

UPDATE ON THE DISCIPLINARY CASE OF MARIA LOURDES AFIUNI

On November 22, 2016, in the office of the Judicial Disciplinary Court (Tribunal Disciplinario Judicial), Judge Maria Lourdes Afiuni lived a dreadful situation. In that office she not only suffered a humiliation as a human being, but also a gross disregard to her due process by the Tribunal which is called to grant unbiased justice to all judges under a disciplinary procedure.

At the time and day scheduled for the beginning of another disciplinary procedure against her (case 2012-00099) – in which the General Inspectorate of Courts (Inspectoría General de Tribunales) requested to the Judicial Disciplinary Court¹ the Judge's removal from her position – Maria Lourdes Afiuni Mora appeared to claim that the tribunal had removed her lawyer from the defense because he had repeatedly denounced the outrageous violations to the due process in the disciplinary procedure and the court had appointed a public defender which she had revoked in previous days. In this sense, Maria Lourdes Afiuni Mora appeared before the tribunal to demonstrate she had no defense.

However, the Judicial Disciplinary Tribunal refused to receive the complaint and agreed to conduct a hearing without the presence of the Judge's defender of her confidence by ordering her in an imperative and reiterative way to enter the courtroom. Thus, Judge Afiuni refused to enter the courtroom and **the tribunal decided to conduct the hearing without her or any defender presence.**

Afterwards, and before the beginning of the trial, the lawyer representing Judge Afiuni, Jeset García, appeared in the tribunal and only after a harsh discussion managed to introduce a writ with arguments that had been previously refused. Even though, ignoring them, far from attending the request, the Tribunal agreed to call upon Susana Barreiros² for her office to handle the appointment of Judge Afiuni's public defender. All this against her will.

As can be expected, Maria Lourdes Afiuni Mora and her lawyer denounced, outside the courtroom, what was happening and claim the violation of her constitutional and legal rights. Despite the scandal, the tribunal was constituted without the **presence of the judge or her lawyer and initiated it only with Luzmila Ruiz, Representative from the Inspectoría General de Tribunales even with her complaint.**

Besides all that has been explained, the court expects to continue the procedure in the following days with a public defender, and not the lawyer of her choice. All this despite repeated declarations to the Tribunal Disciplinario Judicial both in a written and verbal manner to express that she does not want the public defender to represent her. And even though Judge Afiuni is not in contempt of court but is exercising the legitimate right of being assisted by a lawyer that she trusts that is part of the right of a fair trial, the court intention is to remove the Judge from her position as soon as possible.

¹ The Judicial Disciplinary Court is composed by Jacqueline Sosa, Hermán Pacheco Alviarez and Carlos Medina (the two latter being ex representatives from the ruling party PSUV to the National Assembly)

² Before assuming the position of Head of Public Defense, Susana Barreiros was the judge in charge of the case of the political leader Leopoldo López

It is worth noticing that even after 7 year it has not been possible to have complete access to the record because it was constituted behind Judge Afiuni`s back; since the disciplinary procedure started she has not been able to look at it because Ali Fabricio Paredes, a criminal judge, prohibited her temporal transfer to the courthouse to access the records. To the present day there has not been a complete access neither to the entire record nor to the admitted exhibits.

It's worth noting that the constitutional amparo writ (amparo constitucional) introduced 6 years ago before the Political-Administrative Chamber (Sala Político Administrativa), in which is denounced that the Judge Maria Lourdes Afiuni was suspended of her position by a press release of the Supreme Court (Tribunal Supremo de Justicia) and not by the administrative records opened in 2012 – 3 years after she was detained – has not been decided, because the Judge Afiuni was deprived of her freedom for 3 years and 8 months, and has been under preventive measures for 3 years and 3 months.

On the morning of November 23, it was learned that the Disciplinary Tribunal informed Judge Afiuni that “*she is obliged to be represented by a public defender without the possibility of revoking his/her and designating one of her trust*”.

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