

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE HONORABLE OTTO J. REICH and
OTTO REICH ASSOCIATES, LLC,

Plaintiffs,

v.

LEOPOLDO ALEJANDRO BETANCOURT
LOPEZ, PEDRO JOSE TREBBAU LOPEZ,
and FRANCISCO D'AGOSTINO CASADO,

Defendants.

Civ. No. 13 CV 5307 (JPO)

**DECLARATION OF THE
HONORABLE OTTO J. REICH**

Public Filing

I declare under the penalties of perjury under the laws of the United States of America that the below is true and correct:

1. I, along with my company Otto Reich Associates, LLC, are the plaintiffs in this action. I submit this Declaration in opposition to the renewed motion by Defendants Leopoldo Alejandro Betancourt Lopez ("Betancourt") and Pedro Jose Trebbau Lopez ("Trebbau") to dismiss this case on the grounds of an alleged lack of personal jurisdiction. This Court should exercise personal jurisdiction over both Betancourt and Trebbau.

PERSONAL AND PROFESSIONAL BACKGROUND

2. I am a citizen of the United States, even though I was born in Cuba.

3. From 1986 to 1989, I served as the U.S. Ambassador to Venezuela. In that capacity I was responsible for the American Embassy's reporting to the U.S. Government of all political and other conditions in Venezuela, including the administration of justice. From 2001 to 2004, I was, first, a Special Advisor to the Secretary of State; then, Assistant Secretary of State for Western Hemisphere; and, finally, the President's Special Envoy for Western

Hemisphere Affairs and concurrently Senior Staff member of the National Security Council, in the Executive Office of the President (The White House). In those capacities I advised the Secretary of State, the National Security Advisor to the President of the United States, and the President himself, on matters dealing with the Western Hemisphere, in which Venezuela figured prominently.

4. Since leaving the employ of the U.S. government, I have remained actively involved in monitoring events in Venezuela, including the abuse of civil rights and the rule of law by Venezuelan governments, especially since the 1999 inauguration of Hugo Chavez as President of Venezuela and the subsequent succession of Nicolas Maduro to that office in 2013.

I CANNOT RECEIVE A FAIR HEARING IN ANY COURT IN VENEZUELA

5. The Venezuelan government has effectively declared me to be an enemy of the state in Venezuela. This is not conjecture on my part, but is demonstrated by public statements about me by government officials in Venezuela. In fact, in the last year, the United States Department of State had to publicly deny an alleged assassination plot purportedly involving me and the Central Intelligence Agency as against President Maduro.

6. If I tried to sue anyone in Venezuela, I would not have any chance to get a fair hearing for my claims in a Venezuelan court. If I were to travel to Venezuela for any reason, including to sue the instant Defendants, I would almost certainly be arrested and/or arbitrarily detained, imprisoned (or worse), without a hearing by a competent, independent and impartial tribunal, because President Maduro himself has expressly and publicly condemned me on repeated occasions. In short, if I traveled to Venezuela to sue Defendants there, my life would be in grave danger.

7. During the period of time from 2002 to the present, numerous officials in the Venezuelan government have made repeated false statements about me. Some of the statements made against me by various senior officials in the Venezuelan government include that:

- I conspired to assassinate President Hugo Chavez.
- I had injected Hugo Chavez with the cancer that took his life.
- I conspired to assassinate President Nicolas Maduro.
- I conspired to assassinate opposition candidate Henrique Capriles.
- I work with the U.S. Government to destabilize Venezuela.
- As the Assistant Secretary of State of the U.S. Department of State, I planned and executed the *coup d'état* that temporarily removed Hugo Chavez from power in 2002.
- I recruited thousands of mercenaries in Central America to attack Venezuela.
- I was involved in a plot to purchase more than a dozen advanced jet fighters with which to “bomb Venezuela” and was “hiding them” in neighboring Colombia.
- I use my company to support terrorist attacks in Venezuela.
- I was involved in organizing and financing the wave of violence that has rocked Venezuela several times during the Chavez and Maduro governments, most recently in 2014.
- I finance and organize violent fascist groups in Venezuela, including through a plan (allegedly designed by me many years ago) in which I supposedly gave instructions to “set the country on fire.”
- I settled in Tachira state with others and with a Colombian paramilitary group to try to destabilize Venezuela.
- I worked to help finance and assist in an alleged plot called “La fiesta mexicana,” where violence and human rights violations against Venezuela were planned.
- I conspired to kill Henrique Capriles to make him a martyr and to bring chaos to Venezuela.
- I threatened to commit violence against President Maduro at the United Nations General Assembly (UNGA) and, as a consequence, President Maduro had to forgo his visit to New York and his UNGA speech.

8. There are more such false and malicious allegations issued by the Venezuelan government about me as an alleged enemy of the state in Venezuela. However, all of these allegations about me and my business are false. But, given that the Venezuelan government views me as an enemy of the state and an enemy of the Venezuelan people, neither I nor my company could procure an honest and impartial hearing in a civil court matter in Venezuela.

9. It would be even less likely for me to receive a fair hearing against Messrs. Betancourt and Trebbau, who have profited from their relationship with the Chavez-Maduro government.

10. Powerful ruling officials would not allow allegations that bribes of millions of dollars for government contracts were paid to them to be aired in public; and such allegations would not be allowed to be publicly aired in a Venezuelan court. Moreover, anyone testifying to that effect would be in physical danger. In the 16 years of the Chavez-Maduro regime, prosecutors, lawyers, witnesses and journalists have been murdered, beaten, exiled or intimidated, especially in cases or investigations that implicated a government official.

11. To close, the Defendants are part of the favored class of oligarchs in Venezuela called "Enchufados," or "the connected." My claims would not see the light of day, even if I were to be able to sue in Venezuela.

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: January 15, 2015.

A handwritten signature in dark ink, appearing to read "Otto J. Reich", written in a cursive, flowing style.

THE HONORABLE OTTO J. REICH

