

DATE  
26/05/2010

Sr. Tareck El Aissami  
Ministerio del Poder Popular para  
Relaciones Interiores y Justicia  
Av. Urdaneta, Edif. sede MIJ, Piso 1,  
Carmelitas, Caracas, Venezuela

## Re: **Concerns regarding the case of lawyer Ms. Rocío San Miguel**

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 around one million European lawyers. In addition to membership from EU bars, it has also 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.

We express our concern over the situation facing lawyer Ms. Rocío San Miguel, a Venezuelan human rights defender, and president of the Caracas-based organization, Citizen Control ("Control Ciudadano").

We have been informed that Ms. San Miguel has suffered intimidation and could be facing arbitrary arrest. These acts have occurred after she has criticised members of the military for allegedly breaching the constitution by siding with the ruling political party.

According to our information, on 6 and 7 May 2010, Ms. San Miguel used national media to speak against several military officers. Days after, unknown men called her offering sensitive information about military activities. She believes that these may have been attempts to involve her in a criminal offence.

On 7 May, two unidentified men followed her in an unmarked grey car while she was driving through the outskirts of Caracas accompanied by her 11-year-old daughter. The unknown men passed her car, turned around and waited for her. The men stared at her as she drove past.

The day after, a trusted source of Ms. San Miguel told her that an arrest warrant against her had been presented before a judge, but that the judge had refused to proceed with it. On 13 May, another source told her that her arrest was imminent. She could be accused of attempting to subvert the constitutional order.

The CCBE strongly condemns the harassment against lawyer Ms. Rocío San Miguel, which seems to us aimed at preventing her from exercising freely her professional activity.

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

Article 16 states that:

**Conseil des barreaux européens – Council of Bars and Law Societies of Europe**

*association internationale sans but lucratif*

*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 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE urges the Venezuelan authorities to investigate the above mentioned facts and to guarantee the protection of Ms. Rocío San Miguel. We urge you also to ensure that all actions and threats against lawyers for the legitimate exercise of their professional duties are immediately and effectively stopped, in order to guarantee the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JMD', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ  
President