



VENEZUELA: Concern about the trial against Judge Maria Lourdes Afiuni

(Geneva-Paris, May 12, 2011) *The International Commission of Jurists (ICJ) and the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH), today expressed their concern at the ongoing prosecution of Judge Maria Lourdes Afiuni. The organizations called on the Venezuelan authorities to ensure that the trial against the Venezuelan tenured criminal judge comply with all fair trial guarantees provided under international law and Venezuelan Constitution, and hearings be held in public, with access provided to national and international observers.*

The first hearing of the trial against Judge Afiuni is scheduled today at the Tribunal 26 of the Criminal Judicial Circuit of the Metropolitan Area of Caracas. Judge José Fabricio Paredes, in charge of this case, has expressed his intention to bar access to the courtroom to international observers, in violation of the international principle that criminal proceedings must be open to the public. The Judge has justified this decision by asserting that a public trial would impair the solemnity and fairness of the trial.

Judge Afiuni was arrested on 10 December 2009, following her decision to release on bail a defendant, Eligio Cedeño. Her decision took into account the assessment and recommendations of the United Nations Working Group on Arbitrary Detention, which had determined Eligio Cedeno's detention to be arbitrary¹.

In the aftermath of Judge Afiuni's arrest, President Hugo Chávez publicly intervened in the case in a televised speech, calling the tenured judge "a bandit" and declaring that he had asked the President of the Supreme Court of Venezuela to handle her trial with severity as an example to other judges. She is being tried on charges of corruption, abuse of power and complicity in a prison escape and criminal complicity.

For more than a year after her arrest, Judge Afiuni was detained in the women's detention centre of Venezuela, the *Instituto Nacional de Orientación Femenina* (INOF). While at the penitentiary, her psychological and physical health deteriorated severely. She was allegedly subjected to continuous threats to her life and personal integrity by other prisoners, some of whom she had indicted or convicted in the exercise of her functions as criminal judge. She was also said to have been subjected to ill-treatment by prison officials.

Judge Afiuni is presently under house arrest following surgery. She is required to appear before the court every week, which poses difficulty to her as a result of delicate health.

¹ Eligio Cedeño is a Venezuelan businessman accused of financial fraud, whose detention was declared arbitrary by the UN Working Group on September 1, 2009, as he had spent almost three years in prison awaiting trial.

“The case against Judge Afiuni should never have commenced in the first place”, says Ilaria Vena, Associate Legal Adviser at the ICJ Centre for the Independence of Judges and Lawyers. “No evidence have been brought by the prosecuting authorities to support the charges formulated against her. Further, at the preliminary hearing the Attorney General explicitly recognised that investigations had found no trace of any advantage or profit ever derived to Judge Afiuni from actions taken in the exercise of her judicial function, or anything else that might corroborate the accusations.”

The ICJ and the Observatory condemn the judicial harassment against Judge Afiuni, which appears aimed at sanctioning her solely for carrying out her professional functions.

The ICJ and the Observatory are also concerned that the trial against Judge Afiuni has failed to conform to essential fair trial guarantees under international and national standards, including that trials shall be conducted by an independent and impartial court.

The ICJ and the Observatory call upon the Venezuelan authorities to ensure that the trial initiated against Judge Lourdes Maria Afiuni meet all international standards of fair trial, including the right to a public hearing.

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