

**FREE
LEOPOLDO**



Leopoldo López's Testimony at the Palace of Justice

Written in the Ramo Verde Prison on April 29, 2014

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Message on Injustice:

Denounce Dictatorship and Achieve Democracy in Venezuela

I am a political prisoner, a prisoner of conscience. These are my words in the face of injustice on the occasion of the preliminary hearing of my case, which has taken away my freedom for 70 days. I write these lines from my cell in the Ramo Verde military prison.

I have been politically persecuted by the regime for more than ten years. I have been the victim of political trials, homicide attempts reported, but never investigated, state attacks against my character, more than 20 accusations of crimes and two political bans that have prevented me from running for political office, even after the Inter-American Court of Human Rights ruled that my political rights should be restored.

Since January 2013, Nicolás Maduro has publicly expressed his desire to put me in jail. On more than ten occasions during his national TV and radio broadcasts, Maduro announced that I should be sent to jail because of my opinions of his Government.

Based on this context of permanent and explicit persecution and direct threats by Maduro, an arrest warrant was issued against me on February 12, 2014. I understood that this new attack was a political one, so with a clear conscience I decided to

voluntarily present myself before an unworthy justice on February 18, 2014. Ever since that day, I have resided in prison.

I am in jail because I have denounced the Venezuelan government for being corrupt, inefficient, repressive and anti-democratic. I am in jail for having denounced publicly that there is no democracy in Venezuela, that the public institutions have been seized by a corrupt, inefficient and anti-democratic elite, which has resulted in a deep social, economic and political crisis that all Venezuelans undergo today. I am in jail for announcing that in Venezuela we are living under a dictatorship. I am in jail for proposing a deep change – a change that can only come about with the removal of those currently in charge of Venezuela's political institutions. I am in jail for demanding the resignation or removal – through constitutional channels– of Nicolás Maduro as President of Venezuela.

I am in jail for calling on the Venezuelan people to go to the streets and exercise our historical and constitutional right to protest until we achieve a political change that guarantees peace, wellbeing and progress for the Venezuelan people. I am in jail for expressing ideas, opinions and proposals for change that today are shared by the majority of Venezuelans; a deep change to set our nation on a new path, which they ask for with outraged and patriotic hearts.

I am physically in jail. I am isolated with severe visitation restrictions. But neither today nor ever can they jail my deep conviction that we have the right to fight to achieve democracy and freedom for Venezuela. Thank God I am not alone in these ideas, in this conviction to fight. We are millions; we are that majority who are ready to fight for a change towards democracy in Venezuela. They can imprison me and thousands of others, but they can never imprison the fighting spirit within the young people in the vanguard, walking along the streets of the cities, the quarters and shantytowns of all Venezuela.

Today Venezuela has decided to change. My imprisonment and that of many others is only the face of a dictatorship growing weaker and weaker. With less popular support, it must pretend to hold onto power, refraining and silencing critical voices and criminalizing protests.

The political reasons of my imprisonment are clearly exposed in the accusation presented by the provisory prosecutors, Franklin Nieves Capace, Nardin Sanabria Bernatte, Juan Canelón Marín, Guendy Duque Carvajal and José Foti González before the 16th Court of Control of the Metropolitan Area of Caracas.

There are four accusations made against me by the Office of the Public Prosecutor:

First Accusation:

“Leopoldo López... made calls for violence; there was disregard for the legitimate authorities and disobedience of the laws, which triggered the excessive attack against the headquarters of the Office of the Public Prosecutor by a group of persons who acted individually, but who were determined by the speeches of the mentioned citizen.” (p. 2)

Second Accusation:

The reason was for denouncing the State as corrupt, inefficient and anti-democratic. [Leopoldo López] intensified his speech and began a public and aggressive campaign against the President of the Republic and the Institutions of the State, making the public believe that this government has ties with drug dealers and is corrupt, oppressive, inefficient and anti-democratic. [He made the public believe] that in order to achieve democracy it was necessary for the people to go to the streets.” (p. 3)

Third Accusation:

“...it is so that in a conclusive way [Leopoldo López] affirmed “WE HAVE TO GO OUT TO ACHIEVE DEMOCRACY” (capital letters were used by the Office of the Public Prosecutor), with the intention of planting the idea among his followers that only in the street can he generate a change, inviting them to be actors, with the purpose of ignoring the legitimacy of the National Executive as well as the heads of the Public Authorities. (p.3)...

The objective was to carry out a deep and total change with the purpose of removing the authorities from their posts, since in its criteria the problem (of the country and of the Venezuelans) was not only Nicolás Maduro, but also all the heads of the public institutions. (p.4)....

All of these (referencing the damages to the headquarters of the Office of the Public Prosecutor) were executed as a consequence of the persuasion and inducement carried out by citizen Leopoldo López, who exercised a strong influence, not only over the thinking of his targets, but also in their potential actions. Targets who ultimately fully complied with his message.” (p.5)

Fourth Accusation:

The Office of the Public Prosecutor pretends to extend the scope of responsibility in a vague manner to other persons, arguing the existence of a “criminal structure” – or group – acting out a criminal plan to promote the resignation or removal of Nicolás Maduro:

“It is evident that all the instrumentation employed by citizen Leopoldo López, was not carried out on his own, clearly he plotted with a criminal structure...to develop his criminal plan, which was no other than to persuade or induce a group of persons not to recognize the legitimate authorities and the laws in order to promote the dismissal of the President of the Republic.” (p.5)

According to the Office of the Public Prosecutor, these four accusations are based on:

- The testimony of 115 witnesses, **out of which 110 are officers employed by the Prosecution Office and the Venezuelan government;**
- The presentation and analysis of four videos with political speeches that I made and fully admit to making;
- And in a report issued by the prosecutors.

It is important to emphasize that the prosecutors denied all our requests; it denied our request to present 30 eyewitnesses; it denied our request to create a balanced team to analyze the speeches.

The conclusion of the Office of the Public Prosecutor is to implicate me of four offenses. Specifically: Damages, fire, incitement and association to commit a crime.

Without sound evidence – since there is none – the prosecutors are following a political order to prevent a just defense. They are accusing me of crimes where I was not even present, manipulating the events and keeping me as a prisoner of the dictatorship.

Following is my answer to each one of the four charges that the prosecutors are making against me:

The first charge made by the Office of the Public Prosecutor is that I called for violence. False. I reject totally and absolutely the prosecutors’ claim to conclude that my speech, before, during and after February 12, 2014 had a subliminal message to call for violence. I clearly state “subliminal message” for two reasons:

First, the technical report submitted by the Office of the Public Prosecutor, which was prepared by an obedient professional and member of the ruling party, concludes that the link between my words and the actions by dozens of protesters is of such magnitude that the protesters could only interpret them as a call for violence.

Second, all the videos and photographs recorded by the Office of the Public Prosecutor are a clear and unquestionable call to a NON VIOLENT protest in the streets (See speech 23E, 2F, 12F).

The following paragraph of the indictment summarizes the heart of the argument and logic of the Prosecutors:

“Leopoldo López has a discursive ethos that dominates and impacts the ethos of its recipients; as a result, everything that the sender tells the receivers, would exert a strong influence, not only in their way of thinking but also in the potential actions that the receivers may carry out as a consequence. At this point, the discursive force and the ascendancy of the citizen Leopoldo López as a political leader is unquestionable because it has served as a catalyst of discomfort felt by a significant part of the Venezuelan population; from this point whatever he says may transmit to his audience and is transferred so effectively that his recipients feel encouraged to follow, in actions, what he is indicating they should do, although he does not clearly explain it (that is, it is subliminal)”.

It is clear, explicitly clear, that the accusation against me is based on criminalizing and prohibiting my ideas, proposals and actions – ideas, proposals and actions that are now supported by the majority of Venezuelans.

Criminal theory according to the Office of the Public Prosecutor

LLM → Speech → Subliminal Message → Vandalism by third parties

TRUTH ABOUT THE FACTS

**Massive March
departs from
Plaza Venezuela**

**Pacific Protest in
front of the Office
of the Public
Prosecutor**

- 2 hrs of march
- Permanent calls to **no violence**
- Absence of the NBP & NBG
- Massive exit of the Protesters leave massively in peace and **without violence**

**PNB shows
up accompanied
by armed civil
groups
(see video UN)**

**A SEBIN brigade
arrives (+20)**

- Shooting against protesters (see video UN)
- Juan Montoya and Basil Da Costa are murdered
- Second brigade appears and collects evidence (bullet shells)

**Reaction from 30
protesters (stones
against
assassination
bullets)**

**Presence from
the PNB & GNB
25 mts, from
headquarters of
the Office of the
Public Prosecutor
(during 45 minutes
they did not act)**

Clear Speech:

- Situation of the Country
- We live under a dictatorship
- Call to the streets
- Non violence strategy
- The Way Out
- Activate CBRV for a political change

LLM →

Speeches:

*23 Jan

*2 Feb

*10 Feb

*12 Feb

Interpretation and Accusation by the Office of the Public Pros:
Speech - Subliminal Message – Vandalism

The accusations against me are based on several speeches I made between January 23 and February 12. In these speeches I clearly explain that based on a critical analysis of the present crisis, we propose a way out – a deep political change activated from the street through non-violence and achieved through constitutional means.

On January 23 we made a call for Venezuelans to embrace their optimistic spirit and accept that they can have a better Venezuela. We made a call for all to go to the streets in commemoration of “23 January, 1958,” when the Venezuelan people went to the streets against the dictatorship of Marcos Pérez Jiménez. That day we called upon the Popular Assemblies throughout Venezuela to discuss the options for a way out of the social, economic and political crisis in which we live. And we decided which assemblies would be held on February 2.

On February 2, hundreds of assemblies were held throughout Venezuela, some large, some smaller, some were held in squares, others in houses or streets. Different organizations, individuals and political parties participated with different protests. They demonstrated the commitment of the movement to peacefully protest in the street for a better country.

During one of my speeches (the video with the full intervention was presented by the Office of the Public Prosecutor as evidence), I explain the non-violent character of our call:

“These struggles, brothers and sisters, must have a clear conduction and methodology, based on non-violence. Non-violence has been the most effective method of struggle that was invented by the oppressed people. Non-violence does not mean passivity, non-violence does not mean bowing our heads, non-violence does not mean to move backwards. Non-violence means not to be afraid, it means challenging; non-violence means to be on the streets, non-violence means to have a state of awareness where we do not allow anyone to manipulate us. Our vocation is the change, our space is the street, our strategy is non-violence. Our commitment is the way out, which is in the Constitution”(see speech 2 February, Plaza Brion).

The February 2 assemblies marked a major triumph for non-violent protest. Despite the peaceful attitude of the protesters; however, the regime showed its repressive face that day. It was an announcement of what would come: several students and young people were arrested and imprisoned: six in Nueva Esparta and six in Táchira.

In both cases these detainees were treated as high-risk terrorists. With a disproportionate response, the government removed them from their States, using helicopters, boats and vans. This repressive action generated great discomfort, especially in young people, who, in the case of Táchira, were also protesting the previous rape of a female student.

On February 9, when I was about to board a Conviasa flight via Santo Domingo, Táchira, I was pulled from the aircraft violently and without justification by the State security bodies. They offered me no explanation, and simply said: "we have orders not to let you take this flight." I mention this incident, since the words that I said upon leaving the plane in Maiquetia are part of the evidence submitted by the Office of the Public Prosecutor. With these words, I rejected such abuse since it is an example of what happens everyday to millions of Venezuelans victimized by indifferent public officers.

On February 12, thousands of people took to the streets throughout Venezuela in line with our calls. In Caracas, the demonstration began in Plaza Venezuela. There, once more we explained that protesting would help build the democratic and constitutional road to political change. We explained that the streets were a way out from the disaster, the removal of the dictatorship and the achievement of democracy (see the February 12 speech video in Plaza Venezuela, Caracas).

From Plaza Venezuela we left for the headquarters of the Office of the Public Prosecutor, as reported to the authorities. The demonstration arrived at the Office of the Public Prosecutor, massively, in peace and without violence.

There, we protested in peace and without violence, for more than 2 hours. And we left in peace and without violence. As support of these declarations, you may see the videos recording the declarations made to the media always calling for non-violence.

The description in detail of what happened that day was given at a press conference the same February 12 at night (see statements February 12 night).

After thousands and thousands of protesters retired from the site, vandalism in front of the headquarters of the Office of the Public Prosecutor took place. As we previously explained, the intention of the prosecutors is to establish a criminal link between my words and the actions of the young people who threw objects at the headquarters of the MP.

What is striking about the Office of the Public Prosecutor's narrative of the facts, is that it ignores completely the more relevant events that occurred on February 12, namely, the murders of Juan Montoya and Bassil Da Costa by SEBIN officials.

In a twisted way, the Office of the Public Prosecutor has established a line of causality between my words and the stones thrown at the headquarters of the MP, ignoring the fact that the violent reaction of the demonstrators was caused by these two murders carried out by the SEBIN officials. SEBIN officials are bodyguards of the Minister Rodríguez Torres. They were accompanied by armed civilians, who fired against the protestors and killed two persons. SEBIN returned to the site of the murders and manipulated the scene of the crime by withdrawing evidence and never providing any kind of explanation.

Nobody ever explained what the SEBIN was doing in the march if it is in fact true that Maduro had given orders to keep the military forces contained in their quarters. Who gave the order to get out of the barracks? Who gave the order to shoot? To shoot against the protesters in such a coordinated way, as is shown in the videos, is not a spontaneous action. Someone gave the order. Was it Manuel Bernal, Director of the SEBIN which was removed on February 14 and sent to another administrative position without any explanation? Perhaps Minister Rodríguez Torres gave the order, former head of the SEBIN and Minister in charge of the present police entity? Why have Manuel Bernal or Rodríguez Torres not clarified to the justice what role they had in these murders? They must have given SEBIN the order to go to the march and shoot. If they were not the responsible actors, who was? Who gave the order?

Another point underlines the security forces' responsibility for the violence: the passive presence of the "Policía Nacional Bolivariana" and the "Guardia Nacional Bolivariana." They were only 20 meters away from the scene of the crime and refused to act for 45 minutes. Who gave the order to the "Guardia Nacional Bolivariana" not to prevent these attacks against the site of the Office of the Public Prosecutor? What is the obvious reason for the "Policía Nacional Bolivariana" and the "Guardia Nacional's" passivity?: To allow the actions and then to accuse the protesters and their conveners as violent people. It was a plan, a trap that Maduro himself announced the night before when he said: "tomorrow there will be a dead man." How did Maduro know? Why do the actions of Venezuela's state institutions create so many questions?

On the first charge that I instigated vandalism through my speech, we may conclude that there are no elements that establish this relationship. Rather, the violent events that took place are the responsibility of the Venezuelan State (see note on the direct call made by Ameliach to violence).

On the second charge that I have denounced Maduro's Government and Venezuela as corrupt, inefficient, oppressive and anti-democratic, I fully assume responsibility. I not only take responsibility for having made such accusations, but I take this opportunity to confirm that each and every one of them is the pure and inviolable truth.

If it is a crime to denounce government officials who are corrupt, inefficient and anti-democratic, I assume responsibility.

Taking into consideration that the Office of the Public Prosecutor questions and criminalizes my complaint about the presence of corruption, inefficiency, oppression and anti-democratic actions, it is appropriate to examine the present situation of the nation.

The cause of the current crisis in all its dimensions is the installation of a dictatorship. The effects, the consequences of this dictatorship are the economic, social and political hardships now suffered by our people. That is, the problems we Venezuelans suffer today, shortages, queues, inflation, insecurity, impunity, injustice and loss of freedom are not consequences of external factors, of an economic war or much less an action from the citizens. The problems, all of them, have their origin in the lack of democracy and the asphyxia of freedom. They are the result of a State kidnapped by sectarian political and economic interests of a small elite that manipulates the institutions, derogating the Constitution by way of the facts, which have been placed from origin and performance outside of the Constitution and the national interest, which has made all public authorities assume a condition of illegitimacy. Unlawful in origin and in performance.

Democratic legitimacy is what differentiates democracy from another system. It is recognized when evaluating the legitimacy of origin and legitimacy of the performance in a democratic system.

The legitimacy of origin refers to the fact that it was the people who, as set out in the Constitution, have elected their representatives. In this sense the elections on 14 April 2013, when Nicolás Maduro was proclaimed President, represent a contested and non resolved chapter about the legitimacy of the democratic origin. In the first place, on January 2013 the Supreme Court of Justice issued a ruling allowing, contrary to the provisions of the Constitution, that a Vice President in charge of the Presidency is a presidential candidate as well. In the second place, the electoral results of April 14, leave a reasonable doubt on the validity of more than 200 thousand contested ballots that might have made a difference in the outcome of the elections.

Despite having reported with sufficient evidence the irregular usurpation of identities, double or triple votes, and violence at the polls that could have generated the cancellation of enough votes to change the outcome of the election, there was never a full audit of the congruence between the electoral notebooks, the results of the voting machines and the ballots deposited in the boxes. Despite the fact that this audit was requested to Maduro who readily accepted on the night of April 14 and being this also an express request by the UNASUR, this audit was never conducted. Upon the non successful closing of this doubt, for more than half of the Venezuelan population Maduro simply seized the elections just as the “Mesa de la Unidad” and Henrique Capriles denounced in the days after the election of April 14.

In addition to this severe questioning of the electoral legitimacy of the triumph of Maduro, weeks after the election there emerged evidence that allegedly questioned the Venezuelan nationality of Maduro. These signs indicate that Nicolas Maduro is presumably of Colombian nationality which would prevent him, by constitutional provision, to exercise the Presidency of the Republic. This doubt has not been satisfactorily clarified.

On the legitimacy of the origin of the other public authorities we may point out the fact of several designations of people openly militant of the governing party, which would also constitutionally prevent them from exercising the maximum responsibilities of the Public Powers. In addition to this questioning, there is the fact that several officials exercise the highest positions in the public powers having their period expired. Such is the case of the sub-comptroller who has been performing illegally the post of Comptroller for more than four years. Three principals of the CNE (National Election Council) have their posts already expired and eleven members of the Supreme Court of Justice have also expired periods. This situation has been recently recognized by the regime who has been announcing the constitution of commissions to propose the replacement of these officials.

About the legitimacy of democratic performance of the Venezuelan State, that is, full compliance with the Constitution, the autonomy of the public powers, the rule of law, the guarantee of fundamental freedoms, the politicization of the national armed forces and the respect of all rights for all people, we can make a long and detailed balance concluding in the sad statement that in Venezuela systematically and permanently the conditions which make of a State a democratic system are being violated. For limitation of space, we shall refer only to some of these violations to the democratic system.

The justice system made up by the courts, the Office of the Public Prosecutor and the Office of the Ombudsman, are highly corrupted and kidnapped by political manipulation. Most of the judges are provisional, temporary or substituted judges who are removed to convenience of political interests. Upon the absence of the judge's autonomy and by not having stability, the decisions issued are highly permeable to political manipulation. The same provisional situation is present in the Prosecutor's Office. Example of this situation, is our own case. All the prosecutors who are charging me are provisional and the lady judge who was to serve as alternate, was recently removed and replaced. This unstable situation has been denounced on a permanent basis by the Inter-American Commission on Human Rights and various non-governmental organizations as one of the main causes of the breakdown of Justice in Venezuela

On the performance of the powers that includes the system of justice, the result is regrettable. Today Venezuela has the country's highest rates of insecurity in South America. Just 2% of homicides are resolved by the Public Prosecutor. Every year the number of homicides, kidnappings and crime in general increases. Despite having announced 14 security plans, each year is more violent than the previous one. During

2012, 21 thousand homicides were recorded; during 2013 more than 25 thousand were recorded and 2014 is projected with an increase in this figure.

In addition to the increase of crimes, increasing impunity and the procedural delay, the prison crisis, a prolonged crisis that worsens every year with higher levels of overcrowding and killings in prisons, closing the cycle of a dysfunctional, corrupt and anti-democratic system of security and justice dysfunctional, corrupt and anti-democratic in the absence of prevention, the organization of the police force, the Office of the Public Prosecutor, courts and prison system. A system of justice that suffers from permanent violations of human rights of thousands of Venezuelans who upon coming into contact with the Venezuelan Justice are encountered with chronic inefficiencies, corruption checkpoints and politization preventing the exercise of justice.

To these permanent violations of human rights, the institution that was conceived by the 1999 Constitution to be the voice of the oppressed, the Office of the Ombudsman, has become an institution accomplice of the power which has not had a single case of exemplary justice against abuses of power and violations of human rights by the Venezuelan State.

In regard to the Office of the General Comptroller of the Republic, the responsible entity for ensuring the healthy and transparent administration of the State, it also has become an appendix of the political structure taken by assault by the Venezuelan State. In addition to more than four years of unlawful exercising the responsibility as General Comptroller in the permanent absence of Clodosbaldo Russian, the Comptroller has not achieved a firm and transparent work against corruption.

In regard to the cases of corruption reported to the Office of the Comptroller and the public opinion we could draw up a long list, but with the intention of presenting the complicity of the Office of the Comptroller with corruption and, as an example, I can mention the largest embezzlement case of corruption in the history of Venezuela. Even in times of Guzmán Blanco there had never been a fraud of such magnitude which was the theft of more than 30 billion dollars handed over by CADIVI to fake companies, those call “briefcase companies” linked with the senior leaders of the ruling party. This case is emblematic by the magnitude and the direct impact that has had on the well-being of the Venezuelan people.

During 2013, several State officials reported the loss of tens of billions of dollars in fraudulent assignments and “briefcase companies”. The President of the Venezuelan Central Bank, Ms. Edmme Betancourt, made the first announcement, followed by the announcement from the Finanzas Minister Jorge Giordani, Minister of Internal Affairs and Justice Miguel Rodriguez Torres, and finally by the President of PDVSA and Economy, Rafael Ramírez. All agreed in reporting the fraud of 30 billion dollars equivalent to 50% of the annual income resulting from the sale of oil or 130% of international reserves of the Republic.

Thirty billion dollars were stolen and, with a baring face and under the most absolute impunity, they denounced this fact and simply “nothings happens”. No one is guilty, no one knows where the dollars are, or who, or why the delivery of this amount was authorized to phantom companies. The Office of the Comptroller has not investigated. In recent statements, the lady Comptroller in charge said that in 2007 she had reported that there were “Briefcases Companies” but nothing happened. Why nothing happens? Because this fraud is the best example of the installation of a true criminal structure within the Venezuelan State, from which its highest level has been enriched with the resources of all Venezuelans unpunishly. Why Manuel Barroso, former President of CADIVI has not been brought to Justice? Why has Rafael Ramírez not explained to the country what happened with those dollars that necessarily passed through PDVSA? Why the President of the Central Bank, Nelson Merentes has not explained to the justice and to the country the fate of a number of dollars greater than its international reserves?

The answer is clear: those dollars were handed out to a cast of “entrepreneurs” that far from being productive entrepreneurs had the function of figureheads of the high hierarchy of power. Each company that irregularly received US\$ is linked to some patron that at a given time transacted with a telephone call or with a prior agreement the approval of delivering preferential dollars without complying with the appropriate requirements.

To open the black box of the CADIVI dollars, is to open a complex network of influences, extortion and abuse of power that would compromise a good part of the high hierarchy of the official power.

This corruption scandal is of such magnitude that today the Venezuelan people are paying the consequences with shortages, inflation and with the destruction of the national production apparatus that in addition to not receiving timely dollars to operate, its activities have been subjected to an economic model that has been a grind of regulations, threats and corruption that have destroyed the domestic production.

We could extend our statements on the magnitude and impact of corruption acts which have counted with the indispensable ally and complicity of the Office of the General Comptroller of the Republic.

About the illegitimacy of the performance of the Electoral Power, there is “plenty of fabric to be cut”. Political coercion and manipulation of processes, laws and decisions are in place long ago. The first element is the public and notorious fact that two of the Principals of the Electoral Power were enrolled militants of the Government (PSUV) and that 4 of the 5 Principals have shown their open political inclination towards the ruling party.

Lack of transparency, dark contractual documents, permissiveness of unfair and unbalanced campaigns in favor of the regime, politicization of the electoral technical structure, change of electoral circuit in favor of the ruling party, and the negative of having done an audit of the voting papers on April 14 after the disputed presidential election set a very negative and anti-democratic the CNE's picture as electoral referee.

Finally the performance of the National Assembly was also contrary to the spirit of the constitution. To name some examples, the National Assembly making use of an illegitimate simple majority, approved the so called "Plan of the Homeland" as a law, being this document a clear expression of authoritarianism and violatory of the Constitution as it was clearly and accurately denounced by the Venezuelan Episcopal Conference. In addition to approving laws contrary to the Constitution, the handling of the Assembly reached the level of democratic outrage that, to date, three deputies from the opposition, elected under the alliance of the Democratic Unit, have been removed illegally from their parliamentary seat. Such is the case of Nora Bracho, Richard Nardo and Maria Corina Machado.

This brief diagnosis of the legitimacy of origin and performance of public powers in Venezuela leads us to conclude that in Venezuela, we cannot speak of the entry into force of a Democratic System. In Venezuela there is no democracy, there is a dictatorship installed by the ruling party.

Besides the poor democratic performance of the institutions of the State, there are some other signs of the anti-democratic vocation of the regime that are worthwhile to point out.

The loss of strategic and territorial sovereignty also represents a side of the anti-democracy installed in the Venezuelan State.

On the first place, the loss of sovereignty or irresponsible management of territorial sovereignty. This issue highlights the case of virtual delivery of the Essequibo to the Republic of Guyana by the Maduro Government. Since 2011 the Government of the Republic of Guyana has acted in a hostile manner against Venezuela. In September 2011 Guyana notifies the United Nations a unilateral issue about its continental platform in 300 nautical miles. Venezuela was not notified. Venezuela answered but obviously in accommodating terms because on September of 2013 some maps were published giving account of concessions for the exploration and exploitation of oil which include Venezuelan territory. In October of the same year, a Panamanian-flagged vessel contracted by the company Anadarko, franchised by Guyana was identified on Venezuelan territorial waters. The diplomatic and military response by the Venezuelan State has not been at the level of the threat, which constitutes a risk to give a Venezuelan territory back by the negligence of the State as it occurred during the Governments of Guzmán Blanco, Cipriano Castro and Juan Vicente Gómez.

The problem of territorial integrity is also present in the western border with Colombia where due to the negligence of the authorities and the installation of a system of corrupted interests has allowed a large scale smuggling and the presence of criminal organizations and irregular groups that terrorize and have subjected the people of the border with criminal practices such as kidnapping, the generalized "vaccination" and the penetration of these groups in the handling of some State institutions as well as the presence of drug trafficking in the Venezuelan territory.

The loss of sovereignty in the strategic field has been demonstrated by the presence of representatives of the Cuban regime on such sensitive and strategic issues as the policy of importation of food, handling of State intelligence, and the conduction of military affairs. One of the evidences of the Cuban presence in the military field was the reverence to the Cuban flag at the military installation of the Paramacay Fort at the State of Carabobo.

Finally, another area where it is evident the anti-democratic vocation and contrary to the Constitution is the management of the national armed forces.

According to Article 338 of the Constitution "the armed force constitutes an institution essentially professional without political militancy... in the execution of their duties is the exclusive service to the nation and in no case to a any political partiality".

Unfortunately, the facts show otherwise; it is worrying the progressive penetration of the politics in the national armed forces. It is public and notorious the subordination of the National Armed Forces to the political partiality that represents the ruling party. Political acts where the staff and especially the military officials are forced to politically subordinate to the ruling party. Military harassment conditioned by political loyalty, not merit as laid down in Article 330 of the Constitution. The installation of political slogans as part of the day-to-day organization of military life. Unjustified and untimely promotions of political components outside of the military institution with the intention of merging more and more the National Armed Forces with the Political Party of the Government – PSUV following the style and example of the behavior of the Cuban National Armed Forces and the Cuban Communist party.

These are some of the features of the anti-democratic and unconstitutional handling of the Venezuelan State. Which clarification is relevant to our case since our calling out of the disaster, the dictatorship, is based on specific facts that deserve a strong and patriotic response of all Venezuelan democrats

Although the causes that lead us to say that today we do not live in democracy in Venezuela and that we are rather subject to a dictatorship, have been exhibited, its effects on the population are not just political. The cause, the origin of the crisis in Venezuela is installing a non-democratic system, which is corrupt, repressive and inefficient, the effects are economic, social and political affecting the entire population.

As it has been argued and demonstrated empirically by visionaries like Amarty Sen, Roberto Unger and William Stanley, among many others, there can be no progress, i.e. welfare, overcoming poverty, if there is no freedom.

Freedom is an indivisible concept, you cannot have partial freedom. Without freedom of expression, there can be no freedom, without freedom there can be no freedom to protest, and so on.

The democratic well-being is the coexistence of successful and efficient public policies with the guarantee of freedom for citizens. Social democracy as it emerges from the text of the Constitution is the achievement of all rights for all Venezuelans without anyone being excluded.

The effects of a corrupt, inefficient system, repressive and anti-democratic touch the lives of all Venezuelans, with the exception of the small ruling elite.

The effects of the dictatorship:

The economic collapse. Today in Venezuela, we are experiencing an economic crisis due to the installation of a failed economic model that the regime insists on keeping. Controls of unsustainable prices, exaggerated regulations, expropriations, absence of legal certainty, addiction to imports and the progressive destruction of the national productive apparatus are the characteristics of an economic model that despite living the largest oil boom cycle in 100 years, has generated the highest levels of inflation in Latin America: 56% in 2013 and 80% by 2014 projections. The highest shortage of the continent, which is approaching 30%, evident every day everywhere with long queues to purchase commodities. An exaggerated and non-transparent debt to the nation. The collapse of the oil industry which has lost production capacity more than 700 tbd of conventional crudes from 2008, the highest rate of labor and environmental accidents and an increase in the debt of PDVSA's \$ 50 billion to \$ 2.9 billion (between 2006-2013). They are all effects, consequences of the application of an anti-democratic and contrary to the Constitution.

The consequence of the anti-democratic system is that in Venezuela we have an education system that does not educate, of health that does not heal the sick, of social security that does not cover the unprotected, of justice that is not fair, of citizen security that does not protect, and of defense that does not defend the sovereignty.

It is in the face of this collapse of democracy, the kidnapping of democratic institutions and the progressive installation of a dictatorship that we have pronounced ourselves in favor of the achievement of democracy.

Being this the third accusation of the Office of the Public Prosecutor against me, the call to the street to enable the constitutional options that allow by way of popular initiative,

it was necessary to expose in a detailed and schematic way the reasons that have led us to affirm that in Venezuela we don't live under a democratic regime.

To the conclusion that in Venezuela we don't live in a democracy, and following our patriotic, democratic and nationalist responsibility, we have made a concrete proposal to articulate an exit to the crisis, an output of dictatorship by popular, democratic and constitutional way. This proposal, has been called the "The way out".

As it is clearly shown in all videos and records evidenced by the Office of the Public Prosecutor, the proposal that we made to the Venezuelan people and why today I am prisoner in Ramo Verde and probably subjected to a political trial, is specific popular and framed in the Constitution.

Taking into account the progressive advancement of the installation of a dictatorship in Venezuela we have made a call to nonviolent protest in the streets with the intention of activating any of the four constitutional options that can trigger political change for the restoration of democracy and freedom in Venezuela by way of popular initiative.

The present Constitution authorizes the following paths for political change:

1. The resignation of the President of the Republic (Article 233).
2. Reform or amendment with the intention of reducing or shortening the period of rule, and proceeding to replace those responsible for the Government (Articles 340, 341 and 342).
3. The call for a national constituent Assembly with the intention of transforming the State and restoring democracy and freedom in Venezuela (Articles 347 and 348).

In all of our public and private presentations of the "way out" from Venezuela's dictatorship, we have noted that protests are the basis upon which we will achieve popular organization. They are the vehicles to gain the critical mass needed to give the majority of Venezuelans (more than 60% according to various opinion polls) what they desire: political change through constitutional means.

But the State apparatus has criminalized the street and popular protests. The regime has used all its power – economic, diplomatic, security, and communications – to undermine the protest movement and to paint protesters as terrorists and fascists.

So, it is clear that our proposal of the "way out" is not a call for violent insurrection or a coup d'état, which only the military can carry out. Our proposal is rather the call for a national protest in the streets, based in the sacred concept of self-determination that is

enshrined in our Constitution. This path will bring about political change needed to escape the deep crisis that we face today in Venezuela.

In this context, I fully assume responsibility to be summoned to protest, to go to the street, with the intention of winning democracy and freedom for all Venezuelans.

It is important to stress that our proposal is not an empty change of content. It is not a leap into the dark, which I have tried to point out to the Office of the Public Prosecutor, the interlocutors of the dictatorship. Our proposal is a way out from under a corrupt, inefficient and anti-democratic dictatorship, so that once and for all, we can build together the path towards a strong, inclusive democracy. A democracy to guarantee freedom for all and to protect all rights enshrined in the Constitution. A true social democracy held sacred within each Venezuelan.

To achieve a transition from dictatorship to democracy through popular demand and constitutional channels, the State must transform along three dimensions:

1. Have a Government and an efficient state that can make rights a reality: an education system that educates, a health system that heals the sick, a social security system that protects the vulnerable, an economic system that produces jobs and prosperity, a system of security that protects and provides security for all.
2. Have a system of justice that is actually fair. A system that protects all Venezuelans rights and treats them as equals before the law.
3. Have a citizenry conscience of their rights and permanently willing to defend them.

Yes, it is possible to achieve a better Venezuela, much better than what we have today, but the country that we want will not arrive on its own. It is imperative that every Venezuelan assumes responsibility for the present crisis and takes part in constructing the road that will take us out from under this dictatorship to achieve freedom and democracy.

All the options that we propose as a constitutional “way out” of the political and economic crisis must be activated by popular initiative. This means that there must be organized popular support of political alternatives to the Maduro regime: reform or amendment or call to the national constituent Assembly to take back the powers that have been kidnapped.

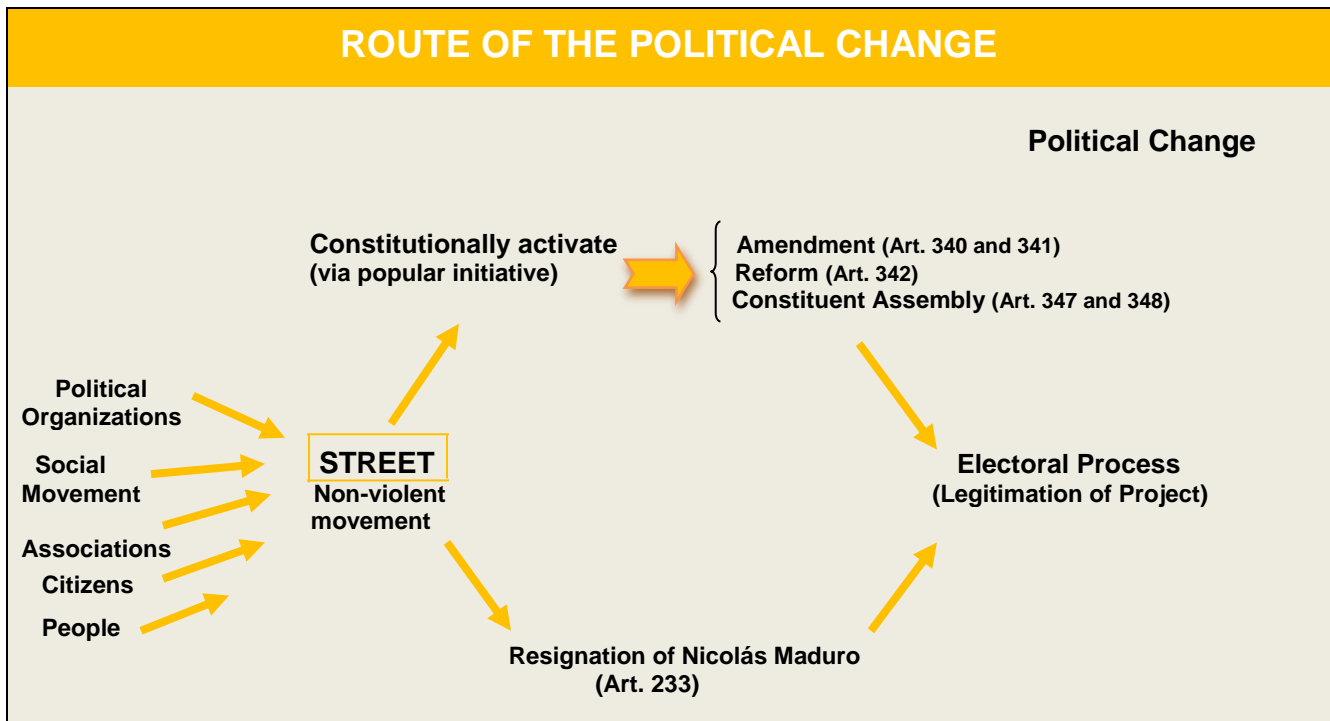
Not only are they proposals that have been activated by popular initiative, they all lead to a process of electoral legitimacy.

Just as all constitutional ways out of the crisis have to rely on an active street movement, all of them also lead to a process of electoral legitimacy.

A process of political change as we are proposing, from the bottom-up, starting with the people, the common citizen, ordinary people and for the people, is not a simple process. It is possible, though, since this path is clearly defined in the Constitution. Our proposal for political change, the way out of the dictatorship, begins and ends in the Venezuelan people exercising their sovereignty.

To take to the street and use it as the basis of our struggle is a right that Venezuelans have. In the face of oppression, people have always raised their voices. This is as old as history and mankind. In a democracy, the people define their authorities.

The right to protest is part of the essence of a democracy. If there is no right to free expression and protest, changes in power cannot occur. In Venezuela, the constitution guarantees the right to protest. In Article 68 of the Constitution it is clear that there are no limitations to peaceful and non-violent protest.



Since February 12 the regime has continued its policy of criminalizing protests. As Marino Alvarado from Provea, has said: "It cannot be said that it is only a strategy of the Government, it is a State policy because all judicial and political structures are used to criminalize protests."

Up to April 28, the State has arrested 2,500 persons, of which, 1,406 are being kept under precautionary measures and 106 have been deprived of their freedom. This balance represents the face of judicial repression that is accompanied by police repression and social repression carried out by pro-government armed groups.

According to COFAVIC Liliana Ortega, the living situation in Venezuela since February 12 is a situation similar to that of the Caracazo in 1989. "The response toward protesters that we got in Caracazo from the Government of Carlos Andrés Pérez, we have also received from the Maduro Government. The victims are made into criminals, serious human rights violations are disregarded and protests are obstructed."

The response of the regime has been the desire to impose a curfew by way of an accommodative and anti-democratic ruling of the TSJ. It is our right, the right of the Venezuelan people, to disregard such an illegal and anti-democratic ruling. While imposing a curfew is an authoritative expression, it also represents a positive sign. Historically, it is when regimes are being cornered that they engage in the use of tools such as the pretension of prohibiting pacific and peaceful demonstrations by way of a Decree. That was the great mistake of the British Empire against the father of non-violent struggle in current times, Mahatma Ghandi.

The fourth accusation from the Office of the Public Prosecutor represents the intention of the regime to extend the accusations against me to my organization "Voluntad Popular."

Our party "Voluntad Popular" has been victim of repeated persecution at all levels of our leadership. A raid at our national headquarters, raids to regional headquarters, detention of more than 100 activists, the order of arrest of Antonio Rivero and of our Political Coordinator, Carlos Vecchio, the imprisonment of our Mayor of San Cristóbal Daniel Ceballos as well as my imprisonment. These acts are evidence of the systematic persecution of "Voluntad Popular".

It is pertinent to point out that "Voluntad Popular" has been the only party undergoing elections to choose the parish, municipal, regional and national authorities of the political organization. Voluntad Popular is a social democratic organization linked to the family of the Socialist International. We organize ourselves in popular networks, teams that are democratically elected and social movements.

Facing the country's deep crisis and after several days of deliberation at the regional and national levels, "Voluntad Popular" democratically decided to adopt the "Way Out" strategy as an organizational and political path to face Nicolas Maduro's dictatorship.

In light of events occurring since February 2, the State has adopted a policy of permanent harassment of "Voluntad Popular."

The last episode of this judicial persecution was the request made by the political collective "Tupamaro," an organization with a notoriously violent record, to the TSJ to outlaw "Voluntad Popular." The appeal was delivered to Francisco Carrasquero as rapporteur.

To all who are reading this document, I hereby confirm the above contents. In the face of the accusations made against me by the Office of the Public Prosecutor about:

1. Having made calls to violence.
2. Having denounced the State and the Government as corrupt, inefficient and anti-democratic.
3. Having made a call to exercise the right to protest in order to achieve democracy in Venezuela.
4. To link alleged organizations and persons as part of a criminal structure with a criminal plan.

I reject, entirely that I have made a call to violence before, during or after February 12.

I assume responsibility for denouncing the Venezuelan State and government as corrupt, inefficient, repressive and anti-democratic.

I assume responsibility for calling people to the streets to protest in a non-violent way. I assume responsibility for calling for a path to consolidate a route to political and constitutional change of the structure of the Venezuelan State.

I declare myself innocent from the charges made by the Office of the Public Prosecutor on having committed criminal actions like damages, fires, instigation and association to commit crimes.

I am innocent of the charges against me, and am responsible only for calling for protests to create political change in Venezuela.

I hereby deliver this testimony from my own handwriting. I confirm my objection to being denied my right to participate in all the phases of the judicial process or to give my defense arguments.

In my condition as a political prisoner of conscience.

Justice for all political prisoners and persecuted people.

Strength and faith!

Leopoldo López Mendoza

Ramo Verde Prison, April 29, 2014