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Venezuela Prosecutor Franklin Nieves Says Opposition Leader's Trial Was a Sham

Leopoldo López's conviction last month was ordered from above, prosecutor says after escaping to Miami

By José de Córdoba and Kejal Vyas

For more than a year, prosecutor Franklin Nieves argued before a federal judge in his native Venezuela that the country's opposition leader, Leopoldo López, should be found guilty of inciting violence. In September the judge agreed, sentencing Mr. López to almost 14 years in prison in what most observers deemed a sham trial.

Now, Mr. Nieves, one of two lead prosecutors in the case, says he is sorry.

"Leopoldo López is innocent," Mr. Nieves said in an interview with The Wall Street Journal, his first since fleeing Venezuela late last week and releasing a video saying the proceedings were bogus. His about-face is causing a political uproar in Caracas and a thorny problem for the embattled administration of President Nicolás Maduro, the heir to the late populist Hugo Chávez. Dabbing at his eyes with a handkerchief, Mr. Nieves apologized for his actions as the prosecutor who detained Mr. López and jointly supervised his trial. "From my heart, I want to ask for forgiveness from Venezuela, Leopoldo López's, López's wife, the López family, and especially from their children," he said.

After claiming they were heading for a vacation in Aruba, Mr. Nieves brought his wife and two daughters with him to Miami, where the family is seeking asylum in the U.S.

The prosecutor's dramatic defection and apology are likely to deepen the country's political crisis and provide more ammunition to critics of Mr. Maduro's government ahead of upcoming mid-term elections in December. The ruling United Socialist Party of Venezuela is lagging in polls and widely expected to lose control of the legislature.

The president has become increasingly unpopular in the wake of declining oil prices and economic mismanagement that have caused a deep economic contraction, widespread shortages, and the world's highest inflation.

Mr. Nieves' change of heart offered confirmation for what the country's opposition and international observers believed from the day Mr. López surrendered to police in February of last year: that his arrest was a political move by Mr. Maduro's government as part of a broad bid to tamp down dissent, just as nationwide anti-government protests were kicking off.

"This was a totally political trial which should be nullified. All of Leopoldo López's human rights were violated because he was not able to present any witnesses or evidence," Mr. Nieves said in the interview.

In the wake of the revelations, Mr. Lopez's family members and opposition leaders have demanded freedom for the 44-year-old leader of the Popular Will party, who is currently serving his sentence in a military prison.

"This is very important because it shows that Leopoldo Lopez is a political prisoner and that the regime is jailing its political opponents," said Eric Farnsworth, vice president of the Washington-based Council of the Americas.

Mr. Nieves, whose young daughter goes to the same school as Mr. López's daughter, said he hadn't been able to sleep well since Mr. López surrendered to authorities in February 2014. He didn't resign earlier from the case, he said, because Venezuelan judges and prosecutors are terrorized into doing the bidding of Mr. Maduro and other political leaders.

"Prosecutors and judges fear that if anyone dissents from carrying out an order, he will be detained, or a criminal case will be invented against him and he will be jailed," Mr. Nieves said. He said dozens of Venezuelan security officials milled around outside the courtroom doors during every one of Mr. López's trial sessions, serving to intimidate judicial personnel into not defying orders.

Mr. Nieves said judges and prosecutors were pressured to convict political opponents of the regime by their superiors, who would give them their orders verbally in frequent meetings.

In Caracas, Venezuela's Attorney General Luisa Ortega denied that Mr. Nieves was pressured and said the prosecutor was fired in recent days "because he abandoned his position."

In a televised interview, Ms. Ortega accused Mr. Nieves of acting in an "antinational" manner.

"He ceded to the pressures of foreign factors and sectors of the country, not the Attorney General's Office," she said. "The prosecutor's office doesn't pressure anyone."

Mr. López was convicted of inciting violence based on a speech he gave at demonstration in February 2014, a time when much of Venezuela was riven by protests, some of which turned violent. At least 43 people died before protests petered out later that year. Most of those were killed by Venezuelan security forces and armed groups allied with the government, say Venezuelan and foreign human rights groups that collected testimony from victims' families.

Human rights groups and people in attendance at Mr. López's trial said his defense was barred from presenting nearly all of the evidence in its favor, while the prosecution—including Mr. Nieves—had free range to argue how the opposition leader incited violence by sending subliminal messages through social media platforms like Twitter.

"It reminded you of everything from Kafka to Oscar Wilde to the case against Socrates," said Diana López, Mr. López sister, who attended most of the trial sessions. "It was repugnant because it was all false."

During Mr. López's trial, the government presented more than 150 witnesses. All but two of the witnesses called by Mr. López's defense weren't allowed to testify.

"It's something out of the Spanish Inquisition," says José Miguel Vivanco, Americas director for Washington-based Human Rights Watch.

But it is one thing for human rights groups to say the trial was a farce, and quite another for the prosecutor to admit it. The statements by the prosecutor, a brief version of which surfaced in a video released last week, have underscored the lack of an independent judiciary in Venezuela.

"The lack of independence and autonomy of the judiciary from political power is one of the weakest points of democracy in Venezuela," the Inter-American Commission on Human Rights, an independent arm of the Organization of American States, said in its 2014 annual report released in May of this year.

That same year, the United Nations Committee Against Torture found that some 62% of judges in Venezuela are in temporary posts, meaning they can be removed at the will of the state, raising concerns over their impartiality.

High numbers of public prosecutors are subject to similar pressures because they serve in temporary positions at the federal, state and municipal level, according to the OAS's IACHR. The resulting lack of independence, the IACHR said, "has allowed the use of punitive power of the state to criminalize human rights defenders, penalize peaceful protest and prosecute political dissidents."

The Maduro government never answered the IACHR report, and has refused it permission to visit Venezuela to monitor human rights since 2002, even though Venezuela is a signatory to the Americas-wide rights treaty.

Mr. López's sister was surprised by Mr. Nieves's defection. "We didn't expect this at all," she said.

"I think he's telling the truth. It's something we've always known, that the case is a complete farce," said Ms. López, who attended most of the proceedings against her brother in the Palace of Justice in central Caracas. During the monthslong trial, the streets around the courthouse were usually blocked off by heavily armed National Guard soldiers. The hearings were closed to the press.

Mr. Nieves was a central figure in Mr. López's case from the beginning. He was the sole signee of the Feb. 12, 2014 order for the opposition leader's arrest, according to a copy of the document obtained by The Wall Street Journal, and was present in nearly all of the court proceedings over 14 months.

"He did his job and had his role as the accuser," said Ms. López. "That's why we were so surprised" that he left Venezuela.

"He must have had a lot of pressure and maybe he was also a victim of the judicial system and the corruption that is now so prevalent," she said. "He had to leave Venezuela to denounce what he did. What does that tell us? That his life and that of his family was at risk."

Mr. Nieves said he was particularly haunted by the image of Mr. López's young children. "I always saw their faces when I woke in the middle of the night," he said

He said he told Mr. López on the day of his detention that he would be found guilty. "They will condemn you because they fear your leadership," he told him.