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## Documentation

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# The Cisneros Organization strikes back in the courts

*The following is a translation of a four-part series by Rodolfo Schmidt, published by Diario de Caracas May 8-11, under the headline "The ODC Empire Strikes Back in the Courts." (ODC stands for Diego Cisneros Organization, the holding company for Cisneros family interests in Venezuela.) Headlines and subheads are all as in the original.*

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## Cisneros: 'In Venezuela justice does not function'

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*According to Gustavo Cisneros, president of the "Diego Cisneros Organization" (ODC), justice in Venezuela "does not work." But his closest executives have just given a master class on how to make it move with unprecedented speed, through witnesses of doubtful credibility, with nonexistent identities; with judges of questionable impartiality, with access to the resources of the State. . . . The proceedings are bringing skeletons out of the national closet, some very recent.*

Two prosecutors from the prosecutor general's office, Aracelys Salas and Erasmo Pérez Fernández, knocked on the door of the judge's private chambers.

It was two in the afternoon of Thursday April 21.

Surprised, Guillermo Heredia Rodríguez, acting judge of the 42nd Criminal Court of the first instance, received his visitors, who presented him with the decree appointing them as "special prosecutors" to intervene in the case of file 2321-94.

What a setback! The case was about to gel, and now this. The judgment was already drafted. The only thing missing was his signature. Besides that, the titular judge of the 42nd Court, Noel Vera Sandoval (alias "El Gato"—"The Cat") had not given him any warning about a possible intervention by the prosecutor's office in this case.

But, for the prosecutor's office, it was not just any case file. It was the complaint from "ODC" (Diego Cisneros Organization), Venevisión-Cada, against Alejandro Peña Esclusa, secretary general of the Venezuelan Labor Party.

And, as such, more than a lawsuit, it is an orchestrated retaliation operation being played out in the judicial theater, which bares the roots of its sordid bunch of participants, Rambo-esque psychotics, hit-men, executioners in senseless and cold-blooded massacres, killers with badges and revolvers, traffickers of money and influence, dispensers of legal

arguments and desk gangsters.

## Promises and revenge

The collapse of Banco Latino was the direct detonator for the regrouping of this fraternity of the underworld of legality, and the lawsuit that followed.

Peña Esclusa had publicly called for—as did many others—securing the assets of the stockholders and directors of Banco Latino, among them Ricardo Cisneros, to make good on the losses caused by the systematic looting of that institution, which, according to Gustavo Roosen, are as high as 313 billion bolivars, "which unfortunately—one way or another—all we Venezuelans will have to pay."

According to Gustavo Gómez López, former president of Latino, the Cisneros Group held, at the moment insolvency was declared, 30% of the bank's stock. On the other hand, the public offer by the Cisneros Group to pay "immediately whether they are due or not, all the debts of the group" with Latino (more than 2.9 billion bolivars), has not been fulfilled until now.

But the suit by the Cisneros Group, case file 2321-94 (for "inciting criminal activity," and "inciting destruction and looting"), is but the continuation of an old grudge that goes back to the beginning of 1985, when the book *Narcotráfico, S.A.* [a version of *EIR*'s English-language *Dope, Inc.*] circulated—very briefly—in Venezuela, which, in one chapter, links members of the Cisneros Group and executives of Banco Latino to drug-money laundering. The inclusion of that chapter was financed by the then Minister of Justice of Jaime Lusinchi, José Manzo González, with U.S. \$60,000—in cash, a transaction carried out at a villa in Country Club [sic]. The respective text was also provided by the minister of justice [sic]. For those present, it was a maneuver by Jaime Lusinchi to hit the principal economic stronghold of his political rival Carlos Andrés Pérez.

## It doesn't function . . .

On that occasion, the Cisneros Organization managed to get a tribunal to decree the prohibition—still in force—of the sale and circulation of the book, the first time that happened since 1958, and the deportation of two correspondents associated with Lyndon LaRouche, said by Cisneros and the DISIP [political police] to be responsible for the publication of *Narcotráfico, S.A.* Alejandro Peña Esclusa, an engineer and a Venezuelan, remained in Venezuela working on his political project.

Of no avail were the protests of the communications media that saw in this sentence a dangerous precedent. Of no avail either were the juridical arguments condemning this outrage. Venezuelan justice was "working well"—for the Cisneros Group. Peña Esclusa energized the Venezuelan Labor Party and dedicated himself to denounce the policies and the relationships of Carlos Andrés Pérez, the dealings of Banco Latino, and the practices of the Cisneros Group. He

became a bother for the *ODC empire*, especially when he called for seizing the assets of those responsible for the financial looting of Latino.

