

Testimony of Adriana López Vermut
Before the House Foreign Affairs Committee
Subcommittee on the Western Hemisphere

Deplorable Human Rights Violations in Cuba and Venezuela

November 6, 2015

Honorable Chairman Jeff Duncan and Members of the Subcommittee on Western Hemisphere Affairs, thank you for inviting me to testify today and taking the time to hear my family's story.

Who is my brother Leopoldo López?

My name is Adriana López Vermut and I am the younger sister of Leopoldo López, who is the leader of the Venezuelan opposition party, Voluntad Popular, and the former mayor of the Chacao municipality of Caracas. Since February 19, 2014, Leopoldo has been wrongly imprisoned in a military prison in Venezuela. The United Nations Working Group on Arbitrary Detention has found his arrest to be arbitrary and has called on Venezuela to free him. In its opinion, the Working Group wrote:

“The Working Group is of the opinion that the detention of Mr. Leopoldo López is an arbitrary detention . . . Accordingly, it recommends to the Government of . . . Venezuela that [it] immediately frees [him], and grants comprehensive reparation, including the compensation of his moral and compensatory character, as well as measures of satisfaction, which could be a public statement of apology in his favor.¹

The United Nations High Commissioner for Human Rights, the Secretary General of the Organization of American States, President Barack Obama, Spanish Prime Minister Mariano Rajoy, French Prime Minister Manuel Valls, Colombian President Juan Manuel Santos, among more than 40 other current and past Latin American heads of states have all echoed this call for his release. Amnesty International has labeled Leopoldo a prisoner of conscience² and the United Nations Committee Against Torture has also publicly issued a statement calling for Leopoldo's release:

"The State party should adopt without delay effective measures to restrict the use of detention [and]...release immediately Leopoldo López and Daniel Ceballos,

¹ *Leopoldo López v. Venezuela*, Opinion No. 26/2014, UN WORKING GROUP ON ARBITRARY DETENTION, A/HRC/WGAD/2014/26, Adopted Aug. 26, 2014, at ¶ 60.

² *Venezuela: Sentence Against Opposition Leader Shows Utter Lack of Judicial Independence*, AMNESTY INTERNATIONAL, Sep. 10, 2015, available at <https://www.amnesty.org/en/latest/news/2015/09/venezuela-sentence-against-opposition-leader-shows-utter-lack-of-judicial-independence/>

and all those who have been arbitrarily detained for exercising their right to speak out and protest peacefully."³

Leopoldo is just one of 75 political prisoners in the country.

Why is Leopoldo López in Jail?

Leopoldo is in jail because of his ideas, because he exercised his rights to freedom of opinion, expressing, and peaceful assembly. In February 2014, he, along with other opposition leaders and students, called for an end to repressive policies of the current ruling government regime. At a series of peaceful protests during that time, he gave speeches calling for non-violent, democratic change in Venezuela, in accordance with its Constitution. Despite his repeated emphasis on urging a transition through non-violence and adherence to the Constitution, on February 12, 2014, the Government issued a warrant for his arrest claiming that his goal was to overthrow the Government through violent means.⁴

The charges against López were for conspiracy, incitement to commit crimes, public intimidation, arson, and damage to public property. After more than a year and a half in jail, on September 10, 2015, Leopoldo was convicted of all charges and sentenced to 13 years and 9 months in prison. On that terrible day, Leopoldo responded to his conviction by saying: "Today they condemn me. But it is the regime that is condemned. For the people of Venezuela will set me free." While Leopoldo is obviously innocent, his conviction was not a surprise. From the moment that a warrant for his arrest was issued, we knew he was the latest target of a ruthless authoritarian regime that seeks to silence all dissent through a corrupted judiciary. Our own President, Nicolás Maduro, routinely refers to Leopoldo as a monster and a murderer, despite him not even being accused of murder.⁵ His trial was a farce: 600 hours of the prosecution presenting their case and over 100 witnesses with no witnesses or evidence allowed from the defense.⁶

The government's main argument was that Leopoldo used "subliminal messaging" in his speeches on non-violence to incite the Venezuelan people to violence. Such threatening quotes included, "he, who tires, loses" and "we must rescue our democracy." This argument, which was the single alleged and attenuated connection between López and the violence in question was recanted on February 27, 2015 when the expert of semantic analysis, Dr. Rosa Amelia Asuaje León, withdrew her previous arguments during the trial proceedings. Under cross-examination

³ *Observaciones finales sobre el tercer y cuarto informe periódico de la República Bolivariana de Venezuela*, CAT/C/VEN/3-4, UN COMMITTEE AGAINST TORTURE, Issued Nov. 13, 2014, at ¶ 9.

