, are only one example of a politic that systematically denies Venezuelans the plain exercise of their fundamental rights.

This has been the chosen strategy of the dictatorship of Nicolas Maduro to try to impede the rebirth of our democracy. There have been millions affected, but it is obvious that they have failed in their intent to subdue the Venezuelans. The overwhelming defeat that they suffered in the parliamentary elections last December, despite their obscene advantage, demonstrates this. It is a large and solid majority that has risen and looks for a political change in the path to democracy, attached to the Constitution.

This majority chose the route of a presidential recall referendum, provided in our Magna Carta as the appropriate mechanism to give way to that which now is an acute political necessity. The obstacles that the regime has put in front of this mechanism have been many, including the seizure of media and the persecution of dissidence.

While I write this note—which only in fragments can outwit the zeal of the prison guards—a great day of national civil protest is prepared for the first of September, the Great Takeover of Caracas.

We are convinced that millions will participate and that with this peaceful public pressure and the accompaniment of democrats of the world, a step will be achieved toward the electoral mechanisms provided for in the Constitution, and we will achieve political change.

The economic crisis devolved into a great humanitarian crisis which has ended in an initiation of a great political mobilization that will inevitably drive the revocation of the mandate of Nicolas Maduro. But, while removing the government is an immediate and important goal, it is not the only one. This long tragedy of almost 18 years, whose cost is immeasurable at all levels, should lead us to re-found a democracy on more just, and therefore more solid, bases. The conceptual failures and the human errors that carried us to this sad situation cannot be re-edited.

This demand drives us to the necessity of a Great National Accord, that includes all democratic sectors. The proposition is to form a civil government in national unit, that will go farther than a simple coalition of parties. A government that will be representative of the diversity and plurality of the liberating and republican spirit of the Venezuelans. A government committed to the objective of consolidating democratic institutionalism, to be able to reach the end that has animated our struggle throughout these years: that all rights are for all people, that all Venezuelans, without exclusion, receive the benefits of democracy and rule of law.

Only a government that arises from this agreement will be able to commit with energy and coherence to the priorities that Venezuela demands: to attend the humanitarian crisis provoked by Maduro and his crazy policies, to stabilize the economy, overcome the shortages and inflation, and to promote the economic growth based on national production and social inclusion.

A government thus conceived will also have as a priority and will spare no force to overcome the insecurity that today terrorizes the Venezuelan public. The insecurity, apart from being ignored has also been promoted by the narrative of this regime, which coupled with the economic crisis, has forced the exodus of millions of compatriots. As a corollary to these policies, there will be policies that encourage the return of all those who felt obligated to emigrate. Venezuela will need all of us.

Finally, and no less importantly, is the situation of the Venezuelan military. We recognize the importance of the Armed National Forces, however, we reject the pretension that this sector is erected as a conductor of the the Venezuelan society nor should invade spaces that correspond to the civil sectors. It is enough that there is an Armed Force that functions in the strictest manner to that established in the Constitution and the Universal Declaration of Human Rights.

I have no doubt that the noble people of Venezuela are on the verge of a great democratic victory and will rise to the demands of this crucial moment in our history.

February 26, 2016

Three Steps Venezuela must Take to Turn the Country Around

By Leopoldo López

Leopoldo López was mayor of the Chacao district of Caracas, Venezuela, from 2000 to 2008 and the leader of the Popular Will opposition party.

Two years ago I was imprisoned for calling for a constitutional, democratic and peaceful change in the Venezuelan government. Our plan was called La Salida, “the exit.” Not everyone agreed with our approach, and some called it radical. Today, the consensus is much stronger — President Nicolás Maduro must step down to save Venezuela from one of the greatest calamities in our history.

The people of Venezuela want this change to be peaceful and swift. The harder and more important question is: What comes next?

Venezuela faces a long and difficult road to recovery. Things may get worse before they get better. Deep damage has been inflicted on the pillars of our economy, the fabric of our society and the soul of our country. Deciding where to begin will be overwhelming. When everything must be fixed — at once — where does one start?

A hundred things must be done with urgency. I will single out three that rise above the rest.

First, we must restore our democratic and governance institutions. Those who believe that ideology alone caused the crisis in Venezuela are deeply mistaken. It was the systematic dismantling of checks and balances, oversight mechanisms and civil rights protections that led us to this collapse. Without strong institutional protections, no system of government can succeed, and the country will cease to function. Repairing this area cannot wait. It must be our first and highest priority.

Key steps that must be taken include restoring the impartiality and effectiveness of the judicial system — from the criminal courts to the Supreme Tribunal of Justice. We need a return to due process and equal rights under the law so that people can only be charged based on real evidence and judges must rule according to the legal code and not political orders. We must restore the independence of the National Electoral Council as an effective referee of the election process. We must end the practice of arbitrarily disqualifying candidates for political reasons and unwind the myriad ways in which elections are secretly stacked in favor of the ruling party. We must protect

and encourage freedom of speech — especially for news organizations, which must be allowed to pursue the truth with freedom and independence.

Second, we must heal the divisions in our society through a concrete program of reconciliation. This government leaves as its legacy a deeply divided country. Its practice has been to encourage Venezuelans to treat other Venezuelans as enemies. The poor are pitted against the wealthy; pro-government against anti-government; capitalist against socialist. Our recovery has no chance as long as we are divided against ourselves.

The formation of the next government provides a perfect starting point to begin this healing process. We need a government that provides all rights for all people — not just those who support one political party or ideology. While some must be held accountable for serious crimes, we should not be in a rush to punish or exclude all Chavistas, many of whom also are victims. And there can be no more *caudillos* — we need leaders who can govern responsibly and make decisions for the long-term benefit of everyone. Lastly, we must restore term limits to our top political positions and disavow the concept of life-long rule.

The third area of focus must be to rebuild the trust and confidence of the global community, which has been deeply damaged in recent years. Why is this important? Because we desperately need the world's help. Extreme shortages of food and medicine, hyperinflation, deteriorating infrastructure and a broken health-care system are merely symptoms of the humanitarian crisis we face. Addressing this will require one of the greatest reconstruction projects of this century, with outside investment of all kinds — in capital, expertise and partnerships.

To this end, we must restore global confidence in Venezuela as a nation that respects the law, human rights and its obligations to others. We must rebuild burned bridges with some of the world's most respected institutions, including the World Bank, the Organization of American States and the Inter-American Court of Human Rights — not to mention dozens of countries in this hemisphere and elsewhere. Our practice of aligning primarily with the pariah states of the world must end.

Furthermore, we must demonstrate that we will stand by our agreements with other nations, foreign investors and anyone else who does business with us. The practices of arbitrarily seizing assets, reneging on agreements and withholding promised payments have turned Venezuela into the world's most unreliable partner; changing this reality and this perception must be a top priority.

We have great assets to assist us in the many thousands of Venezuela's best and brightest citizens who now live elsewhere in the world. We must earn their confidence, too, and engage them in the rebuilding project to come.

These three priorities alone will not solve our crisis, but they set a foundation for countless other critical actions and hard choices to put food on shelves, grow the economy, increase exports, reduce crime, improve health care and give Venezuelans a chance to build their future.

As I view these challenges from my cell, I know how hard this road will be, but we can reach our destination. The soul of Venezuela is hurting, but it is strong, and it will prevail.

April 13, 2016

By Blocking the Release of Political Prisoners, Maduro Is Eroding Venezuela's Democracy

By Jared Genser and Juan Carlos Gutiérrez

CARACAS, Venezuela – On March 30, the Venezuelan National Assembly passed a law that would extend amnesty to more than 70 political prisoners in Venezuela and set the country on a path toward justice and reconciliation. Upon the proposed law's passing, President Nicolas Maduro promised to block it, claiming that it is unconstitutional. On April 7, he referred the proposed law to the Supreme Court, urging them to overturn it.

Four days later, the Supreme Court followed Maduro's orders: the law is unconstitutional. The decision is no surprise: Maduro stacked the court with party sympathizers last year and the Chavez-era court never once ruled against the government during Chavez's tenure from 2004 to 2013. Thus, in addition to demonstrating the lack of judicial independence in the country, the Supreme Court and Maduro's actions are undermining Venezuelan democracy and dismissing any hopes for a reunification of its fragmented society.

It is clear Maduro sees no need to respect his country's democratic institutions.

The proposed amnesty law is, in fact, constitutional, and it builds on a well-established precedent for amnesties in Venezuela stretching back 200 years. Historically, many instances of political and social conflict have been resolved through the conferral of amnesty. In 1811, the Venezuelan First Republic granted amnesty to rebels in Valencia and in 1827, the Cosiata separatists received amnesty as well. In the 19th century, presidents such as Carlos Soublette, Juan Crisostomo Falcon, Joaquin Crespo, and Rojas Paul also enacted amnesties in support of the unification of Venezuelans. In the 20th century, additional amnesties were granted by Cipriano Castro and Eleazar Lopez Contreras, further establishing a precedent of reconciliation and peace through amnesty in Venezuela.

More recently, in 2000, an amnesty law was passed by the legislative assembly of that era that allowed for the definitive closure of grave crimes that had been committed during the Chavez-led

coup in 1992. That time, cases of murder – killings that could have been considered crimes against humanity – were summarily dismissed and soldiers who had been discharged for having taken part in the coup were even reinstated in their former positions as military personnel.

Then in 2007, Chavez signed an edict terminating criminal proceedings that stemmed from the attempted coup against him in 2002. These amnesty rulings were motivated by a need for national reconciliation and national pacification – just like today.

The current amnesty law is constitutional because it categorically prohibits the excusal of criminal acts that bear relation to crimes against humanity, war crimes and grave violations of human rights, as is required by Article 29 of the constitution. The law also stipulates that under no circumstance will amnesty be extended to people linked to drug trafficking or corruption, and especially those linked to crimes of terrorism.

The secretary general of the Organization of American States, Luis Almagro, called on Maduro to pass the law. And the United Nations Office of the High Commissioner for Human Rights publicly stated that the law was in line with international law and expressed disappointment at the law's rejection.

The amnesty law aimed to restore a type of justice that has long been absent in Venezuela.

The court's acceptance of this law would have been an impartial act that could have served as the first step in rebuilding recovering public confidence in an independent judiciary. Our client, the wrongly imprisoned Venezuelan opposition leader and prisoner of conscience, Leopoldo Lopez, has explained that amnesty is about justice, not impunity, for the persecuted political prisoners and their families. The law aimed to restore a type of justice that has long been absent in Venezuela, wherein no judge acts in a political manner, there are no political prisoners, there is no illegal alteration of evidence and no one can be judged on the basis of lies.

With his rejection of this law, President Maduro has denied any hope for peace and reconciliation in Venezuela. It is clear he sees no need to respect his country's democratic institutions. As Venezuela falls deeper into its humanitarian and economic crisis, we expect President Maduro to continue to disregard the autonomy of Venezuela's branches of government in order to maintain power. Last week, he threatened to cut the opposition-led National Assembly's term from 5 years to 60 days.

Venezuela is currently experiencing the biggest threat to its democratic order in recent memory. Countries around the world must stand with the Venezuelan people in defense of democracy and human rights, both in bilateral and multilateral settings. While some call for dialogue, there can be no meaningful dialogue without first releasing the political prisoners that are currently unjustly detained.

As has often been the case in Venezuela's history, amnesty is the only way forward. Maduro has the power to release the country's political prisoners and for the country to heal – and he must.

February 10, 2016

I'll Keep Fighting for Venezuelans' Rights, Despite the Regime's Attacks on My Family

By Lilian Tintori

CARACAS, Venezuela -- The moment the tragic situation in Venezuela becomes normal, they have won. I tell myself this every time I enter Ramo Verde military prison to visit my husband, the Venezuelan opposition leader and prisoner of conscience Leopoldo López. At the prison, the guards regularly humiliate me, either by refusing my entrance, making me wait hours for no reason or conducting strip searches.

I know I am not alone in this embarrassment; countless women have allowed this routine, an indignity that must be silently endured to see our loved ones. However, in January, the degradation reached a new level, and so now I raise my voice on behalf of all women who are humiliated each time they visit a relative in Venezuela's prisons.

During this visit, the colonel in charge of Ramo Verde prison forced me to wait two hours before seeing Leopoldo, while other visitors were allowed to pass through. As I waited, he started to yell at me very loudly, discussing my marriage and insulting me in front of all the other soldiers. I asked him to lower his voice and he told me that if I continued talking back to him, I would be banned from visiting Leopoldo for months.

Eventually, I was moved to a separate area in the prison, a small room with two soldiers in it, who ordered me to remove my shoes, pants, t-shirt, undergarments and even my underwear. They later did the same thing to my mother-in-law, Antonieta Mendoza de López. But in her case, she was also forced to open her legs, while the soldiers repeatedly yelled at her, "Open them more!" in front of my children -- her grandchildren -- six-year-old Manuela and three-year-old Leopoldo Santiago.

The United Nations Committee Against Torture and the Inter-American Commission on Human Rights set standards for acceptable conditions of detention and have judged that invasive visiting procedures violate the physical and psychological integrity of prisoners and their visiting relatives and qualify as cruel, inhuman and degrading treatment. Yet the Venezuelan government continues to employ these tactics as a way to demean and break us.

To my fellow women who are victims of such abuse: we must not allow ourselves to become accustomed to it. We must never allow ourselves to become accustomed to the endless lines, insecurity, persecution and medical crises -- from the Zika virus to drug shortages -- that currently plague Venezuela. On Dec. 6, the people of Venezuela voted for change in legislative elections, and our National Assembly now has a supermajority from the political opposition aligned against Maduro. This starts by ending the need for people like me to visit their loved ones in prison. We must push to free the political prisoners, the persecuted and their families from these terrible situations.

On Feb. 18, my husband Leopoldo will have spent two years unjustly imprisoned by this regime, our young children will have grown two years older without their father and I will have spent two years fighting for my husband's release. But our new National Assembly has the means to choose a different future for my family. On numerous occasions, the U.N. has called for Leopoldo's immediate release -- a call that has been echoed by the Organization of American States along with many other international organizations and world leaders. The National Assembly is set to pass a law providing amnesty for the country's political prisoners, but this will not happen unless there is intense regional and international pressure on Maduro.

The soldiers who conducted those humiliating searches told us they were following orders from the leadership in the regime. If they are to be believed, which I am inclined to do, then we now know that the persecution and harassment will not stop until the leadership is held to account. The people of Venezuela are fighting the impunity of this regime, but it is not a fight we can win on our own.

We ask that all countries that value freedom, democracy and human dignity demonstrate to Maduro's regime that its attempts to silence domestic opposition will be met with unequivocal and relentless action, and that its lack of respect for the physical and psychological integrity of its citizens has been witnessed by the world and will not be tolerated.

Despite the outrage that Venezuelans share over our country's crisis, today we are full of faith and remain committed to fighting injustice. My resolve has only been strengthened as the pressure on everyone who has dared to confront the regime has gotten worse. The people of Venezuela will prevail in restoring our freedoms, including the release of all political prisoners, through peaceful and democratic means.

Lilian Tintori is a Venezuelan human rights activist.



December 3, 2015

We Must Reclaim Democracy in Venezuela

President Nicolás Maduro has held Venezuelan democracy hostage. On Dec. 6, voters must take it back.

By Leopoldo López

RAMO VERDE PRISON, Venezuela — On Dec. 6, my country will hold legislative elections. Unfortunately, Venezuela is the first Latin American country to imprison leaders of the opposition during an election since Uruguay's dictatorship imprisoned Wilson Ferreira Aldunate in 1984. Here in Nicolás Maduro's Venezuela, four of us are in prison, along with 71 other political prisoners.

When I turned myself in to a government that actually accused me of using “subliminal messages” to incite violence, I knew that this would be my fate. Venezuela's current regime has always gone to great lengths to neutralize my engagement in politics, along with the engagement of so many others. Even as I sit in a small jail cell in Ramo Verde Military Prison, I do not regret surrendering to an unjust government in the name of democracy.

Though I have been condemned to serve nearly 14 years in prison, the United Nations recognized that my arrest and detention were arbitrary, and has called for my release. President Barack Obama, Organization of American States' Secretary General Luis Almagro, the European Parliament, and numerous world leaders — including President-elect of Argentina Mauricio Macri — have demanded my release. And Amnesty International has labeled me a prisoner of conscience.

I directly confronted the injustice and turned myself in on these false charges because I wanted to expose the illegitimacy of the Maduro regime. I hoped that my unjust persecution would inspire greater local and international support to advance change peacefully and democratically. As our parliamentary elections approach, our people have realized that the repressive, anti-democratic

regime that currently rules Venezuela suffocates us. Recent polls show that, for the first time in 16 years, the opposition coalition, the Democratic Unity Roundtable (MUD), currently leads the ruling party, the United Socialist Party of Venezuela (PSUV), by 30 points. The opposition should win in a landslide.

And it must win, for our current humanitarian crisis will only worsen under PSUV rule. Our economy is expected to contract 10 percent in 2015, and inflation is expected to jump to 204 percent in 2016. Shortages of food and medical supplies have become standard, and our murder rate has more than doubled within a decade. The Venezuelan people have realized that change is the only way forward.

Dec. 6 is our opportunity for a better Venezuela.

But there is a chance that we will lose this opportunity because of the government's systematic actions to undermine the elections.

The recent assassination of Luis Manuel Díaz — a union chief and leader of the Democratic Action party in Guárico state — at a rally where my courageous wife Lilian Tintori had just finished speaking, exemplifies the government's campaign of intimidation directed at human rights defenders and political leaders.

Seven opposition leaders have also been arbitrarily banned from running for office. And four of us are imprisoned. An election cannot be considered free or fair if opposition leaders are imprisoned or banned from seeking office. Additionally, the government has refused to allow qualified electoral observation from the Organization of American States and the European Union. What more are they trying to hide from the international community? The government has already gerrymandered districts so that 52 percent of voters, in pro-opposition urban areas, elect just 39 percent of parliament, and has set up fake parties with names mimicking legitimate opposition parties to confuse voters.

These tactics are hard to confront, as the government has made it nearly impossible for the opposition to campaign. A government-imposed state of emergency in swing states in the west prevents opposition campaigning. Additionally, the government's refusal to renew broadcasting licenses to opposition media effectively ensures that no opposition candidate can utilize the media for his or her efforts. But despite holding all the power to rig the system in his favor, President Maduro is still losing, and now threatens us with further violence. He says his party "will win by doing whatever it takes." We Venezuelans understand exactly what he means.

Despite these obstructions, the Venezuelan people will turn out and vote so that their voices are heard. There can be no democratic change if people do not participate in the democratic process. We must vote, and if this election is stolen from us, then we must protest non-violently in the streets. Enough with our suffering: it is time for the return of a prosperous Venezuela. The United States and Latin American leaders must join Secretary General Almagro in demanding change from the Venezuelan regime. They should not recognize the election results unless certain conditions are met: an end to fraud, gerrymandering, and rigging; the acceptance of independent election monitors; and the release of all political prisoners.

