

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF APRIL 15, 2010**

**REQUEST FOR PROVISIONAL MEASURES SUBMITTED BY  
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
REGARDING VENEZUELA**

**MATTER OF BELFORT ISTÚRIZ ET AL.**

**HAVING SEEN:**

1. The brief of the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the Commission”) of February 26, 2010 and attachments, whereby it submitted to the Inter-American Court of Human Rights (hereinafter “the Inter-American Court,” “the Court,” or “the Tribunal”) 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 Rule 27 of the Court’s Rules of Procedure<sup>1</sup> (hereinafter “the Rules”) so that the Bolivarian Republic of Venezuela (hereinafter “the State” or “Venezuela”) protect the right to freedom of expression of Raiza Elizabeth Istúriz de Belfort, Nelson Enrique Belfort Istúriz, Antonio José Belfort Istúriz, Zayra Adela Belfort Istúriz, and Luis Miguel Belfort, as well as William Echeverría, Beatriz Alicia Adrián García, Leopoldo Castillo Atencio, and María Isabel Párraga (hereinafter “the proposed beneficiaries”) “keeping the radio stations of the ‘Belfort National Circuit’ on the air after having been closed by the authorities during the pendency of this matter in the Inter-American System.” The stations that make up this circuit include Caraquenian Radio (in Caracas), Falconian Radio (in Punto Fijo), Máxima Junín (in Rubio), Zulian Radio (in Maracaibo), and Valencian Radio (in Valencia).

2. The facts alleged by the Commission as forming the basis for its request for provisional measures, to wit:

a) “[o]n July 3, 2009, the Ministry of Housing and Public Works indicated[,] after announcing the beginning of a democratization process for the radio-electric spectrum and the need to halt those media outlets seeking to destabilize Venezuela, that the National Telecommunications Commission (hereinafter “CONATEL”) would take steps to bring about the possible revocation of concessions awarded to 240 radio stations who were not following the law. This announcement was followed by the decision to order the suspension of transmission for 34 stations, five of which were part of the ‘Belfort National Circuit’”;

b) “[t]he administrative order to close the five aforementioned stations was adopted over the course of an ‘information update’ procedure set in motion by CONATEL. This process began on May 25, 2009 when CONATEL issued Administrative Ruling No. 1419 [whereby updated information was

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<sup>1</sup> Approved by the Court in its LXXXV Regular Session held from November 16-28, 2009.

required] from those natural or legal persons who provide[d] audible broadcasting services [...]. The information was to be personally delivered to CONATEL by the named licensee. In the case of the five stations comprising the 'Belfort National Circuit,' the CONATEL officials denied receiving this documentation, arguing that it had not been submitted by the original recipient";

c) "[a]ccording to CONATEL, in those cases where the original licensee of the concession does not personally appear to update the station's information or where he may be deceased, it [is] understood that [this constitutes] a renouncement of the concession in the first instance, or the expiration of the administrative act that granted the concession in the second";

d) "[t]he proposed beneficiaries of the present request for provisional measures are the members of a family that managed the radio stations of the Belfort National Circuit by way of their family businesses. This concerns: Raiza Elizabeth Istúriz de Belfort, Nelson Enrique Belfort Istúriz (President of the Belfort National Circuit), Antonio José Belfort Istúriz, Zayra Adela Belfort Istúriz, and Luis Miguel Belfort. In addition, other proposed beneficiaries are the following journalists: William Echeverría, President of the National College of Journalists and Director of a morning daily opinion program that was broadcast on this circuit; Beatriz Alicia Adrián García, who together with Mr. Echeverría managed the morning program 'Venezuela in Two Voices'; Leopoldo Castillo Atencio, Director and Manager of the program 'Hello, Citizen'; and María Isabel Párraga, Director and Manager of the program 'At Noon';

e) "[t]he proposed beneficiaries affirm[ed] that the original licensees effectively did not approach CONATEL for the information update because, [regarding two] of the stations, the original licensee was the father of the Belfort Istúriz brothers[, Nelson Enrique Belfort Yibirín,] who pass[ed] away in 2000. In the other two cases, the Belfort Istúriz brothers had acquired use of the frequencies from the original licensees [...];

f) "[...] the petitioners declared that since the passage of the Telecommunications Law of 2000 [...] they had formally requested the transformation of their licenses in order to comply with the provisions of this law. CONATEL, however, did not respond to them in the time period established by law. Nonetheless, the petitioners affirmed that they had publicly assumed all duties [...] as radio operators and that [this arrangement] had been accepted by CONATEL. They added that they enjoyed a permanent relation with CONATEL [and that] they were recognized in practice as the legitimate operators of the frequencies. The petitioners cited as example[s] their payment of radio taxes, communications notifying them as to the results of technical inspections carried out at the station, having their names taken down into the radio station census, as well as having been required to produce a series of documents in order for them to provide services in certain cities";

g) "the petitioners indicate[d] that the process for normalizing the licenses was ongoing at the moment in which CONATEL decided to close the stations due to a surprise 'data update' procedure";

h) "the petitioners report[ed] that on July 31, 2009 the five stations comprising the Belfort National Circuit had been closed without the State providing them with an opportunity [to be heard and] to defend themselves. [...] The petitioners emphasize[d] that the closure of the stations took place by way of an administrative act issued by the relevant authority without taking into consideration the reiterated attempts to normalize legal licenses on the part of those who had been utilizing the frequencies with the full knowledge and acquiescence of the State over the last decade. [The petitioners] argue[d] in addition that the stations of the Belfort National Circuit had suffered a discriminatory treatment as a result of their independent and critical editorial thrust"; and

i) "[according to the Commission, the] petitioners argue[d] that on December 11, 2009, the Ministry of Housing and Public Works announced the reassignment of the frequency previously granted to Caraquenian Radio to the National Assembly."

### 3. The Commission's arguments upon which it bases its request for provisional measures, to wit:

a) "[t]he government's decision to close these radio stations had the consequence of limiting the proposed beneficiaries' right to freedom of expression, as they lost the spaces whereby they transmitted information, opinions, and ideas on a daily basis, thereby leaving the public without a medium that they regularly used to access this specific information";

b) "it is necessary to adopt provisional measures in order to preserve the enjoyment of the right to freedom of expression [in this case] while the Commission decides whether [this] encumbrance is compatible with Article 13 of the Convention";

c) “[t]he radio stations shuttered by the Ministry of Housing and Public Works were characterized by their transmission of independent opinion and informational programming which hosted opinion leaders, members of political parties, and local officials of all political stripes, some of whom were critical of the present government. [...] [O]n these stations, mayors and governors of all persuasions frequently appeared before the nation, including some opposed to the national government who do not have the possibility of using other means of communication with the same regularity and reach. [...] The petitioners provided information showing that in 2007 the stations of the Belfort National Circuit placed fourth in Caracas and first in Maracaibo, respectively, in terms of total listeners”;

d) “[t]he closure of the ‘Belfort National Circuit’ stations [...] accompanied by the announcement of the closure of more than 200 stations (who were not identified by the Ministry at the time of the announcement), has resulted in serious intimidation and a chilling of speech in the remaining Venezuelan media outlets”;

e) “[t]he closure of the radio stations additionally gives rise to a situation of irreparability. [...] [According to the Commission, the] petitioners specifically demand their right to participate—and facilitate the participation of other independent voices [...]—in their country’s democratic life. They made particular reference to discussions on topics of great national importance that will be conducted in the coming months, such as the debate on “transcendental laws’ and, especially, the elections in the National Legislative Assembly, as well as the election of all legislators at the local and regional levels. The Commission [argued] that in the present case it [becomes] necessary to provisionally protect the right to freedom of expression both in its individual dimension (in favor of the proposed beneficiaries, shareholders, directors, and journalists who have already been identified) as well as in its social dimension at the moment in which the proposed beneficiaries’ ability to express themselves freely during the electoral process is restricted and where Venezuelan society’s ability to receive information and opinions of all types during this process is compromised. This harm would be later consolidated if the ‘Belfort National Circuit’ stations were to remain closed during the aforementioned electoral period. This consolidated harm—the damage to freedom of expression during the 2010 electoral process—would be irreparable even if the [Commission] were to eventually reach a decision on the merits favorable to the petitioners”; and

f) “sufficient elements exist to justify the adoption of provisional measures as in this case the closure of five radio stations and the later direct assignment of the most important of these stations to the National Assembly had the objective effect of silencing a national radio circuit that made nationwide transmissions of critical or independent programming, as well as occasioning a serious chilling effect on the remaining independent broadcasters. Without prejudice to the merits of the matter regarding the compatibility of this closure with the American Convention, the Commission finds it necessary to temporarily reestablish and preserve the petitioners’ freedom of expression until the [Commission] reaches a decision on the merits of the petition. Fundamentally, this tak[es] into account two aspects: first, the gravity of the encumbrance on freedom of expression in its individual and social dimensions; and second, the need to prevent this encumbrance from becoming irreparable [considering] the 2010 electoral process [which would not be the case if] those persons allegedly affected are able to express their ideas and opinions and to open the airwaves so that other persons, distinct from those who legitimately tow the official line, may express themselves and exert an influence on the [democratic process].”

4. Based on the foregoing considerations, the Commission requested that the Court order the State to:

Adopt, without delay, such measures as may be necessary to temporarily reestablish the right of Raiza Elizabeth Istúriz de Belfort, Nelson Enrique Belfort Istúriz, Antonio José Belfort Istúriz, Zayra Adela Belfort Istúriz, and Luis Miguel Belfort to operate the radio stations under the auspices of the Belfort National Circuit that were closed by the State until such time as the present matter before the Inter-American System is resolved.

5. The note of the Secretariat of the Court (hereinafter “the Secretariat”) of March 2, 2010 whereby, pursuant to instructions from the President of the Court (hereinafter “the President”), the State was requested to submit its relevant observations on the Commission’s request for provisional measures no later than March 16, 2010. This time period expired without the State’s submission for which the Secretariat reiterated its request on March 19, 2010. At the time of the present Order’s adoption, Venezuela has not submitted the required information.

**CONSIDERING:**

1. Venezuela became a state party to the American Convention on August 9, 1977 and, in accordance with Article 62 of the Convention, recognized the contentious 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. In the terms of Article 27 of the Rules of Procedure of the Court:
  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.

[...]

  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. The State has not responded to the President’s requirement for information (*supra* Having Seen 5) pursuant to Article 27(5) of the Rules. As a party to the American Convention and having recognized the obligatory jurisdiction of the Court, the State assumed its sovereign obligation to comply with orders that may be issued by the Tribunal, or its President when the Court is not in session. This obligation includes the duty to report to the Court within such time frame and frequency as the Court may establish.<sup>2</sup>
5. The lack of a response on the part of the State does not necessarily imply the granting of provisional measures because, pursuant to the Convention and the Rules, the procedural burden of demonstrating the *prima facie* elements of extreme gravity and urgency in avoiding irreparable harm falls to the petitioner who, in the present matter, is the Commission.
6. The Tribunal has noted that provisional measures are of a dual character: precautionary and protective.<sup>3</sup> The precautionary nature of provisional measures is linked to the framework of international disputes. In that respect, these measures are aimed at preserving the rights potentially at risk until such time as the controversy is resolved. Their object and aim are to ensure the integrity and effectiveness of the decision on the merits and thus to prevent harm to the rights at issue, as this could distort or render moot the real

<sup>2</sup> Cf. *Matter of Marta Colomina and Lilibian Velásquez*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause eight; *Matter of Carlos Nieto et al.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of September 22, 2006, Considering clause fifteen; and *Matter of Natera Balboa*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 1, 2010, Considering clause fifteen.

<sup>3</sup> Cf. *Case of Herrera Ulloa v. Costa Rica* (“*La Nación*” Newspaper). Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, Considering clause four; *Matter of Eloisa Barrios et al.* Provisional Measures regarding Venezuela. Order of the President of the Inter-American Court of Human Rights of December 18, 2009, Considering clause five; and *Matter of Giraldo Cardona et al.* Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of February 2, 2010, Considering clause three.

effect of the final decision. Provisional measures thus permit that the State in question to be able to comply with the final decision and, where appropriate, proceed to the remedies ordered.<sup>4</sup> Regarding the protective nature of provisional measures, this Court has indicated that provisional measures transform into a real legal guarantee of a preventive character because they protect human rights inasmuch as they seek to avoid irreparable harm to persons.<sup>5</sup>

7. In the present case, the proposed beneficiaries submitted, together with their request to the Commission for the present provisional measures, an initial petition pursuant to Article 44 of the American Convention. For this reason, the analysis regarding the two dimensions (protective and precautionary) of provisional measures moves forward. The Tribunal recalls that for both the protective dimension and the precautionary one it is necessary that the three requisite elements enshrined in Article 63(2) of the Convention are met in order to the provisional measures requested, namely: i) "extreme gravity"; ii) "urgency"; and iii) the need to "avoid irreparable damages to persons." These three conditions coexist and must be present in every instance for which the Tribunal's intervention is requested.<sup>6</sup>

8. Regarding the issue of gravity for the purpose adopting provisional measures, the Convention requires that it be "extreme," that is, that it be in its most intense or elevated degree. The urgent character implies that the risk or threat at issue is imminent, which requires that the response to remedy such a situation also be immediate. Finally, regarding the harm, there must be a reasonable probability that it materialize, and such harm must not be a question of goods or legal interests that may be repairable.<sup>7</sup>

9. When confronted with a request for provisional measures, the Court may not consider the merits of any argument apart from those strictly related to the extreme gravity, urgency, and the need to avoid irreparable harm to persons. Any other matter may only be submitted to the Court for consideration via contentious case proceedings.<sup>8</sup>

10. In the present matter, according to the Commission, the Court is not called to opine on the compatibility or not of the radio station closures with the provisions of the Convention, the procedure followed for that effect, nor the alleged violations to the rights of the proposed beneficiaries. All these facets could be debated by the petitioners and the State before the Inter-American Commission pursuant to the rules established in the Convention and the Commission's own Rules of Procedure in the event that the initial petition were to be declared admissible. This Tribunal's only task with respect to the

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<sup>4</sup> Cf. *Case of Carpio Nicolle et al.* Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of July 6, 2009, Considering clause fourteen; *Matter of Eloisa Barrios et al.*, *supra* note 3, Considering clause five; and *Matter of Giraldo Cardona et al.*, *supra* note 3, Considering clause three.

<sup>5</sup> Cf. *Case of Herrera Ulloa v. Costa Rica* ("La Nación" Newspaper), *supra* note 3, Considering clause four; *Matter of Eloisa Barrios et al.*, *supra* note 3, Considering clause five; and *Matter of Giraldo Cardona et al.*, *supra* note 3, Considering clause three.

<sup>6</sup> Cf. *Case of Carpio Nicolle et al.*, *supra* note 4, Considering clause fourteen; *Matter of Natera Balboa*, *supra* note 2, Considering clause ten; and *Matter of Eloisa Barrios et al.* Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 4, 2010, Considering clause two.

<sup>7</sup> Cf. *Matters of the Monagas Judicial Confinement Center* ("La Pica"), *Yare I and Yare II Capital Region Penitentiary Center* (Yare Prison), *the Penitentiary Center of the Central-Occidental Region* (Uribana Prison), and *El Rodeo I and el Rodeo II Capital Judicial Confinement Center*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of November 24, 2009, Considering clause three.

<sup>8</sup> Cf. *Case of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of August 29, 1998, Considering clause six; *Matter of Adrián Meléndez Quijano et al.* Provisional Measures regarding El Salvador. Order of the Inter-American Court of Human Rights of February 2, 2010, Considering clause three; and *Matter of Eloisa Barrios et al.*, *supra* note 6, Considering clause three.

present matter before it is to determine if the proposed beneficiaries find themselves in a situation of extreme gravity and urgency in avoiding irreparable harm.

11. According to the Commission, the gravity and urgency of the situation result “from the fundamental character of the right in jeopardy - the freedom of expression - as well as from the significance of the closure of the radio stations in the context in which it took place.”

12. Regarding the content of the freedom of expression, the Court’s jurisprudence has stated repeatedly that those who are under the protection of the Convention have the right to seek, receive, and spread ideas and information of any sort, as well as to receive and become aware of the ideas and information spread by others.<sup>9</sup> It is for that reason that the freedom of expression has both an individual and a social dimension: this requires, on the one hand, that no one may be arbitrarily disadvantaged or prevented from expressing their thoughts, thereby representing a right belonging to every individual; however, on the other hand, it implies a collective right to receive any information and to obtain knowledge of the expression of another’s thinking.<sup>10</sup>

13. Additionally, the Tribunal has established the relevance of the fact that the media are virtually, indiscriminately open to all, or - to be more precise - that there are no individuals or groups who are *a priori* excluded from access to these media.<sup>11</sup> Given that social media are useful in helping the exercise of one’s freedom of expression come to fruition, it is essential *inter alia* that a plurality of media, a prohibition of any monopoly in any form, and freedom and protection for journalists also be possible.<sup>12</sup> Given the importance of the freedom of expression in a democratic society, the State must not only minimize restrictions on the free flow of information, but must also seek as much balance as possible between various information sources in public debate, promoting informative pluralism. Consequently, principles of fairness must govern the flow of information.<sup>13</sup>

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<sup>9</sup> Cf. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 of the American Convention on Human Rights)*. Advisory Opinion OC-5/85 of November 13, 1985. Series A No. 5, para. 30; *Case of Kimel v. Argentina. Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of May 2, 2008. Series C No. 177, para. 53; and *Case of Tristán Donoso v. Panama. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of January 27, 2009. Series C No. 193, para. 109.

<sup>10</sup> Cf. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 of the American Convention on Human Rights)*, *supra* note 9, para. 30; *Case of “The Last Temptation of Christ” (Olmedo Bustos et al.) v. Chile. Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of February 5, 2001. Series C No. 73, para. 64; *Case of Ivcher Bronstein v. Peru. Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of February 6, 2001. Series C No. 74, para. 146; *Case of Herrera Ulloa v. Costa Rica. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of July 2, 2004. Series C No. 107, para. 108, *Case of Ricardo Canese v. Paraguay. Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of August 31, 2004. Series C No. 111, para. 77; and *Case of Kimel v. Argentina, supra* note 9, para. 53.

<sup>11</sup> Cf. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 of the American Convention on Human Rights)*, *supra* note 9, para. 34.

<sup>12</sup> Cf. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 of the American Convention on Human Rights)*, *supra* note 9, para. 34; *Case of Ivcher Bronstein v. Peru, supra* note 10, para. 149; *Case of Herrera Ulloa, supra* note 10, para. 117; *Case of Perozo et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of January 28, 2009. Series C No. 195, para. 117; and *Case of Ríos et al. v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of the Inter-American Court of Human Rights of January 28, 2009. Series C No. 194, para. 106.

<sup>13</sup> Cf. *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 of the American Convention on Human Rights)*, *supra* note 9, para. 34; *Case of Kimel v. Argentina, supra* note 9, para. 57; and *Case of Tristán Donoso v. Panama, supra* note 9, para. 113.

14. Recalling the foregoing, this Court finds, without prejudging the merits of the matter at issue, that the closure of the five radio stations comprising the “Belfort National Circuit” without affording the proposed beneficiaries an opportunity to be heard could result in a situation of extreme gravity due to the loss of the spaces in which the information was being transmitted daily.

15. Concerning urgency, the Court states that the risk or threat are not only imminent, but have already begun to materialize because five stations have ceased their transmissions.

16. Regarding the irreparable nature of the harm, the Tribunal notes that the Commission refers both to the proposed beneficiaries (shareholders, owners, and journalists linked to the stations) for the individual dimension of freedom of expression, as well as to Venezuelan society for the social dimension. Consequently, this matter concerns three distinct categories of persons, namely: i) the society at large; ii) journalists; and iii) owners and shareholders.

17. Concerning the “Venezuelan society” that would allegedly be irreparably harmed by the closure of these stations, the Tribunal recalls that protection for a plurality of persons requires that they at least be “identifiable and determinate,”<sup>14</sup> a requirement that is not met in this case.

18. Regarding the proposed beneficiaries who are journalists working at the stations and leaving aside any labor law consequences that the closure would bring about for the journalists (an issue that could be compensable, and therefore, repairable), the Commission did not put forth a *prima facie* case showing that the journalists may be suffering an irreparable harm. In effect, the Commission did not indicate how the journalists themselves (not the society at large) are affected in such a way that could not be addressed were the agencies of the Inter-American System to resolve the case on the merits.

19. Finally, regarding the owners and shareholders, the Commission did not lay an adequate foundation showing how these persons face an irreparable situation. What's more, the Commission did not put forth a *prima facie* case showing that the owners or shareholders, leaving aside their economic interest (which could be analyzed pursuant to Article 21 of the Convention), express themselves or have any relevant participation in defining the content of published editorials. In the case *Ivcher Bronstein v. Peru*, the Court found a violation of Article 13 of the Convention to the detriment of Mr. Ivcher, who was a majority shareholder of a television channel, because among other things “he had the capacity of making editorial decisions regarding programming”<sup>15</sup>, and as a consequence of that editorial posture, “he was the target of different acts of intimidation.”<sup>16</sup> In that case, it was demonstrated that Mr. Ivcher expressed himself by way of his medium of communication. In the present matter, conversely, the Commission has not made a *prima facie* case showing that the harm to the owners and shareholders would impinge their freedom of expression, rather than merely an aspect of their repairable property rights.

20. For the foregoing reasons, the Tribunal finds that the requirements of Articles 63(2) of the Convention and 27 of the Rules of Procedure have not been met, for which the

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<sup>14</sup> Cf. *Matter of the Peace Community of San José de Apartadó*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of November 24, 2000, Considering clause seven; *Matter of Rodeo I and El Rodeo II Capital Judicial Confinement Center*, *supra* note 7, Considering clause twenty-one; and *Matter of the Peace Community of San José de Apartadó*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of November 17, 2009, Considering clause six.

<sup>15</sup> Cf. *Case of Ivcher Bronstein v. Peru*, *supra* note 10, para. 156.

<sup>16</sup> Cf. *Case of Ivcher Bronstein v. Peru*, *supra* note 10, para. 158.

request for provisional measures submitted by the Inter-American Commission must be rejected as inadmissible.

21. Independent of the decision in the present matter, the State maintains the constant and permanent duty to comply with its general obligations under Article 1(1) of the Convention to respect the rights and freedoms enshrined therein and to guarantee their free and full exercise to all persons subject to its jurisdiction.<sup>17</sup>

**THEREFORE:**

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

in the exercise of the powers conferred 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 dismiss the request for provisional measures filed by the Inter-American Commission on Human Rights.
2. To order that the Secretariat serve notice of the present Order on the Inter-American Commission on Human Rights and the Bolivarian Republic of Venezuela.

Diego García-Sayán  
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

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<sup>17</sup> Cf. *Case of Velásquez Rodríguez*. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considering clause three; *Case of Helen Mack Chang et al.* Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of November 16, 2009, Considering clause thirty-one; and *Case of García Prieto et al.* Provisional Measures regarding El Salvador. Order of the Inter-American Court of Human Rights of February 3, 2010, Considering clause fifteen.



Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary