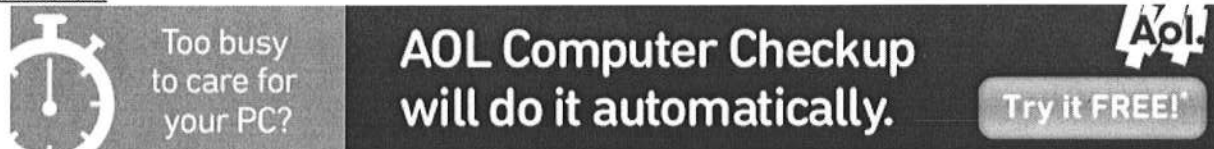


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Reward for the Oppressor -- Injustice for the Oppressed?

Posted: 05/10/2012 12:15 pm

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How often does a Supreme Court justice admit to doctoring criminal trials and sending innocent people to jail? That's exactly what happened on April 18 when former Venezuelan Justice Eladio Aponte Aponte [told a Miami TV Station](#) that he received orders directly from President Chavez to utilize his judicial power to persecute Chavez's political opponents. Judge Aponte served as Chief Justice of the criminal chamber of the Venezuelan Supreme Court until he fell out of favor last month, and the legislature removed him for alleged connections to a well-known drug dealer. He fled Venezuela with firsthand knowledge of the inner workings of his country's criminal justice system. Based on his experience in the judiciary for fifteen years, Aponte knew he could not expect a fair trial in his country.

Judge Aponte admitted to playing a central role in the Chavez government's persecution of dissidents and anyone else who stood for democracy and the free market in Venezuela, including judges, businessmen, bankers and journalists. Some of them continue to languish in [Venezuelan prisons](#), known for being [the most dangerous](#) in the Western Hemisphere. The United States State Department's 2010 Human Rights Report for Venezuela mentions one particularly notorious case in which I am involved as legal counsel. Largely at the behest of Aponte, Nelson Mezerhane, a reputable businessman, banker and co-founder of Globovision, Venezuela's last independent television station, spent 45 days in pre-trial detention in 2005, falsely accused of masterminding the assassination of a federal prosecutor. Aponte confirmed that Chavez ordered him to "come down hard on Globovision," and that cases involving bankers were manipulated for political purposes. Other targets of the Chavez regime avoided detention by fleeing to the United States where many applied for asylum.

Aponte appears to be [collaborating](#) with the Drug Enforcement Agency (DEA) in Miami, providing details of Venezuela's relationship with Colombia's FARC as well as the Chavez government's extensive links with drug trafficking. How is the U.S. government keeping him here? Unless granted Permanent Resident status, foreign nationals require a visa to remain in the United States. Perhaps he was granted the notorious S or "snitch" visa available to persons, often criminals themselves, who collaborate with our government and provide information on illegal enterprises. Another possibility (though less likely) is asylum, granted to foreign nationals who fear persecution in their home country. After his sensational revelations, Aponte certainly cannot return to Venezuela.

Unfortunately, the victims of Aponte's persecution also find themselves unable to return home. Forced to leave their countries and livelihoods and separated from family and friends, their lives have been destroyed. Mezerhane has lost his family home and many of his businesses. Nevertheless, in his case and in other emblematic examples of persecution, the United States Asylum Office has been extremely slow to provide asylum to individuals who fled persecution and share our values. Protecting our country's national security through background checks is of primary importance, but extensive delays, sometimes lasting close to two years, are neither necessary to our national security nor consistent with our national values.

Resolving the situation of deserving asylum applicants will strengthen the powerful message that our government stands with victims of persecution and that we are a safe haven for those who cannot find justice in their own countries. Living in immigration limbo, numerous Venezuelan nationals feel restricted from speaking out about what is happening in their country to the detriment of their compatriots who are struggling for what little democracy is left at home. [The United States Asylum Office](#) has traditionally been one of the best functioning offices within the United States Citizenship and Immigration Services, and it should not perpetuate the suffering of innocent persons by failing to act. If we have to reward Aponte with a visa so that he will talk, we must give a voice to those who deserve to be here.

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