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## The Venezuelan Presidential Elections: Neither a “Perfect” nor a “Democratic” Battle



By Sandra A. Grossman, Esq.

Basking in the glow of his recent victory, Venezuelan President Hugo Chavez declared that the election had been “the perfect battle, a democratic battle.” On Sunday, October 7, 2012, almost 15 million Venezuelans went to the polls to vote for their next president. The candidates: Mr. Chavez, running for his third term in office, versus the relatively young, Henrique Capriles, former governor of one of Venezuela’s most important states. Mr. Chavez won 55 percent of the vote to Mr. Capriles’ 44.14 percent, securing his presidency until 2019. By then, Mr. Chavez will have spent 20 years in office as the nation’s top leader. The election certainly produced a winner but the battle for the presidency and for the future of Venezuela was anything but “perfect.”

When it comes to electoral campaigns, a level playing field escapes even the most mature democracies. Resources, access to means of communication, and the power of incumbency, all play a powerful role in elections everywhere. Nevertheless, in Venezuela the international community has witnessed a lawless and consistent effort by the government to intimidate and harass the opposition through the increasing use of repressive measures.

Since Mr. Chavez took power in 1999, he has systematically shut down almost every major independent media source in his country. First was RCTV, the oldest tv broadcasting station in the country, followed by the shuttering of more than 30 radio stations in a single day. Globovision, the last remaining critical television network, is restricted mostly to Caracas, and is teetering on the brink of bankruptcy, forced to endure a campaign of constant harassment and politically motivated fines imposed by the government. Mr. Chavez regularly berates and attacks Globovision’s journalists and owners on public television, portraying Globovision’s logo as a snake and condemning the entire network as a traitor to the country and the revolution.

Globovision’s journalists have been assaulted and its headquarters attacked several times by pro-Chavez groups. In October of 2011, one year before the election, Chavez’s government media regulator levied an outrageous \$2.1 million



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justified its actions, [claiming](#) that the coverage “promoted hatred and intolerance for political reasons.” Globovision’s leaders, both of whom I represented before the U.S. immigration authorities, were forced to flee their country with their siblings, wives and children, or face incessant state-sponsored harassment and persecution including the threat of illegal detention in Venezuela’s prisons, recognized as the most dangerous jails in the Americas.

While restricting his opponent’s access to the media and attacking independent journalists, Mr. Chavez and government officials used Venezuela’s resources to build a powerful state-sponsored marketing machine, comprising countless television, radio, and print journalism sources. The [Committee to Protect Journalists](#) (CPJ) recently noted:

*Independent coverage of vital issues has been scarce in the lead-up to Venezuela’s election. The non-state press has been weakened by threats, legislation, regulation, and harassment, even as the state built its own media empire.*

President Chavez and other government officials regularly employ a subservient judicial system to bring criminal charges against journalists who criticize the government. Judges who dare to rule against the government are removed from office and sometimes jailed, like the case of judge Afiuni. Mr. Chavez has also instituted a system of cadenas — or forced interruption of regularly scheduled programming on all tv and radio stations, which he employed to further his own political goals, including his own re-election campaign. The CPJ [writes](#) that Chavez has spent more than 1,600 broadcast hours on the air since 1999, broadcasting 2,334 cadenas. In contrast, Mr. Capriles’s campaign was restricted to one television station with limited reach, forced to canvas house-to-house to reach potential voters.

While Mr. Chavez shields himself with laws that criminalize speech critical of him, he spares neither words nor resources in attacking his opposition including members of civil society. In recent months, the state media [accused](#) Mr. Capriles, whose Jewish grandparents were Holocaust survivors, of being Zionists and Nazis. President Chavez himself [called](#) Mr. Capriles a “low-life pig” after Capriles won the primaries this February. Similarly, Chavez refers to the owners of Globovision as traitors, of [conspiring to assassinate](#) him, and as “[thieves](#),” among numerous other insults and [threats](#). Mr. Chavez’s language has created an atmosphere of fear and intolerance among the Venezuelan population.

Notably, Mr. Chavez refused to debate against Mr. Capriles. Maybe Mr. Chavez worried that a nationally-televised debate would afford Mr. Capriles an opportunity to reach millions of voters, which was otherwise impossible. More than likely, President Chavez may have shied from debate to avoid spotlighting the serious problems plaguing Venezuela. For example, voters in all societies care about their safety. According to a source cited by the [New York Times](#)/International Herald Tribune, Venezuela is one of just five countries in the world to average more than 40 murders per 100,000 people between 2005 and 2010, making Venezuela’s murder rate the highest in South America. Caracas has been cited as having one of the highest per capita homicide rates in the world. Robberies, assaults, and kidnapping are rampant. On protecting the safety of its citizens, the Chavez government has failed.

In terms of access to a functioning judiciary, the [Organization of American States’ Inter-American Commission of Human Rights](#), the United Nations Human Rights Council (UPR) and its Special Procedures Mechanism, [Human Rights Watch](#), and [Amnesty International](#), to name a few, have consistently decried Venezuela’s use of provisional judges, pre-trial detention, the arbitrary impeachment and removal of judges, and political corruption. How does the judicial process function for perceived opponents of the regime? Mr. Chavez regularly uses his weekly television show, *Alo Presidente*, to accuse his enemies of criminal wrongdoing. He then telephones Venezuela’s attorney general, on live



involving a businessman who later fled to the United States. In 2009 she was arrested on charges of corruption and remains in pre-trial detention to this date. On protecting human rights and ensuring due process under the law, two issues certainly important to voters, Chavez’s Venezuela fails.

As the atmosphere of intolerance and division increases, middle class and well-educated Venezuelans are increasingly leaving their country. [U.S. Citizenship and Immigration Services](#) reports that Venezuelans rank in the top five countries of nationalities applying for and obtaining asylum in the United States. Unfortunately, this seems to be exactly what Mr. Chavez wants: He hunts and exiles his critics to increase the percentage of loyalists among the remaining population.

The votes, Mr. Capriles quickly recognized, were counted properly; Chavez won by a majority. But, in spite of the numerous and extremely serious restrictions on his campaign, Capriles still managed to convince nearly 45 percent of the electorate that he was the right candidate for the future of Venezuela. One has to wonder how the outcome might have been different had the playing field been slightly more fair and even. As Venezuela slides further towards authoritarianism, the least we can do is recognize the latest elections were anything but perfect and very far from “democratic.”

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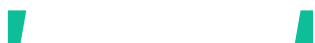
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