

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

**REQUEST FOR PROVISIONAL MEASURES
WITH REGARD TO VENEZUELA**

MATTER OF THE ANDINA REGION PENITENTIARY CENTER

HAVING SEEN:

1. The brief of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of August 10, 2012, and the annexes thereto, in which it submitted to the Court a request for provisional measures, pursuant to Articles 63(2) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") and 27 of the Rules of Procedure of the Court¹ (hereinafter "the Rules of Procedure"), in order for the Bolivarian Republic of Venezuela (hereinafter "the State" or "Venezuela") to protect the life and physical integrity of the detainees and any other people present at Andina Region Penitentiary Center, also known as "CEPRA" (hereinafter "CEPRA" for its acronym in Spanish).

2. The alleged facts on which the request for provisional measures filed by the Commission are based, namely:

a) CEPRA is located in the Municipality of Sucre, state of Merida, and it currently houses approximately 1461 inmates and has a capacity of 850 people. These figures represent, according to the petitioners, an overcrowding rate of 71.88%;

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

- b) Currently, there are 30 guards who supervise the inmates and they work in two shifts, therefore approximately 15 guards work each shift, so that each guard is in charge of approximately 97 inmates.
- c) So far this year a great number of violent acts have been recorded; however, to date, the State has not adopted prompt and effective measures in order to guarantee the life and physical integrity of the detainees in this prison;
- d) During 2012, the following events have occurred:
- i. On the morning of January 9, 2012, an inmate was killed, while in the afternoon, the inmates took the women's cellblock by force and kidnapped 100 female prisoners and 3 officers of the National Guard were injured;
 - ii. On March 4, 2012, an armed confrontation took place between inmates of Cellblocks 1 and 2, resulting in 8 people injured and 9 dead. According to information transmitted by the Venezuelan media, referring to statements of the inmates' relatives, the confrontation, which included the use of grenades, took place as a result of conflicts between "pranes" or groups of inmates over control of the prison;
 - iii. On March 5, 2012, officers of the National Guard conducted a search in which they seized 6 pistols, 7 shotguns, one submachine gun, 30 knives, among other weapons;
 - iv. On April 13, 2012, another mutiny was organized at CEPRA, which included the use of grenades, and resulted in the death of 5 prisoners and 1 officer of the National Guard and 17 injured inmates;
 - v. On April 18, 2012, another violent confrontation took place; this time, according to Venezuelan media, it was due to protests of the detainees because of the lack of food, water and light and it resulted in, at least, 8 injured inmates and 2 injured officers of the National Guard.
 - vi. On May 24, 2012, the Head of CEPRA Personnel was killed and her death is attributed to one of the main leaders of the inmates;
 - vii. It is known that the number of inmates who died during the months of January to June 2012, amounts to 34;
 - viii. On June 21, 2012, officers of the National Guard conducted a search in the prison;
 - ix. On June 22, 2012, another confrontation took place. This time, the conflict was between guards and inmates. Based on the information provided by the media, as a result of this event, 3 inmates were shot and another 2 died. According to information provided by relatives of the inmates to the media, the reason for the confrontation could have been the search conducted on the previous day and the announced transfer of the female cellblock to other premises and the transfer of some inmates;
 - x. On June 24 and 28, 2012, officers of the Scientific, Criminal and Forensic Investigations Force (CICPC) conducted searches throughout the penitentiary center due to the events of June 22 and gathered information regarding trafficking of firearms and drugs in the prison;

- xi. On July 2, 2012, the authorities of the Prisons Department raided the penitentiary center with the help of officers of the National Guard and the *Grupo de Reacción Inmediata de Custodios* (GRIC). The information provided by the authorities to the media reveals that the purpose of the intervention was to "regain control over the prison" and that "the measure was adopted since female prisoners had been kidnapped in Cellblocks 1 and 2 for 11 days". Moreover, relatives of the inmates reported that "the guards entered with 6 tanks, as well as firefighter trucks, State police and rescue workers";
- xii. On July 4, 2012, the authorities informed that 3 officers were injured and that "they d[id] not know the number of inmates who died at Cellblock 3, since they were unable to gain access to it";
- xiii. On July 5, 2012, the media reported that through "telephone communication", the inmates confirmed they were ready to "start a dialog with the Archbishop of Merida, [...] in order to reach an agreement and avoid a massacre at Andina Region Penitentiary Center (CEPRA)". The media also cited the inmates' denunciation that the "situation of almost 600 inmates is extremely drastic due to the onslaught of firing by the officers of the National Guard, whose objective is to massacre the inmates". In addition, they mentioned that "there are several injured people, including women; some of whom have had miscarriages as a result of the climate of tension in which they find themselves"; in turn, there are "between 4 and 5 people who were shot and died" inside the facility;
- xiv. On July 6, 2012, there was talk of the death and removal of the bodies of at least 3 inmates who were shot multiple times and 3 military officers who were injured;
- xv. On July 7, 2012, a new incident took place between guards and inmates, resulting in another 5 dead and 3 injured inmates. Moreover, the petitioners and the media indicated that 2 inmates had to be transferred to the hospital in a serious state of dehydration: one of them died the following day, given the alleged lack of food and water in the prison due to the conflict between inmates and guards that lasted more than 15 days;
- xvi. On July 12, 2012, the security forces tried again to raid the prison in order to allegedly rescue 700 inmates that were taken hostage. On that day, another confrontation took place and one inmate was injured;
- xvii. On July 13, 2012, there were new confrontations between the guards and the detainees, resulting in 2 inmates injured;
- xviii. On July 14, 2012, it was informed that 3 more inmates died in a shooting inside the prison;
- xix. On July 15, 2012, the Security Director of the Ministry of the Penitentiary Service confirmed to the media that "320 inmates and 57 female prisoners remained confined in Cellblock 3 of that facility", which was under the control of inmates;
- xx. On July 17, 2012, another inmate death was reported;

- xxi. On July 18, 2012, the Venezuelan media reported the death of another inmate who it seems, "was trying to escape from Cellblock 3 where the kidnapped inmates were being kept". In addition, it indicated that the conflict was aggravated due to the lack of water and food available to the inmates of the facility;
 - xxii. On July 21, 2012, the authorities informed that they had regained total control over the prison after the "surrender of a minority group of prisoners". They also reported the transfer of the inmate leaders to a maximum security facility and,
 - xxiii. On July 23, 2012, 117 inmates escaped. The authorities did not issue an official list regarding the identities of the persons who were injured or who had died during the intervention of July 21. In turn, the relatives were protesting about the transfers, sustaining that among the relocated inmates, there were persons who had nothing to do with the recorded events over the past days.
- e) Finally, the Commission emphasized the current prison crisis in Venezuela and indicated that the State has still not provided convincing responses. Instead of improving the situation of extreme violence in Venezuelan prisons, it has become worse due to the lack of the competent authorities of the Venezuelan State adopting true and effective policies and measures aimed at solving this situation.

3. The legal arguments of the Commission to substantiate their request for provisional measures, in which it pointed out that:

- a) The alleged violent events recorded since June 22, 2012, would raise the number to a total of 28 deceased and more than 60 people injured in less than a month, which *prima facie* proves the creation of a situation of extreme gravity and urgency on the life and physical integrity of the beneficiaries of this request, who have suffered serious acts against their rights to life and physical integrity while being confined in a prison that, as such, is under the control of the State. The available information indicates that the events of the months of June and July 2012 are not isolated. On the contrary, they indicate a situation of extreme and exceptional violence that has been escalating over the last six months.
- b) From the information available, it can be deduced that the State of Venezuela has not adopted effective measures to protect the life and personal integrity of the possible beneficiaries. On the contrary, most of the deaths and persons injured were perpetrated using knives or firearms, which proves that trafficking of weapons exists inside the prison as well as a lack of effective control exerted by the prison authorities.
- c) In similar situations of violence in Venezuelan prisons, the Court has sustained that it is appropriate to grant and keep measures in favor of the beneficiaries so as to avoid violent acts and the loss of lives and damage to the integrity of all the people subject to the control of the State, and
- d) The situation of violence at Andina Region Penitentiary Center has become extreme and, therefore, it is necessary for the Inter-American Court to intervene through the means of provisional measures.

4. The request of the Inter-American Commission for the Court, based on Article 63(2) of the American Convention and 27 of the Rules of Procedure, requires the State:

a) To implement provisional measures to protect the right to life and personal integrity of all people imprisoned or found on the premises of CEPRA;

b) To adopt all measures necessary to guarantee that there will be no more deaths or people injured and that the security conditions at CEPRA are adequate in order to avoid new violent situations;

c) To employ all the necessary efforts to take effective control over the prison in compliance with the human rights of the detainees; to eliminate the high levels of overcrowding which foster violent acts; to provide the prison personnel with sufficient and trained guards and the necessary tools to adequately perform their duties; and to identify and give an effective response to the causes that allow the trafficking of weapons inside the prison, and

d) To allow the participation of the representatives of the beneficiaries in the planning and implementation of the measures and to require the State to periodically report on the progress of the implementation of such measures.

5. The note of the Court's Secretariat of August 13, 2012, in which, on the instructions of the President and based on Article 27(5) of the Rules of Procedure of the Court, the State was requested to forward its observations regarding the petition for measures, as well as any other documentation it considers pertinent, by no later than August 27, 2012.

6. The communication of August 28, 2012, in which the State requested a reasonable extension to forward its observations, as well as the Secretariat's note of August 30, 2012, in which, on the instructions of the President of the Court, the Court granted the extension requested by the State until September 3, 2012. As of the date of issuance of this Order, the Court has not received these observations.

CONSIDERING THAT:

1. Venezuela has been a State Party to the American 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. Regarding the terms of Article 27 of the Court's Rules of Procedure:

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.

[...]

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. Pursuant to Article 63(2) of the Convention, the State's adoption of the provisional measures ordered by the Court is mandatory, given that the basic principle of international law, supported by international case law, has indicated that States must comply with their obligations under the Convention in good faith (*pacta sunt servanda*).²

5. According to the International Human Rights Law, provisional measures are not only precautionary in the sense that they preserve 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.³

6. The present request for provisional measures is not related to a case brought before the Court's attention, but the request was based on information presented before the Inter-American Commission by the Venezuelan Prisons Observatory, represented by Mr. Humberto Prado. The Court has considered it is necessary to clarify that, in view of the protective nature of the provisional measures, it may order such measures even when there is not exactly an adversarial case in the inter-American system, in situations that, *prima facie*, may result in a serious and urgent impairment of human rights. Therefore, the Court must make an assessment of the proposed problem, the effectiveness of the State's measures regarding the described situation and the degree of vulnerability in which those people requesting the measures would be if such measures were not adopted. In order to achieve this goal it is vital that the Inter-American Commission submits sufficient grounds to encompass the aforementioned criteria and that the State fails to show, in a clear and satisfactory way, the effectiveness of the

² 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 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, second considering paragraph.

³ 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*, fourth considering paragraph.

specific measures which have been adopted within the domestic jurisdiction.⁴

7. According to Article 63(2) of the Convention, three conditions must be met in order for the Court to be able to order provisional measures, namely: (i) "extreme gravity"; (ii) "urgency" and (iii) when necessary to avoid "irreparable damage to people". These three conditions must coexist and be present in any situation in which the Court's intervention is requested.⁵

8. Regarding the importance for the adoption of provisional measures, the Convention requires that 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.⁶

9. In a request for provisional measures, the Court cannot consider the merits of any arguments pertaining to issues other than those that relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons. All other issues may be brought to the Court's attention solely through the procedure for contentious cases.⁷

10. From the information provided by the Commission, it follows that the events which occurred at CEPRA (*supra* having seen paragraph 2), *prima facie* prove a situation of extreme gravity and urgency and the need to avoid irreparable damage to the rights to life and personal integrity of the inmates at this prison, as well as of any other person who enters there. In particular, the extreme gravity and intensity of the situation of risk derives from the information provided which indicates that, in the course of this year, between the months of January and June, 34 inmates and 1 officer of the National Guard have died and approximately 33 inmates and 5 officers have been injured as a result of the different violent acts inside CEPRA (*supra* having seen paragraphs 2(d)(i) and 2(d)(vii)). Furthermore, on June 22, 2012, a conflict arose at CEPRA, which resulted in at least 28 dead inmates, 16 of which were identified, as well as at least 8 inmates, and 6 security officers who were injured (*supra* having seen paragraphs 2(d)(viii) and

⁴ 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, ninth 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, eleventh considering paragraph.

⁵ 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.

⁶ 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 Martinez Martinez et al.* Provisional Measures with regard to Mexico. Order of the Inter-American Court of Human Rights of March 1, 2012, sixth considering paragraph.

⁷ 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.*, seventh considering paragraph.

2(d)(xxi)). Moreover, the female prison population of the prison's annex had been "kidnapped" by the inmates on two occasions. Likewise, the information indicates that the recent violent acts could have had particular consequences for the female inmates, such as "miscarriages as a result of the climate of tension" (*supra* having seen paragraph 2(d)(xiii)).

11. According to the information provided by the Commission, the State had adopted certain measures in order to protect the life and physical integrity of said prison population (*supra* having seen paragraphs 2(d)(iii), 2(d)(viii), 2(d)(xi) and 2(d)(xxii)); however, this did not prevent the violent events from occurring. In addition, the Court takes notes and considers, for the purpose of adopting this Order, based on Article 27(5) of the Court's Rules of Procedure, that the State was requested to forward its observations regarding this request for measures, as well as any other documentation it deems pertinent and, to date, the Court has not received said observations (*supra* having seen paragraph 6). It is relevant to recall that the State must, without fail, respond and provide information whenever the organs of the inter-American system of Human Rights request so for the effective operation of the regional mechanism of protection.⁸ The lack of response by the State allows the assumption that the situation of risk reported still persists. Therefore due to the irreparable nature of the extremely serious and urgent situation of risk related to the rights to life and physical integrity, it is evident that the Court has the obligation to protect whenever there are circumstances present such as those described in Article 63(2) of the American Convention.

12. Consequently, the Court considers it is necessary to protect said persons by means of the immediate adoption of provisional measures by the State, in light of the terms of the American Convention, in order to adopt all measures necessary to avoid, in an effective and definitive manner, the occurrence of violent acts that affect or put at risk the life and physical integrity of the inmates at CEPRA and of any other person inside this facility.

13. Moreover, it is appropriate to recall that Article 1(1) of the Convention establishes the general obligations of the State Parties to respect the rights and freedoms therein enshrined and to ensure the full and free exercise of those rights and freedoms to every person subject to such jurisdiction; such obligations are binding not only on States but also on third parties. This Court has considered that the State is in a special position of guarantor of inmates in penitentiaries or detention centers, due to the fact that penitentiary authorities exercise total control over them. Moreover, the Court has sustained that regardless of the existence of specific provisional measures, the State is specially obliged to guarantee the rights of the people in circumstances of deprivation of liberty,⁹ including the adoption of measures that may favor a climate of respect for the human rights of prisoners; avoid the possession of weapons by inmates inside the detention centers; reduce overcrowding; improve detention conditions and provide

⁸ Cf. *Matter of A. J. et al.* Provisional Measures with regard to Haiti. Order of the Inter-American Court of Human Rights of September 21, 2009, ninth 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, twelfth considering paragraph.

⁹ Cf. *Matter of the Mendoza Prisons.* Provisional Measures with regard to Argentina. Order of the President of the Inter-American Court of Human Rights of August 22, 2007, sixteenth considering paragraph. *Matter of the Socio-Educational Internment Facility.* Provisional Measures with regard to Brazil. Order of the Inter-American Court of Human Rights of April 26, 2012, twenty-second considering paragraph.

adequate trained staff to ensure appropriate and effective control, custody and surveillance of the prison.¹⁰

14. In the context of these provisional measures, the Court considers it is appropriate to emphasize the State's duty to offer special attention to pregnant and nursing women during their detention.¹¹ Moreover, it is the duty of the State to protect women against all forms of discrimination and violence,¹² even more when they are held in custody of the State, which is why they must be separated from men¹³ and be supervised and checked by female officer.¹⁴

15. The standard of *prima facie* assessment of a case and the application of presumptions due to the need for protection have, on different occasions, led this Court to order measures.¹⁵ Despite the fact that the Court has deemed, in similar cases, it is essential to individually identify the people who are in danger of suffering an irreparable damage in order to issue provisional measures,¹⁶ in other cases, the Court has issued provisional measures in favor of people who have not been already individualized but can be determined and identified and are in danger of suffering an irreparable damage due to

¹⁰ Cf. *Matter of the Penitentiary Center of the Central Occidental Region (Uribana Prison)*. Request for Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of February 2, 2007, eleventh considering paragraph, and *Matter of the Ciudad Bolívar Judicial Detention Center ("Villa Hermosa Prison")*. Provisional Measures with regard to Venezuela. Order of the Inter-American Court of Human Rights of May 15, 2011, sixteenth considering paragraph.

