

**URGENT ACTION****UA 020/16**

# PRISONER OF CONSCIENCE AT RISK

## VENEZUELA

**Opposition member, LGBTI activist and prisoner of conscience Rosmit Mantilla is at risk of being transferred to a common prison where his physical integrity may be in jeopardy.**

On 20 January, Rosmit Mantilla's lawyer learned that the public prosecutor on his case had requested that he be transferred to a prison following an incident in the National Bolivarian Intelligence Service headquarters in Caracas, the capital, where he is currently held. A judge must now rule on whether to grant the transfer.

According to his lawyer, on 15 January Rosmit Mantilla and three other detainees protested to demand health care for another inmate who was feeling unwell. During the protests the authorities claimed that the prisoners damaged security cameras. The four men were charged with damages to the security cameras.

Prison conditions in Venezuela are notoriously harsh and Rosmit Mantilla's lawyer fears that if he is transferred his physical security might be at serious risk, especially since he is a well known lesbian, gay, bisexual transgender and intersex (LGBTI) activist.

Rosmit Mantilla, a member of the opposition political party Popular Will (Voluntad Popular), has been detained in the National Bolivarian Intelligence Service headquarters since 2 May 2014 on charges linked to the anti-government protests of 2014. He is a prisoner of conscience who has not used or advocated violence and is being tried in spite of the lack of any solid evidence against him. He must be immediately and unconditionally released.

### ADDITIONAL INFORMATION

The Public Prosecutor's Office has charged Rosmit Mantilla with public incitement and intimidation, obstructing a public highway, arson involving public and private buildings, violent damage and conspiracy to commit a crime, in the context of the anti-government protests that took place between February and July 2014.

The charges are based on a statement by an unidentified individual alleging that Rosmit Mantilla had received funds in order to finance the anti-government protests and on evidence the National Intelligence Service officials claim to have found during a search of Rosmit Mantilla's home, such as leaflets urging people to join the protests and envelopes containing money.

Amnesty International considers that the Public Prosecutor's Office has failed to present credible evidence linking Rosmit Mantilla to the crimes of which he is accused. For example, the charges of public incitement, arson involving public and private buildings, violent damage are based on the fact that he had leaflets urging people to join the anti-government protests.

On 30 January 2015, after nine months of pre-trial detention and procedural delays, the investigating judge ordered that there was sufficient evidence and that Rosmit Mantilla should face trial. Nearly a year after this ruling, the trial is advancing at a slow pace amid concerns of undue delays.

On 6 December 2015, Rosmit Mantilla was elected as a member of the National Assembly and granted parliamentary immunity. During the pro and anti-government protests that took place in Venezuela between February and July 2014, at least 43 people died, including six members of the security forces, and 878 were injured, of which approximately 300 were members of the security forces, as a result of excessive use of force and violence perpetrated by law enforcement officials, anti-government protestors and armed pro-government groups. Some victims were subjected to torture and other ill-treatment.

In addition, 3,351 people were detained. The vast majority have been released, but hundreds are still facing prosecution for their alleged involvement in violence during the protests. After reviewing information presented by the Public Prosecution Services on a number of those who remain in detention, Amnesty International was able to confirm that some detainees had been arbitrarily detained.

In spite of reforms to the prison system, prison conditions remain harsh. Lack of medical care, food and clean drinking water, unhygienic conditions, overcrowding and violence in prisons and police stations remain a concern. In this context, the prison authorities are unable to protect the rights of prisoners, such as the rights to health and physical integrity. Uprisings and protests, including self-harming, to demand better prison conditions remain common. Scores of inmates die or are injured every year as a result of violence in prison facilities, during the same period. The large number of weapons in detention facilities remains a concern.

Name: Rosmit Mantilla

**PLEASE WRITE IMMEDIATELY IN SPANISH OR YOUR OWN LANGUAGE:**

- Calling on the authorities to release Rosmit Mantilla immediately and unconditionally as he is a prisoner of conscience who has not used or advocated violence, is being held without any solid evidence against him and his trial is politically motivated;
- Calling on them to ensure that while in detention they guarantee his right to life and physical integrity;
- Calling on them to carry out full and impartial investigations into the allegations of denial of medical care of a detainee in the National Bolivarian Intelligence Service headquarters in Caracas and to guarantee that all charges against Rosmit Mantilla and the other three inmates in connection with the protest to demand health care are based on clear evidence or else are dropped.

**PLEASE SEND APPEALS BEFORE 4 MARCH 2016.**

**APPEALS TO**

President,  
Sr. Nicolás Maduro Moros,  
Presidente de la Republica,  
Final Avenida Urdaneta, Esquina de Bolero,  
Palacio de Miraflores,  
Caracas,  
Venezuela.  
Twitter: @NicolasMaduro  
Salutation: Señor Presidente / Dear President

Attorney General of the Republic,  
Dra. Luisa Ortega Díaz,  
Edificio Sede Principal del Ministerio Público,  
Esquinas de Misericordia a Pele El Ojo Avenida México,  
Caracas,  
Venezuela.  
Fax: +58 212 578 3239  
Email: ministeriopublico@mp.gob.ve  
Salutation: Dra. Fiscal / Dear Attorney General

**AND COPIES TO**

Ombudsman,  
Tarek William Saab,  
Defensor del Pueblo,  
Av. Urdaneta - Frente a El Universal,  
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