

The Hague, March 1st

Honourable members of the National Assembly of the Bolivarian Republic of Venezuela,

I am sending you this letter as the president of the Dutch Foundation “Judges for Judges” based in the Netherlands. This Foundation, which was set up in 1999, supports judges working in other countries who may encounter problems when carrying out their professional duties. This may be the case, for instance, if their independence is under threat or is being violated.

Since 2010 the Foundation has been actively involved in keeping a close watch on the circumstances in which fellow judges find themselves in certain countries. If the Foundation notices that a judge encounters the afore mentioned problems it will contact him/her. Occasionally judges themselves initiate contact with the Foundation. After discussion with the judge concerned the Foundation considers the ways in which the Foundation can best contribute to improving the judge's situation. In some cases the Foundation may contact the authorities of the country concerned through National or European parliamentary organisations. In other cases it may seek cooperation with Dutch or International authorities. Sometimes the Foundation seeks publicity; other times it uses silent diplomacy.

Via this letter, and with all due respect for the judicial organisation in Venezuela, we would like to draw your close attention to the case of Judge Maria Lourdes Afiuni Mora, in particular to the grounds for her preventive detention. We refer hereby to the statement of the UN Human Rights Committee in the case “Eligio Cedeno vs. Republica Bolivariana de Venezuela” in which it condemned the state of Venezuela for the violation of Mr. Cedeno's rights to undergo a fair trial and within a reasonable term, by independent judges as recognised in the International Covenant on Civil and Political rights. Via this statement the Committee passed on the conclusions in this case, one of them being that the preventive detention of Eligio Cedeno was unjustified and too long. Moreover it determined that the prosecutors and judges who took part in Mr. Cedeno's case, acted under the orders of the Executive Power. In other words it was concluded that the presumption of Mr. Cedeno's innocence was not guaranteed and that he had not been given a fair trial.

Judge Afiuni was responsible for the freeing of Eligio Cedeno. It seems harsh that Judge Afiuni has now been accused of corruption, amongst other things, for setting Eligio Cedeno free. Furthermore we wish to draw your attention to the duration of the trial against Judge Afiuni (more than 6 years). She was detained in prison from December 2009 until February 2011. Then she was under house arrest until June 2013 and subsequently restrictive measures have been imposed upon her. All this has affected Judge Afiuni both physically and mentally.

We also wish to draw your attention to Opinion No 20/2010 regarding Judge Afiuni approved on 1st September 2010 which requests the release of Judge Afiuni from her arbitrary detention. You also quote this opinion in your Agreement of exhortation to comply with the decisions, resolutions, opinions and acts dictated by the International organisations for Human Rights.

We also would like to draw your attention to the recommendation of the UN Committee

against torture (November 2014) which recommends that Venezuela should:

1. Investigate *ex officio* and in a prompt, exhaustive and impartial manner the allegations of torture and mistreatment by sexual aggression allegedly committed against Maria Lourdes Afiuni during her detention in the Instituto Nacional de Orientacion Feminina;
2. Guarantee a just and independent trial for Mrs. Afiuni, as well as an adequate compensation for the physical and mental suffering she underwent during her detention.

In conclusion we would like to point out that it has taken three years from the start of the disciplinary process against judge Afiuni before a beginning was made, on Tuesday February 16th with the first of the nine pending processes that were started against Afiuni for disciplinary reasons. Judge Afiuni fears that in this way, rather than being suspended as a judge she will be removed from office on the eve of the Amnesty Law.

Thank you for your attention.

Yours sincerely,

Tamara Trotman

President Foundation Judges For Judges