¹¹ Cf. *Case of the Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs*. Judgment of November 25, 2006. Series C N° 160, para. 303, and *Case of González et al. ("Cotton Field") v. Mexico. Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 16, 2009. Series C N° 205, para. 397. See also, U.N., *Minimum Rules for the treatment of prisoners*. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955 and approved by the Economic and Social Council in its resolutions 663C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, Rule 23 and U.N., General Assembly, *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, Resolution 43/173 of December 9, 1988, Principle 5.2.

¹² In this respect, see *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará)*, Articles 1 and 2. Venezuela ratified said Convention on January 16, 1995, and deposited the instrument of ratification on February 3, 1995. See also, U.N., *Committee on the Elimination of Discrimination against Women*, 11th period of sessions. General Comment N° 19 "Violence against women". Doc. HRI/GEN/1/Rev. 1at84 (1994), para. 6.

¹³ Cf. *Matter of the Penitentiary Center of the Central Occidental Region (Uribana Prison)*, second Operative Paragraph. See also, U.N., *Standard Minimum Rules for the Treatment of Prisoners*, adopted by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Geneva in 1955 and approved by the Economic and Social Council in Resolution 663C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, Rule 8.

¹⁴ Cf. U.N., *Standard Minimum Rules for the Treatment of Prisoners*, adopted by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Geneva in 1955 and approved by the Economic and Social Council in Resolution 663C (XXIV) of July 31, 1957 and 2076 (LXII) of May 13, 1977, Rule 53.

¹⁵ Cf., *inter alia*, *Case of Caballero Delgado and Santana*. Request for Provisional Measures with regard to Colombia. Order of the Inter-American Court of Human Rights of December 7, 1994, third considering paragraph, and *Matter of the Socio-Educational Internment Facility*. Provisional Measures with regard to Brazil. Order of the Inter-American Court of Human Rights of February 25, 2011, fifth considering paragraph.

¹⁶ Cf. *Case of Haitians and Dominicans of Haitian-origin in the Dominican Republic*. Request for Provisional Measures with regard to the Dominican Republic. Order of the Inter-American Court of Human Rights of August 18, 2000, eight considering paragraph, and *Matter of the Ciudad Bolívar Judicial Detention Center ("Villa Hermosa Prison")*, seventeenth considering paragraph.

the fact that they belong to a group or community,¹⁷ such as the people who are imprisoned in a detention center.¹⁸ In the instant case, the Inter-American Commission requested this Court to order the protection of the detainees and any other person present at CEPRA, so that the possible beneficiaries can be identified, given that they are people who are imprisoned, people who may enter in the future as inmates or those who enter, normally or occasionally, as officers or visitors, to the penitentiary center in question.

16. The adoption of these provisional measures does not prejudice the State's responsibility for the reported facts.

17. In view of the principle of procedural economy, as well as to facilitate the processing and analysis of the information, the Court considers it convenient to join the processing of these provisional measures to the "Matters of certain Venezuelan Prisons". To this effect, according to the operative paragraphs of this Order, the State shall present a single report in which it shall make reference to the joint implementation of the provisional measures, in the matters of Venezuelan prisons in which this Court has ordered the adoption thereof, as well as regarding Mr. Humberto Prado. Moreover, the beneficiaries of the measures or their representatives, together, must present observations to said 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:

¹⁷ 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 paragraph, and *Matter of the Ciudad Bolívar Judicial Detention Center ("Villa Hermosa Prison")*, seventeenth considering paragraph.

¹⁸ Cf., *inter alia*, *Matter of Urso Branco Prison*. Request for Provisional Measures with regard to Brazil. Order of the Inter-American Court of Human Rights of June 18, 2002, seventh considering paragraph, and *Matter of the Ciudad Bolívar Judicial Detention Center ("Villa Hermosa Prison")*, seventeenth considering paragraph.

1. To order the State to adopt the measures that are necessary and effective to avoid the loss of lives and damage to the physical integrity of all the persons who are confined at Andina Region Penitentiary Center, as well as of any other person who is present at this facility.

2. To join the processing of these provisional measures to "Matters of certain Venezuelan Prisons".

3. To order the State to forward, every three months, 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 shall present their observations to said reports jointly, in a single report, within the term of four weeks, as of 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 order that the Secretariat of the Inter-American Court of Human Rights must 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