And the Empire decided to attack. With witnesses of doubtful credibility, with nonexistent identities; with judges of questionable fairness, with access to the resources of the state.

With all the advantages, one would say, and a series of maneuvers that would once again test the vulnerability of the nation's justice.

Local justice is a mess, not even a pigsty, or mud hole.

Stated more elegantly, "it is politicized"; "it doesn't function"; "it does not protect human rights."

That is, according to the coinciding judgments of Gustavo Cisneros and the *Miami Herald*, an influential Florida newspaper.

The partisan judicial system "does not function because it does not protect the human rights of Venezuelans," pontificated Gustavo Cisneros during a meeting with the members of the editorial board of that daily, in mid-March.

That's how Cisneros justified the decision of his brother, Ricardo Cisneros Rendiles, to remain a fugitive in the United States, rather than facing the nation's courts for his alleged responsibility in the collapse of Banco Latino.

## U.S. \$600,000

Inspired by Cisneros's revelations, a week later the newspaper published an editorial comment titled: "The Law Follows Its Own Rules in Large Part of Latin America." The eloquent summary: "In Venezuela . . . freedom on bail, injunctive relief, and judicial transparency are not rights. They are arbitrary concessions from the judge."

But Gustavo Cisneros—with an impertinence unusual for a counsellor of Venezuela's Permanent Mission to the United Nations Organization—was speaking with authority, from knowledge of the subject.

Because, while he was lecturing abroad about the injustices of the justice system in his native country, some of his closest executives in Caracas were demonstrating mastery in how to make it function . . . conveniently.

Without regard to costs, institutional or of political economy, which, according to two independent sources from the judicial community, are in the order of U.S. \$600,000.

Also, without regard—to any significant degree—to the transparency of judicial processes, or the credibility or impartiality of the witnesses, according to what can be gleaned from key components of case file 2321-94.

So peculiarly was it put together, that the prosecutor general of the republic felt it necessary to appoint special prosecutors to supervise the handling of this case. This judicial Via Crucis began in Caracas three days before the Cisneros-*Miami Herald* meeting in Florida, when:

a) Pedro Felipe Durán Galvis, an employee of the Film Management of Venevisión, assisted by

b) Ricardo Kösling (drily, a "lawyer"), presented 14 pag-

es of hallucinatory and farfetched ramblings, bringing suit against Peña Esclusa before the 42nd Court of

c) Oscar Noel Veral Sandoval ("The Cat").

d) Bypassing the assignment judge, in "an arbitrary decision," Vera Sandoval accepted the lawsuit, and thus, case file 2321-94 came to life, *maculada ab initio*.

And with that began to manifest themselves both the proverbial "Great Power of God" of the Diego Cisneros Organization, as well as the vulnerabilities of the judicial system, which, according to Gustavo Cisneros, "doesn't work in Venezuela."

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## Case File 2321-94: 'It works for me'

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*Violence, DISIP, deaths, traps and lies are the common denominators that link the key figures of the meteoric court*

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## One slight amendment

*This letter, dated May 18, was sent from Carlos Méndez, associate editor of EIR Resumen Ejecutivo, to Diego Bautista Urbaneja, director of El Diario de Caracas:*

Dear Editor:

I have just carefully read the series of four articles published by Rodolfo Schmidt in *El Diario de Caracas* (May 8-11) under the general title of "The ODC Fights Back in the Courts," referring to the offensive of the Cisneros Group against Alejandro Peña Esclusa, secretary general of the Venezuelan Labor Party, and I have nothing to object to, except one thing.

In Part I of your series (May 8) Mr. Schmidt indicates that the ongoing judicial attack by the Cisneros Group against Peña Esclusa "is but the continuation of an old grudge that goes back to the beginning of 1985, when the book *Narcotráfico, S.A.* circulated—very briefly—in Venezuela, which, in one chapter, links members of the Cisneros Group and executives of Banco Latino to drug-money laundering. The inclusion of that chapter was financed by the then Minister of Justice of Jaime Lusinchi, José Manzo González, with U.S. \$60,000—in cash, a transaction carried out at a villa in Country Club. The respective text was also provided by the minister of justice."

Since I was the correspondent and bureau chief of *EIR* in Venezuela when the Cisneroses succeeded in getting a judge to ban the circulation in Venezuela of the book *Narcotráfico, S.A.*, I feel obliged to make a clarification. It is worth mentioning that the Cisneros Group also suc-

procedure mounted by the Diego Cisneros Organization in Criminal Court 42.

