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### González et al. v. Venezuela

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# González et al. v. Venezuela

## ABSTRACT<sup>1</sup>

*This case is about Venezuela's failure to properly investigate and prosecute a series of crimes that had been committed in the context of a feud between a family belonging to the Wayúú indigenous group and a local gang. Eventually, the Court found Venezuela responsible for the violation of several articles of the American Convention.*

## I. FACTS

### A. Chronology of Events

**Before November 23, 1998:** The González family lives in Maracaibo, Zulia, Venezuela.<sup>2</sup> Mr. Fernando González and Ms. Aura González live with their two daughters, Ms. María Angélica González and Ms. Belkis Mirelis González, in the El Mamón neighborhood.<sup>3</sup> Their older son, Mr. Olimpiades González, lives in the same neighborhood.<sup>4</sup> Mr. Luis Guillermo González and Wilmer Antonio Barliza González are cousins of the family and also live in the area.<sup>5</sup> The González family belongs to the Wayúú indigenous group.<sup>6</sup>

The Meneses Fernández family lives in the same neighborhood and has had conflicts with the González family for the past several years.<sup>7</sup> Mr. Barliza González claimed that the Meneses Fernández family belonged to a gang of delinquents, locally known as the

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<sup>1</sup> Celene Afari, Author; Callie Keller, Editor; Emily Bernstein and Davina Shoumer, Senior IACHR Editors; Sophia Suarez, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

<sup>2</sup> González et al. v. Venezuela, Report on Merits, Report No. 117/18, Inter-Am. Comm'n H.R., Case No. 12.829, ¶ 14 (Oct. 5, 2018).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 436, ¶ 26 (Sept. 20, 2021).

<sup>6</sup> González et al. v. Venezuela, Report on Merits, ¶ 15.

<sup>7</sup> *Id.*

“Zamuros.”<sup>8</sup> The families’ conflict centered on the Meneses Fernández family’s involvement with a truck theft.<sup>9</sup> Members of the Fernández blame the González family for the police’s seizure of their property and demand monetary compensation.<sup>10</sup> Mr. Barliza González also claims that the Fernández family threatened him and were involved in his brother’s murder before this case.<sup>11</sup>

**November 23, 1998:** At 2:00 A.M., an on-duty officer in the Catacumbo neighborhood discovers Mrs. Carmen Fernández’s body outside a house and calls the Secretary of the Homicide Brigade.<sup>12</sup> Mrs. Fernández has died from a gunshot wound.<sup>13</sup> Immediately after, the Fourth Criminal Judge of First Instance receives this information from the Judicial Technical Police (PTJ) and commences the investigation.<sup>14</sup>

Around 3:00 A.M., the authorities detain Ms. Mirelis González and Ms. Angélica González, confiscating a shotgun allegedly belonging to their brother Mr. Olimpiades González.<sup>15</sup> While Mr. Fernando González asks about his children’s detention, the PTJ and police also detain him.<sup>16</sup> The PTJ and police later justify Mr. Fernando González’s detention through a decree claiming evidence of his involvement in Mrs. Fernández’s death.<sup>17</sup> The PTJ issues warrants to arrest and continue to detain Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González.<sup>18</sup>

**November 25, 1998:** The authorities transfer Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González to the Public Ministry to provide their statements to the investigation’s lead prosecutor and their defense lawyers.<sup>19</sup> The three refuse until they are in

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<sup>8</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 33 n. 30.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> González et al. v. Venezuela, Report on Merits, ¶ 16.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* ¶¶ 17-19.

<sup>16</sup> *Id.* ¶ 21.

<sup>17</sup> *Id.* ¶ 22.

<sup>18</sup> González et al. v. Venezuela, Report on Merits, ¶ 23; González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 37.

<sup>19</sup> González et al. v. Venezuela, Report on Merits, ¶ 25.

court.<sup>20</sup> One of the parties orders an expert examination of the shotgun.<sup>21</sup>

**December 4, 1998:** The First Criminal Court has a hearing where Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González provide statements and deny participating in Mrs. Fernández's death.<sup>22</sup>

**December 8, 1998:** Ms. Brenda Meneses, Mrs. Fernández's daughter, identifies Ms. Angélica González and Mr. Fernando González in a line-up of murder suspects.<sup>23</sup> Ms. Betty Fernández identifies Mr. Fernando González.<sup>24</sup> Additionally, Ms. Luzmila Meneses identifies all three in a line-up.<sup>25</sup>

**December 10, 1998:** The First Criminal Court orders judicial detention for Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González after considering their statements and identification per Article 182 of Venezuela's criminal procedure code.<sup>26</sup> Specifically, the judge found sufficient indications that the alleged victims had criminal responsibility based on statements made by Mrs. Fernández's relatives and other alleged witnesses.<sup>27</sup> The First Court orders them to be sent to the Maracaibo National Prison in general population with convicted inmates.<sup>28</sup>

**December 13, 1998:** The attorney representing the González family requests their transfer to the El Marite jail because they receive death threats from the inmates at Maracaibo National Prison.<sup>29</sup>

**December 14, 1998:** The First Criminal Court orders Maracaibo's Director to ensure Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González's safety on account of being Wayú.<sup>30</sup>

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<sup>20</sup> González et al. v. Venezuela, Report on Merits, ¶ 25.

<sup>21</sup> *Id.* ¶ 26.

<sup>22</sup> *Id.* ¶ 27.

<sup>23</sup> *Id.* ¶ 28.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> González et al. v. Venezuela, Report on Merits, ¶ 29; González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 41.

<sup>27</sup> González et al. v. Venezuela, Report on Merits, ¶ 29.

<sup>28</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 41.

<sup>29</sup> González et al. v. Venezuela, Report on Merits, ¶ 30.

<sup>30</sup> *Id.* ¶ 31.

**December 18, 1998:** Maracaibo's Director confirms the three's safety since arriving in Maracaibo.<sup>31</sup> The Director states that Ms. Angélica González and Ms. Mirelis González were in a secure area and that Mr. Fernando González was in the infirmary.<sup>32</sup> Specifically, Ms. Angélica González and Ms. Mirelis González were in solitary confinement with a convicted felon with insufficient access to water and medical care.<sup>33</sup>

**December 21, 1998:** The First Criminal Court orders Mr. Fernando González's transfer to El Marite.<sup>34</sup>

**January 8, 1999:** The three González members appeal from the December 10, 1998, arrest warrant.<sup>35</sup>

**January 28, 1999:** The Fourth Criminal Court affirms the First Court's arrest warrant.<sup>36</sup>

Additionally, the police arrest Mr. Barliza González, Mr. Guillermo González, and Mr. Olimpiades González and state that Mr. Olimpiades González called them to report a shooting in his neighborhood.<sup>37</sup> The police report that following their arrival at the scene of the alleged shooting, Ms. Luzmila Fernández claimed that Mr. Olimpiades González made a false report and that he along with Mr. Barliza González and Mr. Guillermo González shot at her.<sup>38</sup> The police report that they arrested the three men at Mr. Olimpiades González's house and took two weapons allegedly related to Ms. Fernández's death.<sup>39</sup>

Alternatively, Mr. Barliza González states that they ran to their aunt's house because a group of Zamuros shot at them.<sup>40</sup> Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González claim that Ms. Luzmila Fernández planted weapons and called the police.<sup>41</sup>

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<sup>31</sup> González et al. v. Venezuela, Report on Merits, ¶ 31.

<sup>32</sup> *Id.*

<sup>33</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 151.

<sup>34</sup> González et al. v. Venezuela, Report on Merits, ¶ 32. The Commission stated they had no information about whether Ms. Angélica González or Ms. Mirelis González were transferred.

<sup>35</sup> *Id.* ¶ 33.

<sup>36</sup> *Id.* ¶ 34.

<sup>37</sup> *Id.* ¶ 35.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> González et al. v. Venezuela, Report on Merits, ¶ 36.

<sup>41</sup> *Id.*

**January 29, 1999:** The police detain Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González at El Marite.<sup>42</sup>

**February 5, 1999:** Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González request release on bail.<sup>43</sup> There is a line-up, but the Commission does not receive any information about it.<sup>44</sup>

**February 10, 1999:** Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González give their statements.<sup>45</sup>

**February 12, 1999:** Mr. Nacibis del Carmen Tovas Ruiz, a witness, verifies the events as recounted in Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González's statements.<sup>46</sup> The First Criminal Court considers the police report and line-up and issues an arrest warrant and detention for Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González based on their finding of sufficient indices of criminal responsibility.<sup>47</sup> The court relies on the January 28, 1999 police report, including the police's seizure of firearms belonging to the alleged victims and identification of nearby witness to make this determination.<sup>48</sup>

**Between February 12 and 19, 1999:** Ms. María Antonia González requests the court to transfer her sons Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González from Maracaibo to El Marite due to threats from the Fernández family.<sup>49</sup>

**February 19, 1999:** The First Court orders Maracaibo's director to report on whether inmates or visitors had threatened them.<sup>50</sup> The report indicates that the Zamuros gang threatened them.<sup>51</sup>

**March 2, 1999:** The First Court transfers Mr. Barliza González,

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<sup>42</sup> González et al. v. Venezuela, Report on Merits, ¶ 37.

<sup>43</sup> *Id.* ¶ 38.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* ¶ 39.

<sup>46</sup> *Id.* ¶ 40.

<sup>47</sup> *Id.* ¶ 41.

<sup>48</sup> González et al. v. Venezuela, Report on Merits, ¶ 41.

<sup>49</sup> *Id.* ¶ 42.

<sup>50</sup> *Id.* ¶ 43.

<sup>51</sup> *Id.*

Mr. Olimpiades González, and Mr. Guillermo González to El Marite.<sup>52</sup>

**March 5, 1999:** Mr. Barliza González, Mr. Olimpiades González, and Mr. Guillermo González appeal the First Criminal Court's arrest warrant, claiming that the line-up procedure was invalid because their pictures were published in a local newspaper five days before the line-up was conducted.<sup>53</sup>

**April 8, 1999:** The Fourth Superior Court's head judge recuses himself from the appeal after Ms. Fernández's family members threaten him.<sup>54</sup>

**April 21, 1999:** The Ninth Superior Criminal Court revokes the arrest warrants for Mr. Olimpiades González and Mr. Guillermo González, but ratifies Mr. Barliza González's preventive detention.<sup>55</sup>

**September 29, 1999:** The Mixed Court of First Instance Criminal Trial acquits Mr. Fernando González, Ms. Angélica González, Ms. Mirelis González, and Mr. Barliza González, ordering their release.<sup>56</sup>

**May 24, 2001:** Mr. Fernando González, Ms. Angélica González, Mr. Barliza González, and Ms. Mirelis González request compensation from Trial Court No. 2 for the arbitrary deprivation of liberty during their respective criminal proceedings.<sup>57</sup>

**August 24, 2001:** Trial Court No. 2 grants the request for compensation and orders the Attorney General's Office to pay a sum of money proportional to the number of days the State deprived each victim's liberty.<sup>58</sup>

**September 19, 2001:** Unidentified people shoot Mr. Olimpiades González three times while he is going to the Prosecutor's office.<sup>59</sup>

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<sup>52</sup> González et al. v. Venezuela, Report on Merits, ¶ 44.

<sup>53</sup> *Id.* ¶ 45.

<sup>54</sup> *Id.* ¶ 46.

<sup>55</sup> *Id.* ¶ 47.

<sup>56</sup> *Id.* ¶ 50.

<sup>57</sup> *Id.* ¶ 52.

<sup>58</sup> González et al. v. Venezuela, Report on Merits, ¶ 53.

<sup>59</sup> *Id.* ¶ 58.

**October 29, 2001:** The Attorney General's Office appeals, claiming that Trial Court No. 2 misapplied the rules in granting the request for compensation on August 24, 2001.<sup>60</sup>

**November 26, 2001:** The Fifth Control Court orders two months of police protection for Mr. Olimpiades González.<sup>61</sup> Mr. Olimpiades González claims the police did not follow their implemented patrolling measures because the police were not following the assigned hours.<sup>62</sup> The Court of Appeals also overturns Trial Court No. 2's earlier award for compensation, stating that the trial court incorrectly recognized an arbitrary deprivation of liberty during criminal proceedings.<sup>63</sup>

**June 13, 2002:** The Supreme Court of Justice declares an appeal filed by the alleged victims, following the November 26, 2011 decision by the Court of Appeals, inadmissible.<sup>64</sup>

**May 29, 2003:** The alleged victims appeal the Supreme Court's decision on June 13, 2002 which the court later declares inadmissible on July 30, 2003.<sup>65</sup>

**January 21, 2004:** The alleged victims request the Supreme Court to interpret articles under Venezuela's Code of Criminal Procedure relating to compensation when (1) a person is acquitted, and where (2) a court deprives an accused party of their liberty when their participation is not proven.<sup>66</sup>

**March 30, 2004:** Mr. Olimpiades González requests the police to reopen the investigation of his shooting and states that Mr. Roberto Meneses was involved in the shooting.<sup>67</sup>

**October 5, 2004:** The Supreme Court finds the request inadmissible as the alleged victims failed to persuade the court of an insufficient understanding of the content and application of articles.<sup>68</sup>

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<sup>60</sup> González et al. v. Venezuela, Report on Merits, ¶ 54.

<sup>61</sup> *Id.* ¶ 59.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* ¶ 54.

<sup>64</sup> *Id.* ¶ 55.

<sup>65</sup> *Id.* ¶ 56.

<sup>66</sup> González et al. v. Venezuela, Report on Merits, ¶ 57.

<sup>67</sup> *Id.* ¶ 63.

<sup>68</sup> *Id.* ¶ 57.



**December 11, 2006:** At approximately 5:00 P.M., Mr. Olimpiades González is shot three times in the back while in a restaurant and killed.<sup>69</sup> The shooter is allegedly Mr. Hilario Segundo Fernández.<sup>70</sup>

**March 14, 2007:** The Prosecutor's Office orders the following investigations: (1) an autopsy of Mr. Olimpiades González; (2) a legal medical examination; (3) ballistic testing; (4) medical records; (5) lead from Mr. Olimpiades González's body; and (5) interviewing witnesses.<sup>71</sup>

Venezuela informs the public that it has identified a possible shooter but still does not know of their location.<sup>72</sup> It discloses no information about the suspect's efforts to flee, and although it intends to keep the case open, it requests support from the International Organization of Police ("INTERPOL").<sup>73</sup>

**March 2011:** Venezuela alleges the investigation is complex and ongoing because the suspect is a fugitive.<sup>74</sup> The last update of this case is a March 2011 letter.<sup>75</sup>

### *B. Other Relevant Facts*

The González family are members of the indigenous Wayuú people, a group originally from the La Guajira peninsula in Colombia.<sup>76</sup> Many of the Wayuú people in Venezuela emigrated to work in the State's sugar cane and oil economies.<sup>77</sup> In 1944, the Venezuelan government forced the relocation of hundreds of Wayuú people to Maracaibo.<sup>78</sup>

Article 182 of the Venezuelan Code of Criminal Procedure authorizes domestic courts to detain people accused of criminal actions through a reasoned decision, so long as the accused's act merits corporal punishment and there exists well-founded indications of the

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<sup>69</sup> González et al. v. Venezuela, Report on Merits, ¶ 65.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* ¶ 67.

<sup>72</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 81.

<sup>73</sup> *Id.*

<sup>74</sup> González et al. v. Venezuela, Report on Merits, ¶ 68.

<sup>75</sup> *Id.*

<sup>76</sup> Minority Rights Group International, *Wayuú in Venezuela* (Dec. 2017), <https://minorityrights.org/communities/wayuu/>.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

accused's guilt.<sup>79</sup>

The relevant arrests in Venezuela were subject to detention based on the Constitution's instruction.<sup>80</sup> For example, Article 45 of Venezuela's Constitution states that detentions of suspects done by police could be necessary when the police are acting in cases that were necessary and urgent.<sup>81</sup> However, these detentions must be substantiated in writing.<sup>82</sup> Furthermore, Article 60 requires that the police only detain the suspect when indispensable to their investigation and prosecution processes.<sup>83</sup>

## II. PROCEDURAL HISTORY

### *A. Before the Commission*

**January 22, 2004:** Mr. Olimpiades González and Ms. María Angélica González (hereinafter “the petitioning party”) petition the Inter-American Commission on Human Rights on behalf of themselves, Mr. Fernando González, Mr. Guillermo González, Mr. Barliza González, and Ms. Mirelis González.<sup>84</sup> Inter-American Public Defenders Renée Mariño Álvarez and Javier Mogrogevo represent the alleged victims.<sup>85</sup>

**October 19, 2011:** The Commission adopts admissibility report No. 121/11.<sup>86</sup>

**October 5, 2018:** The Commission adopts Merits Report No. 117/18 (hereinafter “Merits Report”), concluding that the State violated the following articles of the American Convention: 4(1) (Prohibition of Arbitrary Deprivation of Life); 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(4) (Right of Accused to Be Segregated from Convicted Persons); 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of

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<sup>79</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 116.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* ¶ 110.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* ¶ 109.

<sup>84</sup> González et al. v. Venezuela, Report on Merits, ¶ 1.

<sup>85</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 6 n.7.

<sup>86</sup> *Id.* ¶ 2 (b).

Arbitrary Arrest or Imprisonment), 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) and 7(6) (Right to Have Recourse Before a Competent Court); 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 8(2) (Right to Be Presumed Innocent) and 25(1) (Right of Recourse Before a Competent Court), in relation to the obligations established in Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effects to Rights) of the American Convention.<sup>87</sup>

**November 8, 2018:** The Commission notifies Venezuela of the Merits Report and grants it two months to comply.<sup>88</sup> After two extensions, Venezuela does not request an additional extension nor report on its compliance.<sup>89</sup>

### *B. Before the Court*

**August 8, 2019:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>90</sup>

**August 30, 2019-December 19, 2019:** The Court suspends case proceedings because of failed Secretariat attempts to contact victims for their legal representation.<sup>91</sup>

**June 10, 2020:** The Court again requests victims' contact information and responds on June 16, 2020.<sup>92</sup>

**June 18, 2020:** The Secretariat contacts the victims and reopens the case.<sup>93</sup>

**June 23, 2020:** The victims request that the Court appoint the Inter-American Public Defenders ("the Representatives") on July 6, 2020.<sup>94</sup>

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<sup>87</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 2 (c) n.2.

<sup>88</sup> *Id.* ¶ 2 (d).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* ¶ 3.

<sup>91</sup> *Id.* ¶ 5.

<sup>92</sup> *Id.*

<sup>93</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 5.

<sup>94</sup> *Id.*

**July 10, 2020:** The victims and Venezuela receive notice about the case submission.<sup>95</sup>

**September 9, 2020:** The Inter-American Public Defenders present its brief, motions, and evidence.<sup>96</sup> They present additional allegations concerning Mr. Olimpiades González’s death and the State’s failure to sufficiently investigate it.<sup>97</sup>

**December 1, 2020:** The State presents its briefs and disputes the alleged human rights violations and reparations.<sup>98</sup>

### 1. Violations Alleged by Commission<sup>99</sup>

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 5(4) (Right of Accused to Be Segregated from Convicted Persons)

Article 7(1) (Right to Personal Liberty and Security)

Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions

Previously Established by Law)

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time)

Article 7(6) (Right to Have Recourse Before a Competent Court)

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

Article 8(2) (Right to Be Presumed Innocent)

Article 25(1) (Right of Recourse Before a Competent Court)

*all in relation to:*

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

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

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<sup>95</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 6.

<sup>96</sup> *Id.* ¶ 7.

<sup>97</sup> *Id.* n. 8.

<sup>98</sup> *Id.* ¶ 8.

<sup>99</sup> González et al. v. Venezuela, Report on Merits, “Conclusions and Recommendations” ¶ 110.

## 2. Violations Alleged by Representatives of the Victims<sup>100</sup>

Same Violations Alleged by Commission, plus:

Article 1 (Obligation to Prevent and Punish Torture)

Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment)

Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.

### III. MERITS

#### A. *Composition of the Court*

Elizabeth Odio Benito, President

L. Patricio Pazmiño Freire, Vice President

Eduardo Vio Grossi, Judge

Humberto Antonio Sierra Porto, Judge

Eduardo Ferrer Mac-Gregor Poisot, Judge

Eugenio Raúl Zaffaroni, Judge

Ricardo C. Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

#### B. *Decision on the Merits*

**September 20, 2021:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.<sup>101</sup>

The Court found unanimously that Venezuela had violated:

Article 7(1) (Right to Personal Liberty and Security) and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Mirelis González, Ms. Angélica González, Mr. Fernando

<sup>100</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 7 n. 8. Mr. Javier Mogrogevo, and Ms. Renée Mariño Álvarez served as representatives of Mr. Olimpiades González, Ms. Angélica González, Ms. Mirelis González, Mr. Fernando González, Mr. Barliza González, and Mr. Guillermo González.

<sup>101</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, “And Orders” ¶ 18.

González, Mr. Barliza González, Mr. Guillermo González, and Mr. Olimpiades González,<sup>102</sup> because:

*Any violation of Article 7(2)-(7) violates Article 7(1).<sup>103</sup> The Court explained that these articles require states to adhere to formal legal procedures and only restrict individuals' personal liberties for reasons outlined under established law.<sup>104</sup> To avoid arbitrary arrests, the Court requires police to clearly indicate their justifications for detaining potential suspects.<sup>105</sup> The Court additionally stresses the threat that arbitrary detention poses on other rights given that it is unpredictable, unproportioned, and unreasonable.<sup>106</sup> Furthermore, the Court explained that Article 7(5)(Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) includes the concept of judicial control which requires the judiciary to review preventive detentions within a reasonable time.<sup>107</sup>*

*Accordingly, the Venezuelan police must point to powers referenced in domestic law to detain a suspect when preventing and investigating crimes.<sup>108</sup> Here, they contemplated justifications including (1) a crime in progress (in flagrante), (2) order of a higher judicial authority, or (3) to satisfy the necessary and urgent needs of the police.<sup>109</sup> In this case, the Court determined that the most appropriate reason for the police to arrest the alleged victims was necessity and urgency to pursue their investigation.<sup>110</sup> However, the police failed to substantiate their claims of necessity or urgency for arresting the victims, given that their detention was not essential to the police's investigation.<sup>111</sup>*

*The Court concluded that the initial detentions of Ms. Mirelis González, Ms. Angélica González, Mr. Fernando González, Mr. Barliza González, Mr. Guillermo González, and Mr. Olimpiades González violated Articles (1) (Right to Personal Liberty and Security) and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and*

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<sup>102</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, “Declares” ¶ 1.

<sup>103</sup> *Id.* ¶ 94.

<sup>104</sup> *Id.* ¶ 95.

<sup>105</sup> *Id.* ¶ 96.

<sup>106</sup> *Id.* ¶ 97.

<sup>107</sup> *Id.* ¶ 100.

<sup>108</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 96.

<sup>109</sup> *Id.* ¶ 107.

<sup>110</sup> *Id.* ¶¶ 108-109.

<sup>111</sup> *Id.* ¶ 112.

*Conditions Previously Established by Law), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention.*<sup>112</sup>

Article 7(1) (Right to Personal Liberty and Security), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), and 8(2) (Right to Be Presumed Innocent), in relation to Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effects to Rights) of the Convention, to the detriment of Ms. Mirelis González, Ms. Angélica González, Mr. Fernando González, Mr. Barliza González, Mr. Guillermo González, and Mr. Olimpiades González,<sup>113</sup> because:

*Article 7 ensures that detentions are unarbitrary by requiring the State to: (1) possess sufficient evidence against suspects for criminal charges; (2) ensure the detention is necessary, appropriate, and strictly proportionate; and (3) explain sufficient justification for the detentions.*<sup>114</sup> *Judges must periodically review preventive detentions and justify the practice when those detained apply for release.*<sup>115</sup> *Under Article 8 (Right to a Fair Trial), the State must presume the detainee's innocence and present justifiable facts to support their detention.*<sup>116</sup> *To detain accused parties without these considerations would be a punishment before a guilty verdict.*<sup>117</sup> *The Court emphasized that a State's decision to detain an accused individual should not be related to their background nor the crime's nature.*<sup>118</sup> *Articles 1(1) (Obligation of Non-Discrimination) and 2 (Obligation to Give Domestic Legal Effects to Rights) of the Convention requires the State to create legislation to comply with the above obligations and to prevent practices that violate these obligations.*<sup>119</sup>

*The Court first analyzed how Venezuela detained the victims, relying on Article 182 on December 10, 1998 and February 12, 1999 to justify each set of detentions.*<sup>120</sup> *In earlier cases, the Court found that states detaining an accused person without a legitimate purpose and with unsubstantiated evidence of criminal responsibility violated the*

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<sup>112</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 113.

<sup>113</sup> *Id.* "And Orders" ¶ 2.

<sup>114</sup> *Id.* ¶ 98.

<sup>115</sup> *Id.* ¶ 99.

<sup>116</sup> *Id.* ¶ 102.

<sup>117</sup> *Id.* ¶¶ 120-121.

<sup>118</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 102.

<sup>119</sup> *Id.* ¶ 103.

<sup>120</sup> *Id.* ¶ 115.

*Convention.*<sup>121</sup> *The Court found that the judges for the appeals insufficiently evaluated whether Venezuela had a valid purpose for detaining the victims and alternatives to detention.*<sup>122</sup> *As the judges failed to substantiate the necessity of detaining the victims and periodically review their detention, the State arbitrarily detained the victims, violating Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) and 7(1)(Right to Personal Liberty and Security).*<sup>123</sup>

*Additionally, the Court analyzed whether the State violated Article 8(2) (Right to Be Presumed Innocent) in relation to Articles 1(1) and (2) when approving the detentions based on Article 182.*<sup>124</sup> *As the State detained the victims here for alleged criminal responsibility rather than legitimate procedural grounds, their detention violated Article 8(2) (Right to Be Presumed Innocent).*<sup>125</sup> *Furthermore, Article 182 did not conform with the obligations referred to in Articles 1(1) and 2.*<sup>126</sup> *The Court determined that they did not need to analyze whether the length of detention violated Articles 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) and 8(2) (Right to Be Presumed Innocent) because it already evaluated these points in its analysis of the State's violation of Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment).*<sup>127</sup>

Article 7(1) (Right to Personal Liberty and Security) and 7(6) (Right to Have Recourse Before a Competent Court), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Barliza González, Mr. Fernando González, Ms. Angélica González, and Ms. Mirelis González,<sup>128</sup> because:

*Similar to guarantees in Article 7(5), Article 7(6) protects the right to an effective appeal regarding detention.*<sup>129</sup> *The Court determined that it was not necessary to analyze these facts under Article 25 (Right to Judicial Protection) since Article 7(6) specifically regards judicial oversight of personal liberty.*<sup>130</sup> *The Court interpreted Article 7(6) to*

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<sup>121</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 117.

<sup>122</sup> *Id.* ¶ 118.

<sup>123</sup> *Id.* ¶ 119.

<sup>124</sup> *Id.* ¶ 121.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 122.

<sup>128</sup> *Id.* ¶ 3.

<sup>129</sup> *Id.* ¶ 101.

<sup>130</sup> *Id.* ¶ 124.



require that the State must possess formal legislative roots in the domestic legal system and ensure expediency in determining the legality of the petitioner's arrest or detention.<sup>131</sup> Mr. Fernando González, Ms. Angélica González, Mr. Guillermo González, Mr. Barliza González, and Mr. Olimpiades González all requested alternatives to preventative detention.<sup>132</sup> The Court analyzed three different requests: (1) the requests for alternatives to detention, (2) the subsequent appeals of these decisions, and (3) later requests for alternatives to detention.<sup>133</sup>

The first set of requests for alternate measures to detention did not question whether the victims' detention was legal.<sup>134</sup> The Court thus determined that it need not apply Article 7(6) (Right to Have Recourse Before a Competent Court) to its analysis of these first requests.<sup>135</sup> Accordingly, the appeals did not violate this article because the effectively evaluated whether the detention's legality without delaying this determination.<sup>136</sup>

The Court then evaluated the January and March appeal of the preventive detentions.<sup>137</sup> Here, the Court found the State did not violate Article 7(6) (Right to Have Recourse Before a Competent Court) because the State reviewed the victims' claims without excessive delay.<sup>138</sup>

Finally, the Court reviewed the request for alternative detention denied by the lower Venezuelan court.<sup>139</sup> Although the petitioners did not present a flight risk nor an obstruction to the proceedings, the lower court denied the requests without any explanation as to why.<sup>140</sup> The Court found that the lower Venezuelan court failed to sufficiently evaluate evidence supporting the release of the petitioners.<sup>141</sup> More simply, the mere presence of a judicial proceeding to hear the petitioners' claim for a release without adequate evaluation of the evidence presented effectively denied the petitioners their right to an appeal necessary to protect their personal liberty.<sup>142</sup> Accordingly, the State failed to sufficiently evaluate the petitioners' request for a release

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<sup>131</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 101.

<sup>132</sup> *Id.* ¶ 125.

<sup>133</sup> *Id.* ¶ 126.

<sup>134</sup> *Id.* ¶ 127.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 128.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.* ¶ 129.

<sup>140</sup> *Id.* ¶ 130.

<sup>141</sup> *Id.* ¶ 131.

<sup>142</sup> *Id.*

*under Article 7(6) (Right to Have Recourse Before a Competent Court).*<sup>143</sup>

Article 5(1) (Right to Physical, Mental, and Moral Integrity), 5(4) (Right of Accused to Be Segregated from Convicted Persons), and 8(2) (Right to Be Presumed Innocent) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Fernando González, Ms. Mirelis González, Ms. Angélica González, Mr. Guillermo González, Mr. Barliza González, and Mr. Olimpiades González,<sup>144</sup> because:

*The Court reinforced that Article 5(1) (Right to Physical, Mental, and Moral Integrity) requires states to protect detainees' rights to detention conditions which allow them to have dignity.*<sup>145</sup> *The Court interpreted Articles 5(4) (Right of Accused to Be Segregated from Convicted Persons) to require that states have a system which differentiates between those who have been detained or convicted both in how prisons classify inmates and in the physical location of inmates and detainees.*<sup>146</sup> *The Court emphasized the connection between Articles 5(4) and 8(2) of the Convention for detainees' rights as a way to protect the detainees' right to be presumed innocent before trial.*<sup>147</sup> *Because of this connection, the Court analyzed Article 8(2) of the American Convention despite neither the Commission nor the victims' representatives alleging a violation.*<sup>148</sup>

*The State failed to meet this requirement as it held the victims in a penitentiary with convicted prisoners intended to hold only convicted inmates, violating Articles 5(4) (Right of Accused to Be Segregated from Convicted Persons) and 8(2) (Right to Be Presumed Innocent) of the Convention.*<sup>149</sup>

Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Right to Protection From Torture or Cruel, Inhuman, or Degrading Punishment or Treatment), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention and Article (6) (Obligation to

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<sup>143</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 132.

<sup>144</sup> *Id.* ¶ 4.

<sup>145</sup> *Id.* ¶ 142.

<sup>146</sup> *Id.* ¶ 143.

<sup>147</sup> *Id.* ¶¶ 143-144.

<sup>148</sup> *Id.*

<sup>149</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 147.

Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment) of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Ms. Mirelis González and Ms. Angélica González,<sup>150</sup> because:

*The Court analyzed the listed articles as described above. Additionally, the Court emphasized that Article 5(2) (Right to Protection from Torture or Cruel, Inhuman, or Degrading Punishment or Treatment) prohibits a range of mistreatment, reinforced by Article (6) (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment) of the Inter-American Convention to Prevent and Punish Torture.*<sup>151</sup>

*The Court then assessed how Venezuela responded to threats against the victims.*<sup>152</sup> *The Court concluded that Venezuela protected the victims by relocating them after learning of the threats against them.*<sup>153</sup> *The Court concluded that this response did not violate Article 5(1).*<sup>154</sup>

*The Court also looked to Venezuela's treatment of Ms. Angélica González and Ms. Belkis González.*<sup>155</sup> *The State placed Ms. Angélica González and Ms. Belkis González in solitary confinement with a convicted prisoner for multiple months to protect them from threats in the general population.*<sup>156</sup> *The cell lacked sufficient living space, access to water, and medical care.*<sup>157</sup> *The Court emphasized that protective measures should not violate other rights protected by the Convention.*<sup>158</sup> *These conditions subjugated the two to degrading treatment under Articles 5(1) and 5(2), only justifiable as a measure of last resort for a brief duration and with sufficient protections.*<sup>159</sup>

*Furthermore, the Court found that Ms. Angélica González and Ms. Belkis González's prolonged subjugation by the State to such the deplorable conditions they faced in solitary confinement qualified as cruel and inhuman treatment as the conditions violated their integrity*

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<sup>150</sup> González et al. v. Venezuela, Merits, Reparations, and Costs "And Orders" ¶ 5.

<sup>151</sup> *Id.* ¶¶ 145-146.

<sup>152</sup> *Id.* ¶ 148.

<sup>153</sup> *Id.* ¶¶ 148-150.

<sup>154</sup> *Id.* ¶ 150.

<sup>155</sup> *Id.* ¶ 151.

<sup>156</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 151.

<sup>157</sup> *Id.*

<sup>158</sup> *Id.* ¶ 152.

<sup>159</sup> *Id.* ¶¶ 152-153.

*under Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment).*<sup>160</sup>

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Angélica González, Ms. Mirelis González, Mr. Fernando González, Mr. Guillermo González, Mr. Barliza González, and Ms. Joselin González,<sup>161</sup> because:

*The Court reiterated recognition that long delays may violate judicial guarantees in cases when analyzed within the case's circumstances.*<sup>162</sup> *The Court supported this conclusion by reviewing the length of time from the first procedural actions until the final judgment after appeals.*<sup>163</sup>

*The Court found the fifteen-year delay in the State's investigation of Mr. Olimpiades González's death excessive.*<sup>164</sup> *The State failed to prove that it acted diligently in resolving the investigation.*<sup>165</sup> *Furthermore, the mere facts that the suspect was a fugitive and that Venezuela notified INTERPOL about the arrest warrant did not excuse Venezuela's failure to locate the alleged perpetrator.*<sup>166</sup> *Accordingly, the State breached Article 8(1) by failing to sufficiently investigate Mr. Olimpiades González's death.*<sup>167</sup>

The Court found unanimously that Venezuela had not violated:

Articles 1 (Obligation to Prevent and Punish Torture) and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture,<sup>168</sup> because:

*The Court stated that Article 1 (Obligation to Prevent and Punish Torture) and Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment)*

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<sup>160</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 153.

<sup>161</sup> *Id.* “And Orders” ¶ 6.

<sup>162</sup> *Id.* ¶ 185.

<sup>163</sup> *Id.*

<sup>164</sup> *Id.* ¶ 187.

<sup>165</sup> *Id.*

<sup>166</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 187.

<sup>167</sup> *Id.* ¶ 188.

<sup>168</sup> *Id.* “And Orders” ¶ 7.

*reinforced the absolute protection of people against torture by their government, while Article 8 (Obligation to Investigate and Prosecute) creates the duty for the State to investigate complaints of torture and pursue criminal proceedings when necessary.<sup>169</sup> These obligations reinforce the State's obligations in Article 5 (Right to Humane Treatment) of the American Convention.<sup>170</sup> Given that the lower domestic court did hear the issues brought forward by the petitioners, the Court found that Venezuela sufficiently fulfilled its duty in investigating the conditions the petitioners experienced in prison.<sup>171</sup> Therefore, the State did not violate these articles.<sup>172</sup>*

Article 25(1) (Right of Recourse Before a Competent Court) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention,<sup>173</sup> because:

*Article 25(1) requires states to ensure effective and appropriate means of recourse and remedies for violations of individual's rights.<sup>174</sup> The Court also added that states must create legal and institutional systems to protect access to such remedies.<sup>175</sup> Therefore, the Court evaluated the State's compliance with these measures based on the presence of such institutions.<sup>176</sup> In reviewing the facts about the victims' requests for compensation, the Court found there were no procedural obstacles proven for this case that prevented them having their case heard.<sup>177</sup> Furthermore, the Court determined that the State's Court of Appeals rejected the victims' claims based on domestic law which the Court could not analyze.<sup>178</sup> Therefore, the State did not violate Article 25(1) (Right of Recourse Before a Competent Court).<sup>179</sup>*

Articles 4 (Right to Life) and 5 (Right to Humane Treatment) in relation to Article 1(1) (Obligation of Non-Discrimination) of the

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<sup>169</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 146.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* ¶¶ 148-149, 153.

<sup>172</sup> *Id.* ¶ 156.

<sup>173</sup> *Id.* "And Orders" ¶ 8.

<sup>174</sup> *Id.* ¶ 159.

<sup>175</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 160.

<sup>176</sup> *Id.* ¶¶ 160-161.

<sup>177</sup> *Id.* ¶ 164.

<sup>178</sup> *Id.* ¶ 165.

<sup>179</sup> *Id.* ¶ 166.

Convention, for subsequent attacks and death of Mr. Olimpiades González,<sup>180</sup> because:

*The Court generally evaluates a State's responsibility for their people's right to life (Article 4) and personal integrity (Article 5) based on (1) a State's actual or reasonable knowledge of a real or immediate threat to a person or group of people's life or integrity, and (2) the State's efforts to adopt necessary measures to prevent the threat.*<sup>181</sup> *The Court found that, although the State was aware of the prior attack on Mr. Olimpiades González's life, the State sufficiently fulfilled their duty to protect him under Article 4 (Right to Life) because of the length of time between the previous attack and his death.*<sup>182</sup> *Additionally, the Court did not have information to evaluate any subsequent threats to Mr. Olimpiades González's personal integrity, therefore not violating Article 5 (Right to Humane Treatment).*<sup>183</sup>

### C. Dissenting and Concurring Opinions

[None]

## IV. REPARATIONS

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

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

#### 1. Continue Investigation

Within a reasonable time, Venezuela must continue and conclude the investigation of Mr. Olimpiades González's death.<sup>184</sup> Additionally, the State must continue and conclude any subsequent criminal proceedings necessary to punish the shooter domestically.<sup>185</sup> Lastly, the State must guarantee Mr. Olimpiades González's family access and ability to act

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<sup>180</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, "And Orders" ¶ 9.

<sup>181</sup> *Id.* ¶ 177.

<sup>182</sup> *Id.* ¶¶ 182-183.

<sup>183</sup> *Id.*

<sup>184</sup> *Id.* ¶ 199.

<sup>185</sup> *Id.*

throughout the investigation following domestic law and the Convention.<sup>186</sup>

## 2. Fund Rehabilitation

The State must pay Ms. Angélica González, Ms. Mirelis González, Mr. Fernando González, and Mr. Guillermo González to offset costs for physical, psychological, and psychiatric healthcare for ailments resulting from their detention.<sup>187</sup> This fund will be included in the overall compensation costs.<sup>188</sup>

## 3. Circulate Judgment

The State must publish the Court's official summary of the Judgment within six months in the Official Gazette and another popular newspaper in Maracaibo.<sup>189</sup> Venezuela must also publish the complete Judgment on its official site for a year.<sup>190</sup>

The State must also broadcast the official summary in Spanish and the Wayuú language on a Maracaibo radio station within six months of this judgment.<sup>191</sup> There must be at least four transmissions made between 8:00 A.M. and 10:00 P.M, with two weeks between each transmission.<sup>192</sup> Lastly, Venezuela must inform the Court immediately after broadcasting each transmission and complying with the publication requirements.<sup>193</sup>

## *B. Compensation*

The Court awarded the following amounts:

### 1. Pecuniary Damages

The Court awarded pecuniary damages to all victims for lost income and any other case-related expenses.<sup>194</sup> The Court excluded damages

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<sup>186</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 199.

<sup>187</sup> *Id.* ¶ 201.

<sup>188</sup> *Id.*

<sup>189</sup> *Id.* ¶ 203.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.* ¶ 204.

<sup>192</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 204.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.* ¶¶ 213-214.

from Mr. *Olimpiades González*'s death because the Court did not find that Venezuela was responsible for his death.<sup>195</sup> The Court ordered the following damages: \$10,000 to Mr. Olimpiades González; \$30,000 each to Ms. Angélica González and Ms Mirelis González; \$25,000 to Mr. Fernando González; \$7,500 to Mr. Guillermo González; \$20,000 to Mr. Barliza González; and \$5,000 to Ms. Aura González.<sup>196</sup>

## 2. Non-Pecuniary Damages

The Court awarded non-pecuniary damages for harming the victims' personal integrity.<sup>197</sup> The Court ordered the State to pay \$6,000 each for rehabilitation to Ms. Angélica González, Ms. Mirelis González, Mr. Fernando González, and Mr. Guillermo González.<sup>198</sup>

## 3. Costs and Expenses

The Court ordered the State to reimburse the Victim's Legal Assistant Fund for \$650 to compensate for their use of expert Víctor Velasco Prieto.<sup>199</sup>

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

\$152,150 USD

## C. Deadlines

The State must pay the victims the pecuniary and non-pecuniary payments within one year, including fee prescribed for rehabilitation treatment.<sup>200</sup> If any victim dies before receiving their entitled payment, the State should deliver any outstanding compensation to their heirs.<sup>201</sup> Venezuela must reimburse the Victim's Legal Assistant Fund within six months.<sup>202</sup>

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<sup>195</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶¶ 213-214.

<sup>196</sup> *Id.* ¶ 215.

<sup>197</sup> *Id.* ¶¶ 213-214.

<sup>198</sup> *Id.* ¶ 217.

<sup>199</sup> *Id.* ¶ 219.

<sup>200</sup> *Id.* ¶ 217.

<sup>201</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 221.

<sup>202</sup> *Id.* ¶ 219.



Any delayed compensation by the State to victims and the Legal Assistance Fund will require Venezuela to pay interest.<sup>203</sup>

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

*A. Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

González et al. v. Venezuela, Merits, Reparations, and Costs, Judgment, Inter- Am. Ct. H.R. (ser. C) No. 436 (Sept. 20, 2021).

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

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<sup>203</sup> González et al. v. Venezuela, Merits, Reparations, and Costs, ¶ 225.

*B. Inter-American Commission*

## 1. Petition to the Commission

[None]

## 2. Report on Admissibility

González et al. v. Venezuela, Admissibility Report, Report No. 121/11, Inter-Am. Comm'n H.R., Case No. 96.04 (Oct. 19, 2011).

## 3. Provisional Measures

[None]

## 4. Report on Merits

González et al. v. Venezuela, Report on Merits, Report No. 117/18, Inter-Am. Comm'n H.R., Case No. 12.829 (Oct. 5, 2018).

## 5. Application to the Court

González et al. v. Venezuela, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.829 (Aug. 8, 2019).

## VIII. BIBLIOGRAPHY

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