



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

SDIR • NUMBER 045 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Tuesday, November 25, 2014

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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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•(1310)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): This meeting will now come to order.

Today, November 25, 2014, marks the 45th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[English]

We're televised.

Today we are returning to a subject that has occupied this committee in the past, that of course is the issue of human rights in Venezuela.

We have with us today two witnesses who will be discussing the issue of arbitrary detention in that country and of the impediments that face opponents of the excesses of the regime. Lilian Tintori, will be here to talk about her husband Leopoldo López and Jared Genser will also be talking.

I understand, Ms. Tintori, you'll be speaking first and Mr. Genser will follow afterwards.

We invite you to begin your testimony.

Ms. Lilian Tintori (As an Individual): Thank you very much.

Good afternoon.

Chairman Reid, distinguished members of the Subcommittee on International Human Rights, ladies, and gentlemen, my name is Lilian Tintori. I am delighted to be here today. Leopoldo, my husband, is a politician. I am not. I am here as a wife, as a mother, as a single mother since Leopoldo, a devoted husband, father, and politician, was wrongly imprisoned by Venezuelan authorities on February 19, 2014. Because Leopoldo has been temporarily silenced, I have no choice but to speak out on his behalf.

Some of you may be familiar with the situation in Venezuela, which I will discuss. What you may not know, as I testify here in the Canadian Parliament today, is that my husband has strong Canadian roots. His great-grandfather was from Fredericton, New Brunswick, and moved to Caracas after the turn of the 20th century to open a local office of the Royal Bank of Canada. He was always a proud Canadian despite having lived most of his life in Caracas.

The most important thing for me to discuss with you today is the current situation facing Venezuela as a country as well as the specific

situation of my husband, Leopoldo. Since President Hugo Chavez was elected in 1999, my country has been transformed from a robust democracy into a dictatorship. In the last 15 years things in Venezuela have never been as bad as they are now. Chavez's presidency was marked by violence, inflation, scarcity of goods, a lack of judicial independence, and increasing persecution of journalists and political opponents.

Currently, Venezuela's inflation rate is 65%, the highest in Latin America. Today, I and other Venezuelans face a daily battle to find staples such as toilet paper, rice, coffee, meat, diapers, and milk for our babies. We are forced to wait in line for hours to purchase food and other essential goods for our families.

On top of this, the security situation in my country is truly disturbing. Venezuela's murder rate is 25,000 per year, which is a Venezuelan is killed every 20 minutes. Yet despite this depressing reality on the ground, my country has a wonderful constitution with strong human rights protections. Sadly, the government violates these protections daily with impunity.

My husband, Leopoldo, has spent nine months in prison since he voluntarily turned himself in on February 18, 2014. Leopoldo is currently 43 years old. He spent his 43rd birthday this year behind bars and without his family as we were not allowed to visit him on that day and for few days in prison.

Leopoldo has been a politician since age 29. A member of the political opposition, my husband was elected mayor of Chacao municipality in 2000, the central business district of Caracas. He served as the mayor until 2008 when a wrongful disqualification from running for office went into effect.

•(1315)

If not for the ban, Leopoldo had planned to run for mayor of Greater Caracas in 2008, a race in which he was up in the polls by 30 percentage points. A poll at the time suggested that in the hypothetical present election, Leopoldo would have received a greater percentage of the vote than Hugo Chavez.

The Venezuelan government is clearly the first goal of my husband, and it has great reason to be. Chavez has not delivered and Maduro has not delivered on their promises. They have systematically dismantled our fundamental freedoms: our free speech, freedom of association, freedom of the press, and freedom to vote for candidates of our choosing.

Yet my husband has not been deterred. In 2009 Leopoldo, with other young committed opposition leaders, founded the political party Voluntad Popular, based on building grassroots support for social change. With violence up and the economy in major decline, Leopoldo called for a resolution of our current crisis through no violence and constitutional means. Specifically, he called for President Maduro to resign. If that didn't work, my husband called for a national referendum to recall Maduro as president. If that didn't work, he wanted to hold a constitutional convention to re-examine how human rights could be more effectively protected.

All three of these ideas are drawn directly from the Venezuelan constitution. Accordingly, Leopoldo received widespread support for these proposals, which were jointly embraced by all political opposition leaders as well as the Venezuelan student movement.

On February 12, 2014, Youth Day in Venezuela, some 500,000 people turned out in the streets of Caracas to listen to my husband and other opposition political, student, and community leaders talk about how to change our country. After listening to speeches, the crowd marched to the headquarters of the public prosecutor to submit a letter demanding the release of student leaders who had been arbitrarily arrested previously.

After waiting for two hours, it became clear that the prosecutor's office would not accept the letter, so my husband ordered all the protesters to return home. However, a small group of protesters stayed, and the situation quickly turned deadly when three protesters—two anti-government protesters and one government supporter—were shot following the largely peaceful march.

At this point, my husband and the other opposition leaders had long departed from the scene. The Venezuelan government claims, to the contrary, that Leopoldo incited violence. Photographs and videos on YouTube show the security forces opening fire on unarmed demonstrators.

After the violence on February 12 an arrest warrant for Leopoldo was issued by the prosecutor's office, later that evening. On the evening of February 16 my husband declared on YouTube that he would turn himself in and called for a peaceful demonstration on February 18. Around noon on February 18, I stood beside Leopoldo as he gave a speech to hundreds of thousands of supporters; then my husband peacefully turned himself in to the military authorities.

• (1320)

Subsequently he was indicted for a number of criminal charges that my lawyer, Jared Genser, will speak about in more detail.

Amazingly, while the government admired that Leopoldo advocated change through non-violent and constitutional means, it actually claimed in writing that my husband used subliminal messages to engage enactment of violence. If my husband had such superhero powers, surely he would have easily persuaded President Maduro to resign or his jailers to let him go.

I will now talk about what's been happening to my family and me in Venezuela since my husband's arrest. Since February 19, 2014, Leopoldo has been wrongfully imprisoned in Venezuela. My husband has been detained in solitary confinement for nine months. Of that time, he has been in 24/7 lockdown for six months on and off as an arbitrary punishment.

They punish him without a reason. The last time was when Leopoldo, through his window that is three metres up, so you'd need to be inside his cell to get to the window, put a sign in the window saying, UN = Freedom For Political Prisoners because the UN had asked for the release of Leopoldo López and political prisoners of Venezuela. The Government of Venezuela closed the court for one month and didn't answer anything. Then after one month it opened its office and rejected the UN decision.

But while President Maduro can imprison my husband's body, he can't imprison his mind. Even though Leopoldo is suffering through the cruelty of extended solitary confinement, he is getting stronger. He reads, writes, exercises, and prays in his cell. Every moment he spends in prison only strengthens his resolve.

We will all survive. I hope so, but to be honest, it is very difficult for me and for my children. It is hard being a single parent. It is a challenge, fearing for my and my children's safety in my own country. I don't feel safe; I live in fear. It breaks my heart having to explain to Manuela, my daughter, after every visit why her daddy can't come home and how in Venezuela sometimes the heroes are in prison.

Let me conclude with two brief stories that illustrate the desperation of the Venezuelan government treating my husband.

First, on 27 October at about 1 a.m. the guards at the military prison where Leopoldo was being held threw three bags of human urine and feces against the bars of his prison window. Pee and poo were inside. They threw it in the windows of Leopoldo, Daniel Ceballos, Enzo Scarano, and Salvatore Lucchese, other political prisoners.

There are four political prisoners in that Ramo Verde jail, but right now we have more than 80 political prisoners in Venezuela.

The excrement covered him and the small cell. Prison officials turned off the water and electricity, leaving him to spend 15 hours like that with all the excrement and urine inside his cell and on his body. This is disgusting and it is horrible. We are denouncing this inside our country and outside of our country.

Most recently Leopoldo has twice been given a two-week period of punishment. In addition, the government has decided it will punish me for speaking out in forums around the world just like this one. I was punished for 40 days. I went for 40 days without seeing or talking with Leopoldo, my husband.

• (1325)

During a recent visit with her father, Manuela, our daughter, who is five years old, asked Leopoldo whether he will die in prison. That a five-year-old should have to ask such a question of her father is heartbreaking and brought our entire family to tears.

All of what I have described is in clear violation of Venezuelan and international law. I am here today to plead for your help and support. My husband is in part who he is because of your great country. What he, and all Venezuelans, need is for like-minded governments such as your own to stand in solidarity with the 72 political prisoners left in the country, including Leopoldo.

Thank you very much for your care, concern, and support. As Leopoldo said, all rights for all people. That's our goal. Peace and a better country for all. Strength and faith.

[Witness speaks in Spanish]

And all these words and all my work around the world is for love: the love that I feel for Leopoldo, the love that I feel for my kids, and the big love that I feel for my country, Venezuela.

Thank you very much.

• (1330)

The Chair: Thank you very much.

Mr. Genser, we invite you to begin. I'll just observe, however, that we only have 30 minutes left and we have six questioners. If you could, please bear that in mind as you make your remarks. I know they're important, but I just want you to keep that in mind.

Thank you.

Mr. Jared Genser (Managing Director, Perseus Strategies): Thanks so much, Chairman Reid, members of the distinguished subcommittee, ladies and gentlemen. It's great to be here with you again today. As you will recall, I spent five years as Aung San Suu Kyi's international lawyer. I currently represent Liu Xiaobo and prisoner of conscience cases are really my speciality.

I mentioned their names, not merely because they are a former and a current client but because Leopoldo López in reading his speeches and his writings, as I would encourage you to do, sounds much like the two of them, like Václav Havel, Nelson Mandela and soon, unfortunately, will become as well known as them, given his ongoing detention in Venezuela.

There are three things I'll talk about as quickly as I can this afternoon. First, a little bit more of the details of the case itself so you understand what he's been charged with and the lack of due process in his case. Second, what we've been doing around the world. Then last, what I think Canada might consider doing to be of help.

Leopoldo has been charged with four crimes: incitement to commit violence, conspiracy, arson, and property damage. He is facing 12 years in prison. As Lilian noted, the indictment itself is like reading a work of science fiction. In short, even though they acknowledge that he advocates non-violence and advocates reforms through the constitution, they say that he uses subliminal messages to persuade people to engage in acts of violence. Obviously, on the face of it that is utterly ludicrous, and as a lawyer I try to choose my words carefully.

He is being held in violation of articles 19, 20, and 21 of the International Covenant on Civil and Political Rights to which Venezuela is a party. Article 19 is the right to freedom of opinion and

expression. Article 20 is the right to freedom of association. Article 21 is the right to political participation.

The trial is equally outrageous and the Government of Venezuela is not even pretending or even trying to make it appear like a fair trial. All these violations I'm going to describe are violations of article 14 of the International Covenant on Civil and Political Rights that relates to rights of due process.

First let's talk about the presumption of innocence. Maduro said 11 times in the year before Leopoldo was even detained that he would be going to prison, that the cell was, and I quote, "ready" for him, and made very clear that he was going to be arresting and detaining Leopoldo. Since his arrest and his ongoing detention over the last nine months, on national television President Maduro said Leopoldo has, and again I quote, "a crazy messianic vision" and that he has a way of talking that makes people go crazy.

Most recently he publicly referred to Leopoldo López as the murderer of Ramo Verde, the prison he is being held in. That is interesting in a whole host of respects, given that he has of course never actually been charged with murder. I just described the charges against him. Yet the president of the country is saying that he is a murderer.

In addition, he is being denied attorney-client communications in private. He hasn't had a single communication with his lawyers that hasn't been observed either by tape recording or by prison guards themselves. In addition, the judge in this case has approved 100 witnesses for the prosecution and denied 58 of the 60 witnesses for the defence. He is being denied entirely his right to present a defence in his case.

Furthermore, there has been a lack of an independent and impartial judiciary. It's not often as a human rights lawyer that I get the opportunity to have proof of such a fact. Usually, I just know it to be the case. The first judge in his case, after confirming the four charges against him, was texted by a friend in Miami asking, "Why did you do this?" She responded via text message "I had no choice. It was either do that or lose my job." That friend then took the text message to the media and the media confirmed the phone was the judge's phone. The judge, not surprisingly, is no longer on the case and, in fact, is now in exile.

Similarly and even more outrageous is actually the role that the legislature has played in this case. In fact, the president of the national assembly has been personally involved in this case in ways that I find, as an international lawyer, strange and bizarre. I think you would find it equally that way. Specifically, for the several days in between when Leopoldo was accused of these crimes and when he turned himself in, you had the president of the national assembly coming to the family home in the middle of the night with 75 guys with weapons and ski masks on, trying to privately persuade the family to go into exile. The president of the national assembly said that Leopoldo was innocent, that he knew he was innocent, but the Government of Venezuela could not protect him any longer and that his life was in danger and that the plane was ready. All they needed to do was say the word and he would get Leopoldo, Lilian, and the children on the plane to leave the country.

Obviously, he turned down that offer that was relayed to him.

● (1335)

Later, after the day that he was arrested, on February 18, he was detained, as Lilian mentioned, by military guards, members of the military. What's odd about that is, of course, he was detained by the military and is in military prison, but he's never actually served in the military and never been charged with any violations of military justice.

He was initially taken, after his arrest, to a military base and then he was going to be driven for his first hearing to meet with the judge. It turns out that his chauffeur, to take him from the military base to the court, was the president of the national assembly, in the car, alone with him, in a convoy that was being operated by the military itself.

So imagine, your Speaker of the House driving a charged criminal to his first court appearance and, of course, he was trying to persuade him to go into exile, which he declined to do. I'd be remiss if not just briefly mentioning the torture that has been committed against Leopoldo through the extended solitary confinement as well as the cruel, inhuman, degrading treatment, and a whole host of tactics.

In this one case, which is the highest political prisoner case in Venezuela today, the government has, with impunity, violated Leopoldo López' right to freedom of opinion and expression, right to freedom of association, right to political participation, right to the presumption of innocence, right to confidential attorney-client communications, right to an independent and impartial judiciary, and right to be free from torture and other cruel, inhuman, and degrading treatment, which of course is also a violation of the convention against torture.

If this is what they do to their highest profile political prisoner, imagine what life is like for the rest of the political prisoners and for the average person on the street in Venezuela when they end up getting into the crosshairs of the government.

