



## Human Rights Foundation

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Václav Havel  
CHAIRMAN

April 5, 2010

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President of the Bolivarian Republic of Venezuela

Palacio de Miraflores

Via Fax and Express Mail

Caracas, Venezuela

Dear Mr. President,

As general counsel of the Human Rights Foundation (HRF), I write to inform you that we have declared Oswaldo Álvarez Paz, a “prisoner of conscience” of your government.

HRF declared Mr. Alvarez Paz a prisoner of conscience based on a thorough investigation and legal report that determined he was imprisoned solely for having expressed opinions that criticized you and your government.

HRF’s legal report analyzes in detail the indictment, arrest and preventive imprisonment of Álvarez Paz. The report finds that each of these actions, carried out by the different legislative, administrative, and jurisdictional Venezuelan authorities, violate the international human rights legal standard on freedom of expression. This standard is set by Article 13 of the American Convention on Human Rights, ratified by Venezuela in 1977, and the Declaration of Principles on Freedom of Expression, which faithfully interprets Article 13.

According to international human rights law, “everyone shall have the right to hold opinions without interference,” and “everyone shall have the right to freedom of expression.” These rights include the freedom to “impart” and “receive” opinions and information through the media. These rights encompass not only favorable information or ideas, but also those that “offend, shock or disturb” because “such are the demands of pluralism, tolerance and broadmindedness, without which there is no democratic society.” The degree of protection for the opinions that “offend, shock or disturb” is greater when these opinions are directed at public officials. According to the Inter-American Commission of Human Rights:

...society retains ownership of these matters and must enjoy a broad right, with the fewest restrictions possible, to exercise control over the management of

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public affairs by their representatives. [...] [T]he existence of a democratic society requires a different (lower) type of protection for those responsible for public affairs than that accorded an individual not involved in matters of public interest.

HRF's full legal report was published today, and is enclosed with this letter.

Mr. President, Oswaldo Álvarez Paz was imprisoned solely for having expressed opinions that criticized you and your government. Among other things, Mr. Álvarez Paz stated that the government you lead has turned into a "totalitarian regime." The chilling effect over any sort of public debate and critical opinions that his imprisonment may provoke in Venezuela is comparable only to that produced by generalized repression under those "totalitarian regimes" Álvarez Paz was referring to.

Sincerely,

A handwritten signature in black ink, appearing to read 'Javier El-Hage', written over a horizontal line.

Javier El-Hage  
General Counsel of the HRF