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10:26 pm / Nov 6, 2013

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WORLD NEWS

# Venezuelan Court Bars Defense for Opposition Leader

*Leopoldo López's Defense Was Banned From Calling Witnesses and Evidence on His Behalf.*

By JUAN FORERO and KEJAL VYAS

Aug. 6, 2014 5:36 p.m. ET



Leopoldo Lopez is escorted by the National Guard after turning himself in during a demonstration in Caracas on February 18, 2014. *AFP/Getty Images*

CARACAS, Venezuela—As a court proceeding got under way Wednesday for a leading opposition figure charged with inciting violence in a bid to topple the government, his defense faced a problem: They were banned from calling witnesses and evidence on his behalf.

Leopoldo López, who was jailed in February after antigovernment protests turned violent, faced a prosecution permitted to call more than 100 witnesses, mostly government employees, the court ruled.

The closely watched trial, many experts say, shows the lack of judicial independence from the Venezuelan government. Judge Susana Barreiros didn't explain her ruling, which has drawn condemnation from international human rights groups since preliminary hearings in June.

"This trial is like something out of Kafka," said Jose Miguel Vivanco, Americas director for Washington-based Human Rights Watch, which studies Venezuela's judiciary and is closely following Mr. López's trial. "The state doesn't have to provide any real evidence that López is guilty, and the defense is not allowed to provide evidence that he is innocent."

Spokesmen for the Venezuela's Attorney General's Office, the Ministry of Communications and the court declined to comment.

The trial was suspended after a brief meeting Wednesday for the second time and will resume on Aug. 13, the court said. One of Mr. López's lawyers, Juan Carlos Gutiérrez, who accuses the government of deliberately delaying the case, said an appeals court judge will rule on Friday whether the court's banning of evidence is legal.

A Harvard-educated politician, Mr. López has been among the most strident and combative opposition leaders here, opting for the streets to demand change during the protests against scarcity, crime, corruption and authoritarian government that shook this oil-rich nation for months earlier this year. More than 40 people died, mostly protesters. The demonstrations have since fizzled out as scores of government detractors and street activists were jailed.

Mr. López's tactics haven't only angered President Nicolás Maduro's administration, but other government foes who favor building a political movement to take power through the polls in a country that rights groups say is increasingly authoritarian.

Mr. López's lawyers and family say that this trial is now being used to ensure that he is sidelined from stirring up trouble soon. He could face 10 years in prison if convicted, his lawyers say.

Mr. López, who isn't permitted interviews from the military stockade outside Caracas where he is being held, said in a recent essay published in a Peruvian newspaper that he was imprisoned "for having denounced, live, that in Venezuela there is no democracy, that the public institutions have been kidnapped by a corrupt elite."

The state is largely basing its case on two legal experts who will purport to show how Mr. López inflamed supporters during the antigovernment protests through a series of subliminal messages delivered in speeches and via Twitter.

A 228-page document laying out the evidence says that Rosa Amelia Asuaje, a member of the pro-government Bolivarian Force of Socialist University Workers, and Mariano Ali, who worked in state media and for a government-allied governor, will prove that Mr. López had a special hold over his

followers, prompting them to act out his destabilization plan.

In calling "to bring on democracy," the legal experts say Mr. López intended "to plant the idea in his followers that only in the street could change be generated, inviting them to be protagonists, with the aim of not recognizing the legitimacy of the executive."

In a lengthy linguistic dissection of three of Mr. López's speeches and a televised interview he gave CNN, Ms. Asuaje found that Mr. López frequently uses the words, "government," "change," "street," "exit" and "Venezuela."

"This, without a doubt, was a trigger that could contribute in the riling up of his followers," she wrote. She said that the violence on Feb. 12 "is a demonstration of how incitement by a political leader to fight in the streets to kick out a constitutional government can generate erratic, desperate and very probably violent acts."

Mr. Gutiérrez, the lawyer, said the prosecution witnesses are close to the government, the assertions are biased and that neither witness is qualified to parse the meaning of subliminal language.

Neither Ms. Asuaje nor Mr. Ali could be reached for comment.

When violence broke out during the February protests, leaving two people dead, senior government officials went on television to blame Mr. López and accuse him of being an assassin. But after videos were broadcast showing state security agents aiming their weapons during the protest, charges against Mr. López were narrowed down to masterminding property damage and arson as well as public instigation and criminal association.

Supporters of the 43-year-old leader of the Popular Will Party say Mr. Maduro's government lacks evidence to back up its claim.

"Their case is based on the speeches and Twitter," said Lester Toledo, a Popular Will congressman who accompanied Mr. López's lawyers and family in court. "There is no photograph showing him there, no videos. No one saw him there when the violence happened. There is nothing but his words."

In addition to not being able to call 63 witnesses the defense had proposed, the court barred Mr. López's defense team from presenting 18 videos taken by journalists at the protest. Hearing from those witnesses would provide clarity over what happened, said Mr. Gutiérrez, because the prosecution is accusing protesters of throwing Molotov cocktails at the Attorney General's Office. He said no images have emerged depicting that kind of violence.

"They not only filmed and got images, but they saw what happened," said Mr. Gutiérrez. "They can say whether there was a call to violence."

In speeches, Mr. López did call for the end of the government, saying that Mr. Maduro should resign or leave after a referendum to revoke his rule.

Carlos Ayala, a constitutional expert, said that Mr. López's criticism is protected by the Venezuelan constitution. "The government has to be able to accept hard criticism," he said. "Political discourse in a democracy has to be vibrant, dynamic. You can't criminalize it."

The courtroom was closed to reporters, except for one or two who entered with lawyers. Mr. López is being tried with four youths who prosecutors say took orders from him.

Mr. López's lawyers and various organizations, including the human rights arm of the Organization of American States and the Geneva-based International Commission of Jurists, say an obstacle to a fair trial is that the judiciary has long been controlled by the president here and judges don't enjoy independence.

In fact, the vast majority of Venezuela's 2,000 judges, including Judge Susana Barreiros, who is presiding over the López case, don't have tenure, said the International Commission of Jurists. That leaves them vulnerable to pressures and reprisals, those organizations say.

"If you don't obey orders, you are out," Mr. Ayala said.

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