There are lawyers who know the law, and there are lawyers who know the judge. This phrase suggests that among those who carry out the law, there are some who use the law to violate justice. In this case, Ricardo Kösling, lawyer for the ODC, knows Oscar Noel Vera Sandoval, head of the 42nd Criminal Court and the judge in charge of Case File 2321-94.

Is it because of this personal familiarity that Oscar Noel Vera Sandoval ignored normal procedures and personally accepted the complaint, without going through the appropriate assignment judge?

But, beyond the personal relationship, there are other common denominators between the two, namely the DISIP [political police], Henry López Sisco, and violence.

Kösling, for example, always carries not one but two

9 mm pistols; publicly revealed telephone wiretaps link him with those who plotted to assassinate Deputy Walter Márquez after denunciations of the El Amparo massacre.

Kösling may have had personal reasons to want to “blow up” Márquez. According to military intelligence sources, “there is evidence that places him close to the intellectual author of the massacre of the 13 fishermen.”

Kösling dispatches from the CCCT [shopping mall], where his brother—closely linked to the DISIP—is chief of security; a place where—coincidence of coincidences!—the closed circuit TV cameras stopped working when a car entered that later exploded in the garage. That car-bomb was part of the series of attacks (officially attributed to “financial terrorism”) prior to the collapse of the Banco Latino, for which Henry López Sisco, DISIP commissar [of operations], is technically held prisoner.

Technically, because López Sisco leaves for work every

ceeded on that occasion (the first week of February 1985) in having the DISIP raid my private residence and *EIR*'s office in Caracas, and that they detained and later expelled from the country my wife, Lucia López de Méndez, Lorenzo Carrasco and his wife, Silvia Palacios, (correspondents of *EIR* in Brazil who were visiting Caracas at the time), and myself.

1) I don't question, nor do I have any reason to doubt, that what Schmidt says is true, insofar as someone paid someone \$60,000, which he probably has evidence of. What I do wish to make clear is that neither myself, nor any of the authors of the book *Narcotráfico, S.A.*, nor its publishers received \$60,000 for including said chapter.

2) At no time did the authors of the book, nor any person connected with its editing and publication, or with *EIR*, receive the text of said chapter, nor any other text. The chapter referring to the Cisneros was conceived and written in its totality by the authors of the book.

Moreover, everything that is said in this chapter is based on public sources, and there is nothing in it that would be secret or confidential. But the best way in which the reader can verify that what I say is true, would be for *El Diario de Caracas* to re-publish this chapter, which is No. 5 of Part III. I am authorized by *EIR*—on behalf of the authors of the book and its publisher, The New Benjamin Franklin House Publishing Co., New York, New York—to give you permission to do this free of charge.

3) One last thing. In Part III of your report (May 10), Mr. Schmidt recalls that at the time, the press reported that substitute Judge Guillermo Heredia Rodríguez—who so precipitously sentenced Peña Esclusa—was the defense lawyer of “Leovigildo Briceño, the general commissar of the DISIP who took 15 kilos of cocaine home ‘for

safekeeping.’ ”

For my part, I wish to indicate that Leovigildo Briceño, under the name of “Commissar Amilcar” (of the DISIP), was the one who directed the raid on my house and on the *EIR* office, as well as the physical side of our expulsion from the country over the *Narcotráfico, S.A.* affair.

Apart from the case of Leovigildo Briceño, it would be worth recalling that more has happened since February 1985 with the other officials who participated in the whole affair of the banning of *Narcotráfico, S.A.* in Venezuela.

As far as I know, Judge Ana Luisa Gandica, who was the one who signed the orders for the raid carried out by the DISIP, was suspended in March 1986 because she was implicated in the affair of Commissar Leovigildo Briceño, who, according to press reports of April 1986, was suspended from his job and arrested not only for having appropriated for himself the 15 kilos of cocaine, but also a certain quantity of jewels which were under police custody. It turns out that the person who ordered the raid on the jewelry stores where the jewels were seized, which later disappeared, was Judge Ana Luisa Gandica, who in the past was the legal counsel for Pepsi-Cola in Venezuela, property of the Cisneros family. Judge Gandica was a witness at the wedding of Lázaro Rogelio Ugarte, ex-chief of security of former President Carlos Andrés Pérez.

A brother of Ana Luisa, Prosecutor Luis Gregorio Gandica, was ousted as a prosecuting attorney in 1985 for having taken information out of the archives on an investigation relating to drug trafficking, according to reports in the press.

