

Constructing guilt: The trial of Leopoldo López

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*Worte können verletzen, auch mich.*²

Abstract. *Leopoldo López is a prisoner of conscience. The prosecution, relying on two forensic linguists' expert reports, claimed that the politician's discourse was the direct cause of the violence on February 12, 2014 in Caracas. I analyzed the Condemnatory Sentence issued by the prosecution following Shuy's "Inverted Pyramid" heuristic (2013; 2014). I found opposing agendas and schemas as well as conflicting representations of speech acts. Linguistic analysis of his allegedly criminal speeches also demonstrates a wide divergence between the ways they are perceived by the prosecution and defense. Lopez's discourse indicates that he considered these speech events as political discourse (Chilton, 2004); examination of the language he actually used does not support the government's accusation that Lopez was encouraging public violence.*

Keywords: *Speech acts, political discourse, Leopoldo López, expert witness, inverted Pyramid.*

Resumo. *Leopoldo López é um prisioneiro político. A acusação, assente nos relatórios periciais de dois linguistas forenses, argumentou que o discurso do político foi a causa direta da violência no dia 12 de fevereiro de 2014, em Caracas. Neste trabalho, analisei a sentença de condenação produzida pela acusação à luz da heurística da "Pirâmide Invertida" de Shuy (2013, 2014), tendo encontrado planos e esquemas divergentes, bem como representações contraditórias de atos de fala. A análise linguística destes discursos alegadamente criminais também revela uma grande divergência na forma como aqueles são percebidos pela acusação e pela defesa. O discurso de Lopez indica que este considerava os eventos de fala como discurso político (Chilton, 2004); a análise da linguagem que ele utilizou, efetivamente, não sustenta a acusação do governo de que Lopez estava a incitar à violência pública.*

Palavras-chave: *Atos de fala, discurso político, Leopoldo López, testemunha pericial, Pirâmide invertida.*

Introduction

Leopoldo López was the mayor of the district of Chacao in Caracas, but because of alleged corruption charges he was disqualified by Chávez to run for public office until 2014. In 2014, as a result of the violence that took place after a demonstration supporting him as leader of Voluntad Popular, a party in opposition to the government he was indicted on charges of arson and conspiracy. After López left the surroundings of the office of the Prosecutor General, a group of angry students, infuriated by deaths that had been provoked earlier by government forces, threw stones at the building. With no material evidence against López, the government focused on his alleged convening power in order to indict him (cf. Internacional, 2014; Coronel, 2015; Hernández, 2015b,a; Patilla, 2015).

The trial of Leopoldo López was based on opposing interpretations of the language found in his public speeches and his testimony at trial. The prosecution claimed that his discourse had led to street violence on February 12, 2014, alleging that it created a cause-effect relationship between the words of the speaker and the events of that day, the impact of which led to several deaths. Lopez's "doing of things with words" was used as an argument in order to claim that his discourse had been the direct cause of the violence. The reports of two forensic experts working for the prosecution were the only linguistic analyses used at the trial, one consisting of Lopez's public speeches and another one consisting of his tweets, i.e. one expert for each set of texts. Both reports, but particularly the analysis of his speeches, were cited in the declarations of the prosecutors and in the judge's sentence. The report on López's tweets is not considered in the present study (on this matter, confront chapter 5 of Álvarez Muro 2016). The judge ruled that the defense was not permitted to brief their own experts at the trial.³

In order to study the meaning of the leader's words in context, I analyze the speech acts of Leopoldo López, issued on three occasions: in his public speeches of January 23 and February 12, 2014, as well as in his testimony at trial.⁴ I also analyze the speech acts attributed to him by the prosecutors and Judge Barreiros, in order to compare the ones used by the accused with those attributed to him by the prosecution and to understand the meaning of what he actually said.

Literature review

Brewer Carías, in a study of the Condemnatory Sentence of Leopoldo López, affirms that:

The accusation was stated in order to prosecute a "crime of opinion", dedicating a large amount of the text to cite a forensic expertise of a linguist [...] who analyzing Leopoldo López's "discourse" could affirm -- only as a hypothesis -- that "according to the findings of the analyzed texts, the speeches of the citizen Leopoldo López (on the days before February 12th of the present year) could prepare his followers to activate what he called #LaSalida on February 12 and on the following days". (Brewer Carías, 2015: 4).

This jurist underlined the assertion of the prosecution, saying that "the speaker (Leopoldo López), by cultivating anger in his discourse and arguing against the national government, could have transferred this feeling to his public [followers]" (Brewer Carías, 2015: 4-5)]. The prosecution understands that López's use of "conventional and alternative social media in order to enforce his speeches of violent content, reveals his only

purpose of liquidating public tranquility, when calling for a group of people in agreement with his words to ignore the legitimate authorities and the law” (Brewer Carías, 2015: 6).

The Venezuelan Constitution of 1999 guarantees freedom of expression and honors international treaties on the issue, such as the International Covenant on Civil and Political Rights. Guarantees for freedom of information, freedom of expression, the right to access public information, the right to honor and reputation are established in articles 51, 75, 60, 61, 143 and 337 of the Constitution. They correspond with the issues of Articles 19 and 20 of the International Covenant on Civil and Political Rights. In this trial, both linguistic experts focus on the issue of incitement to violence in López’s discourse (CS: 223, 262).

Beyond the circumstances of the conviction and incarceration of Leopoldo López for the crime of opinion, which constitutes the motive for trial of this Venezuelan politician, the linguistic issue is to unpack the sense of his words and discourse, before and during the trial, and compare these findings with the prosecution’s version.

Latin Americans have studied the language of political violence due to the continued existence of dictatorships in the continent. The following is only a brief review of some of the publications about the issue, especially of those focusing on political insults in Venezuela and on the reconstruction of the violent past in Argentina.

Bolívar (2001) analyzed insults in the Venezuelan press. Insults are a strategy for disqualifying the opponent in political discourse and very common in Chávez’s government style. The factors taken into consideration are: the political moment, because while it can be disqualifying during a campaign, it can be authoritative or even abusive when the speaker has power; the actors, because the perlocutionary effect is larger if the speaker is a politician in office; the reaction of the audience, because the act of insulting is evaluated by both parts; and social effects because insults can bring about violence and physical aggression (2001: 55).

Álvarez and Chumaceiro (2011a,b) study political insults in the Chávez era and consider them as expressions of verbal intolerance. Due to the speaker’s power the insults of a person in charge can have strong perlocutionary effects. In the case of President Chávez, his speech acts brought about the moral destruction of the adversary and of his followers. He repudiated others and submitted them to public scorn. The analyzed insults are those issued against the Church who had given a student political asylum, as well as against a political candidate opposing the President, the Nuntius, and Angela Merkel. In all cases, except for that of the German Chancellor, the insulted were at a disadvantage. Justice did not act in any of the insults to Venezuelans; there was also no official reaction to the insult against the German chancellor. Cardinal Urosa Sabino accused Chávez of not respecting the constitution. In his religious role he asked for conciliation and peace and justice; as a Venezuelan, he argued the President had no right to insult him. Political insults were considered not an emotional expression, but a political strategy creating intolerance and searching to create social representations related to a certain ideology as well as to confront and delegitimize adversaries. Insults of this kind can demolish institutions and transform the status quo of the republic, and they are geared to weakening religious faith, institutions such as the freedom to vote, political asylum and diplomatic relationships.

Achugar (2008) and Martin (2012) study the “theory of the two demons”, both guerrillas and armed forces, taking responsibility for the crimes of the dictatorships in Uruguay and Argentina. According to Martin (2012), the “theory” states that rebel terrorist groups, as well as those led and supported by the State, carried out many acts of extreme violence against one another that were equally reprehensible and demonised. The terms were provided by President Raul Alfonsín’s words explaining that the intention had been to fight the demon with the demon”. Official reports also explained that Argentina was torn apart by terror from “both the extreme right and the far left”. Martin states that unlike the dual discourse of blame and the innocent victim, this “theory” acquits the government and Argentine society of all responsibility.

Achugar (2008) studies the discursive manifestations of the conflict about how the actions of the military during the last dictatorship in Uruguay are remembered and interpreted, and traces the ideological struggle over how to reconstruct a traumatic past. Considering memory a discursive practice, the author identifies the semiotic practices and linguistic patterns deployed in the construction of memory. She explains how the institution’s construction of the past is transformed and maintained to respond to outside criticism and create an institutional identity as a lawful state apparatus. Achugar *et al.* (2013) focus on the memory of the same historical period in younger generations in a group interview with Uruguayan teenagers. There are four main arguments used by the youth to explain the dictatorship period as: reaction to guerrillas, authoritarianism, regional ideological war and intolerance.

Linguistic expertises are rare in the Venezuelan justice system; I know of only two: Espar and Mora (1992) analysing the trial of two Spanish women accused of drugtrafficking; Bolívar and Erlich (2011) studying the conflict following an expertise requested by the government to the authors of the article. They had to decide if the TV Channel Globovision had envisaged the assassination of the President. The experts were harassed by the government after delivering their analysis.

To my knowledge, only Álvarez Muro (2016) studies the trial of Leopoldo López from a linguistic point of view. The book analyses the speeches which were considered in the trial as inciting violence, and focuses on the structure and function of the speeches, their polyphony, the conflicting discursive contexts of the accused and his accusers, and the analysis of the linguistic expertises of the prosecution; it also studies the forensic report on López’s tweets. I propose that the real accused in the trial is freedom of expression and opinion, which is forbidden in totalitarian states, since concentration of power cherishes monolithic thinking.

Method

The idea that language should be studied in a broader framework that includes the situational and cultural context, taking into consideration an emic point of view can be considered ethnographic, as in Hymes (1972). Shuy (1996, 2008, 2010, 2012) has adapted the anthropological approach to the language used in trial situations in order to go from the broader elements of speech, such as the speech event, down to smaller units such as words and even features of intonation. He has depicted an “Inverted Pyramid” which situates the issues to be considered on a continuum from macro to micro. This pyramid shows, in decreasing order of scope for discovering the meaning in the discourse, communicative events, schemes, agendas, speech acts, strategies, sentences, phrases, words

and sounds, as observed in Figure 1. This should guarantee a more accurate view of judicial proceedings.

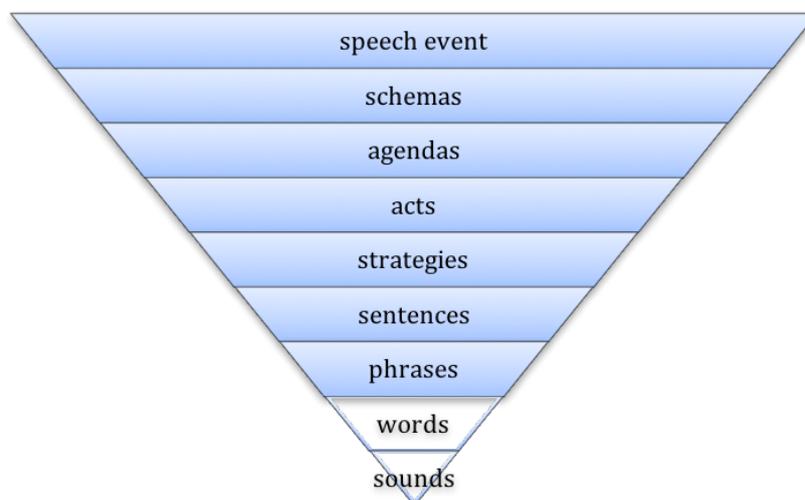


Figure 1. The inverted pyramid according to Shuy (2013: 8).

Although all of the elements of the pyramid are important, the nature of the language evidence determines which of them are most relevant for the analysis. The crucial issue is to describe the use of language in a way that deals with all phenomena from the largest context to the smallest.

1. *The speech event* (Hymes, 1972) is defined in terms of the cultural insiders. According to Shuy (2013: 44), “Speech events are identifiable human activities in which speech plays a central role in defining what that speech event is”. Shuy (2013: 44) cites van Dijk when stating that such events cannot take place effectively without the language that defines them (van Dijk, 1985: 201). They show “tacitly understood rules of preference, unspoken conventions as to what counts as valid and what information may or may not be introduced” (Gumperz and Cook-Gumperz, 1990: 9).
2. *Schemas* refer to mental plans that serve as guides to the speaker’s actions, words, and thoughts (Shuy, 2013: 56). Participants apply their own knowledge, attitudes, ideas, beliefs and values to the recently acquired new information. Shuy (2013: 55) observes that schemas are used as linguistic tools, although they were originally defined as psychological constructs.⁵
3. *Discourse agendas*. What people say and want to say constitutes their conversational agenda (Shuy, 2013: 56). An important clue to a person’s agenda can be found in the topics that the person introduces and recycles during an interaction; another clue to an agenda can be found in the person’s responses to the topics introduced by one or more of the other participants in the same interaction or in a series of related interactions (Shuy, 2013: 59). Agendas relate to three legal concepts that involve the perceived intention of those accused of committing a crime. These are:
 - a) *Premeditation*, which according to Shuy (2014: 51) is important because evidence of premeditation brings more severe penalties than unpremeditated

crimes. It refers to a crime carried out with wilful deliberation and planning that is consciously constructed beforehand (Shuy, 2014: 35).

- b) *Voluntariness*. Shuy (2014: 118) cites *Black's Law Dictionary*: "Voluntary means something done by design or intention, unconstrained by interference; not impelled by outside influence." From this definition Shuy notes that voluntariness is a mental state that relates directly to predisposition ("by design") and intentionality. This is an important concept in the analysis of López's trial.
 - c) *Intent*, or intentionality is the mental resolution or determination to carry out an action such as a crime (Shuy, 2014: 35).
4. *Speech acts* are utterances, units of language that carry out an action by being said. They are subject to relevance conventions. Also called illocutionary acts (Austin, 1962), they occur when their utterances constitute the act. In other words, the act is performed by saying something. If I say "please excuse me for what I said", the act of saying this constitutes the speech act of an apology. A speech act has three levels; the locutionary, what is said, and the illocutionary, what is understood by the listener with a pragmatic force and certain required felicity conditions. In the preceding example of an apology, the required felicity condition is sincerity of knowing that I said something that offended the person. The third level, the perlocutionary force, refers to the consequences of the utterance.
- Speech acts can be classified according to their perceived intention or purpose. Searle (1969) distinguishes between representative or assertive acts –*Sam is a smoker*, directives *Can you pass the salt?*, commissives –*I promise to come*–, expressives –*I am sorry you are sick*– and declaratives –*I pronounce you husband and wife*–.
5. *Conversational strategies* are, according to Shuy (2013), strategies that speakers implement, according to the situational context they are in, with the purpose of persuading a listener so that speakers can more effectively achieve their goals. In light of these five larger language elements, the lower levels of sentences, phrases and sounds are relatively smaller units whose function is to implement the larger elements. I will identify these elements as they are used in the analysis. Because there is no "conversation" in this corpus I prefer to use "discourse". Therefore the study does not focus on interactive conversational strategies but rather on the positioning of the speakers on the opposing discourse sides of the trial. In this analysis I follow a modified version of Shuy's method (2013: 8–9) which includes the following:
- (a) Identify the speech event represented by the language evidence.
 - (b) Identify the schemas of the participants as revealed by the language they use.
 - (c) Identify the discourse agendas of the participants [...]
 - (d) Identify the speech acts used by the participants and determine whether or not they are felicitous.
 - (e) Identify the discourse strategies used by the participants [...]
 - (f) Identify the semantic, grammatical, and phonological ambiguity and complexity in the language of the participants in order to determine whether and how the context provided by the larger language elements can resolve that ambiguity and complexity.

The corpus takes into account declarations of different discursive genres: declarations in trial, interrogation by a prosecutor, the final sentencing by the judge, all taken from the published Condemnatory Sentence (República Bolivariana de Venezuela, 2014). I transcribed the public speeches by López which were cited by the forensic linguist. I looked at declarations by the Prosecution as an institution (when no name was assigned to, for example, the introduction to the Condemnatory Sentence) and by those introduced by prosecutors Nieves, Silva and Sanabria. Finally, I studied the conclusive sentence dictated by Judge Barreiros.

All transcripts of the trial are taken from the official Condemnatory Sentence (República Bolivariana de Venezuela, 2014). This is a 282-page .pdf document, an official (presumably edited) transcript of the trial against Leopoldo López and three students accused of inciting violence on February 12, 2014. The Condemnatory Sentence is divided into chapters and ordered accordingly. The reader has no idea in which order the declarations were issued. For example, the declaration of the expert in linguistics starts on page 161, but López refers it to previously on page 37, so does Sanabria on page 62, and Nieves on page 76. It consists of the following parts:

- I. *Identification of the accused (Identificación de los acusados)*. It is preceded by the list of the accusers, accused, defense attorneys, and secretaries of the Prosecution.
- II. *Outline of the facts and the circumstances object to trial (Enunciación de los hechos y circunstancias que fueron objeto del juicio)*. It contains the words of the prosecutors Franklin Nieves, Miguel Silva and Narda Sanabria; of the defense lawyers; the questioning of Leopoldo López by prosecutor Sanabria, several technical reports; testimonies and depositions of the authors of the linguistic analyses requested by the Prosecution: Rosa Amelia Asuaga, who analysed López's speeches, and Mariano Alí, who analysed his tweets; and declarations of all the accused.
- III. *Precise and verified determination of the facts that the prosecution estimates to be proven (Determinación precisa y circunstanciada de los hechos que el tribunal estima acreditados)*. This part contains declarations by the public officials, among them the linguistic experts interpreting López's words; also depositions of 55 witnesses and finally the concluding sentence by Judge Barreiros.

To represent the prosecution's discourse, I use the official transcript cited above (from now on CS) and study the statements of the prosecutors and Judge Barreiros, as well as prosecutor Sanabria's interrogation.

As to the speeches by López himself, I analyzed the televised speech of January 23, 2014; the public speech February 12, 2014, his declaration at the trial and his answers to Narda Sanabria. I produced my own transcriptions of the two emblematic speeches by Leopoldo López, on January 23, and February 12, 2014 considered as *corpus delicti* by the prosecution; they can be found on YouTube and are cited in the reference section. I use the scribe's transcription of Lopez's testimony given at the trial and his answers to prosecutor Sanabria as they were reported in the text of the Condemnatory Sentence issued by the judge.

In order to understand the difficulties in making any analysis of this trial, it must be clarified that the public did not have access to the hearings. The defense was not allowed to call witnesses or forensic experts. There are no publicly available video recordings of the trial. The public has access only to the above mentioned Condemnatory Sentence.

Analysis

The analysis relates to each of the elements as outlined by Shuy (2013) and is based on the data that were made publicly available.

Speech events

There are several speech events here: López's speech of January 23rd, speech on February 12, his answers to prosecutor Sanabria and his testimony at trial. The first two are eminently symbolic, due to the dates they were carried out.

The speech of January 23rd (<https://youtu.be/NXxRzgoMECg>) commemorates the overthrow of Pérez Jiménez, a dictator who had governed the country for a decade (1948-1958); in this speech López calls for a solution to the crisis. Venezuela is under an authoritarian regime where no democratic division of powers exists. He denounced the dubious legitimacy of the government, since elections in the country are not transparent and fair. He accused the government of emasculating the national patrimony, and using it to maintain similar ideologies. After fifteen years of "chavismo", Venezuelans are suffering shortages of food, medicine, electricity and water. The young have no future.

(1) What a contradiction, sisters and brothers! // In midst of the largest oil boom in Venezuelan history/ we have the highest inflation rates// in midst of this boom we have the largest shortages/ in midst of this oil boom we have the highest unemployment rates for the young//

The televised January 23, 2014 speech (Text1) can be considered a proclamation of his opposition. López is surrounded by a group of people who represent diverse organizations that oppose the current government. Lopez's speech is a public notification of the foundation of a movement called *La Salida* that proposes street meetings in order to discuss the possibilities offered by the Venezuelan constitution to change the government.

His second speech (Text2), on February 12, 2014, also televised and video-recorded (<https://youtu.be/zV1Qj4rf3Cg>), is a political harangue uttered during a public demonstration that took place before the protest march on Youth Day commemorating the battle of La Victoria, when the youth led by José Félix Ribas urged opposition to Spanish domination.

The third speech considered here is Lopez's testimony at his trial (Text3), when he was accused of causing the violence on February 12, after the march during which three people died at the hands of government forces. Of this speech we have only the scribe's transcript published in the Condemnatory Sentence. Toward the end of that day, the protesters threw stones at the court building and requested the presence of the Public Prosecutor of the Republic, who did not heed their pleas. Instead, she chose to remain inside her office building.

I also take into consideration the interrogation of López by prosecutor Sanabria. It is a series of responses to questions. Of this dialog we have the scribe's transcription in the Condemnatory Sentence.

The accusations made about these speech events were repeated by three prosecutors, Nieves, Silva and Sanabria, as can be read in the Condemnatory Sentence. They argue against the accused, and hold him accountable for manipulating the protesters, his words, purportedly leading to the ensuing violence. The sentence of Judge Barreiros

was the final ruling, and it constitutes her definitive sentence as a trial judge, based on the accusations she heard the prosecutors present at trial. She sentenced the accused to fourteen years in prison.

Schemas

Schemas refer to the mental plans that function as guidelines for a speaker's actions and thoughts (Shuy, 2013: 55). As in most trials, there were opposing schemas, those of the prosecution and those of the defense. The prosecution proposed a schema that assumed López's guilt for supposedly having used his discourse to stimulate the violence February 12. We see this repeatedly in the accusations by prosecutor Nieves (2-3), and in the interrogation of López by prosecutor Sanabria (5).

(2) You can see for yourself how this citizen, Leopoldo Enrique López Mendoza, expressing himself through different social media, social networks and especially through his twitter account, influencing his followers, issued a series of messages and this unleashed an uncontrolled attack of this group of persons that he himself called on February 12. (Nieves, CS: 5-6)

(3) He tends to always blame the government for the violence (Nieves, CS: 7)

López denies the accusation that violence was caused by his words, stating that the cause of the violence on that day was the assassinations by government forces on the same day (4).

(4) [...] We know what has been clarified about the deaths caused by Venezuelan government officials; we sure know that and I am convinced, because I was there on February 12 that the reaction of throwing those four stones, was a reaction of the young people because a classmate had been killed [...] that was the booster of the violence on February 12. I find it extraordinary that the Prosecution does not link the facts. It is as if there were two different worlds: the conviction of López and the students is one universe, and the other universe is the homicide of Montoya and Bassil Da Costa: as if they were not related. Of course they are related. Now, the Prosecution is not interested in establishing the relationship. Why is it not interested in establishing the relationship? It is not interested in establishing the relationship because that was the origin of the young people's actions. (LL, CS: 35)

In particular, the interrogation by prosecutor Sanabria wants to associate the deaths to López's call to demonstrate.

(5) Sanabria: **Did it occur to you when planning La Salida that there could be dead and wounded here in Venezuela?** He [López] **answered:** Look I answer you responsibly: the dead and the wounded are the responsibility of the government, do you hear me? The assassin of Bassil Da Costa has a uniform, he has a badge and the weapon with which he killed Bassil Da Costa is property of the Venezuelan State (CS: 42, bold in the original).

López's personal defense lawyer, Juan Carlos Gutiérrez, objects to the question, but the prosecution insists on the risks that López could have foreseen, among them, the deaths:

(6) The prosecution authorities ask if it effectively occurred to him during the planning that there could be death, dead people and wounded because of the convocatory they made. That is the question of the prosecution authorities (CS: 43).

López stresses the fact that the deaths were caused by government forces. The citizens have the right to demonstrate and the only risk in the country lies in the state.

(7) López: There should be no risk. Now, where does the risk come from? It comes from an official gun, from an identification badge. Where is the cause of the deaths? In a uniformed guy receiving an instruction, and he killed Bassil Da Costa, which is the truth. Where is the origin of the risk, the origin of the risk is in the Venezuelan state [...] the state is the risk, yes, yes, the state is the risk (López, CS: 44).

Discourse agendas

What people want and try to say constitutes their conversational agenda (Shuy, 2013: 56). According to Shuy, an important clue to a person's agenda can be found in the topics the person introduces and recycles during a conversation. Another clue can be found in a person's responses to the topics introduced by one or more of the other participants in the same conversation or in a series of related conversations (Shuy, 2013: 59).

In the prosecutor's and the judge's declarations there are three central topics: that of violence against state property, López's capacity as a leader, and the resulting rupture of the constitutional process.

The prosecution repeats, throughout the trial, the topics of street violence, the damage caused by students, unjustifiable attacks against state property and the loutish acts during the unrest. These events were unleashed, according to the prosecution, by López's words.

(8) It is evident that he [López] sent disqualifying messages through his speeches, unleashing violent actions and eminent damage to the headquarters of the Prosecution and Research Institution, in virtue of the speeches transmitted through the media; when as a leader he should have called for calm, tranquility, peace and used the correct mechanisms established by law to express his discontent about the government (Judge Barreiros, CS: 251).

The passionate discourse of the leader allegedly moved the masses to violence, due also to the existing violent context (9).

(9) [...] here, during the year and two months of the trial, his quality as a leader was always acknowledged, even the linguistic analyst [...] and the media expert [...] manifested specifically that citizen Leopoldo Eduardo López Mendoza was a great leader and he convoked and moved masses.

The prosecution accuses López of being the determiner for the commission of the crimes of arson, damage, public incitement and criminal association (SC: 2). The words of the prosecutors account for this accusation (10):

(10) Of course he did not say with these words that the outcome (*La Salida*) should be violent, but [he said it] in a context of violence. (Sanabria, CS:62).

According to the prosecution, Lopez sought power through inadequate and incorrect actions that were not authorized by the constitution. His discourse aimed at inciting violence in the streets, calling for insurrection through his references to people such as Rómulo Betancourt (11).⁶ The prosecution maintained that the accused disqualified the president, inculpated the government, and intended to overturn Maduro by breaking the existing constitutional order (12).

(11) Leopoldo López does it well, because he says: let us remember Rómulo Betancourt in the fifties when he called to the streets in order to fight for democracy in this country [...] Rómulo Betancourt, from Costa Rica, called for an uprising. (Judge Barreiros, CS: 262).

(12) These speeches are passionate, violent and hostile, in order to enter the minds of his followers and convince them and correspond with his hostile manners and his talk of ignoring the legitimate authorities and the law, and attain power. (Nieves, CS:6).

Agendas are also related to premeditation, voluntariness and intention. These legal questions are raised in the prosecutors' words: a) premeditation – “This all was carried on in a premeditated manner as all these acts were prepared previous to the days of their execution” (Nieves, CS: 5); b) voluntariness – “This is a previously prepared speech, rehearsed, learned and given, since he himself makes his speech, again and again, without any text to lean upon” (Nieves, CS:6); and c) intention – “In this speech, his intention was that the people went to the streets as it actually happened” (Nieves, CS:5). (See 13).

López denies responsibility for the street violence and having set buildings on fire, for which he was indicted. This, however, does not prevent him from assuming responsibility for his denouncement of the government during his trial as he argued for his constitutional right to protest and his freedom of speech.

(14) [...] I am innocent of all the crimes that the Public Ministry accuses me of. I am innocent. I did not invite violence, I did not burn anything, I did no harm, and I am not a member of any criminal structure as the Prosecutor claims, any criminal association, that is all false. Now, I do assume my responsibility for having called this march, I do assume my responsibility of denouncing the Venezuelan state as corrupt, inefficient, antidemocratic, I do assume my responsibility of wanting to promote changes for Venezuela, I do assume my responsibility for asserting that the street, the protest, is a right that we cannot forgo, I assume that responsibility. (LL, SC: 38).

López had asked for changes towards a better Venezuela. *La Salida* chose the streets as a place to discuss ideas about the way to sort out the issues, but he insisted that the changes he advocated must be carried out in a constitutional, popular, and democratic manner. His compromise was to create a democracy and with the goal of emerging from the current disaster and to find a constitutional way of changing the government's recent actions.

(14) *La Salida* means to formulate a popular outcome, a democratic and constitutional one, to the present leadership of the Venezuelan state. We have raised the need to go to the origin of the problem [...] the problem we have in social, economic, political and military grounds have the same origin, and that is the system, the colonization of the Venezuelan state by the government party, it means burying the constitution every day [...] and we have raised the need of substituting that way of conducting the state by a democratic approach, respectful of the constitution. (LL, SC: 40).

López advocated a democratic view of institutionalism, which included the risk of potential loss of his own freedom, since he demanded justice from the currently “unjust judiciary system”.

(15) February 12 at night a detention order was issued. This order was without doubt previously written and given to the Public Ministry [...] In this context of persecution, in this context of injustice I decided to voluntarily face a justice system that from my perspective, from my experience and from my analysis of what is happening in the country is unjust; an unjust justice. But I decided to present myself because I have no intention of leaving the country, because I have no intention to hide from anyone, and because I assume my responsibility of having convoked a march on February 12, a peaceful, not a violent march, in the context of a national protest following the indignation of the people [...]. (LL, CS: 33-34).

López's defense attorney, Juan Carlos Gutiérrez, characterized the trial as biased: "bias is the magical word in this trial" ("sesgo, palabra mágica de este juicio") (Gutiérrez, CS: 28).

The speech acts

Speech acts are utterances, units of language. This section places special attention on the speech acts as the focal point of this study. In table 2, I present the speech acts found in the texts by López and those attributed to him by the prosecution.

TYPES OF ACTS	SPEECH ACTS	LÓPEZ	PROSECUTION
Commissives	Swear	x	x
	Take responsibility	x	
Directives	Invoke	x	x
	Determine		x
	Incite		x
	Persuade		x
	Solicit	x	
	Demand rights	x	
Expressives	Laud	x	
	Express thanks	x	
	Encourage	x	
Assertives	Denounce	x	x
	Give opinions	x	x
	Oppose	x	x
	Propose (offer options)	x	x
	Report	x	

Table 1. Types of speech acts in the discourse of Leopoldo López and the prosecution.

Commissives

Among López's commissive acts are oaths and *taking responsibility*. The speaker offers to fulfil the proposition of the utterance. The first one is found in the speech of February 12, when López reprises the national hero Jose Felix Ribas, and harangues the crowd in order to engage them in the struggle for democracy (16). The crowd then expresses its own agreement with the cause. It represents also a commitment on his side, demanding

the same from his followers. Prosecutor Silva in the text of the Condemnatory Sentence acknowledges this oath.

(16) Well I would like/ I would like/ Yes we can!/ yes we can! I would like to ask all the people present here to assume the commitment of multiplying/ of growing/ of moving forward to conquer the political change we own// And I ask you to raise our right hand and say: “We/ Venezuelans/ committed with our history/ of fighting for freedom/ committed today on National Youth Day/ with the future of our children/ assume the obligation to pursue change/ with dedication and determination/ until achieving the political change/ the social change/ Venezuela deserves// Long live Venezuela”!// Long live the future of Venezuela!// Long live our youth!// And let us walk/ let us walk with strength/ with force/ let us assume non violence// our domain/ the streets/ our struggle/ non violence/ May God bless you! //Thank you very much//. (López, Text 2)

Directives

When issuing directive speech acts, the speaker directs the hearer to do something. Among those are *invoke*, *incite*, *persuade*, *request*, and *demand* their rights. There are calls or invitations for actions in the utterances by López, recognized as such by the prosecution. Example (17) is taken from the speech of January 23. Example (18) is from judge Barreiros.

(17) And for this reason we invite the Venezuelan people/ all those who want change/ all those who think Venezuela can improve/ all those who dream of a peaceful Venezuela/ of a prosperous Venezuela/ of Venezuela developing/ all Venezuelans who know that we can do better/ all Venezuelans who know that we can have a land of opportunities/ a land of employment/ and progress/ a land of democracy/ of equality before the law/ a land of justice/ [...] A Venezuela where democracy is the essence of rights for all people/ all rights for all people/ not some rights for some people//. (López, Text 1).

(25) [...] Citizen Leopoldo López, expressing himself through different media made calls to go to the streets that produced a series of violent events, repudiation of the legitimate authorities and disobedience of the law [...]. (Judge Barreiros, CS: 256).

In the context of the trial, López *requests* and *demands rights*. He requests the liberation of the students who are being tried along with him (19), and claims his right to freedom of expression (20).

(19) Finally, citizen Judge, due to this circumstance, citizen Judge, as far as I understand that this is political, that you evaluate the possibility of releasing the young Coello and Holdack. If, in order to detain me, you need them as proof that there was a determinant and a determined, I would ask you to leave me to assume the burden of the political penalty [...]. (López, SC: 37).

(20) You may not like what I am saying, but I have all my right to speak, because if not we would not live in democracy, because that is the essence of democracy. (López, SC: 37).

The speech acts of *determining*, *inciting* and *persuading* or *manipulating* are present in the text of the prosecution. Prosecutor Nieves defines what he considers “determining” (21) and reports how, according to the forensic experts, Leopoldo López incited the population to violence.

(21) Determined is not who determines, it is who executes the deeds and coincides with the material authors of these deeds. The participation of citizen Leopoldo Eduardo López Mendoza consisted not in throwing the stones himself, those pieces of concrete. But this determination led these people, provoked by those messages, to react to those events. The expert [...] indicated here that discourse leads to an action, and can lead to the violence as it happened that day; provoked by those messages, because of those speeches, protesters attended that day. (Nieves, CS: 73).

The prosecution claimed that López had the power to move masses, similar to that of any judge to issue a sentence. A way he was alleged to do this is by speaking about his ability as a leader. In order to prove his alleged power to incite the audience to violence, the prosecution asserts that López knows his audience very well because he has studied it, and that his followers are young malleable people that he manipulates, an argument made in the trial by the prosecution's linguistic experts – both professors at the Universidad de Los Andes, overtly committed to *chavismo* – was borrowed by both prosecutor Sanabria (22) and Judge Barreiros (23) in her final decision.

(22) In this sense, the expert assured clearly that the leader of Voluntad Popular did not make a call to violence. He did not say let's burn the tribunal, let's throw stones. It is obvious that he did not say it, he did not make this irresponsible call to violence, but she did make clear that Leopoldo Eduardo López Mendoza, is a leader, she did state that he is an excellent leader, that is, he moves masses, as the students and the youth that were manipulated by the call this person made [...]. (Prosecutor Sanabria, CS: 119).

(23) They are a people he knows very well, they are a people he has studied, they are mostly young people. (Judge Barreiros CS:261, citing the linguistic expert verbatim, CS: 165).

Expressive acts

Expressive acts express the emotional state of the speaker. In López's public speeches there are acts characteristic of a speaker who is in front of an audience, such as acclaiming, giving thanks, and encouraging. We can see this in examples (24), (25) and (26).

(24) Let Venezuela live!/ Let Venezuela live, and let the women and men live who today are convinced that Venezuela has to change//. (López Text2).

(25) And I want to begin by acknowledging the Venezuelan young// the Venezuelan young people that are today on the streets/ but very specially those who have been repressed/ those who are in jail/ those who were wounded by bullets/ those who have been repressed by the national guard/ by the army/ by the police and by irregular government groups//. (López, Text 2).

(26) We want to tell those young people that they are not alone//Their parents/ their grandparents and all Venezuela is with the young Venezuelans//. (López, Text 2).

Assertives

Assertives or representatives manifest certainty about the belief asserted by a proposition. They commit to something being the case. These are speech acts like *reporting*, *admitting*, *counseling*, and *preventing*. I found speech acts such as *reporting* only

in López's examples, and acts such as *denouncing*, *expressing opinion* and *proposing* in López's texts, as well as in those reported by the prosecution. López reports a fact, in this case his decision of facing the judicial system (see example 15).

The following examples are assertive speech acts found in López's speeches and his testimony at trial, compared with the speech acts reported by the prosecution.

López proposes the creation of *La Salida* and explains its goals. In this case, he proposes options (27), the "different tools offered to us by the constitution".

(27) And what is the solution we are proposing? We are conscious that *La Salida* has to be first of all popular/ popular with the people/ people/ people wanting *La Salida*/people who want to be the force of a population looking for change// Second, a democratic solution and third/ a solution within the constitution// *There are different tools offered to us by the constitution and we will debate with the people about which of those tools is the most timely*/ which of those tools can lead us towards a change as soon as possible/ towards a profound change/ a democratic change/ that permits us to advance towards a better Venezuela// (López, Text 1).

In (28) we have the same proposal, as it was interpreted by the prosecution in the sentencing of Judge Barreiros. It is worth noting that here the Judge again cites the words of the forensic expert verbatim, even when the linguist speaks in first person – "I explained", "to my understanding". This is a curious case of reported speech where the judge and the linguistic expert are blurred together as one person.

(28) The topic of change of system and change of government is very important because this would be in the beginning of the rhetorical machine of the citizen Leopoldo López. It is necessary to raise the issue of change *here the concept of negative programs I explained comes perfectly into play*, that is, a transformation is necessary. Now how is that transformation going to occur, well it can be done by means of mechanisms that in this conceptual proposal by citizen Leopoldo López was called *La Salida*. *To my understanding*, this would be like the necessary change for that transformation, the change of system. There the negative program is very clear, it is necessary to change the present system for another one, a more democratic one, those are words of citizen Leopoldo López, where justice is for all. (Judge Barreiros, CS: 262, citing linguistic expert verbatim CS: 173).

The same occurs with the act of expressing an opinion. In the following examples we can see both sides, that of the accused in the trial (29) when López opines that there is no democracy in Venezuela, and that of the prosecution's opinion that López, by proposing the notion an evil state composed of a subjugated population, contributes to uprising and violence (30).

(29) Now, I do think that, I do believe that we do not live in a democracy in Venezuela, I do believe that Nicolas Maduro is not a democratic president, I do believe that in Venezuela public powers are not autonomous, I do believe that sadly in Venezuela, the justice system has been colonized and penetrated by the domination of the governmental party, I do believe this. And I believe that lamentably Venezuelans today, even though we sometimes ask on our knees for justice, we do not have access to justice because the Venezuelan state is falling apart. I am convinced that in Venezuela public powers are abducted, I am convinced that regrettably the management of military policy is contrary to the

constitution. There is the constitution and all what is said about autonomy of the public powers, about freedom, about the function of the national army and all that is violated). (López, CS: 34).

(30) [...] This is the distinction that citizen Leopoldo López carries out throughout his statement and there is a very clear distinction between the people and the government. One must very clearly distinguish between the people and the government; people are good, the government is not, the people are humiliated, the people are being subjected to violations of their human rights but the government is not. There is then something like a gap between *what I, without being a lawyer*, but knowledgeable of the constitution as any other Venezuelan female, understand as constitutive and constituent power, that is, on the one side there is a clear distinction, where the people are against the government, also the people consider it to be legitimate to disavow an illegitimate government. This is an argument that is repeated, a topos that is repeated. The illegitimate government is repeated. If we start from the premise of illegitimacy it is evident that we disavow it. *If I lose authority as a mother I cannot demand that my daughter tomorrow does something against the norms I have given her then if you discredit the government* and you say clearly that this is an illegitimate government, well then to go onto the streets to conquer democracy by constitutional means, today, constitutionally, that is very complicated. *I mean, discursively that is a titanic task. I do know from a logical standpoint argumentatively, how to speak about uprising, about going in the streets, illegitimate government, drug trafficking, to gain democracy fast and by constitutional means, well. That is only a remark that has to do with my analysis but evidently it is not my word against his simply it is what I found in my analysis, the prosodic analysis of that discourse.* (Judge Barreiros, CS: 263, citing The linguistic expert verbatim, CS: 177; my italics).

Notice again, in this last example, the reported speech in the text of the prosecution, when Judge Barreiros cites the words of the linguistic expert textually and confuses the subjects by strangely affirming that she is not a lawyer. This shows the relevance of the expertise on the final sentence in the trial. Barreiros also speaks as if she were the mother of the child who she has given norms to, which is evidently the expert and not the judge, and as if she as judge had carried out a prosodic analysis of López's discourse – “without being a lawyer, but knowing the constitution as any Venezuelan woman”; “if I lose my authority as a mother I cannot demand that my daughter do something against the norms that I have given her”; “I mean, discursively that is a titanic task”; “I know it from a logical point of view, an argumentative one”; “well this is not a remark that has anything to do with my analysis but evidently it is not my word against his, it is simply what I found in the analysis, the prosodic analysis of that speech”.

López criticizes the current government repeatedly, and even reveals its irregularities and inconsistencies in this same trial (31):

(31) I couldn't believe, I cannot believe that we are going to trial without being able to present a single proof, an alternative witness to the approach of the Public Ministry [...] With what alternative evidential element to the semiologic analysis made by a member of PSUV; with what alternative proof are we going to present ourselves if we cannot present them. We are here in front of an execution wall, not only as persons, it is democracy, justice, the constitution, the

Organic Code of Criminal Procedure, it is this building, it is the cloaks you are wearing, it is your investiture as a judge. (López, CS: 38).

Declarations

Declarative speech acts evidence a direct connection between the utterance and the action, because the speaker has the ability to change a state of events. They are generally the acts of normative systems, such as the law courts or the church. The simplest performative example is “I declare you husband and wife” said by a judge or a religious authority, that joins two people in wedlock. In the legal context, only the judge has the authority and power to perform the final sentence, and this was the only speech act that can be considered a performative declaration. It is the judge’s final statement, and the core of the macro-communicative event, the text of the Condemnatory Sentence.

In (32) Judge Barreiros does not seem to realize that the prosecution’s linguistic expert argues from her status as a citizen “without legal status and authority”, pointing out that her words are unable to generate actions. The judge’s words do have an illocutionary force, precisely during the trial when condemning the accused to serve almost fourteen years in prison. Her only declaration in the trial was when her words, as a judge, accomplish the performative speech act of sentencing Lopez to prison.

(32) If you say that the government traffics with drugs you have to prove it, more than stating ABC news where anything can be said. Those are induced referents, they are anchoring references that have lots of interlocutive force, especially in a leader *because I can now tell you anything, but it is difficult that I generate an action*. But when a leader speaks to a mass that believes in him, and a mass that trusts him, well one has to have a discursive responsibility in order to assume this compromise. (Judge Barreiros, CS: 263, citing the linguistic expert verbatim, CS: 177).

The constant references and verbatim citations of the prosecution’s expert witnesses made by both the prosecutors and the judge illustrate Brewer Carías’ criticism of the role of the linguistic expertise in the indictment of the accused. This validates linguistically his assertion that the accusation was stated in order to prosecute a “crime of opinion” (Brewer Carías, 2015: 4).

Discourse strategies

The fact that the available resources for the study of speech acts in the trial are written transcriptions made by judicial scribes does not guarantee an accurate or complete study of the oral interaction. As said before, the trial was not open to the public. Therefore, the focus of this section is to evidence the reported strategies of both parties relating to their political beliefs, their positioning in the trial, and to disclose some reported details of the interrogation of López by prosecutor Sanabria. As was noted above, discourse strategies are plans that speakers implement according to the situational speech event they are in, with the purpose of communicating and achieving a goal.

López’s central discourse strategy in all of his speeches is to bluntly oppose the government, as he says very directly on January 23, 2014. He opposes the current government and criticizes the authoritarian system that it has gradually implanted. López worries about what is happening for two main reasons: anti-democracy embodied in the lack of division of powers and the ensuing economic crisis creating unemployment,

a shortage of food and medicine, the lack of opportunities for the youth, and the ensuing corruption in government circles. Opposition is one of the functions of political discourse and it prevails even during the trial, where his defense is also his declaration of legitimately opposing the current practices of the present government.

The discourse strategy of the prosecution is clearly to find reasons to condemn the accused, which it achieved through different linguistic tactics. These are to charge him: a) with seeking personal power; b) with having prepared his speeches; c) with manipulating his followers irresponsibly; and d) with generating the violence in others, including causing the deaths of Bassil Da Costa and Juancho Montoya.⁷

a) López is accused of seeking power with premeditation through *La Salida*. According to the prosecution, an attempt to oust the president even through constitutional means is illegal, since it is held that the president has been elected and that his constitutional mandate is not yet finished. According to prosecutor Sanabria (33), López wanted to destroy the constitutional order. Silva claims, once again using the linguistic expert's exact words, that López speaks inappropriately in the name of all Venezuelans:

(33) She mentioned that the citizen Leopoldo Eduardo López Mendoza used the word Venezuela as if he were representing the national territory. (Sanabria: CS: 76).

- b) The prosecution accuses López of preparing his speeches in advance without any help from others, and of rehearsing and learning them with a criminal state of mind, as Nieves claims. This also allegedly demonstrated his voluntariness to create the ensuing violence.
- c) The prosecution attempts to establish a causal link between López's discourse and the violent events, which is necessary in order to accuse him of the ensuing street violence. Even though he mitigated his accusation by admitting that Lopez did not make an express call to violence, Sanabria claims López used the social media to make "this irresponsible call to violence" and that he made improper use of the right to freedom of expression. According to Nieves, López is accused of intending to influence his followers by his words that revealed his intention and his predetermination to accomplish this, and he allegedly achieved this goal through the passionate, violent and hostile manner of his speeches – "de manera apasionada, violentos y hostiles".
- d) It was important for the prosecution to try to prove that López's speeches caused a negative impact on public assets, that his calls led to violent events, repudiation of the government and disobedience of the law, and the outburst of the attack. The prosecution makes López accountable not only for his own speech acts, but also for the apparent perlocutionary force of his words, in other words for their supposed consequences. Therefore, the prosecution tried to establish a link of causality between his words and the events that followed. Nieves once again cites the prosecution's linguistic expert in order to prove the power of López's words, repeating that discourse leads to action that can also lead to violence (34).

(42) "The Expert [...] indicated that discourse leads to action, it can lead to violence as occurred on that day". (Nieves, CS: 73).

The interrogation of Leopoldo López by prosecutor Sanabria offers a closer insight into the interaction in the trial, since other declarations in the transcript do not seem to be in the order in which they occurred. My aim in this section is therefore to show the

prosecution's discourse strategies to indict López of the violence and even of the deaths of February 12.

The prosecutor asks a series of questions about the demonstration on February 12, its goals, the meaning of the document that was to be handed out to the Prosecutor General, and the planning and timetable of *La Salida*. These questions, that can be considered objective, lead to another series in which objectivity is set aside and the prosecutor aims at inculcating López not only for the "risks" of planning the protest, but also for the dead and injured that day: "Did it occur to you that the planning of *La Salida* could lead to deaths and wounded here in Venezuela?" (Sanabria, CS: 42) and its reformulation: "In the planning of *La Salida* did you or did you not imagine risks?" (Sanabria, CS: 43).

López responds directly to these issues, saying that the convocation had been done by word of mouth and through the media, and that the idea was to produce and submit a document that would request the release of the detained students and initiate a process that could lead towards a solution to the issue of state leadership. He defines *La Salida* as a popular, democratic and constitutional way to bring the current political and economic crisis to an end.

(35) [...] And above all, I am grateful that this is my trial and that the trial is about my speeches, because then we would have to analyze the speeches, that is, you would not be able to focus on anything other than the speeches I said, because you have incarcerated me because of my speeches, let's analyze the speeches [...] (López, CS: 41).

To the insinuation that he participated in the deaths, López responds by charging the government for the dead and wounded.

(36) [...] Look I answer with all responsibility, the dead and wounded are the fault of the government, and do you hear? The murderer of Bassil Da Costa has a uniform, a badge and the weapon he used to kill him belongs to the Venezuelan state. The same happened with the majority of the murders throughout these months. It is irresponsible for you to try to establish a link between the protest and the responsibility for the killings. (López, CS: 42).

The defense objects, arguing that these questions are imprecise and capricious. López nevertheless responds, affirming that there should be no risk at all in the right to discuss such issues in any place and before any public entity. The risk comes, according to him, from the current Venezuelan state: "el origen del riesgo está en el Estado venezolano". (López, CS: 44).

The prosecutor asks about his plans to overthrow the government:

(37) Could you indicate to us if there is effectively a speech where you say that Maduro is your opponent and that your goal is to get rid of the public officers? (Sanabria, CS: 44).

López clarifies the phrase "ir por las cabezas", where the word "cabeza" ('head') means either a body part or public leaders, and claims that he obviously uses the word metaphorically. What he proposes is to replace all the heads of the government, because the system is corrupt. He acknowledges his use of twitter but asserts that he has never made a call to violence.

(38) [...] We have never raised a call to violence. Here are the speeches as evidence. (López, CS: 45).

She then enters the hypothetical field and asks López if he considers that had he not “convoked the march and the concentration [the students] would have [not] thrown stones, and set the public building and the police vehicles on fire on February 12, 2014?” And further if Bassil Da Costa and Juancho Montoya – the victims of the shootings – had not attended the march. López then confronts the prosecutor’s strategy of trying to link the speeches to the violence directly:

(39) [...] At the end, doctor, what you are trying to create is a link between what we were planning to do and the stones thrown by some youngsters because a peer had been killed in front of them. The public ministry is looking for a relation where there is none. (López, SC: 45).

Discussion

The idea of studying speech events in the legal context emerges from Shuy’s work (Shuy, 1996, 2008, 2010, 2012, 2013, 2014). I analyzed the corpus following his “Inverted Pyramid” and found three different speech events: a proclamation in a television station, a harangue in a public square, and a declaration at a trial where López is the accused. As said before, even though I use the Inverted Pyramid approach here, the speech acts are the most crucial in this study.

I observed that the agendas of both sides are opposed. The prosecution intends to demonstrate that the politician used words inciting violence and seeking to break with the constitutional order. Furthermore it seeks to ascribe to Lopez voluntariness by revealing that he was the lone author of this allegedly criminal speech. On his side, López insists that he was trying to find a compromise in a democratic manner and that his intention was to oppose the government within the boundaries of the constitution. He furthermore takes full responsibility for the entire content of his speech.

The schemas of López and the prosecution are also opposed. The accused protests his innocence, making clear that his protest is in compliance with the Venezuelan constitution and the rights recognized by democratic states. The prosecution claims, on the contrary, that as a skilled orator Lopez through his words has transmitted anger into the minds of young people that he knows very well, and that he is capable of manipulating and leading them to commit violent acts. The prosecution considers *La Salida* movement to be illegal, and assumes that there is neither freedom of expression, nor other citizen rights. It even considers the simple mention of president Rómulo Betancourt as a stimulus to the crowd to become violent.

Likewise, the speech acts found in López’s public speeches and his declaration at trial diverge from those that the prosecution ascribes to him. The reason for this divergence lays not so much from failure to recognize different types of speech acts, but rather from the prosecution’s failure to properly understand and assess them.

It should be mentioned that the illocutionary force of the speech acts of López merge with his *discursive ethos*, in other words, with his capability as a leader. What is condemned is the supposed perlocutionary force of his speech acts, that is, the consequence that his words could have had, according to the accusers. To be able to demonstrate this relationship, the prosecution would be required to prove the cause-effect link of Lopez’s words to the ensuing violence, which proof remains unsubstantiated and merely inferred. Inferences are always a poor substitute for any factual evidence of intentionality or predisposition to promote violence.

López's language does not suggest that he is defying the constitutional dimensions of the government and at no point does he suggest violence. He maintains that the only substantiated link to violence is that of the past murders of three persons by governmental forces. More importantly, López does not have either institutional or personal power in the communicative discourse of the trial. In a government where powers are not divided and shared fairly, and when all of this power is in the hands of the executive, López has prestige, but not power (Bourdieu, 2012).

I found some persuasive discourse strategies in the different speech events. López opposes the government throughout as he protests and tries to convince the court. This is one of the functions of political discourse (Chilton, 2004). This is evident even in his testimony at the trial, where he adds only the strategy of powerlessly requesting the liberation of the students who stood accused along with him. The strategy of the prosecution, as accuser, was to blame López for the ensuing street violence that he had actually argued against and for being an irresponsible leader. Moreover, the prosecution also blames him for the deaths that occurred after the demonstration.

I found some persuasive discourse strategies in the different speech events. López opposes the government at all times as he protests and tries to convince the court, which is one of the important and well-accepted functions of political discourse (Chilton, 2004). This is evident even in his testimony at the trial, where he adds only the strategy of requesting the liberation of the students who stood accused along with him. The discourse strategy of the prosecution, as accuser, was to blame López for the street violence and for his irresponsibility as a leader. Moreover, the prosecution seems to blame him for the deaths that occurred after the demonstration.

The final question, which is important but not central to this particular study, concerns the role of linguistic experts in a trial. The prosecution's linguistic experts came to conclusions about his guilt that fall outside the proper scope of linguistics and therefore were not appropriate or relevant. Linguists should speak only about what the language tells us and leave the ultimate legal questions to the triers of fact. This is a subject that must be dealt with if the practice of using language experts continues in Venezuela. As Shuy (2006: 124–125) advises, expert linguists cannot become advocates for either side. Their role is simply that of examining and presenting their analysis of the language in evidence as objectively as possible. This analysis should be the same for either the prosecution or the defense. As illustrated above, the government's linguistic experts failed to achieve this objectivity throughout their reports.

Notes

¹I am indebted to Roger Shuy for his interest in my study, which he has followed closely. The errors of the article are of course only my responsibility.

²'Words can injure, me too'. <http://www.soziale-manieren.de/54433.asp.10/08/2010>.

³The prosecution has experts in the police corps (CICPC, SEBIN & GNB) as well as in its Office for Technical Scientific Assistance. The prosecution can also appoint other experts from public universities or professional colleges, and pay for their fees as well. The defense may hire a police expert or a private one; experts who are not public servers must take an oath.

In the penal process, each side offers the testimony of their experts as a evidence. If the prosecution and/or the victim (when the accusation is private) contracts an expert, the defense may present another one for a counterexpertise, or viceversa. When police officers serve as experts, the party cannot choose them; they just ask for an expertise at the police office or the corresponding institution (Information given by Juan Carlos Gutiérrez, Leopoldo López's defence counsel personal communication).

⁴Tweets were subject to a second linguistic report, which also incriminated López.

⁵'Schema' refers to an active organization of past reactions, or of past experiences, which must always be supposed to be operating in any well-adapted organic response (Bartlett, 1995: 201).

⁶Rómulo Betancourt was a Venezuelan statesman, author of emblematic books, who fought the Perez Jimenez dictatorship. The government considers Betancourt an enemy.

⁷Robert Redman was also killed that day, but he is not mentioned in the trial.

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Appendix: Spanish original citations

(1) ¡Qué contradicción/ hermanas y hermanos! En medio de la bonanza petrolera más grande que ha tenido la historia de Venezuela/ tenemos la más alta inflación// En medio de esta bonanza petrolera tenemos la más alta escasez/ en medio de esta bonanza petrolera tenemos el más alto desempleo para nuestros jóvenes//. (LL, Text 1).

(2) [...]usted misma podrá apreciar como este ciudadano Leopoldo Enrique López Mendoza expresándose a través de los distintos medios de comunicación sociales, así como las redes sociales, y en especial a través de su cuenta Twitter, influyendo en sus seguidores emitió una serie de mensajes lo que desencadenó, un ataque desmedido de este grupo de personas que él mismo convocó para el 12 de Febrero [...] (Nieves, CS-6).

(3) [...] él tiende a culpabilizar siempre en todo momento al Gobierno de la violencia. (Nieves, CS:7).

(4) [...] de las muertes sabemos que las que se han esclarecido son [causadas por] funcionarios del Estado venezolano, eso sí lo sabemos y yo estoy convencido por que estaba allí el 12 de febrero que la reacción de las 4 piedras que tiraron los jóvenes, era una reacción a que habían matado a un compañero de ellos [...] ese fue el detonante de la violencia el 12 de febrero, a mi me parece realmente insólito que la Fiscalía [no] reúna (sic) los hechos, es como si son dos mundos apartes, la condena de López y los estudiantes es un universo y otro universo es el homicidio de Montoya y Bassil Da Costa como si no tuviesen relación, claro que tienen relación, ahora la Fiscalía no le interesa establecer la relación, por qué no le interesa establecer la relación, no le interesa saber la relación porque allí está el origen de lo que fue la acción de estos jóvenes. (LL, CS:35).

(5) Sanabria: **¿Se le presento (sic) usted con la planificación de la salida que pudiera haber muertos y heridos aquí en Venezuela?** [López] **Respondió:** mire yo le respondo con toda responsabilidad los muertos y los heridos son responsabilidad del gobierno oyó, el asesino de Bassil Da Costa tiene uniforme, tiene credencial y el arma con la que mato a Bassil Da Costa es un arma del estado venezolano (CS: 42) (Bold in the original).

(6) El Ministerio Público se pregunta si efectivamente él en esa planificación se presento que podía haber muerte, personas muertas y heridas en base a esa convocatoria que realizo (sic), esa es la pregunta del Ministerio Público. (CS: 43).

(7) [...] no debería haber riesgo, ahora de donde viene el riesgo, de una pistola oficial, de una credencial, cual es el origen de la muerte, de un hombre uniformado que recibió una instrucción y asesinó a Bassil Da Costa esa es la verdad, donde esta el origen del riesgo, el origen del riesgo está en el Estado venezolano [...] el estado es el riesgo, si, si, el estado es el riesgo. (López, CS: 44).

(8) Es evidente que a través de sus discursos envió mensajes descalificativos que desencadenaron las acciones violentas y eminentes daños a la sede Fiscal y cuerpo de investigaciones, en virtud de los discursos emitidos por los medios de comunicación, cuando lo correcto en su posición de lider es la de llamar a la calma, la tranquilidad, la paz, y a la utilización de los mecanismos adecuados establecidos en la Ley, para plantear su descontento con el actual gobierno. (Judge Barreiros, CS: 251).

(9) [...] aquí en el año y dos meses que tuvimos de juicio siempre, se destaco su calidad de líder, incluso la analista lingüista Rosa Asuaje y el Experto en redes sociales Mariano Ali, manifestó que si, que específicamente el ciudadano Leopoldo Eduardo López Mendoza era un gran lider, y convocaba y movía masas de personas [...] (Sanabria, CS: 62).

(10) [...] claro el no lo dijo con esas palabras que la salida debía ser violenta, pero en un contexto de violencia. (Sanabria, CS:62).

(11) Leopoldo López lo hace muy bien porque el dice, recordemos por allá en los años cincuenta a Rómulo Betancourt quien hacía un llamado a las calles a luchar por la democracia de este país, [...] Rómulo Betancourt desde Costa Rica, en su exilio el llama a la sublevación. (Judge Barreiros, CS: 262).

(12) [...] estos discursos son de manera apasionada, violentos y hostiles a los fine de caer en la mente de esta misma persona de sus seguidores con el fin de convencerlos y que tengan correspondencia con su manera hostil y su alocución para desconocer a las autoridades legítimas y las leyes y así lograr alcanzar el tan anhelado poder. (Nieves, CS: 6).

(13) a. [...] todo lo cual esto se llevó de una manera premeditada en virtud de que todos estos actos estaban preparados previamente a los fines de su ejecución. (Nieves, CS: 5).

b. [...] en este discurso los fines que pretendía era que el pueblo saliera a la calle como ocurrió. (Nieves, CS: 5).

c. [...] discurso éste previamente preparado, ensayado, aprendido y puesto en práctica en virtud de que él mismo emite su discurso y todo se repite, sin ningún tipo de texto que tenga donde apoyarse. (Nieves, CS: 6).

(14) [...] soy inocente, de todos los delitos que dice el Ministerio Público, soy inocente, yo ni llamé a la violencia, yo no incendié nada, yo no hice ningún daño, y no soy parte de una estructura delictiva como plantea el Fiscal para asociados para delinquir, todo eso es falso, ahora yo si asumo mi responsabilidad de haber convocado a esa manifestación, yo si asumo mi responsabilidad de denunciar al estado venezolano como corrupto, ineficiente, antidemocrático, yo si asumo mi responsabilidad de querer promover cambios para Venezuela, yo si asumo mi responsabilidad de asumir que la calle, que la protesta es un derecho al cual nosotros no podemos renunciar, yo asumo esa responsabilidad. (LL, SC:38).

(15) [...] la salida es articular una salida popular, democrática y constitucional a la conducción actual del estado venezolano, nosotros hemos planteado la necesidad de ir al origen del problema [...] el problema que tenemos en lo social, en lo económico, en lo político, en lo militar tiene un mismo origen que es el sistema, que es la colonización del estado venezolano por el partido de gobierno, es enterrar la constitución todos los días [...] y nosotros hemos planteado la necesidad de sustituir esa forma de conducir el estado venezolano por una aproximación democrática, respetuosa de la constitución. (LL, SC: 40).

(16) El 12 de febrero en la noche [...] se emite una orden de aprehensión esa orden estaba escrita esa orden estaba dada al Ministerio Público sin ninguna duda [...] en ese contexto de persecución, en ese contexto de injusticia yo decidí presentarme voluntariamente ante una justicia que desde mi perspectiva, desde mi vivencia y desde el análisis que hago de lo que ocurre en el país es injusta, injusticia injusta pero tome la decisión de presentarme voluntariamente porque no tengo intenciones de irme del país, porque no

tengo intenciones de esconderme de nadie y porque asumo mi responsabilidad de haber convocado a una manifestación el día 12 de febrero pacífica no violenta en el contexto de una protesta nacional de la indignación de un pueblo [...]. (LL, CS: 33-34).

(17) [...] mire yo le respondo con toda responsabilidad los muertos y los heridos son (21) responsabilidad del gobierno oyó, el asesinato de [...] jamás hemos planteado nosotros un llamado a la violencia y menos al que están los discursos como elementos probatorios. (López, CS: 45).

(18) “¿Usted nos podría indicar si efectivamente hay un discurso suyo que indique que su adversario es Maduro y vamos por las cabezas de los poderes públicos?” (Sanabria, CS: 44).

(19) [...] jamás hemos planteado nosotros un llamado a la violencia y menos al que están los discursos como elementos probatorios. (López, CS: 45).

(20) “¿Ese cambio que usted plantea para Venezuela usted esta consiente (sic) si constitucionalmente están dadas las condiciones para que en el momento en que usted convocó (sic) la marcha y la concentración efectivamente se diera ese cambio constitucionalmente?” (Sanabria, CS: 46).

(21) ¿Usted considera que si usted no hubiera convocado a esa marcha hubiesen habido los muertos que hubo en toda Venezuela?

(22) Bueno yo quisiera/ yo quisiera//;Sí se puede/ sí se puede! Yo quisiera pedirles a todos los que estamos acá a que asumamos el compromiso de seguir multiplicando/ de seguir creciendo/ de seguir avanzando en la conquista de ese cambio político que nos pertenece// Y les pido que alcemos nuestra mano derecha y digamos: “Nosotros/ venezolanos y venezolanas/ comprometidos con nuestra historia / de lucha por la libertad/ comprometidos hoy Día de la Juventud/ con el futuro de nuestros hijos/ asumimos el compromiso de tener vocación de cambio/ la entrega y la determinación/ hasta lograr el cambio político/ el cambio social/ que se merece Venezuela//;Que viva Venezuela! ¡Que viva el futuro de Venezuela!//;Que vivan nuestros jóvenes!// Y salgamos hoy/ salgamos/ salgamos a caminar con firmeza/ con fuerza/ asumamos la no violencia/ nuestro terreno/ la calle; nuestra la lucha/ la no violencia// Que Dios los bendiga! Muchas gracias//”. (López, Text 2).

(23) Y es por eso que nosotros invitamos al pueblo venezolano/ a todos los que quieran cambio/ a todos los que quieran que Venezuela pueda mejorar/ a todos los que sueñan con una Venezuela de paz/ con una Venezuela de bienestar/ con una Venezuela de progreso/ a todos los venezolanos que saben que podemos estar mejor/ a todos los venezolanos que saben que podemos tener un país de oportunidades/ un país de empleo/ de progreso/ un país de democracia/ de igualdad ante la ley/ un país de justicia/ [...] Una Venezuela en donde la democracia sea la esencia de los derechos para todas las personas/ todos los

derechos para todas las personas/ no parte de los derechos para parte de las personas//.
(López, Text 1).

(24) [...] El ciudadano Leopoldo López, expresándose a través de los distintos medios de comunicación hizo llamados a la calle los cuales produjeron una serie de hechos violentos, desconocimiento de las autoridades legítimas y la desobediencia de las leyes[...] (Juez Barreiros, CS: 256).

(25) Finalmente ciudadana Juez yo quisiera solicitarle que dada esa circunstancia ciudadana Juez yo si quisiera entendiendo que esto es político que usted evalúe la posibilidad de dejar en libertad a los jóvenes Coello y Holdack, si para dejare (sic) preso a mí los necesita a ellos como prueba de que hubo un determinante y un determinado yo pediría que el peso del castigo político lo asuma yo completo [...]. (López, SC: 37).

(26) A usted puede que no le guste lo que yo le estoy diciendo, pero yo tengo todo mi derecho de decirlo porque si no, no viviríamos en democracia, porque esa es la esencia de una democracia. (López, SC: 37).

(27) Determinados (sic) no es quien determina, es quien ejecuta los hechos y coincide con los autores materiales de esos hechos, la participación del ciudadano Leopoldo Eduardo López Mendoza, no consintió (sic) en el mismo lanzar esas piedras, hormigones, sino que esa determinación provoco (sic) que esas personas provocadas por esos mensajes fueron los que reaccionaron por esos hechos. (Nieves, CS: 73).

(28) En este sentido la experta aseguro claramente que el dirigente de voluntad popular no hizo llamado a la violencia, el (sic) no dijo vamos a quemar la fiscalía (sic), vamos a lanzar piedras, con esas palabras es obvio no lo dijo, no hizo ese llamado irresponsable de la violencia, pero dejo claro que Leopoldo Eduardo López Mendoza, es un líder de hecho ella fue conteste en decir que el (sic) es un excelente líder, es decir mueve masas, como los estudiantes y las personas jóvenes fueron manipulados por ese llamado que hizo este señor [...] (Prosecutor Sanabria, CS: 119).

(29) Es un pueblo a quien el conoce muy bien, es un pueblo a quien él ha estudiado, es un pueblo que esta conformado en su mayoría por jóvenes) -. (Judge Barreiros p. 261, citing the linguistic expert verbatim, p. 165).

(30) Que viva Venezuela! Que viva Venezuela y que vivan las mujeres y hombres que hoy estamos convencidos de que Venezuela tiene que cambiar// (López, Text 2).

(31) Y yo quiero comenzar haciéndole un reconocimiento a los jóvenes venezolanos// A los jóvenes venezolanos que hoy están en las calles/ pero muy especialmente a los que han sido reprimidos/ a los que hoy están presos/ a los que han sido heridos de bala/ a los

que han sido reprimidos por la guardia/ por el ejército/ por la policía y por los grupos irregulares del gobierno// (López, Text 2).

(32) Le queremos decir a esos jóvenes que no están solos// Sus padres/ sus abuelos y toda Venezuela está con los jóvenes venezolanos//. (López, Text 2).

(33) Yo decidí presentarme voluntariamente ante una justicia que desde mi perspectiva, desde mi vivencia y desde el análisis que hago de lo que ocurre en el país es injusta, injusticia injusta pero tome la decisión de presentarme voluntariamente porque no tengo intenciones de irme del país, porque no tengo intenciones de esconderme de nadie y porque asumo mi responsabilidad de haber convocado a una manifestación el día 12 de febrero pacífica no violenta en el contexto de una protesta nacional de la indignación de un pueblo con respeto (sic) a lo que está ocurriendo. (López, CS: 33).

(34) ¿Y qué salida estamos proponiendo nosotros?// Nosotros estamos conscientes que la salida tiene que ser primero que nada popular/ popular con la gente/ gente/ gente/ gente que quiera la salida/ gente que quiera ser la fuerza de un pueblo que busque cambio// Segundo una salida democrática y tercero/ una salida dentro de la constitución// Existen distintas herramientas que nos ofrece la constitución y nosotros debatiremos con el pueblo cuál de esas herramientas es la más oportuna/ cuál de esas herramientas nos podrá encauzar hacia un cambio lo antes posible/ hacia un cambio lo más profundo/ lo más democrático/ y que nos permita avanzar hacia una mejor Venezuela// (López, Text 1).

(35) Ese topos de cambio de sistema y cambio de gobierno es muy importante porque ese sería el inicio de la máquina retórica del ciudadano Leopoldo López, es necesario plantear el cambio aquí el concepto de programas negativos que yo expliqué entra perfectamente, o sea, es necesario una transformación, cómo se va a dar esa transformación, bueno se puede dar mediante unos mecanismos que en esta propuesta conceptual del ciudadano Leopoldo López se denominó la salida, a mi entender ese sería como el cambio necesario para que se de esa transformación de cambio de sistema allí en el programa negativo esta muy claro, es necesario cambiar el actual sistema que hay por otro sistema que sea más democrático, palabras del ciudadano Leopoldo López, donde la justicia sea para todos. (Juez Barreiros, CS: 262; verbatim quote CS:173).

(36) Ahora yo sí creo eso, que yo creo que en Venezuela no vivimos en democracia, yo sí creo que Nicolás Maduro no es un Presidente demócrata, yo si reo (sic) que en Venezuela no hay autonomía en los poderes públicos yo si reo (sic) que en Venezuela lamentablemente el sistema de justicia esta colonizado y penetrado por la dominación del partido de gobierno, yo sí creo eso yo sí creo que lamentablemente hoy los venezolanos a pesar de que pedimos a veces de rodillas justicia no tenemos acceso a la justicia porque el estado venezolano se está desmoronando yo estoy convencido que los poderes públicos en Venezuela están secuestrados, yo estoy convencido de que lamentablemente el manejo de la política militar es contraria a la constitución, allí está la constitución lo que establece

con respeto a autonomía en poderes Públicos, de libertades, de la función de la Fuerza Armada Nacional y todo eso se violenta. (López, CS: 34).

(37) es la distinción que hace el ciudadano Leopoldo López y qu(sic) se repite a lo largo de toda la exposición que el hace y es la distinción muy clara entre pueblo y gobierno hay que diferenciar muy bien el pueblo del gobierno, el pueblo es bueno, el gobierno no, el pueblo es humillado, el pueblo esta siendo objeto de violaciones a sus derechos humanos en cambio el gobierno no entonces hay como una distanciaci3n entre lo que yo sin ser abogado pero conocedora de la constituci3n como toda venezolana entiendo entre poder constitutivo y poder constituyente, es decir, por un lado est3 una clara diferenciaci3n el pueblo est3 en contra del gobierno, el pueblo adem3s (sic), el pueblo considera legitimo desconocer a un gobierno ilegítimo porque ese es un argumento que se repite es un topos que se repite, el de gobierno ilegítimo se repite, si nosotros partimos de la premisa de lado ilegítimo e evidente que lo desconozcamos, no solamente s evidente es razonable que lo desconozcamos, si yo pierdo la autoridad como madre no puedo exigir que el dia (sic) de mañana mi hija haga algo en contra de las normas que yo le he dado entonces si se deslegitima el gobierno y se dice claramente que esto es un gobierno ilegítimo pues salir a la calle a conquistar la democracia por medios constitucionales, en el dia (sic) de hoy constitucionalmente, es muy complicado, o sea discursivamente es una tarea titánica, yo lo se desde el punto de vista lógico, argumentativo, como hablar de lucha de sublevaci3n de salir a las calles, de gobierno ilegítimo, de narcotraficante, de salir constitucional la democracia rápido, bueno eso no es una acotaci3n que tiene que ver con mi análisis pero evidentemente no es mi palabra contra la suya simplemente es lo que yo conseguí en ese análisis, el análisis prosódico de ese discurso. (Juez Barreiros, CS:263; verbatim quote of the linguistic expert CS: 177).

(38) Yo no podía creer ni puedo creer que nosotros estemos yendo a un Juicio sin que podamos presentar una prueba, un testigo alternativo a lo que es el planteamiento del Ministerio Público [...] con que (sic) elemento probatorio alternativo del análisis semi-ol3gico est3 haciendo una militante del PSUV, con que (sic) prueba alternativa vamos a presentar nosotros si nosotros no las presentan, estamos aqu3 frente a un pared3n de fusilamiento que no solamente es a nosotros como personas, es a la democracia, es la justicia, es a la constituci3n, es al C3digo Orgánico Procesal Penal, es a este edificio, es a las togas que ustedes se ponen, es a su investidura como Juez. (López, CS: 38).

(39) Leopoldo utiliza, que muchos de ellos pueden estar justificados, no son ciertos, por ejemplo si uno va a hablar y aqu3 el concepto de verosimilitud es importante porque se dicen muchas verdades y unas que no es tan ciertas y entonces solo entra en el mismo renil (sic) de la gobernaci3n decir que es un estado narcotraficante, eso hay que probarlo hay que tener las pruebas en la mano m3s all3 de una noticia de ABC donde se diga cualquier cosa entonces son referentes inducidos, son anclajes referenciales que tienen mucha fuerza interlocutiva sobretodo en un líder porque yo puedo en este momento decirle a usted cualquier cosa pero es muy difícil que lo que yo diga genere una acci3n determinada, pero cuando un líder habla a una masa que adem3s cree en él, y una masa que le ha entregado su confianza buenos (sic) hay que terne (sic) una responsabilidad

discursiva para asumir ese compromiso. (Juez Barreiros, CS: 263, verbatim quote of the linguistic expert, CS: 177).

(40) Ella menciono (sic) que el ciudadano Leopoldo Eduardo López Mendoza utilizaba la palabra Venezuela, como si fuera representante del territorio nacional. (Sanabria, CS: 76).

(41) “La Experta [...] indico (sic) aquí que el discurso conduce a una acción, puede llevar a la violencia como lo que ocurrió ese día” – (Nieves, CS: 73).

(42) [...] y yo dentro de todo agradezco que mi Juicio sea y este Juicio sea sobre mis discursos, porque entonces tendríamos que analizar los discursos, es decir ustedes no se van a poder salir de lo que son los discursos que yo mismo dije, porque ustedes me metieron preso por los discursos, analicemos los discursos [...] (López, CS: 41).

(43) [...] mire yo le respondo con toda responsabilidad los muertos y los heridos son responsabilidad del gobierno oyó, el asesino de Bassil Da Costa tiene uniforme, tiene credencial y el arma con la que mato a Bassil Da Costa es un arma del estado venezolano (CS: 42) (Bold in the original).

(44) “¿Usted nos podría indicar si efectivamente hay un discurso suyo que indique que su adversario es Maduro y vamos por las cabezas de los poderes públicos?” (Sanabria, CS: 44).

(45) [...] jamás hemos planteado nosotros un llamado a la violencia y menos al que están los discursos como elementos probatorios. (López, CS: 45).

(46) “[...] al final doctora lo que usted lo que está tratando de crear es una vinculación de lo que nosotros estamos planteando con unas piedras que lanzaron unos jóvenes porque habían atado a un compañero en su cara frente a ellos, el Ministerio Público está buscando una relación donde no la hay”. (López, SC: 45).