

URGENT ACTION

LAWYER THREATENED AND UNDER SURVEILLANCE

Private defence lawyer Omar Ernesto Silva Martínez has made a formal complaint after being repeatedly targeted with threatening calls and surveillance. Guaranteeing the safety of lawyers to perform their functions without intimidation, hindrance or harassment is integral to ensuring that the right to a fair trial is respected.

Omar Ernesto Silva Martínez, a lawyer who collaborates with the organization Venezuelan Penal Forum (Foro Penal Venezolano), has said that he has received seven threatening phone calls to his office in the city of San Cristobal, Táchira State since 11 September, by individuals who identify themselves as government supporters. Among other things they told him: "You should take care of yourself", "you will be detained for collaborating with the paramilitaries" and "the paramilitaries wake up dead or in jail". (*Debes cuidarte... seras detenido por colaborar con grupos paramilitares... los paracos amanecen muertos o presos*).

Omar Silva has also reported being the target of surveillance by people he has identified as members of the intelligence services, because of the vehicles they use and the weapons they carry. He has noticed their presence in several restaurants and other public places he frequently visits. Omar Silva filed a formal complaint with the prosecutor's office in San Cristobal on 15 October.

Omar Silva believes these threatening calls and surveillance are linked to his work as a private defence lawyer for Lorent Gómez Saleh. Lorent Gómez Saleh, a Venezuelan national, was expelled from Colombia on 4 September and is in pre-trial detention for the crime of conspiracy to rebellion, among others. The authorities claim he has links with paramilitary groups in Colombia. The threatening calls and surveillance started immediately after Omar Silva represented Lorent Gómez Saleh in a preliminary hearing in San Cristobal on 11 September. That same day Omar Silva reported those he identified as intelligence officers taking his picture and asking court staff for his full name and if he was part of the Foro Penal Venezolano.

Please write immediately in Spanish or your own language:

- Calling on the authorities to initiate an immediate, impartial investigation into the threats made against Omar Ernesto Silva Martínez, to identify the perpetrators and bring them to justice;
- Urging them to ensure that criminal defence lawyers are able to carry out their work without intimidation, hindrance and harassment, including from members of law enforcement agencies.

PLEASE SEND APPEALS BEFORE 5 DECEMBER 2014 TO:

Minister of Justice and Interior

Almirante en Jefa, Carmen Meléndez Rivas
Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz
Av. Urdaneta, Edificio Interior y Justicia
Caracas, Venezuela
Fax: +58 212 506 1685
Email: asistenciadirecta3@gmail.com

Salutation: Señora Ministra/

Dear Minister

Senior Prosecutor. Táchira State.

Dra. Yannis Carolina Domínguez Padilla
Fiscalía de Táchira
Prolongación de la 5ta Avenida, Sector La Concordia, Edif. Sede Ministerio Público,
San Cristóbal, Venezuela
Fax: +58 276 346 4080 (ask for tone)
Email:

fiscaliasuperiortachira@gmail.com

Salutation: Dra. Fiscal / Dear Prosecutor

And copies to:

Amnistía Internacional Venezuela
Apartado Postal 52121
Sabana Grande, Caracas 1050
Venezuela
Fax: +58 212 793 1318 ext. 116
Email: info@aiven.org

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Under International Human Rights Law there are safeguards against unfair trials. These guarantees include the right to every person's equality before court, presumption of innocence until proven guilty according to law, the right to defend oneself and the right to legal assistance of one's own choosing, to communicate with counsel in conditions that fully respect the confidentiality of their communications, and the right not to be compelled to testify against oneself or to confess guilt.

The role of a lawyer is central to the realization of these rights, and to the protection of all of a suspect's rights as outlined in the Basic Principles on the Role of Lawyers. The Basic Principles provide that governments must "ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference... (b) are able to travel and to consult with their clients freely and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions.

Name: Omar Ernesto Silva Martínez

Gender m/f: m

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