

Andean Report by Ana M. Mendoza-Phau

Venezuela's battle of the courts

The issue of the legitimacy of the Carlos Andrés Pérez government has spilled over into judicial warfare.

On March 30, Venezuelan civil judge Braulio Sánchez stunned the nation by ordering the release of 52 military and civilian prisoners of war of the Carlos Andrés Pérez regime, based on a writ of *habeas corpus* submitted by the prisoners. Sánchez's order followed a Supreme Court ruling one week earlier which determined that the summary court-martials ordered by President Pérez in the wake of the attempted coup against him last Nov. 27, were unconstitutional. That finding annulled the trials and convictions of the prisoners, and laid the basis for Judge Sánchez's decision.

Among those ordered immediately released were Rear Admirals Hernán Grüber and Luis Cabrera, two of the top leaders of the coup movement. A third, Air Force General Francisco Visconti, remains in exile in Peru.

Pérez, already under siege by his own prosecutor general who is seeking to try the Venezuelan President on embezzlement and fraud charges, couldn't let this latest challenge go unanswered. He responded immediately by getting military judge Gen. Ubaldo J. López Barrios to block the release of the prisoners and to issue new arrest warrants for the majority of them. At that point, Judge Sánchez announced he was considering ordering the arrest of the military judge for interfering with a judicial order.

In retaliation, Defense Minister Gen. Iván Darío Jiménez ordered the start of similar proceedings against Judge Sánchez, supposedly for obstructing military justice!

At last report, Admiral Grüber has requested that his attorney sue every member of the Military Court, from its president, Gen. Ubaldo López, on down, for ignoring the writ of *habeas corpus*. That suit, already filed with the courts, demands 15 months' imprisonment for each court member.

Indicative of the population's support for the prisoners, and of the widespread disgust for Pérez's government and his murderous austerity policies, is that when the prisoners first received their release notices, they were greeted at the jail gate by a rally of family, friends, and political backers, and by a spontaneous show of support from residents of the central Caracas neighborhood surrounding the jail, who banged pots and pans and flashed lights on and off in sympathy with the rebel cause.

From his jail cell the day before, Admiral Grüber told Radio Caracas that the situation in Venezuela was so grave that he saw no other solution but a military one—i.e., another coup. The efforts by certain political groups to remove Pérez from office through trial and impeachment, he said, would not succeed, and he insisted that the civil-military action he helped lead last November against the Pérez government was fully justified.

Grüber, who is widely respected in both military and political circles for his incorruptibility, went before the Military Court on March 30 to defend the November coup attempt as an application of Article 250 of the Constitution, which says that every

citizen has the duty to assist in resurrecting constitutional rule when it has broken down. In his testimony, Grüber denounced the government's indifference to the worsening plight of citizens, where such services as health and education are fast breaking down, and where the morale and discipline of the Armed Forces has collapsed due to the corruption of their military commanders.

During his radio interview, Grüber also issued a warning to the United States, in the form of an admonition to U.S. Ambassador to Venezuela Michael Skol to keep his nose out of Venezuela's internal affairs. Grüber was referring to Skol's March 28 comments to the Caracas daily *El Universal*, in which he threatened Venezuela with a full economic embargo should the Pérez government be overthrown.

Skol's statements were so provocative that even Foreign Minister Gen. Fernando Ochoa Antich, a Pérez loyalist, summoned him to his office to plead for "moderation." Minister Ochoa acknowledged to the press that Skol "has maintained, since his arrival [in Venezuela], a curious style, sometimes getting involved in areas that are not prudent for a diplomat."

In response to President Pérez's ill-timed characterization of the rebels as "delinquents," Rear Admirals Grüber and Cabrera sent a joint open letter to President Pérez whose defiant tone is indicative of the situation of open rebellion dominating Venezuela. The rebel leaders insisted, "We have not asked for, nor would we accept your pardon, since coming from you, we think it would not be dignifying in the least. . . . You can be certain that our prestige grows daily in the population. . . . Mr. President, in the face of the disaster into which the errors of your government have sunk the country, we are sure that it is not we who should be pardoned."