



September 3, 2015

## Kafka in Caracas

*The trial of opposition leader Leopoldo López is a cruel travesty of justice - even by the low standards of the Venezuelan regime.*

By: Jeffrey Tayler

On Aug. 25 in Caracas, Judge Susana Barreiros announced the sudden and unexpected conclusion of judicial proceedings against Leopoldo López, the charismatic 44-year-old leader of the opposition party Voluntad Popular, or Popular Will, and the most highly regarded of Venezuela's beleaguered opposition movement. Since surrendering to the authorities in February 2014, in the midst of widespread mostly peaceful protests against the socialist government of President Nicolás Maduro, López has been incarcerated in the military prison of Ramo Verde outside Caracas. The charges against him — arson, public incitement, damaging public property, and conspiracy — are all related to the demonstrations López was leading at the time. If convicted, he may face as much as 12 years in prison.

His conviction is almost certain. On Monday, Venezuela's Public Ministry announced, to no one's surprise, that the prosecution had proved its case. A formal verdict is expected on Friday.

López, although aggressive in rhetoric, has consistently advocated a lawful, orderly transition to democratic rule, in accordance with the Venezuelan constitution. The charges against him appear spurious and concocted with one aim: to remove him from Venezuela's political arena, for he alone has the political credibility to unseat Maduro, who came to power after contested elections in April 2013 and whose popularity has fallen ever since. According to a survey published at the end of August, Maduro's approval rating now stands at 24.3 percent, with 70.4 percent of Venezuelans viewing him negatively. (López, in contrast, enjoys 41.5 percent popularity and is now supported by all the leading members of the country's once-fractious opposition, including his onetime rival, former presidential candidate Henrique Capriles.) Though the next presidential polls are not scheduled until 2018, six out of ten Venezuelans now say they will vote for the opposition in December's elections to the National Assembly. Should Maduro's opponents prevail in those polls, they would theoretically be in a position to oust the government.

This would be a frightening prospect for the Maduro regime's high-ranking members; they are under investigation by the U.S. Justice Department, the Drug Enforcement Administration, and state prosecutors on suspicion of massive drug-trafficking and money-laundering. If they lose power, they could risk extradition. Officials of the Chavista regime certainly must fear they would be shown little mercy from opposition figures they have spent a decade and a half harassing by means legal and extra-legal.

López's international counsel, Jared Genser, has been expecting a conviction and lengthy prison sentence. In a press release last week, he described López's trial as "Kafkaesque ... from start to finish." In a press release last week, he described López's trial as "Kafkaesque ... from start to finish." However, perhaps even the eponymous absurdist novelist himself would have been hard-pressed to imagine the bizarre instances of flagrant injustice that have characterized the proceedings. The state presented its case against Lopez, such as it was, during the course of 70 hearings (all closed to the public) totaling approximately 600 hours, but allowed Lopez only three hours to present his defense. The prosecution called 108 witnesses, but the judge rejected 58 of the 60 people López's team wanted to interrogate; the two it did permit refused to take the stand. The state's evidence consisted of videos of four protest march speeches (in which López, the prosecution alleges, called for violence), but Judge Barreiros inexplicably concluded the trial without having even examined them. The prosecution had, in any case, alleged that López had been inciting his followers to riot via "subliminal messaging," but this accusation disintegrated when the linguistic expert who originally proposed it recanted under cross-examination by the defense. All in all, 43 people were killed during the demonstrations, almost all by government security forces or gangs of armed chavistas.

Juan Carlos Gutiérrez, López's Venezuelan attorney, observed that not only has the prosecution founded its case "on facts that never happened in reality ... a great number of witnesses have said so, [and] experts have confirmed this ... and proved it." President Barack Obama, the United Nations Human Rights Council, Amnesty International, 21 Latin American heads of state, among others, have called for López's release. López's wife, Lilian Tintori (who has been waging an international campaign to win her husband's release) has decried what she says is direct interference in the proceedings from the executive branch — an entirely believable assertion, given that Maduro, before López was convicted of any crime, publicly called him a fascist, a murderer, and a monster. Given Maduro's spectacular record of incompetence in and mismanagement of almost everything he has touched since assuming the presidency, its no surprise his regime could not even mount a decent show trial.

In the meantime, López is languishing in solitary confinement (where he has been often since his incarceration in Ramo Verde prison), probably as punishment for managing to smuggle out a video in mid-August showing him conversing through his cell bars with a fellow political prisoner, and shouting to agents from Venezuela's Directorate of Military Intelligence that "our struggle ... is for a Venezuela where all rights will be for everyone." López has already spent six of his 18 months in Ramo Verde in solitary, which constitutes torture, according to the United Nations.

Maduro, without providing any evidence, has warned of a plot, supposedly originating among the "far right" in both Colombia and Venezuela, to murder López, and even boasted of having saved his life (by imprisoning him). Maduro has also, again without providing proof,

called former Colombian President Álvaro Uribe an “assassin” guilty of “coordinating assassinations, crimes against Venezuela” in the country’s westernmost provinces. Saying he was “obligated to liberate Venezuela,” and denouncing Colombian paramilitaries, smugglers, and drug dealers, Maduro decreed a state of emergency in Táchira state to “reestablish order,” closed the border with Colombia, and began expelling Colombians (including some who had refugee status), more than 1,000 so far. Fearing reprisals, some 10,000 other Colombians have fled with them, often on foot and carrying their belongings on their backs.

By manufacturing a crisis with Colombia, Maduro seems to be trying to distract Venezuelans from the deteriorating situation in the country. Widespread shortages of food, medicines, and other basic goods compel Venezuelans to stand in lines for hours and risk violence from robbers and marauders. (Venezuela already has the one of the highest homicide rates on Earth.) If anything, though, Maduro’s closure of the border with Colombia will worsen shortages and make life more difficult for those relying on contraband goods to survive. The International Monetary Fund expects the country’s economy to shrink by 7 percent this year (after a contraction of 4 percent in 2014). Inflation is expected to hit 200 percent — the highest in the world. The currency has already plummeted in value; on the parallel (real value) market, in the late Hugo Chávez years, one U.S. dollar bought six to eight bolivars, but now fetches more than seven hundred, which effectively means the country’s monthly minimum wage equals less than the hourly minimum wage in Seattle. Hunger, looting, and chaos loom just ahead.

The causes of all this hardship? The collapse of oil prices and corruption schemes related to the government’s control of its currency are forcing the regime to reduce vital dollar-purchased imports from abroad.

Maduro, as a result, finds himself sitting atop a powder keg. He has no incentive to release Leopoldo López, the one man who, as recently as May, showed that he can bring hundreds of thousands of supporters out onto the streets and who could, therefore, light the fuse. This would imperil Maduro and his clan, yet initiate the transition to democracy the country so desperately needs.