

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF SEPTEMBER 6, 2012**

**REQUEST FOR EXPANSION OF PROVISIONAL MEASURES  
IN FAVOR OF MARIANELA SÁNCHEZ ORTIZ AND FAMILY  
WITH REGARD TO VENEZUELA**

**MATTERS OF CERTAIN VENEZUELAN PRISONS**

**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 Monagas Judicial Confinement Center ("La Pica"); Yare I and Yare II Capital Region Penitentiary Center (Yare Prison); Penitentiary Center of the Central Occidental Region (Uribana Prison), and Capital El Rodeo I and El Rodeo II Judicial Confinement Center, in which it was decided to "procedurally join the corresponding processing of such matters" and decided, *inter alia*:

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

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

[...]

5. To reject the request for expansion made by the representatives of the beneficiaries in relation to Mrs. Marianela Sánchez, María Inés García and Miriam Bolívar and Mr. Carlos Alberto Nieto Palma, Emil Niño and Wilmer Linero, based on the reasons mentioned in considering paragraphs 39 and 41 of the [...] Order.

[...]

2. The Order of the Court of May 15, 2011, in the matter of Aragua Detention Center ("Tocorón Prison") and in the matter of Ciudad Bolívar Judicial Detention Center ("Villa Hermosa Prison"). In the latter, the Court decided, *inter alia*:

[...]

2. To order the joining of the proceedings in the matters of the Monagas Judicial Confinement Center ("La Pica"); Yare I and Yare II Capital Penitentiary Center (Yare Prison); Penitentiary Center of the Central Occidental Region (Uribana Prison); El Rodeo I and El Rodeo II Capital Judicial Confinement Center, and the Penitentiary Center of Aragua "Tocorón Prison" and Ciudad Bolívar Judicial Detention Center "Villa Hermosa Prison".

3. To order that these joint provisional measures be known hereafter as the "Matters of certain Venezuelan prisons."

[...]

3. The Order of the Court of July 6, 2011, in the matters of certain Venezuelan prisons, related to Rodeo I and Rodeo II Judicial Confinement Center, whereby it was decided, *inter alia*:

[...]

3. To ratify the joinder of proceedings for provisional measures in force 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"), 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")."

[...]

4. The brief of July 5, 2012, in which the Inter-American Commission on Human Rights (hereinafter, the "Inter-American Commission" or the "Commission") filed a request for expansion of provisional measures in favor of Marianela Sánchez Ortiz and her family.

5. The note of the Secretariat of the Court (hereinafter, the "Secretariat") of July 6, 2012, in which the request for expansion of provisional measures in favor of Marianela Sánchez Ortiz and her family was forwarded to the Bolivarian Republic of Venezuela (hereinafter, the "State" or "Venezuela") in order to present observations thereto, no later than July 23, 2012.

6. The brief of July 20, 2012, in which Venezuela requested a reasonable extension of twelve days to present its observations, as well as the note of the Secretariat of July 24, 2012, in which the State was informed that, on the instructions of the President of the Court, the extension was granted until August 3, 2012.

7. The Secretariat's note of August 7, 2012, in which, in view of the fact that the observations of the State were not received, on the instructions of the President of the Court, the Court reiterated to Venezuela to submit the observations no later than August 13, 2012.

8. The brief of August 16, 2012, in which the State submitted observations to the request for expansion of provisional measures in favor of Marianela Sánchez Ortiz and her family.

**CONSIDERING THAT:**

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

2. Article 63(2) of the American Convention establishes 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. In this regard, Article 27 of the Rules of Procedure of the Court (hereinafter, the "Rules of Procedure")<sup>1</sup> establishes, in the relevant part, that:

1. At any stage of the 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 pertinent, pursuant to Article 63(2) of the Convention.

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

[...]

4. According to the International Human Rights Law, provisional measures are not only precautionary in the sense that they protect legal status, but they are also mainly protective since they protect human rights, insofar as they avoid irreparable damage to persons. Provisional measures are adopted provided the basic requirements of extreme gravity and urgency and the prevention of irreparable damage to persons are met. In this sense, provisional measures become a real jurisdictional guarantee of a preventive nature<sup>2</sup>.

