

**TO: HEALTH PROFESSIONALS**  
**FROM: AMNESTY INTERNATIONAL**

# APPEAL FOR ACTION

## RE: CONCERN FOR HEALTH OF DETAINEED JUDGE

**Judge María Lourdes Afiuni Mora (f) was arrested on 10 December 2009 and is currently awaiting trial. Amnesty International has been informed by sources closed to the Judge that she also suffers from various health problems that require urgent medical care. Judge Afiuni is being held in custody in a facility with prisoners she convicted and sentenced. She has received threats from inmates but no investigations have been launched. Failure by the authorities to protect her from harm amounts to cruel, inhuman and degrading treatment.**

Judge Afiuni has been charged with “ordinary corruption (*corrupción propia*), abuse of authority, aiding escape and criminal association”. She was arrested hours after having ordered the conditional release of banker Eligio Cedeño, a decision which was reportedly within her power and consistent with Venezuelan law which states that nobody shall be held in custody awaiting trial for more than two years. The conditional release order issued by the Judge in December 2009 was publicly condemned by President Hugo Chávez. One year on, the Attorney-General’s Office has not made public any reliable evidence to substantiate the charges against Judge Afiuni. Amnesty International believes that the arrest of Judge María Lourdes Afiuni Mora on 10 December 2009 resulted from undue political interference on the part of the executive.

According to reports, Judge Afiuni has two tumours in her breasts. She also has a gynaecological problem which is causing her to have heavy haemorrhaging since November 2010, but doctors have not been able to conclude the medical tests necessary to prescribe adequate treatment. In January 2011 she has also had several episodes of tachycardia for which she has not received adequate treatment. Her family have raised concerns that her condition appears to be deteriorating and she is very pale due to the fact that she has only once been permitted to be in the prison’s yard since her imprisonment. She is reported to have lost 15 kg, and to suffer from sleep disturbances, fatigue and weak motor skills.

Treatment has been delayed or even ignored by the authorities and test results have been withheld from her. When medical care was finally arranged, according to reports, the offer was conditional on her being treated in a military hospital, which is against her wishes. On 13 January, however, Judge Afiuni was transferred to a civilian hospital for a cardiology appointment. However, the prison delayed the transfer for three hours, so there was no longer a cardiologist present to carry out necessary diagnostic tests.

Amnesty International believes that Judge Afiuni should be released from prison. Her release would allow her to seek the medical care and treatment she desires.

### PLEASE WRITE IMMEDIATELY:

- Explaining that you are a health professional concerned about human rights;
- Calling for the release of Judge Afiuni;
- Expressing concern at reports of Judge Afiuni’s worsening health in prison, and delay and denial in treatment by the authorities;
- Urging the authorities to give Judge Afiuni full and immediate access to the medical treatment that she requires, and to specialists of her choice;

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- Calling on the authorities to guarantee that Judge Afiuni is not tortured or ill-treated while in detention by prison guards or other inmates

**PLEASE SEND APPEALS BEFORE 17/03/2011 TO: The Venezuelan embassy in your country and address them to:**

Minister of Interior:

Ministerio del Poder Popular para las Relaciones Interiores y Justicia  
Sr. Tarek El Aissami  
Av. Urdaneta, Edif. Sede MIJ, Piso 1, Carmelitas, Caracas, Venezuela  
Fax: +58 (0)2125061557.  
Salutation: Dear Minister of the Interior/ Estimado Sr. Ministro

IF YOU RECEIVE NO REPLY WITHIN SIX WEEKS OF SENDING YOUR LETTER, PLEASE SEND A FOLLOW-UP LETTER SEEKING A RESPONSE. PLEASE SEND COPIES OF ANY LETTERS YOU RECEIVE TO THE INTERNATIONAL SECRETARIAT, ATTENTION OF THE HEALTH TEAM, 1 EASTON STREET, LONDON WC1X 0DW OR E-MAIL: [health@amnesty.org](mailto:health@amnesty.org)

## **ADDITIONAL INFORMATION**

On 10 December 2010, the Inter-American Court of Human Rights requested that the State adopt immediate measures to guarantee the live and physical and mental integrity of Judge Afiuni; and that it takes the necessary action to ensure that if medical action is required by the judge, she is given access to doctor of her choice. The Court gave the State until the 20 December to inform on the actions taken. However, Amnesty International is not aware of any response by the Venezuela government.

In a United Nations press release dated 16 December 2009, the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders all stressed that “[t]he immediate and unconditional release of Judge Afiuni is imperative” and that “[r]eprisals for exercising [her] constitutionally guaranteed functions and creating a climate of fear among the judiciary and lawyers’ profession serve no purpose except to undermine the rule of law and obstruct justice”.

In April 2010 a team of forensic physicians, including a medical doctor, a psychiatrists and a psychologist, entered the prison by request of the Public Prosecutor’s Office to analyze Judge Afiuni’s physical and mental well-being. The medical exam was concluded with a statement that her health was “generally satisfactory” but that she suffered from anxiety and depression.

