

SOME DOCUMENTS
RELATED TO THE PRETENSION OF THE VENEZUELAN
GOVERNMENT TO POLITICALLY PERSECUTE ALLAN R.
BREWER-CARIAS, FOR HIS OPPOSITION TO THE
AUTHORITARIAN GOVERNMENT OF HUGO CHÁVEZ, PRETENDING
TO USE *INTERPOL* FOR SUCH PURPOSES, VIOLATING THE STATUTE
OF THE ORGANIZATION, WHICH PROHIBITS *INTERPOL* TO
UNDERTAKE ANY INTERVENTION ON ACTIVITIES OF POLITICAL
CHARCATER
(2006-2007).

1. LETTER DATED JULY 11TH, 2006 FROM THE VENEZUELAN AMBASSADOR DIRECTED TO THE OFFICIAL OF *INTERPOL* IN DOMINICAN REPUBLIC, ILLEGITIMATELY AND ILLEGALLY REQUESTING THE DETENTION OF ALLAN BREWER-CARÍAS, WHO WAS OFFICIALLY INVITED BY THE SENATE OF DOMINICAN REPUBLIC TO AN ACADEMIC ACTIVITY



Embajada de la República Bolivariana de Venezuela en la República Dominicana

B

MUY URGENTE
CONFIDENCIAL

EMB/SEC.GRAL. No. 387

Santo Domingo, 11 de julio de 2006

Ciudadano:
Cnel. HORACIO VERAS CABRERA
DIRECCION DE INTERPOL
POLICIA NACIONAL
Santo Domingo-República Dominicana

Tengo a bien dirigirme a usted, en la oportunidad de expresarle que esta Misión diplomática tiene información de fuente significativamente confiable que revela la altísima posibilidad de que durante el día de hoy (11/JUL/2006), arribe a la República Dominicana por vía aérea, procedente de los Estados Unidos de Norteamérica, el Abogado ALLAN RADOLPH BREWER CARIAS, venezolano, portador de la cédula de identidad No. 1.261.982, quien es buscado activamente por las autoridades policiales venezolanas para ser capturado y puesto a la orden del honorable Tribunal que decretó en su contra **MEDIDA DE PRIVACION JUDICIAL PREVENTIVA DE LIBERTAD** por la presunta comisión de un hecho punible.

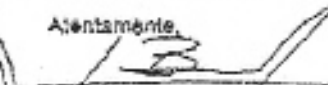
En relación al particular, cuento con informante que la instancia judicial pertinente ordenó al Cuerpo de Investigaciones Científicas Penales y Criminalísticas (Venezuela), la búsqueda y captura del ciudadano ALLAN RADOLPH BREWER CARIAS, venezolano, portador de la cédula de identidad No. 1.261.982, contra quien el Tribunal de Primera Instancia en función de Control Vigésimo Quinto del Circuito Judicial Penal del Área Metropolitana de Caracas, a cargo del Juez ALFONSO DUGARTE, decretó **MEDIDA DE PRIVACION JUDICIAL PREVENTIVA DE LIBERTAD EN SU CONTRA**, por considerar que existen fundados elementos de convicción para estimar que es autor del **DELITO DE CONSPIRACION PARA CAMBIAR VIOLENTAMENTE LA CONSTITUCION DE LA REPUBLICA BOLIVARIANA DE VENEZUELA**, delito previsto y sancionado en el vigente Código Penal venezolano.

Información que hago llegar a usted para su conocimiento y fines legales e institucionales consiguientes, visto el importante rol que cumple la INTERPOL en el ámbito de la detección y aprehensión de ciudadanos imputados como es el caso que nos ocupa, y en plena observancia a la perspectiva que promueve la lucha contra el delito como un objetivo vital de la Institución policial y del sistema judicial a nivel mundial, sobre las bases de una cabal, eficiente y recíproca cooperación internacional.

Finalmente, significo que esta Misión Diplomática ha sido debidamente notificada de las diligencias y coordinaciones que ha efectuado la Dirección de INTERPOL, adscrita al Cuerpo de Investigaciones Científicas Penales y Criminalísticas (Venezuela), para darle el *auxilio internacional* pertinente a la orden de aprehensión que se anexa, mediante la cual se ordenó la captura del ciudadano ALLAN RADOLPH BREWER CARIAS y así se le informa a la Dirección de INTERPOL, adscrita a la Policía Nacional - República Dominicana -.



Atentamente,


Francisco Belisario Landís
General de División
Embajador

2. PETITION FILED BY ALLAN R. BREWER-CARÍAS THROUGH HIS LAWYER LEÓN HENRIQUE COTTIN BEFORE *INTERPOL* ON JULY 4TH 2006, REQUESTING THE ORGANIZATION TO REJECT ANY ATTEMPT THAT COULD BE MADE BY THE GOVERNMENT OF VENEZUELA TO TRY TO ILLEGITIMATELY USE THE ORGANIZATION FOR POLITICAL PURPOSES AGAINST HIM, WHICH IS PROHIBITED ON THE STATUTE OF *INTERPOL*

ANGEL HERNANDEZ VISO
 ALONSO RODRIGUEZ PITTALEGA
 GIORI ENRIQUE MEDINA
 LEON HENRIQUE COTTIN
 ANGEL GABRIEL VISO
 RAFAEL ALVAREZ YLLANUEVA
 ANDRES RAMIREZ DIAZ
 LUIS BELFANCCURY OTEYZA
 BEATRIZ ABRAHAM MONSERAT
 MARIA DE LOURDES VISO
 ALEXANDER PRIGOSIN P.

TORRE EUROPA, SUPR PENTHOUSE
 AV FRANCISCO DE MIRANDA
 CARACAS, VENEZUELA
 TELFS: (58212) 951797
 FAX: (58212) 952052-952044
 APARTADO DE CORREOS N° 215
 CARACAS 1010A, VENEZUELA
<http://www.vissosolignores.com.ve>
 E-mail: accion6@vissosolignores.com.ve

ANA SOFIA GALLARDO
 ALVARO PRADA A
 LUIS ALBERTO RODRIGUEZ
 PEDRICO JAGENBERG
 RICARDO RAMIREZ
 JULIA AMATO SOARES
 ANDRÉS COTTIN
 MARÍA ELISA VIELMA
 PROPIEDAD INTELECTUAL
 LUIS FRANCISCO ELIAS
 MARIO J. HERIJE

CAROLINA SOLDORZANO
 GRACIELA YAZAWA

Caracas, July 4th, 2006

M. Ronald Kenneth Noble
 INTERPOL Secretary General
 Secrétariat Général, Bureau des Affaires Juridiques
 200, Quai de Charles de Gaulle
 69006 Lyon France

Dear Professor Noble,

According to what is set forth in article 3 of the Constitution of INTERPOL, in which "It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character"; and also, according to the provisions of the "Legal framework governing action by Interpol in cases of a political, military, religious or racial character", which authorizes the "requests submitted by individuals concerning cases which could potentially violate Article 3"; by means of this petition, a formal request is made to ask INTERPOL to refrain from providing assistance to any request from the Venezuelan Government regarding the situation of Professor **Allan R. Brewer-Carías**, a Venezuelan lawyer and academic, who is currently politically persecuted and prosecuted by the Venezuelan Government, founded in a **offence which is by nature political**, as it is the case of **rebellion**, which is "therefore automatically covered by Article 3" of the said Constitution of INTERPOL.

This formal request is signed by León Henrique Cottin, also a Venezuelan Law Professor and Lawyer practicing in Caracas, Venezuela, acting as Professor Brewer-Carías judicial representative in the Venezuelan proceedings (**Exhibit A**).

I

The restriction laid down by Article 3 applies both to the General Secretariat and to Member States of the Organization, so the Venezuelan Government must be expected to not to ask for the detention of a person that is prosecuted because an **offence of political nature**.

Nonetheless, in the case of Professor Brewer-Carías, a potential threat from the Venezuelan Government to ask INTERPOL to provide assistance in this case can be foreseen, due to the newspaper report published on June 30, 2006, of a declaration made by the Head of the Venezuelan Public Prosecutor's Office, Mr. Isaías Rodríguez, in which it is reported that **"In the case of Allan Brewer Carías, the Prosecutor explained that it is only to wait for the INTERPOL to find the lawyer in order to proceed with the extradition"** (*"En el caso de Allan Brewer Carías, el Fiscal explicó que solo se espera que la INTERPOL localice al abogado para tramitar la extradición"*) (**Exhibit B**)

Due to the fact that the Venezuelan Government has publicity recognized that the acts and possible offenses related to the Venezuelan political facts and crisis occurred on April 12, 2002, which provoked the voluntary resignation of the President of the Republic and the constitution of a brief transitorial government, **are of political nature**, as has been declared by the Minister of the Interior, Mr. Jesse Chacón in a statement published on the Venezuelan newspapers El Nacional, on July, 3d, 2006 (**Exhibit C**), this petition is to formally directly to request from INTERPOL, in the case of Professor Allan R. Brewer-Carías, to "refrain from providing assistance when Article 3 forbids it" (as set forth in the "Legal framework governing action by Interpol in cases of a political, military, religious or racial character").

II

Professor Allan R. Brewer-Carías, a very distinguish Venezuelan lawyer and scholar of international rename (**Exhibit D**) (he has been Professor on Constitutional and Administrative Law in the Central

University of Venezuela since 1963, Professor at the University of Cambridge, UK in 1985-1986, Professor at the University of Paris II in 1990, and currently is Adjunct Professor of Law at Columbia University in New York and member of the Steering Committee a the Houser Global Law School Program of New York University School of Law) (www.allanbrewercarias.com), has been indicted in Venezuela of supposedly committing a **political offense** named in the Penal Code as "rebellion", which he has not, consisting of supposedly "conspiring to change violently the Venezuela's Constitution", by supposedly having participated in the "drafting and editing" of the "Decree for the Constitution of the Government of Democratic Transition and National Unity of April 12, 2002. On the contrary, Professor Brewer did not conspire or entered in any agreement with others to conspire in any way against neither the Constitution nor the government, or to change violently the Venezuelan Constitution, and only gave a legal opinion as a lawyer referred a draft version of the said document that was already written.

That Decree was issued after the formal announcement that same day April 12th, 2002, of the resignation of the President of the Republic of Venezuela by the Head of his Military Staff, and purported to dissolve Venezuela's Legislature and other constitutional institutions, to which Professor Brewer-Carías, giving an opinion as a lawyer, opposed.

The indictment made by the Public Prosecutor on January 2005 was formally responded by Dr. Brewer on November 8th 2005 (**Exhibit E**). Nonetheless, on June 15th 2006, the Public Prosecutor accused Dr. Brewer for the same supposedly **political offense**, and because his lawyers formally announced to the court that due of the lack of judicial guarantees in Venezuela, professor Brewer was not going to attend the Preliminary Hearing in the case (**Exhibit F**), the Public Prosecutor requested the court to order his preliminary detention in order to seek for his appearance in court. Consequently, the judge in charge of the

case has ordered the preliminary apprehension of Dr. Brewer for that purpose in a decision dated June 15, 2006 (**Exhibit G**). The notice requesting the Venezuelan Judicial Police to execute the judicial order was issued on June 15, 2006 (**Exhibit H**); and as above mentioned, the Head of the Public Prosecutor Office has publicly announced that his Office intend to ask internationally for the detention of Professor Brewer (**Exhibit B**).

III

The Public Prosecutor's accusation against Dr. Brewer is based in the offence named as "**rebellion**" set forth in article 143,2 of the Penal Code (art. 144,2 of the previous Code), which is originated when "two or more persons agree to change violently the Constitution", in which case a punishment from 12 to 24 years of prison is established (**Exhibit I**).

The rebellion is one of the most classic and traditionally considered in criminal law doctrine as a "**political offense**" (**Exhibit J**). The Venezuelan Criminal Cassation Chamber of the Supreme Tribunal of Justice has also recently ruled in a very well known decision dated December 2001 (Case Ballesteros) that the rebellion is a political offense that cannot serve as the ground for an extradition request from any country (**Exhibit K**).

This political offense of "rebellion", was incorporated in the Venezuelan Penal Code inspired in the Spanish 1848 Penal Code, as an offense of collective nature, which needs an agreement (*pactum*) between various persons to execute the offense, and a firm resolution to commit the offense, using violence. None of these facts can be attributed to Dr. Brewer. He did not conspire in any way, he did not pact with anybody in order to change violently the Constitution, being his only participation in the April 12, 2002 events, to give a legal opinion as a practicing lawyer which was formally requested to him regarding a draft document of the aforementioned Decree that was already writ-

ten, opinion that additionally was contrary to the decisions to be taken in the Decree.

IV

Even though it is not a matter to be decided by INTERPOL, in order to illustrate the Organization, it is important to make emphasis in the facts that originated this political persecution and prosecution against Professor Brewer-Carías.

April 12 2002 Facts: As above mentioned, Professor Brewer, as a practicing lawyer, was requested at dawn that same day April 12 to give a legal opinion regarding a draft of the transition draft Decree, which was already written and which he did not draft or write. His legal opinion was contrary to the decisions contained in the document.

The facts were as follows: At dawn April 12, senior military officer publicly announced that President Chávez had resigned. At this time, Dr. Brewer as practicing lawyer and expert in constitutional law, was summoned by Pedro Carmona, who headed the transition government installed in the afternoon that same day, and who sent his car and driver to bring Dr. Brewer from his home to Fuerte Tiuna (the Caracas Military Headquarters). Upon the arrival of Dr. Brewer to Fuerte Tiuna, a draft of a Decree for the constitution of a Transition Government was shown to him, regarding which he decided to advise against it, especially insofar as it proposed to dissolve the National Assembly, thereby violating the Constitution, the democratic principles and the Inter-American Democratic Charter of the Organization of American States.

Facts before April 12 2002: Before April 12, Dr. Brewer was on holiday outside Venezuela, returning to the country on the night of April 8, 2002. During the weeks before the facts, he had no contact with any body regarding the political events in Venezuela, and no evidence exists on the matter.

One day after his returning to the country, on April 10, he was summoned by Jorge Olavarría, his old friend and colleague in the 1999 Constituent Assembly, for a meeting in his office on the evening of the same day, invitation he accepted in order to be updated on the political situation. Once with him, Dr. Olavarría asked Dr. Brewer to stay in another meeting he had arranged, by his own, with other persons not known to both. In that meeting, a Draft of the Constitution of a Transition Government was shown to both Olavarría and Brewer, to which they not only pay no attention at all, qualifying it as rubbish, but rejected its contents as nonsense contrary to the Inter American Democratic Charter.

The Draft document of the Constitution of a Transition Government shown to Olavarría and Brewer on the evening of April 10, happened to be the same text shown to Dr. Brewer, by the same persons (that he never expected to see again), on dawn of April 12. Consequently it was a text already written and drafted before it was shown to Olavarría and Brewer on April 10 and to Brewer on dawn of April 12.

V

Prosecution Supposedly Evidence: Dr. Brewer did not conspired in any way and did not draft or write the Decree of the Constitution of the Government of Democratic Transition and National Unity of April 12, 2002, which as mentioned above, was already written before April 10. That is why there is no and could not be any direct evidence against Dr. Brewer, regarding his supposal drafting of the document.

The prosecution evidence which supposedly support the October 2005 Indictment and the June 2006 Accusation, falls into four categories.

The first consists of hearsay and speculation by journalists, originated in opinion articles and televised comments specifically given by two journalists (Rafael Poleo and Patricia Poleo). None were present at

the scene or claims to have seen Dr. Brewer draft or edit any document. All have recognized that fact before the Public Prosecutor and some that purport to rely on supposedly confidential sources, had not given any identification of them. On the other hand, the two above mentioned journalists may have some kind of personal antagonism with Dr. Brewer, since he won as a practicing lawyer, years ago, notorious judicial cases that might have affected their interests.

The second category includes witnesses who saw Dr. Brewer at the Fuerte Tiuna, the military headquarters where he was taken at dawn of the day of the events, a fact which he does not deny (see below).

The third consists on what Dr. Carmona supposedly wrote in an autobiography book (*Mi testimonio ante la historia*), only regarding his call to Dr. Brewer to military headquarters on dawn April 12, to ask his legal opinion. In his Indictment and Accusation the Public Prosecutor carefully omit to refer to other chapter of the same book in which Dr. Carmona says that he disagreed with Dr. Brewer's legal advice which was contrary to the draft document, and to the statements by Dr. Brewer and others who agree that, in fact, he counseled against any unconstitutional action (see below).

And the fourth category are included **political opinions** given by Dr. Brewer on Television programs or to journalist's interviews regarding the general political crisis of the country and to the constitutional right to civil disobedience set forth in article 350 of the 1999 Constitution.

Defense Evidence: Dr. Brewer explains that he was called to military headquarters at the break of dawn on April 12, 2002, by Pedro Carmona, the purported President of a new government. As above mentioned, by that time, according to a public statement by a senior military officer, Venezuela's elected President, Hugo Chávez, had resigned voluntarily to his Office. Dr. Carmona requested Dr. Brewer's

legal advice on a draft of a proposed transition government constitution, and he sent his car and driver to bring Dr. Brewer to military headquarters.

After reviewing the proposed declaration, Dr. Brewer concluded that it was unconstitutional being also contrary to the Inter-American Democratic Charter. Thus, he decided to counsel Dr. Carmona against its promulgation. Dr. Brewer objected that it purported to dissolve the legislature and other constitutional bodies, and would thereby violate not only Venezuela's Constitution, but also the Inter-American Democratic Charter. However, Mr Carmona was not accessible (because of his meetings with other people involved in the political crisis) and Dr. Brewer was unable to give his opinion against the unconstitutional action directly to him, nor during the dawn hours of April 12 at Fuerte Tiuna, nor in his attempt to see him at noon the same April 12, at the Presidential Palace (Miraflores) where he went and stay only for a few minutes for that purpose.

It was only until late afternoon of the same day, by telephone, that Dr. Brewer could give his legal opinion to Carmona. Dr. Carmona declined to accept Dr. Brewer's advice, and instead proceeded to declare the new government that same evening. He did so at a public event where many persons and lawyers were present, but Dr. Brewer was not. In his mentioned subsequent autobiography book, Dr. Carmona confirms that he called Dr. Brewer to military headquarters on dawn of April 12 night, and that he disagreed with Dr. Brewer's legal advice.

The only direct witnesses in the case - Drs. Brewer and Carmona - thus agree that Dr. Brewer advised against any unconstitutional action. Far from conspiring to change the Constitution by force, Dr. Brewer counseled against doing so. Even though during the enquiry, Dr Brewer had exhausted all legal means in order to have Dr. Carmona Estanga summons for deposition (Dr. Carmona is currently in the Re-

public of Colombia where he has been granted political asylum), the Public Prosecutor Office and the Court, denied such deposition.

Nevertheless, Dr. Pedro Carmona on February 23rd 2006, made under oath a statement before a Public Notary in Bogotá, Colombia, in which he has confirmed that he effectively called Dr. Brewer, as a lawyer, in order to ask his legal opinion regarding a draft decree for a transition government, draft that he has received on April 12th 2002, and that Dr. Brewer legal opinion was contrary to the contents of such draft decree (**Exhibit L**). This testimony from Dr. Carmona was filed before the court by Dr. Brewer lawyers, but has been ignored by the public prosecutor and by the court.

VI

Violations of Due Process of Law: The proceedings against Dr. Brewer are not only baseless, but also violate his internationally guaranteed human rights in several ways.

Due to the fact that the Prosecutor in the case has not and can not have evidences to indict Dr. Brewer of an offence he has not committed, he has imposed on Dr. Brewer the burden to prove his innocence, thereby violating the most elemental constitutional principle of the presumption of innocence, which places the burden of proof on the prosecutor. Yet in doing so, the prosecutor refuses to accept the evidence offered by Dr. Brewer, particularly the above mentioned testimony of Dr. Carmona.

As set forth in an expert legal opinion on the case by an eminent Spanish jurist, Professor Enrique Gimbernat Ordeig, professor of criminal law at the Complutense University of Madrid, the case against Dr. Brewer violates in a massive and general way his internationally guaranteed rights to defense and to be presumed innocent (**Exhibit M**).

dictment of a crime Dr. Brewer never committed. Much less could they be used as an indictment or accusation in a trial where there has been a massive violation of his right to due process, to the presumption of my innocence and to his right to defense, thereby invalidating the procedure from the outset, since such constitutional violations cannot in any way be validated, and that is precisely what we have alleged.

Even so, the nation's chief prosecutor published an autobiography in 2005 in which he recounted the political events of April 12th, 2002 (*Abril comienza en Octubre*), quoting and asserting, as if they were true, the afore-mentioned Mr. Poleo's journalistic accusations. The chief prosecutor thus publicly condemned Dr. Brewer in advance of indictment or trial. As noted by Professor Gimbernat, this further violates Dr. Brewer's right to be presumed innocent. The chief prosecutor ignored the only direct evidence in the case, which shows that Dr. Brewer counseled against, not in support of, unconstitutional action (**Exhibit L**).

The fact is that in this case, ever since the beginning of the criminal investigation, the Public Prosecutor's Office had already decided to indict and condemn Dr Brewer, without even listening to any defense that might be brought, violating all due process rights, particularly presumption of innocence.

In that situation since December 2005, Dr. Brewer accepted the position of Adjunct professor at **Columbia Law School**, Columbia University in the City of New York. Due to that fact and to the situation of the Venezuelan judiciary system controlled by the executive, Dr. Brewer through his lawyers has notify the court that he do not intent to go back to Venezuela, where no justice can be expected. The consequence has been that on June 2d 2006, the Public Prosecutor Office formally requested to the court to order the preventive deprivation of his freedom, which has been decided on June 15th 2006, in order to force him to appear before the court.

VII

A Political accusation: Dr Brewer in fact is being accused and pursued for being a dissident against the present Venezuelan political régime, a position he assumed since the 1998 national elections campaign and latter in 1999, when as an elected member of the national Constituent Assembly he opposed to the government attempts to subvert the then constitutional order set forth in the 1961 Constitution. The indictment and accusation is in itself a sentence, aimed at punishing his political and ideological criticism to the government.

Dr. Brewer has being used to send a clear message to any of his countrymen holding a position or belief that is contrary to the régime, that they be warned in advance that they will be punished. The repression in this case is being exemplified precisely by pursuing who is a former President of the National Academy of Political and Social Sciences and is currently the Vice-President of the International Academy of Comparative Law (The Hague), who has dedicated more than 40 years of his life to the teaching and research of law, and to the constant assertion of democratic constitutionalism, not only in the Venezuelan Universities but in the University of Cambridge, UK and in the University of Paris II, where he has tough. This is how the legal community that has taken a critical view of the new authoritarian régime that is taking over in the country is being threatened, a community whose only weapons are its democratic convictions and its adherence to the Rule of law; and whose only way to express itself throughout its academic life is with its words and writings.

Therefore it is clear that in Venezuela dissidence is being persecuted, and any opinion against the régime is to be punished, moreover denying the accused party its right to a fair trial at the hands of independent judges.

All of this confirms that the trial against Dr. Brewer is **not only based in the accusation of having supposedly committed a political offense, but is in fact a political one** characterized by two things:

Firstly, it **attempts to condemn political dissidence**, turning the accused into politically persecuted individuals who are now having to face an authoritarian political régime that has accumulated more power than has been seen for over a century. This trial must therefore be taken for what it is, one more injustice announced by the régime to persecute political dissidence, and in particular, to pursue an individual who has systematically opposed it since the days of the 1999 Constituent Assembly; who has dedicated his whole life to academia and the study of law, the promotion of the Rule of law and to the defense of the power of human rights, all of which have been trampled upon in this case.

And secondly, it ridiculously attempts to lay the blame for the events that occurred in Venezuela on April 12, 2002, **on practicing lawyers, for the opinions they gave exercising their profession duties.** The "Basic principles on the Role of Lawyers" adopted by the Eighth United Nation Congress on the Prevention of Crime and Treatment of Offenders, held in Havana, Cuba, between August 27 and September 7, 1990, establishes a series of guarantees for the functioning of lawyers that have been violated through the persecution and prosecution of professor Brewer, including their rights to be able to perform their professional functions without intimidation and not to suffer prosecution for any action taken in accordance with recognized professional duties, standards and ethics (art. 16); the right to not to be identified with their clients or their clients' causes as a result of discharging their functions (art. 18); the right to enjoy civil and penal immunity for relevant statements made in good faith in their professional activities (art. 20); and the right to freedom of expression and belief, and to take part in public discussions of matters concerning the law (art. 23).

In this case of political persecution and prosecution against Professor Brewer, the intention eventually is to blame lawyers for military actions that occurred among the military themselves. It is an attempt to pervert History, and to try to pretend that the person to be held responsible for what happened in April 2002 is someone whose only weapon is his pen, only used for writing and for legally counseling others.

VIII

In conclusion, being in this case a **political persecution** against Professor Brewer-Carías, who has been one of the academics who has opposed the government of President Chavez since his election in 1998, and since elected member of the National Constituent Assembly in 1999, as well as a **political prosecution** against him, based in a unfounded accusation founded in **by nature political offense**, as is the rebellion offence, according to what is set forth in article 3 of the Constitution of INTERPOL, by means of this petition, I am formulating a formal request to ask INTERPOL to refrain from providing assistance to any request from the Venezuelan Government regarding the possible detention or extradition of Professor Allan R. Brewer-Carías, due to the fact that the political offence attributed to him, is automatically covered by Article 3" of the said Constitution of INTERPOL.

Caracas, on the 4th of July, 2006.


León Henrique Cottin,

lcottin@movistar.net.ve

office phone: 58 212 9517139

cellular: 58 414 3272665.

3. TWO LETTERS RECEIVED FROM *INTERPOL*, DATED 1ST AUGUST 2007 AND 17TH JULY 2009, FORMALLY NOTIFYING THE LAWYER OF ALLAN R. BREWER-CARIÁS, THAT ALL THE RELEVANT INFORMATION RELATED TO HIM, WAS DELETED FROM THE FILES OF *INTERPOL*, DUE TO THE FACT THAT THE NATURE OF THE ACTION TAKEN BY THE GOVERNMENT AGAINST HIM, WAS PREDOMINANTLY POLITICAL

Commission de Contrôle des Fichiers de l'O.I.P.C. - Interpol
Commission for the Control of Interpol's Files
Comisión de Control de los Ficheros de la OIPC-Interpol
لجنة الرقابة على محفوظات الم د ش ج - انترپول



1 August 2007 ✓

Our ref.: CCF/67/R117.06/C233.07

Subject: Your request for control of information
concerning Professor Allan R. Brewer-Carias

Dear Mr Cottin,

On 4 July 2006, you wrote to Mr Noble, Secretary General of INTERPOL, to ask INTERPOL to refrain from providing assistance on any request from the Venezuelan Government regarding Professor Allan R. Brewer-Carias, explaining that he is currently the victim of political persecution.

INTERPOL's General Secretariat sent a copy of your request to the Commission for the Control of INTERPOL's Files in November 2006. As the information you provided raised questions about how INTERPOL may process information concerning your client in its files, your request was processed in the following manner.

The INTERPOL General Secretariat's Office of Legal Affairs carried out a preliminary study to determine whether the information concerning your client in INTERPOL's files had been processed in conformity with INTERPOL's rules.

The Commission, for its part, carried out its own independent study, as follows.

It verified whether the information concerning your client had been processed in conformity with INTERPOL's rules. To do this the Commission examined all the information and documents you had provided in support of your request. It also approached the INTERPOL National Central Bureau (NCB) in Iran.

The Commission then informed the General Secretariat of the results of the checks it had made.

The processing of your request was completed by the Commission for the Control of INTERPOL's Files at its 67th session which was held in Lyon on 31 May and 1 June 2007, in the presence of the following members:

- Mr Peter HUSTINX (Netherlands), Chairman, European Data Protection Supervisor, Brussels,
- Mr Pierre LECLERCQ, Member appointed by the French Government, Honorary Adviser to the Court of Appeal,
- Mr Mohand Amokrane MAHMOUD, Executive Committee member (Algeria), Commissaire divisionnaire,
- Mr Iacovos THEMISTOCLEOUS (Cyprus), Information technology expert, Head of the Information Technology Department (Cyprus Police).

In accordance with its mission, the Commission wishes to inform you that, after having considered the documents you had provided conforms to its conditions of admissibility, it has carried out the appropriate checks.

In the light of the information you provided and given that the NCB has not provided any information to contradict your arguments, the Commission has concluded that the nature of the action being taken against your client is predominantly political.

Consequently, the Commission has recommended that the INTERPOL General Secretariat delete the relevant information recorded in your client's name.

Yours sincerely,



Secretariat to the Commission
for the Control of INTERPOL's Files

Leon Henrique Cottin
Viso - Rodríguez - Cottin - Median - Ramirez & Asociados
Torre Europa, Super Penthouse
Av. Francisco de Miranda
Aptdo De Correos N° 215
Caracas 1010a
VENEZUELA



17 July 2009

Our ref: CCF/73/R117.06/C307.09

Subject: Your request concerning Mr Brewer Carías

Dear Mr. Cottin,

We acknowledge receipt of your new request for access to INTERPOL's files, following the questions put to your client when entering the Republic of Argentina.

We confirm the terms of our letter dated 2 March 2009, according to which "INTERPOL's General Secretariat has deleted from its files the information communicated by Venezuela concerning your client."

In light of the new information provided, we have invited the General Secretariat to send a message to the INTERPOL National Central Bureau (NCB) in Argentina urging it to ensure that any information that may be registered in national databases concerning your client is updated in order to reflect the current situation, i.e. the fact that your client is not wanted by Venezuela through INTERPOL's channels.

Accordingly, the General secretariat urged INTERPOL NCB in Argentina to check whether its databases are updated in order to reflect the current situation.

Yours sincerely,

Secretariat to the Commission
for the Control of Interpol's Files

Mr Leon Henrique Cottin
Torre Europa, super Penthouse
Av Francisco de Miranda
Aptdo De Correos n° 125
Caracas 1010a
VENEZUELA