Thanking you in advance for your attention to these matters, I am

Yours Truly, Carlos Méndez



Alejandro Peña. "He became a bother for the ODC empire, especially when he called for seizing the assets of those responsible for the financial looting of Banco Latino."

day from his confinement at the 2nd Police Zone in Catia. He goes in an official vehicle to his new-old place of work—the DISIP—where he officiously operates as "anti-terrorist instructor," although internal sources attribute enormous decision-making power within that agency to him.

### 'It works for me . . .'

Ricardo Kösling is also—coincidentally—a lawyer of confidence of the DISIP.

Oscar Noel Vera Sandoval, alias "The Cat," is the preferred judge for cases that interest the DISIP. There are two rumors in legal circles about the origin of the judge's nickname. The first is "because of his green eyes"; the second, "because of his actions behind the court scene in the assassination of lawyer Ramón Carmona Vasquez." Carmona was silenced by members of the Gato Group of Molina Gásperi, when he threatened to reveal the names of those who benefited from the corruption scandal—commissions paid by Campetti to high-level figures—in the case of Playa Moreno in Margarita.

Both persons [Kösling and Vera Sandoval] are inseparable from the "Rambo" ("psychopathic," according to psychiatric opinion) Henry López Sisco. Hunter, the sergeant-detective in the popular television series, has a phrase, "It works for me." Perhaps justice in Venezuela "doesn't work," as Gustavo Cisneros said for the benefit of the editors of the *Miami Herald*. Perhaps it doesn't work for the rest of society. But, with these two central figures in the court arena, Cisneros is disproven in his claim, because the ODC, some of

its executives and employees, lawyer Ricardo Kösling and Judge Oscar Noel Vera Sandoval, have lent themselves to launching what would become the most meteoric court procedure in memory.

The first act began March 8, 1994, with the presentation of an incredible lawsuit; one might say, "straight out of the movies." In the suit, an employee of Venevisión (Pedro Felipe Durán Galvis), for example, asserts that:

- nearly 6 million individuals depend either directly or indirectly on the Diego Cisneros Organization (!). (The ODC has 10,000 employees.)

- the Banco Latino was taken over as the result of "a conspiracy, which is public and well-known, in which the participation . . . of Alejandro Peña Esclusa has been proven." (Other courts laid responsibility for the collapse of Latino on 82 directors—among them, Ricardo Cisneros Rendiles—stockholders, and supervisory authorities.)

### 'You say . . . !'

Despite these public and notorious facts, Judge Oscar Noel Vera Sandoval accepted the slander and cited the above witness to promote the concept of a "conspiracy" against the ODC. Peña Esclusa surrendered himself 12 days later, on March 21, and was subjected to an incredible interrogation, clearly intended to establish "the existence of a campaign against the Cisneros group." For example:

**Q:** Do you believe in the division of society into right, left or center?

**A:** No.

**Q:** Do you believe in the class struggle?

**A:** No.

**Q:** Do you believe that reaction, subversion, and anarchy would help the country out of its current crisis?

**A:** No.

**Q:** Do you have any proof or evidence that citizens Gustavo or Ricardo Cisneros are involved in activities of trafficking, consumption, or possession of drugs which you can provide to this court?

**A:** No.

**Q:** What is the reason for your campaign against the Cisneros Organization?

**A:** I have not had a campaign against the Cisneros Organization; rather, I have defended freedom of expression which in my opinion was violated when the circulation of the book *Narcotráfico, S.A.* was prohibited, just as I have tried to defend the interests of thousands of Banco Latino depositors who have presumably been embezzled by the board of that bank, on which sits Mr. Ricardo Cisneros Rendiles against whom there is apparently an arrest warrant related to the Banco Latino case.

**Q:** Who financed that campaign. . . ?

**A:** I wish to insist that when "that campaign" is referred to, that the only campaign the Venezuelan Labor Party has

carried out has been solely to defend Venezuelan institutions, as well as the constitutional rights of the citizenry. In this sense, I wish to clarify that I have never carried out a campaign against any group; rather, my actions have been limited to defending, I repeat, Venezuela's constitutional precepts.

**Q:** Does Lyndon LaRouche have anything to do with this campaign?

**A:** There is no such campaign, such a campaign does not exist!

**Q:** Explain to this court the purpose of the campaign against the Cisneros Organization and its workers.

**A:** I wish to repeat that I am not carrying out any campaign against the Cisneros organization and its workers; on the contrary, I have expressed my concern for the fate of the thousands of workers at Banco Latino, owned in part by the Cisneros Organization.

**Q:** Have the Radio Caracas Radio Group, Radio Caracas Television, or Diario de Caracas financed your campaign?

**A:** No. . . . I wish to repeat that there exists no such campaign as that which you have repeatedly attributed to me.

"Repeatedly," . . . five times, to be precise, is how often the questioner of the oh-so-nice Court 42 took for granted and as proven the existence of the "campaign," the intellectual creation of Ricardo Kösling.

And further comes this jewel, whose pertinence to the case cannot be understood by anyone:

**Q:** Do you have any knowledge of a conspiracy against President Bill Clinton of the United States of America?

**A:** I have read about the Whitewater case, which appears to destabilize the Clinton government.

**Q:** Do you know of any group or persons who are conspiring against the President of the United States?

**A:** No.

### **Feline tricks**

Ricardo Kösling's emblem is the Lion. It appears on the left of his stationery.

The following day began the feline tricks of the "Lion" Kösling and the "Cat" Vera, when Kösling went to the court and requested that his friend Oscar Noel Vera Sandoval subpoena "the security chief of the Diego Cisneros Association, citizen Efrén Díaz."

The judge immediately—and improperly—did so:

1) Ricardo Kösling is not part of the case, and therefore cannot act in his own name. According to the law, the plaintiff Pedro Felipe Durán Galvis (employee of Venevisión) had to have undertaken that task.

2) The Diego Cisneros Association does not exist.

3) Citizen Efrén Díaz does not exist.

Feline errors, products of haste?

The next morning, instead of Efrén Díaz, Diego Cisneros Organization executive Antonio José Díaz Rojas presented

himself. And the feline judge Vera Sandoval accepted the witness without correcting the evident identity problem.

(Just try to do that yourself in any court, to see how the Code of Procedures is applied.)

Perhaps justice in Venezuela doesn't work for your average Venezuelan. But "it works for me," Gustavo Cisneros might have added in his chat with the Miami journalists. This is clear enough in Case File 2321-94.

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## **Commissar Efrén: executioner cum witness**

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*Depending on the case, Venezuelan justice can work at astounding speed, without regard to the quality, identity, credibility, or condition of the witnesses. Above all when one finds behind the scenes the Diego Cisneros Organization and a conspiracy of a fraternity of scoundrels determined to twist the outcome of justice.*

The first witness subpoenaed by the "Cat" Vera Sandoval, Antonio José Díaz Rojas, is the head of security of the Diego Cisneros Organization; the security departments of Venevisión and of Cada (supermarket chain—ed.) report to his office at Venevisión.

With his summons and appearance, Kösling and Vera pulled one of the most notorious of skeletons out of the closet of macabre national history, and entered it into Case File 2321-94.

Because Díaz Rojas is also Commissar Efrén, "the bad boy" of Henry López Sisco, as he is known in DISIP circles.

The "bad boy" who was a key factor in two massacres of traumatic memory.

The "Cantaura Massacre" occurred at dawn on Sept. 3, 1982 under the authority of DISIP director Rembergo Uzcatogui, planned by Arpad Bango, then the DISIP's director of intelligence, and carried out by Henry López Sisco, DISIP director of operations, together with Commissar Efrén (Antonio José Díaz Rojas).

The operation was a "premeditated" butchery, according to those who had direct knowledge of it. An agent named "Fifth," progressively seduced, convinced, and persuaded a group of 42 students at the UCV [Central University of Venezuela] to participate in what one intelligence source dubbed "guerrilla calisthenics."

"They weren't even armed," "Quinto" reported to Arpad Bango. "When they had camped, they fell on them at dawn with everything they had . . . they even hit them from the air. . . ."

Twenty-five youth died in Cantaura, 18 survived. Officially, a dangerous guerrilla front in training had been eliminated. From then on, Commissar Efrén, Antonio José Díaz Rojas, current ODC chief of security and Henry López Sisco's "bad boy," began to be called "the Executioner of

Cantaura.” Now, he is the ODC’s first witness.

## The second massacre

Four years later, on May 8, 1986, Commissar Efrén, Antonio José Díaz, as usual along with Henry López Sisco, participated in a new massacre, that of Yumare in Yaracuy.

A group of nine Colombian guerrillas found themselves in a place where they were to receive a shipment of Venezuelan weapons. Domingo D’Alexander had already paid for the contraband and was awaiting delivery, to be “channelled” by various high-level DISIP officials. “But since the weapons had already been pre-paid in Caracas, there was never any intention of delivering them. To prevent the Colombians from giving them away, it was necessary to kill them. Thus, the officers were left with the money and the weapons,” remembers a military intelligence source who investigated the case. “To make it look like a confrontation, López Sisco gave himself a self-inflicted wound, what we call a ‘fishing-line shot.’ You stretch the skin, thus . . . and you shoot. Nothing happens, it doesn’t even hurt.”

Nine bodies were found at the scene. The press reported on “Henry López Sisco’s serious wounds,” which he survived only thanks to his “extraordinary physical condition.” What you can do with a fishing-line shot!

The fraternity of scoundrels had delivered another blow.

Thus, Commissar Efrén, or Antonio José Díaz Rojas, a veteran of at least two shameful massacres—went to the court of Judge Oscar Noel Vera Sandoval to accuse Alejandro Peña Esclusa of “sowing psychological terror against those of us who work at the previously cited companies.”

His evidence: “Anonymous telephone calls, threats, messages by fax, newspaper ads, etcetera, which have affected the peaceful working environment” . . . (the result of the collapse of Banco Latino and the links of the Cisneros Groups to that bankrupt institution).

This much accomplished in Case File 2321-94 (of which not a single page has been numbered to this date), Judge Vera Sandoval leaves on vacation, leaving in charge Guillermo Heredia Rodríguez. That is, he sent a list of five alternates to the Judiciary Council, and they designated Heredia.

## ‘Satanic Verses’

Feline luck. Vera Sandoval and Heredia have a good relationship. Both move within the circles of the DISIP and of mid-level finances. Both like to ban books, despite (as in the previous case of *Narcotráfico, S.A.*) Article 66 of the National Constitution.

The operational link between the two “is the bodyguard of ‘Cat’ Vera, alias ‘Pecos Bill,’ the most famous car thief of the 1980s—now ‘presumably’ rehabilitated,” commented a lawyer who knows the two individuals well.

Within court circles it is said that Heredia got his beginning in the protective shadow of the notorious judge Luis Guillermo La Riva. When La Riva left the judiciary, Heredia attached himself to “Cat” Vera Sandoval.

Between the two of them, they succeeded in 1989—with Heredia as lawyer for the Islamic Center and Vera Sandoval as judge—to ban the circulation inside Venezuela of Salman Rushdie’s book “Satanic Verses.”

To then lawyer Heredia, “Cat” Vera’s was an important ruling in that “it establishes a legally favorable precedent, because it defines the limits between citizens’ rights and commercial rights.” (!!)

Never mind that, in the process, the constitutional right of 17.9 million Venezuelan citizens to have access to that work of literature was violated.

Heredia’s other two cases, reviewed in the press, involved the defense of Leovigildo Briceño, the general commissioner of the DISIP, who took home 15 kilos of cocaine “for safekeeping,” and the defense of Florencio Ramón Gómez (the case of the fake loans of Bandagro).

These are then the characteristics of the individual who took charge—accidentally or temporarily—of the court run by his friend Noel Vera Sandoval, to dictate justice in the name of the Republic and with the authority of the law, in the case of Case File 2321-94.

Heredia, the substitute, would impose—without any apparent reason—a frenetic pace on the court. Legal experts don’t recall such an accelerated process in Venezuela’s prior legal history. At the speed of lightning. At full speed. It disproves the statement of Gustavo Cisneros Rendiles, made to the editors of the *Miami Herald*, when in mid-March he told them that “Justice doesn’t work in Venezuela.”

● Friday, April 15: Carlos Añez, Cada’s general security manager, former agent of the Judicial Technical Police, member of the “Gato Group” (Carmona case) which gave the nickname “Cat” to Vera Sandoval, testifies.

Añez tells the same story as his boss, Commissar Efrén, he of the massacres, because why should it be any different?

● Monday, April 18: Alejandro Peña Esclusa appears, already cited as a suspect by Judge Heredia. He declares:

“[The arguments given] by the court as the reason for subpoenaing me, including a supposed campaign against the Cisneros Group and supposedly the incitement to crime, among others, for having called for an embargo or confiscation of the assets of the Banco Latino’s directors, give the impression that certain interests want to divert attention from the serious act of embezzlement against 1.2 million Venezuelans in the notorious case of the Banco Latino, according to what is said by the media. The fact is that Judge Diamora de Simancas issued an arrest warrant against citizen Ricardo Cisneros Rendiles for the alleged crimes of embezzlement, illegal appropriation and conspiracy in the case of the Banco Latino. It is also the case that citizen Ricardo Cisneros Rendiles, vice president of the Diego Cisneros Organization, is today a fugitive from Venezuelan justice. Therefore, it is not I who discredit the Cisneros group, but the facts.”

● Wednesday, April 20: During one day of furious activity, a race against time.

