

Perozo et al. v. Venezuela

ABSTRACT¹

As in the Rios et al. v. Venezuela case, this case, too, is about a series of attacks, and general harassment, of journalists by supporters of President Hugo Chavez. In this case, the victims were journalists of Globovisión. Venezuela tried to resist proceedings before the Commission and Court with every procedural mean. However, eventually, the Court found violation of several rights of the journalists, including the unfrequently invoked right to seek, receive, and impart information and ideas. Although most of the journalists attacked were female, it did not find a violation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (“Convention of Belem do Pará”).

I. FACTS

A. Chronology of Events

1. Events pertaining to November 22, 2001

November 22, 2001: Supporters of State President Hugo Chavez throw rocks at *Globovisión* television station journalist Gabriela Perozo Cabrices, cameraman Efraín Henríquez Contreras, camera assistant Oscar Dávila Pérez, and their producer Aloys Marín Díaz, forcing the news team to report the news from a nearby roof.²

January 31, 2002: *Globovisión* files a criminal complaint about the incident with the National Directorate of Common Crimes.³

1. Sandra Acosta Tello, Author; Dale Ogden, Editor; Kathryn Benson, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Perozo et al. v. Venezuela, Admissibility Report, Report No. 7/04, Inter-Am. Comm’n H.R., Case No. 12.442, ¶ 14 (Feb. 27, 2004); Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 195, ¶ 169, n.3, n.114 (Jan. 28, 2009).

3. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 172, 326.

Between January 31, 2002 and February 18, 2002: The Prosecutor's Office investigates the event, interviews Mr. Henríquez Contreras, and compiles expert witness reports.⁴

February 27, 2007: The 50^o Assistant Prosecutor ("assistant prosecutor") requests that the proceedings surrounding Ms. Perozo Cabrices' news team be closed.⁵

March 1, 2007: The case file is transferred to the 51^o Investigating Trial Court of Caracas Metropolitan Area ("trial court").⁶ There is no record of response by either the trial court or the State.⁷

2. Events pertaining to December 10, 2001

December 10, 2001: Approximately twenty people surround pregnant *Globovisión* journalist Yesenia Balza Bolívar, cameraman Carlos Quintero, and camera assistant Felipe Lugo Durán as they cover a demonstration.⁸ The individuals kick and push the victims and try to take the camera.⁹

January 31, 2002: *Globovisión* files a criminal complaint with the National Directorate of Common Crimes.¹⁰

Between February and March 2002: The Prosecutor's Office interviews witnesses and conducts preliminary investigations.¹¹

January 22, 2007: The assistant prosecutor requests that the proceedings be closed.¹²

March 25, 2008: The trial court grants the assistant prosecutor's request

4. *Id.* ¶ 172, n.122.

5. *Id.*

6. *Id.*

7. *Id.*

8. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 174, n.3.

9. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

10. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, n.134.

11. *Id.* ¶ 176.

12. *Id.*

and orders the proceedings closed.¹³

3. Events pertaining to January 9, 2002

January 9, 2002: About thirty men surround *Globovisión* camera assistant Alfredo José Peña Isaya, journalist Beatriz Adrián García, and cameraman Jorge Paz Paz in their car.¹⁴ The group assaults the camera team and threatens them.¹⁵ Mr. Peña Isaya is beaten.¹⁶

January 31, 2002: *Globovisión* files a criminal complaint with the National Directorate of Common Crimes.¹⁷

Date Unknown: The Prosecutor's Office conducts interviews of the victims and witnesses to the incident.¹⁸

August 10, 2006: The assistant prosecutor requests the proceedings surrounding this event to be closed.¹⁹

Approximately August 14, 2006: The Prosecutor's Office transfers the case file to the trial court.²⁰ There is no record of response by either the trial court or the State.²¹

4. Events pertaining to January 11, 2002

January 11, 2002: A group of individuals surround and kick a *Globovisión* news van, shouting insults at cameraman Richard López Valle and his assistant Félix José Padilla Geromes inside.²² Mr. López Valle and Mr. Padilla Geromes are forced to leave the vicinity.²³

January 31, 2002: *Globovisión* files a criminal complaint about this in-

13. *Id.*

14. Perozo et al. v. Venezuela, Preliminary Objections, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, n.3.

15. Perozo et al. v. Venezuela, Preliminary Objections, Admissibility Report, ¶ 14.

16. *Id.*; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 178.

17. *Id.* ¶ 179, n.134.

18. *Id.* ¶ 179, n.138.

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.* ¶ 182, n.2.

23. *Id.*

cident with the National Directorate of Common Crimes.²⁴

February 28, 2002: The State allegedly interviews Mr. Padilla Geromes, but it does not investigate further.²⁵

5. Events pertaining to January 20, 2002

January 20, 2002: *Globovisión* journalist Mayela León Rodríguez and cameraman Jorge Paz Paz are covering a broadcast of “*Aló Presidente*,” President Chavez’s weekly radio and television program, when a group attacks the news team.²⁶ The assailants wear the Chavez-endorsed insignia “*Coordinadora Simón Bolívar*,” suggesting they are government supporters.²⁷ The *Globovisión* news team is forced to leave and is unable to cover the story.²⁸

January 31, 2002: *Globovisión* files a criminal complaint about this incident with the National Directorate of Common Crimes.²⁹

February 1, 2002: *Globovisión* files a complaint with the Ombudsman’s Office.³⁰

March 10, 2003: *Globovisión* files another complaint with the Prosecutor’s Office.³¹ The State allegedly interviews the victims, but no are no records of further investigations.³²

6. Events pertaining to February 18, 2002

February 18, 2002: An unidentified group of individuals smashes the windows of a *Globovisión* van while journalist Johnny Donato Ficarella Martín, cameraman John William Power Perdomo, and assistant Miguel Ángel Calzadilla are inside.³³

24. *Id.* ¶ 182, n.149.

25. *Id.* ¶ 183.

26. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 185, n.3.

27. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

28. *Id.*

29. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 187, n.149.

30. *Id.*

31. *Id.*

32. *Id.* ¶ 187.

33. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Pre-

February 26, 2002: The Prosecutor's Office interviews Mr. Ficarella Martín about the attack.³⁴ Around this time the Prosecutor's Office additionally gathers insurance claims, requests video evidence, and orders a forensic investigation of the damaged van.³⁵

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.³⁶

7. Events pertaining to April 3, 2002

April 3, 2002: The Bolivarian Circles throw eggs and dirty water at *Globovisión* reporter José Vicente Antonetti Moreno, cameraman Edgar Alfredo Hernández Parra, and assistant Ericsson José Alvis Piñero in front of the Social Security Institute.³⁷ Mr. Antonetti Moreno is struck in the forehead.³⁸

The Prosecutor's Office opens an investigation into the attack and interviews Mr. Hernández Parra, Mr. Alvis Piñero, and Mr. Antonetti Moreno.³⁹

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.⁴⁰

February 6, 2006: The assistant prosecutor requests the proceedings surrounding this attack to be closed.⁴¹

February 8, 2006: The case is forwarded to the trial court, but there is no record indicating whether the court issues a decision.⁴²

8. Events pertaining to June 13, 2002

June 13, 2002: Approximately forty individuals prevent *Globovisión*

liminary Objections, Merits, Reparations, and Costs, ¶ 189, n.3.

34. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 190, n.151.

35. *Id.* ¶ 190.

36. *Id.*

37. *Id.* ¶ 192, n.153, n.3.

38. *Id.* ¶ 192.

39. *Id.* ¶ 194, n.164.

40. *Id.* ¶ 194, n.162.

41. *Id.* ¶ 194.

42. *Id.*

journalist Beatriz Adrián García, cameraman Jorge Paz Paz, and assistant Alfredo Peña Isaya from leaving a federal building after covering a parliamentary session.⁴³ The individuals express their support of the Chavez government and continually threaten the *Globovisión* news team.⁴⁴ The Metropolitan police ultimately evacuate the news team.⁴⁵

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to reflect this incident.⁴⁶

October 10, 2007: The State allegedly interviews Mr. Paz Paz and Ms. Adrián García about the attack.⁴⁷

9. Events pertaining to July 9, 2002

July 9, 2002: An unidentified individual throws a fragmentation grenade into the *Globovisión* parking lot, causing severe damage to the building and a number of cars.⁴⁸ No one is injured.⁴⁹

July 2002 through November 2004: The police and the Prosecutor's Office open an investigation into the event and interview witnesses to the explosion.⁵⁰ The National Department of Homicides ultimately forwards the investigation to the National Division of Terrorism.⁵¹

10. Events pertaining to July 17, 2002

July 17, 2002: An unidentified individual throws a tear-gas canister into the *Globovisión* parking lot.⁵² Although the canister detonates, no one is injured.⁵³ Among those witnessing the event are Claudia Rojas Zea and

43. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, n.3.

44. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

45. *Id.*

46. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 197, n.172.

47. *Id.* n.170.

48. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14; Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 198.

49. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 200, 202.

50. *Id.* ¶ 199, n.176.

51. *Id.*

52. *Id.* ¶ 201.

53. *Id.*

José Natera Rodríguez.⁵⁴

October 26, 2004: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.⁵⁵ There is no evidence that the State ever opens an investigation.⁵⁶

11. Events pertaining to September 4, 2002

September 4, 2002: A number of individuals verbally harass *Globovisión* reporter Aymara Lorenzo Ferrigni, cameraman Carlos Arroyo Flores, and assistant Félix Padilla Geromes as the news team covers a demonstration.⁵⁷ The individuals additionally steal the *Globovisión* equipment, including the camera, microphone, and a pair of headphones.⁵⁸ The police officers onsite do not intervene.⁵⁹

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.⁶⁰

September 2007: The prosecutor interviews Mr. Arroyo Flores and Ms. Lorenzo Ferrigni.⁶¹ This is the first action taken by the State since the complaint is updated.⁶²

12. Events pertaining to September 11, 2002

September 11, 2002: A woman threatens and assaults *Globovisión* Ana Karina Villalba with a wooden stick as Ms. Villalba reports a news story from the Llaguno Bridge in Caracas.⁶³ The police detain the woman but advise Ms. Villalba, cameraman Alí Vargas, and assistant Anthony Infantino to leave the area for their safety.⁶⁴

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal

54. *Id.* ¶ 202, n.178.

55. *Id.* ¶ 202, n.179.

56. *Id.* ¶ 202.

57. *Id.* ¶ 203, n.180, n.181.

58. *Id.*

59. *Id.* ¶ 203.

60. *Id.* ¶ 204.

61. *Id.*

62. *Id.*

63. *Id.* ¶ 206, n.184.

64. *Id.*

complaint to reflect the incident.⁶⁵

May 26, 2008: The prosecutor requests to examine video footage from September 11, 2002, for evidence.⁶⁶

13. Events pertaining to September 21, 2002

September 21, 2002: Individuals equipped with bottles and firearms surround and assault a *Globovisión* car with Rossana Rodríguez Gudiño, Felipe Lupo Durán, and Wilmer Escalona Arnal inside.⁶⁷ The news team abandons the car after the group breaks a window.⁶⁸ The assailants steal the vehicle and, when they return it, the news team finds the camera, microphones, tripod, and radio are missing.⁶⁹ Later that day, officials from the Directorate of Intelligence Services and Prevention (“DISIP”) visit *Globovisión* headquarters to gather information and take witness statements.⁷⁰

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.⁷¹ There is no evidence any further proceedings by the State.⁷²

14. Events pertaining to November 18, 2002

November 18, 2002: An unidentified group throws another fragmentation grenade at *Globovisión* headquarters, which ignites a fire in the parking lot.⁷³ No one is injured, but several vehicles, the parking lot, and the station entrance are damaged.⁷⁴

November 19, 2002, through December 14, 2005: The State investigates the fire, interviews witnesses, and prepares evidence reports.⁷⁵

October 26, 2004: *Globovisión* updates the January 31, 2002 criminal

65. *Id.* ¶ 209.

66. *Id.*

67. *Id.* ¶ 211, n.187.

68. *Id.*

69. *Id.*

70. *Id.* ¶ 213, n.173.

71. *Id.* ¶ 211.

72. *Id.* ¶ 213.

73. *Id.* ¶ 215.

74. *Id.*

75. *Id.*

complaint to include this attack.⁷⁶

15. Events pertaining to December 3, 2002

December 3, 2002: The National Guard breaks up a small demonstration covered by *Globovisión* reporter Aymara Lorenzo Ferrigni, cameraman Richard López Valles, and assistant Félix Padilla Geromes.⁷⁷ Although the demonstrators disperse, the National Guard fires baton rounds at the news team.⁷⁸

March 10, 2003: *Globovisión* updates the January 31, 2002 criminal complaint to include this incident.⁷⁹

January 24, 2003 through May 4, 2005: The Prosecutor's Office conducts an investigation, yielding video footage that corroborates the demonstration and shooting but does not conclusively show any of the alleged victims.⁸⁰

16. Events pertaining to December 10, 2002

December 10, 2002: President Chavez supporters organize an effort to commandeer the media, including various *Globovisión* stations.⁸¹ The Chavez supporters protest in front of the Caracas station, preventing *Globovisión* employees from entering the building by verbally harassing and physically assaulting them.⁸²

March 10, 2003: *Globovisión* updates the criminal complaint to include this incident.⁸³ There is no evidence the State opens an investigation.⁸⁴

17. Events pertaining to January 3, 2003

January 3, 2003: *Globovisión* journalist Carla Angola Rodríguez co-

76. *Id.* n.190.