The New York Times

September 25, 2015

Even in Jail, I Will Fight for a Free Venezuela

By: Leopoldo López

RAMO VERDE PRISON, Venezuela — ON Feb. 12, 2014, the repressive and inept elite that governs Venezuela ordered my arrest on charges of conspiracy, arson, inciting violence, damage to public property and other crimes. Later that week, after two surprise visits from the president of the National Assembly to my family's home, it was suggested to me that I should seek refuge in a foreign embassy.

I decided instead to turn myself in on Feb. 18, 2014, and confront the trial the regime had planned. I made this decision fully aware of the risks I was facing and the possible consequences of a politically motivated trial with a compromised judiciary. So when, on Sept. 10, 2015, Judge Susana Barreiros — a mere puppet of those rulers intent on defending their wealth and privilege — sentenced me to more than 13 years in prison, I had no regrets about the decision I had made. I was convicted on the absurd basis that I used “subliminal messages” in my speeches about nonviolence to inspire violence during the February 2014 protests.

I am now in solitary confinement in a 7-by-10-foot cell that has nothing more than a single bed, a toilet and a small shelf for my few changes of clothes. I am not allowed writing materials, and the only book permitted is the Bible. I don't even have a light or candle for when it gets dark outside. While this has all been hard for my family, they understand that great causes require great sacrifices.

I am convinced of the justice of our cause: the liberation of a people from the painful consequences of a system of government that has failed economically, socially and politically. Our economy is the worst-performing in the region: Gross domestic product is forecast to fall by 7 percent in 2015, and we suffer from the highest inflation in the world. This inflation has led to a devastating scarcity of basic staples and has destroyed domestic production, the oil industry included. The desperation these conditions have created, paired with widespread failures of law enforcement, has made ours one of the most violent countries in the world, with nearly 25,000 murders in 2014 alone.

What's more, we have lost our democracy. The government targets those who disagree and uses

repression to stay in power. The judgment against me is intended to send a message to all Venezuelans who strive for a better country that, unless they desist and concede to the regime, they will be next. Our government wants to crush our aspirations and make us believe that this fight is hopeless. They want us to surrender. But we cannot afford to surrender, for he who tires, loses.

We are working toward a Venezuela where rights are guaranteed for all, including the right to a life with dignity. We want regular changes in power through free and fair elections, so that all Venezuelans can respectfully coexist, regardless of ideology.

For the economy, we want a model that allows everyone to benefit from growth — especially those who have less. We want to promote local industries and encourage private investment to increase production and provide employment. We want to increase oil production and use the revenue to diversify our economy, rather than buy votes. And we want to provide the high- quality education necessary for all Venezuelans to prosper.

Our plans are ambitious, but they have the support of millions. For Venezuela to move forward, we must first change the system by democratically removing the corrupt ruling party that governs us. The parliamentary elections set for Dec. 6 present this opportunity. But to succeed in the polls, we must unite. An opposition alliance, the Democratic Unity Roundtable, has already formed, but we want to expand this unity to all members of society who desire change.

We cannot do this alone. Those around the world who have spoken out on our behalf I thank sincerely. That support gives us faith, but these efforts must not end today. We need the international community to lobby for our democratic rights by raising abuses directly with the Venezuelan government, condemning repression and promoting solidarity on human rights issues in the region. We need the United Nations to make these matters an agenda item for the Human Rights Council. And we want the Organization of American States to invoke its democratic charter to discuss our dire situation.

For the December elections, pressure must be applied on the government to allow electoral observers from the O.A.S. and the European Union, which has not occurred since 2006. Their independence and impartiality are needed now more than ever to ensure that our opportunity for change is not compromised.

Finally, the government of Venezuela must end its baseless disqualifications of opposition leaders from the coming election. The ten who are banned from running include the former state governors Manuel Rosales and Pablo Pérez, the opposition leaders María Corina Machado and Carlos Vecchio, and myself. The regime should also release all 76 of its political prisoners, including those under house arrest, like the mayor of Caracas, Antonio Ledezma, and the illegally ousted mayor of San Cristóbal, Daniel Ceballos.

An election cannot be free or fair when those who think differently are barred from running or are even behind bars.

Leopoldo López is the former mayor of the Chacao district of Caracas and the leader of the Popular Will opposition party.

September 3, 2015

Freedom for Leopoldo López

Before the impending sentence, the international community has to redouble efforts to ensure respect for human rights

By: Lilian Tintori

On August 18th, my husband, Leopoldo López, finished a year-and-a-half in prison for having made a non-violent, constitutional, and democratic call to change the corrupt, inefficient, and repressive government that systematically violates the rights of its citizens. The government alleges that Leopoldo made “subliminal calls to violence,” yet he has not been allowed to respond to the charges of which they accuse him with either evidence or witnesses. To appreciate the size of the injustice, the reality is that Leopoldo is imprisoned for his words.

The case has reached the final stages and the judge in charge of the case, Susana Barreiros, abruptly suspended the trial period disregarding remaining witnesses and evidence from the public prosecutor and from the defense, including the speeches from 1/23/14, 2/2/14, and 2/12/14, (four speeches in total), that were the basis of the accusation made by the public prosecutor. The judge has announced that she will give her verdict in the coming days.

The trial has been plagued by corruption from beginning to end. President Maduro said at least eleven times before Leopoldo handed himself over that he was “warming up the cell.”

The United Nations has said that Leopoldo should be released immediately. Human Rights Watch, Amnesty International, Presidents Mariano Rajoy of Spain, Barack Obama of the United States, Juan Manuel Santos of Colombia, Ollanta Humala of Peru, Dilma Rousseff of Brazil, and various Parliaments, including the European Union, have joined the United Nations in its request for Leopoldo’s release.

These have been very difficult times, full of anguish. They harass our family and his party, they threaten us. To be a mother running a household alone is not easy. My children suffer the absence of their father each day. Leosan, my two-year-old son, learned to walk in his father’s prison cell. Manuela, my five-year-old daughter, has begun asking me if her father will die in prison.

The situation in Venezuela is worsening dramatically with each passing day. We are at the threshold of a humanitarian crisis. The violence is excessive, the scarcity of basic goods results in

the rationing of food, long lines, and the transformation of supermarkets into military zones. The health services have collapsed and are without supplies to attend to basic illnesses.

This battle is not Leopoldo's battle, it is the battle for Venezuela and for the Venezuelans, until we achieve a profound political change in Venezuela where, as Leopoldo says, "all rights exist for all people."

The UN and Inter-American Commission on Human Rights have demanded the immediate release of Leopoldo López. By refusing to do this, the State violates its constitutional obligations as established in Article 23, that say that treaties, pacts, and conventions related to human rights are completely obligatory.

Before an impending sentence, the international community has the obligation to redouble efforts to respect and demand respect for human rights treaties. As a wife, mother, and Venezuelan citizen, I call you together to do this. To stay silent in the face of abuse and injustice would constitute being accomplices to a situation wherein the rights of all Venezuelans have been systematically violated.

The only decision that we await and that can rightly come out of the trial is complete liberty, for Leopoldo Lopez and for all Venezuelans.

THE WALL STREET JOURNAL.

July 1, 2015

No More Hiding From Venezuela's Abuses

By Desmond M. Tutu

Don't be misled by news about elections—the government violates human rights, emboldened by the international community's silence.

The Venezuelan government announced last week that it will hold parliamentary elections on Dec. 6. This news wouldn't have attracted much attention if it weren't the result of a 30-day hunger strike by imprisoned opposition leaders Leopoldo López and Daniel Ceballos. It is encouraging to see the Venezuelan government make motions toward respecting democracy—but a true election cannot be held when more than 75 political prisoners languish in jail.

Venezuela must be held accountable for its human-rights abuses. We can start by speaking out against the imprisonment of the numerous opposition figures. Unfortunately, important voices—namely, Venezuela's neighbors in Latin America—have remained muted.

This reluctance to take a stand is startling. Venezuela's economic and security situation is dismal, as is the government's response to citizen frustration. Since the 2014 street demonstrations, during which hundreds of thousands of Venezuelans protested against the corruption and repression that plague the country, President Nicolás Maduro's government and state-sponsored thugs have killed at least 43 people and arrested more than 3,000.

Mr. López recently completed his 16th month in jail for his role in helping organize the protests. This is not a criminal offense, and he should be a free man. He has advocated peaceful responses to injustice; he has urged the people of Venezuela to resolve their problems in accordance with the country's constitution. Much as with other practitioners of nonviolence—Mahatma Gandhi and Martin Luther King Jr.—Mr. López is paying a high price for his pursuit of justice. Now that the hunger strike has ended, I urge the Maduro government to allow the Red Cross access to the 100 or so citizens who joined the hunger strike in solidarity.

During all this, Latin American leaders have been hiding behind excuses. When the U.S. in March imposed sanctions on human-rights violators in Venezuela, Latin American countries responded by adopting a resolution in support of the country, citing “the principle of nonintervention.”

I understand the trauma of colonialism. Yet without the international community, my home country of South Africa would have suffered a lot more bloodshed. It was the boycott and sanctions regime, coupled with internal resistance, that ended apartheid, the darkest chapter in South Africa's history. The international community did not really mobilize, however, until after the 1960 Sharpeville Massacre, in which 69 people were murdered for protesting peacefully. The world should not wait for a similar massacre to take action in Venezuela.

The way to address the grave human-rights situation in Venezuela is not to protect the leaders who manipulate postcolonial sensitivities and history to maintain an iron grip on power. Latin America and the world must go beyond rhetoric.

Governments must demand the immediate release of all political prisoners as an imperative to global engagement with Venezuela. It is also time for Latin American governments to work with multilateral institutions like the Organization for American States and the United Nations to demand that Venezuela respect the dignity and humanity of all its people. Their inaction gives Mr. Maduro license to act with impunity.

Yet I also believe, like the Catholic Church, in mercy and forgiveness. It is not too late for President Maduro to change course. In 2016, the Catholic Church will celebrate the Holy Year of Mercy, which, according to the Vatican, "serves as an invitation to follow the merciful example of the Father who asks us not to judge or condemn but to forgive and give love and forgiveness without measure." With the support of Pope Francis, I pray that Nicolás Maduro will honor the Holy Year of Mercy early and free Venezuela's political prisoners.

Mr. Tutu is archbishop emeritus of Cape Town and recipient of the 1984 Nobel Peace Prize.



June 10, 2015

Venezuela's Last Hope

By Jeffrey Tayler

Leopoldo López embodies the change his country needs. And that's exactly why he's still in jail.

Just over thirteen months have passed since Leopoldo López, the most prominent and charismatic leader of Venezuela's embattled democratic opposition, stood on the pedestal of the statue of José Martí in a commercial district in eastern Caracas. He had just addressed a huge crowd of cheering supporters, calling for a continuation of the nonviolent, nation-wide protests aimed at bringing down the regime of President Nicolás Maduro. He pledged never to leave the country (despite a secret offer from the government that he depart into exile), and to carry on the fight for democracy in Venezuela. He announced that he would, then and there, surrender to the authorities (to face charges relating to the deaths of two protesters a week earlier), and that his "incarceration would be worth it if it woke up the people." He closed with a promise: "Very soon, we will have a free and democratic Venezuela!" Then he waved goodbye and climbed down.

Two officers of Venezuela's Bolivarian National Guard grabbed him by the arms and hustled him through the surging mass of people until they reached an armored vehicle. As López was boarding, he pivoted toward the crowd, raised his arm, and clenched his fist in a valedictory gesture of defiance. The officers then shoved him inside, and the vehicle took him to Ramo Verde military prison in a suburb of Caracas.

He has remained there ever since. Twice Maduro has offered to swap López for Oscar López Rivera, a Puerto Rican nationalist incarcerated in the United States since 1981 for seditious conspiracy, but López has refused.

Since López's incarceration, violence, at times carried out by *colectivos armados* (armed motorcycle gangs of hooded Chavistas), has become a regular feature of the anti-Maduro demonstrations. Students started building *guarimba barricades* to close off streets. Hurling rocks and bottles, they staged pitched battles with the police, who responded with tear gas, water cannons, and, at times, live fire, resulting in forty-three deaths and more than 3,400 arrests. These

days, the protests come and go, but tensions run high. The fronts in Venezuela's political struggle have hardened.

As many as ninety-seven other political prisoners languish in Venezuela's jails, but prison authorities have singled out López for especially harsh treatment, hurling excrement and urine through his cell's bars, disrupting his sleep, confiscating his personal belongings and writings, subjecting him to eight months of solitary confinement (torture, according to the relevant United Nations convention), and denying him legally mandated visits from his wife, Lilian Tintori (who has been leading an international crusade for his release) and his two young children. Yet even after a year of such abuses, in February López gave a lengthy interview to CNN en Español in which he sounded upbeat and defiant. He paid for his temerity with twenty-four days of solitude in a tiny, lightless cell known as "el Tigrito." And last month, he managed to publish an op-ed in the Washington Post, in which he restated his demands for a peaceful transition involving "Maduro's resignation, a recall referendum, a constitutional assembly to review and propose amendments to our constitution or a change through the ballot box."

López was healthy and in good spirits, at least until recently, Tintori told me by email, and "at peace with his conscience and decision [to turn himself in], because even if they've imprisoned his body, his spirit remains free. He's fulfilled his obligation to unmask the regime of Nicolás Maduro and show the world that this is an anti-democratic regime." But on May 24, he, along with another prominent imprisoned opposition figure, announced a hunger strike, demanding the liberation of all of Venezuela's political prisoners, an end to state persecution, repression, and censorship, and the setting of dates for elections to the National Assembly (which by law must take place this year). He also called for peaceful demonstrations the next Saturday; in response, some two hundred thousand people took to the streets across the country. A number of other oppositionists behind bars have joined López in his hunger strike. As of June 2, he had lost more than eleven pounds.

Maduro has called López a "murderer," a "monster," and a "fascist," though he has yet to be convicted of anything. The Venezuelan government originally charged López with incitement to commit public crime, damaging property, arson, premeditated aggravated homicide, and terrorism, but has since dropped the last two charges. His trial is ongoing and, according to his international legal counsel Jared Genser, grossly Kafkaesque: judges have denied López the presumption of innocence and private access to his attorneys. They have refused to allow him to present evidence in his own defense, and have rejected fifty-eight of the sixty witnesses who would testify in his favor, while permitting prosecutors one hundred of their own. The outcome is, thus, preordained. Genser told me he expects his client to be convicted and given a lengthy prison sentence.

During a Skype interview in late March, Tintori told me that "Leopoldo's is a political case because he's a national leader representing hope and change for Venezuela, a future for Venezuela." Few doubt, in fact, that López's real "crime," as leader of the progressive opposition political party *Voluntad Popular* (Popular Will), is posing a credible threat to the ever more disliked Maduro, who eked his way into office in 2014 via contested elections with only 50.6 percent of the vote. By winter 2015, Maduro's popularity had dropped to 20 percent. In contrast, the last poll (conducted in October 2014) measuring López's standing showed that 45.6 percent of Venezuelans supported him. López's bloodline only underscores the threat he poses to Maduro. López is descended from Venezuela's beloved founding father, the revolutionary statesman Simón

Bolívar – the namesake of the “Bolivarian revolution” Maduro is supposedly leading. If anyone is fit to unseat Maduro, it is López.

Though López and Maduro are both politicians, the contrast between the two could not be starker. López is fit, handsome, clean-shaven, relatively young at forty-three years of age, and comes from one of Venezuela’s blue-blooded families. Maduro is stout, lumbering, mustachioed, nine years older, and is the son of a Leftist union leader. López attended Kenyon College and Harvard’s Kennedy School of Government, where he earned a Master’s in Public Policy. Maduro never graduated from high school. Before turning to politics, López worked as a high-level analyst for the country’s state-owned oil company, Petróleos de Venezuela, and taught economics at the prestigious Andrés Bello Catholic University in Caracas. Maduro drove a bus. López entered politics as co-founder of the Primero Justicia party in 1992. Maduro, around that same year, joined MBR-200, an organization campaigning for the liberation of Hugo Chávez, who was in prison for orchestrating a failed military coup. López talks of reforming Venezuela and giving it what it deserves (as the country with the world’s largest oil reserves) but does not have: first-rate hospitals, trains, and highways, and an honest, effective police force. Maduro’s trademark rhetoric is re-hashed Chavismo, studded with absurdities (he claimed, for example, that Chávez reappeared to him after death as a “little bird”), insults to his opponents, and warnings of “saboteurs” destroying the economy and conspirators plotting to overthrow him.

One of López’s strongest assets consists in Maduro’s manifest failure to address the mounting economic crisis affecting all walks of life in Venezuela. Inflation runs at 68.5 percent — the highest in the world — and may hit 175 percent by year’s end. The currency, the bolívar fuerte, has plummeted, dropping from 23 (when Maduro was elected) to 416 per dollar on the parallel (real-value) market. (During the latter Chávez years, one dollar bought between six and eight bolívares.) Worsening shortages have hit basic foodstuffs and other necessary products, including diapers and toilet paper. Violent crime has spiraled out of control: the number of homicides in 2014 almost reached twenty-five thousand – the second-highest murder rate on earth. (In fact, the murder of a Venezuelan beauty queen and her husband helped spark the 2014 protests.) The worsening dearth of medications and hospital supplies has led Human Rights Watch to compare the country’s healthcare situation with that of “war zones,” and epidemics of mosquito-born diseases such as dengue and chikungunya are spreading, affecting tens of thousands of people. Power blackouts and water cutoffs are routine.

Some of these problems afflicted Venezuela during the Chávez years, if to a much lesser degree, but the shortages and collapsing currency are new, stemming from structural flaws in the economy, and, of course, from the dramatic drop in oil prices. Hydrocarbon revenues accounted for 96 percent of Venezuela’s exports and half its national income. The country relies heavily on imports, but now has few dollars to buy them with — hence the shortages. The GDP may contract by 7.5 percent this year.

Maduro’s response has been to blame everything on scheming “Yanquis,” Venezuela’s “far-right elite,” the “parasitic bourgeois,” and, of course, the opposition, even though he has effectively neutralized its leadership. In addition to López, he has arrested longtime Chávez foe and mayor of Caracas Antonio Ledezma (for allegedly plotting to overthrow the government), and indicted another key figure, María Corina Machado (illegally ousted from her seat in the National Assembly last year) on charges of plotting *magnicidio*, or the assassination of the head of state.

Only one key opposition leader — Henrique Capriles — remains at large, but after being defeated by Chávez in 2012 and by Maduro in 2013, he has lost considerable popular support. The one who retains it is López.

If Maduro is garnering infamy as a flailing incompetent, López, as mayor of Caracas' prosperous Chacao municipality from 2000 to 2008, earned praise and recognition for effective, transparent governance, and for programs that reduced poverty and crime. He came to office with 51 percent of the vote, but won reelection in 2004 with 81 percent, and four years later enjoyed a 92 percent approval rating. He would no doubt have eventually prevailed in the race for Caracas' mayoralty had Chávez not had him disqualified from office in 2008 on unsubstantiated charges of corruption. Chávez surely viewed López as a threat: a national public opinion poll conducted that year showed him leading El Comandante by two points.

López earned a reputation as a leader with “enduring popularity, charisma, and talent as an organizer” (according to Robin Meyer, a political officer at the U.S. Embassy in Venezuela, as reported in a cable made public by WikiLeaks). Maduro had no political cred to speak of and was known as an uncontroversial Chávez lackey, and least until the latter anointed him successor a few months before his death.

