



TRIAL OF OPPOSITION LEADER LEOPOLDO LOPEZ RAISES CONCERNS ABOUT THE INDEPENDENCE OF THE JUSTICE SYSTEM IN VENEZUELA

Leopoldo López, leader of the Venezuelan opposition party Voluntad Popular, has been in detention since 18 February 2014. That day, Leopoldo López handed himself in to the National Guard during a demonstration against the government called by his party in a square in eastern Caracas. On 19 February he appeared before a judge who concluded that there was no evidence to charge him with the most serious offences listed in the arrest warrant, including terrorism, murder and grievous bodily harm, but that there was evidence for other offences, such as incitement and conspiracy to commit arson and damages to property. The charges carry a maximum penalty of ten years' imprisonment. The judge ordered that the defendant should remain in pre-trial detention while awaiting the results of the prosecutor's investigation.

Four months later, on 4 June 2014 the judge ruled to admit the results of the prosecutor's investigation and ordered that there was sufficient evidence to take him to trial. In addition the judge ruled that he should not be granted bail while awaiting his trial. Leopoldo López has now been held for over five months in pre-trial detention in the Centro Nacional de Procesados Militares "CENAPROMIL", a military prison in Los Teques, outside the capital, Caracas.

Amnesty International is concerned that Leopoldo López' detention appears to be politically motivated. The warrant for his arrest was issued one day after the President of the National Assembly, Diosdado Cabello, and the Foreign Minister, Elías Jaua Milano, accused him publicly of being responsible for the violence during anti-government protests, and President Nicolas Maduro requested his imprisonment one day after his detention. These public accusations by the executive, not backed up by credible evidence, fail to send a clear message that the authorities respect the impartiality and independence of the judicial system, and make Leopoldo López's right to be presumed innocent, which is crucial for a fair trial doubtful. The independence and impartiality of the judicial system - a corner stone of the rule of law-, has been put into question and therefore the fairness of his trial has been tainted since the beginning.

During February and March 2014 the country was shaken by mass demonstrations for and against the current government in various parts of the country. Violent clashes between the security forces and protesters resulted in 43 people killed and hundreds seriously injured, including law enforcement officials and by-standers. By mid-March, according to the Attorney General's Office more than 2,100 people had been detained, of which most had been released a few days after their detention pending further investigations.

Leopoldo Lopez, who has been calling on his followers to peacefully protest against government policies, is being tried in this context.



RECOMMENDATIONS

- Amnesty International urges the Venezuelan prosecutorial authorities to demonstrate beyond reasonable doubt that Leopoldo Lopez' detention and trial are not politically motivated and to promptly release him, unless the criminal charges against him are credibly substantiated.
- Amnesty International is seriously concerned that the country runs the risk of descending into a spiral of violence unless all political forces, government and opposition, condemn and use their influence to end violent protests, and commit to respect human rights and the rule of law. If the tragic events of February and March are not to be forgotten or repeated, and to ensure that conditions are in place for a constructive dialogue in good faith, it is essential that the government puts human rights at the top of its political agenda by strengthening the institutions and the rule of law.
- Ensuring that all persons without discrimination can exercise their right to freedom of expression and peaceful assembly without fear of being killed, assaulted, ill-treated or arbitrarily detained, will send a clear signal that the authorities are serious about respecting the human rights of all, regardless of their position or political views.

For further information on Amnesty International's concerns in relation to the recent protests in Venezuela please see *Human Rights at risk amid protests*, AI Index: AMR 53/009/2014, April

