

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-143/2020 English

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I/A Court H.R. Protecting Rights

VENEZUELA IS RESPONSIBLE FOR THE DEATHS AND INJURIES OF PEOPLE IN JAIL AS A RESULT OF AN OPERATION CARRIED OUT BY THE NATIONAL GUARD

San Jose, Costa Rica, December 17, 2020.- Today the Inter-American Court of Human Rights released Judgment on the Case of Olivares Muñoz et al. v. Venezuela and declared that the Bolivarian Republic of Venezuela was internationally liable for violating the human rights of seven inmates who died and another 27 who were wounded following an operation conducted by members of the Bolivarian National Guard on November 10, 2003 at the Judicial Internment Facility in Ciudad Bolívar, known as the Vista Hermosa Judicial Prison, located in Ciudad Bolívar, State of Bolívar. The Court therefore held that the State had violated the right to life (article 4(1) of the American Convention), the right to humane treatment (articles 5(1) and 5(2)), the right to a fair trial (article 8(1)) and the right to judicial protection (article 25(1)).

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).

The State of Venezuela acknowledged that it was responsible for violating human rights in this case, stating that the deaths “perfectly match the concept of extra-legal, arbitrary or summary executions.” The State admitted that the injuries to the inmates occurred “as a result” of the operation by the National Guard. Moreover, the State acknowledged violation of the rights to a fair trial and to judicial protection. It agreed to fulfill the Court’s orders for redress as given in the Judgment.

The Court took note of this acquiescence but understood that more should be done to shed light on the facts of the case.

The Court stated in its Judgment that the deaths caused during the November 10, 2003 operation resulted from the use of excessive, disproportionate force and thus constituted arbitrary taking of life. It went on to consider the persons who had sustained injuries, concluding that the force used against them, because it was not strictly necessary in view of the behavior of the inmates, constituted a violation of the right to humane treatment.

The Court further concluded that the State, in its subsequent investigation, had failed to exercise due diligence and that the facts had still not been uncovered since the date the events occurred, the guilty parties had yet to be identified, and the victims had received no redress. The Court then held that the State had failed to undertake an investigation into the possibility that acts of torture had been committed.

The Court found that family members of the deceased had experienced suffering and anguish due to the loss of their loved ones and because the case remained unresolved.

In view of these violations, the Court ordered the State to extend specific measures of redress.

The Judges sitting on the Court for this judgment were: 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 Poisot (Mexico), Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay).

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