Maduro, in sum, appears to be a quasi-farcical Chávez wannabe harking back to the past, while López looks like Venezuela's JFK-in-waiting — the man of the future.

With Maduro officially instated until 2018 and the country entering a full-blown social and economic crisis, demonstrations broke out in January 2014 following the murder of Monica Spear, a former Miss Venezuela, and her spouse on a highway near Caracas. The protests intensified after the attempted rape of a student in the country's far west. López's moment seemed to have arrived. Though he consistently preached the need for a peaceful transition to democracy, he called on Venezuelans to occupy the streets and demonstrate until the regime gave way. His sulfurous rhetoric included open and humiliating taunts directed at Maduro, and must have persuaded the government that López posed an unmanageable threat.

When Maduro issued an arrest order for López, he went into hiding. This was not to last long. From hiding, López recorded an eight-minute video message, with Tintori seated on a sofa at his side. Dressed in a white shirt and blue jeans, he declared he would be jailed for “dreaming of a better Venezuela.” He expressed pleasure at the hundreds of thousands of Venezuelans taking to the streets to demand change. “The people has awakened ... every one of you needs to make a commitment to change things. But this commitment cannot be passive. It must be active.” He reminded his viewers that “We're on the right side of history. We're on the right side of justice. We're on the right side of truth. ... Our cause must be *la salida*” — the exit — “of this government [from power].” (“*La Salida*” became the name of the entire anti-Maduro protest movement.) He spoke of finding strength in the eyes of his children, for whom he wanted to build a better Venezuela. After he finished speaking, Tintori hugged him, and the screen went dark. He would reemerge only to turn surrender to the authorities in Caracas.

A former Venezuelan kitesurfing champion and media personality, Tintori has been touring the world and meeting with a range of powerful figures, including Vice President Joe Biden, Spanish Prime Minister Mariano Rajoy, and Pope Francis, seeking their aid in freeing her husband. For his

defense team, she has enlisted Irwin Cotler (once counsel to Nelson Mandela) and former Spanish prime minister Felipe González, who is a lawyer by profession, and highly respected for having led Spain to democracy following the death of dictator Francisco Franco in 1975. A wide range of organizations and public figures, from Amnesty International to President Obama, have called for López's liberation. Not surprisingly, Maduro has dismissed them all.

Yet Maduro has a stormy year ahead of him. By law, the government has to call parliamentary elections later this year — and if it finds no way to postpone them, the opposition will likely triumph. But losing is a frightening option for Maduro and his entourage. The Obama administration's sanctions against members of his regime, combined with evidence it purports to possess that high-ranking Venezuelan military officers are facilitating the drug trade, leave little doubt that those in power would fear extradition to the United States were they to lose power.

At this writing, the Venezuelan government has announced that hearings for López's trial will be suspended until July. Felipe González traveled to Venezuela this week, but the authorities refused to allow him access to López, and he left, having made no progress.

"They say the worst year of marriage is the seventh," Tintori told me by Skype, with evident anguish in her voice, "and in fact the worst was the seventh, when they imprisoned Leopoldo."

One thing is certain: Until the Maduro government, whether of its own accord or because of pressure from abroad, decides to release López, Tintori will remain very much alone, and Venezuelans will have scant hope for their future.

The Miami Herald

June 8, 2015

We will never tire of demanding our rights

By Lilian Tintori and Patricia Ceballos

On May 30, the Venezuelan people came together to pray for a better Venezuela and to demand an end to the authoritarian rule suffocating our nation.

Today in Venezuela we live in fear because of the insecurity that defines our lives under the regime of Nicolás Maduro.

Our desperate economic situation has resulted in shortages of food, medicine and even toilet paper, and Maduro relies increasingly on tools of unprecedented repression.

This year in Venezuela, we are supposed to have parliamentary elections, but while June is upon us, the relevant electoral authorities have yet to set a date. Already we have foregone one election promised to us by law, as the Latin American Parliament elections were hijacked by the National Assembly in April. We cannot afford to lose another.

This is a fight over values. Today, 79 political prisoners are behind bars in my country, and the courts dismiss 97 percent of complaints of state-sponsored human-rights violations put forward by citizens. The government enjoys impunity because there is no separation of powers.

The most recent gathering was originally called for by Lilian's husband, Leopoldo López, in a video released two weeks ago from his jail cell. In the video, Leopoldo lamented the worsening political, economic and social crisis in our country today. He called for the Venezuelan people to protest these conditions in the street and he began a hunger strike as his own personal form of protest.

Through his protest, he is demanding the release of all political prisoners, the end of repression, persecution and censorship; and the setting of a date for this year's parliamentary elections.

Sixteen other political prisoners and students, including Patricia's husband, Daniel Ceballos, the former mayor of San Cristóbal, joined Leopoldo in his hunger strike. Recently, Daniel was forcibly taken from his cell and transferred to another prison far from his family and the court where his trial is taking place. His transfer is the government's way of punishing him for winning his party's primary election for the National Assembly.

Why does the Maduro government continue to punish and repress all those who oppose it? Because they are afraid — afraid of the Venezuelan people, who will no longer tolerate the injustice and who will do everything they can through democratic means to reclaim their rights. Leopoldo, Daniel and their peers have undertaken the extreme act of a hunger strike as a pledge to the Venezuelan people who are suffering. If our husbands are ready to give their lives for Venezuela, then we should support their efforts to demand respect for the universal rights for all people.

The international community can take concrete steps to help Venezuela.

- First, it can pressure the Maduro regime to finally set a date for parliamentary elections. Once an election date is set, it can send qualified electoral observers from the Organization of American States, other regional groups, and the European Union to ensure the legality and impartiality of the elections.
- Second, prominent global leaders can continue to visit Venezuela to experience our crisis firsthand, to share with the world our plight, and to remind Maduro that he is being watched and that there will be no impunity for his actions.

On May 22, Lilian saw Leopoldo for the first time in 35 days, and on May 31, Patricia saw Daniel for the first time since his illegal transfer. Our forced separation is how the government punishes us for our activism and our husbands' courage. These months have been difficult, but also marked by our shared strength and faith in risking our lives for the dream of a better Venezuela.

Through our speaking out, we have become targets of the Maduro regime. Slandered on state-owned media, we have been accused of betraying our country. We speak out because we love our country and because we believe in a free, unified Venezuela that respects the rights of all its people.

Our husbands always say, He who tires, loses. We will not tire because their lives and the lives of all Venezuelans are at stake.

Lilian Tintori is the wife of imprisoned opposition leader Leopoldo López. Patricia Ceballos is Mayor of San Cristóbal, Venezuela. She was elected after her husband, Daniel Ceballos, was imprisoned and stripped of his elected office.

May 15, 2015

Venezuela's people need the world's help

By Leopoldo López

It has been almost a year and a half since the people of Venezuela took to the streets demanding change, and my country's crisis has only gotten worse. Venezuelans of all backgrounds denounced our failed state and marched for a constitutional change of the current regime. It was because we spoke out publicly against the government's corruption and inefficiency that I and so many others are in prison. Last year, the United Nations found that I am being held in violation of international law, and I will not relent until the people's demand is met: Democracy must be restored to Venezuela. To achieve this critical goal, we need an end to state repression, the release of all political prisoners and free and fair elections.

The Venezuela we live in today calls itself a democracy, but this is a facade. Under the heavy hand of President Nicolás Maduro, our country is in a profound economic, social and political crisis. We have a government that fears its people. Rather than listening to what its citizens have to say, it seeks to silence us. Forbidden from speaking out, from exercising our constitutional rights to freedom of expression and freedom of peaceful assembly, we are persecuted; we are imprisoned; we are killed. Our media are silenced. And now the president has even authorized the use of deadly force against protesters. At a time in our country's history when we have the potential to be one of the world's largest oil producers, our children have less food to eat, our sick can't find medicine, our inflation rate is the highest in the world, our murder rate is the second highest and we have one of the most corrupt governments on Earth. All we seek are the rights guaranteed by our constitution.

Change can start with an end to the state-sponsored persecution of those who think differently from the Maduro regime. This repression delegitimizes the ruling government and makes a functioning democracy impossible. We also demand the release of all political prisoners. The more than 70 in Venezuela are merely a symptom of the overall poor state of democracy in the country. Our liberation, however, cannot be an isolated event but must be part of a process in which we restore a functioning democracy to our people. Those committing or complicit in serious human rights abuses must resign. And the judiciary and electoral commission must be free from the influence of the executive branch.

Maduro claims that those of us demanding change want to carry out a coup against the government. That is false. Let me be clear: The only transition of power I would ever accept is that prescribed in our constitution: Maduro's resignation, a recall referendum, a constitutional assembly to review and propose amendments to our constitution or a change through the ballot box.

Venezuela is supposed to have parliamentary elections this year, but already we see worrying signs of electoral corruption. It is almost halfway through the year, and no date has been set for the vote. Should there actually be elections, we must have experienced, independent, international observers in the country, not just on election day, but in the months leading up to it. For us to have full faith in these elections, we need to know that those monitoring it will be impartial — a basic right that has become a luxury in today's Venezuela.

To restore our democracy, we will need the support of the international community. Already, more and more countries are recognizing the human rights violations in Venezuela. Brazil, Chile, Colombia, Peru, Spain, the United States and others have called for the respect of democracy in Venezuela and for the release of its political prisoners. I would like to thank these governments, especially the governments of the region, for their vocal support, but this rhetoric must be followed by action.

This month, Uruguayan diplomat Luis Almagro will become the new secretary general of the Organization of American States, and he has the chance to demonstrate that the OAS still has relevance. Almagro has promised to return the organization to the principles of “democracy, liberty and human rights.” The OAS cannot say that it is a community built upon these values and then ignore the suffering of the Venezuelan people. We must bring an end to this double standard for the sake of the millions of citizens dreaming of a peaceful democratic transition in Venezuela. We need change now.

Leopoldo López was mayor of the Chacao district of Caracas from 2000 to 2008 and is the leader of Venezuelan opposition party Popular Will. He has been jailed since February 2014 and is being held in the Ramo Verde military prison outside of Caracas.

April 27, 2015

The Accidental Face of Venezuela's Opposition

President Nicolas Maduro's strategy of jailing political opponents has empowered a former kite-surfing champion.

By Jeffrey Tayler

In 2003, Lilian Tintori was perhaps best known as the kite-surfing champion of Venezuela. She did a stint on a survival-themed reality show, lent her face to public-service billboards warning against drunk driving, and hosted radio and television shows. She was a celebrity in her home country, famed for her looks and charisma.

But since the arrest of her husband, opposition leader Leopoldo Lopez, during widespread protests against the government of Nicolas Maduro last year, she has become an entirely different kind of celebrity: the accidental face of Venezuela's beleaguered and often divided democracy movement. Lopez remains locked up in Ramo Verde military prison, on the outskirts of Caracas, and the government is seeking to keep him imprisoned for 10 years on charges including arson and conspiracy. In recent months, other leading opposition figures have been arrested and indicted, or lost support.

Enter Tintori. Four months after Lopez's arrest, Tintori wrote an op-ed for *The Washington Post* disavowing any desire to become a politician. With more than a year of campaigning for her husband's release behind her, she told me recently that she still doesn't see herself that way. "Leopoldo is the politician," she said via Skype. "I'm a human-rights activist, a Venezuelan, a mother, and a victim myself, and I'm very close to the victims of my country, to those who've had their husbands killed and their brothers imprisoned. I'm just one of the Venezuelans raising my voice and standing up for the rights of Venezuelans."

Those rights have atrophied since Maduro came to power in 2013 via contested elections with only 50.6 percent of the vote compared with his challenger's 49.1 percent. Maduro was the anointed successor of Hugo Chavez, who took office in 1999 and died in 2013, shortly after beginning his fourth term as president. Chávez may have initiated Venezuela's protracted political crisis, but the current situation in the country is unprecedented. With a shockingly high violent-crime rate, an

inflation rate of 68.5 percent (the highest in the world, according to Bloomberg), widespread food and medicine shortages, and ever-more-frequent water cutoffs and power outages, Maduro has seen his approval rating drop from 55 percent to 25 percent, according to a survey conducted in March. (Even eight out of 10 Chavistas—supporters of Chavez’s highly personalized socialist, anti-imperialist governance—are sick of him or his policies.) Maduro’s term is supposed to last until 2018, but given the country’s worsening political and economic crisis, events may change that.

And Maduro has good reason to fear Lopez. Lopez served two terms from 2000 to 2008 as mayor of the business-oriented Chacao municipality, where he earned a reputation among local voters and Venezuelans I’ve spoken with for transparent, effective governance. His youth, track record, movie-star good looks, and incendiary style of speaking—and even of tweeting, through which he has called Maduro a “coward” who didn’t “have the guts” to arrest him—stand in contrast to the plodding, overweight Maduro, who is nine years his senior and who often seems, unsuccessfully, to be aping Chavez’s oratory.

Tintori told me that Lopez is “a prisoner because of his ideas, his words, for having denounced Maduro’s regime as anti-democratic, corrupt, and inefficient. Leopoldo’s is a political case because he’s a national leader representing hope and change for Venezuela, a future for Venezuela. Fearing all this, they keep him in prison.” As for herself, she maintains, “I’m like a carrier pigeon flying to and from Ramo Verde taking [Lopez’s] messages and bringing him messages.”

What happens to Lopez matters both to Venezuelans desperate for change and to the United States. In March, the White House issued a statement denouncing “public corruption” in Venezuela and the Maduro government’s “efforts to escalate intimidation of its political opponents,” calling on Caracas to liberate Lopez and other political prisoners, and imposing sanctions against Venezuelan officials. Separately, President Obama and former President Bill Clinton have called for Lopez’s release; and Amnesty International has pronounced his plight “an affront to justice.” In total, there are as many as 98 political prisoners in Venezuela (the Maduro government denies that it holds political prisoners).

For the past 14 months, Tintori has devoted her life to winning her husband’s release, traveling abroad and meeting with a range of powerful figures, among them Vice President Joe Biden, Spanish Prime Minister Mariano Rajoy, and Pope Francis. She managed to secure a statement from Chile’s Senate calling on the Maduro government to release all political prisoners (including Lopez), permit free and fair elections, and respect human rights. It was quite an achievement in Latin America, where countries have often avoided taking open stands on the politics of their neighbors. Yet Maduro shows no signs of yielding. He has little reason to.

“We’re living through social, economic, and political crises,” Tintori told me, “and we’re on the verge of a humanitarian catastrophe. And the crime situation amounts to a violation of our right to life.”

She was not exaggerating. Armed robberies occur in broad daylight, kidnappings abound, and the country is second only to Honduras in its annual homicide rate—just shy of 25,000 in 2014. Soon after his election, Maduro announced that he was launching *Plan Patria Segura* (“Plan for a Safe

Homeland”), which foresaw increased cooperation between the military, paramilitary forces, and the police. But nothing has changed.

“In Venezuela, either they kidnap you, kill you, or rob you. ... Every 20 minutes a Venezuelan dies, a shot is fired, a Venezuelan cries out,” she said.

Besides crime, the country seems to be careening toward economic and social implosion. The fall in global oil prices has severely reduced hydrocarbon revenues—the source of 96 percent of the state’s exports and half its income. And almost all the country’s current troubles began with Maduro’s presidency. Just why is unclear, though state-imposed currency controls, a shortage of dollars (earned previously through the sale of oil abroad), and a thriving black market have all played a role. For Maduro, though, the problem is “economic warfare” and “sabotage” being waged by the Venezuelan elite.

As we talked, it became clear that Tintori was suppressing anguish over her husband’s plight. “We took the decision together that he would turn himself in, to unmask Maduro’s anti-democratic regime,” she told me. But the costs of that decision are mounting. On February 18, 2015 the anniversary of his detention, Lopez used his one weekly phone call from prison to give a lengthy interview to CNN en Español. As it was ending, the guards realized what was going on and yanked away the receiver. Prison authorities then suspended Tintori’s visits (during which she would bring along their two small children, Manuela and Leopoldo Santiago). She said that she has rarely been able to communicate with him in the two months since then, and that he’s spent half his term in solitary confinement—including 24 days in a tiny cell with no sunlight as punishment for his television interview. “They sound alarms at three in the morning so he can’t sleep,” she told me. “Men wearing ski masks and armed with shotguns search his cell, without his permission. They destroy his things and steal his writings. One night, they threw human excrement and urine through his cell’s barred window, and then cut off his light so he couldn’t bathe or clean his room.” Repeated requests for Venezuelan officials to comment on Tintori’s allegations of abuse have gone unanswered.

Tintori fears for her husband's life; in March, a jailed opposition member, 63-year-old Rodolfo Gonzalez, hanged himself in his cell upon learning that he was to be transferred from Ramo Verde to a prison considered far more dangerous for detainees owing to the incarceration of hardened criminals there.

Meanwhile, Maduro seems to see Tintori herself as a threat. He has accused her of belonging to a “stateless oligarchy” under the control of the “far right” in the United States. (Maduro, as did Chavez before him, makes a habit of accusing the opposition of plotting coups, almost always under the sinister guidance of the reviled *Yanquis* of the *Imperio* to the north.) Her marriage to Lopez, her international campaign to win his release, her forceful denunciations of Maduro’s regime, and her celebrity all combine to imperil her. Maduro has twice called for her campaign to be “neutralized,” whether metaphorically or literally he did not say. In any case, Tintori told me that “this doesn’t sound good at all,” and said that Maduro has attacked her publicly as a traitor. After her visits to Washington to campaign for the release of political prisoners, he claimed that she was plotting “terrorist” actions and had pleaded before Congress for a U.S. military intervention in Venezuela. In view of all this, Tintori’s safety worries those on her team. She has a bodyguard while in Caracas, but not when she travels.

Daily life as an unintentional political figure is no easier. “The police follow me, take pictures of me, and persecute me,” she said. “They listen to my calls, they’re trying to scare us, to paralyze us.” (Venezuelan officials have not responded to these allegations either.) “But they aren’t going to paralyze us. They will not break Leopoldo, and they will not break our family.”

So she’s raising her children. “I have to be both mother and father, raising my kids at the same time as I work to get Leopoldo freed. ... Leopoldo Santiago, who is two, learned to walk in Ramo Verde.” Her daughter Manuela, who is five years old, “often asks for her father,” Tintori said. “She’s very proud of him and doesn’t understand why he’s in prison.”

“What do you tell her?” I asked.

“The truth. I explain to her that Maduro is a politician and doesn’t want to compete with daddy, because it’s easier to put him in jail. ... She asks me if Maduro is bad. I say I’m not the one to judge, but he’s doing bad things, and not just to us as a family but to the whole country.”



April 11, 2015

Let Us Free Venezuela

By Lilian Tintori

This weekend, as 35 Latin American heads of state convene in Panama City for the Seventh Summit of the Americas, my husband, Leopoldo López, will be just one week shy of his 15th month in Ramo Verde Military Prison. It is in this moment of regional solidarity, I ask the participants of the Summit to recognize the injustices that are occurring today in my country. We need the leaders of Latin America to do something on behalf of the Venezuelan people.

Today, in Venezuela, we live in hardship. We have no security. Shortages of basic supplies have resulted in the rationing of staples, hours-long lines for groceries, and the transformation of supermarkets into military zones. My husband, a civilian politician in a military prison, is just one of many examples of this government's cruelty.

It was a little over a year ago that my husband issued a non-violent, constitutional, and democratic call for change against a corrupt, inefficient, and repressive government that violates the rights of its people. Leopoldo, along with other members of the opposition organized a massive protest with student leaders to respond to the rapidly deteriorating economic and security situation in our country. Called *La Salida* ("The Exit"), they advocated for nothing more than the options legally prescribed by the Constitution of Venezuela: to hold a referendum, a Constituent Assembly, a constitutional amendment, a constitutional reform, or the resignation of the President. On that day and over the subsequent months, the government responded with an iron fist, killing 44 people, arbitrarily detaining more than 3,716, and keeping more than 70 political prisoners in jail.

To this day, the Venezuelan Government blames its problems on my husband and anyone else whose opinions differ from the ruling regime. Those sympathetic to the tyranny call my husband a criminal and accuse him of trying to orchestrate a coup. The irony is that my husband is not a coup-leader, but rather a devoted father, husband, and proven democratic politician who called on Venezuelans to stand up for democracy. He sits in jail on charges of public incitement, property damage, and criminal conspiracy, which Amnesty International has called a "politically motivated attempt to silence dissent." And despite the United Nations High Commissioner for Human Rights, the UN Working Group on Arbitrary Detention, the Secretary General of the Organization of American States, Human Rights Watch, and countless governments calling for his release, the Venezuelan Government has vowed to keep him in prison for a decade.

In its eagerness to imprison my husband, the government has attempted to provide the appearance of a legitimate judicial process. But make no mistake: the normal rules of evidence and due process have not been applied. My husband was arrested in February 2014 without investigation, on the order of the President and without evidence. Numerous violations of legal and human rights standards have been documented. The government's main argument is that my husband's clear calls for nonviolence actually contained coded, subliminal messages to provoke violence. This argument fell apart 8 months into his trial, when the government's main witness, Dr. Rosa Amelia Asuaje León, affiliated with the ruling party and a PhD in Linguistics, revised her testimony and admitted that López had never called for violence. She stated "López's messages are not subliminal; they are clear, direct, and specific. They call for non-violence. There was never a call to violence by López." Without this evidence there is nothing linking Leopoldo and the violence the Government claims he caused. But there is no sign as of yet that the Government is prepared to yield. On the contrary, the Government arrested recently the Mayor of Caracas Antonio Ledezma with fabricated arguments just as implausible as those made in the case of Leopoldo.

If my husband weren't facing 12 years imprisonment, I would think this was all a sick joke.

No one should doubt why Leopoldo is in prison: Maduro is afraid of him, and he has great reason to be because Maduro has failed the people of Venezuela. Chávez did not deliver and Maduro has not delivered on their promises, and they have systematically dismantled our fundamental freedoms — freedom of speech, freedom of association, freedom of the press, and freedom of opinion. My husband has never been afraid to call attention to the rampant poverty, widespread violence, and broken political system that plague our country. As the founder and national coordinator of the political party Voluntad Popular, Leopoldo has mobilized millions to advocate nonviolently for the constitutional and democratic exit of Maduro. My husband believes that the Venezuelan people deserve a better future, one of peace, prosperity and well-being. And it is this fear of Leopoldo that causes Maduro to keep Leopoldo in a 2-meter by 2.5-meter jail cell.

We need to send a message to the Venezuelan Government that it cannot trample on the rights of its people with impunity. Accordingly, I call on Maduro to release my husband, the 47 political prisoners of this regime and the more than 30 from the past regime currently being held in Venezuela. But my voice alone is not enough. My husband and the other political prisoners need the support of all countries that unequivocally stand for democracy, freedom and the respect for human rights. We need the support of all acting heads of state to take meaningful action to protect the rights of the Venezuela people and to free the political prisoners in Venezuela.

Leopoldo is strong, and the longer he is in prison, the stronger his resolve becomes. And while the Venezuelan political, social and economic landscape looks dark, the leaders of the region have an opportunity to materialize their aspirations for the inhabitants of Latin America by guaranteeing in the twenty-first century the full exercise of democracy with respect for human rights at its core.

Lilian Tintori is the wife of Venezuelan opposition leader Leopoldo López.

The Miami Herald

February 16, 2015

End impunity for Venezuela's human rights violators

By Irwin Cotler and Jared Genser

A little over a year ago, Venezuelans took to the streets when student leaders organized a massive protest with opposition politicians to respond to the rapidly deteriorating economic and security situation. The protestors called for the resignation of President Nicolás Maduro. On that day and over the subsequent months, the government responded with an iron fist, killing 43 people, arresting more than 3,000 and sending more than 70 to jail.

Reports from Venezuela today are sobering: Shortages of basic supplies have resulted in the rationing of staples, hours-long lines for groceries and the transformation of supermarkets into military zones. The economy is set to shrink another 7 percent in 2015, with inflation over 60 percent. A person is murdered approximately every 20 minutes. And with the decline in oil prices, the country is on the verge of default. Yet especially as the domestic situation deteriorates, the international community must demand Maduro respect the human rights of his people, including immediately releasing all political prisoners in the country.

The current situation of Venezuela's most prominent political prisoner, Leopoldo López, leader of the opposition party Voluntad Popular — and our client — exemplifies the injustice. Though López had issued a peaceful call to action, he was quickly branded public enemy No. 1 of Venezuela's authoritarian regime. Just after the major protest on Feb. 12, 2014, the government claimed he was trying to overthrow it through violent means.

Subsequently, López turned himself in to Venezuelan military authorities in front of a crowd of hundreds of thousands saying: “[I]f my imprisonment helps awaken our people, if it is good enough to finally make Venezuela wake up so that the majority of those of us who want change are able to effect that change peacefully and democratically ... then it is worth it.”

López knew that his case was headed to a sham court, as an independent judiciary has become a distant memory in Venezuela after 15 years of United Social Party rule. A year into his detention and six months into his trial, perhaps the most surprising aspect of his case is that the government hasn't even tried to hide the fact that López is Maduro's political prisoner.

His trial has been a farce. Not only has the prosecution advanced the bizarre claim that López used “subliminal messages” to incite his followers to violence, but Maduro has relentlessly assailed him publicly, referring to him as a “murderer,” even though he hasn't even been charged with this

crime. And the judge in his case admitted more than 100 witnesses for the prosecution and denied all but two witnesses for the defense.

Most recently, in retaliation for his wife, Lilian, meeting Vice President Joe Biden, a dozen men wearing all-black and ski masks and heavily armed destroyed everything in his cell and threw him into a small isolation cell, with no toilet or running water.

Yet despite these ongoing injustices, López has continued his calls for a nonviolent solution to Venezuela's pending implosion. His outspoken advocacy has come at great personal sacrifice: He has been held in solitary confinement in a military prison for a year, without access to his family or counsel for extended periods. And as López's human rights are infringed upon, the government has proceeded with violating the rights of all Venezuelans. Just last month, the Venezuelan Ministry of Defense authorized the use of lethal weapons by the national armed forces against protestors to "prevent disorder." The situation in Venezuela is bleak.

The United States has taken action to advance human rights in Venezuela. In September 2014, President Obama called for Lopez's release, and in December, Obama signed legislation that imposes sanctions on Venezuelan government officials who have been complicit in human-rights violations, though the legislation has yet to be implemented.

These sanctions follow a round of travel-visa bans. But this isn't enough. With the thaw between the United States and Cuba, the United States now has increased political capital in the region. The U.S. government should join with like-minded countries to challenge Venezuela's neighbors in Latin America to press Maduro to end the impunity for human-rights violators. Obama must also push this agenda at the U.N. Human Rights Council in March and the Summit of the Americas in April.

Without the world's further engagement, however, the deteriorating human-rights situation in Venezuela will accelerate. Despite all his bluster, last week a beleaguered Maduro publicly acknowledged his desire to better relations with the United States. But the United States shouldn't be fooled — it must increase the pressure on Maduro to respect the fundamental human rights of all Venezuela's people.

Irwin Cotler is a member of the Canadian Parliament and former Minister of Justice and Attorney General of Canada. Jared Genser is an international human-rights lawyer. They serve as international counsel to Leopoldo López.

THE WALL STREET JOURNAL.

December 26, 2014

Letter From a Venezuelan Jail

I am one of scores of political prisoners locked away because of our words and ideas.

By Leopoldo López

Los Teques, Venezuela – My country, Venezuela, is on the verge of social and economic collapse. This slow-motion disaster, nearly 15 years in the making, was not initiated by falling oil prices or by mounting debts. It was set in motion by the authoritarian government's hostility toward human rights and the rule of law and the institutions that protect them.

I know this on an all-too personal level. I am writing from a military prison, where I have been held since February as a result of speaking out against the government's actions. I am one of scores of political prisoners in my country who are locked away because of their words and ideas.

This unjust incarceration has given me a firsthand view of the pervasive abuses—legal, mental and physical—perpetrated by the ruling elite in my country. It has not been a good experience, but it has been an enlightening one.

My isolation also has given me time to think and reflect on the larger crisis facing my country. It has never been clearer to me that Venezuela's road to ruin was paved years ago by a movement to dismantle basic human rights and freedoms in the name of an illusory vision of achieving greater good for the masses through the centralization of power.

When the current ruling party, the United Socialist Party, first took power in 1999, its supporters viewed human rights as a luxury, not a necessity. Large segments of the population were living in poverty, and in need of food, housing and security. Protecting free speech and the separation of powers seemed frivolous. In the name of expediency, these values were compromised and then dismantled entirely.

