

# URGENT ACTION

## PROSECUTED BY MILITARY TRIBUNAL

**Andrés Moreno Febres-Cordero, Marco Trejo, James Mathison and César Cuellar were granted conditional release in late November after having been arrested for producing a video for the opposition party Primero Justicia. They are worryingly being tried for peacefully exercising their right to freedom of expression.**

**Andrés Moreno Febres-Cordero, Marco Trejo, James Mathison and César Cuellar** were granted conditional release at the end of November on the condition that they appear every 30 days before the military court which is hearing the allegations of their crimes committed under the Organic Code of Military Justice. Meanwhile, a decision on the case from the Supreme Court of Justice is still pending.

The four young men were arrested at the end of September for producing a video for the opposition party Primero Justicia, which was shared on 16 September via the political party's Twitter account. Amnesty International has seen the video, which shows the daughter of a soldier sending a message to her father to let him know that there is no medicine in the house, and telling him that she is going out to get food. The father (soldier) is at a protest, getting ready to repress protestors. The young girl's message ends with her saying "Dad, remember today that the people they are sending you to repress are going through the same as us. No one can put up with this [situation], you know that." (*papá, hoy recuerda que la gente que te mandan a reprimir están pasando lo mismo que nosotros. Esto no se aguanta, tú lo sabes*).

The arrest and trial of Andrés Moreno, Marco Trejo, James Mathison and César Cuellar constitute a violation of their right to freedom of expression. Furthermore, it is alarming that this case is being brought before the military courts, that the principle of the 'natural judge' is not being respected and that cases such as this could continue to be repeated.

### **Please write immediately in Spanish or your own language:**

- Calling for the charges against Andrés Moreno, Marco Trejo, James Mathison and César Cuellar to be dropped;
- Demanding that all investigations in Venezuela be carried out with the appropriate guarantee of due process, through the regular justice system and not military courts;
- Urging them to protect and guarantee the right to freedom of expression in accordance with Venezuela's international human rights obligations.

### **PLEASE SEND APPEALS BEFORE 12 JANUARY 2017 TO:**

#### Attorney General

Dra. Luisa Ortega Díaz  
Fiscalía General de la República  
Avda. México, Manduca a Pelelojo,  
Edif. Sede Fiscalía General de la  
República, La Candelaria  
Caracas, Venezuela  
Fax: +58 212 509 8504  
Email: mp@fiscalia.gob.ve

**Salutation: Dear Attorney General /  
Señora Fiscal General**

#### Ombudsman

Dr. Tarek William Saab  
Defensor del Pueblo  
Av. Urdaneta - Frente a El Universal  
Centro Financiero Latino, Piso 27  
Caracas, Venezuela  
Fax: +58 212 5077025  
Correo-e: contacto@defensoria.gob.ve

**Salutation: Dear Ombudsman /Señor  
Defensor**

**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. This is the first update of UA 242/16. Further information:

<https://www.amnesty.org/en/documents/amr53/5029/2016/en/>

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### ADDITIONAL INFORMATION

Primero Justicia is an opposition party and member of the Democratic Unity Roundtable (Mesa de Unidad Democrática) coalition, which has promoted the recall referendum on President Nicolás Maduro's presidency.

In recent years the Venezuelan authorities have repeatedly used criminal and military courts as a means of repressing forms of dissidence. During the demonstrations of 2014, many of those who were arrested for exercising their right to freedom of expression and association were brought to trial before military courts.

In 2009 Venezuela was condemned by the Inter-American Court of Human Rights for having violated freedom of expression and was ordered to limit the jurisdiction of the military courts, so that military jurisdiction would only apply to soldiers in active service and crimes committed in the line of duty.

Name: Andrés Moreno, Marco Trejo, James Mathison, César Cuellar and Andrés Moreno Febres-Cordero  
Gender m/f: Male

Further information on UA: 242/16 AI Index: AMR 53/5233/2016 Issue Date: 1 December 2016