

**DECLARATION OF JUDGE MARÍA LOURDES AFIUNI TO THE NATIONAL AND
INTERNATIONAL COMMUNITY ON THE FIRST ANNIVERSARY OF HER ARBITRARY
DETENTION AND INHUMANE TREATMENT BY THE VENEZUELAN STATE**

Today, December 10, 2010, one year after my arbitrary detention, I come before you once again to declare that I am prepared to remain standing, even in the worst of circumstances. As you all know, International Human Rights Day is celebrated on December 10. It was on this day exactly one year ago that I was illegally deprived of my freedom because of a ruling that I had handed down, strictly within the boundaries of my authority, on a criminal case. I made that decision in an independent manner, based on the Code of Criminal Procedure, considering the recommendation of the United Nations Working Group on Arbitrary Detention—which had established, among other things, that the detention of Mr. Eligio Cedeño was arbitrary, as it violated provisions of international human rights treaties signed by Venezuela. The United Nations Working Group consequently recommended that the Venezuelan State release him from custody until the conclusion of his trial, and that the necessary measures be adopted to avoid further undue delays in the criminal proceedings.

As I have always indicated, the ruling which I issued as a judge on December 10, 2009 in favor of the aforementioned Venezuelan citizen is the same ruling I would have made in the case of any defendant, since for me as a judge, justice is without name, class, political philosophy, gender or religion. As a judge, I believe that everyone has an equal right to justice under the law, and that justice is applied to every individual according to the facts and the law, no matter who they may be. In spite of all that, I am currently being held, charged with committing various crimes. These charges are completely without foundation, in proceedings fraught with errors and irregularities, with violations of due process, based on a lie, without any legal sense at all, solely for the purpose of complying with a mere a political order. Even the Public Prosecutor openly declared before the Court that the investigation did not reveal that I had received any money or financial benefit, or been promised anything, in exchange for the conditional release which I granted to a Venezuelan citizen in accordance with the law. Before God and my Country, I swear that I am innocent and that I was only exercising my duties as a judge. However, my case is merely one living example of a deplorable act taken by the judicial authorities, in complete circumvention of what should be a correct and proper administration of independent, impartial justice for every person.

During the entire time that I have been under arrest, as is known nationally and internationally, I have been subjected to countless violations of my constitutional and legal rights, including the most basic human rights of every person, which are the right to health, the right to religious practice and even the right to have access to sunlight. And as a woman, I have been the victim of actions which constitute felonies, according to the Law on the Right of Women to a Life Free of Violence.

As I indicated before, my case is a truly lamentable one—not just for the Honorable María Lourdes Afiuni Mora, but also for the Judiciary of Venezuela. Not only does it lay bare their lack of integrity, it also sets a terrible precedent with unimaginable consequences for the Venezuelan judicial system in general. In fact, more than my arrest, the true prisoner held captive and subject to abuse here is none other than the Judiciary and all of the judges of this nation.

Despite the personal and institutional tragedy which I have lived today, one year after my initial arrest, I believe that everything that has occurred has not been in vain, because it has served to showcase to the world the way in which justice is manipulated in Venezuela, and how women are being treated. The various statements made on my case at the international level are evidence of this, as the nation is well aware.

And it is for this reason that here from my cell I call on the judges of this nation, so that free of all fear they remain loyal to the Oath that they swore when they first came to the bench, not to respond to political, economic or any outside interests. The only allegiance that they owe is to the Constitution of the Bolivarian Republic of Venezuela, to the legal instruments which govern human rights and to the laws of the Republic; I call on them to remain faithful to their duties to be autonomous and independent as judges because, as judges, they must obey and are governed by the legal code and no one or nothing else; I call on them to judge and hand down rulings that are impartial without distinctions of any kind and in accordance with the law, as in this way they will guarantee true peace in our society.

For God and our Country, do not let yourselves become accessories to crimes committed against inalienable human rights; remember that the actions which you take today will constitute evidence of the crimes to be tried tomorrow, when Rule of Law and democracy come to Venezuela.

Caracas, on the 10th day of December 2010.

JUDGE MARÍA LOURDES AFIUNI MORA