

**United Nations Human Rights Council
24th Regular Session, 9 - 27 September 2013
Agenda Item 5**

**Joint ICJ - HRW Oral Statement in the General Debate on Item 5: the Report by the
Secretary-General on Cooperation with the United Nations, its representatives and
mechanisms in the field of human rights**

CASE OF JUDGE MARIA LOURDES AFIUNI (VENEZUELA)

18 September 2013

Check against delivery

Mr President,

The International Commission of Jurists and Human Rights Watch welcome the Secretary General's report on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, especially the emphasis on the need for this Council to ensure appropriate follow-up on individual cases of reprisals.

We would like highlight one of the cases profiled in the report, that of Judge María Lourdes Afiuni from Venezuela. Judge Afiuni was arrested on 10 December 2009 for ordering the release on bail of Mr Eligio Cedeño, reportedly in part on the basis that his detention had been declared arbitrary by the UN Working Group on Arbitrary Detention.

Then-President of Venezuela Hugo Chávez Frías said on national television that the judge was "a bandit" and called for her to be sentenced to 30 years in prison, the maximum sentence possible in Venezuela. A few days later, he said she was "correctly jailed" and reiterated that she should be given a maximum sentence, adding that he "would give her 35 years." In January 2010, prosecutors charged Judge Afiuni with corruption, abuse of authority, and "favoring evasion of justice." Prosecutors provided no credible evidence to substantiate the charges.

Judge Afiuni was held in prison for over a year, before being transferred to house arrest. During her detention, Judge Afiuni was raped and suffered physical and psychological violence, including death threats from other inmates. In June 2013, Judge Afiuni was released on bail, while her trial, which began in 2012, continues.

We recall that the UN Basic Principles on the Independence of the Judiciary prohibit inappropriate or unwarranted interferences with the judicial function, including through reprisals such as those perpetrated against Judge Afiuni.

We call on the Council to urge Venezuela to withdraw any charges brought against Judge Afiuni for the legitimate exercise of her professional functions. Any judicial proceedings brought in her case must meet international standards on the right to a fair trial – including the independence and impartiality of the competent tribunals – and guarantee the full observance of the right to the presumption of innocence.

I thank you.

Statement delivered by:
Ms Elizabeth Harper (elizabeth.harper@icj.org), ICJ UN Programme
Further contact:
Ms Ilaria Vena (ilaria.vena@icj.org), ICJ Centre for Independence of Judges & Lawyers
Mr Philippe Dam (philippe.dam@hrw.org; Twitter @philippe_dam), Human Rights
Council Advocate, Human Rights Watch