



NEW YORK
CITY BAR

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Sr. Hugo Chávez Frías
Presidente de la República Bolivariana de Venezuela
Palacio de Miraflores, Av. Urdaneta
Caracas, Venezuela

Re: Judge Maria Lourdes Afiuni

Dear Mr. President:

I write on behalf of the Association of the Bar of the City of New York and its 23,000 members -- who live and practice in every U.S. state and more than 50 other countries, including Venezuela --with respect to the continuing incarceration of Judge Maria Lourdes Afiuni by the Venezuelan government. Both the fact of her arrest and the conditions under which she is detained appear designed to curtail the judicial independence that is essential to the rule of law in Venezuela. To date, the Venezuelan government has resisted all domestic and international pleas to release Judge Afiuni, including a report from the Inter-American Commission on Human Rights. It is time to end this callous display of brute force that can only undermine Venezuela's reputation as a law abiding nation. We therefore call on your government to promptly release Judge Afiuni and, pending that release, to arrange for her immediate transfer to a facility that assures Judge Afiuni's safety and well-being.

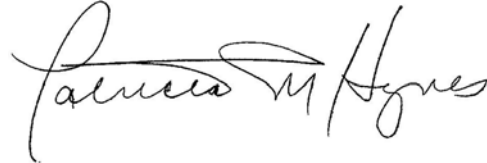
The Association has long defended, both in the U.S. and other countries, the independence of lawyers and judges who are targets of abusive or politically motivated executive or legislative action. Most recently, we have defended (and conferred honorary membership on) Chief Justice Iftikhar Muhammad Chaudhry of Pakistan when that nation's president sought to remove him from office because of election law decisions that the president disapproved. This very week, we are demanding that Spanish authorities rescind the indictment of Judge Baltasar Garzon because of his investigation into Spanish civil war abuses.

We are aware that recent judicial rulings -- particularly Judge Afiuni's release of Eligio Cedeño in accordance with internationally accepted principles of law -- are not popular with Venezuela's President. That, however, can never be the standard by which judges are judged. If judges err on the law, as they sometimes do, the judicial system can provide an appeals procedure to correct those errors. However, judges

should never be imprisoned for good faith decisions that an appellate court later overrules. Nor can a judge be imprisoned simply because the executive power or legislature disagrees with his or her decision. To do so, as Venezuela's President has done with Judge Afiuni, destroys any semblance of judicial independence and undermines the nation's claim to be governed by law.

The circumstances of Judge Afiuni's detention are particularly grotesque and amount, in our view, to a deliberate form of cruelty and summary punishment for offending the President. She has been imprisoned with common criminals, some of whom Judge Afiuni herself sentenced to lengthy prison terms for violent felonies. Her own safety is at risk on a daily basis, as the executive and judicial powers in Venezuela surely know and for which they must bear responsibility. To avoid a tragedy that would shame Venezuela's reputation throughout the Americas, Judge Afiuni should be transferred to a safe and humane facility forthwith and then released so she can resume her judicial duties.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Hynes". The signature is fluid and cursive, with a large initial "P" and a distinct "M" and "H".

Patricia M. Hynes