We've made a lot of progress on Leopoldo's case in the last number of months. We've had the UN Working Group on Arbitrary Detention call for his release. We met with the high commissioner for human rights in Geneva, and had a very positive meeting with him. He publicly called for the release of Leopoldo López and Mayor Ceballos, who is also a subject of the UN opinion on all political prisoners.

The secretary general of the Organization of American States has said that all political prisoners in Venezuela must be freed. Lilian met with the Spanish prime minister who publicly called for Leopoldo's release. President Obama publicly called for his release. *The New York Times* and *The Washington Post* editorial boards published editorials on the same day calling for Leopoldo's release and other political prisoners on the day Maduro arrived in New York for the opening the UN General Assembly. Of course Human Rights Watch and Amnesty International called for his release.

While on the one hand that may sound like an impressive list, as you can see by the results, the reality is that we are not yet where we need to be, which is that Leopoldo and all the political prisoners of the country be freed, that the impunity be ended, and that the security forces who murdered 42 people be prosecuted for murdering innocent civilians who were non-violently protesting. There were

more than 3,000 detentions, as Lilian mentioned, and some 250 other people are being put on trial for various alleged violations.

We need your help and support. We need Canada's help and support, as a freedom-loving country, to stand in solidarity with the people of Venezuela at this very dark hour.

I'll just conclude with three things that would be of great value if Canada might consider doing. The first would be to see if your Parliament would be able, on a cross-party basis of course, to adopt a motion calling for the release of Leopoldo, all political prisoners in the country, and also addressing the broader situation in Venezuela as it relates to human rights.

You'll have a new ambassador of Venezuela coming to Ottawa to present his credentials in January. My hope would be that every member of Parliament who sees him—he's an ex-major general in the Venezuelan military—makes clear that, across all political parties in Canada, Venezuela needs to address its human rights work on an urgent basis.

I would also urge you to consider the fact that you will have heard Lilian here today when you then see foreign country ambassadors here, particularly from Latin America, to ask them what they're doing to try to address the broader situation in Venezuela.

Finally, although Lilian didn't say so, except briefly, it's important to note how dangerous the situation is for Lilian and her family on the ground. We really need the strong voice of Canada to make sure that she remains safe and secure, that her children remain safe and secure, and that her family remain safe and secure. Every time she comes out of the country to do something like this, she is literally risking her life and putting her family in harm's way.

● (1340)

It isn't just a theoretical concern. The president of the country, on national television, accused Lilian of being complicit with the CIA in trying to secure the extradition of the former head of the Venezuelan security forces intelligence service who was being detained at that time this past summer in Aruba, and the U.S. was seeking his extradition.

These charges are, of course, outrageous and deeply troubling, but it also demonstrates the fear that the government and the president, in particular, has of Leopoldo and especially of Lilian these days, given the strong message that she conveys around the world.

It has been a real pleasure to be with you all here today. I really appreciate all your time and support.

Thank you so much.

The Chair: Thank you, Mr. Genser.

Colleagues, given the amount of time left before the end of the meeting, I have to limit it to one question each unless you get a very short answer to that question.

We'll start with Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Chair, I fully understand.

Ms. Tintori, you're a brave woman. Your husband is a very brave man to turn down exile and to stay there, and be a symbol of hope for those who are protesting for a better Venezuela. We certainly hope for the best outcome for you, your children, and your husband.

Mr. Genser, it's good to see you again and thank you for your good work.

I don't know how my colleagues feel when we hear this testimony like this where the judiciary, the legislature, the police, and the military have slid so far into impunity and corruption. It's hard to even frame a question based on western democratic values that we try to live by.

That said, let me ask right now, with your husband and many other political prisoners in prison, are there some leaders who are still free, who continue to try and organize the protests? I understand that the last that we're aware of were in September, so that they can keep the issue in the forefront of peoples' minds in Venezuela. Although international pressure helps and we will participate, really the groundswell of ordinary Venezuelans makes a bigger difference.

Is the movement still strong?

Ms. Lilian Tintori: Yes. There are no protests because we are living the worst repression in the history of Venezuela from February 12 to all this month. We registered more than 3,343 arbitrary detentions. More than 50 cases of torture were registered in organizations like Provea and Foro Penal, but we have a lot of cases of torture. We had 43 murders in the street because of military repression, so people go home. We live in fear. We don't want more death. We don't want more blood in the streets—that's why.

Instead, we continue in the streets right now with a movement that is trying to capture signatures from all the people, to go through a constitutional, electoral, and peaceful exit for the Maduro government. The constitution gives us different ways to exit the government. One of the exits is *la constituyente*. You need to have six million signatures and right now in the streets of Venezuela people are signing with Voluntad Popular and different leadership in the opposition.

It's very hard because you can't speak in the media. We have oppression in all our media: television, radio, and the press. We don't have freedom of speech, because the media are controlled by the government. It is really hard and it's not just now. In 2007, they closed RCTV, one of the biggest TV stations in Venezuela. That continued, they put out caricaturists, writers, journalists, good workers because they wanted to silence them.

