



IAJ·UIM *International Association of Judges*
Union Internationale des Magistrats

DECLARATION
ON THE CASE OF VENEZUELAN JUDGE MARIA LOURDES AFIUNI

The International Association of Judges, a nonpartisan professional organization, composed of Judges' associations from 83 countries, whose primary purpose is to ensure judicial independence in the world, regarding the anniversary of the Universal Declaration of Human Rights, feels compelled to reiterate its complaints over the situation of Venezuelan criminal judge Maria Lourdes Afiuni.

Also, today, December 10, 2014, five years have passed since her arrest under various criminal charges, not yet clarified in any court.

Judge Maria Lourdes Afiuni, on December 10, 2009, a few minutes after ordering the conditional release of a detainee, was transferred to a detention center with common prisoners, where she remained for over a year in conditions that threatened her health and safety.

The decision of the judge who ordered the release, questioned by the Executive Power, was preceded by three Prosecutor no-shows at hearings with the person in custody. The judge was consistent with the opinion that it was a case of arbitrary detention. Despite this being a crime of public order, there has not been any valid judicial process initiated up-to-date.

The first criminal trial of judge Afiuni, at the time of her arrest, culminated in a declaration of nullity of the proceedings.

A new judicial process for similar charges with factual basis on that release, prepared in December 2009, has not begun until today.

Successive extensions of hearings have been mediated for insufficient reasons, such as leave of absence of Chief Judge of the Judicial Office in charge of the case, as stated by this organization representation last July 11, 2014.

Precisely today, December 10, 2014, a new citation was issued to this Judge to appear to the Court of Caracas, but a new hearing suspension is expected, given the Chief Judge of the Judicial Office responsible for the case is still on leave. Outside the jurisdictional scope, and by administrative action, the judge was removed from office for disciplinary reasons, but, for unexplained justifications, the corresponding process has not been pursued.

Consequently, to maintain her status as a judge, she is prevented from performing any gainful activity, a situation that imposes her to live off family assistance.

The above circumstances were preceded by no less worrying events, such as the dismissal of other judges, who, by exhaustion of Venezuela courts internal ways, obtained a judgment of the Inter-American Court of Human Rights, where it was ordered to the Bolivarian Republic of Venezuela reinstate them in their respective positions.

That judgment of the highest international judicial bodies never fulfilled because, with alarming jurisprudence, the Supreme Court of Venezuela, by decision No. 1939 of December 18, 2008, stated: "...an unenforceable ruling of the Inter-American Court of Human Rights, dated August 5, 2008, by ordering office reinstatement of judges of the First Court of Administrative Disputes..." With the understanding that "...the execution of the sentence from the Inter-American Court of Human Rights, dated August 5, 2008, affects essential principles and values of the Bolivarian Republic of Venezuela constitutional order and could lead to an institutional chaos within the justice system, by attempting to change the autonomy of the constitutionally mandated judiciary power and the established disciplinary system..."

Both situations are negatively impacting the independence of other judges, and thereby undermine the guarantees needed in a State, for the effective protection of the rights of its citizens.

Under such circumstances, the International Association of Magistrates reiterates its concern and urges the judicial authorities of the Bolivarian Republic of Venezuela to respect the Universal Declaration of Human Rights and thereby ensure the right of Judge Afiuni to an effective remedy before national courts, and give protection against acts that violate her fundamental rights recognized by the constitution or by law.

It is indisputable today, in light of the provisions of Articles 8-10 of the Universal Declaration of Human Rights, that no one shall be subjected to arbitrary arrest, detention or exile and that everyone is entitled, in full equality, to a fair and public hearing by an independent and impartial tribunal, in the determination of one's rights and obligations or to have examined any criminal charge against oneself.

Thus it is established in Articles 8-10 of the Declaration of Human Rights of 1945, and there are no valid reasons to exclude this case of such protection.

December 10th, 2014

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