

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF AUGUST 19, 2013**

**PROVISIONAL MEASURES WITH REGARD TO VENEZUELA
MATTER OF MARTA COLOMINA**

HAVING SEEN:

1. The Orders issued by the Inter-American Court of Human Rights (hereinafter also "the Court") between September 8, 2003, and July 4, 2006, in which it ordered the Bolivarian Republic of Venezuela (hereinafter "the State" or "Venezuela") to adopt all necessary measures to protect the life, personal integrity, and freedom of expression of Marta Colomina.
2. The note of June 14, 2013, in which the State requested that the Court lift the provisional measures.
3. The note of the Secretariat of June 21, 2013, in which, on the instructions of the President, it granted the representatives of the beneficiary and the Inter-American Commission on Human Rights until July 5, 2013, to present their observations on the State's request, and the note of July 26, 2013, in which the Inter-American Commission presented its observations belatedly. The representatives did not present observations.

CONSIDERING THAT:

1. In its request that the measures be lifted, the State merely indicated that "Marta Colomina has benefited from provisional measures for more than six years, and during the time the measures have been implemented, she has not reported any kind of attack or threat that would allow verification of any of the conditions established by the Convention and the Court's Rules of Procedure."
2. The practical effects of provisional measures depend on the real possibility that they are implemented,¹ so that they are ineffective in the prolonged absence of information about the beneficiaries' situation of risk. In this regard, the State did not explain its repeated omissions of its obligation to report to the Court over the course of several years,²

¹ Cf. *Case of Caballero Delgado and Santana*. Provisional measures with regard to Colombia. Order of the Court of July 4, 2006, thirteenth considering paragraph, and *Matter of Alvarez et al.* Provisional measures with regard to the Dominican Republic. Order of the Court of May 22, 2013, fifty-third considering paragraph.

² In the Orders issued in this matter, the Court observed and declared, *inter alia*, that the State had failed to comply with its obligation to provide information on the measures of protection it had implemented; that the State should present the required reports with the frequency established; that the State had not implemented the

because, since the last Order issued by the Court in this matter (in July 2006), the State had only presented six reports, even though it should have sent reports every two months. Moreover, since 2008, it had not provided any information on the implementation of the measures.

3. The representatives of the beneficiary have not presented information since February 2009, and failed to submit observations on the State's request, despite being asked to do so on two occasions. For its part, the Inter-American Commission, which had requested the provisional measures, has not presented any information since May 2009. Since that date, the Commission and the representatives have provided minimal or no information that would substantiate the beneficiary's interest or desire to maintain the measures in force, or verify the persistence of the situation of extreme gravity and urgency that gave rise to them. To the contrary, with regard to the request to lift the measures, the Commission indicated that it "considers that there are no elements that indicate the persistence of the situation of extreme gravity, urgency, and risk of irreparable damage."

4. Consequently, the Court must order the lifting of the measures of protection ordered. This does not mean that it considers that the State has complied effectively with them in any way, nor can it imply that the State is relieved of its general obligations of protection contained in Article 1(1) of the Convention, under which States have the special obligation to guarantee the rights of those persons who are in a situation of risk, and must facilitate the investigations required to clarify the facts, followed by the consequences established by the pertinent law.³

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

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

DECIDES:

1. To lift the provisional measures ordered by the Inter-American Court since July 30, 2003, in favor of Marta Colomina, notwithstanding the subsistence of the general obligations of the State pursuant to Article 1(1) of the American Convention on Human Rights.

2. To require the Secretariat of the Inter-American Court to notify this Order to the State of Venezuela, the Inter-American Commission on Human Rights, and the representatives of the beneficiary.

3. To close the file of this matter.

measures effectively; that it had failed to comply with the obligation imposed on it by Article 68(1) of the Convention and, in application of Article 65 thereof, and that it had repeatedly failed to comply with its obligation to inform the Court clearly, precisely and in detail about the implementation of the measures.

³ Cf. *Case of Velásquez Rodríguez*. Provisional measures with regard to Honduras. Order of the Court of January 15, 1988, third considering paragraph; *Matter of the "El Nacional" and "Así es la Noticia" newspapers*. Provisional measures with regard to Venezuela. Order of the Court of November 25, 2008, thirty-ninth considering paragraph, and *Case of Avila Moreno et al. Provisional measures with regard to Colombia*. Order of the Court of May 30, 2013, twenty-third considering paragraph.

Diego García-Sayán
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Eduardo Vio Grossi

Roberto de F. Caldas

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary