

Nicolas Maduro
Palacio Miraflores
Norte 10, Caracas
Venezuela

Brussels, 10 November 2014

Re: Concerns regarding threatening calls and surveillance made against Mr Omar Ernesto Silva Martínez, a lawyer

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 thirteen 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 concern over threatening calls and surveillance suffered by Mr Silva in connection with his work as a defence lawyer. Mr Silva is a lawyer who collaborates with the organisation "*Foro Penal Venezolano*". Since 11 September 2014, he has been receiving threatening phone calls to his office in the city of San Cristobal, Táchira State. Mr Silva believes that the threatening calls and surveillance are linked to his work as a private defence lawyer for Mr Lorent Gómez Saleh. The threatening calls and surveillance started immediately after Mr Silva represented Mr Lorent in a preliminary hearing in San Cristobal on 11 September. Mr Lorent, a Venezuelan national, was expelled from Colombia on 4 September and is in pre-trial detention for the crime of conspiracy to rebellion, among other things. The authorities claim he has links with paramilitary groups in Colombia. On the same day of the trial, Mr Silva reported intelligence officers taking his picture and asking court staff for his full name as well as his participation in "*Foro Penal Venezolano*".

According to our information, on 15 October 2014, Mr Silva filed a formal complaint with the prosecutor's office in San Cristobal. According to the report, the threatening calls are being made by individuals who identify themselves as government supporters. Among other things they told him: "You should take care of yourself", "You will be detained for collaborating with paramilitaries" and "The paramilitaries wake up dead or in jail". Moreover, Mr Silva has also reported being the target of surveillance by the same members of the intelligence services that he saw at the Court. He identified them as intelligence officers due to the vehicles they use and the weapons they carry. He has noticed their presence in several restaurants and other public places he frequently visits.

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

Principle 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.

Principle 17 says that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Principle 18 states that:

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

Furthermore, Principle 23 says that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right 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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to investigate the threats and surveillance made against Mr Omar Ernesto Silva Martínez and to take all necessary measures to guarantee his physical and psychological integrity. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Venezuela are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli'. The signature is written in a cursive style with a long vertical line extending downwards from the end of the name.

Aldo BULGARELLI
President