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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its seventieth session, 25–29 August 2014

#### No. 26/2014 (Bolivarian Republic of Venezuela)

#### Communication addressed to the Government on 27 February 2014

**Concerning: Leopoldo López Mendoza**

**The Government replied to the communication on 28 April 2014.**

**The State is a party to the International Covenant on Civil and Political Rights.**

1. The Working Group on Arbitrary Detention was established by the former Commission on Human Rights by its resolution 1991/42. The mandate of the Working Group was then clarified and extended by the Commission by its resolution 1997/50. The Human Rights Council assumed the mandate by its decision 2006/102 and extended it for a three-year period by its resolution 15/18 of 30 September 2010. The mandate was extended for a further three years by resolution 24/7 of 26 September 2013. Acting in accordance with its methods of work (A/HRC/16/47, annex), the Working Group transmitted the above-mentioned communication to the Government.

2. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to the detainee) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

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(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

## **Submissions**

### *Communication from the source*

3. Mr. Leopoldo López Mendoza, the national coordinator of the political party Voluntad Popular (Popular Will), was arrested in Caracas on 18 February 2014 pursuant to a detention order that is said to have been issued unlawfully.

4. According to the information received, a popular assembly was held in Chacaíto, Caracas, on 2 February 2014 to discuss possible institutional solutions to the crisis facing the country. It was agreed at the meeting to join Venezuelan students in a national protest scheduled for Youth Day, 12 February 2014, in Plaza Venezuela. The students issued a call for a peaceful, non-violent demonstration, which was backed by various sectors of society and political movements. On 12 February, thousands of Venezuelans gathered in Plaza Venezuela. Similar demonstrations took place in the country's other major cities. It is reported that during these demonstrations calls were made for the release of the young people arrested in the preceding days in the States of Táchira, Mérida and Nueva Esparta.

5. Mr. López Mendoza reportedly spoke at the start of the event, affirming the non-violent nature of the street protest, which he said was taking place in accordance with the Constitution. It was planned that the march should converge on the headquarters of the Public Prosecution Service in Parque Carabobo, where the Attorney-General's Office is located. The aim was to demand the release of all those arrested in the preceding days for participating in peaceful protests. According to the source, the march proceeded to the Attorney-General's Office peacefully and without violence. At the end of the demonstration, the students dispersed without incident.

6. However, once the demonstration was over, members of the police and armed militia groups close to the Government, known as *colectivos* (collectives), carried out a number of attacks. The façade of the Public Prosecution Service headquarters was damaged, and several students in the vicinity were assaulted. These events resulted in the death in Vargas Hospital of Bassil Alejandro Dacosta Frías, a 23-year-old university student. A member of the collectives, Juan Montoya, also died from gunshot wounds. Three people were injured.

7. The source states that more than 70 people were arrested that day. The Attorney-General confirmed the names of the dead and injured and immediately blamed political figures. The government authorities held Mr. López Mendoza responsible for the violence. According to the source, numerous photographs and videos taken spontaneously by volunteers on their mobile phones show that it was not the demonstrators that provoked the violence and that law enforcement officers failed to take prompt preventive action. In statements made after the incidents, the President of the National Assembly said that he held Mr. López Mendoza and María Corina Machado, a member of the Assembly, liable for the violence, calling them murderers. The Minister for Foreign Affairs allegedly took to the social network Twitter to accuse Mr. López Mendoza of instigating the killings. These and

other statements by authorities and officials were reportedly made before the Attorney-General's Office had initiated any investigations.

8. Mr. López Mendoza, Ms. Machado and the Mayor of the Metropolitan District of Caracas, Antonio Ledezma, held a press conference to express their concern over the incidents. They stated that the unusual lack of law enforcement officers on the protest route and their failure to respond to the acts of violence could have been part of a plan orchestrated with the consent of the government authorities.

9. The temporary judge in charge of the Sixteenth Caracas Procedural Court, Ralenys Tovar Guillén, granted a request from the Public Prosecution Service to arrest Mr. López Mendoza and ordered the Bolivarian National Intelligence Service to detain him immediately. By Order No. 007-14, the judge ordered his arrest on multiple charges, including criminal association, incitement to commit an offence, public intimidation, arson of a public building, damage to public property, causing serious injury, homicide and terrorism. These offences, combined, are punishable by more than the maximum penalty allowed under Venezuelan law, namely 30 years' imprisonment.

10. In the early hours of 16 February 2014, while conducting a search, officials from various State security forces, including the National Guard (military) and the General Directorate of Military Counter-intelligence, unlawfully entered Mr. López Mendoza's home, his parents' home and the premises of his political party. The officers did not have a search warrant and showed only a copy of the arrest warrant. More than 20 heavily armed uniformed officers in four vehicles drove to the home of Mr. López Mendoza's parents, where his father, mother and wife were present. They blocked road access to the property in two places, preventing neighbours from approaching. Lawyers were denied entry.

11. On 18 February 2014, a rally was staged in Plaza Brión, in the municipality of Chacao, Caracas. It is reported that a large number of law enforcement officers, mainly members of the riot squad of the Bolivarian National Police, barred access to the Plaza. Mr. López Mendoza made an appearance and gave a brief address to the crowd, before making his way to the National Guard security cordon with his wife. Mr. López Mendoza was then arrested by several military officials, who led him to an armoured car and took him to the Francisco de Miranda military airbase, known as "La Carlota". From there, he was transferred by helicopter to the Fuerte Tiuna military base.

12. Mr. López Mendoza appeared before temporary judge Ms. Tovar Guillén, president of the Sixteenth Caracas Procedural Court. She ordered that he be remanded to the Centro de Procesados Militares military prison, known as "Ramo Verde prison", a detention centre for active and retired service personnel.

13. The source states that Mr. López Mendoza is being held in inhumane conditions in a military detention centre, in a cold and poorly lit cell. As the facility is in a mountainous area, temperatures are low, and Mr. López Mendoza has not been provided with appropriate clothing or blankets. The bathroom is in a deplorable state, with no door to ensure privacy. The corridor leading to the cell bears the traces of a fire — sooty deposits, blackened walls and burnt light fittings — but no sign of any repairs having been carried out.

14. The Twenty-sixth Caracas Procedural Court declined jurisdiction in favour of the Sixteenth Procedural Court. Four new documents or sections were added to Mr. López Mendoza's case file containing information that undermines his right to an effective defence. His lawyers unsuccessfully requested a stay of proceedings.

15. The hearing finally took place at 10.30 p.m. on 19 February 2014. The judge ratified the custodial measure and accepted the initial classification of offences made by the Public Prosecution Service.

16. The source contends that Mr. López Mendoza's current detention comes against a backdrop of harassment and persecution dating back 10 years. He has been subjected to more than 20 punitive proceedings and multiple investigations launched by various public bodies. These include the arbitrary application of administrative procedures depriving him of his political rights, which has prevented him from holding a public service position for over six years, as well as the filing of numerous complaints and criminal proceedings.

17. On 5 January 2010, the Inter-American Commission on Human Rights found that the political sanctions imposed on Mr. López Mendoza violated the American Convention on Human Rights and filed a claim against the State with the Inter-American Court of Human Rights.

18. On 1 September 2011, the Inter-American Court of Human Rights delivered a judgement,<sup>1</sup> in which it concluded that "the State is responsible for a violation of the right to be elected ..., in relation to the obligation to respect and ensure rights set forth in Article 1.1 of the American Convention on Human Rights". In its judgement, the Court found a violation of Mr. López Mendoza's political rights and irregularities in the proceedings instituted against him, and ordered that his political rights be restored. Although the judgement is binding on the State under the Convention itself and the State's domestic legal order, on 17 October 2011, by its ruling No. SSC 1547/2011, the Supreme Court declared it unenforceable.

19. On 15 February 2013, the Public Prosecution Service summoned Mr. López Mendoza to appear on 28 February, when he was charged with influence peddling and large-scale misappropriation.

20. On 10 February 2014, Mr. López Mendoza was prevented from boarding a domestic flight, even though no court order or other form of written order had been issued to that effect.

21. According to the source, Mr. López Mendoza's detention violates his right to personal liberty as recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which the Bolivarian Republic of Venezuela is a party. Specifically, his detention constitutes a violation of article 3 of the Declaration and article 9 of the Covenant. Mr. López Mendoza has been a victim of systematic, premeditated and publicly announced acts of persecution by various authorities solely for exercising his political rights in a lawful manner. He has been subjected to, among other things, criminal proceedings, threats made over a period of months and detention in prison. Mr. López Mendoza has been stigmatized, and peaceful protest has been criminalized.

22. The source adds that Mr. López Mendoza's right to presumption of innocence has also been violated. That right has been infringed every time that various authorities, particularly those within the executive and the security forces, have accused Mr. López Mendoza personally and directly of being responsible for acts that he did not commit. He has been threatened with imprisonment on several occasions in the absence of a preliminary investigation.

23. The source recalls that it is the judiciary's duty and responsibility to determine a person's guilt, not the executive's to do so by means of political statements. Its findings must be the result of fair and impartial judicial proceedings conducted with all the safeguards to which defendants are entitled.

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<sup>1</sup> Inter-American Court of Human Rights, *López Mendoza v. Venezuela*, Judgement of 1 September 2011 (Merits, Reparations and Costs), Series C, No. 233.

24. According to the source, article 14 of the Covenant has also been violated because of Mr. López Mendoza's unequal treatment, given that he has been detained by military personnel, transferred to military bases and held in a military prison.

25. The foregoing discloses the arbitrary nature of Mr. López Mendoza's detention. The source contends that there are no legal grounds whatsoever for criminalizing the conduct of Mr. López Mendoza, who was freely exercising his rights. He has been accused of offences that he did not commit solely on the basis of his role as the leader of the political opposition in an attempt to divert attention away from the search for those who were really responsible for the acts of violence causing death and injury. The arrest warrant for Mr. López Mendoza — which was issued by a judge who was appointed on a temporary basis and thus susceptible to political pressure — was based on his alleged responsibility for the events in question, a charge which, like many others in this case, is of dubious substance.

26. The source adds that Mr. López Mendoza's detention resulted from the legitimate exercise of the right of all to freedom of opinion and expression, thought, assembly and association, peaceful protest and demonstration, as well as the right of everyone to participate in the political affairs of their country. All of these rights are enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Constitution of the Bolivarian Republic of Venezuela. The right to hold and express opinions, the right to demonstrate, the freedoms of association and assembly and the right to protest freely and peacefully are all protected under the above-mentioned international instruments.

27. The source further states that Mr. López Mendoza is a victim of a political vendetta that relies on judicial mechanisms, criminalizes protest and seeks to implicate him in offences that he clearly did not commit. He has been subjected to arbitrary and unauthorized searches of his home, his parents' home and the premises of his political party.

28. Mr. López Mendoza's continued detention must also be considered arbitrary, since the imposition of pretrial detention is not justified given that it has not been demonstrated that there is a risk of the defendant fleeing the country or hindering the criminal investigation, as required under Venezuelan law. The fact that Mr. López Mendoza turned himself in voluntarily is, in the source's view, evidence of that.

29. The source concludes that the international human rights systems have a duty to protect individuals, not only by providing redress for violations suffered but also by responding to serious situations that cause grave, irreparable harm. One of the purposes of the above-mentioned international instruments is to prevent human rights violations.

#### *Response from the Government*

30. The Government responded to the communication from the Working Group on 28 April 2014.

31. The Government asserts that Mr. Leopoldo López Mendoza and Ms. María Corina Machado called for a demonstration on 12 February 2014, which they called *La Salida* (The Way Out), with the aim of mobilizing the most radical opposition groups and overthrowing President Nicolás Maduro Moros. A number of violent incidents ensued, and certain regional bodies were targeted in attacks involving physical assaults on individuals and damage to public and private property. The Government draws particular attention to the systematic destruction of educational and health facilities, and damage to the environmental heritage.

32. The Government reports that the Public Prosecution Service applied to the Sixteenth Caracas Procedural Court for Mr. López Mendoza's detention on the following charges:

incitement to arson, under article 343 of the Criminal Code, and damage to property, under article 474 thereof, read in conjunction with article 83 of the Code; incitement to public disorder, under article 285 of the Code; criminal association, under article 37 of the Organized Crime and Financing of Terrorism Act, together with the aggravating circumstances provided for under articles 27 and 29, paragraphs 3 and 7, of the Act.

