



Reference: TG. AMR 53/2017/001

General-in-Chief
Vladimir Padrino López
Minister of People's Power for Defence
Edificio Sede del Ministerio de la Defensa
Fuerte Tiuna, El Valle, Caracas, Venezuela

3 May 2017

[SUBJECT] PROLONGED SOLITARY CONFINEMENT AND INCOMUNICADO DETENTION OF MR. LEOPOLDO LÓPEZ MENDOZA

Dear Defence Minister,

I am writing to you to express our concern regarding the detention of Mr. Leopoldo López Mendoza, who has been detained in the Ramo Verde National Military Detention Centre (Centro Nacional de Procesados Militares, CENAPROMIL) since February 2014.

Amnesty International has received information that the current imprisonment conditions of Leopoldo López could represent serious violations of his human rights and his personal integrity. According to the information received, Leopoldo López has been held in solitary confinement for more than 27 days, while his lawyers have never received any notification of the process or reasons behind the decision to place Mr. López in solitary confinement. Furthermore, the authorities in CENAPROMIL have used this solitary confinement to justify denying Mr. López contact with his family and defence lawyers. Such incommunicado detention and prolonged solitary confinement constitute, in and of themselves, ill-treatment of Mr. López, according to international law and Venezuelan legislation (Provisions 15 et seq. of the Organic Penitentiary Code, published in the Official Gazette N°6.207 Extraordinary Issue).

The Constitution of the Bolivarian Republic of Venezuela (Prov. 46) expressly prohibits torture and other cruel, inhuman and degrading treatment, and provides for legislation to define the criminal and administrative responsibilities of public officials who order, instigate, allow or tolerate the perpetration of acts of torture and of other forms of cruel, inhuman and degrading treatment. In addition, Venezuela has specialized laws on torture, such as the Special Law to Prevent and Punish Torture and Other Cruel, Inhuman or Degrading Treatment, which defines ill-treatment and inhuman and degrading treatment (Article 5), expressly establishing that officials of the Bolivarian National Armed Forces are subject to the provisions of the aforementioned Law (Article 4.1). In turn, the Istanbul Protocol against Torture identifies prolonged isolation as a form of torture.

In addition, the Constitution, in accordance with international treaties on the subject (Article 29), considers these actions to be imprescriptible because they imply a serious violation of human rights, whose investigation, punishment and reparation are obligatory for Venezuela.

The Inter-American Court of Human Rights considers that prolonged isolation and incommunicado detention constitute cruel, inhuman and degrading treatment. The Court has ruled that keeping people incommunicado is a violation of their right to humane treatment. In addition, the United Nations Rapporteur on Torture expressed in his report to the General Assembly (A/66/268), dated 5 August 2011, that isolation must take place only in exceptional conditions, expressly recommending absolute prohibition of solitary confinement for more than 15 days. We therefore express our concern about the incommunicado detention and solitary confinement that has arbitrarily been imposed on Mr. López for more than 27 days, which constitutes a form of cruel and inhuman treatment, according to the Mandela Rules that define the international standards on prison conditions.

In this respect, the Venezuelan state has specific international obligations derived from human rights treaties that have been voluntarily signed and ratified by Venezuela, such as the International Covenant on Civil and Political Rights, the United Nations Convention against Torture, the Inter-American Convention to Prevent and Punish Torture, which commit the Venezuelan state, through its officials and

authorities, to respect the right to personal integrity; to prohibit torture and other forms of cruel, inhuman and degrading treatment; to prevent the occurrence of such human rights violations; to seriously, impartially and independently investigate reports of violations; to punish those responsible; and to provide reparations to the victims.

According to the aforementioned treaties, criminal responsibility in this matter implies the possibility that such acts could be prosecuted by any other state party to said treaties in the interest of the principle of universal jurisdiction and, accordingly, the obligation of other states to prosecute, apprehend and extradite those allegedly responsible for these crimes, as well as the inability to benefit from asylum or refugee status.

We wish to remind you that this solitary confinement and incommunicado detention is occurring in a detention centre for which you are responsible in your capacity as a civil servant, both in your role as commander and superior officer of the Venezuelan Armed Forces and as the highest authority of the Ministry of People's Power for Defence, the body which the prison in question and the officials in charge of the prison are accountable to, which does not exempt you from complying with and enforcing the legal regulations on prisons nor with international human rights treaties.

Furthermore, Mr. López has also been a beneficiary of precautionary measures granted by the Inter-American Commission on Human Rights (335/14) since 20 April 2015, in which the Commission "requests that the state of Venezuela take the necessary measures to safeguard the life and personal integrity of Leopoldo López (...); to ensure that the detention conditions of the beneficiaries are in line with international standards."

Amnesty International has recognized Mr. López to be a prisoner of conscience, as he was convicted in clearly unfair proceedings which did not comply with legal guarantees defined by international law and the Venezuelan Constitution, and his criminal persecution is solely based on the fact that he is the leader of a political opposition party. Other international human rights protection mechanisms, referring to international commitments voluntarily assumed by Venezuela, have determined that Mr. López is being subjected to arbitrary detention and, therefore, to a violation of his human rights. Our organization therefore believes that Mr. López should be released immediately and unconditionally.

We acknowledge that it is not your legal responsibility to review convictions imposed by Venezuelan courts, despite how unfair these may be. However, we turn to you to express our concerns regarding the conditions of imprisonment of Leopoldo López, which in our opinion constitute a violation of his human rights. We call your attention to the urgent need to guarantee Leopoldo López Mendoza dignified detention conditions under the provisions of Venezuelan law and international law.

Lastly, we respectfully request that you urgently issue the necessary orders to put an immediate end to any cruel, inhuman or degrading treatment of Mr. López Mendoza, particularly solitary confinement and incommunicado detention, before this causes any serious damage to his psychological and moral integrity. In addition, we request that you call on the Public Prosecutor's Office to initiate investigations into all officials who have ordered or tolerated such violations of Mr. López's human right to personal integrity.

We trust that the Venezuelan military institutions under your command are mandated to implement high ethics standards which are incompatible with practices that violate human rights, in accordance with human rights treaties, the Constitution, international standards and Venezuelan legislation, and we therefore count on you to take all measures within your power to rectify this grave situation immediately.

Yours sincerely,



Erika Guevara-Rosas
Americas Director