



The Law Society of
Upper Canada | Barreau
du Haut-Canada

July 4, 2016

Office of the Treasurer

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His Excellency Nicolás Maduro
President of Venezuela
Final Avenida Urdaneta, Esq. de Bolero,
Palacio de Miraflores,
Caracas, Capital District,
Venezuela

Dear President:

Re: Harassment of lawyer Juan Carlos Gutiérrez

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment of lawyer Juan Carlos Gutiérrez. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Juan Carlos Gutiérrez is a lawyer and counsel to Venezuelan opposition leader and political prisoner Leopoldo López.

It has come to our attention that on 25 April 2016, Juan Carlos Gutiérrez filed a formal complaint before the National Prosecutor's Office. In his complaint, he stated that he was subjected to several humiliating practices by military authorities at the Ramo Verde Prison, where Leopoldo López has been detained since February 2014. The impugning conduct includes: strip searches; verbal and physical assaults; and intrusive and inappropriate touching. Juan Carlos Gutiérrez also alleges he was deprived of several personal belongings by prison authorities.

Juan Carlos Gutiérrez asserts that his ability to represent his client has been impeded by unjustified restrictions on his communications with his client. Moreover, he alleges that prison authorities have eroded solicitor-client privilege by recording all of his meetings with his client and by reading, and occasionally confiscating, confidential lawyer-client communications without permission. Juan

Carlos Gutiérrez alleges that prison authorities have photographed him without consent and have accessed information on his mobile phone.

The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Venezuela to:

- a. put an end to all acts of harassment against Juan Carlos Gutiérrez as well as other lawyers and human rights defenders in Venezuela;

- b. guarantee in all circumstances the physical and psychological integrity of Juan Carlos Gutiérrez; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Ambassador-Designate Wilmer Omar Barrientos Fernández
32 Range Road
Ottawa, Ontario K1N 8J4
Canada

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Chairperson, Caracas Bar Association

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales