

**President of the Bolivarian Republic of Venezuela
Nicolàs Maduro Moros,
Final Avenida Urdaneta Esq. de Bolero,
Palacio de Miraflores, Caracas
Venezuela**

Brussels, 16 September 2013

Re: Concerns regarding the conviction of Mr José Amalio Graterol

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns over the arrest and conviction of Mr José Amalio Graterol, a prominent lawyer who has been representing Judge Maria Lourdes Afiuni in one of the most high-profile political cases in Venezuela.

According to the information that we received, on 4 June 2013, Mr Graterol refused to continue a criminal trial in the absence of his client. Reliable sources report that trials in absentia were not permitted by the Venezuelan criminal law as it stood at that time. Mr Graterol was subsequently arrested on charges of "obstruction of justice" for failing to represent his client. Eleven days later, on 15 June 2012, the criminal procedure code was amended by a presidential decree to permit trials in absentia. The charge against Mr Graterol was then retroactively made a criminal penalty, which is contrary to the norms of justice.

In December 2012, Mr Graterol was sentenced to six months imprisonment, and in July 2013 the verdict was upheld by the Vargas State Court of Appeal. A sentencing tribunal (*tribunal de ejecución*) will now decide the conditions under which Mr Graterol will serve his sentence.

In addition, the CCBE has been informed that shortly before his arrest, Mr Graterol had complained of being harassed and threatened as a consequence of his vocal criticism of the Venezuelan judicial system in the context of the Afiuni case.

The CCBE has grounds to fear that Mr Graterol's conviction is solely due to his activity as defence counsel for Judge Maria Lourdes Afiuni. The CCBE is alarmed by these facts that threaten to undermine the independence of the legal profession and the proper application of the rule of law in Venezuela.

In this context, the CCBE wishes to draw to your Excellency's attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 18 states that:

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In view of the above, the CCBE respectfully urges your Excellency to take effective steps to ensure that Mr José Amalio Graterol is immediately released, given that his conviction is contrary to the norms of justice. The CCBE also implores you to take all necessary measures to guarantee that lawyers in your country are able to perform their professional duties without fear of reprisal, intimidation and harassment,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'E. Tsouroulis', written in a cursive style.

EVANGELOS TSOUROULIS
CCBE President