

Case of the “Caracazo” v. Venezuela

ABSTRACT¹

This case is about the violent repression of a wave of protests that shook the Venezuelan capital, Caracas, in February 1989. The protests were triggered when the Government implemented a series of measures to refinance the State’s external debt. The week-long clashes resulted in the deaths of hundreds of people, most at the hands of security forces and the military. The State eventually admitted responsibility and the Court found violations of several articles of the American Convention.

I. FACTS

A. Chronology of Events

February 16, 1989: The President of Venezuela, President Carlos Andrés Pérez, announces a series of measures to refinance the State’s external debt through the International Monetary Fund (“IMF”).²

February 27, 1989: The economic measures are implemented,³ triggering protests, in Caracas, in Garenas, Caricuao, La Guaira, Maracay, Valencia, Barquisimeto, Guayana, Mérida, and Maracaibo.⁴ The protests, known as “Caracazo,”⁵ are targeted at increases in public transportation rates and the Executive’s failure to grant a preferential rate to students.⁶ During the protests, vehicles are burned, property is destroyed and commercial properties are looted.⁷ Because a sector of the Metropolitan Police was on strike, they did not promptly intervene to control the pro-

1. Karina Villa, Author; Alyssa Rutherford, Editor; Hayley Garścia, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Case of the “Caracazo” v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No.58, ¶ 2(a) (Nov. 11, 1999).

3. *Id.*

4. *Id.* ¶ 2(b).

5. H. Márquez, *VENEZUELA: Wound Still Gaping 20 Years After ‘Caracazo’*, IPS (Feb. 27, 2009), <http://www.ipsnews.net/2009/02/venezuela-wound-still-gaping-20-years-after-lsquocaracazosquo/>.

6. Case of the “Caracazo” v. Venezuela, Merits, ¶ 2(b).

7. *Id.*

tests.⁸ President Pérez calls the Minister of Defense and orders the mobilization of about 9,000 soldiers.⁹ The soldiers, equipped with assault weapons, are inexperienced and unprepared to control the situation.¹⁰

February 28, 1989: President Pérez issues Decree No. 49, which orders the suspension of several articles of the State Constitution on the right to individual freedom, the right to immunity of domicile, the right to freedom of movement, the right to freedom of expression, the right of assembly, and the right to take part in peaceful manifestations.¹¹ A secret military plan entitled “Avila” is implemented.¹²

March 1, 1989: The army takes control and sets a curfew that requires people to remain in their homes between 6:00 p.m. and 6:00 a.m.¹³ Throughout this state of emergency, the Metropolitan Police, the National Guard, and the Army carry out various operations to suppress acts of violence.¹⁴ According to official figures, 276 individuals die, many are injured, and several individuals disappear during February and March.¹⁵ However, the subsequent discovery of mass graves suggests these figures to be grossly inaccurate.¹⁶ The State, through the Executive, orders the burial of corpses in mass graves in the sector known as La Peste I and II of the Southern General Cemetery of Caracas to “comply with specific health-related instructions.”¹⁷

Two non-governmental organizations that conduct on-site investigations and international experts conclude that indiscriminate firing by State agents and extrajudicial executions caused many of the deaths.¹⁸ The organizations also find that members of the armed forces opened fire on crowds and homes, resulting in the deaths of many children and innocent people who were not involved in criminal activity.¹⁹ Among the victims are seven children and five women.²⁰ Of the forty-four cases, eighteen occurred on or after March 1, 1989, despite government re-

8. *Id.* ¶ 2(d).

9. *Id.* ¶¶ 2(c)-(d).

10. *Id.* ¶ 2(e).

11. *Id.* ¶ 2(f).

12. *Id.* ¶ 2(j).

13. *Id.* ¶ 2(g).

14. *Id.* ¶ 2(h).

15. *Id.* ¶ 2(i).

16. *Id.*

17. *Id.* ¶ 2(n).

18. *Id.* ¶ 2(k).

19. *Id.*

20. *Id.* ¶ 2(i).

ports that it restored order on February 28, 1989.²¹ Eleven of these deaths occurred in the victims’ homes, five of which occurred during curfew hours.²²

March 22, 1989: The State restores the constitutional guarantees.²³

Since 1989: The next of kin of the deceased and wounded, and non-governmental groups have been filing complaints against the State in regular and military criminal courts.²⁴ Although these complaints initiated investigations into the homicides and unlawful burials, investigations remained secretive and the victims and their next of kin did not have access to the preliminary investigative stage contained in the now abolished Code of Criminal Procedure.²⁵

October 23, 1990: The Committee of Family Members of the Victims (*Comité de Familiares de las Víctimas*, “COFAVIC”), the Support Network for Justice and Peace, (*la Red de Apoyo por la Justicia y la Paz*, “Justice and Peace”), and other persons file a complaint before the Public Prosecutor’s Office regarding the irregular burials of unidentified bodies at the cemetery.²⁶

November 5, 1990: The Tenth Criminal Court of the First Instance of the Judicial District of the Metropolitan Area of Caracas (“Tenth Criminal Court of First Instance”) inspects the Southern Cemetery and determines there is no record of the corpses from February 27, 1989 in the registers.²⁷ The Court orders an exhumation of the corpses buried in the cemetery²⁸

November 28, 1990: One hundred and thirty corpses are exhumed from the cemetery, but only sixty-eight of these corpses belong to victims whose date of death was February or March 1989.²⁹

21. *Id.*

22. *Id.*

23. *Id.* ¶ 2(f).

24. Case of the “Caracazo” v. Venezuela, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 95, ¶ 66.10 (Aug. 29, 2002). The Court documents do not provide the specific dates of the complaints filed.

25. *Id.* ¶ 66.11.

26. *Id.* ¶ 66.6.

27. Case of the “Caracazo” v. Venezuela, Merits, ¶ 2(p).

28. Case of the “Caracazo” v. Venezuela, Reparations and Costs, ¶ 66.7.

29. Case of the “Caracazo” v. Venezuela, Merits, ¶ 2(q).

May 30, 1991: COFAVIC files a claim before the Tenth Criminal Court of First Instance due to a fire in the area of the mass graves.³⁰

January 22, 1997: The Tenth Criminal Court of First Instance decides to keep the criminal investigation open until those responsible for the killings are identified.³¹

July 1, 1999: The Organic Code of Criminal Procedure takes effect, eliminating the secret preliminary investigative stage.³²

September 23, 1999: The Political-Administrative Court of the Supreme Court of Justice accepts the Attorney General's request, filed on May 28, 1999, that the court hear the criminal investigations of the February and March 1989 events.³³ Further, the court orders that an individual file be started for each person who died or was wounded during those events in order to discover any administrative irregularities in the criminal investigation.³⁴ The court also orders the cases that have sufficient evidence of criminal responsibility of certain persons be forwarded to the Public Prosecutor's Office.³⁵

February 24, 2000: The Political-Administrative Court of the Supreme Court of Justice orders that the 437 cases resulting from its September 23, 1999 order be referred to the Attorney General for a criminal investigation into those responsible for the February and March 1989 events.³⁶ As of the date proceedings are initiated with the Inter-American system, domestic authorities have not issued a final judgment or identified persons responsible in any of the opened cases.³⁷

B. Other Relevant Facts

[None]

30. *Id.*

31. Case of the "Caracazo" v. Venezuela, Reparations and Costs, ¶ 66.9.

32. *Id.* ¶ 66.11.

33. *Id.* ¶ 66.13.

34. *Id.*

35. *Id.*

36. *Id.* ¶ 66.14.

37. *Id.* ¶ 66.16.

II. PROCEDURAL HISTORY

A. Before the Commission

March 28, 1995: A petition is presented to the Commission on behalf of the victims.³⁸

October 1, 1998: The Commission adopts Report No. 83/98, which recommends the State to: (1) conduct an investigation to identify, prosecute, and punish those responsible for the deaths and injuries of the victims and the unlawful burial of corpses in mass graves; (2) pay compensation to the victims and their next of kin for pecuniary and non-pecuniary damages; (3) locate the disappeared victims and if deceased, return the remains of the victims that have been identified; (4) provide the citizens with the names of the 276 victims killed during the events of February and March 1989 and the circumstances in which they died; (5) eliminate the restricted nature of the proceedings of the forty-four cases still pending in domestic and military courts; (6) provide greater resources to the Central Morgue of Caracas and reorganize the Department of Identification of Foreigners; (7) provide resources to the Institute of Forensic Medicine; (8) train State actors in human rights; and (9) ratify the Inter-American Convention on Forced Disappearance of Persons.³⁹

March 9, 1999: President Hugo Chávez Frías sends a note to the Commission expressing that he instructed the State agents to negotiate the best terms possible for settlement so that an "honorable, full and satisfactory solution" can be reached with the victims' next of kin.⁴⁰

May 7, 1999: The representatives of the victims reject the possibility of a friendly settlement because it would be inappropriate in light of the seriousness of the facts.⁴¹

May 23, 1999: The State presents a document to the Commission saying it complied with the Commission's recommendations.⁴² However,

38. Case of the "Caracazo" v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 58, ¶ 4 (Nov. 11, 1999). The Merits document does not specify who submitted the petition.

39. *Id.* ¶ 13.

40. *Id.* ¶ 17.

41. *Id.* ¶ 19.

42. *Id.* ¶ 21.

the Commission disagrees.⁴³

B. Before the Court

June 7, 1999: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁴⁴

1. Violations Alleged by Commission⁴⁵

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25(Right to Judicial Protection)

Article 27(3) (Procedural Requirements to Suspend Rights)

all in relation to:

Article 1(1) (Obligation to Respect Rights)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁴⁶

Same Violations Alleged by Commission.

November 10, 1999: The Court holds a public hearing during which the State acknowledges the facts that occurred during February and March 1989.⁴⁷ The State also accepts the legal consequences that derive from its actions and fully acknowledges its international responsibility in this case.⁴⁸ Additionally, the State declares that it failed to comply with the American Convention in regards to the protection of human rights and admits that there was an unusual delay in the investigation and prosecution of those responsible for the victims' deaths.⁴⁹

43. *Id.* ¶¶ 21-22.

44. *Id.* ¶¶ 22- 23.

45. *Id.* ¶ 1.

46. Ms. Liliana Ortega Mendoza and Mr. Héctor Faúndez Ledesma of COFAVIC, Ms. Viviana Krsticevic and Ms. María Claudia Pulido of CEJIL, and Mr. José Miguel Vivanco of Human Rights Watch/Americas serve as representatives of the victims. *Id.* ¶ 24.

47. *Id.* ¶ 37.

48. *Id.*

49. *Id.* ¶ 39.

III. MERITS

A. *Composition of the Court*⁵⁰

Antônio Augusto Cançado Trindade, President
Máximo Pacheco Gómez, Judge
Hernán Salgado Pesantes, Judge
Oliver H. Jackman, Judge
Carlos Vicente de Roux Rengifo, Judge

Manuel E. Ventura Robles, Secretary
Pablo Saavedra Alessandri, Deputy Secretary

B. *Decision on the Merits*

November 11, 1999: The Court issues its Judgment on the Merits.⁵¹

The Court found unanimously that Venezuela had violated:

Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 25 (Right to Judicial Protection), and 27(3) (Procedural Requirements to Suspend Rights) in relation to Articles 1(1) and 2 of the Convention to the detriment of the victims,⁵² because:

The State acknowledged its responsibility for the events of February and March 1989, acquiesced to the claims brought against it by the Commission, and accepted its consequences of reparation and compensation.⁵³ Thus, the Court determined that the facts alleged were proven, declared that the dispute between the State and the Commission had ceased, and found that the State acknowledged its responsibility in violating Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8(1) (Right to a Hearing Within Reasonable

50. For reasons beyond their control, Judges Alirio Abreu Burelli and Sergio García Ramírez were unable to attend the public hearing on November 10, 1999 and were unable to participate in the deliberation and signing of the Judgment. *Id.* at n.*.

51. Case of the “Caracazo” v. Venezuela, Merits.

52. *Id.* ¶ 42.

53. *Id.* ¶¶ 39, 41.

Time by a Competent and Independent Tribunal), 25 (*Right to Judicial Protection*), and 27(3) (*Procedural Requirements to Suspend Rights*) in relation to Articles 1(1) (*Obligation to Respect Rights*) and 2 (*Obligation to Give Domestic Legal Effect to Rights*) of the American Convention.⁵⁴ Additionally, the Court urged the State to continue its investigation to identify, prosecute, and punish those responsible for the February and March 1989 events and to initiate the procedure on reparations and costs.⁵⁵

IV. REPARATIONS

August 29, 2002: The Court issues its Judgment on Reparations and Costs.⁵⁶

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Identify Exhumed Corpses

The State must continue identifying the corpses that were exhumed in 1990 from the common graves, establish cause of death, and deliver the remains to the next of kin.⁵⁷

2. Locate the Whereabouts of Missing Victims

The State must investigate the whereabouts of the missing victims and return their bodies.⁵⁸

3. Investigate, Prosecute, and Punish Those Responsible

The State must conduct an investigation to identify and prosecute

54. *Id.* ¶ 42.

55. *Id.* “Decides” ¶¶ 3-4.

56. Case of the “Caracazo” v. Venezuela, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 95 (Aug. 29, 2002). Although they did not participate in the deliberation and signing of the Judgment on the Merits, Judges Alirio Abreu Burelli and Sergio García Ramírez did participate in the deliberation and signing of the Judgment on Reparations and Costs. *Id.* at 1.

57. *Id.* ¶¶ 124-125.

58. *Id.* ¶ 124

those responsible for the deaths and wounds of the victims.⁵⁹

4. Train State Agents in Human Rights

The State must implement educational reforms that train the armed forces in applying the appropriate use of force that respects the right to life.⁶⁰

5. Publish the Judgment

The State must publish the pertinent portions of the Judgment on the Merits and the Judgment on Reparations and Costs in the Official Gazette and in a daily newspaper.⁶¹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The State must pay the following amounts:⁶² (1) \$600 each for funerary expenses incurred by the next of kin of twenty-three victims (\$13,800 total);⁶³ (2) \$1,000 for thirty-seven homicide victims and missing persons to cover the costs incurred by the next of kin for expenses such as searching for the victims and medical treatment (\$37,000 total);⁶⁴ (3) \$15,000 to Mr. Henry Eduardo Herrera Hurtado for medical

59. *Id.* ¶ 127

60. *Id.*

61. *Id.* ¶ 128.

62. *Id.* ¶ 90. The Court issued a chart that details the exact amount that the State must pay to each of the forty-four victims. *Id.*

63. *Id.* ¶ 85. The specific victims granted funerary expenses are: Mr. Miguel Ángel Aguilera La Rosa, Mr. Armando Antonio Castellanos Canelón, Mr. Luis Manuel Colmenares Martínez, Juan José Blanco Garrido, Daniel Alfredo Guevara Ramos, Mr. Pedro Gustavo Guía Laya, Ms. Mercedes Beatriz Hernández Daza, Mr. Crisanto Mederos, Francisco Antonio Moncada Gutiérrez, Mr. Héctor Daniel Ortega Zapata, Richard José Páez Páez, Mr. Carlos Elías Parra Ojeda, José del Carmen Pirela León, Mr. José Vicente Pérez Rivas, Jorge Daniel Quintana, Mr. Wolfgang Waldemar Quintana Vivas, Ms. Yurima Milagros Ramos Mendoza, Mr. Iván Rey, Mr. Javier Rubén Rojas Campos, Mr. Esteban Luciano Rosillo García, Mr. Leobardo Antonio Salas Guillén, Mr. Tirso Cruz Tesara Álvarez, and Mr. Héctor José Lugo Cabriles. *Id.*

64. *Id.* ¶ 86. The thirty-seven homicide victims and missing persons include the following individuals: Mr. Miguel Ángel Aguilera La Rosa, Mr. Armando Antonio Castellanos Canelón, Mr. Luis Manuel Colmenares Martínez, Juan José Blanco Garrido, Daniel Alfredo Guevara Ramos, Mr. Pedro Gustavo Guía Laya, Ms. Mercedes Beatriz Hernández Daza, Mr. Crisanto Mederos, Mr. Crisanto Mederos, Francisco Antonio Moncada Gutiérrez, Mr. Héctor Daniel Ortega Zapata, Richard José Páez Páez, Mr. Carlos Elías Parra Ojeda, José del Carmen Pirela León, Mr. José Vicente Pérez Rivas, Jorge Daniel Quintana, Mr. Wolfgang Waldemar Quintana Vivas, Ms. Yurima Milagros Ramos Mendoza, Mr. Iván Rey, Mr. Javier Rubén Rojas Campos, Mr. Esteban Luciano Rosillo García, Mr. Leobardo Antonio Salas Guillén, Mr. Tirso Cruz Tesara Álvarez, and Mr. Héctor José Lugo Cabriles. *Id.*

expenses and for expenses that will be incurred to alleviate his disability (Hurtado became paraplegic);⁶⁵ (4) \$7,000 each to Ms. Gregoria Matilde Castillo and Ms. Noraima Sosa Ríos for medical expenses and for expenses incurred to alleviate their disability (each lost a leg due to amputation);⁶⁶ (5) compensation for the loss of earnings for the thirty-seven homicide victims and missing persons (\$1,348,000 total);⁶⁷ and (6) compensation for the loss of earnings of three surviving victims in the amounts of \$37,000, \$46,500, and \$48,000.⁶⁸ The Court did not award compensation to four of the forty-four victims because they only suffered violations of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the Convention.⁶⁹

2. Non-Pecuniary Damages

The State must pay the following amounts: (1) \$15,000 to the next of kin of each of the thirty-seven homicide victims and missing persons for the suffering the victims experienced;⁷⁰ (2) \$5,000, in addition to the \$15,000, to the next of kin of each of the seven victims that were minors at the time of the events, because they were “especially vulnerable” persons and they should have received special protection from the State;⁷¹ (3) \$90,000 total for suffering and the disabilities caused to the three surviving victims;⁷² (4) \$2,310,000 total to the next of kin of the thirty-

ros, Francisco Antonio Moncada Gutiérrez, Mr. Héctor Daniel Ortega Zapata, Richard José Páez Páez, Mr. Carlos Elías Parra Ojeda, José del Carmen Pirela León, Mr. José Vicente Pérez Rivas, Jorge Daniel Quintana, Mr. Wolfgang Waldemar Quintana Vivas, Ms. Yurima Milagros Ramos Mendoza, Mr. Iván Rey, Mr. Javier Rubén Rojas Campos, Mr. Esteban Luciano Rosillo García, Mr. Leobardo Antonio Salas Guillén, Mr. Tirso Cruz Tesara Álvarez, Mr. Héctor José Lugo Cabriles, Mr. Benito del Carmen Aldana Bastidas, Mr. Boris Eduardo Bolívar Marcano, Julio César Freitez, Mr. Gerónimo Valero Suárez, Mr. Jesús Calixto Blanco, Mr. Fidel Orlando Romero Castro, Mr. Roberto Segundo Valbuena Borjas, Ms. Elsa Teotiste Ramírez Caminero, Mr. José Ramón Montenegro Cordero, Mr. Jesús Alberto Cartaya, Mr. Sabas Reyes Gómez, Ms. Alís Guillermo Torres Flores, Mr. José Miguel Liscano Betancourt, and Mr. Juan Acasio Mena Bello. *Id.* ¶ 90.

65. *Id.* ¶ 87.

66. *Id.*

67. *Id.* ¶ 88; *Id.* “Operative Paragraphs” ¶ 6(c).

68. *Id.* ¶ 89. The surviving victims include the following individuals: Mr. Henry Eduardo Herrera Hurtado, Ms. Gregoria Matilde Castillo, and Ms. Noraima Sosa Ríos. *Id.*

69. *Id.* ¶¶ 86, 88.

70. *Id.* ¶ 101.

71. *Id.* ¶102. The specific victims named are: Juan José Blanco Garrido, Daniel Alfredo Guevara Ramos, Francisco Antonio Moncada Gutiérrez, Richard José Páez Páez, José del Carmen Pirela León, Jorge Daniel Quintana, and Julio César Freitez.

72. *Id.* ¶ 103. Mr. Henry Eduardo Herrera Hurtado was awarded \$50,000; Ms. Gregoria Matilde Castillo was awarded \$15,000; and Ms. Noraima Sosa Ríos was awarded \$25,000. *Id.*

seven victims for mental anguish and suffering;⁷³ (5) \$256,500 total to the next of kin of fourteen homicide victims whose remains have not been delivered to their next of kin;⁷⁴ (6) \$630,000 total to the next of kin of the thirty-seven homicide victims and disappeared persons for the lack of a fair trial and due process;⁷⁵ (7) \$30,000 total to the next of kin of four victims for the lack of a fair trial and due process;⁷⁶ (8) \$5,000 each to the three surviving victims for the lack of a fair trial and due process.⁷⁷

3. Costs and Expenses

The State must reimburse COFAVIC the amount of \$75,000 for legal costs and expenses incurred under domestic jurisdiction and before the Inter-American system.⁷⁸ The State must also reimburse CEJIL \$1,000 for expenses incurred before the Inter-American system.⁷⁹ Additionally, since COFAVIC will have to take various steps to comply with this Judgment, the State must pay \$10,000 for future expenses arising from this obligation.⁸⁰

4. Total Compensation (including Costs and Expenses ordered):

\$5,567,300

C. Deadlines

The State must comply with the order of the Court to adopt the specific performance measures and pay the damages, reimbursements, and expenses ordered within one year of this Judgment.⁸¹

73. *Id.* ¶¶ 104-105. Each parent, child, and companion was awarded \$20,000 and each sibling was awarded \$5,000. *Id.* ¶ 104.

74. *Id.* The Court determined that for those victims whose remains have not been delivered, the State must pay an additional thirty percent of the amount awarded for mental anguish and suffering to those victims' next of kin. *Id.*

75. *Id.* ¶¶ 107-108. Each parent, child, and companion was awarded \$5,000 and each sibling was awarded \$2,000. *Id.* ¶ 107.

76. *Id.* Each parent, child, and companion was awarded \$5,000 and each sibling was awarded \$2,000. *Id.*

77. *Id.* ¶ 109.

78. *Id.* ¶ 132.

79. *Id.*

80. *Id.* ¶ 133.

81. *Id.* ¶ 134.

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

November 17, 2004: The Court found that the State complied fully with the following obligations: (1) providing the compensation for pecuniary and non-pecuniary damages; (2) paying the legal costs and expenses of COFAVIC; and (3) publishing the excerpts of the Judgments on Merits and Reparations and Costs.⁸² The Court does not have sufficient information to determine whether the State has complied with the following obligations: (1) investigating, prosecuting, and punishing those responsible; (2) locating and delivering the remains of some of the victims to their next of kin; (3) covering the costs of burying the remains of the bodies found; (4) taking steps to avoid repeating the circumstances that led to the violations by the State; and (5) paying the legal costs and expenses of CEJIL.⁸³

May 20, 2009: Because more than six years have passed since the issuance of the Judgments on Merits and Reparations and Costs, the Court decided to convene a private hearing on June 4, 2009 so that the Court can obtain information from the State regarding its pending compliance with the Judgment on Reparations and Costs.⁸⁴

July 6, 2009: The Court found that the State complied with its obligation to reimburse CEJIL for the costs and expenses incurred in connection with the proceedings brought before the domestic courts and the Inter-American system.⁸⁵ The Court determined that the State has not yet complied with the following obligations: (1) investigating, prosecuting, and punishing those responsible; (2) locating and delivering the remains of some of the victims to their next of kin; (3) covering the costs of burying the remains of the bodies found; and (4) taking steps to avoid repeating the circumstances that led to the violations by the State.⁸⁶

82. Case of the "Caracazo" v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Finds" ¶ 1 (Nov. 17, 2004).

83. *Id.* "Whereas" ¶¶ 9(a)-(e).

84. Case of the "Caracazo" v. Venezuela, Monitoring Compliance with Judgment, Order of President of the Court, Inter-Am. Ct. H.R. "Resuelve" ¶ 1 (May 20, 2009).

85. Case of the "Caracazo" v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Declares" ¶ 1 (July 6, 2009).

86. *Id.* "Declares" ¶¶ 2(a)-(d).

September 23, 2009: The Court determined that the State has not yet complied with the following obligations: (1) locating and delivering the remains of some of the victims to their next of kin, and (2) covering the costs of burying the remains of the bodies found.⁸⁷ The Court requested the State to provide, within five days, a detailed report on the steps taken in connection with the process of these unfulfilled obligations.⁸⁸

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Case of the “Caracazo” v. Venezuela, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 58 \(Nov. 11, 1999\).](#)

[Case of the “Caracazo” v. Venezuela, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 95 \(Aug. 29, 2002\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Case of the “Caracazo” v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Sept. 23, 2009\).](#)

[Case of the “Caracazo” v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(July 6, 2009\).](#)

[Case of the “Caracazo” v. Venezuela, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. \(May](#)

87. Case of the “Caracazo” v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Considering” ¶ 10 (Sept. 23, 2009).

88. *Id.* “Decides” ¶ 5.

[20, 2009\) \(Available only in Spanish\).](#)

[Case of the "Caracazo" v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 17, 2004\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not available]

2. Report on Admissibility

[Not available]

3. Provisional Measures

[None]

4. Report on Merits

[Not available]

5. Application to the Court

[Not available]

VIII. BIBLIOGRAPHY

M. McGill & S. McGill, *From the Caracazo to the Bolivarian Revolution*, ROCK AROUND THE BLOCKADE (May 23, 2011), <http://ratbnews.blogspot.com/2011/05/caracazo-to-bolivarian-revolution.html>.

C. C. ROHDE, J. FELLNER, & C. G. BROWN, HUMAN RIGHTS IN VENEZUELA 20 (Human Rights Watch, 1993), *available at* <http://www.hrw.org/sites/default/files/reports/Venez93O.pdf>.

H. Márquez, *VENEZUELA: Wound Still Gaping 20 Years after 'Caracazo'*, IPS (Feb. 27, 2009), <http://www.ipsnews.net/2009/02/venezuela-wound-still-gaping-20-years-after-lsquocaracazosquo/>.