⁴ Mariano Castillo, Catherine E. Shoichet, *Cheered by Supporters, Venezuelan Opposition Leader López Surrenders*, CNN, Feb. 19, 2014, available at <http://www.cnn.com/2014/02/18/world/americas/venezuela-protests/index.html>; Jeffrey Tayler, *Venezuela's Last Hope*, FOREIGN POLICY, June 10, 2015, available at <http://foreignpolicy.com/2015/06/10/venezuelas-last-hope-leopoldo-lopez-maduro/>

⁵ *Van a Salir Mal Parados*, TAL CUAL DIGITAL, Dec. 09, 2014, available at <http://www.talcualdigital.com/Nota/visor.aspx?id=111345>; *Maduro Ataca a Leopoldo López y Lo Llama "El Asesino de Ramo Verde"*, EL PROPIO, Nov. 17, 2014, available at http://www.elpropio.com/actualidad/Maduro-Leopoldo-Lopez-Ramo-Verde_0_630536988.html

⁶ Jeffrey Tayler, *Kafka in Caracas*, FOREIGN POLICY, Sep. 3, 2015, available at <http://foreignpolicy.com/2015/09/03/kafka-in-caracas-leopoldo-lopez-trial-sentencing-maduro-venezuela/>

from López's domestic counsel, Juan Carlos Gutiérrez, Dr. Asuaje revised her testimony and admitted that López had never called for violence. She stated, "López's messages are not subliminal; they are clear, direct, and specific. They call for non-violence. There was never a call to violence by López."⁷

While it was not a surprise, it was gratifying to see the defection of the lead prosecutor in the case against Leopoldo, Franklin Nieves, who came to the United States last week and openly admitted that he was pressured by the Venezuelan government to bring "false" accusations against Leopoldo. In a video released after his defection, Nieves said, "I decided to leave Venezuela with my family because of the pressure applied by the executive branch and my hierarchical superiors to make me continue defending the false evidence used to convict Leopoldo Lopez."⁸

How Are Leopoldo and His Family Currently?

Leopoldo's imprisonment has not been easy. He has spent almost half of his imprisonment in solitary confinement and is at the whim of the prison guards. He has been subject to countless violent searches of his cell and is routinely denied visitors as punishment for his actions and the actions of his wife, Lilian Tintori, who has undertaken an international advocacy campaign to free him. At one low point, prison guards threw urine and feces into Leopoldo's cell and cut off his access to water. It is this cruel and inhuman treatment that led the Inter-American Commission on Human Rights to issue precautionary measures that call on the Venezuelan State to take further action to protect Leopoldo's "life and physical integrity."⁹ Currently, Leopoldo is in the only used cell in a prison building that consists of 13 cells. He has a 7-by-10-foot cell that has nothing more than a single bed, toilet, and a small shelf for a few changes of clothes. He can read and write during the day, but at night, the only book permitted in his cell is the Bible. He does not get a light or candle when it is dark outside.¹⁰ And each month, they move him to a new dirty cell to maximize his discomfort.

The government's persecution of Leopoldo has affected my entire family. Prominent government officials regularly attack our family on national television. President Maduro has even accused Lilian of treason, which carries a 30-year prison sentence in Venezuela.¹¹ And my father was forced to go into exile after a newspaper on whose board he sits was accused of criminal libel against Speaker of the National Assembly Diosdado Cabello. Last month, government-sponsored thugs tried kidnapping our older sister, Diana, fortunately, they failed, but they did succeed in temporarily capturing and torturing her bodyguard. We routinely fear for

⁷ *Experta Reconoce que Leopoldo López No Instó a La Violencia*, EL NACIONAL, Feb. 27, 2015, available at http://www.el-nacional.com/politica/Experta-reconoce-Leopoldo-Lopez-violencia_0_581942045.html

⁸ William Neuman and Patricia Torres, *Venezuelan Prosecutor Opposition Leader's Trial Was a Farce*, NEW YORK TIMES, Oct. 25, 2015, available at <http://www.nytimes.com/2015/10/26/world/americas/venezuela-human-rights-opposition-leopoldo-lopez.html>

⁹ Comisión Interamericana de Derechos Humanos, Resolución 12/2015, Apr. 20, 2015, pg. 1, available at <http://www.oas.org/es/cidh/decisiones/pdf/2015/MC335-14-ES.pdf>

¹⁰ Leopoldo López, *Even in Jail, I Will Fight for a Free Venezuela*, NEW YORK TIMES, Sep. 25, 2015, available at <http://www.nytimes.com/2015/09/25/opinion/even-in-jail-i-will-fight-for-a-free-venezuela.html>

¹¹ *Maduro: A veces provoca romper todas las relaciones con Estados Unidos*, APORREA, Dec. 14, 2014, available at <http://www.aporrea.org/tiburon/n262254.html>.

