

## **María Lourdes Afiuni is no longer in jail, but still is not free.**

As you already know, on February 2<sup>nd</sup>, the 26<sup>th</sup> penal tribunal in charge of the process against Judge María Lourdes Afiuni, agreed to change her place of detention from a women's prison (Instituto Nacional de Orientación Femenina, INOF) to house arrest, based on health grounds. The measure would become effective once she is discharged from the hospital where surgery was pending.

The same day, February 2 in the afternoon, Maria Lourdes was taken to the cancer hospital in Caracas where, after being evaluated by the hospital physicians and according to the doctor of her choice, it was agreed to submit her to surgery on Thursday February 3<sup>rd</sup> and she underwent a total abdominal hysterectomy; surgery was performed without complications and she is now recovering in hospital under the care of the hospital personnel, the doctor of her choice and her relatives. As soon as she is discharged from hospital, hopefully next Monday, she will be transferred to her home, where she will remain under house arrest.

The house arrest<sup>1</sup>, which is already a precautionary measure, was agreed with two additional conditions: (a) personal appearance every eight days before the Defendants' Appearance Office<sup>2</sup> and (b) prohibition to declare to national and international media (press, radio and TV)<sup>3</sup>. It should be noted that the Penal Procedural Code states up to two precautionary measures; therefore imposing three measures constitutes an excess in the application of this provision. On the other hand, the condition imposed under article 256.9 violates the right to freedom of expression, protected by Venezuelan Constitution and international standards.

Undoubtedly, changing her place of detention is a huge step in a case that has traveled a tortuous path, but there is still a long way to go.

With this brief lines, Maria Lourdes Afiuni's relatives and defense team wish to express gratitude for the solidarity of many individuals and organizations that have been alert and supportive to Judge Afiuni.

María Lourdes Afiuni is no longer in jail, but still is not free. We count on your constant support until the end of this arbitrary judicial process and her full freedom.

Caracas, February 7th 2011

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<sup>1</sup> Article 256.1, Penal Procedural Code

<sup>2</sup> Article 256.3, Penal Procedural Code

<sup>3</sup> According to the judge interpretation of Article 256.9 Penal Procedural Code