The legislature was neutered, allowing the executive to rule by decree without the checks and balances that prevent government from veering off track. The judiciary was made accountable to the ruling party, rendering the constitution and the law meaningless. In an infamous 2009 case, Judge Mary Lourdes Afiuni was imprisoned for ordering the release of a businessman and government critic who had been held for three years in pretrial detention, one year more than allowed under Venezuelan law.

Meanwhile, political leaders—myself included—were persecuted and imprisoned, stifling the competition of ideas that could have led to better decisions and policies. Independent news organizations were dismantled, seized or driven out of business. The “sunshine that disinfects,” and the scrutiny that motivates good decision-making, no longer benefit our leadership.

Venezuela's current president, Nicolás Maduro, has taken this to a terrible new low. Rights are rationed as though they were scarce goods to be traded for other means of subsistence: You may have employment if you give away your free speech. You may have some health benefits if you give away your right to protest.

Apologists, many from other countries, including the U.S., say these sacrifices were and are for the collective good of the country. Yet the lives of Venezuelans, especially the poor, are worse by every measure. Inflation, at more than 60%, is rampant. Scarcity of basic goods has led to empty shelves and long lines. Violent crime is skyrocketing and the murder rate is the second highest in the world, behind only Honduras. The health-care system is collapsing. And many financial experts are predicting a default on the country's debts in a matter of months.

The challenges now facing Venezuela are complex and will require years of work on many fronts. That work must begin with restoring the rights, freedoms and checks and balances that are the proper foundation of civil society.

The international community has an important role to play—especially our neighbors in Latin America. To remain silent is to be complicit in a disaster that doesn't just impact Venezuela but could have implications across the hemisphere. Organizations such as the Union of South American Nations (Unasur) and the South American trade bloc Mercosur must come off the sidelines. Countries such as Brazil, Chile, Colombia, Mexico, Peru and Argentina must get involved.

At home, our constitution provides a way forward if we will heed its words. Our proposal is simple but powerful: All rights for all people. Not some rights for some people. No regime should have the power to decide who gets access to which rights. This idea may be taken for granted in other countries, but in my country, Venezuela, it is a dream worth fighting for.

Mr. López is the former mayor of the Chacao district of Caracas and the leader of the Popular Will opposition party.

The Washington Post

July 21, 2014

Leopoldo Lopez's Jailing Is a Symptom of a Sick Venezuela

By Lilian Tintori

This year, my husband, Venezuelan opposition leader Leopoldo López, spent his 43rd birthday behind bars. To mark Leopoldo's birthday, our children, Manuela, 4, and Leopoldo, 1, and I tried to bring him a birthday cake at the Ramo Verde military prison. We were turned away. We were forced to celebrate on the street outside the prison, where our family sang "Happy Birthday" to a life-size picture of him.

For our children, this was a poor substitute for seeing their father. It's been a month since we last visited Leopoldo, and we miss him each day. In his absence, I am a single mother, a circumstance that has taken a toll on our family.

The irony is that my husband is not a criminal but rather a devoted father, husband and politician whose "offense" was urging Venezuelans to peacefully exercise their rights to gather, protest and express their views of our government. He sits in jail on charges of public incitement, property damage and criminal conspiracy, which Amnesty International said "smack of a politically motivated attempt to silence dissent." The government has vowed to keep him in prison for a decade.

In its eagerness to imprison my husband, the government has attempted to provide the appearance of a legitimate judicial process. But make no mistake: The normal rules of evidence and due process have not been applied. My husband was arrested in mid-January without investigation, on the order of the president and without evidence. Numerous violations of legal and human rights standards have been documented. In a recent hearing, the government actually argued that my husband's clear calls for nonviolence actually contained coded, subliminal messages to provoke violence.

If my husband weren't facing 10 years imprisonment, I would think these charges were a sick joke.

Leopoldo is a politician. I am not. Elected mayor of the Chacao municipality of Caracas in 2000, he served until 2008, when a wrongful disqualification from running for office went into effect. If not for the ban, Leopoldo had planned to run for mayor of Caracas in 2008, a race he was predicted to win. Further, a poll at the time suggested that in a hypothetical presidential election, Leopoldo would have received a greater percentage of the vote than Hugo Chávez.

No one should doubt why Leopoldo is in prison: Venezuelan President Nicolás Maduro is afraid of him, and he has great reason to be. Chávez did not deliver and Maduro has not delivered on their

promises, and they have systematically dismantled our fundamental freedoms — free speech, freedom of association, freedom of the press and freedom to vote for candidates of our choosing.

But despite more than a decade of persecution, my husband has not been afraid to call attention to the rampant poverty, widespread violence and broken political system that plague our country. As the founder and national coordinator of the political party Voluntad Popular, Leopoldo has mobilized millions to advocate nonviolently for the constitutional exit of Maduro. It is my husband's success — and the forthcoming expiration of the political ban imposed on him in 2008 by Chávez — that scared Maduro.

Leopoldo's trial is scheduled to resume this week, but let no one be fooled. There is no presumption of innocence or due process of law for a political prisoner in Venezuela, whose judicial system the Inter-American Commission on Human Rights has repeatedly found to lack independence and impartiality. And in so-called talks, which Leopoldo expected to be fruitless, Maduro rejected all compromises and a call to release all political prisoners.

We need to send a message to the government that it cannot trample on the rights of its people with impunity. Accordingly, I call on President Maduro to release my husband and the more than 100 political prisoners being held in Venezuela. But my actions alone are not enough. My husband needs the support of all countries that stand for freedom. I urge governments around the world to take meaningful action to press Maduro to free the political prisoners in Venezuela.

Leopoldo is strong, and the longer he is in prison, the stronger his resolve becomes. Things do look grim, however, for the Venezuela whose political system, economy and society have been pushed into a downward spiral. Unless the international community takes targeted actions against the Maduro regime, the Venezuelan people will face further suffering.

Lilian Tintori, wife of Venezuelan opposition leader Leopoldo López, lives in Caracas.

The New York Times

March 25, 2014

Venezuela's Failing State

By Leopoldo López

Los Teques, Venezuela — As I compose these words from the Ramo Verde military prison outside Caracas, I am struck by how much Venezuelans have suffered.

For 15 years, the definition of “intolerable” in this country has declined by degrees until, to our dismay, we found ourselves with one of the highest murder rates in the Western Hemisphere, a 57 percent inflation rate and a scarcity of basic goods unprecedented outside of wartime.

Our crippled economy is matched by an equally oppressive political climate. Since student protests began on Feb. 4, more than 1,500 protesters have been detained and more than 50 have reported that they were tortured while in police custody. Over 30 people, including security forces and civilians, have died in the demonstrations. What started as a peaceful march against crime on a university campus has exposed the depth of this government's criminalization of dissent.

I have been in prison for more than a month. On Feb. 12, I urged Venezuelans to exercise their legal rights to protest and free speech — but to do so peacefully and without violence. Three people were shot and killed that day. An analysis of video by the news organization Últimas Noticias determined that shots were fired from the direction of plainclothes military troops.

In the aftermath of that protest, President Nicolás Maduro personally ordered my arrest on charges of murder, arson and terrorism. Amnesty International said the charges seemed like a “politically motivated attempt to silence dissent.” To this day, no evidence of any kind has been presented.

Soon, more opposition mayors, elected by an overwhelming majority in December's elections, will join me behind bars. Last week the government arrested the mayor of San Cristóbal, where the student protests began, as well as the mayor of San Diego, who has been accused of disobeying an order to remove protesters' barricades. But we will not stay silent. Some believe that speaking out only antagonizes the ruling party — inviting Mr. Maduro to move more quickly to strip away rights — and provides a convenient distraction from the economic and social ruin that is taking place. In my view, this path is akin to a victim of abuse remaining silent for fear of inviting more punishment.

More important, millions of Venezuelans do not have the luxury of playing the “long game,” of waiting for change that never comes.

We must continue to speak, act and protest. We must never allow our nerves to become deadened to the steady abuse of rights that is taking place. And we must pursue an agenda for change.

The opposition leadership has outlined a series of actions that are necessary in order to move forward.

Victims of repression, abuse and torture, as well as family members of those who have died, deserve justice. Those who are responsible must resign. The pro-government paramilitary groups, or “colectivos,” that have tried to silence the protests through violence and intimidation must be disarmed.

All political prisoners and dissenters who were forced into exile by the government, as well as students who were jailed for protesting, must be allowed to return or be released. This should be followed by restoring impartiality to important institutions that form the backbone of civil society, including the electoral commission and the judicial system.

In order to get our economy on the right footing, we need an investigation into fraud committed through our commission for currency exchange — at least \$15 billion was funneled into phantom businesses and kickbacks last year, a move that has directly contributed to the inflationary spiral and severe shortages our country is experiencing.

Finally, we need real engagement from the international community, particularly in Latin America. The outspoken response from human rights organizations is in sharp contrast to the shameful silence from many of Venezuela’s neighbors in Latin America. The Organization of American States, which represents nations in the Western Hemisphere, has abstained from any real leadership on the current crisis of human rights and the looming specter of a failed state, even though it was formed precisely to address issues like these.

To be silent is to be complicit in the downward spiral of Venezuela’s political system, economy and society, not to mention in the continued misery of millions. Many current leaders in Latin America suffered similar abuses in their time and they should not be silent accomplices to the abuses of today.

For Venezuelans, a change in leadership can be accomplished entirely within a constitutional and legal framework. We must advocate for human rights; freedom of expression; the right to property, housing, health and education; equality within the judicial system, and, of course, the right of protest. These are not radical goals. They are the basic building blocks of society.

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