

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 71/2024**

Precautionary Measures No. 973-24

Juan Pablo Guanipa Villalobos regarding Venezuela

October 7, 2024

Original: Spanish

I. INTRODUCTION

1. On September 5, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Defiende Venezuela* (“the requesting party”) urging the Commission to require that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Juan Pablo Guanipa Villalobos (“the proposed beneficiary”) in Venezuela. According to the request, the proposed beneficiary is a self-proclaimed member of the Venezuelan opposition, and has been subject to intimidation, harassment, and aggression since at least 2016. This situation has worsened in the post-electoral context of the country.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the parties on September 6, 2024. The applicant submitted a response on September 12 and 30, 2024. To date, the IACHR has not received a response from the State, the deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Juan Pablo Guanipa Villalobos; b) ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subjected to threats, harassment or acts of violence in the exercise of these activities. In particular, the State must ensure that its agents respect the rights and personal integrity of the beneficiary in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties; c) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. Juan Pablo Guanipa Villalobos is identified as coordinator of the opposition political party *Primero Justicia* in the state of Zulia, and member of the National Board of Directors of the same party. The proposed beneficiary is an ally of opposition leaders María Corina Machado and Edmundo González. The applicant highlighted that the Venezuelan opposition has denounced fraud after the 2024 presidential elections.

5. In 2016, the proposed beneficiary, then representative of the National Assembly, had his salary suspended and frozen. In August 2017, it was reported that the Bolivarian National Guard obstructed opposition representative of the National Assembly, among them the proposed beneficiary, from entering the Legislative Palace. This action allegedly obstructed the legislative process and facilitated the installation of the National Constituent Assembly, which has been deemed illegitimate. In 2017, when the proposed beneficiary

was elected governor of the state of Zulia, he was allegedly forced to take the oath of office before the National Constituent Assembly. Upon refusing to do so, he was accused of contempt, which allegedly prevented him from exercising the office to which he was elected.

6. On September 29, 2018, police officers reportedly detained the proposed beneficiary and beat him in the state of Zulia. After a few hours, the proposed beneficiary was released and his arrest was qualified as arbitrary. On October 25, 2019, the Constitutional Chamber of the Venezuelan Supreme Court of Justice ruled that the proposed beneficiary's alleged involvement as a representative in the flagrant commission of various crimes was established.¹ The applicant argued that the process failed to respect the requirement of a pre-trial of merit and did not address parliamentary immunity. As a result, the proposed beneficiary went into hiding for 58 days. On March 4, 2021, members of the Bolivarian National Guard blocked the Delegate Commission's passage to El Tigre, where the proposed beneficiary was present. Subsequently, on March 15, 2024, the National Electoral Council politically disqualified the proposed beneficiary from holding public office for 15 years, a decision the petitioning party challenged, questioning its legal authority.

7. In the post-election context of 2024, the applicant stated that the State attempted to deprive the proposed beneficiary of his liberty in an arbitrary manner on two occasions:

- On August 3, 2024, after leaving a peaceful rally organized by the opposition, he noticed officers from the Bolivarian National Intelligence Service (SEBIN) were following him in a pickup truck and on a motorcycle as he rode his own motorcycle. The officers attempted to intercept him by blocking his path with the truck. However, due to the intervention of another individual who crossed his motorcycle in front of the pursuing van, the officers were unable to apprehend him.
- On August 28, 2024, State security forces initiated what he described as a "fierce" persecution against him after he appeared alongside María Corina Machado at a peaceful protest organized by the opposition, marking one month since the presidential elections. He reportedly left the protest on a motorcycle, along with two other individuals. They suddenly noticed that they were being pursued by suspected SEBIN officers who were on two motorcycles and in a car. Once they noticed the pursuit, they split up to escape. That same day, SEBIN officers arrested opposition leader Biagio Pilieri and his son.

8. The proposed beneficiary is currently in hiding. He is allegedly only present at peaceful protests or opposition rallies. He reportedly does not have formal knowledge of any recent criminal investigation against him, and his family is also being persecuted. In that sense, it was reported that at least four of his brothers' restaurants were closed; his and his then wife's bank accounts were blocked; their passports were annulled; and the house where the children of the proposed beneficiary are being held was under siege by SEBIN officers. In addition, it was stated that the proposed beneficiary's wife died approximately five months ago. It was reported that there were orders from the upper echelons of power to "kill his brother."

9. On September 30, 2024, it was reported that the proposed beneficiary's brother, Pedro Guanipa, was detained on September 26, 2024. His brother was reportedly preparing to leave Venezuela and travel to Colombia, two days before the global protest called by María Corina Machado. According to the applicant, this allegedly shows the connection between the events and the protests organized by the Venezuelan political opposition. The proposed beneficiary warned that the family has not been informed about his place of detention or the reasons for his arrest. His brother has also been unable to communicate with his family or lawyers.

10. The applicant highlighted that no complaints have been filed regarding the actions of the State against the proposed beneficiary

¹ Crimes of treason, conspiracy, instigation to insurrection, civil rebellion, criminal conspiracy, usurpation of functions, and public instigation to disobey laws and hatred.

B. Response from the State

11. The IACHR requested information from the State on September 6, 2024. To date, the State has not sent their response and the deadline has expired.

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

12. The mechanism of precautionary measures is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

13. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*efet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁵ In the process of reaching a decision, and according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

² I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

³ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

⁴ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁵ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of "El Nacional" and "Así es la Noticia" newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

14. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to determine through this mechanism any violation of the rights enshrined in the American Convention or other applicable instruments. This is better suited to be addressed by the Petition and Case system. The following study relates exclusively to the requirements set forth in Article 25 of its Rules of Procedure, which can be resolved without making any determination on the merits.

15. In this *context*, the Commission recalls that the situation regarding the rule of law and human rights in Venezuela has been monitored, as the country has been included in Chapter IV. B of its Annual Report since 2005.⁶ The Commission has also created a special mechanism for monitoring the country situation, called MESEVE, and has issued press releases and country reports.

16. In its 2023 Annual Report, the Commission observed the persistence of a coordinated repression policy, and recommended that the State of Venezuela refrain from carrying out illegal or arbitrary detentions. In cases where a person is deprived of liberty, the State should ensure that all due process guarantees are upheld, including prompt presentation before an independent judicial authority, in order to prevent enforced disappearances, torture, and other cruel and inhumane treatment.⁷ The Commission has recently condemned the practices of institutional violence in the context of the electoral process in Venezuela, including violent repression, arbitrary detentions, and political persecution.⁸ In addition, the Commission has noted the arbitrary detentions and forced disappearances that occurred between July 28 and August 13, 2024.⁹ The strategy of detention and criminalization appears to be specifically targeted at individuals perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and others.¹⁰

17. On August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (SRFoE, or RELE for its acronym in Spanish) condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions and political persecution.¹¹ It was stated that the current regime is using fear as a tool to silence citizens and maintain its authoritarian rule, and that Venezuela must immediately stop violating human rights and restore democratic order and the rule of law.¹² In this context, the Commission has received reports of arbitrary detentions and short-term forced disappearances, during which acts of sexual violence against women and other actions potentially amounting to torture were allegedly committed. These reports indicate selective deprivation of liberty targeting electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and university students.¹³ Additionally, it was found that detainees were subjected to criminal proceedings for crimes defined in ambiguous and broad terms, without the opportunity to be represented by a defense counsel of their choice, as public defenders were imposed on them. The IACHR stressed that “the practices of state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population,” which “amount also to a denial of the right to political participation.”¹⁴

⁶ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 1.

⁷ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

⁸ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

⁹ *Ibidem*.

¹⁰ *Ibidem*.

¹¹ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹² *Ibidem*.

¹³ *Ibidem*.

¹⁴ *Ibidem*.

18. The Commission considers that the identified context is crucial for contributing seriousness to the factual allegations concerning the current and specific situation that the proposed beneficiary faces.

19. In analyzing the *seriousness* requirement, the Commission notes that, through his political activism, the proposed beneficiary has become a significant public figure within the Venezuelan opposition, particularly during his tenure as a representative in the National Assembly. The Commission further understands that he is linked to actions taken by opposition leaders María Corina Machado and Edmundo González.

20. Due to his political involvement, the Commission was informed that the proposed beneficiary has been targeted by law enforcement officers, and has faced harassment and attacks both as a national representative and as a governor. The applicant alleges that this harassment also affected his family, leading to the closure of family businesses, a siege of their home, and the annulment of passports. More recently, after the July 2024 presidential elections, the proposed beneficiary was reportedly subjected to motorized pursuits by SEBIN agents on August 3 and 28, 2024. Additionally, on September 26, 2024, the proposed beneficiary's brother was reportedly detained, and no formal information has been provided regarding the grounds for his arrest or the place where he is being held today. The Commission notes that his current lack of protection has compelled him to take refuge independently.