I represent the voice of Leopoldo López. I'm Leopoldo López' wife, but I represent the voice of the families who are in prison, all the political prisoners: Daniel Ceballos, Enzo Scarano, Salvatore Lucchese, Rosmit Mantilla, Christian Holdack, and all the other political prisoners. I represent their families, I also represent the families of those who have been murdered this month. We don't want death or violence. I also represent the ones in exile. The ones who are silenced because of fear. In all my words and all my meetings, I represent all those voices that are silenced today. It's difficult but we need to continue.

Right now, people are signing. Eight out of ten Venezuelans want change in Venezuela, so we are together in the majority for change;

for a better country; a progressive, peaceful country of goodwill. That's very important to know. All together. Often we were divided—Chavistas and non-Chavistas. Right now, it's like this. The problems that were our own problems, the daily problems, connect us in the lineups for food and diapers. So Venezuela changed and we are connected right now and we want to change.

• (1345)

The Chair: Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you.

Thank you for your testimony here today. It's important to hear a direct line of testimony. I want to say right off the top that we're certainly supportive of your husband's release and that of the other political prisoners.

I have to take us back a little bit. In this committee we've heard a divergence of testimony over a number of years. I can recall, when the revolution first happened, that there was a certain degree of celebration outside. It was seen in parts of the world that a number of very wealthy families ruled Venezuela for years, and that perhaps this revolution was a positive change. Witnesses we had here talked about how they carried the constitution at the time, the new constitution, and for the first time felt part of things.

So this isn't the first revolution to have gone awry. The testimony you're giving today is very troubling. For those who initially believed...and I can recall how in Cuba, when the revolution took place there, there was a certain sense that something good was happening.

Turning to my question, though, the United Nations working group plus the high commissioner have called for your husband's release. In both of those instances, what was the response from the government?

Ms. Lilian Tintori: The trial judge closed the court. The tribunal, the court office, was closed for one month. The sad thing was that the door was closed not only for the case of Leopoldo; that judge had 861 cases involving Venezuelan people, families. I was there, I was in the lines. It was amazing that for one month they closed the door, but to not answer international law? That was not constitutional, because Venezuela has signed the UN treaty. Venezuela is part of the UN. Venezuela is part of the Security Council.

So we were really in shock that after waiting and waiting, they opened the door and the judge said no. She rejected the UN decision because it was not complete. She said no. We think the judge is not in the law in the way that...

But that's the justice we have right now in Venezuela. It's very sad. We know that. Leopoldo knows that. Leopoldo knows here, right now, that we are living and that we are seeing the truth about justice in Venezuela. Now we are waiting while our lawyers go to the appeals court. Right now the document of the UN is at the appellation tribunal, the court. We are waiting right now. These days are very important, because for me, I hope before Christmas Leopoldo will be with us and our family. We hope for that. These days are very important, because the court needs to answer.

● (1350)

Mr. Jared Genser: I'll just mention, with one sentence, that in response to us meeting with the high commissioner and him taking a photograph with her holding the Venezuelan flag, there was a lengthy diatribe presented publicly by the Venezuelan government against the high commissioner, against Lilian, just completely and utterly rejecting everything as fabricated, irrelevant, and flagrant interference with their sovereignty.

Venezuela voluntarily signed the International Covenant on Civil and Political Rights. They are a party to that treaty, they have a duty to abide by that treaty, and obviously they're not.

Mr. Wayne Marston: That's it, Mr. Chair?

The Chair: That's it, unfortunately.

Ms. Grewal, please.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

I'd like to thank the witnesses for their time and their presentations.

Ms. Tintori, I have been closely following the situation in Venezuela. I have met with María Corina Machado, and with Venezuelan students studying here in Ottawa as well, to discuss the situation in your country and what Canada and the international community can do to bring about a satisfactory resolution to the political unrest there.

Your husband is a leader of the political opposition. He has been in jail since almost February on charges of arson and murder—a relatively transparent attempt to silence a vocal critic of the government. You said in a recent media interview that "...the Colectivos themselves want a change, Chavistas themselves want a change."

What kind of environment exists in Venezuela that the desire for change burns so strong in all corners of society, both among the opposition as well as the government voters? Could you tell us something on that?

Ms. Lilian Tintori: Yes. We feel in the street and we saw in polls and we saw in the institutions, in the public institutions, that now we are a majority. Everyone wants a change including the collectives, which are groups, armed groups, from the government. They speak on television and say we need change. We want to live in peace. We don't have *estado de derecho*. We don't have rule of law in Venezuela. We don't have that.

We live in fear because there is not control. We live in a disaster. We live in a real disaster, and people want to be safe and people want to have food and the minimum things they need to live normal lives in a country and Venezuelans right now are desperate. I'm sure and I'm full of hope that we're going to have the change. Next year we have parliamentary elections, but I think before that Maduro needs to do something. The first thing Maduro needs to do is to release Leopoldo López and all political prisoners.

On February 12 three people died. Bassil Da Costa, a student, they shot.... We saw the video and you can see the video on YouTube, the video and the photograph. He was shot by the police of state. There

was also Redman—another boy—and Juancho Montoya, a leader of the collective. The brother of Juancho Montoya called in the media for Leopoldo López to be released. Leopoldo López is not a murderer. Leopoldo López was not there when his brother went in the street and died.

So it's crazy that we are living and we know the truth and we have a government that lies, lying behind you and lying to the media, lying in the testimony. And It's not only lies. They speak with bad words and we don't like that and we don't want that for Venezuela.

● (1355)

Mrs. Nina Grewal: My question was short. My answer was short.

The Chair: Your question and answer actually took you up to four minutes. So I apologize. We have to keep going.

Professor Cotler, please.

Hon. Irwin Cotler (Mount Royal, Lib.): Mr. Chairman, I also want to express our appreciation to the witnesses for being here today. You mentioned, and rightly so, that the words of Leopoldo López remind us of those of Václav Havel or Mandela, as do the violations of his rights, both substantive and procedural, remind us of the violations of political prisoners like Liu Xiaobo and others.

Lilian, you remind me of the heroines like Avital Sharansky, who worked and openly helped secure her husband's release, and I trust that that will happen in this case.

I have two very brief questions although the answers may not be as brief. Number one, the UN Working Group on Arbitrary Detention held that Leopoldo López' detention was arbitrary, illegal, and contrary to international law. What were some of the specifics in their opinion in that regard, and two, has the Organization of American States taken any position regarding the legalities of this case?

Mr. Jared Genser: Just briefly, the Working Group on Arbitrary Detention found that his rights under articles 19, 20, and 21, and 14 of the ICCPR were violated, basically all of the rights that I've just described, and it was very clear and unequivocal. What's interesting about the Government of Venezuela rejecting the decision and saying that it was violating their sovereignty is that they actually chose voluntarily to participate in the case. In fact, they presented a very lengthy and highly detailed response to the working group that was considered by the working group and then our legal team was able to reply to that response and make that submission. So if the argument is that this body doesn't have the jurisdiction to hear the case, one would wonder why the Government of Venezuela would appear before it voluntarily and respond. It's obvious that they understand that this is a binding decision and they just don't like the result. That's really what happened here.

With respect to the OAS, the OAS unfortunately has been very deeply divided. We've had a lot of challenges in Latin America getting governments to speak out in any way criticizing the Government of Venezuela. The OAS has not been able to act as a body although the secretary general of the OAS, Mr. Insulza, has been supportive and has issued now two public statements that are supportive and we expect more in the future. We would very much need your government's help and support, all of you as members of Parliament, as you come across ambassadors of Latin American countries in the region, to ask them the question: what are you doing about Venezuela? That is the real question to ask.

The international support is extraordinary but you'll note that there was no Latin American president calling for Leopoldo López' release and that is deeply disappointing and a very sad commentary on the current state of affairs in Latin America as it relates to Venezuela.

The Chair: You have more time.

Hon. Irwin Cotler: On the appellate review procedure, what do you foresee happening in that case, to the extent that you can...?

Mr. Jared Genser: Our domestic lawyer, Juan Carlos Gutiérrez, has said clearly and unequivocally to us that the case outcome is already predetermined and that there is not even a small light shining through to suggest that right now there is any hope of anything other than a conviction and a very lengthy prison term for Leopoldo López.

Unfortunately, we expect the court of appeals to decline to accept the decision of the Working Group on Arbitrary Detention, but Leopoldo has said that he will not return to the trial physically until the appellate court issues that decision one way or another.

The Chair: You still have a little time, but be brief.

Hon. Irwin Cotler: I have one quick thing. Is there any juridical body, such as the Inter-American Commission on Human Rights, etc., from which relief can be sought?

Mr. Jared Genser: The Government of Venezuela withdrew a number of years ago from the Inter-American Convention on Human Rights, which means that technically we could go only to the commission, which is part of the OAS charter, but we could not go to the court, which has the ability to issue binding decisions. There is no easy route forward.

What's somewhat ironic here is that when the Government of Venezuela withdrew from the Inter-American Convention on Human Rights a few years ago, it was in part because of the adverse decision against them on Leopoldo López' political disqualification case, which they lost in the Inter-American court. They said that they found the Inter-American system to be biased against them and that they would increase their cooperation with the UN system, in particular with the UN Human Rights Council, because they found them to be more objective, more reasonable, and more consistent with their views and their interests. They said that they would increase cooperation with the council and the treaty bodies that oversee implementation of international treaties.

Now, of course, they're saying that they are not going to cooperate with the decision of the Working Group on Arbitrary Detention, which is contrary to what they themselves said in writing as an

explanation for why they withdrew from the Inter-American convention.

• (1400)

The Chair: Thank you.

Mr. Schellenberger, please.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you.

Thank you for your testimony here today. It has really opened my eyes to what's going on in Venezuela.

You have asked that Canada stand up against the Venezuelan government and ask for the release of the political prisoners in Venezuela. To this point, how many countries have stood up and asked for your husband's release and for the release of other political prisoners? It might give me an idea of what part of the world supports your initiative.

Ms. Lilian Tintori: One is the UN. The Working Group on Arbitrary Detention asked for the immediate release of Leopoldo López. Then the high commissioner asked for the release of Leopoldo López and all political prisoners in Venezuela, as did President Obama of the United States and Prime Minister Mariano Rajoy of Spain. We also have Insulza and different ex-presidents; right now, today in Europe we have a group of ex-presidents asking for the release of Leopoldo López and political prisoners. We also have Amnesty International asking for the release of Leopoldo López, as is Human Rights Watch.

Mr. Jared Genser: I would just mention that while we're not tracking all of them, we also have countless parliamentarians from various parliaments and from all different kinds of political parties all over the world who are issuing their own statements of support and concern or who are calling for the release of Leopoldo. We're tracking as many of them as we can.

The reality is that we've been at this most intensely for the last four or five months. I think at the beginning of his detention there was understandably a desire to figure out what was going on on the ground, what the dynamics were going to be, and whether there was going to be any possibility of a diplomatic resolution. Upon concluding that there was not, that's really when we started to build the public side of this case and the global support.

Mr. Gary Schellenberger: I've noticed before with this committee that we have witnesses here at various times with various testimony. Sometimes we get involved and we don't bring in a report for some time, and by that time it's history. Would a statement from this committee today in support of your initiative, a statement put out in short order, help in your quest?

Ms. Lilian Tintori: Yes, a lot. You can't imagine—a lot. First, because we have had nine months with political prisoners in prison, students in prison, and torture inside the prisons. Yesterday, El Gato and Baduel, in the Uribana jail, were tortured. They broke their knees and ribs. It was difficult. That was yesterday.

We are working. We are working on all of this to stop the violation of human rights. For Venezuela, and I think for the world, Canada has the flag of human rights, first of all. I think that if Canada and the Parliament make a statement today, it's going to be really, really helpful and really, really strong for our fight.

Mr. Jared Genser: I would note that Lilian—you may not believe this, and I was even surprised—is, of course, a force to be reckoned with on the ground. More interestingly, she has 1.4 million Twitter followers, which is more than pretty much any parliamentarian and anyone in your government has. Leopoldo himself has about 3.4 million. A statement from the subcommittee today would be tweeted out to five million people or six million people, and I would describe it as a huge breath of fresh air, of oxygen, of hope, for a better tomorrow, to have such cross-party support coming from the Canadian Parliament. It would be really tremendous.

• (1405)

Ms. Lilian Tintori: This is about humanity and dignity; it's not about politicians. We are fighting for something that we connect with around the world.

The Chair: Thank you.

Mr. Benskin, please.

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Thank you.

Welcome, and thank you for your testimony, both of you, and for your bravery.

We hear testimony very often in this committee in regard to individuals or governments acting with impunity, which is the situation that you're facing in Venezuela. It's a phrase that I've used very often, but it's basically trying to deal rationally with an irrational person or entity. That's a very hard thing to do.

As your fight escalates, as you try to gain the support that you're looking for, is there fear that you have in regard to the continued safety of your husband in your quest to have him set free?

Ms. Lilian Tintori: I live in fear. I live in fear that when I return from this kind of work and this kind of testimony around the world, they will close the door of the jail and I won't be able to see Leopoldo. I fear that they will punish me. And I fear persecution from the police—always. There is a car from the police, the government, that is always with me. They say hello and I say hello, and they say, “we need to do this”. But it's not good, and it is not easy. It's difficult.

But inside of my heart and inside of my mind I feel good because I am doing the thing that I need to do for my country and for my husband, and I can't stop. Day one, I stop. One of the military in Ramo Verde told me, “If you shut up, you're going to have visits. If not, I'm going to close off your visits.” I say, “Okay, so close my visits because I can't stop.” I'm talking about human rights. I'm talking about respect. I'm talking about all of our Venezuelan people who can't talk because they are silenced and they are persecuted.

María Corina Machado is one of my partners, and she can't go out of Venezuela because they ordered that she can't go out and speak about her country. It's amazing. We live in fear, but I don't complain because my situation is a proof of life.

I think about the mother of Génesis Carmona, one of the girls that a military shot in the face. She died in his home...in the gate of this building, with a protest. She only wanted a better country, and the military shot her face. [*Witness speaks in Spanish*], the mother of this girl, is fighting and is looking for justice for her daughter. I always

think about [*Witness speaks in Spanish*, and I think about the mother of Bassil Da Costa, a student, who was murdered on February 12.

I always think about all victims who I represent around the world, and I need to continue. We need to continue, and we have full strength, in fact, that we are going to have change in Venezuela

Mr. Tyrone Benskin: With that in mind then, what forms of international pressure other than statements would you call for? You've talked about President Obama making statements. You're looking for this committee to make a statement. What other forms of international pressure do you feel might be effective in helping your cause?

Ms. Lilian Tintori: Well, I think the statement by the high commissioner of the UN is very important around the world because the UN is an institution to protect and promote human rights. This is like the top of our fight. Through this UN statement, a lot of countries can connect and can ask for the release of Leopoldo López and other prisoners in Venezuela.

The other thing is that people who have met with Maduro and who know Maduro can tell him to release political prisoners. You don't have a democracy in your country if you have political prisoners in jail without evidence. They don't have any evidence on students or on Leopoldo. In the case of Leopoldo, I'm really critical of the trial. There's no evidence and no testimony showing that Leopoldo was responsible for anything.

• (1410)

Mr. Jared Genser: Let me just add briefly, having the Canadian ambassador to Venezuela try to observe the trial—technically it's open, but there are only four seats for observers—even showing up sends a message to the Government of Venezuela; ensuring that in every conversation any of you have with anybody where the conversation on Venezuela comes up, that you ask about the situation of political prisoners; for all of you on the committee to seek a meeting, even as a whole committee, with the new Venezuelan ambassador to Canada to say you would like to talk about issues of concern, and to speak with one voice to that new ambassador about what's going on.

Obviously, there's a whole range of other tools, diplomatic ways of exerting pressure on the Government of Venezuela, but also working collaboratively with like-minded governments at the Human Rights Council in Geneva, working through the OAS, and through your representation to the OAS. I think the government can engage in a broad range of ways. Simply standing in solidarity publicly—and the reason we're emphasizing that is this throws a cloak of protection over Lilian and her family, and sends a clear message to President Maduro that if anything were to happen to her or her family there would be consequences. I think that is most important.

The last thing I'll mention, and I know time is very short, is that we've talked about the violations for which we have proof. The reality is there are also killings going on in Venezuela, which we know to be extrajudicial killings, but we don't have the physical evidence to demonstrate it. I'll give you two examples.

The first example was when the three prisoners were gunned down on February 12 by security forces at the time. A student leader held one of the other people who was shot in the head while he died, literally on the street. He then left the scene covered in blood and sent a tweet saying that this person just died in his arms, what had his country become? Three hours later he was sitting in his home in Venezuela when three guys with masks and machine guns broke into the house and gunned him down and then disappeared. So possible street crime? Sure. But the tweet had been widely circulated, and the idea that this was a coincidence strikes me as somewhat unlikely.

The other example is that the government had been putting intense pressure on Leopoldo and his closest friends and allies. Literally all his friends and allies are dead, in hiding, or in exile. His two closest friends, whose wives were very close friends with Lilian, were gunned down. They were on a hike a number of months ago. They had just parked their bikes to go on a hike; both were shot at point-blank range, and killed. Wallets were left behind, money in the wallets, bikes left, so possibly it was just a street crime. Sure. But to me it comes across as a clear message that they will get them, they will get anyone who is close to them, wherever they can. The leaving behind of a large wad of cash and credit cards and the bikes sends a very clear message to me that this was not at all about some street crime gone awry. This was to send a message to Leopoldo that they could get them anywhere.

This is the kind of country that Venezuela is today, and this is why all of us so desperately need your help, and Lilian and her family particularly need your help and support. I'll tell you as well, with one more sentence, that Leopoldo gave me very clear instructions that he will not be the first political prisoner out; he'll be the last political

prisoner out. If they offer him an early release or otherwise, he will decline. He will not leave the prison unless all the rest of the political prisoners go with him, and they would have to physically manhandle him out of the prison if any other political prisoner were left behind. To me, that speaks volumes about the kind of man he is, about the vision he has for his country, and about how important it is for all of us to stand in solidarity with such brave people as Leopoldo, Lilian, their children, and their family, who so desperately need our help.

● (1415)

The Chair: Thank you, Mr. Genser.

Professor Cotler.

Hon. Irwin Cotler: In response to what Gary Schellenberger said, I have drafted in effect a resolution and presentation with respect to adoption by us. I can either read it out now, if I can read my own handwriting, or have it prepared for our next meeting, given the time, circulate it, and we could act on it as the first order of business at our next meeting.

The Chair: It sounds as if that's the direction we're heading in. Thank you very much for that, Professor Cotler.

Thank you, Mr. Genser. We can always rely on you to care deeply and act effectively in these matters. Also, Ms. Tintori, we're very grateful to you for your courage, and of course to Leopoldo, for his courage on behalf of the people of your country. Thank you very much.

Ms. Lilian Tintori: Thank you.

The Chair: We are adjourned, colleagues.

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