33. The Government contends that Mr. López Mendoza called for violence and called on people to refuse to recognize the legitimately constituted Government. He personally instigated hatred and violence among the population, creating a tense, hostile situation, which resulted in a group of people attacking the headquarters of the Public Prosecution Service and setting fire to property belonging to the Scientific, Criminal and Forensic Investigation Unit. The Government states that the case against Mr. López Mendoza is under investigation.

34. The Government asserts that there have been no cases whatsoever of arbitrary detention in the Bolivarian Republic of Venezuela. No one has been arrested for participating peacefully in demonstrations. Those who have been arrested were involved in violent acts that violated the rights to personal integrity, freedom of movement, public and private property and a healthy environment.

35. According to a report by the Ombudsman's Office that is attached to the Government's reply, Mr. López Mendoza and Ms. Machado "were the visible face of the calls for a demonstration on 12 February 2014, during which their supporters were urged to disregard democratic channels".<sup>2</sup> On 2 February 2014 Mr. López Mendoza "called on people to take to the streets en masse across the country on 12 February in order to put pressure on the legitimately constituted Government to resign".<sup>3</sup>

36. The Government states that President Nicolás Maduro Moros was elected democratically by a majority of Venezuelans in elections that were monitored by national political actors and observed by international missions. Nevertheless, Mr. López Mendoza urged people not to recognize the legitimately constituted Government and called for the resignation of the President of the Republic or his removal from office, an eventuality that is not provided for in the Constitution. To this end, he personally instigated hatred and violence, creating a tense, hostile situation that sparked a wave of violence across the country.

#### *Comments from the source*

37. The source submitted comments and observations on the Government's reply on 24 May 2014. The source states that the Government, in its reply, provides no information whatsoever that contradicts the allegations made, thereby demonstrating the truthfulness of those claims. Mr. López Mendoza has vigorously opposed the present Government, mainly through political criticism and dissent. That is the cause and the motive for the political persecution to which he has been subjected.

38. According to the source, the information provided by the Government relates to matters other than those at issue in the present case. The Government confirms the information provided by the source, according to which Mr. López Mendoza is facing trial on charges of arson, damage to property, incitement to public disorder and criminal association. However, these charges do not reflect the reasons adduced for his being held in detention.

<sup>2</sup> Ombudsman's Office, *Febrero: Un Golpe a la Paz. I Parte, del 12 al 26 de febrero 2014, Caracas, February 2014*, p. 14.

<sup>3</sup> *Ibid.*, p. 56.

39. The Government seeks to criminalize Mr. López Mendoza's opinions and political expression. In the proceedings instituted by the State no attempt is made to offer an explanation as to how, where or when Mr. López Mendoza might have influenced the commission of an offence through his alleged statements.

40. The source states that it is clear from the Public Prosecution Service's presentation of the facts in the indictment that Mr. López Mendoza operates by expressing his legitimate political ideas and thoughts through different social media outlets and in public speeches. Two relevant issues emerge from Mr. López Mendoza's statements: criticism of the current Government and calls for public protest. In order for a democratic society to exist, citizens must have the right to express their opinions freely, to disagree, to discuss ideas and to exchange views. The grounds on which Mr. López Mendoza was charged are not in accordance with international standards on freedom of expression.

41. The source adds that the Public Prosecution Service has never specified the circumstances or the factual details of the alleged offence of "persuasion and incitement" with which Mr. López Mendoza is charged. It has failed to establish which speeches gave rise to the events or which statements may have violated domestic legislation. With regard to the offence of "incitement to public disorder", no information is given about the legitimate authority that was undermined or the law that Mr. López Mendoza called on people to disregard. With respect to the offence of "criminal association", no information is provided about the organized crime group in question or about the time, manner and place of Mr. López Mendoza's alleged involvement in such a group.

