

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

**PROVISIONAL MEASURES WITH REGARD TO VENEZUELA**

**MATTER OF THE CIUDAD BOLÍVAR JUDICIAL DETENTION CENTER  
“VISTA HERMOSA PRISON”**

**HAVING SEEN:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the Commission”) of March 25, 2011 and attachments, whereby it submitted to the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”) a request for provisional measures pursuant to Article 63(2) of the American Convention on Human Rights (hereinafter “the American Convention” or “the Convention”) and Article 27 of the Rules of Procedure of the Court (hereinafter “the Rules of Procedure”) for the Bolivarian Republic of Venezuela (hereinafter “the State” or “Venezuela”) to protect the life and right to physical integrity of those deprived of liberty and all others in the Ciudad Bolívar Judicial Detention Center, also known as the Vista Hermosa Prison (hereinafter “Ciudad Bolívar Judicial Detention Center” or “Vista Hermosa Prison”).

2. The alleged facts upon which the Commission’s request for provisional measures is based, namely:

(a) The Vista Hermosa Prison is located in the Vista Hermosa sector of Ciudad Bolívar, Bolívar State, and can receive up to 310 detainees. According to information provided by the Commission, the current population is approximately 930 inmates;

(b) The situation in the Vista Hermosa Prison is characterized by “the permanent struggle between internal gangs who compete for control of the prison through the use and control of weapons,” in addition to “critical overcrowding”;

(c) Over the past three years, the number of violent events in the Vista Hermosa Prison has increased: in 2009 alone, 17 people died, 8 of whom from gunshot wounds during a violent confrontation in August 2009;

(d) On October 31, 2010, there was a riot in the prison, “as the result of a confrontation between the inmates involving firearms and sharp instruments,” which left five inmates dead and 20 injured. Furthermore, since September 2010, inmates and their next of kin have engaged in numerous protests and hunger strikes;

(e) Among the conditions responsible for the inmates' deaths and an environment of extreme violence inside the prison, the Commission referred to "the lack of effective control of the prison," and also "the trafficking of weapons, which the State has been unable to control sustainably and effectively" together with the "critical overcrowding,' the abysmal conditions of the physical infrastructure, health care services and food, and also the lack of personnel who are 'duly qualified to avoid the continuous outbreaks of violence,'" and

(f) On February 2, 2011, there was a riot in the prison, involving firearms, that left five inmates dead and one wounded.

3. The Commission's legal arguments to justify its request for provisional measures, in which it indicated that:

(a) The acts of violence that have occurred inside the prison since the end of 2010 have resulted in the death of 10 people and left approximately 40 individuals injured in less than four months. This proves the existence of a situation of extreme gravity and urgency, and the need to avoid irreparable harm to those deprived of their liberty and others present in the Vista Hermosa Prison, who have been suffering serious acts against their life and physical integrity;

(b) From the information available, it appears that the State of Venezuela has not adopted effective measures to protect the life and physical integrity of the potential beneficiaries or to halt the trafficking of weapons inside the prison, which demonstrates a lack of effective control by the prison authorities;

(c) In similar situations of prison violence in Venezuela, this Court has seen fit to grant and maintain measures in favor of the beneficiaries in an effort to eliminate acts of violence and to prevent loss of life and harm to the physical integrity of all persons subject to State control, and

(d) The violent situation inside the Vista Hermosa Prison has become extreme, making it necessary for the Court to intervene through the mechanism of provisional measures.

4. The Inter-American Commission's request that the Court, based on Article 63(2) of the American Convention and Article 27 of the Rules of Procedure, order the State to:

(a) Implement provisional measures to protect the life and right to physical integrity of the persons deprived of their liberty and all others who may be present in the detention center;

(b) Make every possible effort to achieve effective control of the detention center in strict observance of the human rights of the inmates; eliminate the extreme overcrowding that leads to acts of violence; provide the prison with sufficient trained guards equipped with the

means required to perform their functions adequately, and to identify and address the root causes that permit the trafficking of weapons within the prison;

(c) Ensure that the planning and execution of the measures is carried out with the participation of the representatives of the beneficiaries and that the State report periodically on any progress in their implementation.

5. The Secretariat's note of March 25, 2011, whereby, on the instructions of the President of the Court and based on Article 27(5) of the Rules of Procedure, it asked the State to submit its observations on the request for provisional measures, as well as any other documentation it deemed relevant by April 1, 2011, at the latest.

6. The State's brief of March 28, 2011, in which it asked the Court to grant "a prudent extension of the time limit [...], taking into account the importance of verifying all the facts alleged by the petitioners with the corresponding government entities," in order to present its observations and any other pertinent documentation in relation to the Inter-American Commission's request for provisional measures. In this regard, in the Secretariat's note of March 30, 2011, and on the instructions of the President of the Court, the State was granted the requested extension until April 7, 2011.

7. The brief of April 7, 2011, and its attachments received on April 8 and 13, 2011, in which, although indicating that "for more than two decades, the Venezuelan prison system has suffered a serious operational crisis, which is manifested by the number of inmates who have died or been injured in violent clashes within the prisons," the State asked the Court to reject the Inter-American Commission's request to adopt provisional measures, emphasizing the measures taken by the State "faced with a structural prison problem," the alleged "disparity between the data provided by the petitioners as grounds for [their] request, and the official data of the agencies with jurisdiction in this matter, such as the National Prison Services Directorate. In particular, the State maintained that:

a) The measures adopted included:

- i. The Constitution of the Bolivarian Republic of Venezuela, which establishes protection for and guarantees compliance with the rights of those deprived of liberty, among the constitutional norms on which the Venezuelan prison system is based;
- ii. The project to Humanize and Modernize the Venezuelan Prison System, which began in 2006 with the goal of reforming the structure of the prison system, based on complying with the fundamental rights of those deprived of liberty, ensuring that inmates and their families are treated decently and respectfully, providing them with values and giving a sense to their life, increasing their self-esteem, and providing them with opportunities that were previously denied;
- iii. The major transformation of the Directorate General of Custody and Rehabilitation into a decentralized body known as the National Prison Services Directorate (DNSP), with competence in the areas of administrative, financial and budgetary management, enabling it to formulate and execute public policies in

- accordance with the changes in the prison system, in line with the new legal framework and the humane and progressive concept;
- iv. The distribution of vehicles, including ambulances, to the DNSP for the transport of small, medium and large loads, to be acquired at the end of the first quarter 2011;
  - v. The incorporation into the Code of Criminal Procedure of the classification for minimum, medium and maximum security, as well as the parameters to be followed in this procedure, and the professionals responsible for executing it, and
  - vi. The legislative initiatives concerning the prison system, such as the submission of the Code of Criminal Procedure to the National Assembly, which was unanimously approved by the members of the Assembly on April 5, 2011. It is presently being debated by the first Regional Penitentiary Council.
- b) In 2010, there were 150 detainees for every 100,000 inhabitants of Venezuela; in other words, 43,520 persons deprived of liberty, while it was recorded that 315 persons had died and 998 had been injured, which corresponded to 0.71% and 2.24% of the total prison population, respectively;
  - c) Despite the increase in the prison population by more than approximately 10,000 inmates in 2010, the percentage of injured and dead is the lowest reported in recent years, which would appear to reflect that “there is no direct link between the growth in the prison population and the acts of violence; this is a result of the comprehensive care policies put in practice by the National Prison Services Directorate that are beginning to have an effect on the reduction in violence among the population deprived of liberty”;
  - d) The Ciudad Bolívar Detention Center “Vista Hermosa Prison” is a detention center for individuals who are being held for trial, although currently it houses detainees who have been convicted;
  - e) Regarding the violent acts that the petitioners have alleged as justification for their request for provisional measures, the DNSP checked the data provided by the petitioners against the official data recorded in the Directorate, which is attached to the Ministry of People's Power for Internal Relations and Justice, with the following results:
    - i. The representatives claimed that the current prison population is around 930 inmates, when the actual number in the Vista Hermosa Prison is 856 persons deprived of liberty, of whom 518 are being held for trial and 338 have been sentenced and convicted. The prison is designed to hold 400 inmates;
    - ii. The DNSP has 45 guards for this prison and not 16 as indicated by the representatives; also, recruitment is underway in the Oriental region, and itinerant teams composed of technical and professional staff have been mobilized to assist the staff;
    - iii. Inmates of this detention center receive a constant dietary regime of 2,654.65 calories per person per day;

- iv. With regard to health care, the prison presently employs two doctors, a dentist and a nurse. 2,927 inmates received medical attention during 2010, and 1,016 in the first quarter of 2011;
  - v. The DNSP, through the Ciudad Bolívar Detention Center, invited the competent bodies, namely the Attorney General's Office, the Scientific, Criminal and Forensic Corps (CICPC), and the trial courts of Bolivar State, to order and carry out the pertinent procedures and investigations in order to fully clarify the facts and determine the authors and/or participants;
  - vi. Regarding the information provided by the petitioners that eight persons deprived of liberty had died in August 2009, the State indicated that there were 804 inmates that month, and therefore the deaths represented 0.9% of the population, "a low percentage of acts of violence in this prison in relation to the population deprived of liberty at the time";
  - vii. In 2009, 11 inmates died in violent incidents in the Ciudad Bolívar Detention Center, which "in relation to the prison population of 896 inmates in the Detention Center at the close of 2009, constituted 1.2%." Also, with regard to 17 inmates identified by the petitioners as deceased as a result of violent acts during the year, the State underscored that "the true information [is] 16 deceased, five of whom died of natural causes";
  - viii. In terms of deaths and injuries, the situations that have occurred in the Ciudad Bolívar Detention Center are largely isolated events unrelated to riots or brawls, but rather to specific problems among the inmates;
  - ix. With regard to the way the media has treated this issue, the State reiterated that, historically, the social communications media has sought to discredit the State's role in prison matters, and negative events associated with the prison system have been reported very unfavorably;
  - x. On February 2, 2011, an irregular situation occurred at the Ciudad Bolívar Detention Center that left five dead and one wounded;
  - xi. The information presented by the petitioners mentions one person as deceased who is alive and detained in the respective judicial detention center.
- f) On April 7, 2011, the Standing Committee on Worship and the Penitentiary Regime held a working meeting in the Ciudad Bolívar Detention Center with the participation of the President of the National Assembly's Standing Committee on Worship and the Penitentiary Regime, officials from the Ministry of People's Power for Internal Relations and Justice, regional authorities associated with the prison problems, and representatives of the inmates (next of kin), in order to gain first-hand knowledge of the particular problems in this prison.

8. The Commission's brief of April 26, 2011, whereby it formulated its observations on the State's response, repeated its request to the Court that it order Venezuela to implement provisional measures, and indicated, *inter alia*, that:

- a) The information provided by the State refers to general measures taken in recent years to improve the prison situation, which could have an indirect effect on the reduction of violent acts in detention centers, but do not have the necessary

immediacy and effectiveness to respond to extreme situations of gravity and urgency, and the risk of irreparable harm, such as those verified in the Vista Hermosa Prison;

- b) It appreciates the official information and clarifications presented by the State concerning the number of deceased inmates and their identification; however, these details “do not contradict the central elements of the factual background which show an alarming situation of violence within the detention center that endangers the proposed beneficiaries’ life and physical integrity.” Quite the contrary, the State’s report confirms most of the information provided in the request;
- c) The Commission is concerned that the percentages presented by the State of the number of people injured and deceased in relation to the total prison population seek to detract from the seriousness of the situation. It is not a question of statistics, but rather of dangerous conditions and extreme lack of security. In this regard, the extreme gravity and urgency, as well as the risk of irreparable damage, arise from the central fact that, in recent years and up to the present day, those who are in the custody of the State continue to lose their life;
- d) The State did not refer clearly to each of the violent events in question or to the efforts made to identify the determining factors in order to adopt effective measures to prevent their repetition. It merely indicated that it had requested the participation of the competent agencies in order to begin the investigation procedures, without providing any information on whether these investigations had ever commenced and, if they had, their results;
- e) The State did not specifically respond to complaints regarding the lack of effective control inside the detention center and failed to explain how the number of prison officials was adequate for the prison population, how custody was implemented, how the work of supervision was distributed, and whether it takes place within the detention center or is limited to external custody or daily head counts;
- f) The State did not refer to the alleged trafficking of weapons inside the prison; and the information provided by the State shows that high rates of overcrowding persist and that medical care remains inadequate;
- g) On April 11, 2011, approximately 96 inmates at the Vista Hermosa Prison began a “blood strike,” consisting in self-flagellation with sharp cutting instruments that caused wounds to their legs and arms, as a form of protest for the failure of the prison authorities to comply with a series of measures to improve their detention conditions. This protest lasted until April 14, leaving more than 100 inmates with “deep” wounds on their arms and legs. The injured received medical attention in two hospitals or were attended to by medical personnel sent in to respond to the situation. A working group was formed to reach an “agreement” with the inmates;
- h) On April 16, 2011, officials from the Bolivarian National Guard intervened in the prison and, as a result, different types of weapons were seized;

- i) The Commission does not have precise information on the current status of the protests or on the health of the inmates who were injured in the strike, and
- j) The foregoing elements are sufficient to conclude that a situation of extreme gravity and urgency exists, together with the need to avoid irreparable harm to persons.

9. The brief of April 26, 2011, with which the State submitted audio recordings with regard to the bill on the prison system.

10. The Secretariat's note of April 27, 2011, whereby, on the instructions of the President of the Court, it granted the Inter-American Commission until May 5, 2011, to present additional observations on the information submitted by the State on April 13 and 16, 2011 (*supra* having seen paragraphs 7 and 9).

11. The Commission's brief of May 5, 2011, in which it indicated that the information presented by the State concerning the bill on the prison system (*supra* having seen paragraph 9) "does not provide any relevant information on the situation in the Vista Hermosa Prison."

#### **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. Article 27 of the Court's Rules of Procedure<sup>1</sup> establishes:

1. At any stage of proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, on its own motion, order such provisional measures as it deems appropriate, pursuant to Article 63(2) of the Convention

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

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<sup>1</sup> Rules of Procedure of the Inter-American Court of Human Rights, approved during its eighty-fifth regular session held from November 16 to 28, 2009.

5. The Court, or if the Court is not sitting, the Presidency, upon considering that it is possible and necessary, may require the State, the Commission, or the representatives of the beneficiaries to provide information on a request for provisional measures before deciding on the measure requested.

[...]

4. Article 63(2) of the Convention confers an obligatory nature on the provisional measures ordered by the Court, given that the basic principle of international law, supported by international case law, has indicated that States must comply with their treaty-based obligations in good faith (*pacta sunt servanda*).<sup>2</sup>

5. The present request for provisional measures is not related to any case currently before the Court, but rather arose from information submitted to the Inter-American Commission by the non-governmental organization *Una Ventana a la Libertad* represented by Carlos Nieto Palma. Consequently, the Court is unaware of whether the information before it forms part of a separate contentious case before the inter-American system or whether a petition on the merits has been initiated before the Inter-American Commission related to this request.

6. Under international human rights law, provisional measures are not only preventive in the sense that they preserve a legal situation, but fundamentally protective because they protect human rights inasmuch as they seek to avoid irreparable damage to persons. The order to adopt provisional measures is applicable provided that the basic requirements of extreme gravity and urgency, and the need to prevent irreparable damage to persons are met. In this way, provisional measures become a real jurisdictional guarantee of a preventive nature.<sup>3</sup>

7. The Court has found it necessary to clarify that, in light of the protective nature of provisional measures, they may be ordered, exceptionally, even when there is no contentious case before the inter-American system, in situations that, *prima facie*, may have a grave and urgent effect on the enjoyment of human rights. Therefore, the Court must assess the matter submitted, the effectiveness of the State's actions in relation to the situation described, and the degree of lack of protection in which the individuals requesting the measures would find themselves if the measures were not adopted. To this end, the Inter-American Commission must submit sufficient justification to satisfy the requisite criteria and the State must fail to demonstrate clearly and satisfactorily the effectiveness of any measures it may have adopted in

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<sup>2</sup> Cf. *Matter of James et al.* Provisional measures with regard to Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, sixth considering clause; *Matter of the Aragua Detention Center "Tocorón Prison."* Provisional measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of November 24, 2010, fourth considering clause, and *Matter of the Communities of the Jiguamiandó and the Curbaradó.* Provisional measures with regard to Colombia. Order of the Inter-American Court of Human Rights of August 30, 2010, fourth considering clause.

<sup>3</sup> Cf. *Case of the "La Nación" Newspaper.* Provisional measures with regard to Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, fourth considering clause; *Matter of the Socio-educational Detention Unit.* Provisional measures with regard to Brazil. Order of the Inter-American Court of Human Rights of February 25, 2011, fourth considering clause, and *Matter of the Aragua Detention Center "Tocorón Prison,"* *supra* note 2, sixth considering clause.

the domestic sphere.<sup>4</sup>

8. Article 63(2) of the Convention requires the presence of three conditions for the Court to grant provisional measures: (i) “extreme gravity”; (ii) “urgency,” and (iii) that the intention is “to avoid irreparable damage to persons.” These three conditions must coexist and be present in any situation in which the Court’s intervention is requested.<sup>5</sup>

9. Regarding the gravity of the risk, for the purposes of adopting provisional measures, the Convention requires that it be “extreme”; in other words, that it is at its most intense or highest level. The urgent nature implies that the risk or threat involved be imminent and requires an immediate remedial response. Lastly, with regard to the damage, there must be a reasonable probability of such damage occurring and it should not relate to property or other legal interests that may be repairable.<sup>6</sup>

10. When presented with a request for provisional measures, the Court may not consider the merits of any argument that is not strictly related to the elements of extreme gravity, urgency, and the need to avoid irreparable damage to persons. Any other matter may only be submitted to the Court’s consideration in a contentious case.<sup>7</sup>

11. From the information presented by the Commission, it is evident that the events that occurred in the Vista Hermosa Prison (*supra* having seen paragraphs 2 and 8) demonstrate, *prima facie*, a situation of extreme gravity, urgency, and the possibility of irreparable damage to the rights to life and physical integrity of the inmates of the detention center, and also of any other person who enters the prison. In particular, the extreme gravity and intensity of the situation can be seen from the information provided which indicates that, over the last three years, the number of violent acts in the Vista Hermosa Prison has increased significantly (*supra* having seen paragraphs 2(c) and 2(d)). In addition, violent acts have also been recorded in 2011; specifically, in February 2011, five inmates died and one was injured in violent acts involving gunfire inside the prison (*supra* having seen paragraphs 2(f) and 7(e)(x)) and recently, around

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<sup>4</sup> Cf. *Matter of the Capital Detention Center El Rodeo I and El Rodeo II*. Provisional measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of February 8, 2008, Ninth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, sixth considering clause, and *Matter of the Aragua Detention Center “Tocorón Prison,” supra* note 2, seventh considering clause.

<sup>5</sup> Cf. *Case of Carpio Nicolle et al.* Provisional measures with regard to Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, fourteenth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, seventh considering clause, and *Matter of the Aragua Detention Center “Tocorón Prison,” supra* note 2, eighth considering clause.

<sup>6</sup> Cf. *Matter of the Monagas Detention Center (“La Pica”); Capital Region Penitentiary Center Yare I and Yare II (Yare Prison); Occidental Region Penitentiary Center (Uribana Prison); Capital Detention Center El Rodeo I and El Rodeo II*. Provisional measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of November 24, 2009, third considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, eighth considering clause, and *Matter of the Colombian Jurists Commission*. Provisional measures with regard to Colombia. Order of the Inter-American Court of Human Rights of November 25, 2010, sixth considering clause.

<sup>7</sup> Cf. *Matter of James et al.* Provisional measures with regard to Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, sixth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, ninth considering clause, and *Matter of the Colombian Jurists Commission*, *supra* note 6, seventh considering clause.

100 people were injured in a protest by self-flagellation (*supra* having seen paragraph 8(g)). The overcrowding in this prison is also significant as the number of inmates is more than twice the center's capacity (*supra* having seen paragraphs 2(a) and 7(e)(i)).

12. The State underscored its actions since 1999, "faced with a structural prison problem, product of more than two decades of non-existent prison policies that have left a significant mark on structural prison conditions today, which has been taken up as a challenge when formulating humanitarian policies, with the sole aim of treating those deprived of liberty decently." In addition, the State provided information on specific measures for this prison and, in particular, on the creation of a working group (*supra* having seen paragraph 7(f)).

13. Although the Court assesses positively the measures taken by the State (*supra* having seen paragraph 7(a)) in this matter, specific acts have occurred that have jeopardized the life and physical integrity of the persons deprived of liberty, while the only relevant measure that the State has adopted was, reportedly, a working meeting held on April 7, 2011, to gain a direct understanding of the problems at the prison (*supra* having seen paragraph 7(f)). The State has not submitted the minutes of the meeting or advised of any results, or of the measures agreed or to be adopted to address the violence and overcrowding, and the climate of instability and conflict within the facility. Furthermore, the Court observes that the so-called "blood strike" was staged after the above-mentioned measures were taken by the State.

14. Consequently, to date, the measures taken by the State do not appear to be sufficient or effective to protect the life and physical integrity of this prison community. Thus, the irreparable nature of the situation of extremely grave and urgent danger is evident in relation to the rights to life and physical integrity that the Court has the obligation to protect when the requirements established by Article 63(2) of the American Convention are met.

15. Consequently, the Court considers it necessary to protect these individuals through the State's immediate adoption of provisional measures in light of the provisions of the American Convention, in order to prevent efficiently and definitively the violence, loss of life, and harm to the physical, mental and moral integrity of those deprived of liberty in the facility, and of any other persons therein.

16. It is also appropriate to recall that Article 1(1) of the Convention establishes the general obligations of States Parties to respect the rights and freedoms enshrined therein and to guarantee their free and full exercise to all persons subject to their jurisdiction. These obligations are essential not only in relation to the power of the State, but also with regard to the actions of third parties. This Court has considered that the State occupies a special position as guarantor in relation to those deprived of liberty because prison authorities exercise total control over them. The Court has also indicated that, irrespective of the existence of specific provisional measures, the State is especially obliged to guarantee the rights of those deprived of liberty;<sup>8</sup> this includes adopting measures that promote a climate of respect for the human rights of the inmates amongst themselves, preventing the presence of weapons controlled by inmates in the prison, reducing

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<sup>8</sup> Cf. *Matter of the Capital Detention Center El Rodeo I and El Rodeo II.*, *supra* note 4, eleventh considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, fourteenth considering clause, and *Matter of the Aragua Detention Center "Tocorón Prison"*, *supra* note 2, twelfth considering clause.

overcrowding, improving detention conditions, and providing enough trained personnel to ensure adequate and effective control, custody, and supervision inside the detention center.

17. The *prima facie* standard of assessment in any matter, together with the application of presumptions when considering the needs for protection, have led this Court to order provisional measures on different occasions.<sup>9</sup> Although, in some cases, the Court has found it essential to identify those persons in danger of suffering irreparable damage individually when awarding measures of protection,<sup>10</sup> in other cases the Court has ordered protection for a group of people that has not been named previously, but who can be identified and determined, and are in grave danger as a result of belonging to a group or community,<sup>11</sup> such as persons deprived of liberty in a detention center.<sup>12</sup> In the present matter, the Inter-American Commission asked the Court to order the protection of the inmates and other persons in the Vista Hermosa Prison; thus, the potential beneficiaries are identifiable, because they are detained, or may enter the prison in the future as inmates, or normally or eventually enter the said detention center as staff or visitors.

18. The adoption of these provisional measures does not prejudice State responsibility for the events reported.

19. For procedural economy, and also to improve the processing and analysis of information, the Court deems it convenient to joinder the processing of these provisional measures to the four matters that were joindered for procedural purposes in this Court's Order 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, as well as the provisional measures ordered in the Court's Order of November 24, 2010, in the matter of the Aragua Detention Center "Tocorón Prison."

20. To this end, in accordance with the operative paragraphs of this Order, the State must present a single brief in which it refers jointly to the implementation of the provisional measures in the matters of the Venezuelan detention centers in which this Court has ordered their adoption.

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<sup>9</sup> Cf., *inter alia*, *Matter of the Monagas Detention Center ("La Pica")*. Provisional measures with regard to Venezuela. Order of the President of the Inter-American Court of Human Rights of January 13, 2006, sixteenth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, fifth considering clause, and *Matter of The Aragua Detention Center "Tocorón Prison"*, *supra* note 2, thirteenth considering clause.

<sup>10</sup> Cf. *Case of Haitians and Dominicans of Haitian Origin in Dominican Republic*. Provisional measures with regard to Dominican Republic. Order of the President of the Inter-American Court of Human Rights of September 14, 2000. Series E No. 3, fourth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, fifth considering clause, and *Matter of The Aragua Detention Center "Tocorón Prison"*, *supra* note 2, thirteenth considering clause.

<sup>11</sup> Cf., *inter alia*, *Matter of the Peace Community of San José de Apartadó*. Provisional measures with regard to Colombia. Order of the Inter-American Court of Human Rights of November 24, 2000, seventh considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, fifth considering clause, and *Matter of the Aragua Detention Center "Tocorón Prison," supra* note 2, thirteenth considering clause.

<sup>12</sup> Cf., *inter alia*, *Matter of the Urso Branco Prison*. Provisional measures with regard to Brazil. Order of the Inter-American Court of Human Rights of June 18, 2002, ninth considering clause; *Matter of the Socio-educational Detention Unit*, *supra* note 3, fifth considering clause, and *Matter of the Aragua Detention Center "Tocorón Prison"*, *supra* note 2, thirteenth considering clause.

Also, the beneficiaries of the measures or their representatives must present their observations on the said reports jointly in a single brief within four weeks of receiving them. In the same way, the Inter-American Commission on Human Rights must present its observations in a single brief within six weeks of receiving the State's reports.

**THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

by virtue 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 require the State to adopt immediately and definitively any necessary and effective measures to prevent loss of life and harm to the physical, mental and moral integrity of all those deprived of liberty in the Ciudad Bolívar Judicial Detention Center, also known as the Vista Hermosa Prison as well as of any person who may be in the Center.
2. To order that the processing 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, the Aragua Detention Center "Tocorón Prison," and the Ciudad Bolívar Judicial Detention Center "Vista Hermosa Prison" be joindered.
3. To order that these joint provisional measures be known hereafter as the "Matters of specific Venezuelan detention centers."
4. To require the State to submit a single report every three months as of the notification of this Order, referring, specifically, to the measures that it is adopting to protect the life and integrity of the beneficiaries, as indicated in the twentieth considering paragraph of this Order. The beneficiaries of the measures or their representatives shall 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 shall present its observations in a single brief within six weeks of receiving the State's reports.
5. To order the Secretariat to notify this Order to the State of Venezuela, the Inter-American Commission on Human Rights, 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