

Political Prisoners in Venezuela?

Written by
Friday, 09 April 2010 12:31 -

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Eva Gollinger- When politicians and political actors commit crimes, can they hide behind cries of persecution? As international organizations backed by Washington condemn the Chavez administration for alleged political persecution, the facts shed light on the difference between activism and crime.

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Amnesty International sent out an urgent action appeal last week, claiming five individuals were under intense political persecution by the Venezuelan government. The international human rights defense organization alleged that “over recent years, the Venezuelan government appears to have established a pattern of clamping down on dissent through the use of legislative and administrative methods to silence and harrass critics. Laws are being used to justify what essentially seem to be politically motivated charges, which would indicate that the Venezuelan government is deliberately targeting opponents”.

What Amnesty International fails to outline or detail is who the individuals at issue really are and what the facts behind the crimes they are accused of actually contain. The urgent action appeal mentions Venezuelan Oswaldo Alvarez Paz, an ex governor of the State of Zulia who was arrested and charged with “public instigation of criminality” and “spreading false information” two weeks ago. Alvarez Paz, who participated in the April 2002 coup d’etat against the Venezuelan government and has consistently promoted publicly the violent overthrow of the Chavez administration, stated on live television that the Venezuelan government was supporting terrorist groups and facilitating drug trafficking. In the context of his statements, Alvarez Paz was supporting allegations from a Spanish court and several right-wing international organizations that were calling for international condemnation of the Venezuelan government.

Those defending Alvarez Paz shield themselves behind concepts of freedom of expression. But are citizens free to go on live national television and accuse the president of a nation of drug trafficking and terrorism without presenting any evidence? Would that happen in any other country without consequence? Imagine a former governor in the United States going live on NBC news and accusing President Barack Obama of terrorism and drug trafficking with no evidence to back such dangerous claims. The individual would be immediately arrested by Secret Service and prosecuted to the full extent of the law for not only spreading false information, but also for endangering the life and image of the US presidency.

In most democracies that recognize and cherish the right to freedom of expression, limitations are imposed when it comes to jeopardizing the security of a nation or its leaders. Furthermore, no one has the freedom to defame and slander others publicly with no evidence and no

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consequences. Hence, Alvarez Paz's actions violated not only Venezuelan laws, but also international principles of free speech. Freedom of expression is not absolute under international law – its limitations are imposed when such speech clearly infringes on the rights and safety of others.

But in Venezuela, many believe they are above the law, especially those from the ruling class that dominated the nation during the last century. Most of those involved in the April 2002 coup d'état that overthrew the government, for example, haven't been prosecuted for their crimes, and they continue to organize to bring down the Chavez administration. Only three police commissioners were brought to justice for the April 2002 coup, after a court ruled they were responsible for ordering the massacre of Venezuelans protesting in the streets eight years ago. Nevertheless, the three police commissioners, Ivan Simonovis, Lazaro Forero and Henry Vivas have appealed to international organizations claiming they are political prisoners because they oppose President Chavez. Their conviction was upheld this week in Venezuela by an appeals court.

Releasing Prisoners Illegally, a Right?

Another case mentioned by the Amnesty International alert is that of Maria Lourdes Afiuni, a Venezuelan judge arrested on December 10, 2009 for aiding a prisoner to escape from a courtroom and flee the country. Judge Afiuni was charged with allowing Eligio Cedeno, a Venezuelan banker prosecuted and imprisoned for corruption and embezzlement, to exit her courtroom out a back door. She had called Cedeno into a hearing without notifying the prosecutor's office, in clear violation of legal proceedings, and once she had him physically in the courtroom, she released him through a back door, allowing for his escape to Miami.

Judge Afiuni was subsequently detained and charged with corruption. President Chavez did publicly cite the case as evidence of corruption in the legal system and called on the Attorney General's office to take action. But, the Venezuelan President was not responsible for the Judge's detention, and her arrest was not arbitrary, but rather was based on solid evidence of judicial misconduct and abuse.

Violent Protest and Corruption

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A New York Times article from last Sunday brutally attacked the Chavez administration and accused it of “stifling dissent” through the arrests of these individuals. The article cited the case of General Raul Isaias Baduel, a former Defense Minister and Chavez ally currently imprisoned for corruption. The Times article attempted to portray Baduel as a victim of President Chavez, yet failed to mention the former military official was caught red-handed with stealing more than \$30 million USD while in office. Baduel had acquired businesses, farms and properties inside and outside of Venezuela while in his capacity as Defense Minister. Only after Chavez forced his resignation and he was later investigated for corruption did General Baduel claim he was a victim of political persecution.

Richard Blanco, an opposition leader, was also cited in the Amnesty International alert, alleging some kind of political persecution. Yet Blanco was detained in broad daylight after physically attacking a police officer during a public protest and inciting others present at the demonstration to violate the police barricade and engage in violent protest. His actions took place on live television and can hardly be disputed.

Other opposition leaders charged with crimes such as corruption have fled the country, unwilling to face charges or undergo the judicial process. Several of these higher profile individuals have obtained asylum in the US and Peru, both havens for criminals from Latin America. Former governor of Zulia, Manuel Rosales, who was found with millions of dollars of stolen wealth from his years as governor and mass, illegal land accumulation, fled justice last year after initial charges were brought against him. From Peru, where he was given asylum, Rosales alleges he is a political prisoner of the Chavez government. He is joined by other corrupt and violent criminals, including Nixon Moreno, charged with attempted rape of a female police officer and Oscar Perez, charged with armed violence and criminal incitement during protests last year.

Ideology is not an exemption from criminality. After a lengthy period of impunity in Venezuela, the judicial system is finally beginning to risk imposing the law, at whatever cost. In November 2004, Federal Prosecutor Danilo Anderson, charged with investigating individuals involved in the April 2002 coup d’etat, was assassinated in an atypical terrorist act after his vehicle was blown up. To date, his case remains unsolved.