

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300 ; 917-591-3452

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Carroll Bogert, *Deputy Executive Director, External Relations*
Jan Egeland, *Europe Director and Deputy Executive Director*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*

Walid Ayoub, *Information Technology Director*
Emma Daly, *Communications Director*
Barbara Guglielmo, *Finance and Administration Director*
Peggy Hicks, *Global Advocacy Director*
Babatunde Oluwoji, *Deputy Program Director*
Dinah PoKempner, *General Counsel*
Tom Porteous, *Deputy Program Director*
James Ross, *Legal and Policy Director*
Joe Saunders, *Deputy Program Director*
Frances Sinha, *Human Resources Director*

PROGRAM DIRECTORS

Brad Adams, *Asia*
Joseph Amon, *Health and Human Rights*
Daniel Bekele, *Africa*
John Biaggi, *International Film Festival*
Peter Bouckaert, *Emergencies*
Zama Coursen-Neff, *Children's Rights*
Richard Dicker, *International Justice*
Bill Frelick, *Refugee Policy*
Arvind Ganesan, *Business and Human Rights*
Liest Gerntholtz, *Women's Rights*
Steve Goose, *Arms*
Alison Parker, *United States*
Graeme Reid, *Lesbian, Gay, Bisexual and Transgender Rights*
José Miguel Vivanco, *Americas*
Sarah Leah Whitson, *Middle East and North Africa*
Hugh Williamson, *Europe and Central Asia*

ADVOCACY DIRECTORS

Philippe Boloquin, *United Nations*
Kanae Doi, *Japan*
Jean-Marie Fardeau, *France*
Meenakshi Ganguly, *South Asia*
Cameron Jacobs, *South Africa*
Lotte Leicht, *European Union*
Tom Malinowski, *Washington DC*
David Mepham, *United Kingdom*
Wenzel Michalski, *Germany*
Juliette de Rivero, *Geneva*

BOARD OF DIRECTORS

James F. Hoge, Jr., *Chair*
Susan Manilow, *Vice-Chair*
Joel Motley, *Vice-Chair*
Sid Sheinberg, *Vice-Chair*
John J. Studzinski, *Vice-Chair*
Hassan Elmasry, *Treasurer*
Bruce Rabb, *Secretary*
Karen Ackman
Jorge Castañeda
Tony Elliott
Michael G. Fisch
Michael E. Gellert
Hina Jilani
Betsy Karel
Wendy Keys
Robert Kissane
Kimberly Marteau Emerson
Oki Matsumoto
Barry Meyer
Aoife O'Brien
Joan R. Platt
Amy Rao
Neil Rimer
Victoria Riskin
Amy L. Robbins
Graham Robeson
Shelley Rubin
Kevin P. Ryan
Ambassador Robin Sanders
Jean-Louis Servan-Schreiber
Javier Solana
Siri Stolt-Nielsen
Darian W. Swig
John R. Taylor
Marie Warburg
Catherine Zennström

Jane Olson, *Chair (2004-2010)*
Jonathan F. Fanton, *Chair (1998-2003)*
Robert L. Bernstein, *Founding Chair, (1979-1997)*



HRW.org

New York, NY, November 9, 2012

His Excellency Hugo Chávez
President of the Bolivarian Republic of Venezuela
Caracas, VENEZUELA

Dear President Chávez,

Human Rights Watch is writing in regard to Venezuela's candidacy for election to the United Nations Human Rights Council. UN General Assembly resolution 60/251 states that members of the Human Rights Council shall "uphold the highest standards in the promotion and protection of human rights." We believe that it is essential that countries that are members of the Human Rights Council adhere to these standards.

Unfortunately, when it comes to promoting and protecting human rights, Venezuela currently falls far short of acceptable standards. Urgent measures are needed to reverse the policies and practices of your administration that have undercut human rights protections in several crucial areas.

Judicial Independence

Since your administration and its supporters in the National Assembly carried out a political takeover of the Supreme Court in 2004, the Venezuelan judiciary has largely ceased to function as an independent branch of government. The Supreme Court has abdicated its role as a check on executive power. Its members have openly rejected the principle of separation of powers and publicly pledged their commitment to advancing your political agenda. This political commitment has been reflected in the court's rulings, which have repeatedly validated your government's flagrant disregard for international human rights norms.

The most disturbing example of the lack of judicial independence has been the prosecution of the Judge María Lourdes Afiuni—at your behest—after she granted conditional liberty to a prominent government critic who had spent almost three years in prison awaiting trial. Although Judge Afiuni's ruling complied with a recommendation by UN human rights monitors—and was consistent with Venezuelan law—you publicly called for her to given a 30-year prison sentence. Judge Afiuni spent more than a year in pretrial

detention in deplorable conditions, before she was moved to house arrest in February 2011, where she currently awaits trial. Afiuni's arrest and prolonged imprisonment have had a powerful impact on other lower court judges, who fear being criminally prosecuted if they issue rulings that could upset your government.

*For the Venezuelan judiciary to serve as a credible guarantor of fundamentals rights, your government should **take steps to restore the independence of the judicial branch, including the immediate and unconditional release of Judge Afiuni.***

Media Freedom

Your administration and its supporters in the National Assembly have enacted legislation expanding the government's ability to limit free speech and punish its critics. These include broadening the scope of *desacato* laws that criminalize disrespect of high government officials, prohibiting the transmission of messages that "foment anxiety in the public," and granting the government the power to arbitrarily suspend or close TV and radio stations whenever it deems such an action to be "convenient for the interests of the nation."

Your administration has taken aggressive steps to reduce the availability of media outlets that engage in critical programming, including by removing the country's oldest private television channel (RCTV) from the public airwaves and then driving it off cable TV as well, as well as pursuing administrative sanctions that could lead to the suspension or closure of the only remaining major channel (Globovisión) that remains critical of your policies. The government has also targeted media outlets for arbitrary sanction or censorship for their critical reporting on the government's response to issues such as water pollution, violent crime, a prison riot, and an earthquake.

The sanctioning and censorship of the media during your presidency have had a powerful impact on broadcasters and journalists. While criticism of the government is still common on Globovisión, in the print media, and in some other outlets, fear of government reprisals has made self-censorship a serious problem.

To bring Venezuela into compliance with international norms on freedom of expression, it will be necessary to ***repeal desacato and other laws that facilitate censorship and establish an autonomous agency to administer broadcasting frequencies and enforce broadcasting laws impartially and with full respect for due process guarantees.***

Civil Society

Your administration and its supporters have aggressively sought to discredit the country's human rights defenders by repeatedly accusing them of receiving support of the US government to undermine Venezuelan democracy. Yet you have never provided credible evidence that the independence and integrity of their work on behalf of human rights in Venezuela has been compromised by any reliance on US or other international support. (Indeed, Venezuela's leading human rights NGOs receive far more assistance from European sources than they do from US ones.) These allegations have contributed to an environment in which human rights defenders feel more vulnerable to acts of intimidation by government officials and violence or threats by its supporters.

Moreover, your supporters in the National Assembly have sought to undermine the work of Venezuelan human rights defenders through measure expanding the government's ability to prevent or deter them from obtaining the funding, information, legal standing, and public visibility that they need to be effective advocates. These include legislation blocking organizations that "defend political rights" or "monitor the performance of public bodies" from receiving international assistance.

To ensure that Venezuelan civil society is able to fulfill its vital role in the promotion and protection of human rights, your government and its legislative supporters should ***abandon its aggressively adversarial posture toward human rights defenders, refrain from unfounded attacks on their credibility, and repeal all legislation that arbitrarily limits their funding and undermines their ability to do their work.***

Cooperation with the Human Rights Council

UN General Assembly Resolution 60/251 also calls for all members of the Human Rights Council to fully cooperate with the Council, including with its special procedures. To meet this obligation, Venezuela should ***issue without delay a standing invitation to all special procedures mandate-holders.*** Your administration should also ***promptly facilitate visits already requested by special rapporteurs,*** including the rapporteurs the right to freedom of opinion and expression (requested in 2003, with a reiteration issued in 2009), extrajudicial, summary or arbitrary executions (requested in 2006, with a reminder issued in 2008), human rights defenders (requested in 2008), independence of judges and lawyers (requested in 2011 for a visit in 2012), and freedom of association and assembly (requested in 2011). Finally, your administration should ***implement all accepted recommendations from Venezuela's 2011 Universal Periodic Review (UPR) and reconsider important recommendations rejected during the 2011 UPR.***

The Human Rights Council election provides an important moment for Venezuela to chart a new course on human rights. So long as your government fails to pursue the measures outlined above, the human rights situation within Venezuela will remain precarious, and the country's ability to serve as a credible voice on human rights at the Human Rights Council will be severely compromised.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. M. Vivanco', with a horizontal line extending to the left.

José Miguel Vivanco
Executive Director, Americas Division
Human Rights Watch

A handwritten signature in black ink, appearing to read 'Peggy Hicks', with a large circular flourish on the left.

Peggy Hicks
Global Advocacy Director
Human Rights Watch