



OPPOSITION LEADER LEOPOLDO LÓPEZ SHOULD BE RELEASED

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.¹ Leopoldo López 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 remains 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 raise serious concern about Leopoldo López's right to be presumed innocent, crucial for a fair trial. The independence and impartiality of the judicial system - a corner stone of the rule of law-, has also been put into question.

On 26 August 2014 the UN Working Group on Arbitrary Detention found the detention to be arbitrary and urged the Government to release him immediately. In its Opinion, adopted at its seventieth session the Working Group observes that this is not the first time that Leopoldo López faces legal proceedings and "suffers retaliations".² The Working Group concludes that "the arrest of Mr Lopez on February 18 1014, 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 detained, affects the right to a fair and impartial trial, the presumption of innocence, and due process."³

¹ Opinion adopted by the UN Working Group on Arbitrary Detention at its 70th session. Number 26/2014 (Bolivarian Republic of Venezuela). A/HRC/WGAD/2014/26, made public by Leopoldo López' legal representatives. Paragraph 60

² Ibid. Paragraph 51

³ Ibid. Paragraph 59



RECOMMENDATIONS

- Amnesty International urges the Government of Venezuela to abide by the recommendation of the UN Working Group on Arbitrary Detention and release Leopoldo López immediately

BACKGROUND INFORMATION

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

For further information on this case see:

Venezuela: Trial of opposition leader an affront to justice and free assembly. Press release. 19 February 2014. Available at: <http://www.amnesty.org/en/for-media/press-releases/venezuela-trial-opposition-leader-affront-justice-and-free-assembly-2014-02>

Venezuela: Human rights at risk amid protests. Report. 1 April 2014. Available at: <http://www.amnesty.org/en/library/info/AMR53/009/2014/en>

Venezuela: Trial of opposition leader Leopoldo López raises concerns about the independence of the justice system in Venezuela. Document. 21 July 2014. Available at: <http://www.amnesty.org/en/library/asset/AMR53/016/2014/es/7082a462-602b-436f-99f9-a082cfbfa737/amr530162014en.pdf>

Venezuela: Briefing to the UN Committee against Torture, Document. 3 November 2014. Available at: <http://www.amnesty.org/en/library/info/AMR53/020/2014/en>