5. By virtue of its competence, within the framework of this request for expansion of provisional measures, it falls upon the Court to consider only those arguments that relate strictly to extreme gravity and urgency, and the necessity to avoid irreparable

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

<sup>2</sup> Cf. *Case of "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 paragraph, and *Case of the 19 Tradesmen*. Provisional Measures with regard to Colombia. Order of the Inter-American Court of Human Rights of June 26, 2012, fourth considering paragraph.

damage to persons. Such other fact or argument can only be analyzed and decided during the consideration of the merits of a contentious case.<sup>3</sup>

6. The alleged facts on which the request for expansion of provisional measures filed by the Commission is based, are namely:

a) Mrs. Marianela Sánchez Ortiz has been working as the Legal Coordinator of the Venezuelan Prisons Observatory, a non-governmental organization, for 9 years and 8 months. As part of her duties, she makes regular visits to prisons and courts, given that she is one of the main voices in prison-related matters, due to her long track record as a human rights defender of detainees in Venezuela. On several occasions, she has represented the organization before the media denouncing the living conditions of detainees in Venezuela and adopts a leading role when the Director of the organization (Humberto Prado) is unavailable for a particular task;

b) Marianela Sánchez Ortiz conducted the investigation into a series of violent facts that occurred at *Casa de Reeducación, Rehabilitación e Internado Judicial El Paraíso*, known as "La Planta" prison, in the city of Caracas, during the months of April and May 2012. Mrs. Sánchez Ortiz was the main spokeswoman of the organization during the conflict, denouncing the structural causes that had provoked the prison crisis;

c) During one of her visits to the premises of "La Planta" prison, Mrs. Sánchez Ortiz would have observed that an unknown man followed her to take her picture without asking questions or identifying himself as member of the press;

d) On May 30, 2012, between 11 and 11.30 a.m., four armed men would have approached Hernan Antonio Bolivar, the husband of Mrs. Sánchez Ortiz, whilst he was getting into his car and one of them, pointed a gun at his head, and would have made him get into the vehicle along with another man, while the other two men remained outside the vehicle. Inside the vehicle, the man who was pointing a gun at him, "would have threatened to kill him and his family, if his wife continued denouncing the human rights violations of detainees", and

e) On June 22, 2012, at approximately 12.35 p.m., when Mrs. Sánchez Ortiz was returning from the Criminal Judicial Circuit of the Metropolitan Area of Caracas, two individuals would have approached her, while another two would have stood in front of the building of the Venezuelan Prisons Observatory headquarters. Furthermore, one of the men would have stood in front of her preventing her from entering the building, while the other man would have said "that's her". Mrs. Sánchez Ortiz stated that she was afraid, so that she grabbed her briefcase and diary and asked the man to let her pass. He would have looked her up and down in an intimidating manner, and after a few seconds, he moved away, at which moment Mrs. Sánchez Ortiz managed to quickly enter the building. Later on, some colleagues of the OVP would have observed one of the individuals changing his shirt as he walked away.

7. The arguments of the Commission to substantiate their request for expansion of provisional measures, among which it noted that:

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<sup>3</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 paragraph, and *Matter of Martinez Martinez et al.* Provisional Measures with regard to Mexico. Order of the Inter-American Court of Human Rights of March 1, 2012, seventh considering paragraph.

a) It is the Commission's responsibility to prove the "factual connection" between the new facts and the events that justified the adoption of provisional measures, so that the Court may order the expansion, for which it referred to the role of human rights defender of the proposed beneficiary, as well as assessing the criteria of extreme gravity and urgency and the need to avoid irreparable damage in the specific case;

b) The facts provided would prove that there is a clear intention to affect the work of Marianela Sánchez Ortiz as a human rights defender, and that these threatening actions must be analyzed in relation to an intimidating pattern against human rights defenders in Venezuela in general, and towards the activity of the Venezuelan Prisons Observatory, in particular. The Commission notes that, from examining the provided information, it would follow that the alleged situation of Marianela Sanchez Ortiz being followed, her husband having been threatened and the recent act of harassment, are directly related to her acting as human rights defender and, in particular, to her active participation and public exposure for the denunciation of human rights violations of detainees in Venezuela. Furthermore, the tone of the threats would have an intimidating effect, the purpose of which would be to terminate the work that Mrs. Sánchez Ortiz is involved in, of documenting and denouncing these violations, and this would also affect the activities carried out by the organization where she works;

c) The present situation would be framed within a specific context, in which members of the Venezuelan Prisons Observatory have been threatened and harassed in retaliation for the work they do in Venezuela, regarding the situation of detainees, and which the Commission has monitored. The risk factors in the case of Marianela Sánchez Ortiz and her family, related to the work at the Venezuelan Prisons Observatory and her public exposure due to the denunciations made by this organization, would be similar to the ones established in the case of Humberto Prado, which led to the adoption of provisional measures in his favor;

d) The request for the expansion of provisional measures on this occasion is not only based on the context of attacks against human rights defenders in Venezuela but also, and mainly, on specific recent and individualized facts which emphasize a situation of real and immediate danger for the proposed beneficiary and her family;

e) The following and death threat would have occurred after the violent events that took place at "La Planta" prison and the content of the aggressions would have had a direct connection to her work of denouncing these events and the state of the prison system. The threats, the way in which they were carried out and their content, define the security status of Marianela Sánchez Ortiz as grave and subject to imminent danger. Furthermore, according to the Commission, "this threat would represent a death warning" for Marianela Sánchez Ortiz.

f) Despite the fact that the threats were reported to the competent authorities, no investigation was initiated and no information was provided proving that the authorities had adopted measures to protect the proposed beneficiary or clarify the facts and identify those allegedly responsible;

g) The alleged following and threats would constitute as acts against the life and personal integrity of the alleged beneficiaries and, in particular, would try to silence and interfere with the work of Mrs. Sanchez Ortiz in the defense of human rights, also affecting her right to freedom of expression. In addition, the exposed facts would present sufficient elements to conclude that they are connected to the activities carried out by Mrs. Sanchez Ortiz in her capacity as a human rights defender and main member of the organization, which is a representative in the provisional measures related to the matters of Venezuelan prisons.

h) The State would not adopt protective measures in favor of the proposed beneficiaries, despite the respective internal complaints already filed; therefore, given that Mrs. Sanchez Ortiz continues working as a human rights defender, the threats issued against her life and personal integrity and her family could materialize.

i) The life and personal integrity of the Legal Coordinator of the Venezuelan Prisons Observatory and her family, as well as her capacity to continue working in defense of human rights, constitute an extreme of irreparability with regard to the consequences, which the request for expansion of provisional measures seeks to avoid.

8. In light of the aforementioned factual situation and in accordance with the terms of Article 63(2) of the American Convention, Article 27 of the Rules of Procedure of the Court and Article 76 of the Rules of Procedure of the Commission, the Commission requested the Court to expand the provisional measures and order the Venezuelan State:

a) To adopt forthwith all the measures necessary to guarantee the life and personal integrity of Marianela Sánchez Ortiz, her husband Hernan Antonio Bolivar and her children, Andrea Antonela Bolivar Sánchez and Anthony Alberto Bolivar Sánchez;

b) To adopt all the measures necessary so that Mrs. Marianela Sánchez Ortiz is able to continue working in the promotion and defense of human rights in Venezuela, as Legal Coordinator of the Venezuelan Prisons Observatory.

c) To order that, in the implementation process of the provisional measures, the coordination of the design and execution thereof must be carried out in common agreement with the proposed beneficiaries and their representatives;

d) To continue informing the Court on the implementation of the provisional measures to be adopted in favor of the proposed beneficiaries, and

e) To report on the actions taken in order to shed light on the source of the threats issued against the life and personal integrity of Marianela Sanchez Ortiz and her family.

9. After the granting of three time limits and upon expiration of the term granted for the presentation of its observations (*supra* having seen paragraphs 5 to 8), the State requested to dismiss the request for expansion of provisional measures, based on the following arguments:

a) Regarding the facts that took place in the vicinity of the Venezuelan Prisons Observatory and the surrounding area of "La Planta" prison (*supra* considering paragraphs 6(c) and 6(e)), the Public Prosecutor's Office was requested to conduct a comprehensive search of its files and victims assistance units, in order to determine whether Marianela Sanchez had brought the facts already mentioned before the competent authorities' attention, given that this is the correct way in which government bodies carry out the corresponding investigation and adopt the protective measures according to the case. According to the results of the search conducted by the Public Prosecutor's Office, specifically the Victims Assistance Unit assigned to the Public Prosecutor's Office of the Metropolitan Area of Caracas, there was no petition, complaint or request for investigation related to Marianela Sanchez or Hernan Antonio Bolivar;

b) In reference to the facts denounced by Hernan Antonio Bolivar (*supra* considering paragraph 6(d)), the Public Prosecutor's Office appointed the 72° Government Attorney's Office of the Judicial District of the Metropolitan Area of Caracas to conduct a criminal investigation into a theft complaint filed on May 31, 2012, in which an investigation was ordered and all necessary actions taken to determine those responsible if this was found to be the case. The case is at the preliminary stage and at this moment, no person has been identified as the perpetrator of or responsible for any crime;

c) An alleged lack of investigation on the part of the State does not necessarily constitute, in its self, a circumstance of extreme gravity and urgency;

d) The report of unspecified facts filed by the petitioner, indicating its connection to the non-governmental organization that is presided over by Marianela Sanchez Ortiz, has failed to prove, in a previous request for provisional measures before the Court, that Mrs. Marianela Sanchez, Maria Ines Garcia and Miriam Bolivar and Mr. Carlos Alberto Nieto Palma, Emil Niño and Wilmer Linero belong to a group that has been the target of serious threats. Therefore, it reiterated that a situation of extreme gravity and urgency has not been demonstrated. It would fall upon the Court to analyze whether there are particular reasons to order the expansion of these provisional measures, and

e) The mere belonging to a certain group, such as the one of the human rights defenders, would not be enough to order provisional measures. It is necessary to prove the extreme gravity and urgency by means of, for example, a series of serious attacks against the group to which the potential beneficiary belongs, which would allow, in turn, to reasonably infer that he or she could also be attacked, even when he or she has not been directly threatened.

10. In summary, the State requested the Court:

a) To consider the actions taken by the Public Prosecutor's Office regarding the opening of investigations into the facts denounced by citizen Hernan Antonio Bolivar;

b) To consider the Public Prosecutor's Office's lack of knowledge about the facts reported by Marianela Sánchez Ortiz before the Court, until the filing of this request for expansion of provisional measures;

c) To dismiss the arguments containing accusations against the Venezuelan State regarding the lack of due diligence in the investigations in processing the report on provisional measures for extreme gravity and urgency; and

d) To dismiss the expansion of provisional measures ordered in certain Venezuelan prisons in favor of Marianela Sánchez et al., considering that, in her capacity as a human rights defender, it has not been established that there is a situation of extreme gravity and urgency against the group.

11. Article 63(2) of the Convention requires that, for the Court to order provisional measures, three conditions must be met: (i) "extreme gravity"; (ii) "urgency" and (iii) when necessary 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>4</sup> Similarly, this Court recalls that the American Convention requests that for the adoption of provisional measures, the case must involve "extreme" gravity, that is, the most intense or highest level of gravity. The urgency implies that the risk or threat must be imminent, which also assumes that the response to remedy it must be immediate. Finally, with regard to damage, there must exist a reasonable probability that damage will occur and this may not refer to legal assets or interests that may be reparable.<sup>5</sup> To this end, it is necessary to establish the facts that *prima facie* would seem to meet the requirements established in Article 63 of the Convention.<sup>6</sup>

12. According to the documentation presented by the Inter-American Commission, Mrs. Marianela Sánchez Ortiz acts as Legal Coordinator of the Venezuelan Prisons Observatory and she has appeared in the media as a representative of this organization, as well as together with Mr. Humberto Prado, General Coordinator of the Venezuelan Prisons Observatory and beneficiary of these provisional measures. In particular, in view of the fact that this organization is engaged in the promotion and observation of respect for the human rights of detainees in Venezuela, Marianela Sánchez has rendered statements regarding the state of prisons in this country on several occasions, as well as the matter of the detention centers subject to provisional measures granted by this Court. Moreover, Marianela Sánchez Ortiz was the main spokeswoman for this non-governmental organization during the prison crisis at "La Planta" prison that took place in the month of May of this year, for which she conducted the investigation and denounced the structural causes that would have provoked the crisis (*supra* considering paragraph 6(b)). In this regard, the Court notes that on May 31 of this year, it received, in the processing of these provisional measures, information and press releases by Mr. Humberto Prado regarding the "transfers made in relation to the conflict at *Casa de Reeducación y Trabajo Artesanal El Paraíso* known as "La Planta" that took place from last Friday April 27 [2012] to May 18 when said facility was closed down", which indicated that inmates had been sent to "centers that are subjected to provisional measures ordered by the Court, such as: Capital El Rodeo I Judicial Confinement Center; Yare I and Yare II Capital Region Penitentiary Center; Aragua Detention Center ("Tocoron Prison")." To this end, given that those inmates were relocated to prison centers that are subject to this matter, the Court considers that the activities that Marianela Sánchez Ortiz has carried out so far in the framework of the documentation of aforementioned prison crisis are related to these provisional measures.

13. In this regard, the information recently submitted by the Inter-American Commission specifically refers to alleged facts that constitute threats or intimidating acts against the life and personal integrity of Marianela Sánchez Ortiz, her husband and her children, which may be quantified as severe. In this respect, the Court recalls that, in matters similar to the instant case, the extreme seriousness of the threat should be

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<sup>4</sup> Cf. *Case of Carpio Nicolle*. Provisional Measures with regard to Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, fourteenth considering paragraph, and *Case of the 19 Tradesmen*; twenty-second considering paragraph.

<sup>5</sup> Cf. *Monagas Judicial Confinement Center ("La Pica"), Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), Penitentiary Center of the Central Occidental Region (Uribana Prison) and El Rodeo I and El Rodeo II Capital Judicial Confinement Center*. Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of November 24, 2009, third considering paragraph, and *Matter of Martínez Martínez et al.*, sixth considering paragraph.

<sup>6</sup> Cf. *Case of the 19 Tradesmen*. Provisional Measures with regard to Colombia. Order of the Inter-American Court of Human Rights of July 8, 2009, seventieth considering paragraph, and *Matter of Pérez Torres et al. ("Cotton Field")*. Provisional Measures with regard to Mexico. Order of the Inter-American Court of Human Rights of June 30, 2011, eleventh considering paragraph.

assessed taking into account the specific context, since it is clear that if fundamental rights such as the right to life and physical integrity are subjected to such a type of threat, an order for provisional measures should be considered<sup>7</sup>. In this specific case, the threat made against Hernan Antonio Bolivar regarding Marianela Sánchez Ortiz and her family has elements of seriousness that suggests there may exist an irreparable damage to the life and integrity of the possible beneficiaries<sup>8</sup>. Likewise, the *modus operandi* of the perpetrators, through the use of weapons and knowledge of information, entails a higher level of risk and denotes urgency. Similarly, the facts described by the Commission evidence *prima facie* a situation of serious risk to the detriment of the proposed beneficiaries. Therefore, the reasons for which the Court had previously denied provisional measures in favor of Marianela Sanchez Ortiz no longer exist<sup>9</sup>.

14. Consequently, even though the State's reasoning is valid regarding the information provided in this request that the mere belonging to a group of human rights defenders of the possible beneficiary is not enough to grant provisional measures, the truth is that what happened to Marianela Sánchez Ortiz is specifically related to the work she does as Legal Coordinator of the Venezuelan Prisons Observatory, an organization that represents the beneficiaries in the matters of certain Venezuelan prisons, and to the activities carried out while documenting the prison crisis during which inmates of "La Planta" prison were relocated to prisons that are subject to this matter.

15. Moreover, the State argued that, after a comprehensive search, it has not found any complaint filed with State authorities regarding the possible situation of risk to Marianela Sánchez or a request for the adoption of protective measures at the Public Prosecutor's Office regarding the threats allegedly suffered between April and June 2012. However, from the documentation presented by the Commission, it shows that Humberto Prado, in his capacity as General Coordinator of the Venezuelan Prisons Observatory, presented the Public Prosecutor's Office with a letter addressed to the Attorney General of the Bolivarian Republic of Venezuela, with date of receipt of June 1, 2012, in which he informed, in detail, the alleged facts that occurred on May 30, 2012 (*supra* considering paragraph 6(d)), and requested "the appointment of a Special Prosecutor to conduct an immediate, thorough and impartial inquiry into [the] facts", as well as "to protect the life and physical integrity of Mrs. Sánchez and her family". Therefore the Court notes that even though the facts that occurred, as well as the need to protect the life and physical integrity of Ms. Sanchez and her family, were brought to the attention of the Attorney General, the State has not adopted, to date, any protective measures or actions in their favor.

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<sup>7</sup> Cf. *Matter of Rodeo I and Rodeo II Capital Judicial confinement center*. Request for Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of February 8, 2008, seventieth considering paragraph, and *Case of González Medina and next-of-kin*. Provisional Measures with regard to the Dominican Republic. Order of the Inter-American Court of Human Rights of August 30, 2011, thirteenth considering paragraph.

<sup>8</sup> According to the complaint made: "[...] under death threat, [they] told him to tell [his] wife to stop filing complaints against the people who work for the Government, for the problems that have been taking place in the Prison System; that if he did not want anything to happen to his family, she should stop; that they know where [their] children study and where [his] wife works".

<sup>9</sup> Previously, the Court has considered that the representatives had not "presented evidence proving the existence of a *prima facie* situation of extreme gravity and urgency regarding Mrs. Marianela Sánchez" and four more people. Therefore, the Court considers it inadmissible to accept the request for expansion of provisional measures regarding said persons. Cf. *Matter of Monagas Judicial Confinement Center ("La Pica")*; *Yare I and Yare II Capital Region Penitentiary Center (Yare Prison)*; *Penitentiary Center of the Central Occidental Region (Uribana Prison)* and *El Rodeo I and El rodeo II Capital Judicial Confinement Center*, forty-first considering paragraph.

16. Furthermore the State sustained, regarding the complaint filed by Hernan Antonio Bolivar, that "it is still at the preliminary stage, within the reasonable term, for which it cannot be considered as a lack of due diligence on the part of the Venezuelan State". In this respect, the Court recalls that the urgency required for the adoption of provisional measures refers to special and exceptional situations that require and merit immediate action and response aimed at averting the threat. From the urgent nature of the threat it follows that the response must be, above all, immediate to confront such a situation, since a lack of response would implicate danger.<sup>10</sup> To this end, given that the duty to investigate, on certain occasions, may be prolonged for a considerable period of time, the State must implement, on a priority basis, other types of measures whose fundamental purpose is the effective protection and preservation of life and personal integrity, in order to avert the threat and urgently respond to the situation. Without detriment to the foregoing, in the framework of complementary investigations undertaken, the State in question must do its utmost to determine all the facts surrounding the threat and the nature of the threat, to determine whether there exists a pattern of threats against the beneficiary or the group or entity to which she belongs; to determine the purpose or intention of the threat and to determine those responsible for the threat and, if applicable, punish them.<sup>11</sup>

17. In conclusion, from the information provided there is a clear *prima facie* situation of severe risk against the life and integrity of Marianela Sánchez Ortiz, her husband Hernán Antonio Bolivar and their children Anthony Alberto Bolivar Sánchez and Andra Antonela Bolivar Sanchez, which requires urgent measures of protection. Therefore, the Court considers that these provisional measures must be expanded in order to protect the life and integrity of those aforementioned. In this respect, it is necessary that the State make all the pertinent arrangements to ensure that the provisional measures ordered in this Order are planned and implemented with the participation of the beneficiaries of the measures, or with their representatives, to ensure that the measures are provided in a diligent and effective manner.

18. Finally, the Court recalls that the State has the permanent and constant duty of complying with the general obligations according to Article 1(1) of the Convention, that is, to respect the rights and freedoms recognized therein and ensure to all persons subject to its jurisdiction the free and full exercise of those rights and freedoms.<sup>12</sup> Moreover, States have the specific duty to protect all people working in non-governmental organizations and give effective and adequate guarantees to human rights defenders so that they may perform their tasks freely, and to deplore acts that prevent or hamper their work since such work constitutes a positive contribution and supplements the efforts made by the State in its capacity of guarantor of the rights of persons under its jurisdiction<sup>13</sup> and specially, of those incarcerated. In this regard, the

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<sup>10</sup> Cf. *Matter of Rodeo I and Rodeo II Capital Judicial Confinement Center*, eighteenth considering paragraph, and *Matter of Alvarado Reyes et al.* Provisional Measures with regard to Mexico. Order of the Inter-American Court of Human Rights of May 15, 2011, sixteenth considering paragraph.