42. The lack of a reasoned, clear and accurate statement of the alleged facts and the absence of a description of the circumstances of the alleged acts adversely affect Mr. López Mendoza's right to a defence and due process. The right to a defence is undermined in the absence of a clear, accurate and detailed presentation of the facts. Mr. López Mendoza's detention in the absence of specific evidence establishing that an offence has been committed constitutes a violation of his right to presumption of innocence.

43. The source states that in the present instance those responsible for putting together the case file are far from impartial. For instance, the Scientific, Criminal and Forensic Investigation Unit is attached to the Ministry of People's Power for Internal Relations, Justice and Peace, which reports directly to the President of the Republic. Furthermore, in the indictment the Public Prosecution Service stated that it was itself a victim in the case. The investigation is therefore flawed because of a lack of transparency, objectivity and impartiality. The Scientific, Criminal and Forensic Investigation Unit, which is directly accountable to the executive branch, has also declared itself to be a victim and therefore has an obvious interest in the case. However, the Unit provided the Public Prosecution Service with 80 of the 120 items of evidence incorporated into the prosecution file. For its part, the Public Prosecution Service has produced evidence submitted by its own officials. In addition, it has on two occasions refused to carry out investigations requested by the defence. Furthermore, the source states that the linguists appointed by the Public Prosecution Service are connected to the ruling party.

44. The source reports that the temporary judge in charge of the case, Ralenys Tovar Guillén, has been replaced by another temporary judge, Adriana López and that, as a result, the scheduled hearings have been postponed indefinitely.

45. In conclusion, the source states that Mr. López Mendoza is being held in isolation, that he has no contact with other inmates and that his right to privacy of communications is being violated. His correspondence with his defence counsel is being intercepted and read; even his participation in religious activities is subject to restrictions.

**Discussion**

46. The Working Group considers that it is indisputable that thousands of Venezuelans gathered in various squares in Caracas on 12 February 2014. Similar rallies also took place in the country's other major cities. During these demonstrations, calls were made for the release of the young people who had been arrested in the preceding days.

47. The Constitution of the Bolivarian Republic of Venezuela recognizes the right of everyone to demonstrate. The demonstration in Caracas was scheduled to converge on the premises of the Public Prosecution Service, the authority called upon to release the detainees. The march proceeded to the headquarters of the Public Prosecution Service peacefully and without violence. However, when the demonstration was over, armed groups attacked the protesters, causing the death of two persons and injuring three others. The source claims that the attacks were carried out by militia groups, whereas the Government maintains that they were the work of violent demonstrators.

48. The Government has sought to blame Mr. López Mendoza and Ms. Machado for the events that occurred, including the deaths, the acts of arson and the damage to public and private property. Mr. López Mendoza and Ms. Machado have refuted the accusations and have, for their part, raised concerns about the lack of police officers deployed to monitor the demonstration.

49. At the request of the Public Prosecution Service, the temporary judge in charge of the Sixteenth Caracas Procedural Court ordered Mr. López Mendoza's detention on charges relating to several of the offences referred to by the source.

50. Mr. López Mendoza attended a new demonstration held on 18 February 2014 and turned himself in to the police and military forces. He was taken to a military base and later presented before the competent judge. New charges were subsequently brought against him, thus creating a further obstacle to his defence. The Court denied a request from his lawyers to postpone the hearing so that they could study the new charges. The temporary judge confirmed the pretrial detention order at the hearing.

51. The Working Group notes that, prior to these events, Mr. López Mendoza had faced reprisals and had been subjected to more than 20 punitive proceedings that led to his being prohibited from exercising political functions under administrative procedures, as noted earlier in this Opinion. This ban on his participation in the political affairs of the country was the subject of a ruling by the Inter-American Court of Human Rights, which the Supreme Court declared unenforceable.

52. In its reply, the Government does not refute any of the facts presented, nor does it deny the allegations made. The Government does not indicate how Mr. López Mendoza's words might have led to the acts of arson and the damage to property with which he is charged. It does not specify which parts of his statements may have caused those serious acts or incited their commission. Furthermore, when the Government refers to the offence of unlawful association, it does not make clear which illegal group it is referring to.

53. Mr. López Mendoza's right to presumption of innocence has been adversely affected, as has his right to a proper defence, as a result of the vagueness of the charges brought against him and the censorship of his correspondence with his lawyers.

