OPEN LETTER

SIXTEEN YEARS OF INJUSTICE AGAINST JUDGE MARÍA LOURDES AFIUNI MORA

To His Excellency **John M. Barret**, Chargé d'Affaires of the United States Embassy in Venezuela; to the international community, human rights organizations, democratic authorities worldwide, the media, and all those committed to judicial independence and the rule of law:

More than sixteen years have passed since Venezuelan criminal court judge **María Lourdes Afiuni Mora** was detained for fulfilling her duty. Her case is not merely the story of a woman persecuted for exercising her judicial role; it is also the story of how a justice system can be used as an instrument of political reprisal and how an individual injustice can transform into a mechanism for collective intimidation.

On December 10, 2009, Judge **María Lourdes Afiuni Mora** issued a judicial ruling in the exercise of her duties, granting precautionary measures to Mr. Eligio Cedeño, whose detention had become arbitrary under Venezuelan law and according to a decision by the United Nations (UN) Working Group on Arbitrary Detention. For that decision, adopted within her legal authority and supported by the aforementioned international rulings, she was arrested, imprisoned, subjected to physical and mental torture, and forced to undergo an unjust legal process that continues to this day.

Her detention was preceded by public statements from the then-President of Venezuela, Hugo Chávez Frías, who demanded her conviction during a nationwide radio and television broadcast; he even went so far as to state that, in the time of Simón Bolívar, Judge **María Lourdes Afiuni Mora** would have been executed for the decision she had made. Those statements not only gravely compromised judicial independence but also sent an unequivocal message to the entire Venezuelan justice system: ruling in accordance with the law and legal principles could result in devastating personal consequences.

What followed is widely known: **María Lourdes Afiuni Mora** was confined in an ordinary prison—despite the fact that her official status entitled her to placement in a special detention facility—and was subjected to detention conditions that were utterly incompatible with international human rights standards. She also suffered severe physical, psychological, and sexual abuse that caused irreparable damage to her health.

Paradoxically, the very prosecutor assigned to the case placed on record that there had been no financial gain, payment, promise, or *quid pro quo* of any kind related to the judicial decision that prompted the charges—a fact explicitly noted in the case file. Faced with this reality, the prosecutor resorted to a charge not recognized under the Venezuelan legal system, which she termed "**spiritual corruption**." Nevertheless, **María Lourdes Afiuni Mora** was convicted of the crime of "corruption proper" (*corrupción propia*), even though the statute defining that offense requires, as a necessary element for its commission, the existence of a *quid pro quo* in exchange for the decision made by the judicial official.

The case of **María Lourdes Afiuni Mora** transcended national borders and gained international notoriety, prompting numerous statements from international bodies, human rights organizations, legal experts, special rapporteurs, and democratic governments. Furthermore, it was presented in various international forums as one of the most severe examples of the persecution of a woman for acting on her convictions and fulfilling her professional responsibilities within the judiciary.

Yet, sixteen years later, the injustice persists; despite having more than served the time associated with the sentence imposed upon her, Judge **María Lourdes Afiuni Mora** remains trapped in a legal limbo that prevents her from fully regaining her rights. The legal proceedings remain open, restrictions stay in effect, and requests aimed at definitively resolving this situation have met with no effective response.

The human cost has been immense and ruthless; for years, she has been prevented from freely reuniting with her only daughter and her two grandchildren—U.S. citizens who have lived in the United States since birth—and has seen more than a decade of family life lost to separation caused by judicial decisions lacking any reasonable or proportionate justification.

However, the damage caused extends beyond **María Lourdes Afiuni** herself; her case gave rise to what is now known—both within and outside Venezuela—as the "**Afiuni Effect**." This refers to the fear among judges and judicial officials of acting independently in politically sensitive matters. Consequently, the detention and subsequent torture of a judge for making a lawful judicial decision served as a chilling warning to the entire Venezuelan judiciary and became one of the most visible symbols of the loss of institutional autonomy in the country.

Moreover, an Amnesty Law was approved in Venezuela some months ago, presented as a measure intended to foster national reconciliation. Yet, that legislation excluded Judge **María Lourdes Afiuni Mora**. Furthermore, Delcy Rodríguez recently announced a broad national consultation aimed at driving **criminal justice reform** to transform the judicial system. In this context, it is impossible to conceive of genuine reconciliation as long as victims continue to be ignored and the harm caused by judicial proceedings—used as tools for persecution and political retribution—remains unredressed.

Likewise, there can be no talk of full, effective justice or true transformation of the judicial system while emblematic and sensitive cases—such as that of **María Lourdes Afiuni Mora**—remain without a definitive resolution that fully restores her rights and vindicates the independence of the Judiciary in our country.

Therefore, we issue a respectful yet urgent call to diplomatic missions accredited in Venezuela—**particularly that of the United States**—as well as to democratic governments, international human rights organizations, United Nations rapporteurs, the media, and all institutions committed to upholding the rule of law. We urge them to maintain their focus on this case and to contribute, within their respective capacities, to advancing a definitive solution.

Closing this case file means more than just redressing an injustice against an individual; it sends a message in support of judicial independence, human dignity, and the imperative that no judge should ever again be persecuted for applying the law.

After sixteen years, **María Lourdes Afiuni Mora** deserves justice, and Venezuela needs this dark chapter of its judicial history to be finally closed.

NELSON AFIUNI MORA
Brother of Judge María Lourdes Afiuni Mora

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