At 10:30, Carlos Raúl Bardasano Pereda, head of the

Gustavo Cisneros cabinet, testifies. Bardasano reiterates the "anguishing work situation," the anonymous calls to Cada and to Venevisión. He said, in his two-page statement, that he "presumed" Peña Esclusa's responsibility.

And hour and a half later, Luis Emilio Gómez Godoy testifies.

This 36-year-old lawyer of the Cisneros Group, due to various absences on the highest levels, currently serves as the leading director on the administrative board and as executive president of Venevisión. He also bought for 430 million bolivars the villa that his boss Ricardo Cisneros Rendiles sold to him from Miami. The property in question is the "Cada of Country [Club]," and consists of 5,000 square meters of buildings, and 13,000 square meters of land. It is conservatively valued at 1.5 billion bolivars.

He repeated the account of Commissar Efrén, of "Cat" Añez, of Bardasano, that of the threatening anonymous phone calls, of the anguishing experiences, etc.

Fifteen minutes later, Ennio Velásquez Leonett, Cada executive, stresses the "confusion and distress that occurred in the Cada companies as the result of a series of reports in the press and on television."

No, I have never seen (Peña Esclusa) speaking in the name of any economic group.

No, I have never seen any direct message ("where Peña Esclusa incites the Venezuelan community or population in some way to carry out acts of subversion against the Cada companies and in general against the Cisneros group").

But, "I can infer."

No, I don't know if Peña Esclusa is involved (in acts of terrorism that go against the democratic system).

No, I have never received any threat ("due to my ties to the Cisneros Group").

What an unproductive witness for putting together Case File 2321-94, now in the hands of Judge Heredia.

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## Of the accidental 'Heredia' and the miracles of justice

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*The fraternity of scoundrels put together Case File 2321-94 at enormous cost and with a plethora of knavery, twists and turns, and benefits to themselves. When the disaster documented in the file became evident . . . the corpus—delicti?—disappeared. Gustavo Cisneros complained in Miami that justice in "Venezuela" doesn't work. There is nothing better than this unusual case-file to illustrate how it does work when his interests, his executives and his allies intervene in the national courts.*

Thursday is an insane day at Court 42. It is the fifth working day under the charge of substitute Heredia who, in that period of time, had dedicated himself virtually exclusively to this file case. It appears that Heredia wants to set a record for speed.

Thursday, April 21.

It is 12:30 in the afternoon when Luis Antonio Regalado Molina, a Cada executive, shows up at Court 42.

- No, I don't know who is behind these actions (telephone calls, leaflets, etc.) against the Cada supermarkets.

- No, I do not know that the IBC Group has anything against Cada company. . . .

### Second unproductive witness!

A half hour later, Braulio Enrique Gudiño La Cruz shows up as a witness.

Gudiño is the lieutenant of Commissar Efrén (a.k.a. Antonio José Díaz Rojas). His job is head of operations of Venevisión's Systems and Control Division.

Gudiño is a former DISIP agent and there are those who hold him responsible for the death of Jorge Rodríguez. But military intelligence sources familiar with that assassination relate that "Of course . . . Gudiño was there when Rodríguez was beaten. But Jorge Rodríguez was killed by Henry López Sisco. By a karate chop that shattered his liver. His liver burst. In the autopsy, the liver was shattered. When he collapsed, Gudiño took him and put him in the bed."

That ODC security officer testified that:

- No, I don't know Peña Esclusa.

- No, I don't know who is behind (the campaign).

- No, I don't know if Peña Esclusa is linked (to the threats). . . .

### Third unproductive witness!

No, no, no. . . .

The last witness, brought forward by Ricardo Kösling as lawyer for ODC, appears the same day at 1:00 in the afternoon. It is Carlos Miguel Chacin Rodríguez, Cada's legal representative.

- No, I don't know Peña Esclusa.

- No, I don't know of a link ("between Peña Esclusa and an economic group to carry out any campaign against the Cada companies and against the Cisneros Group").

- No, I have no direct knowledge ("that messages were issued inciting the community to carry out acts of subversion against the Cada company, and in general against the Cisneros Group").

### Fourth unproductive witness!

Of nine witnesses offered by the Cisneros band, four know absolutely nothing. And the other five are: a) the head of Gustavo Cisneros's cabinet; b) the executive president of Venevisión; c) one of the employees of Film Management of Channel 4; d) his two principal security officers, former police agents involved in some of the worst cases of violence in this nation's history, the Cantaura and Yumare massacres, and the assassination of Carmona.

What witnesses! What credibility!

