

**United Nations Human Rights Council
26th Regular Session, 10 – 27 June 2014
General Debate under Item 4**

**General Debate under Item 4: Human rights situations that require the
Council's attention**

VENEZUELA: THE RULE OF LAW UNDERMINED

23 June 2014

Madam Vice-President,

In a new report, *Strengthening the Rule of Law in Venezuela*, the ICJ documents a failure by Venezuelan authorities to respect institutional guarantees for the independence and impartiality of the judiciary and prosecutors, as well as undue interference with individual judges, prosecutors and the legal profession.

Most judges and virtually all prosecutors in Venezuela lack security of tenure. They can be removed at the whim of the executive, without articulated reason or due process. Hundreds of such arbitrary appointments and removals, bypassing constitutional and other prescribed legal procedures, have seriously eroded the independence and impartiality of judges and prosecutors in Venezuela.

The insecurity is amplified by reprisals against individuals who dare to act independently. The case of Judge María Lourdes Afiuni Mora is emblematic. Arrested in 2009 for ending a detention declared to be arbitrary by the UN Working Group on Arbitrary Detention, she was herself held in lengthy arbitrary detention, during which she was subjected to rape and other abuse, followed by protracted criminal proceedings that continue today. The government has held up her case as an example of what could happen to other judges who do not act in accordance with its wishes.

The absence of independent and impartial legal institutions leaves victims without access to an effective remedy to redress the human rights violations that have been escalating in scale and severity over past months. Instead of defending human rights, the judiciary and prosecutors have been used to repress persons peacefully exercising their rights to freedom of expression and assembly. Meanwhile, perpetrators of gross human rights violations enjoy impunity.

The ICJ urges Venezuelan authorities to take concrete measures to restore the rule of law and ensure the protection of human rights in Venezuela, in meaningful dialogue with civil society, and for other states to encourage Venezuela to do so.

I thank you.

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