



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

July 31, 2017

Office of the Treasurer

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Tel 416-947-3415  
Fax 416-947-7609

Excmo. D. Nicolás Maduro Moros  
Presidente de la República Bolivariana de Venezuela  
Palacio de Miraflores, Av. Nte. 10  
Caracas  
República Bolivariana de Venezuela

Your Excellency:

**Re: Treatment of Attorney General Luisa Ortega Díaz**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the treatment of Attorney General Luisa Ortega Díaz. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Luisa Ortega Díaz has been Venezuela's lead prosecutor since 2007. More recently, she has been viewed as one of the few critical voices within Your Excellency's government, known for protecting and defending human rights.

It has come to the Law Society's attention that on June 27, 2017, the Supreme Court issued two rulings that undermine the powers of Attorney General Luisa Ortega Díaz, who has been openly questioning the state's policies and practices. The first granted the Ombudsman Office—which has failed to act as a check on the executive—powers to participate in criminal investigations, and the second removed the deputy attorney general, who had been recently appointed by Luisa Ortega Díaz, from office.

Luisa Ortega Díaz responded by accusing the Supreme Court of violating the Constitution, citing repressed demonstrations, military court trials of civilians, searches without judicial warrants and a lack of evidence against those accused of committing crimes. She is quoted as stating that, "the right to participate and to choose has been undermined by the government".

It is the Law Society's understanding that on June 28, 2017, the Supreme Court issued precautionary measures, forbidding Luisa Ortega Díaz from leaving the country and freezing her assets and bank accounts.

The Law Society of Upper Canada is deeply troubled by Luisa Ortega Díaz's treatment, particularly in light of reports of increasing social and political unrest and threats to the rule of law in Venezuela. Human Rights Watch reports, "...the judiciary has ceased to function as an independent branch of government. Members of the Supreme Court have openly rejected the principle of separation of powers, and publicly pledged their commitment to advancing the government's political agenda."<sup>1</sup> Furthermore, in the wake of nationwide demonstrations, hundreds of civilians have been prosecuted in military courts in Venezuela, in violation of both Venezuelan and international law.<sup>2</sup> Human Rights Watch notes that there is no public record of these proceedings and accounts from lawyers and family members include "...many disturbing allegations of abuses and procedural defects in the conduct of these prosecutions..."<sup>3</sup>

In light of the foregoing, the Law Society urges Your Excellency to comply with Venezuela's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* 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, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

---

1 "Venezuela: Country Summary" *Human Rights Watch* (January 2017), online: < [https://www.hrw.org/sites/default/files/supporting\\_resources/201707americas\\_venezuela\\_worldreport\\_0.pdf](https://www.hrw.org/sites/default/files/supporting_resources/201707americas_venezuela_worldreport_0.pdf)>

2 "New Accounts Describe Abusive Prosecution of Civilians by Military Courts: Joint Statement by the Venezuelan Penal Forum and Human Rights Watch" *Human Rights Watch* (15 May 2017), online: < <https://www.hrw.org/news/2017/05/15/new-accounts-describe-abusive-prosecution-civilians-military-courts>>

3 "New Accounts Describe Abusive Prosecution of Civilians by Military Courts: Joint Statement by the Venezuelan Penal Forum and Human Rights Watch" *Human Rights Watch* (15 May 2017), online: < <https://www.hrw.org/news/2017/05/15/new-accounts-describe-abusive-prosecution-civilians-military-courts>>

Article 17 states:

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

Furthermore, Article 23 provides:

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.

The Law Society urges the Government of Venezuela to:

- a. immediately and unconditionally lift all restrictions on Luisa Ortega Díaz's freedom of movement;
- b. guarantee in all circumstances the physical and psychological integrity of Luisa Ortega Díaz;
- c. ensure that all lawyers in Venezuela can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. 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:

Mr. Wilmer Omar Barrientos Fernández  
Ambassador  
Embassy of the Bolivarian Republic of Venezuela  
32 Range Rd.  
Ottawa, Ontario  
K1N 8J4

The Honourable Chrystia Freeland  
Minister of Foreign Affairs  
House of Commons  
Ottawa, Ontario  
K1A 0A6  
Email: [chrystia.freeland@parl.gc.ca](mailto:chrystia.freeland@parl.gc.ca)

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Hina Jilani, 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

Diego García-Sayán, Special Rapporteur of the Human Council on the  
independence of judges and lawyers, Office of the United Nations High  
Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of  
England and Wales