21. The Commission recognizes that the recent events of 2024 appear to aim at depriving the proposed beneficiary of his liberty, and has described similar circumstances faced by other opposition leaders following the elections. In this context, the Commission has not received any information regarding a formal arrest warrant against the proposed beneficiary or any recent criminal proceedings involving him. Given this situation, the Commission believes that the proposed beneficiary's circumstances align with several current instances of concrete risk identified for members of the political opposition still in the country. The Commission has observed a pattern of State actions involving the detention of individuals perceived as opposition members, who are often held without knowledge of any criminal charges against them, without court-issued arrest warrants, and whose whereabouts remain unknown. Furthermore, these individuals often lack access to trusted legal representation to safeguard their rights.¹⁵

22. Consequently, the Commission recognizes that, given the consistency of the allegations with the identified context, the proposed beneficiary is in a state of heightened vulnerability due to his significant political activities in Venezuela. Furthermore, the Commission stresses that he currently lacks access to the material protections necessary to safeguard his rights. Given that the most recent instances of motorized persecution followed his participation in public protests called by the opposition, the Commission believes the aim is to remove him from public discourse in Venezuela and to hinder his continued involvement in his political faction's activities. The Commission emphasizes its concern about the potentially intimidating effect that this situation may have on others within the opposition in Venezuela.

23. In view of the allegations presented by the applicant the Commission regrets the lack of response from the State of Venezuela. Although this is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information that allows it to contrast

¹⁵ IACHR, Resolution 49/2024 (Follow-up and Modification), Precautionary Measure No. 533-17, Williams Daniel Dávila Barrios regarding Venezuela, August 14, 2024; Resolution 50/2024, Precautionary Measures No. 883-24, Roland Oswaldo Carreño Gutiérrez regarding Venezuela, August 17, 2024; Resolution 51/2024 (Follow-up and Modification), Precautionary Measures No. 359-16, Américo de Grazia regarding Venezuela, August 17, 2024; Resolution 55/2024, Precautionary Measures No. 899-24, Freddy Francisco Superlano Salinas regarding Venezuela, August 26, 2024. 359-16, Américo de Grazia regarding Venezuela, August 17, 2024; Resolution 55/2024, Precautionary Measures No. 899-24, Freddy Francisco Superlano Salinas regarding Venezuela, August 26, 2024; Resolution 61/2024, Precautionary Measures 928-24, Perkins Rocha regarding Venezuela, September 2, 2024; Resolution 63/2024, Precautionary Measures No. 931-24, Biagio Pilieri Gianninoto and Jesús Alfredo Pilieri regarding Venezuela, September 6, 2024.

the allegations made by the applicant. Similarly, the Commission is unable to determine the actions that authorities may be taking to mitigate or address the situation that places the proposed beneficiary at risk.

24. In summary, the Commission concludes that, based on the applicable *prima facie* standard and considering the current context in the country, the proposed beneficiary's political profile, and the recent events he has faced, it is sufficiently established that he is in a situation of serious risk to his rights to life and personal integrity.

25. Regarding the requirement of urgency, the Commission considers that, given the continuity of events of harassment and aggression, and the recent persecution, it is possible to assess the existence of a situation of imminent risk. This situation is likely to materialize as the proposed beneficiary continues to exercise his activity as leader of an opposition political party in the current post-election context.

26. Regarding the requirement of irreparable harm, the Commission maintains that it has been met since the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

27. Lastly, regarding the proposed beneficiary's family members, the Commission expresses its concern about the situation they may be facing in Venezuela. In particular, the Commission highlights the situation faced by the proposed beneficiary's brother, Pedro Guanipa. In this regard, the Commission reminds the State of its obligations to protect and guarantee the rights of individuals, according to applicable international instruments. If deemed appropriate by the applicant, the Commission requests additional information to be provided in order to analyze the situation of the proposed beneficiary's brother under his current circumstances, in accordance with Article 25 of its Rules of Procedure.

IV. BENEFICIARY

28. The Commission declares Juan Pablo Guanipa Villalobos, who is duly identified in this proceeding, as the beneficiary of the precautionary measures.

V. DECISION

29. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Venezuela:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Juan Pablo Guanipa Villalobos;
- b) ensure the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subjected to threats, harassment or acts of violence in the exercise of these activities. In particular, the State must ensure that its agents respect the rights and personal integrity of the beneficiary in accordance with the standards established by international human rights law, as well as in relation to acts of risk attributable to third parties;
- c) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

30. The Commission also requests that the State of Venezuela report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

31. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

32. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Venezuela and the applicants.

33. Approved on October 7, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary