
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 82/2024**

Precautionary Measure No. 1122-24
S.J.R.G. regarding Venezuela
November 7, 2024
Original: Spanish

I. INTRODUCTION

1. On October 9, 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 the Coalition for Human Rights and Democracy (“the requesting party” or “the applicants”), 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 S.J.R.G. (“the proposed beneficiary”). According to the request, the proposed beneficiary is an activist of the LGBTI community and a volunteer of the opposition political party *Vente Venezuela*. He is said to have been deprived of his liberty since August 6, 2024. It is alleged that he was subjected to torture and that he does not receive the medical care necessary to treat his HIV.

2. Pursuant to Article 25(5) of its Rules of Procedure, the IACHR requested information from the applicants on October 15, 2024, who responded on October 25, 2024. Information was requested from the State on October 30, 2024. To date, no response has been received from the State, and the granted deadline has expired.

3. Upon analyzing the submissions of fact and law furnished by the requesting party, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Therefore, it requests that Venezuela: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of S.J.R.G., in accordance with the applicable international standards; b) implement the necessary measures to ensure that his detention conditions are compatible with the applicable international standards on the matter. In particular, ensuring that he is provided with the necessary medical treatment, as well as water and adequate food. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he has been charged with a crime. Otherwise, indicate the reasons why he has not been released to date; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

III. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

4. The proposed beneficiary is an activist of the LGBTQIA+ community and a volunteer of the opposition political party *Vente Venezuela* in the Juan de Villegas Parish of the municipality of Iribarren, in the state of Lara. As a volunteer, he participated in demonstrations, spread messages in defense of democracy, and organized activities such as visits to homes and rallies in public places.

5. On August 6, 2024, troops attached to the Directorate against Organized Crime belonging to the Bolivarian National Police allegedly entered the proposed beneficiary’s home without a search warrant.

After beating him and his sister, he was transferred to the headquarters of the Directorate against Organized Crime in Santa Rosa. It is alleged that, in the headquarters, he was subjected to acts of torture and cruel and degrading treatment, such as the application of current to different parts of his body, beatings, and death threats. The requesting party considers that such acts were aimed at obtaining information on the whereabouts of the leaders of the political party of which he is a member. On August 28, 2024, the proposed beneficiary was reportedly transferred to Tocuyito, without notifying his relatives, and was left incommunicado for five days.

6. According to the request, the proposed beneficiary is currently in the Penitentiary Center of Carabobo. It was alleged that he is in a state of malnutrition and dehydration, because he is provided with decomposed food and his access to drinking water is restricted. It was reported that the proposed beneficiary does not receive the antiretroviral medication (abacavir) he requires to treat his HIV. He reportedly did not undergo medical examinations to obtain an up-to-date diagnosis of his state of health or an evaluation of the aftermath he may experience due to the alleged acts of torture to which he was subjected. The request qualifies the health status of the proposed beneficiary as serious, it is mentioned that he is suffering from symptoms linked to syphilis, such as respiratory problems, fatigue, warty sores in his mouth and genitals, hair loss, muscle aches, fever, sore throat, weight loss, and swollen lymph nodes.

7. It was specified that the last time Mr. S.J.R.G. was contacted was on October 17, 2024, and since then his state of health has been unknown. The requesting party added that the proposed beneficiary does not have access to a representative he trusts to assert his rights. As for domestic remedies to which the applicant allegedly resorted to, it is mentioned that the State authorities have refused to receive his requests, and therefore, the mother of the proposed beneficiary has made public complaints about the situation of her son in social media.

B. Response from the State

8. The IACHR requested information from the State on October 30, 2024. To date, the State has not sent a response, and the granted deadline has expired.

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

9. The precautionary measures mechanism 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. 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.

10. 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.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.² To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the

¹ 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).

² 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.

persons proposed as beneficiaries would be left in case the measures are not adopted.³ As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding 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 (*effet 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.⁴ In the process of reaching a decision, 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.

11. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie* standard.⁵ 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 appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁶ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of the Rules of Procedure, which can be resolved without making any determination on the merits.⁷

12. As regards the context, the Commission has been monitoring the situation of rule of law and human rights in Venezuela since 2005,⁸ and has included the country in Chapter IV.B of its Annual Report. The Commission has also issued press releases and country reports, and established the special follow-up mechanism for the country, known as MESEVE.

³ 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).

⁴ 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).

⁵ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

⁶ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

⁷ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2.

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

13. In its 2023 Annual Report, the Commission also 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 their 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.⁹ 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.¹⁰ 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.¹¹

14. On August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE or SRFoE) condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.¹² 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.¹³ 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 “[t]he 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

15. The Commission believes that the current context in Venezuela is of crucial importance when analyzing the proposed beneficiary’s situation as a person deprived of liberty by the LGBTI community living with HIV, who is identified as a volunteer of an opposition political party in the country.

16. When analyzing the requirement of *seriousness*, the Commission observes that it has not been informed about the crimes for which the proposed beneficiary is accused, and the reasons for his detention. In addition, there is no information on whether he has been brought before an independent judicial authority; what his current legal situation would be; or the procedural stage of the investigations against him, if any. The absence of this official information prevents knowing if the proposed beneficiary has the possibility of activating internal judicial protection in view of the situation that he allegedly faces. In any case, the requesting party alleged that the proposed beneficiary does not have the possibility of having legal representation of his trust. Even if he has access to one, the information available shows that the authorities are not accepting complaints to address the situation of the proposed beneficiary.

17. In addition to the previous situation, the Commission identifies that, after his detention, the proposed beneficiary has been purportedly subjected to physical aggression and acts that the requesting party classified as “torture.” According to the applicants, the attacks were aimed at obtaining information from the opposition political party that he supported.

18. On the health issue, the Commission notes that he is reportedly living with HIV and is not having access to the treatment with antiretrovirals that he needs. Given the health complications that could arise from inadequate care, the assumption that the relevant medications and medical services are not being

⁹IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

¹⁰ IACHR, Press Release 184/24, [IACHR and SRFoE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹¹ IACHR, Press Release 184/24, previously cited.

¹² IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹³ IACHR, Press Release 184/24, previously cited.

¹⁴ IACHR, Press Release 184/24, previously cited.

provided is considered highly serious for the life and personal integrity of S.J.R.G. In view of the arguments raised, the Commission recalls that the inter-American system has recognized that HIV could generate a serious risk to life,¹⁵ as the seriousness of the diseases that could result from it could be life-threatening.¹⁶ In this sense, the allegation regarding the lack of antiretroviral treatment is serious.

19. The health situation becomes even more serious when assessing the allegations of torture, malnutrition and dehydration, since they reportedly place the proposed beneficiary in a delicate physical and mental condition with respect to the HIV with which he lives.¹⁷ In this regard, the Commission notes that the relatives do not have information on the proposed beneficiary's current health situation, since the last time they had contact with him was on October 17, 2024. They also reported that the proposed beneficiary has not undergone medical examinations and is reportedly suffering from symptoms linked to syphilis.

20. The Commission regrets the lack of response from Venezuela. Although this is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information to contrast the allegations. Similarly, the Commission is unable to determine the actions that authorities may be taking to mitigate or address the situation that is purportedly placing the proposed beneficiary at risk. Although it is not for this Commission to determine the perpetrators of the events, it does express its concern at the possible involvement of state actors in the alleged facts, which places the proposed beneficiary in a situation of vulnerability. This is specially relevant in the framework of persons in the custody of the State, as is the case of persons deprived of liberty, and even more so when such persons require a differentiated approach to guarantee their rights.¹⁸

21. Given that the proposed beneficiary is a member of the LGBTI community and claims to be living with HIV, the Commission notes that the State has not reported on the care provided to his health, despite its reinforced obligation to provide him with the medical care he requires. On another note, considering Mr. S.J.R.G.'s involvement in political activities, the Commission emphasizes the intimidating effect that the reported facts could have on others within the opposition in the country.

22. In conclusion, the Commission reiterates that, within the Venezuelan post-electoral political context and in light of the *prima facie* standard of review, it is deemed that S.J.R.G.'s rights to life, personal integrity, and health are at serious risk due to the lack of adequate medical care and his current detention conditions.

23. Regarding the requirement of *urgency*, the Commission also considers that it is met, inasmuch as while the proposed beneficiary is kept without the medical care that he requires, the evolution of his health condition is likely to cause even greater effects on his rights. The lack of treatment with antiretrovirals could result in weakening of the immune system due to the extent of HIV, and the proposed beneficiary is even at risk of death. In this sense, the immediate issuance of these precautionary measures is necessary.

24. As it pertains to the requirement of *irreparable harm*, the Commission considers that it is met, to the extent that the possible impact on the rights to life, personal integrity and health constitutes the maximum situation of irreparability.

¹⁵ See *inter alia*: IACHR, [Report No. 102/13](#), Case 12.723, Merits, TGGL (Ecuador), November 5, 2013, para. 168.

¹⁶ I/A Court H.R., [Case of Gonzales Lluy et al. v. Ecuador](#), Preliminary Objections, Merits, Reparations, and Costs. Judgment of September 1, 2015, Series C No. 298, para. 190.

¹⁷ See *inter alia*: IACHR, Report No. 63/08. Case 12.534, Andrea Mortlock (United States), July 25, 2008, para. 90.

¹⁸ I/A Court H.R., [Advisory Opinion OC-29/22 of May 30, 2022](#), requested by the Inter-American Commission on Human Rights, "Differentiated Approaches with respect to Certain Groups of Persons Deprived of Liberty (Interpretation and scope of Articles 1(1), 4(1), 5, 11(2), 12, 13, 17(1), 19, 24 and 26 of the American Convention on Human Rights and other human rights instruments)", paras. 224-276.

II. BENEFICIARY

25. The Commission declares beneficiary S.J.R.G., who is duly identified in this proceeding.

III. DECISION

26. 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, personal integrity, and health of S.J.R.G., in accordance with the applicable international standards;
- b) implement the necessary measures to ensure that his detention conditions are compatible with the applicable international standards on the matter. In particular, ensuring that he is provided with the necessary medical treatment, as well as water and adequate food. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he has been charged with a crime. Otherwise, indicate the reasons why he has not been released to date;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

27. The Commission requests that Venezuela report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

28. 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.

29. The Commission instructs its Executive Secretariat to notify this resolution to the State of Venezuela and the requesting party.

30. Approved on November 7, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary