

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-83/2021 English

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## I/A Court H.R.

Protecting Rights

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### **VENEZUELA IS RESPONSIBLE FOR THE ARBITRARY DETENTION OF THE MEMBERS OF ONE FAMILY**

*San José, Costa Rica, November 15, 2021.* In the Judgment notified today of the Case of González et al. v. Venezuela, the Inter-American Court of Human Rights found the Bolivarian Republic of Venezuela internationally responsible for the violation of the rights to personal liberty, personal integrity and judicial guarantees, to the detriment of Belkis González, María Angélica González, Fernando González, Wilmer Antonio Barliza González, Luis Guillermo González and Olimpiades González. It also found on the violation of the judicial guarantees regarding Aura González.

Consult the official summary of the Judgment [here](#) and the complete text of the Judgment [here](#).

On November 23, 1998, Belkis, María Angélica, and Fernando González were detained by police authorities, who deemed that evidence existed leading to the presumption of the participation of the three named persons in a homicide. Belkis and María Angélica González were detained for several months in an isolation cell, in inadequate conditions. This constituted cruel or inhumane treatment.

On January 28, 1999, Wilmer Antonio Barliza González, Luis Guillermo González González, and Olimpiades González were arrested. After a "shooting" was reported, police officers entered the residence where they were staying. The police authorities asserted that there was evidence suggesting the participation of the three detainees in the same homicide to which their relatives were linked.

Despite requests for measures alternative to the deprivation of liberty, those involved remained in prison. Then, on April 21, 1999, the detention of Olimpiades González and Luis Guillermo González was revoked. Their aforementioned relatives remained detained and linked to the criminal proceedings. On September 29, 1999, the Joint Criminal Court of First Instance issued an acquittal in favor of Fernando González, María Angélica González, Belkis Míreles González, and Wilmer Antonio Baliza González, and ordered their immediate release. On October 20, 1999, the acquittal became final.

Subsequently, Fernando González, María Angélica González, Wilmer Barliza and Belkis González filed a request for compensation before Trial Court No. 2 alleging the arbitrary deprivation of liberty they suffered during the criminal proceedings against them, with a decision issued in favor of the victims. This decision was appealed by the prosecution and later overturned by a court.

In its Judgment, the Inter-American Court warned that the police officers considered the existence of a punishable act and affirmed that they had evidence that led them to consider the detained victims' possible connection with it. However, there was not enough evidence to justify the detention, and therefore the Court indicated that it had been arbitrary.

In this regard, the Court recalled that preventive deprivation of liberty, in order not to be arbitrary or contravene the principle of presumption of innocence, must be based not only on indications of criminal responsibility, but also on legitimate purposes compatible with the American Convention: to seek that the accused person will not impede the development of the procedure or evade the action of justice.

In turn, in relation to the conditions of detention, the Court recalled that housing the accused together with sentenced persons implies a failure to observe a safeguard of the right to personal integrity expressly mandated by the American Convention.

In addition, Olimpiades González was the victim of an attempt on his life on September 19, 2001. Later, on December 11, 2006, Mr. Olimpiades was shot three times in the back and hours later, died. Said investigation is still open and a perpetrator has not been found, therefore the Court found there was a lack of action within a reasonable period to clarify the death of Mr. Olimpiades González

In this Judgment, the Court ordered various measures of reparation.

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The composition of the Court for this Judgment was as follows: Judge Elizabeth Odio Benito (President), Judge Patricio Pazmiño Freire (Vice President), Judge Eduardo Vio Grossi, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge Eugenio Raúl Zaffaroni, and Judge Ricardo Pérez Manrique.

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Inter-American Court of Human Rights. 2021. 

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