

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF MAY 15, 2011**

PROVISIONAL MEASURES WITH REGARD TO VENEZUELA

**MATTER OF THE ARAGUA PENITENTIARY CENTER
“TOCORÓN PRISON”**

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) of November 24, 2009, in the matters of the Monagas Detention Center (“La Pica”); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), and the Capital Detention Center El Rodeo I and El Rodeo II, in which the Court determined to “joinder these cases procedurally,” and decided, *inter alia*:

1. To order the State to maintain and to adopt the necessary measures to continue protecting the life and personal integrity of the beneficiaries in the following four penitentiary centers: the Monagas Detention Center (“La Pica”); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison), and the Capital Detention Center El Rodeo I and El Rodeo II.

2. To require the State to adopt the necessary measures to protect the life and personal integrity of Humberto Prado.

3. To require the State [...] to forward a report every two months referring specifically to the measures it is adopting to protect the life and personal integrity of the beneficiaries. The Inter-American Commission and the representatives of the beneficiaries must present their observations on the said reports within six and four weeks, respectively, of receiving them.

2. The Order of the Inter-American Court of November 24, 2010, in the matter of the Aragua Penitentiary Center “Tocorón Prison,” in which it decided, *inter alia*:

1. To ratify all aspects of the Order of the President of the Inter-American Court of Human Rights of November 1, 2010, and, consequently, to require the State to maintain the measures it is taking and also to adopt immediately and definitively any complementary measures necessary to avoid loss of life and harm to the physical, mental and moral integrity of all those deprived of liberty in the Aragua Penitentiary Center, also known as the Tocorón Prison, as well as any other person in the said facility.

[...]

3. The note of the Secretariat of the Court of February 11, 2011, in which it noted that the time frame for the State of Venezuela to present its bi-monthly report in the matter of the Aragua Penitentiary Center “Tocorón Prison” (*supra* having seen paragraph 2) had expired on February 1, 2011, without it being received. Hence, on the instructions of the President of the Court, the Secretariat reiterated to the State that it should submit the said report as soon as possible.

4. The brief of March 1, 2011, in which the representatives of the beneficiaries (hereinafter “the representatives”) presented information on the implementation of the provisional measures in the four matters joindered in the Order of November 24, 2009 (*supra* having seen paragraph 1) and, in the same brief, referred to implementation of the provisional measures in the matter of the Aragua Penitentiary Center “Tocorón Prison” required by the Court in its Order of November 24, 2010 (*supra* having seen paragraph 2).

5. The briefs of March 4 and April 12, 2011, in which the Bolivarian Republic of Venezuela (hereinafter “the State” or “Venezuela”) presented two bi-monthly reports on the implementation of the provisional measures in which it referred both to the four matters joindered in the Order of November 24, 2009 (*supra* having seen paragraph 1), and, in the same brief, to the implementation of the provisional measures in the matter of the Aragua Penitentiary Center “Tocorón Prison,” required by the Court in the Order of November 24, 2010 (*supra* having seen paragraph 2).

6. The brief of May 10, 2011, in which the representatives of the beneficiaries submitted their observations on the State’s bi-monthly report of March 4, 2011 (*supra* having seen paragraph 5).

7. The notes of the Secretariat of the Court of March 24, April 15, and May 9 and 12, 2011, regarding the provisional measures in the four matters joindered in the Order of November 24, 2009, in which it informed the representatives of the beneficiaries and the Inter-American Commission on Human Rights of the time frame for presenting their respective observations on the reports submitted by the State (*supra* having seen paragraph 5), in accordance with the third operative paragraph of the Order of November 24, 2009 (*supra* having seen paragraph 1).

CONSIDERING THAT:

1. Venezuela has been a State Party to the American Convention since August 9, 1977, and, in accordance with Article 62 of the Convention, accepted the compulsory jurisdiction of the Court on June 24, 1981.

2. 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 respect to a case not yet submitted to the Court, it may act at the request of the Commission.”

3. The Court observes that, of their own initiative and without the Court having requested this previously, the State and the representatives have each presented in a single brief (*supra* having seen paragraphs 4 and 5) consolidated information regarding the implementation of both the four matters joindered in the Order of November 24, 2009, and on the provisional measures ordered in the matter of the Aragua Penitentiary Center “Tocorón Prison.”

4. In this regard, although in the Order of November 24, 2009, the Court decided “to joinder procedurally the processing” of the provisional measures in the four matters concerning Venezuelan penitentiary centers (*supra* having seen paragraph 1) and, subsequently, in the Order of November 24, 2010, it required the adoption of provisional measures in the matter of the Aragua Penitentiary Center “Tocorón Prison” (*supra* having seen paragraph 2), to date, the latter has been processed separately from the four matters that were joindered. Based on the principle of procedural economy, as well as in the interests of a more satisfactory processing and analysis of the information, the Court finds it appropriate to joinder the processing of all five matters. In this regard, the Court takes into account that all the said provisional measures were requested by the Inter-American Commission with regard to the same State, and although there may be differences as regards the legal representation of the different beneficiaries, it is also true that several representatives are common to all the beneficiaries.

5. Therefore, in accordance with the operative paragraphs of this Order, the State must present, as it has done previously (*supra* having seen paragraph 5), a single report in which it refers jointly to the implementation of the provisional measures in the matters of the Venezuelan penitentiary centers in which this Court has ordered that they be adopted. Also, the beneficiaries of the said measures or their representatives must present their observations on the said reports jointly in a single brief within four weeks of receiving them. Similarly, the Inter-American Commission on Human Rights must present its observations in a single brief within six week of receiving the State’s reports.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the authority conferred upon it by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31 of the Court’s Rules of Procedure,

DECIDES:

1. To order the joinder of the matters of the Monagas Detention Center (“La Pica”); the Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); the Occidental Region Penitentiary Center (Uribana Prison); the Capital Detention Center El Rodeo I and El Rodeo II, and the Aragua Penitentiary Center “Tocorón Prison.”
2. To order that these joindered provisional measures shall hereafter be known as the “Matter of certain Venezuelan penitentiary centers.”
3. To require the State, following notification of this Order, to submit a single report every three months in which it specifically addresses the measures it is adopting to protect the life and personal integrity of the beneficiaries, in accordance with the provisions of the fifth considering paragraph of this Order. The beneficiaries of these measures or their representatives must present their observations on the said reports in a single brief within four weeks of receiving them. Similarly, the Inter-American Commission on Human Rights must present its observations in a single brief within six weeks of receiving the State’s reports.
4. To require the Secretariat to notify this Order to the State of Venezuela, the Inter-American Commission, and the representatives of the beneficiaries.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary