
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT THE PRECAUTIONARY MEASURES 61/2020**

Precautionary Measure No 219-11
Relatives of the Inmates in Rodeo I and Rodeo II regarding Venezuela
September 22, 2020
Original: Spanish

I. BACKGROUND INFORMATION

1. On June 21st, 2011, the Inter-American Commission on Human Rights (IACHR) requested the adoption of precautionary members in favor of the relatives of inmates in the Rodeo I and Rodeo II prisons, as well as all persons assembled and protesting in the surroundings of these prisons in Venezuela. According to the request, the relatives of the inmates allegedly headed to the outskirts of Rodeo I and II to request information on the inmates' situation following an operation carried out by the authorities to restore their control in those prisons. According to the available information, the security forces reportedly threw gas bombs and used water cannons in a context of extreme tension. After analyzing the compliance with the requirements of the Rules of Procedure, the IACHR requested the State of Venezuela guarantee the life and personal integrity of the relatives of the inmates in the Rodeo I and II prisons as well as all persons in the immediate surroundings of the facilities until the situation was stabilized¹.

II. INFORMATION PROVIDED WHEN THE MEASURE WAS IN FORCE

2. After this precautionary measure was granted, the Commission did not receive any written communication from either party between 2011 and 2017. In March of 2018, the State requested that the precautionary measure be lifted. On November 18th, the Commission requested that the representatives provide their observations regarding the State's request but no response has been received to date.

3. In a written communication received on March of 2018, the State questioned the Commission's competency to take precautionary measures. In addition, the State claimed that the precautionary measures had become moot and devoid of purpose as the situation in the surroundings of the prisons had been stabilized. It further emphasized that seven years had gone by since the protest which motivated the request ended. Lastly, the State highlighted the beneficiaries' and their representatives' lack of interest, mentioning that the proceeding has been abandoned for over six years.

III. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS AND IRREPARABLE HARM

4. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations established in the Charter of the Organization of the American States and, in the case of Member States that have not yet ratified the American Convention, in the Declaration of the Rights and Duties of Man. These general oversight functions are set forth in Article 18 of the Statute of the Commission, while the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. Pursuant to this article, the Commission grants precautionary measures in serious and urgent situations, and when these measures are necessary to

¹ Available at: <http://www.oas.org/es/cidh/decisiones/cautelares.asp>

prevent an irreparable harm.

5. The Inter-American Commission and the Inter-American Court on Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary. Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations that are under the consideration of the IACHR. For the purpose of making a decision, according to Article 25.2 of the Rules of Procedure, the Commission considers that:

- a) “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b) “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c) “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

6. In regard to the abovementioned, Article 25(7) of the Commission’s Rules of Procedure stipulates that “the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions”. Article 25(9) provides that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force”. In this regard, the Commission must assess whether the situation of seriousness and urgency and the possible materialization of an irreparable harm that led to the adoption of precautionary measures continue to exist. In addition, it shall consider whether there are new situations that may comply with the requirements set forth in Article 25 of the Rules of Procedure.

7. The Commission notes that the precautionary measures were granted when the relatives of the inmates in Rodeo I and II were protesting in the surroundings of the prisons, following an operation carried out by the authorities to restore their control over those prisons. After having requested information from both the State and the representatives, the Commission highlights the State’s assertion that the demonstrations held by the beneficiaries ended approximately 7 years ago. In this context, the Commission also notes that it has not been informed of new events of risk, and takes into account the State’s consideration that the beneficiaries and their representatives had abandoned the proceeding for over 6 years.

8. The Commission highlights that during the time the precautionary measures were in force, the representatives did not provide information on new events that would demonstrate that the beneficiaries continue to be at risk. Furthermore, even though the representatives were asked to provide their observations on the information submitted by the State, particularly on its request for the precautionary measures to be lifted, the Commission to date has not received their observations. In light of these circumstances, and given the lack of response from the representation, the Commission has no information about new events of risk that would allow it to verify fulfillment of the requirements of seriousness, urgency and need to avoid irreparable harm to the life and personal integrity of the beneficiaries. In this sense, and with particular consideration for the latter, the Commission deems it appropriate to lift the precautionary measures.

IV. DECISION

9. The Commission hereby decides to lift the precautionary measures granted to the relatives of the inmates in the Rodeo I and Rodeo II prisons in Venezuela.

10. The Commission recalls that, pursuant to the relevant instruments, the State of Venezuela is under the obligation to respect and guarantee the rights of the relatives of the inmates in the Rodeo I and Rodeo II prisons, regardless of the decision to lift these precautionary measures.

11. The decision to lift this precautionary measure is without prejudice to the possibility that the IACHR may assess a new request in accordance with the requirements set forth in Article 25 of the Rules of Procedure.

12. The Commission requests that the Executive Secretariat of the IACHR notify the present resolution to the State of Venezuela and the representatives.

13. Approved on September 22, 2020 by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Esmeralda Arosemena de Troitiño, and Julissa Mantilla Falcón, commissioners of the IACHR.

María Claudia Pulido
Assistant Executive Secretary