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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 96/2021**

Precautionary Measure No. 260-16

Persons deprived of liberty at the General José Francisco Bermúdez Police Coordination  
Center regarding Venezuela

December 1, 2021

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures granted in favor of the persons deprived of their liberty at the General José Francisco Bermúdez Police Coordination Center (CCPGJFB) in Venezuela. At the time of making the decision, the Commission evaluated the actions taken by the State during implementation. The IACHR requested information from the beneficiaries' representation in 2019 and 2021, without receiving a response. Upon not identifying compliance with the procedural requirements at present and having approximately 5 years elapsed without a response from the representation, the IACHR decided to lift these measures.

**II. BACKGROUND INFORMATION**

2. On April 26, 2016, the IACHR granted precautionary measures in favor of persons deprived of liberty at the General José Francisco Bermúdez Police Coordination Center, located in Carúpano, Sucre state (hereinafter "the beneficiaries"), as it was alleged that they were at risk due to high levels of overcrowding and the detention conditions. Representation is exercised by the Venezuelan Observatory of Prisons. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considered that the information presented showed *prima facie* that the persons who were at the General José Francisco Bermúdez Police Coordination Center and those who were injured due to a fire on April 6, 2016, faced a serious and urgent situation, given that their lives and personal integrity were threatened and at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela: (i) adopt the necessary measures to guarantee the life and personal integrity of all persons in the CCPGJFB and provide adequate medical treatment to all those people who were injured due to the last fire on April 6, 2016; (ii) strengthen the guard team and offer constant training to the people who work in the Coordination Center; (iii) provide hygiene conditions in the CCPGJFB and provide adequate medical treatment for persons deprived of liberty, according to the pathologies they present with; (iv) implement an emergency plan and make fire extinguishers and other necessary tools available; (v) take actions to reduce overcrowding within the Coordination Center; (vi) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and (vii) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.<sup>1</sup>

**III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE**

3. Throughout the time the precautionary measures have been in force, the Commission has followed-up on the situation that is the subject matter of these measures through the request of

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<sup>1</sup> IACHR, [Resolution 26/16. Precautionary Measure No. 260-16 Matter of the General José Francisco Bermúdez Police Coordination Center regarding Venezuela](#), April 26, 2016

information from the parties. On September 2, 2016, the State presented its report. On March 1, 2019, the Commission asked the representation to present updated information “so that the IACHR can examine whether these precautionary measures should remain in force.” On January 7, 2021, the Commission reiterated the request “so that [...] it can analyze the matter in the terms of Article 25 of its Rules of Procedure.” The IACHR has not received a response from the representation.

#### **A. Information provided by the State**

4. On September 2, 2016, the State presented a report on the situation of the Coordination Center. Initially, the State presented its version of the facts regarding the fire that occurred on April 6, 2016. The State indicated that the Public Ministry ordered the initiation of a criminal investigation, which was in the investigation phase. The State reported that on the day of the events, 10 persons deprived of liberty died and 15 were injured. Regarding the overcrowding situation, the State reported that: (i) the Public Ministry through the First Prosecutor’s Office with Competence in Sentence Execution has carried out various actions to solve the problem, such as implementing the Plan for the Streamlining of Cases aimed at promoting criminal proceedings; (ii) on February 11 and March 3, 2016, Special Days were held to guarantee the rights of persons deprived of liberty, exhorting the authorities to carry out the transfers of the inmates; and (iii) Inmate Comprehensive Assistance Days were coordinated to provide medical attention to inmates, from which 980 persons deprived of their liberty benefited.

#### **B. Information provided by the representation**

5. During the time the precautionary measures have been in force, the representation did not provide a response to the requests for information made by the Commission in 2019 and 2021.

### **IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM**

6. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States, and in the case of Member States that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons.

7. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that the precautionary and provisional measures have a double nature, both precautionary and protective. Regarding their protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are under consideration by the IACHR. In the process of reaching 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 of threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and

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- c) “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

8. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establish that “decisions granting, extending, modifying, or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) establishes 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 should assess whether the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures still persist. Moreover, the Commission should consider if new situations that might meet the requirements set forth in Article 25 of the Rules of Procedure have subsequently arisen.

9. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.<sup>2</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>3</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>4</sup>

10. In this matter, the Commission recalls that the precautionary measures were granted in 2016 in light of the information available, which indicated that the beneficiaries were in a situation presenting a risk due to the alleged overcrowding and detention conditions in which they were in the General José Francisco Bermúdez Police Coordination Center in Venezuela. Having granted the precautionary measures and during the Commission’s follow-up, the State sent a report in which it referred to the actions taken to ensure the life and integrity of the beneficiaries. Among them, the Commission observes that the State implemented: (i) an expediting plan to promote the procedural causes of those deprived of liberty at the Coordination Center; (ii) special days to guarantee the rights of people deprived of liberty; and (iii) days for comprehensive inmate assistance to provide medical attention to inmates.

11. The Commission observes that on two occasions, between 2019 and 2021, updated information on the situation placing the beneficiaries at risk has been requested from the representation. These requests have not been answered, despite having indicated that the IACHR would analyze whether these precautionary measures should remain in force. However, for approximately 5 years over which this matter has been in effect, the representation has not provided any single additional communication.

12. In this sense, the Commission does not currently have sufficient elements from the representation to analyze compliance with the procedural requirements of Article 25 of its Rules of Procedure. The Commission recalls that detailed, updated, and specific information on the beneficiaries is required in order to continue analyzing compliance with the procedural requirements.

13. Based on the analysis carried out, and in response to the request to lift the measures made by the State, the Commission considers that it does not have sufficient elements to conclude that the factual circumstances that motivated the granting of these precautionary measures remain in force. Thus, the Commission considers that, according to the information available, at present, there is no situation that would support compliance with the requirements of Article 25 of the Rules of Procedure. In view of the

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<sup>2</sup> I/A Court H.R., Provisional Measures regarding Mexico, Order of February 7, 2017, paras. 16 and 17. Available [in Spanish] at [http://www.corteidh.or.cr/docs/medidas/fernandez\\_se\\_08.pdf](http://www.corteidh.or.cr/docs/medidas/fernandez_se_08.pdf)

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

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above and taking into account the exceptional and temporary nature of precautionary measures,<sup>5</sup> the Commission deems it appropriate to lift these precautionary measures.

14. Finally, the Commission emphasizes that regardless of the lifting of these measures, it is the obligation of the State of Venezuela to respect and guarantee the rights recognized in the applicable international instruments, including the life and integrity of the persons detained in the General José Francisco Bermúdez Police Coordination Center in Venezuela.

## **V. DECISION**

15. The Commission decides to lift the precautionary measures granted in favor of those deprived of liberty at the General José Francisco Bermúdez Police Coordination Center, in Venezuela.

16. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures should they consider that there is a situation that meets the requirements established in Article 25 of the Rules of Procedure.

17. The Commission instructs the Executive Secretariat to notify this resolution to the State of Venezuela and to the representation.

18. Approved on December 1, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice President; Flávia Piovesan, Second Vice President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

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<sup>5</sup> I/A Court H.R., Matter of Adrián Meléndez Quijano *et al.* Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez *et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24