

AMNESTY INTERNATIONAL

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Venezuela: The Venezuelan authorities must ensure respect for due process and fair trial guarantees

Amnesty International welcomes the recent decision by an appeal court to declare the initial proceedings brought against members of the group "*Súmate*" last year to be null and void and to order a re-trial. According to the court ruling, at the first trial there were breaches of several different guarantees relating to the right to due process, starting with the fact that the case was allocated to the wrong court and going on to include improper rulings on matters affecting individual liberty as well as other arbitrary and unlawful judicial measures.

In view of this decision, the organization hopes that the new proceedings against the members of "*Súmate*" will strictly observe the due process guarantees laid down in the American Convention on Human Rights and the International Covenant on Civil and Political Rights, both of which have been ratified by Venezuela, as well as international standards for fair trial.

Such guarantees include that the case be heard by independent, impartial and competent judicial authorities, which, under Venezuelan law, in cases such as this, means a mixed tribunal including lay judges (whose independence and impartiality must be beyond doubt), that the right of defence and the right to bring and impartially examine witnesses be respected, and that the final verdict be given within a reasonable time period.

Amnesty International also believes that under the rule of law it is essential that laws establishing criminal offences should not be vague and that there should be no uncertainty about their application. They should be clear and specific so that there is no risk of punishing the lawful exercise of fundamental rights.

"Amnesty International hopes that, in future, court rulings on both procedure and substance in Venezuela will comply with the standards and principles of international human rights law to which both the Venezuelan State and the international community have pledged support and are obliged to show due respect", the international human rights organization concluded.

Additional information

In 2004 criminal proceedings were brought against several members of the Venezuelan group "*Súmate*" on charges of having received funding from "a body linked to the United States Government" in order to carry out political activities. "*Súmate*" claims that all the activities it undertook conformed to those authorized under the Venezuelan Constitution. The defendants are believed to have been released pending the start of the new trial.