

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-139/2020 English

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I/A Court H.R. Protecting Rights

VENEZUELA IS INTERNATIONALLY RESPONSIBLE FOR THE DEATH OF FIVE YOUTH PEOPLE IN A FIRE IN JAIL

San Jose, Costa Rica, December 11, 2020.- The Inter-American Court of Human Rights has delivered its Judgment on the Case of Mota Abarullo et al. v. Venezuela for violating the right to life (article 4.1), right to humane treatment (article 5) and the rights of the child (article 19) in injury of five young people who died in a fire in a detention facility while they were in State custody.

The official summary of the Judgment can be found [here](#) (Only in Spanish), and the complete text of the Judgment is available [here](#) (Only in Spanish).

On June 30, 2005, a fire at the Monseñor Juan José Bernal Treatment and Diagnostic Facility claimed the lives of José Gregorio Mota Abarullo, Gabriel de Jesús Yáñez Sánchez, Rafael Antonio Parra Herrera, Cristian Arnaldo Molina Córdova and Johan José Correa, who had entered the facility while under the age of 18. The fire burned out of control as appropriate equipment was unavailable and authorities were late to respond.

The State of Venezuela admitted that it was responsible for violating human rights in this situation and committed to provide full reparations. The Court took note of this acquiescence but understood that more should be done to shed light on the facts of the case.

In its Judgment, the Court found that the case should be viewed in light of the special measures of protection that should be guaranteed to adolescents, given that the five young people had gone into detention when they were still under the age of 18.

Given the evidence of overcrowding, the poor conditions found to exist at the facility, and the delayed response by personnel to take action when the fire broke out, the Court held that the State had violated the rights to life, humane treatment and the rights of the child of the five young people.

Regarding the investigation of the facts of the case, the Court found instances of negligence and that the time elapsed exceeded reasonable bounds. Three individuals had been charged, but the trial hearing was postponed multiple times, and the trial had not yet concluded more than 15 years later. For these reasons, the Court also held the State of Venezuela liable for violating the rights to judicial protection and a fair trial in injury of the family members of the deceased youths.

The Court also acknowledged that the way the young people had died deeply affected their families, whose right to humane treatment had therefore also been violated.

The Court ordered several measures of reparation.

The composition of the Court for the delivery of this Judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Patricio Pazmiño Freire, Vice President (Ecuador); Judge Eduardo Vio Grossi (Chile); Judge Humberto Antonio Sierra Porto (Colombia), Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Eugenio Raúl Zaffaroni (Argentina), and Judge Ricardo Pérez Manrique (Uruguay).

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