54. The Working Group takes the view that participating in a march for political reasons or exercising one's right to freedom of expression during a march, such as the one that took place on 12 February 2014, does not constitute an offence that justifies the detention of a speaker or a participant. There is no evidence to suggest that there is a cause and effect relationship between the organization of a political demonstration, the speech made in the course of that demonstration and the deaths, injuries and material damage that occurred on the fringes of the demonstration, which had, moreover, already ended.



55. Mr. López Mendoza's detention in a military facility would appear to be based on discrimination on the grounds of his choices and political opinions. The Working Group agrees with the views of the Human Rights Committee regarding the obligation of States to provide protection: "To guarantee the effective protection of detained persons, provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends."<sup>4</sup>

56. The Constitution of the Bolivarian Republic of Venezuela states that citizen security organs are civilian in nature (art. 332); consequently, the involvement of the Armed Forces in the arrest of civilians does not appear justifiable. In the opinion of the Working Group, the above-mentioned constitutional provision is in line with comments by the Inter-American Commission on Human Rights in its Report on Citizen Security and Human Rights. The Commission has made the following recommendation for countries in the region: "In the domestic legal system, draw a clear distinction between national defence as the function of the armed forces, and citizen security as a function of the police. Make it very clear that because of the nature of the situations they must deal with, the instruction and specialized training they receive, and the region's unfortunate history of military intervention into internal security affairs, the police have sole responsibility for the functions associated with prevention, deterrence and lawful suppression of violence, under the oversight of the legitimate authorities of a democratic government".<sup>5</sup>

57. In another report — which the Working Group also endorses — the Commission has stated that "States need to guarantee that penitentiaries are run and guarded by qualified, civilian staff, with civil servant status. That is to say, those functions must be entrusted to an independent security body independent of the military and police forces, and educated and trained in penitentiary issues. Those professionals must have been trained in programmes, schools, or penitentiary academies established specifically for that purpose and pertaining to the institutional structure of the authority responsible for administering the penitentiary system."<sup>6</sup>

58. The Working Group considers that the deprivation of liberty of Mr. López Mendoza is arbitrary under category II of the Working Group's methods of work, given that Mr. López Mendoza was arrested with a view to restricting the exercise of his political rights; that he has been held in military facilities; and that he has been prevented from exercising his rights to freedom of thought, opinion and expression, assembly and association, and his political rights, enshrined in articles 18 to 21 of the International Covenant on Civil and Political Rights and in articles 9, 10 and 18 to 21 of the Universal Declaration of Human Rights.

59. The Working Group further considers that Mr. López Mendoza's detention on 18 February 2014 adversely affects his rights to presumption of innocence, to a fair, impartial trial and to due process, given that his arrest was carried out in the absence of a warrant from a judicial authority; that his detention has been extended for a period of more than 6 months; that he has been held in solitary confinement; that he has been denied pretrial release — on bail if necessary; and that obstacles have been put in the way of his defence lawyers, including the censorship of their communications with their client. The foregoing

<sup>4</sup> Human Rights Committee, general comment No. 20 on prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 11.

<sup>5</sup> Inter-American Commission on Human Rights, *Report on Citizen Security and Human Rights* (OEA/Ser.L/V/II., Doc.57, 31 December 2009), specific recommendation No. 10.

<sup>6</sup> Inter-American Commission on Human Rights, *Report on the Human Rights of Persons Deprived of Liberty in the Americas*, (OEA/Ser.L/V/II., Doc.64, 31 December 2011), para. 193.

constitutes a grave violation of the provisions concerning the right to a fair, impartial trial set forth in articles 9 and 14 of the Covenant.

**Disposition**

60. In the light of the above, the Working Group is of the opinion that the detention of Mr. López Mendoza constitutes arbitrary detention under categories II and III of its methods of work. Accordingly, it recommends that the Government of the Bolivarian Republic of Venezuela release Mr. López Mendoza forthwith and that it provide him with full redress, including moral and material compensation, as well as measures of satisfaction, such as a public statement of apology.

*[Adopted on 26 August 2014]*

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