

**Order of the
Inter-American Court of Human Rights
of January 27, 2009
Provisional Measures regarding Venezuela
Matter of Luis Uzcátegui**

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter, "the Inter-American Court" or "the Court") of November 27, 2002, on the provisional measures requested by the Inter-American Commission on Human Rights (hereinafter, "the Inter-American Commission" or "the Commission") regarding the Bolivarian Republic of Venezuela (hereinafter, "the State" or "Venezuela") for the benefit of Luis Enrique Uzcátegui-Jiménez (hereinafter, "Mr. Uzcátegui" or "the beneficiary"), whereby the Court decided as follows:

1. To order the State to adopt, without delay, all necessary measures to protect the life and the right to humane treatment of Luis Enrique Uzcátegui-Jiménez.
2. To order the State to allow the applicants to participate in planning and implementation of the protection measures and, in general, to inform them of progress regarding the measures ordered by the Inter-American Court of Human Rights.
3. To order the State to investigate the facts stated in the complaint that gave rise to the instant measures, with the aim of discovering and punishing those responsible.

2. The Orders of the Court of February 20, 2003, December 2, 2003, and May 4, 2004, whereby, among other things, the Court declared that the State "ha[d] not effectively implemented the [p]rovisional [m]easures" and re-ordered such measures for the benefit of the beneficiary.

3. The briefs of February 10, April 25 and October 28, 2005; January 16, June 28 and December 5, 2006; May 28 and August 13, 2007; June 30, August 8, August 11 and December 17, 2008, whereby the State reported on compliance with the provisional measures ordered for the benefit of Mr. Uzcátegui.

4. The briefs submitted by the representatives of Mr. Uzcátegui (hereinafter, "the representatives") on March 7, May 27 and December 7, 2005; February 23, March 31, August 22 and February 9, 2006; July 4 and September 17, 2007; August 5 and September 9, 2008; and January 16, 2009, whereby they provided their observations on the aforementioned State reports.

5. The briefs submitted by the Inter-American Commission on March 29, June 13 and December 14, 2005; March 2, April 13, August 28 and August 29, 2006; February 20, July 11 and October 3, 2007; and October 13, 2008, whereby it submitted its observations on the aforementioned State reports and the representatives' observations.

6. The letter from the Secretariat of the Court (hereinafter, "Secretariat"), dated July 19, 2007, whereby, on the instructions of the President of the Court, it requested the Commission to provide information on the procedural status of this matter before it.

7. The brief of August 22, 2007, whereby the Commission reported that "petition no. 298-07 is pending at the admissibility stage."

8. The Secretariat's letter of December 17, 2008, whereby, acting on the instructions of the President, it asked the representatives and the Commission to submit, by January 12 and January 19, 2009, respectively, clear information on whether the extreme gravity and urgency in the need to avoid irreparable damage that led to the adoption of the provisional measures in this matter still persisted. The representatives submitted the requested information on January 16, 2009, but the Commission has not done so.

CONSIDERING:

1. That Venezuela has been a State Party to the American Convention on Human Rights (hereinafter, "the Convention") since August 9, 1977, and that it recognized the contentious jurisdiction of the Court on June 24, 1981, in accordance with Article 62 thereof.

2. That Article 63(2) of the American Convention provides that "[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With regard to a case not yet submitted to the Court, it may act at the request of the Commission."

3. That Article 63(2) of the Convention turns the State's adoption of provisional measures as directed by this Court into an obligation, inasmuch as, under the basic principle of the international responsibility of States as supported by international case law, States must comply with their conventional obligations in good faith (*pacta sunt servanda*).¹

4. That, as far as provisional measures are concerned, the jurisdiction of the Court is dependent upon the existence of a situation of extreme gravity and urgency that might cause irreparable harm to persons.

5. That these measures were ordered based on the *prima facie* finding of a threat to Mr. Uzcátegui's rights to life and humane treatment, considering that, between 2001 and 2002, he seems to have been the target of no less than seven death threats allegedly made by unidentified private parties or certain members of the "Lince" Military Group and the Armed Police Forces of the State of Falcón. Allegedly, such officials were somehow involved in the extra-legal execution of his brother, Néstor Uzcátegui, in January 2001. In this context, Mr. Uzcátegui was the victim of acts of harassment, raids,

¹ Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Court of June 14, 1998, sixth considering clause; *Case of Caballero-Delgado and Santana V. Colombia*, Provisional Measures. Order of the Court of February 6, 2008, fifteenth considering clause; and *Matter of Millacura-Llaipén et al.* Provisional Measures regarding Argentina. Order of the Court of February 6, 2008, ninth considering clause.

arbitrary detentions and threats to his life and physical integrity owing to his activities consisting in the filing of claims, organizing the next of kin of victims and investigating the extra-legal execution of persons, including his own brother's.

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6. That, as regards the measures of protection, the State reported as follows:

a) On December 20, 2004, "the 1st Prosecutor of the Public Prosecutor's Office of the Court Circuit of the State of Falcón granted an audience to Mr. [U]zcátegui, who expressed that he was being constantly harassed and intimidated by alleged officials of the State's Police Forces." Based on the above, the *Dirección Sectorial de los Servicios de Inteligencia y Prevención* [Sectoral Department of Intelligence and Prevention Services] was ordered to protect and patrol his house starting January 1, 2005;

b) Between February 2003 and March 2006, various calls were made at petitioner's home, but he was there on a very few occasions only;

c) On September 7, 2005, a meeting was held between Mr. Uzcátegui and several State officials at the Coro Criminal Oversight Court. Said Court ordered as follows:

To have the 42th Unit of the National Guard carry out the Measure of protection at [Mr.] Uzcátegui's home, and to have [the latter] agree to stay at his home in order that the officials can meet with him on their rounds;

d) On March 7, 2008, an agreement was reached before the First Oversight Court of the Criminal Court Circuit of the State of Falcón to "modify the measure of protection," ordering security tasks "consisting of patrolling the house and making rounds around it," as well as outside the Francisco de Miranda University, entrusted to officials attached to the Disaster Management Department of the State of Falcón, as requested by the High Prosecutor's Office of the State of Falcón," and

e) In its report of August 13, 2008, it stated that the actions undertaken by the Public Prosecutor's Office of the State of Falcón could not actually be carried because of the "disposition of the victim and the victim's representatives, and the changes in direction that hinder the implementation of said measure of protection."

7. That the representatives stated as follows:

a) On May 16, 2005, Mr. Uzcátegui stated that:

[i]t is completely untrue that I have been provided with a security or protection measure, much less with any protection whatsoever on the part of the State [...]. Due to security reasons [...] I have been forced to move to the States of Anzoátegui, Carabobo and Táchira;

b) Between 2005 and 2007, the representatives reported that, because of the harassment and the failure to comply with the measures of protection, Mr. Uzcátegui was forced to constantly change his place of residence, "which made it impossible for him to resume his daily activities and secure a stable job;"

c) "the patrolling rounds [at Mr. Uzcátegui's residence in] the State of Anzoátegui took place very sporadically," and during such visits, he was urged by National Guard officials to sign visit verification records covering protection shifts from Monday to Sunday, Mr. Uzcátegui having no evidence that such protection shifts had actually taken place;"

d) In spite of Mr. Uzcátegui's change of residence having been notified to the Human Rights Agency, this institution failed to inform the National Guard as agreed at the meeting of June 7, 2007, and

e) On July 30, 2008, they stated that "at no time has the *Dirección Estatal de Protección Civil y Administración de Desastres* [State Disaster Management and Civil Protection Department] performed" the patrolling or round duties agreed in January 2008; this was ratified on September 9 and January 16, 2009.

8. That, in the observations submitted in 2006 and 2007, the Commission noted that the "protection accorded to the beneficiary does not seem to have met the necessary requirements to be considered fit to guarantee his integrity." Accordingly, "the State appears not to have been taking effective measures to prevent new acts of intimidation, or to have adopted measures intended to eliminate the conditions that favor their recurrence."

9. That the Court appreciates the parties' attempt to agree on measures of protection befitting the needs of the beneficiary. However, several problems have been encountered over the last few years in implementing a personal security and patrolling detail and in connection with the organizations in charge of providing the required protection and securing its effectiveness. Accordingly, the Court requires that the State provide clear information on the manner in which the State Disaster Management and Civil Protection Department has tried to inform Mr. Uzcátegui of the persons and mechanisms through which the agreed-upon patrolling will be implemented and the manner in which the protection is currently being provided.

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10. That, as regards the beneficiary's involvement in the provisional measures, the State indicated that several meetings have taken place with a number of public officials, at which, among other things, it was agreed to "provide [him with] financial aid," direct mechanisms to communicate with the agency or person in charge of the protection and security detail, the manner in which his residence would be patrolled, the state agencies in charge of his protection, as well as the manner in and places at which such protection would be provided.

11. That the representatives informed as follows:

a) "that they were not asked to participate in the designing and evaluation" of the measures of protection. They stated that Mr. Uzcátegui "only received one invitation to participate in a meeting attended by the High Prosecutor, the 1st Prosecutor of the State of Falcón and the Deputy Ombudsman of said State. An agreement was signed at said meeting, restricting the measure to police patrolling;"

b) On May 21, 2005, they noted that "none of the authorities commissioned with providing protection have gotten in contact with the petitioners or the beneficiary to directly coordinate the mechanisms of protection," and

c) On September 9, 2008, they stated that "the beneficiary [...] does not know the officials [...] in charge of protecting his life and personal integrity."

12. That the Commission stated that "the State report does not show whether the beneficiary and his representatives ha[ve] been allowed any involvement in the planning, mechanism and implementation of said measures." Moreover, the Commission found it "essential for the beneficiary and his representatives to have a State that is able to consistently coordinate and make decisions to guarantee the implementation of effective measures."

13. That the State must take all such steps as are appropriate so that the measures of protection ordered by the Court will be planned and implemented with the participation of the beneficiary thereof or his representatives, such that said measures are carried out diligently and effectively.² The Court finds that some of the meetings organized by the State are a positive contribution to compliance with the provisional measures, and that it is necessary to secure as much information and coordination as possible to better implement the measures of protection.

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14. That, as to the persistence of the extreme gravity and urgency in avoiding irreparable damage to the life and personal integrity of Mr. Uzcátegui, over the past four years the representatives have claimed as follows:

a) On May 16, 2005, Mr. Uzcátegui stated that:

[t]wo weeks ago, two members of the LINCE group [...] on motorbikes aggressively came up to me at a pay phone, and asked for my ID. Once I showed them my ID, they said: "You're that Uzcátegui guy, and you have unfinished business to settle with all of us." They kept my ID for a while and then left. Likewise, on repeated occasions I noticed that two officials attached to the LINCE group of the Armed Police Forces [...] had been following me, particularly on my way to meetings with next of kin of victims of alleged executions, and on my way to the Coro Vicarage;

² Cf. *Case of Garcia-Prieto et al.* Provisional Measures regarding El Salvador. Order of the Court of January 27, 2007, twelfth considering clause.

b) On May 30, 2007, Mr. Uzcátegui allegedly was at the premises of the Universidad Nacional Experimental university taking care of administrative paperwork for his admission as a student. A students' demonstration that was taking place at the same place and time was broken up by police officers. In that context, Mr. Uzcátegui allegedly was violently approached by the police. He filed a complaint with the Ombudsman's Office on that account, stating that:

[I] was on [University] ground to file some documents [...] and when I tried to step out of the University premises [I] was intercepted by some police officers who yelled "there is that bastard, let's get him," when I saw the police [...] officers coming towards me I chose to run, to save my life, and they took out their weapons and started to shoot [...] to get out, we climbed over walls, houses, until we got to a house in the 5 de Julio Sector.

c) In January 2008, Mr. Uzcátegui "was allegedly assaulted [...] when unknown persons attacked him on the premises of the University [...] where he attends classes."

15. That the representatives informed that, as regards the "criminal complaint filed by the former commanding officer of the Armed Police Forces of the State of Falcón" against Mr. Uzcátegui, on April 9, 2008, the Second Trial Court of the Criminal Court Circuit of the State of Falcón "dismissed, on its own initiative, the criminal action, which is a highly positive step given the threat that such situation posed to the beneficiary of the measures." However, the representatives informed that said former commanding officer was elected mayor of the City of Coro, where the beneficiary of the measures and his next of kin reside, "which could represent a potential risk factor and shows the serious position of insecurity and fear in which they find themselves."

16. That, on January 16, 2009, the representatives reported on "the serious context in which human rights advocates currently carry out their work as activists," considering "the various acts of intimidation through defamatory speeches and discrediting statements." They further noted that "top-level authorities made public statements intended to deny, stigmatize, discredit and criminalize the work carried out by persons and organizations devoted to defending human rights, particularly targeting those who are actively involved in Inter-American organs." Moreover, the representatives made reference to a decision rendered on December 18, 2008 by the Constitutional Division of the Supreme Court of Justice, "ruling" the judgment rendered by the Inter-American Court in the case of *Apitz-Barbera et al.* "unenforceable" and asking the National Executive to "denounce the American Convention." The representatives argued that such decision "clearly reflects the serious situation of non-compliance with the decisions" rendered by the Court. The representatives find these facts to "have increased the beneficiary's fear that new occurrences will take place against his personal integrity, this being a justified fear sufficient to request" that the provisional measures be maintained in full force and effect.

17. That the Commission considered that the situation of risk to the life and integrity of Mr. Uzcátegui persists. In particular, in its observations of October 13, 2008, the Commission "considered it essential to bear in mind that the beneficiary has reported that State of Falcón Police were involved in the facts that led to the adoption of these provisional measures, which has even led to a complaint being lodged in national court by the Public Prosecutor's Office, and, accordingly, the beneficiary's situation remains one of extreme risk."

18. That, in its report of January 16, 2006, the State noted that “the facts that led to the request for provisional measures [...] consist of the unlawful detention of [Mr. Uzcátegui,] a situation the resolution of which should not, in principle, call for the involvement of the Court [...], as the State has mechanisms fit to work it out.” On May 28, 2007, the State reported that there had not been “instant cooperation by the victims’ representatives, which causes the adoption of the measures they requested not to look so urgent,” and, accordingly, it requested that the provisional measures be lifted, reiterating said request on July 2 and August 13, 2007. Since then, the State has not repeated the request.

19. That this Court has held that provisional measures are not merely precautionary but also and primarily protective in nature.³ The precautionary nature of the provisional measures relates to the context of international contentious cases. In that regard, such measures are aimed at preserving rights that are potentially at risk until the dispute is settled. Their object and purpose are to guarantee the integrity and effectiveness of the decision on the merits, thus keeping the rights at stake from being impaired, a situation which might render the final decision ineffective or distort its useful effects. Provisional measures thus allow the State concerned to comply with the final decision and, as the case may be, to make reparations as ordered.⁴

20. That, as regards the protective nature of provisional measures, this Court has held that, provided that the basic requirements of extreme gravity and urgency and the need to avoid irreparable harm to persons are met, provisional measures become a true jurisdictional guarantee of precautionary nature, as they protect human rights insofar as they are intended to avoid irreparable harm to persons.⁵

21. That, because this is a matter regarding provisional measures, the Court must consider only and strictly those arguments that directly relate to the extreme gravity and urgency and the need to avoid irreparable damage to persons. Any other fact or argument can be analyzed and adjudicated by the Court only at the merits stage of a contentious case.⁶

22. That, between March 2001 and February 2004, the Court was informed of facts such as alleged death threats, illegal searches and arbitrary detentions against the beneficiary and members of his family. On such basis, the Tribunal made a *prima facie* finding of a situation of extreme gravity and urgency of irreparable damage to the life and personal integrity of the beneficiary.

³ Cf. *Case of Herrera Ulloa*. Provisional Measures regarding Costa Rica. Order of the Court of September 7, 2001, fourth considering clause; *Matter of the Urso Branco Prison*. Provisional Measures regarding Brazil. Order of the Court of May 2, 2008, fourth considering clause; and *Matter of Carlos Nieto-Palma et al.* Provisional Measures regarding Venezuela. Order of the Court of August 5, 2008, fourth considering clause.

⁴ Cf. *Matter of the Capital El Rodeo I & El Rodeo II Judicial Confinement Center*. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, seventh considering clause; *Matter of “El Nacional” and “Así es la Noticia” newspapers*. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, twenty-third considering clause.

⁵ Cf. *Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center*, *supra* note 4, eighth considering clause; *Matter of the “El Nacional” and “Así es la Noticia” newspapers*, *supra* note 4, twenty-fourth considering clause.

⁶ Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Court of August 29, 1998, sixth considering clause; *Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center*, *supra* note 4, tenth considering clause, and *Matter of “El Nacional” and “Así es la Noticia” newspapers*, *supra* note 4, twenty-fifth considering clause.

23. That the representatives made reference to the current context of alleged intimidation against the work of human rights advocates in Venezuela. In this regard, it is the Court's view that such alleged context is not sufficient to warrant keeping the provisional measures in place if there are no specific facts that will allow consistent conclusions on the effects of such context in the specific matter at hand.

24. That, as regards the judgment rendered by the Constitutional Division of the Supreme Court of Justice regarding the *Case of Apitz-Barbera et al.*, it is the Court's view that no evidence has been submitted of the concrete effects of such decision of the Supreme Court of Justice in relation to compliance with these provisional measures.

25. That it is the Court's view that the event reported in May 2005 (*supra* para. 14) is related to the situation of extreme gravity alleged in previous years, considering the information provided on the police officers who were allegedly involved in the detention (members of the so-called "Lince" group) and the type of harassment allegedly inflicted on the beneficiary. However, the events reported as taking place in May 2007 and January 2008 (*supra* para. 14) call for further specifications and evidence-supported arguments in order that the Court may make a decision on the continuation of these provisional measures. In particular, the Court notes that the information made available to it so far is not sufficient for it to establish a connection between the alleged assaults in January 2008 and the situation of extreme gravity which the Court had previously verified.

26. That, in view of the above, the Court finds it appropriate to request the parties to submit, within a period of two months as from notification of this Order, arguments, evidence and information regarding manner, time and place that will allow it to establish or deny the existence of the situation of extreme gravity and urgency for the life and personal integrity of Mr. Uzcátegui during 2008 and the elapsed portion of 2009.

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27. That, as regards the obligation to investigate the facts that led to the adoption of the measures, the State has provided information about both the investigations carried out in connection with the murder of Néstor Uzcátegui and the threats and harassment targeting Luis Uzcátegui. The State noted that the following measures were taken regarding the investigation:

- a) Regarding the case of Luis Uzcátegui, on March 27, 2008, the 1st Prosecutor of the Public Prosecutor's Office of the Court Circuit of the State of Falcón filed charges with the Second Trial Court of the Criminal Court Circuit of the State of Falcón against three officials attached to the Police force, for the crimes of unlawful entry into private residence, unlawful detention and simulation of a punishable act, and
- b) As regards the case of Nestor Uzcátegui, on September 3 and 5, 2008, the 17th Public Prosecutor's Office of the Court Circuit of the State of Falcón charged two State police officials with the crime of simulation of a punishable act, unlawful use of a firearm and homicide. On September 24, 2008, a request was made for the preventive detention of said defendants; however, the request was dismissed on the grounds that it failed to meet the applicable requirements.

28. That the representatives appreciated the two charges made against police officials allegedly responsible for the events related to the unlawful detention of Mr. Uzcátegui. However, they noted that, six years after the provisional measures were granted for the benefit of Mr. Uzcátegui, the investigations in place have not led to a definitive finding on the multiple acts of harassment and intimidation that were duly reported. Moreover, they indicated that

a) In spite of the criminal charges against the three police officials, these persons are still at large, no administrative measure has been taken against them, and they continue to work at the State of Falcón Police Department;

b) On February 14, 2008, Mr. Uzcátegui received a summons to appear at the Headquarters of the State of Falcón Police Department to be interviewed by a police officer regarding the alleged assaults perpetrated against him in January 2008 (*supra* para. 14). The representatives expressed their "concern over [said] summons [b]y the State of Falcón Police Department, as this is the police force involved in the death of his brother", and requested the High Prosecutor's Office of the State of Falcón to entrust the necessary steps to the "*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas* [Scientific, Criminal and Criminalistic Investigations Force - CICPC]," and

c) The undue delay in the investigations, the constant postponing of the hearings due to the absence of the defendants, their attorneys and the Public Prosecutor's Office are factors that show an obstruction to the quest for justice for the beneficiary and his next of kin.

29. That, in general terms, in the observations submitted 2005 through 2008, the Commission stated that "the best measure of protection for the beneficiary is a serious, effective and efficient investigation that will cast light on the reported facts so as to establish responsibility therefor. It is the Commission's view that this type of investigation is the perfect instrument to guarantee the identification and elimination of risk of irreparable harm and an instrument appropriate to prevent the future occurrence of similar events."

30. That, "the investigation of the facts and the punishment of the people responsible, [...] is an obligation that corresponds to the State every time there is a violation of human rights and that obligation must be complied with seriously."⁷ Also, the Court has established that such obligation is not to be taken as a mere advancing of private interests dependent upon the procedural initiative of the victims or their next of kin or the private contribution of evidence.⁸

31. That the Court has held that the State's alleged failure to investigate does not necessarily, by itself, amount to a situation of extreme gravity and urgency warranting

⁷ Cf. *Case of Velásquez-Rodríguez. Merits*. Judgment of July 29, 1988. Series C No. 4, para. 177; *Case of García-Prieto et al. V. El Salvador. Preliminary Objections, Merits, Reparations and Costs*. Judgment of November 20, 2007. Series C No. 168, para. 100, and *Case of Tiu Tojin V. Guatemala. Merits, Reparations and Costs*. Judgment of November 26, 2008. Series C No. 190, para. 69.

⁸ Cf. *Case of Velásquez-Rodríguez V. Honduras, supra* note 7, para. 177; *Case of Albán-Cornejo et al. V. Ecuador. Merits, Reparations and Costs*. Judgment of November 22, 2007. Series C. No. 171, para. 62, and *Case of Tiu Tojin, supra* note 7, para. 84.

the maintenance of the provisional measures in full force and effect.⁹ In this regard, based on the evidence of a situation of extreme gravity and urgency, the Court ordered that an investigation be opened into the facts that led to such situation; however, any violations of the Convention resulting from the alleged ineffectiveness of the investigation are to be analyzed in the context of the relevant contentious case, not at the provisional measures stage,¹⁰ unless such failure to investigate is clearly connected to the extreme gravity for the life and personal integrity.

32. That, on September 9, 2008 and January 16, 2009, the representatives noted that the involvement of the State of Falcón Police Department in the investigations related to the instant case and the fact that the police officers accused of committing crimes against Mr. Uzcátegui are still in active service "have increased Mr. [...] Uzcátegui's fear of a new attack on his personal integrity, which "is a justified fear sufficient" to request that the provisional measures be maintained. The Court finds it appropriate to thoroughly analyze this argument, and thus requests that, in a period of two months as from the date of notification of this Order, they submit the arguments, evidence and information as to manner, time and place such that it can establish or rule out that the investigations in place have pushed Mr. Uzcátegui to a situation of extreme gravity and urgency in avoiding irreparable harm to his life and personal integrity. In particular, the State is to specify the measures adopted internally by the Police Department of the State of Falcón to prevent and avoid any type of harassment or threat in connection with the investigations concerning what happened to Mr. Uzcátegui and his brother Néstor Uzcátegui.

NOW, THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the powers conferred upon it by Article 63(2) of the American Convention on Human Rights and Article 25 of the Rules of Procedure of the Court,

DECIDES:

1. To call upon the State of Venezuela to maintain the provisional measures established in its Order of November 27, 2002 in place for a period of six months as from the date of notification of this Order.

⁹ Cf. *Case of the Constitutional Court*. Provisional Measures regarding Peru. Order of the Court of March 14, 2001, fourth considering clause; *Case of the Gómez-Paquiyaqui Brothers*. Provisional Measures regarding Peru. Order of the Court of May 3, 2008, seventh considering clause; and *Matter of "El Nacional" and "Así es la Noticia" newspapers*, *supra* note 4, thirty-sixth considering clause.

¹⁰ *Matter of Children Deprived of Liberty in the "Complejo do Tatuapé" of FEBEM*. Provisional Measures regarding Brazil. Order of the Court of July 3, 2007, seventeenth considering clause; *Matter of Millacura Llaipén et al*, *supra* note 1, sixteenth considering clause, and *Matter of "El Nacional" and "Así es la Noticia" newspapers*, *supra* note 4, thirty-sixth considering clause.

2. To request, pursuant to Considering Clauses Nos. 25 and 26 of this Order, that the representatives provide further information on the existence of a situation of extreme gravity and urgency in avoiding irreparable harm to the life and personal integrity of Mr. Uzcátegui.
3. To request, pursuant to Considering Clause No. 32 of this Order, that the parties submit the arguments, evidence and information as to manner, time and place such that it may establish or deny that the investigations in place have pushed Mr. Uzcátegui to circumstances of extreme gravity and urgency in avoiding irreparable harm to his life and personal integrity.
4. To request, pursuant to Considering Clauses Nos. 9 and 26 of this Order, that, within a period of two months as from the date of notification of this Order, the State submit a report on the implementation of the provisional measures, particularly on compliance with the obligations agreed upon with the representatives and Mr. Uzcátegui, and any progress made in the investigations undertaken in connection with the facts that led to the adoption of these measures.
5. To request the Secretariat of the Court to notify this Order to the State of Venezuela, the Inter-American Commission on Human Rights and the representatives of the beneficiary.

Cecilia Medina-Quiroga
President

Diego García-Sayán

Sergio García-Ramírez

Manuel E. Ventura-Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu-Blondet

Pablo Saavedra-Alesandri
Secretary

So ordered,

Cecilia Medina-Quiroga
President

Pablo Saavedra-Alessandri
Secretary