But Heredia paid no heed to these trifles nor to the evident interest in self-preservation of some of these witnesses in

testifying as they did.

Heredia was obviously in a hurry. His rush is evident in the records of the case file, according to which, while the court was still taking testimony from three witnesses, the sentence had already been written. After this miracle of Venezuelan justice, Gustavo Cisneros has no reason to complain any more that "Venezuelan justice doesn't work."

Perhaps substitute Heredia thought that "once the dog is dead, the rabies dies with it," or, what is the same, "once sentence is passed, all discussion is moot."

## **Breathing down the neck**

But the rabies and the mess were just about to start.

With the surprise visit of two prosecutors from the Attorney General's office, Aracelys Salas and Erasmo Pérez Fernando, at two in the afternoon of that same hectic Thursday, Heredia's strings got tangled.

The two officials were commissioned by the attorney general to intervene in the process of Case File 2321-94. They were special prosecutors. "Special prosecutors" are assigned when there exists reasonable doubt on the part of the Attorney General's office regarding the honesty of a procedure. The first specific demand of the envoys was to request that "the pages that make up the current case file be numbered."

The proper numbering of the pages that make up a legal case file is a formal guarantee of procedural transparency. The lack of numbering is, as every law student knows, one of the easiest methods of manipulation or fabrication. As has occurred in the past, entire pages or sections can disappear or appear as necessary.

Why, then, was the case file of more than 300 pages not paginated, until the very day of the sentence?

But the intervention of the special prosecutors could not halt the rate of amazing developments.

The substitute Heredia, despite feeling the judiciary breathing down his neck, signed that very day both the sentence and the arrest warrant against Alejandro Peña Esclusa, finding him "involved in the crime of incitement to commit crime and instigating devastation and looting." He left open an inquiry against "others" who had taken part in the perpetration of the deed that concerns us.

But all Peña Esclusa had asked was for the embargo of the assets of Banco Latino's looters, who had fled the country two months earlier, to guarantee recovery of the losses from that debacle. Among the fugitives: Ricardo Cisneros Rendiles.

## **Months earlier . . .**

The decision caused a public commotion and a new stupidity by the substitute judge. Defending himself from journalistic questions about the dizzying "speed" of his ruling (a sentence on the fifth day), Heredia confessed that the court had actually known of the case "for several months."

And how could that be, if the initial complaint was presented by Pedro Felipe Durán Galvis, employee of Film Management of Venevisión, on March 10, 1994, and the sentence ruled on April 21, 1995?

That is, precisely 30 working days.

What then happened "several months ago"? Perhaps that's when, after the close ties, privileges and stock ownership of the Diego Cisneros Organization in the already-collapsed Banco Latino were revealed, that it was decided "to make Venezuelan justice work." Perhaps, to shut the mouth of those who sought the embargo of the fugitive bankers' assets, and of the media which began to probe—and is still probing—into this collective tragedy which cost every economically active Venezuelan no less than 300,000 bolivars.

The national shock showed how substitute Heredia had gotten tangled up. To contain the damage, judge in charge Oscar Noel "Cat" Vera Sandoval cancelled his vacations and returned to the bench.

This praiseworthy initiative turned the 42nd into the only court in the republic where two judges administered "justice in the name of the republic and by authority of the law."

The first measure that "Cat" Vera took was to act as a superior judge. He announced that there would be no "hearing against those who have participated in the events under investigation." Case closed.

## **Justice 'a la Cisneros'**

Then, a court was assigned to investigate the stunning fact of the supposed disappearance-misplacement of Case File 2321-94.

Simultaneously, another court opened up an investigation with regard to the supposed violations of the secret hearings in the case of Case File 2321-94.

Assuming that the case file is lost, where does the arrest warrant against Peña stand? The grounds for that order—apparently—do not exist in Court 42. If they don't exist, how can a superior judge confirm or revoke a sentence? And should it reappear, what guarantees are there that it is the same Case File 2321-94? Who could be interested in "disappearing" the case file in question? Who benefits?

The fraternity of scoundrels pulled off this case at enormous cost and in a shocking manner (was it "months earlier" or on March 10, 1994?), full of knavery, twists and turns, and benefits to themselves; they brought it to a conclusion with a pre-prepared sentence while witnesses were still being interrogated; and when the disaster documented in the file became evident, and the pages were numbered as the two special prosecutors had demanded . . . the corpus—delicti?—disappeared.

Gustavo Cisneros complained in Miami that "Venezuelan justice doesn't work." There is nothing better than the unusual Case File 2321-94 to illustrate how it can work when the Cisneros interests, executives and allies intervene in the national courts.