<sup>11</sup> Cf. *Case of Carpio Nicolle*, twenty-fourth considering paragraph and *Case of the 19 Tradesmen*, forty-seventh considering paragraph.

<sup>12</sup> Cf. *Case of Velásquez Rodríguez*. Provisional Measures with regard to Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, third considering paragraph, and *Case of the 19 Tradesmen*, forty-fifth considering paragraph.

<sup>13</sup> Cf. *Matter of Monagas Judicial Confinement Center ("La Pica")*. Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of February 9, 2006, fourteenth considering

prevalence of human rights in a democratic State depends, to a large extent, on the respect and liberty afforded to its human rights advocates.<sup>14</sup>

19. Finally, the Court recalls that the measures adopted 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"); the Capital Detention Center El Rodeo I and El Rodeo II; the Aragua Detention Center ("Tocoron Prison"); the Ciudad Bolivar Judicial Detention Center ("Vista Hermosa Prison") and the Andina Region Penitentiary Center are still in force as well as those measures adopted in favor of Mr. Humberto Prado and the joinder of proceedings of the provisional measures ordered in the matters of certain Venezuelan prisons. Therefore, according to the operative paragraph of this Order, the State must present a single report in which it shall make a reference to the joint implementation of the provisional measures ordered by this Court in the matters of the Venezuelan prisons, as well as regarding Mr. Humberto Prado and Ms. Marianela Sánchez Ortiz, her husband Hernan Antonio Bolivar, and their children Anthony Alberto Bolivar Sanchez and Andrea Antonela Bolivar Sánchez. Moreover, the beneficiaries of the measures or their representatives, together, must present observations to these reports in a single report within the term of four weeks, as from receipt thereof. Likewise, the Inter-American Commission on Human Rights must present observations in a single brief within the term of six weeks, as from receipt of the State reports.

**THEREFORE:**

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

by virtue of the authority granted by Article 63 (2) of the American Convention on Human Rights and Articles 27 and 31(2) of the Rules of Procedure,

**DECIDES:**

1. To expand these provisional measures and, therefore, order the State to adopt the measures necessary to protect the life and personal integrity of Ms. Marianela Sanchez Ortiz, her husband Hernan Antonio Bolivar, and her children Anthony Alberto Bolivar Sanchez and Andrea Antonela Bolivar Sanchez.

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paragraph, and *Matter of Guerrero Gallucci*. Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of November 21, 2011, thirty-third considering paragraph.

<sup>14</sup> Cf. *Matter of Lysias Fleury*. Request for Provisional Measures with regard to Haiti. Order of the Inter-American Court of Human Rights of June 7, 2003, fifth considering paragraph, and *Matter of Guerrero Galluccim*, thirty-third considering paragraph.

2. To ratify the joinder of the proceedings on the provisional measures that are still in force, in the matter entitled "Matters of certain Venezuelan prisons", which consists 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 ("Tocoron Prison"); the Ciudad Bolivar Judicial Detention Center ("Vista Hermosa Prison") and the Andina Region Penitentiary Center as well as those measures adopted in favor of Mr. Humberto Prado and Ms. Marianela Sanchez Ortiz, her husband Hernan Antonio Bolivar and her children, Anthony Alberto Bolivar Sanchez and Andrea Antonela Bolivar Sanchez.

3. To order the State to continue submitting quarterly, as from notice of this Order, a single report in which it shall make specific reference to the measures it has adopted to protect the life and integrity of the beneficiaries of the matters of certain Venezuelan prisons. The beneficiaries of the measures or their representatives, together, must present observations to these reports in a single brief within the term of four weeks, as from receipt thereof. Likewise, the Inter-American Commission on Human Rights must present observations in a single brief within the term of six weeks, as from receipt of the State reports.

4. To require the Secretariat of the Inter-American Court of Human Rights to notify this Order to the Venezuelan State, the Inter-American Commission on Human Rights and the representatives of the beneficiaries.

Diego García-Sayán  
President

Manuel E. Ventura Robles

Leonardo A. Franco

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