77. *Id.* ¶ 217, n.193.

78. *Id.*

79. *Id.* n.196.

80. *Id.* ¶ 218.

81. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

82. *Id.*

83. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 221, n.199.

84. *Id.* ¶ 221.

vers a march opposing the Chavez regime.⁸⁵ Chavez supporters make obscene gestures, block the camera, and throw a bottle of urine at Ms. Angola Rodríguez.⁸⁶

March 10, 2003: *Globovisión* updates the criminal complaint to include this incident.⁸⁷

September 20, 2007: The State interviews Ms. Angola Rodríguez for the first time.⁸⁸

18. Events pertaining to August 9, 2003

August 9, 2003: Chavez supporters again block the entrance to the *Globovisión* headquarters, preventing employees from accessing or leaving the building for hours.⁸⁹

October 26, 2004: *Globovisión* updates the January 31, 2002 criminal complaint to reflect this event.⁹⁰ There is no evidence that the State opens an investigation.⁹¹

19. Events pertaining to December 3, 2003

December 3, 2003: A group of unidentified individuals throw bottles at a *Globovisión* news team comprised of Ademar Dona López, José Umbría Marín, and Martha Palma Troconis while the team covers a Social Security employee demonstration.⁹² The news team is unable to finish the story and is forced to leave.⁹³

That same day, Chavez supporters beat and threaten Oscar Núñez Fuentes and Ángel Millán España as they report on riots at a different location in Caracas.⁹⁴ The National Guard present does not help the news team.⁹⁵

85. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

86. *Id.*

87. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 223, n.199.

88. *Id.* ¶ 225.

89. *Id.* ¶ 227.

90. *Id.* ¶ 228, n.206.

91. *Id.* ¶ 228.

92. *Id.* ¶ 234.

93. *Id.*

94. *Id.* ¶ 230.

95. *Id.*

October 26, 2004: *Globovisión* updates the criminal complaint to include these attacks.⁹⁶

October 10, 2007: The prosecutor interviews Ms. Palma Troconis and Mr. Umbría Marín.⁹⁷

October 18, 2007: The prosecutor interviews Mr. Dona López.⁹⁸

20. Events pertaining to January 18, 2004

January 18, 2004: *Globovisión* cameraman Joshua Torres Ramos and assistant Zullivan Peña Hernández are attacked with pipes and stones while inside a *Globovisión* car.⁹⁹ Their assailants hit, kick, and shoot the vehicle.¹⁰⁰

October 26, 2004: *Globovisión* updates the criminal complaint to reflect this incident.¹⁰¹

21. Events pertaining to February 19, 2004

February 19, 2004: While a *Globovisión* news team covers a demonstration of the Worker Justice Organization, the crowd insults and threatens reporters Jesús Rivero Bertorelli, Efraín Henríquez Contreras, and Carlos Tovar Pallen.¹⁰² As a result, the National Guard is forced to escort the team to their car.¹⁰³

October 26, 2004: *Globovisión* updates the criminal complaint to include this incident.¹⁰⁴

October 2004 through March 16, 2006: The State conducts limited investigations.¹⁰⁵

96. *Id.* ¶¶ 231, 235, n.208, n.212.

97. *Id.* ¶ 235.

98. *Id.*

99. *Id.* ¶ 237.

100. *Id.*

101. *Id.* ¶ 238, n.216.

102. *Id.* ¶ 240, n.217.

103. *Id.* ¶ 240.

104. *Id.* ¶ 240, n.218.

105. *Id.* ¶ 240.

March 16, 2006: The State closes the proceedings surrounding this incident without prejudice.¹⁰⁶

22. Events pertaining to February 27, 2004

February 27, 2004: The National Guard releases tear gas and fires pellets to stop demonstrators at the Democratic Coordination march in Caracas, injuring *Globovisión* assistant Miguel Ángel Calzadilla.¹⁰⁷

March 18, 2004: The Prosecutor's Office opens an investigation.¹⁰⁸

March 23, 2004: The prosecutor requests that the trial court implement protective measures for Mayela León Rodríguez, who was present at the demonstration.¹⁰⁹

April 21, 2004: The Prosecutor's Office interviews Ms. León.¹¹⁰

May 18, 2004: The trial court denies Ms. León's protective measures.¹¹¹

October 26, 2004: *Globovisión* updates the criminal complaint to include this incident.¹¹²

November 21, 2005: The prosecutor requests that the case be closed.¹¹³

April 28, 2008: The trial court closes the case as it relates to Mr. Calzadilla's injury.¹¹⁴

23. Events pertaining to March 1, 2004

March 1, 2004: Janeth del Rosario Carrasquilla Villasmil reports on demonstrators moving toward the headquarters of President Chavez's

106. *Id.*

107. *Id.* ¶ 242.

108. *Id.* ¶ 244, n.223.

109. *Id.* ¶ 244.

110. *Id.* n.221.

111. *Id.* ¶ 244.

112. *Id.* ¶ 244, n.224.

113. *Id.* ¶ 244.

114. *Id.*

political party, *Movimiento Quinta República*, in Valencia.¹¹⁵ In an effort to protect the building, the National Guard throw tear gas bombs, one of which allegedly hits Ms. Carrasquilla Villasmil in the head.¹¹⁶

Meanwhile, in Caracas, as Johnny Ficarella Martin and his assistant Darío Pacheco Villegas cover a recall referendum protest, members of the National Guard hit Mr. Ficarella Martín with a tear gas canister on the right side of his body, injuring him.¹¹⁷

In Baruta, Carla Angola Rodríguez is reporting on a political protest when her cameraman is surrounded by a mob.¹¹⁸ The news team escapes and retreats to the car as the group throws objects.¹¹⁹

March 1, 2004: The Prosecutor's Office opens an investigation into the events involving Ms. Angola Rodríguez and her news team.¹²⁰

March 4, 2004: The State opens an investigation into Ms. Carrasquilla Villasmil's injury and seeks police protection for Ms. Carrasquilla Villasmil.¹²¹

October 26, 2004: *Globovisión* updates the criminal complaint to include these three attacks.¹²² There is no evidence that the State investigated Mr. Ficarella Martín's attack.¹²³

June 6, 2005: The prosecutor requests Ms. Carrasquilla Villasmil's proceedings to be closed for lack of evidence.¹²⁴

July 7, 2005: The trial court grants the prosecutor's request to close Ms. Carrasquilla Villasmil's proceedings.¹²⁵

September 1, 2005: The Prosecutor's Office closes Ms. Angola Rodríguez's proceedings.¹²⁶

115. *Id.* ¶ 246, n.228.

116. *Id.* There are conflicting accounts as to whether Ms. Carrasquilla was struck by a tear gas bomb or a rock, and whether the National Guard indeed threw the object. *Id.* ¶ 248.

117. *Id.* ¶ 251.

118. *Id.* ¶ 254.

119. *Id.*

120. *Id.* ¶ 256.

121. *Id.* ¶ 249.

122. *Id.* ¶ 252, n.229, n.239.

123. *Id.* ¶ 252.

124. *Id.* ¶ 249.

125. *Id.*

126. *Id.* ¶ 256.

April 8, 2008: Mr. Ficarella Martín testifies about his attack.¹²⁷

24. Events pertaining to May 29, 2004

May 29, 2004: While covering a recall election¹²⁸ in Caracas, demonstrators beat *Globovisión* reporter Martha Palma Troconis, cameraman Joshua Torres Ramos, and Victor Henríquez Parima with a pipe while *Plan República*¹²⁹ security guards and the Metropolitan Police are on site.¹³⁰ The Prosecutor's Office opens an investigation the same day.¹³¹

In the El Valle parish of Caracas, Carla Angola and her news team attempt to enter a voting center to cover the recall election, but the election monitor stops them.¹³² A military officer onsite ultimately escorts them inside, but on the way out, four individuals assault the news team and their *Globovisión* car.¹³³

October 26, 2004: *Globovisión* updates the criminal complaint to reflect these two incidents.¹³⁴ There is no evidence the State investigated the events surrounding Ms. Angola's news team.¹³⁵

February 22, 2006: The prosecutors request the proceedings involving Ms. Palma Troconis, Mr. Torres Ramos, and Mr. Henríquez Parima to be closed.¹³⁶

April 6, 2007: The trial court grants the prosecutors' request and closes the proceedings.¹³⁷

127. *Id.* n.240.

128. *Id.* ¶ 258.

129. *Plan República* is a group of armed forces sent to provide security for the recall election process. *Id.* ¶ 259; see also *Plan Republica para los Elecciones Venezuela*, ELECCIONESVENEZUELA.COM, <http://www.eleccionesvenezuela.com/informacion-plan-republica-98.html> (last visited Jan. 30, 2016).

130. *Perozo et al. v. Venezuela*, Preliminary Objections, Merits, Reparations, and Costs, ¶ 259.

131. *Id.* ¶ 261.

132. *Id.* ¶ 263.

133. *Id.*

134. *Id.* ¶¶ 258, 264, n.266.

135. *Id.* ¶ 264.

136. *Id.* ¶ 261.

137. *Id.*

25. Events pertaining to January 23, 2005

January 23, 2005: Demonstrators assault a *Globovisión* vehicle while the news team covers the march from the roof of a nearby Embassy Suites.¹³⁸

March 8, 2006: *Globovisión* updates the January 31, 2002 criminal complaint to report the damage.¹³⁹

26. Events pertaining to April 11, 2005

April 11, 2005: Near Llaguno Bridge, a number of individuals insult and threaten *Globovisión* reporter Mayela León Rodríguez and her news team, preventing them from covering a story.¹⁴⁰

March 8, 2006: *Globovisión* updates the criminal complaint to reflect this event.¹⁴¹

27. Events pertaining to July 11, 2005

July 11, 2005: While Mayela León Rodríguez's news team covers a protest near Miraflores Palace (*Palacio de Miraflores*), a number of individuals intimidate the team and steal the camera.¹⁴² The National Guard later recovers both the camera and footage of the protest.¹⁴³

March 8, 2006: *Globovisión* updates the criminal complaint to include this attack on Ms. León Rodríguez's news team.¹⁴⁴ There is no evidence that the State opens an investigation.¹⁴⁵

28. Events pertaining to August 17, 2005

August 27, 2005: Motorcyclists throw objects at a *Globovisión* news team covering a protest, so the team reports the story from inside their

138. *Id.* ¶ 266, n.267.

139. *Id.* ¶ 267, n.269.

140. *Id.* ¶ 268.

141. *Id.* ¶ 269.

142. *Id.* ¶ 271.

143. *Id.*

144. *Id.* ¶ 273.

145. *Id.*

vehicle on a street corner.¹⁴⁶

March 8, 2006: *Globovisión* updates the criminal complaint to include this event.¹⁴⁷

B. Other Relevant Facts

Due to economic and political instability, Hugo Chavez and his military supporters lead an unsuccessful coup in 1992.¹⁴⁸ Chavez believes this is partially due to his failure to seize control of the national media.¹⁴⁹ Once Chavez assumes power in 1998, he regularly issues presidential broadcasts attacking his political enemies and pushing his political agenda.¹⁵⁰

President Chavez also organizes local support groups called the “Bolivarian Circles” to further his agenda.¹⁵¹ On March 1, 2002, Oswaldo Cancino, a consultant to the Chavez administration, names *Globovisión* journalist José Domingo Blanco as a political target for the Bolivarian Circles based on his alleged disapproval of the revolution.¹⁵² In April 2002, when Chavez is temporarily displaced from power, the Bolivarian Circles commit violent attacks on anti-Chavez demonstrations.¹⁵³ Subsequently, Chavez points to members of the media, including *Globovisión*, as participants of the 2002 coup that temporarily displaced him.¹⁵⁴ During a broadcast of *Aló Presidente* on May 9, 2004, President Chavez labels *Globovisión* as an enemy of the state.¹⁵⁵

During Chavez’s regime between 2003 and 2006, the State experiences a period of animosity toward freedom of expression, specifically for media employees.¹⁵⁶ There are repeated urgings and orders from the Inter-American Commission on Human Rights to the State to adopt protective measures for the press to no avail.¹⁵⁷ High-ranking officials of

146. *Id.* ¶ 275.

147. *Id.* ¶ 277.

148. Ronald D. Sylvia & Constantine P. Danopoulos, *The Chávez Phenomenon: Political Change in Venezuela*, 24 *THIRD WORLD QUARTERLY* 63, 66 (2003).

149. *Id.*

150. *Id.*

151. *Id.*

152. Perozo et al. v. Venezuela, Admissibility Report, ¶ 14.

153. Sylvia & Danopoulos, *supra* note 148, at 67, 73.

154. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 139.

155. *Id.*

156. *Id.* ¶ 133.

157. *Id.* ¶ 136.

the Chavez administration continue to deliver statements on television that members of *Globovisión* are enemies of the revolution, or enemies of the people of the State.¹⁵⁸

II. PROCEDURAL HISTORY

A. Before the Commission

June 27, 2003: A group of *Globovisión* employees, shareholders, and board members file a petition with the Inter-American Commission on Human Rights.¹⁵⁹

February 27, 2004: The Inter-American Commission on Human Rights adopts Report on Admissibility No. 07/04.¹⁶⁰ The Commission notes that the State has not responded to the petition,¹⁶¹ and thus, the State waives its right to allege that the petitioners failed to exhaust domestic remedies.¹⁶²

July 16, 2004: The Commission requests that the Court order provisional measures necessary to safeguard and protect the lives and safety of *Globovisión* employees.¹⁶³

August 3, 2004: The Court grants the request for provisional measures.¹⁶⁴

October 26, 2006: The Commission adopts Report on Merits No. 61/06 under the terms of Article 50 of the Convention.¹⁶⁵ The Commission alleges that the State violated Article 5 (Right to Humane Treatment), Article 13 (Freedom of Expression), Article 8 (Right to a Fair Trial), and Article 25 (Right to Judicial Protection).¹⁶⁶ The Commission makes several recommendations, including that the State publicly condemn the attacks on the media.¹⁶⁷

158. *Id.* ¶¶ 138–39.

159. Perozo et al. v. Venezuela, Admissibility Report, ¶ 40.

160. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 1.

161. Perozo et al. v. Venezuela, Admissibility Report, ¶ 6.

162. *Id.* ¶ 39.

163. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, ¶ 20.

164. *Id.*

165. The Judgment on the Merits does not specify the recommendations made to the State in the Commission's Report on Merits No. 61/06.

166. *Id.* ¶ 1, n.2.

167. *Id.* ¶ 133.

B. Before the Court

April 12, 2007: The Commission submits the case to the Court after the State failed to adopt its recommendations.¹⁶⁸

1. Violations Alleged by Commission¹⁶⁹

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 13 (Right to Freedom of Thought and Expression)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims¹⁷⁰

Same Violations Alleged by Commission, plus:

Article 21 (Right to Property)¹⁷¹

Article 24 (Right to Equal Protection)

in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention

Article 5 (Right to Humane Treatment)

Article 8 (Right to a Fair Trial)

Article 13 (Right to Freedom of Thought and Expression)

Article 25 (Right to Judicial Protection)

in relation to:

Articles 1, 2 and 7 (Duty to Prevent, Punish, and Eradicate Violence Against Women) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women.

168. *Id.* ¶ 1.

169. *Id.* ¶ 3. Paulo Sergio Pinheiro, Santiago A. Chacón, Ignacio J. Álvarez, Mrs. Elizabeth Abi-Mershed, Débora Benchoam, Lilly Ching Soto, Silvia Serrano, Ariel E. Dulitzky, Alejandra Gonza served as representatives for the victims. *Id.*

170. Carlos Ayala Corao, Margarita Escudero León, Ana Cristina Núñez Machado and Nelly Herrera Bond served as representatives of the petitioners. *Id.* ¶¶ 1, 4.

171. The representatives alleged the State violated the right to property of Mr. Alberto Federico Ravell Arreaza and Mr. Guillermo Zuloaga Núñez, partial shareholders of *Globovisión* and its parent company, *UNITEL de Venezuela C.A.* *Id.* ¶ 401.

June 29, 2007: The State appoints Mr. Pier Paolo Pasceri Scaramuzza as judge *ad hoc*.¹⁷²

July 12, 2007: Representatives of thirty-seven of the alleged forty-four victims present their brief with pleadings, motions, and evidence of the harm caused by the State.¹⁷³

September 11, 2007: The State submits its brief with preliminary objections.¹⁷⁴ The State raises four main objections: the untimeliness of the representatives' briefs,¹⁷⁵ inadmissibility of new facts and arguments submitted by the petitioners,¹⁷⁶ the prejudice of Judges Cecilia Medina Quiroga and Diego García-Sayan,¹⁷⁷ and failure to exhaust domestic remedies.¹⁷⁸

October 12, 2007: The President of the Court rejects the State's preliminary objection to exclude Judges Cecilia Medina Quiroga and Diego García Sayán from hearing the case and submits the case to the full Court.¹⁷⁹

October 23, 2007: The representatives request the Court to expand the original provisional measures ordered on August 3, 2004.¹⁸⁰ The State objects and requests the Court to remove the measures.¹⁸¹ The Court denies the State's request.¹⁸²

March 18, 2008: The Court considers the State's preliminary objection that alleges the victims filed their application one day after the expiration date.¹⁸³ The Court holds the State's preliminary objection inadmissible, finding that the Court received the brief on June 12, 2007, and

172. *Id.*

173. *Id.* ¶ 4.

174. *Id.* ¶ 5.

175. *Id.* ¶ 24.

176. *Id.* ¶ 28.

177. The State claims that both judges have a prior relationship with a non-governmental organization and that the attorney of one of the victims is President of the organization. *Id.* ¶ 35.

178. *Id.* ¶ 38.

179. *Id.* ¶ 9.

180. *Id.* ¶ 21.

181. *Id.*

182. *Id.*

183. *Id.* ¶ 24.

was therefore timely.¹⁸⁴

June 9, 2008: The Commission and the State submit their final arguments on the preliminary objections and possible merits, reparations and costs.¹⁸⁵

January 28, 2009: The Court affirms the inadmissibility of the State's first preliminary objection that the representatives' application and briefs are untimely.¹⁸⁶ The Court notes that this is not a *per se* preliminary objection.¹⁸⁷ The Court rejects the State's second preliminary objection that new facts and arguments raised by the representatives are inadmissible because the new arguments properly raise different violations than those alleged by the Commission.¹⁸⁸ The Court declares inadmissible the State's third preliminary objection that Judges Medina Quiroga and García-Sayan should be disqualified for prejudice.¹⁸⁹ Although the Court finds this inadmissible as it is not a *per se* objection, it accepts Judge García-Sayan's request to be recused.¹⁹⁰ Finally, the Court rejects the State's fourth preliminary objection that the victims failed to exhaust domestic remedies because the State failed to timely raise this objection.¹⁹¹

III. MERITS

A. *Composition of the Court*¹⁹²

Cecilia Medina Quiroga, President

Sergio García Ramírez, Judge

Manuel E. Ventura Robles, Judge

Leonardo A. Franco, Judge

Margarette May Macaulay, Judge

Rhadys Abreu Blondet, Judge

Pier Paolo Pasceri Scaramuzza, Judge *Ad Hoc*

184. *Id.* ¶ 25.

185. *Id.* ¶ 15.

186. *Id.* ¶ 27.

187. *Id.*

188. *Id.* ¶ 34.

189. *Id.* ¶ 37.

190. *Id.*

191. *Id.* ¶ 44.

192. On October 18, 2007, the Court accepts the self-disqualification of Judge García-Sayán from the case. *Id.* ¶ 9.

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

January 28, 2009: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.¹⁹³

The Court found by six votes to one that Venezuela had violated:

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas)¹⁹⁴ in relation to Article 1(1) of the Convention, to the detriment of Mr. Peña Isaya, Mr. Marín Díaz, Ms. Villalba, Mr. Millán España, Ms. Lorenzo Ferrigni, Ms. Adrián García, Ms. Angola Rodríguez, Mr. Arroyo Flores, Mr. Quintero, Mr. Pacheco Villegas, Mr. Hernández, Mr. Henríquez Contreras, Mr. Lugo Durán, Ms. Perozo Cabrices, Ms. Carrasquilla Villasmil, Mr. Ficarella Martín, Mr. Power Perdomo, Mr. Paz Paz, Mr. Antonetti Moreno, Mr. Torres Ramos, Ms. Palma Troconis, Ms. León Rodríguez, Mr. Calzadilla, Mr. Núñez Fuentes, Mr. López Valle, and Ms. Balza Bolívar,¹⁹⁵ because:

Article 5(1) (Right to Physical, Mental, and Moral Integrity) establishes that every person has the right to personal, physical and moral integrity.¹⁹⁶ The State was aware of the unique vulnerabilities of the Globovisión workers and did not ensure their rights to humane treatment.¹⁹⁷

The Court found the State was aware of the events jeopardizing Globovisión employees as early as 2004, when the Commission requested, and the Court ordered, provisional measures protecting Globovisión employees.¹⁹⁸ Despite this, the State created undue proce-

193. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs.

194. Given the connection between the delay in judicial protections and the underlying facts of the case, the Court did not analyze Articles 8 and 25 distinctly from the general Article 1(1) obligation to respect rights. *Id.* ¶ 88. For the reasons asserted in the Article 5(1) and Article 13(1) analysis, the State failed to investigate and adjudicate the facts in a timely manner. *Id.* ¶ 362.

195. *Id.* ¶ 362.

196. *Id.* ¶ 114.

197. *Id.* ¶ 161.

198. *Id.* ¶ 143.

*dural and judicial delays, causing these victims to continue to face threatening situations.*¹⁹⁹ *Many of the victims became afraid of their jobs and going out in public.*²⁰⁰ *Several victims required psychological treatment, which negatively impacted those victims' interpersonal relationships.*²⁰¹

*The Court emphasized that the December 10, 2001 attack on Ms. Balza Bolívar, Mr. Quintero, and Mr. Lugo Durán was especially egregious given that Ms. Balza Bolívar was pregnant, the State knew of the attack, and the State failed to take protective actions against future attacks.*²⁰²

*Although the Court found as unproven that the State took part in every attack on Globovisión employees,*²⁰³ *the Court found that in those circumstances when the State had knowledge of threatening situations and took no action or delayed investigations,*²⁰⁴ *the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity).*²⁰⁵

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Mr. Peña Isaya, Mr. Marín Díaz, Ms. Villalba, Mr. Millán España, Ms. Lorenzo Ferrigni, Ms. Adrián García, Ms. Angola Rodríguez, Mr. Arroyo Flores, Mr. Quintero, Mr. Pacheco Villegas, Mr. Hernández, Mr. Henríquez Contreras, Mr. Lugo Durán, Ms. Perozo Cabrices, Ms. Carrasquilla Villasmil, Mr. Ficarella Martín, Mr. Power Perdomo, Mr. Paz Paz, Mr. Antonetti Moreno, Mr. Torres Ramos, Ms. Palma Troconis, Ms. León Rodríguez, Mr. Calzadilla, Mr. Núñez Fuentes, Mr. López Valle, Ms. Balza Bolívar, Mr. Dona López, Mr. Tovar Pallen, Mr. José Padilla, Mr. Rivero Bertorelli, Mr. Umbría Marín, Mr. Escalona Arnal, and Mr. Peña Hernández,²⁰⁶ because:

The State failed to remedy public assaults on Globovisión reporters and

199. *Id.*

200. *Id.* ¶ 286.

201. *Id.*

202. *Id.* ¶¶ 174, 177.

203. The Court found the representatives did not prove the State violated the victims' rights to physical, mental, and moral integrity in the events on the following dates: April 3, 2002; June 13, 2002; September 11, 2002; November 18, 2002; December 10, 2002; December 3, 2003; February 19, 2004; March 1, 2004 in relation to Ms. Carrasquilla Villasmil; and May 29, 2004. *Id.* ¶¶ 195, 197, 210, 216, 222, 233, 245, 250, 262, 279.

204. *Id.* ¶ 359.

205. *Id.* ¶ 287.

206. *Id.* ¶ 362.

*further exacerbated the hostile situation against Globovisión through official government statements that incited civilians to violence.*²⁰⁷

*Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) establishes that all individuals have the right to disseminate ideas and information in any medium, including in print, in writing, and orally.*²⁰⁸ *Freedom of expression is a pillar upon which democratic society rests, and because of this, freedom of expression must be especially protected when the ideas expressed might oppose the State.*²⁰⁹ *Any restrictions on freedom of expression must be founded on a legitimate governmental interest and imposed proportionally.*²¹⁰ *However, freedom of expression is not an absolute right and is subject to limitation when it conflicts with other rights of the Convention.*²¹¹ *The Court noted that a state violates freedoms of expression when it creates or ignores dangerous situations for those who attempt to exercise this freedom.*²¹²

*Although the actions of government supporters do not impute State responsibility per se, a state may be held responsible for those actions when private individuals act as State agents.*²¹³ *Furthermore, a State may be additionally responsible for statements from high-ranking political figures.*²¹⁴

*Here, the Court found that the repeated inflammatory speeches by the highest officials of the Chavez administration were designed to intimidate the Globovisión team between 2001 and 2005.*²¹⁵ *During this period, President Chavez, in his weekly broadcast “Aló Presidente,” identified the owners of Globovisión as participants of the coup d’Etat of 2002,*²¹⁶ *and encouraged private citizens to defend the people of the State.*²¹⁷ *Moreover, State officials, including the President, repeatedly labeled Globovisión as terrorists and threatened to cancel Globovisión, despite its status as a private company.*²¹⁸

207. *Id.* ¶¶ 123, 160.

208. *Id.* n.58.

209. *Id.* ¶ 116.

210. *Id.*

211. *Id.* ¶ 117.

212. *Id.* ¶ 118.

213. *Id.* ¶¶ 120, 147.

214. *Id.* ¶ 131.

215. *Id.* ¶ 138.

216. *Id.* ¶ 139.

217. *Id.*

218. *Id.* ¶¶ 139, 364, 366.

Additionally, the victims were all Globovisión employees, whose very jobs were to disseminate information.²¹⁹ These employees were unable to do their jobs due to the interference of and attacks by private individuals and, on occasion, State actors.²²⁰ Moreover, even though Globovisión filed criminal complaints for each of the attacks, the State largely did not investigate with due diligence or unduly delayed the proceedings.²²¹

Therefore, given Globovisión's status as political dissents and the State's inaction in protecting the free dissemination of information, the Court found the State violated Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas).²²²

The Court found six votes to one that Venezuela had not violated:

Article 13(3) (Prohibition of Restriction of Freedom of Expression by Indirect Means), in relation to Article 1(1) (Obligation to Respect Rights) because:²²³

The representatives failed to allege lack of access to official sources as part of a State policy to deliberately restrict Globovisión from covering official events.²²⁴ In this regard, the representatives alleged de facto restrictions stemming from the assaults themselves, rather than a governmental restriction on official sources.²²⁵ The representatives were required to prove State actors restricted access to official sources.²²⁶ Based solely on the multiple instances of private individuals' assaults, the Court found insufficient evidence to prove State authorities themselves placed barriers to official sources.²²⁷

Article 21 (Right to Property) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of *Globovisión* shareholders Mr.

219. *Id.* ¶¶ 119, 361.

220. *Id.* ¶¶ 361–62.

221. *Id.* ¶ 362.

222. *Id.*

223. *Id.* “Operative Paragraphs” ¶ 8.

224. *Id.* ¶¶ 394–95.

225. *Id.* ¶ 371.

226. *Id.*

227. *Id.* ¶¶ 394–95.

Ravell Arreaza and Mr. Zuloaga Núñez,²²⁸ because:

Article 21 (Right to Property) encompasses the use and enjoyment of physical property, including any part of a person's assets.²²⁹ An individual may seek recourse through the Inter-American system for the deprivation of property rights by the State.²³⁰ However, the Court has drawn distinctions between the property rights of shareholders of a company, which are domestic in nature, and the company itself.²³¹

Here, although damage was done to Globovisión equipment, it was not clearly proven this translated into a loss for Mr. Ravell Arreaza and Mr. Zuloaga Núñez.²³² Moreover, the attacks mainly affected the lives and integrity of the reporters and their respective news teams, rather than on the transmission equipment.²³³ As such, the Court found the State had not violated Article 21 (Right to Property) to the detriment of Mr. Ravell Arreaza and Mr. Zuloaga Núñez.²³⁴

Article 24 (Right to Equal Protection) in relation to Article 1(1) (Obligation to Respect Rights) because:²³⁵

Article 24 (Right to Equal Protection) prohibits discriminatory domestic laws,²³⁶ whereas Article 1(1) (Obligation to Respect Rights) requires states to respect and guarantee the free and full exercise of rights and freedoms to its citizens without any discrimination.²³⁷ Here, the representatives alleged de facto discrimination rather than statutory discrimination.²³⁸ Thus, the Court found that Article 1(1) (Obligation to Respect Rights) applied to this case, rather than Article 24 (Right to Equal Protection).²³⁹

First, private individuals orchestrated the attacks on Globovisión and its employees, thus placing the analysis of the attacks beyond the scope

228. *Id.* ¶ 403.

229. *Id.* ¶ 399.

230. *Id.*

231. *Id.* ¶ 400.

232. *Id.* ¶ 402.

233. *Id.*

234. *Id.* ¶¶ 402–403.

235. *Id.* ¶ 379.

236. *Id.*

237. *Id.*

238. *Id.* ¶ 380.

239. *Id.*

of Article 24 (Right to Equal Protection), which governs discriminatory treatment in legal proceedings.²⁴⁰ Second, the victims alleged that the same facts giving rise to the Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) violation also gave rise to an Article 24 (Right to Equal Protection) violation.²⁴¹ This included the State's unequal and discriminatory treatment of members of the media as political dissidents.²⁴² Therefore, because the discriminatory treatment was based on political opinions, the alleged discrimination was more appropriately analyzed under Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) in relation to Article 1(1), rather than Article 24 (Right to Equal Protection).²⁴³

The Court did not rule on:

Articles 1, 2, and 7(b) (Duty to Prevent, Investigate, and Punish Violence) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women ("Convention of Belem do Pará") to the detriment of the female victims,²⁴⁴ because:

*The Convention of Belem do Pará and the Convention of All Forms of Discrimination Against Women supplement international standards for the protection of women.*²⁴⁵ Article 7 of Belem do Pará expressly declares that states must ensure that state authorities abstain from any action or practice of violence against women.²⁴⁶ However, not all human rights violations to the detriment of women necessarily imply a violation of the provisions established in the Convention of Belem do Pará.²⁴⁷

*Here, the representatives failed to prove and specify how the State particularly planned or directed violent actions towards the female victims.*²⁴⁸ Although eighty percent of the assaults were committed against female victims, and there were repeated attacks on many of the female victims, the Court did not find this sufficient to establish a violation of

240. *Id.* ¶ 381.

241. *Id.* ¶ 370.

242. *Id.* ¶ 378.

243. *Id.* ¶ 380.

244. *Id.* ¶ 296, "Operative Paragraphs" ¶ 9.

245. *Id.* ¶ 291.

246. *Id.*

247. *Id.* ¶ 295.

248. *Id.* ¶ 296.

*the Convention of Belem do Pará.*²⁴⁹ *The representatives cited the December 2001 attack on Ms. Balza Bolívar, who was pregnant, and referenced derogatory pro-government publications about Ms. Angola Rodríguez.*²⁵⁰ *However, the publications were not included with the application of the case and thus were not considered.*²⁵¹ *Regarding the December 2001 incident, the Court found the representatives did not state grounds supporting their allegation that the attacks against Ms. Balza Bolívar were based on gender.*²⁵² *Rather, the Court reasoned that in all the facts alleged by the representatives, the female reporters were attacked together with their male colleagues.*²⁵³ *The representatives failed to state reasons why the female reporters were attacked apart from their affiliation with Globovisión and therefore did not satisfactorily establish that the female reporters were disproportionately attacked because of their gender.*²⁵⁴ *For these reasons, the Court deemed it inappropriate to analyze the facts of the case under the Convention of Belém do Pará.*²⁵⁵

The Court did not refer to the alleged violations of:

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection) of the Convention, because:

*The Court did not specifically address violations of either Article 8 (Right to a Fair Trial) or Article 25 (Right to Judicial Protection) because the Court found it relevant to analyze those articles as part of the State's obligation to investigate human rights violations under Article 1(1) (Obligation to Respect Rights) of the Convention.*²⁵⁶

C. Dissenting and Concurring Opinions

1. Dissenting Opinion of Judge Ad Hoc Pier Paolo Pasceri Scaramuzza

In a separate opinion, Judge Pasceri Scaramuzza dissented on pro-

249. *Id.* ¶ 288.

250. *Id.* ¶¶ 293–94.

251. *Id.*

252. *Id.* ¶ 293.

253. *Id.* ¶ 295.

254. *Id.* ¶¶ 295–96.

255. *Id.* ¶ 296.

256. *Id.* ¶ 88.

cedural and substantive grounds.²⁵⁷ Procedurally, Judge Pasceri Scaramuzza surmised that the victims did not exhaust domestic remedies, and the Court therefore erroneously decided the case.²⁵⁸ Furthermore, the State Constitution provides analogous remedies like constitutional *amparo*²⁵⁹ that would have been more appropriate for the adjudication of this case.²⁶⁰

Substantively, Judge Pasceri Scaramuzza dissented from the majority's reasoning that the State's untimely objection to non-exhaustion of domestic remedies was related to the merits and therefore the objection should have been analyzed under Articles 5 (Right to Humane Treatment) and 13 (Freedom of Thought and Expression).²⁶¹ Judge Pasceri Scaramuzza asserted that the majority analysis of those articles did not stand on sufficient evidence.²⁶² Finally, Judge Pasceri Scaramuzza considered the high level of conflict that existed in the State at the time, and the possibility that the State's responsibility may be lessened due to social and political instability.²⁶³

IV. REPARATIONS

The Court ruled six to one that the State had the following obligations:

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

1. Judgment as a Form of Reparation

The Court stated that the judgment is a *per se* form of reparation that acknowledges the State violated the human rights of the victims.²⁶⁴

257. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Dissenting Opinion of Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza, Inter-Am. Ct. H.R. (ser C.) No. 195, at 1 (Jan. 28, 2009).

258. *Id.* ¶ 3.

259. Constitutional *amparo* is a remedy that a victim can use to challenge the constitutionality of laws. It is a procedural safeguard to protect the fundamental freedoms against the State. See Gloria Rrego Hoyos, *The Amparo Context in Latin American Jurisdiction*, GLOBALEX (Apr. 2013), <http://www.nyulawglobal.org/globalex/Amparo.html>.

260. Perozo et al. v. Venezuela, Dissenting Opinion of Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza, at 4.

261. *Id.* at 10.

262. *Id.* at 11, 12.

263. *Id.* at 17.

264. Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, "And Orders" ¶10, ¶412.

2. Conduct Effective Investigations and Criminal Proceedings

The State must conduct effective investigations, criminal proceedings, and any future proceedings to identify and punish the perpetrators of the attacks.²⁶⁵

3. Publish the Judgment

The State must publish the operative paragraphs and other relevant portions of the Judgment in the Official Gazette and another newspaper with nationwide circulation within six months of notice of the Judgment.²⁶⁶

4. Implement Measures to Prevent Restrictions on Information Dissemination

Due to the state of vulnerability inflicted upon the victims by supporters of the Chavez regime, the Court determined that the State must adopt appropriate protective measures to avoid repetition of similar events and to prevent undue restrictions on the dissemination of speech.²⁶⁷

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court did not award pecuniary damages.

2. Non-Pecuniary Damages

The Court did not award non-pecuniary damages.

3. Costs and Expenses

The Court awarded \$10,000 for costs and expenses incurred in

265. *Id.* ¶ 414.

266. *Id.* ¶ 415.

267. *Id.* ¶ 416.

pursuing this matter in both the domestic and international courts.²⁶⁸

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

\$ 10,000

C. Deadlines

The State must publish the Judgment in the Official Gazette and in another newspaper with widespread circulation within six months of notification of the Judgment.²⁶⁹ The State must reimburse costs and expenses within one year of notification of the Judgment.²⁷⁰ The State must conduct investigations in accordance with international law within a reasonable time.²⁷¹ Finally, the State must provide a report on the measures adopted in compliance within one year of notification of the Judgment.²⁷²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

November 20, 2015: The Court found that the State failed to inform the Court of measures taken to comply with the Judgment, and therefore, the Court considered the State to have not complied with its obligations.²⁷³

The President of the Court noted that there have been five requests for the State to submit its compliance report,²⁷⁴ but the State had not produced a single report within five years.²⁷⁵ The Court found that the lack of action on behalf of the State constitutes a breach of treaty obligations under Articles 67 and 68.1 of the American Convention.²⁷⁶

268. *Id.* ¶¶ 418–19.

269. *Id.* ¶ 415.

270. *Id.* ¶ 420.

271. *Id.* “Operative Paragraphs” ¶ 11.

272. *Id.* ¶ 425.

273. Perozo et al v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Declara Que” ¶ 1 (Nov. 20, 2015) (Available only in Spanish).

274. Perozo et al v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Visto” ¶ 4.

275. *Id.* “Considerando Que” ¶ 2.

276. *Id.* ¶ 8.

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C.\) No. 195 \(Jan. 28, 2009\).](#)

2. Decisions on Merits, Reparations and Costs

[Perozo et al. v. Venezuela, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C.\) No. 195 \(Jan. 28, 2009\).](#)

[Perozo et al. v. Venezuela, Preliminary Objections, Dissenting Opinion of Judge *Ad Hoc* Pier Paolo Pasceri Scaramuzza, Inter-Am. Ct. H.R. \(ser. C\) No. 195 \(Jan. 28, 2009\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Perozo et al v. Venezuela, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 20, 2015\) \(Available only in Spanish\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

Perozo et al. Venezuela, Petition No. 487/03, Inter-Am. Comm'n H.R. (June 27, 2003).

2. Report on Admissibility

[Perozo et al. v. Venezuela, Admissibility Report, Report No. 7/04, Inter-Am. Comm'n H.R., Case No. 12.442 \(Feb. 27, 2004\).](#)

3. Provisional Measures

[None]

4. Report on Merits

Perozo et al. v. Venezuela, Report on Merits, Report No. 61/06, Inter-Am. Comm'n H.R., Case No. 12.442 (Oct. 26, 2006).

5. Application to the Court

[Perozo et al. v. Venezuela, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.442 \(Apr. 12, 2007\).](#)

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