Leopoldo's life and we fear for our own as well. Last month, the Inter-American Commission on Human Rights issued precautionary measures for Leopoldo's wife and their children.¹²

What Can the US Government Do?

No one in the world should doubt why Leo is in prison. President Maduro is afraid of him. Even as Leopoldo sits in prison, the independent polling firm Datanalisis showed that in a potential presidential matchup between Maduro and my husband, Leo is up by 32 percentage points. Furthermore, Hugo Chávez and Nicolas Maduro have also not delivered on their promises to our people and they have taken away our fundamental freedoms – our rights of free speech, freedom of association, freedom of the press, and freedom to vote for candidates of our choosing. Their actions have directly resulted in the hardships experienced by so many Venezuelans. We have the second-highest murder rate in the world, 25,000 in 2014, and are a country where 97 percent of crimes go unpunished.¹³ The desperate plight of our economy, which has included an annual inflation rate of 159 percent and our GDP expected to shrink by 10 percent in 2015 alone, has led to drastic shortages of food and medical supplies. A year ago, on the black market, one U.S. dollar bought 100 bolivars. Today, it buys over 700 bolivars. According to the Venezuelan Federation of Teachers, a month's worth of food for a family of five cost 50,625 bolivars, more than six times the minimum monthly wage, and three times what it cost the same month a year earlier.¹⁴

Venezuela is on the edge of a humanitarian crisis that could have devastating effects on regional stability. The repressive regime has created a beleaguered nation that is struggling. Thus far, the United States has taken a strong stand advocating for the rights of the Venezuelan people, but there is more that the government can do. We need Latin American leaders to move from rhetoric to action. The US can help push for the situation of Venezuela to be discussed in multilateral fora, such as the OAS, UN Human Rights Council, and the UN General Assembly. Additionally, on December 6, Venezuela will have parliamentary elections and in order for these elections to mean something, the people must have faith in the process. Currently, the Venezuelan government has rejected offers of international electoral observation from the OAS and EU. The US government must continue to pressure the government to accept observation from qualified observers.

I am proud that my brother's case has become a rallying cry around the world and the lens through which countless millions see the operation of the authoritarian regime in Venezuela. Through Leopoldo's case, the world has come to know the suffering of the Venezuelan people.

¹² *CIDH extiende medidas cautelares a familia del opositor Leopoldo López*, EL TIEMPO, Oct. 27, 2015, available at <http://www.eltiempo.com/mundo/latinoamerica/cidh-extiende-medidas-cautelares-a-familia-de-opositor-venezolano-leopoldo-lopez/16414511>.

¹³ *Venezuela termina el año 2014 como el Segundo país con más homicidios en el mundo*, Observatorio Venezolano de Violencia 2014, Feb. 2015, available at <http://observatoriodeviolencia.org.ve/ws/wp-content/uploads/2015/02/OVV-INFORME-DEL-2014.pdf>; *Guanipa: Para acabar con la inseguridad se debe combatir la impunidad*, EL UNIVERSAL, Jan. 20, 2014, available at <http://www.eluniversal.com/nacional-y-politica/140120/guanipa-para-acabar-con-la-inseguridad-se-debe-combatir-la-impunidad-imp>.

¹⁴ William Neuman and Patricia Torres, *Few in Venezuela Want Bolivars, but No One Can Spare a Dime*, NEW YORK TIMES, Oct. 18, 2015, available at <http://www.nytimes.com/2015/10/19/world/americas/few-in-venezuela-want-bolivars-but-no-one-can-spare-a-dime.html>.

We must have hope that the Venezuelan people will persevere against this severe repression and that the world will rally to our people's side.

Fuerza y Fe! Strength and Faith!

Thank you.¹⁵

¹⁵ For more information, please see: *White Paper on the Case of Leopoldo López Mendoza*, PERSEUS STRATEGIES, July 21, 2014, (Updated October 23, 2015), available at <http://perseus-strategies.com/wp-content/uploads/2015/10/L%C3%B3pez-White-Paper-10.23.2015-English.pdf>.