

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 27, 2002**

**PROVISIONAL MEASURES REQUESTED BY
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
WITH RESPECT TO THE REPUBLIC OF VENEZUELA**

LUISIANA RÍOS *ET AL.* V. VENEZUELA

HAVING SEEN:

1. The November 27, 2002 brief and its appendices, in which the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") filed before the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court"), pursuant to Articles 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and 74 of the Rules of Procedure of the Commission, a request for Provisional Measures in favor of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos, and Argenis Uribe, all of whom are employees of the television station Radio Caracas Televisión (hereinafter "RCTV"). In said brief, the Commission asked the Court to order the Bolivarian Republic of Venezuela (hereinafter "the Venezuelan State", "the State" or "Venezuela") the following:

- a. To adopt all necessary measures to protect the life and personal safety, and the freedom of expression demanded by the representatives of journalists Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos, and Argenis Uribe, with their approval, for them to be protected without interfering with their professional work as journalists.
- b. To conduct an extensive investigation of all aggressions against journalists Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos, and Argenis Uribe, with the aim of identifying, prosecuting and legally punishing, through bodies with jurisdiction, those responsible for said acts and their aiders and abettors.
- c. To adopt all necessary measures for government officials, authorities and sympathizers to abstain from all actions that might have as an effect aggression or intimidation against exercise of [the] right to freedom of expression as journalists and other social communication workers, as well as that of Venezuelan society as a whole.
- d. To, at the highest level of the Government of Venezuela, issue a categorical condemnation of the aggressions suffered by social communication workers in Venezuela.

2. The grounds argued by the Inter-American Commission for its request of Provisional Measures, based on the following facts:

- a. that the Inter-American Commission "has noted with deep concern that [in Venezuela] during the year 2002 there has been a progressive and significant increase of threats and attacks against journalists and especially against those who report on political events and demonstrations;"
- b. that during the *in loco* visit by the Commission to Venezuela in May, 2002, it received information that "journalists were the direct target of

aggression and harassment [and that] the general status of the prevailing situation in Venezuela ha[d] generated a climate of constant threats and aggression against freedom of expression, and specifically against the personal safety of journalists, cameramen, photographers and other social communication workers;"

c. that "[t]he incidents reported include[d] the murder of a journalist[,], attacks against physical safety including bullet wounds[,], threats[,], explosives placed in the media, and professional discrediting [and that the] situation described above ha[d] an intimidating effect on social communicators who feare[d] to identify themselves as journalists due to the reprisals they m[ight] suffer;"

d. that "statements by high Government officials against the media and investigative journalists have continued, and these may stimulate subsequent acts of intimidation or attacks against journalists [and that, in turn,] investigation of such acts by public authorities [has] not yield[ed] positive results regarding identification of the perpetrators of those acts;"

e. that on January 30 or 29,¹ 2002, the Commission asked Venezuela to adopt precautionary measures in favor of Luisiana Ríos and Armando Amaya, among others, with the aim of protecting their right to humane treatment and freedom of expression based on the fact that while exercising their role as journalists "after [...] two journalists stepped out of their respective vehicles, a group of roughly fifty [...] people located outside the Cajigal Observatory, surrounded [their] vehicles and beat them, kicking them and yelling insults and vulgarities at them." In light of the above, the Commission requested that the State:

1) Adopt all necessary measures to protect the life and the right to humane treatment of Luisiana Ríos, Luis Augusto Contreras Alvarado, Armando Amaya, Eduardo Sapene Granier of *Radio Caracas Televisión* and Mayela León Rodríguez, Jorge Manuel Paz Paz and María Fernanda Flores of *Globovisión* as well as the protection required by representatives of *Globovisión* and *Radio Caracas Televisión* so as to ensure safety of the journalists, the property and facilities of said media.

2) To abstain from any actions that might have an intimidating effect on the professional work of journalists and other employees of media companies *Globovisión* and *Radio Caracas Televisión*.

3) To conduct an extensive investigation of the facts occurred on January 20, 2002 against journalists Luisiana Ríos and Mayela León Rodríguez, pf *Radio Caracas Televisión* and *Globovisión*, respectively, and the technical teams who were with them at the time[;]

f. that the aforementioned acts (*supra* 2, a, b, c, and d) have "continued despite the precautionary measures granted" by the Inter-American Commission on Human Rights;

g. that the Commission "deems that those acts of harassment, physical attacks and threats have a multiplier effect regarding violations of the human

¹ The Inter-American Commission refers indistinctly, in its request for Provisional Measures, to the granting of precautionary measures in the instant case on January 29 or January 30 (see below, Having Seen 2.k).

rights of journalists, making them an especially vulnerable group within the current context of permanent mobilization and massive demonstrations in [...] Venezuela;”

h. [t]hat the five journalists for whom the Provisional Measures are requested [Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe], are an example of violence against journalists conducted, initiated, or tolerated by public authorities;”

i. that “the requirement of urgency and irreparable damage set forth in Article 63(2) of the Convention to justify provisional measures [...] is met in the situation brought before the [...] Court, not only due to lack of effective action by the State to protect the lives and physical safety of Luisiana Rios, journalist; Armando Amaya, assistant cameraman; Antonio José Monroy, cameraman; Laura Castellanos, political source reporter for the RCTV newscast *El Observador*, and Argenis Uribe, assistant cameraman; all of them social communication workers at the television station Radio Caracas Televisión (RCTV) of Venezuela, but also due to continuation of acts of harassment, threats and attacks specifically against these social communicators in an extremely hostile context [...]”

j. that on “July 23, 2002 the Commission received a complaint by the representatives of Luisiana Ríos, [...] Armando Amaya, [...] [among others] (P/2582/2002) which was processed in accordance with Article 29 and concordant articles of the Rules of the Procedure of the [Commission];”

k. that on “July 29, 2002 the Commission agreed to extend, for another six months, the precautionary measures adopted on January 29 [or 30²], 2002 [...] in favor of Luisiana Ríos, [...], Armando Amaya, [...] [among others] with the aim of protecting their personal safety and freedom of expression (Art. 5 and 13 of the Convention) based on the persistence of the same type of acts of aggression and harassment against the social communicators who were being protected, which had given rise to the original request for precautionary measures,” and

l. that on “November 25, 2002 [...] Luisiana Rios, Armando Amaya, Antonio José Monroy, Laura Castellanos [,] Argenis Uribe and [another person] asked the Commission to agree, in turn, to request that the [...] Court [...] grant Provisional Measures in favor [of] the [five] social communication workers of the Venezuelan television station RCTV [...].”

3. The additional statement by the Commission, in its request for Provisional measures, that:

a. the “widespread situation that generates harassment and threats direct[ed] against persons who work as social communicators on a daily basis in Venezuela; this has manifested itself specifically in constant aggressions against Luisiana Rios, journalist; Armando Amaya, assistant cameraman; Antonio José Monroy, cameraman; Laura Castellanos, political source reporter for the RCTV *El Observador* newscast team, and Argenis Uribe, assistant cameraman; [all of them employees of RCTV] [...] requires that all protection

² See *supra* note 1 and *supra* Having Seen 2.e.

mechanisms of the inter-American system be activated in a timely and effective manner;"

b. "activation becomes even more necessary taking into account that the precautionary measures [requested by the Inter-American Commission] in favor of the social communicators included in the instant request, were unable to impede subsequent physical aggressions, including bullet wounds;"

c. "[i]t is especially significant that one of the applicants, who was protected by a precautionary measure of the [Commission], suffered a bullet wound while performing his duties as a journalist on [...] November 11 [2002];"

d. "extreme gravity [...] is evident in connection with the life-threatening danger faced by Luisiana Rios, Armando Amaya, Antonio José Monroy, Laura Castellanos, and Argenis Uribe, all of them media workers at the television station Radio Caracas Televisión (RCTV), who are more exposed to attack and aggression because they work on the streets;"

e. "urgency [...] as a temporal requirement for provisional measures to be granted, is found in the existence of a constant state of attacks, threats and aggressions against the social communicators;"

f. since the year 2000, "the situation has worsened and there are no indications that harassment against media workers is diminishing," and

g. "[t]he social communicators [...] listed are in a situation of extreme vulnerability because they cover political affairs or massive demonstrations on the streets where they are easily identified and attacked. Current political developments and constant public events force the five media workers included in this request to go out to the streets every day, which places them at grave risk."

CONSIDERING:

1. The State ratified the American Convention on August 9, 1977, and pursuant to article 62 of that Convention, it recognized the contentious jurisdiction of the Court on June 24, 1981.

2. Article 63(2) of the American Convention provides that, in cases of "extreme gravity and urgency, and when necessary to avoid irreparable damage to persons," the Court may, in matters it has under consideration, adopt such Provisional Measures as it deems pertinent, and in cases not yet submitted to the Court, it may act at the request of the Commission.

3. Pursuant to Article 25(1) and 25(2) of the Rules of Procedure of the Court,

[a]t any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

[w]ith respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

4. Article 1(1) of the Convention states the obligation of the States Parties to respect the rights and freedoms recognized in that treaty and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms.

5. The background information submitted by the Commission in its request (*supra*, second and third Having Seen) demonstrates *prima facie* the existence of a situation of extreme gravity and urgency regarding the life and physical safety of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos, and Argenis Uribe, employees of Radio Caracas Televisión.

6. The purpose of urgent and provisional measures, in International Human Rights Law, in addition to their essentially preventive nature, is to effectively protect fundamental rights, insofar as they seek to avoid irreparable damage to persons. Granting urgent and provisional measures, given their own juridical nature and purpose, can under no circumstances prejudice on the merits of the case.

7. It is a responsibility of the State to adopt security measures to protect all persons under its jurisdiction, and this duty is even more evident in connection with persons involved in proceedings before the bodies responsible for protection under the American Convention.

8. The State also has the obligation to investigate the facts that gave rise to this request for Provisional Measures with the aim of identifying those responsible and punishing them as appropriate.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

exercising the authority granted by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure,

DECIDES:

1. To order the State to adopt, without delay, all necessary measures to protect the life and personal safety of Luisiana Ríos, Armando Amaya, Antonio José Monroy, Laura Castellanos and Argenis Uribe, employees of Radio Caracas Televisión (RCTV).

2. To order the State to allow the applicants to participate in planning and implementation of the protection measures and, in general, to inform them of progress regarding the measures ordered by the Inter-American Court of Human Rights.

3. To order the State to investigate the facts stated in the complaint that gave rise to the instant measures, with the aim of discovering and punishing those responsible.
4. To order the State to report to the Inter-American Court of Human Rights on the measures adopted to comply with the instant Order, no later than December 12, 2002.
5. To order the Inter-American Commission on Human Rights to submit its comments on the report by the State to the Inter-American Court of Human Rights, within a week of being notified thereof.
6. To order the State, subsequent to its first report (*supra* operative paragraph four), to continue reporting to the Inter-American Court of Human Rights, every two months, on the Provisional Measures adopted, and to order the Inter-American Commission on Human Rights to submit its observations to said reports within six weeks of receiving them.

Antônio A. Cançado Trindade
President

Alirio Abreu-Burelli

Máximo Pacheco-Gómez

Hernán Salgado-Pesantes

Oliver Jackman

Sergio García-Ramírez

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary