
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 92/2024**

Precautionary Measures No. 143-13 and 181-19
Identified members of the organization *Foro Penal* regarding Venezuela
November 28, 2024
(Follow-up, Modification, Extension, and Lift)
Original: Spanish

I. INTRODUCTION

1. Between 2021 and 2024, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission”, “the Commission” or “the IACHR”) received requests for extension of precautionary measures filed by the organization *Foro Penal* and the organization “Robert F. Kennedy Human Rights” urging the IACHR to request that the Bolivarian Republic of Venezuela (hereinafter “Venezuela” or “the State”) protect the rights of various members of the organization *Foro Penal* in Venezuela. According to the request, the members of *Foro Penal* are at risk in the context of their work as human rights defenders in the post-electoral context in Venezuela.

2. Pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested information from the State between 2020 and 2024.¹ The State has not replied to the IACHR, and all granted deadlines have expired.

3. Upon analyzing the information available, the IACHR decides to issue this Follow-up, Modification, Extension, and Lifting of Precautionary Measures Resolution, in the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of response from the State regarding the measures adopted to implement these precautionary measures. Upon analyzing the available information, the Commission decided to:

- a) Extend the precautionary measures in favor of the following persons, currently members of the *Foro Penal* organization in Venezuela: Kennedy Tejada, Mayela Fonseca, Lucía Quintero, Pedro Arévalo, Arelys Ayala, Wicza Santos Matiz, Laura Valbuena, Raquel Sánchez Carrero, Franyer Jose Hernandez Valladares, and Marbella Gutiérrez;
- b) Maintain the precautionary measures in favor of Alfredo Romero, Gonzalo Himiob Santomé, Luis Betancourt, and Olnar Ortiz;
- c) Continue to monitor the situation of Olnar Ortiz under the registry of Precautionary Measures 143-13;
- d) Lift the precautionary measures regarding Yoseth Colmenares and Robiro Terán;
- e) Not to extend the measures in favor of Orlando Moreno and the other members of *Foro Penal*, while keeping the possibility open to submit additional information for future assessment.
- f) Modify the precautionary measures and require that the State of Venezuela:

¹ In the registration of PM-143-13, the Commission requested information from the State on August 17, 2020; August 2, 2021; May 19, and October 27, 2022; March 9, 2023; March 14, and October 3, 2024. In the registration of PM-181-19, information was requested from the State on December 27, 2022, and September 25, 2024.

- i. adopt the necessary measures to protect the rights to life and personal integrity of the members of *Foro Penal* duly identified in this resolution;
- ii. implement the necessary measures to guarantee that the beneficiaries can carry out their human rights defense activities without being subjected to threats, harassment, or acts of violence. Specifically, the Commission requests a detailed report on the circumstances surrounding Kennedy Tejada's detention, including his current legal status and ensure that his relatives and trusted legal representatives can communicate with him. Regarding all beneficiaries, to formally inform about the existence of any investigation against them, including at least: the facts under investigation, the alleged offenses, the prosecutor's office in charge of the investigation, and the competent judicial authority overseeing the case. The State must allow the beneficiaries and/or their representation to have access to the entire criminal file against them, if it exists, thereby allowing them to file the corresponding appeals and guaranteeing their security in the processing of the file;
- iii. consult and agree upon the measures to be adopted with the beneficiaries and their representatives;
- iv. 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. BACKGROUND INFORMATION

4. On March 17, 2015, through Resolution 8/2015, the IACHR adopted precautionary measures in favor of Alfredo Romero and Luis Betancourt, both members of *Foro Penal*, as well as Yoseth Colmenares, sister of the Regional Coordinator of the state of Táchira, in Venezuela.² On December 24, 2019, through Resolution 64/2019, the IACHR extended the precautionary measures in favor of Gonzalo Himiob Santomé and Robiro Terán, directors of *Foro Penal*, in Venezuela.³ Lastly, in the context of a situation of violence surrounding an indigenous community near the border between Venezuela and Brazil, through Resolution 7/2019, the IACHR granted precautionary measures in favor of Olnar Ortiz, an indigenous Baré [an Indigenous people of the Amazon Basin] and Coordinator of Indigenous Peoples of *Foro Penal*, in Venezuela.⁴

III. SUMMARY OF INFORMATION PROVIDED BY THE REPRESENTATION FOLLOWING THE GRANTING OF THE PRECAUTIONARY MEASURES

5. The Commission has continued to follow up on the matter by requesting information from the parties under the terms of Article 25(10) of its Rules of Procedure.⁵ In 2021 and 2022, the representation requested the extension in favor of Orlando Moreno and, on October 2, 2024, they requested an extension in favor of identified members of *Foro Penal*,⁶ as well as "all members of *Foro Penal*." The latest request for information to the State was on October 3, 2024. No communication has been received from the State, and all deadlines have expired.

² IACHR, [Resolution 8/2015](#), Precautionary Measure No. 143/2013, Alfredo Romero et al. regarding Venezuela, March 17, 2015 (Available only in Spanish).

³ IACHR [Resolution 64/2019 \(Extension\)](#), Precautionary Measure No. 143/2013, Gonzalo Himiob Santomé and Robiro Terán regarding Venezuela (Directors of the NGO *Foro Penal*), December 24, 2019 (Available only in Spanish).

⁴ IACHR, [Resolution 7/2019](#), Precautionary Measure No. 181-19, Indigenous people of the Pemon ethnic group of the San Francisco de Yuruaní or "Kumaracapay" community and another regarding Venezuela, February 28, 2019 (Available only in Spanish).

⁵ Information has been received from the representation on April 26 and 27, July 9 and November 3, 2021; August 5, November 16, 2022; February 24, 2023; January 10 and 29, and October 2 and 23; and November 26, 2024. For its part, the IACHR forwarded and requested information on August 17, 2020; August 2, 2021; May 19, and October 27, 2022; March 9, 2023; March 14, and October 3, 2024.

⁶ Although a section of the representation document mentions the name of an individual in relation to the state of Mérida, no further details are provided about this person. They also refer to Olnar Ortiz, coordinator in Amazonas and Indigenous Peoples. However, he is already the beneficiary of other precautionary measures.

6. The *Foro Penal* organization exerts representation before the Commission. By communication of October 23, 2024, the organization “Robert F. Kennedy Human Rights” was added as representation.

A. Information provided by the representation

7. The representation reported that one of the beneficiaries, Robiro Terán, passed away on December 25, 2020, due to complications from COVID-19.

8. In November 2021, the representation highlighted that President Nicolas Maduro sent a communication with false information about the organization to the International Criminal Court.⁷ In October 2022, they stated that Congressman Jorge Rodriguez, before the National Assembly, questioned a post published on Twitter/X by Alfredo Romero, director of the organization, and called him an “imbecile.” It was indicated that Alfredo Romero is one of the Venezuelan lawyers accredited to litigate before the International Criminal Court and that, on a television interview dated February 9, 2023, a pro-government representative reportedly expressed that the organizations that act as “observatories” or “criminal forums”, in reference to the organization, are “destabilizing”, “threaten the peace of the country” and generate “a whole criminal campaign against the country”, which “must be investigated.” The representative reportedly added that the NGO operates from Colombia, and showed a list that includes *Foro Penal*. In addition, in this matter, the representation questioned the approval of the Law for the Control, Regularization, Performance and Financing of Non-Governmental and Related Organizations in the first vote of January 2023. That law reportedly includes provisions prohibiting NGOs and other organizations from carrying out “destabilizing acts” or “attacking peace or institutions.” In that same sense, the representation communicated to the IACHR that, on January 27, 2024, in a television program, it was stated that the NGO *Foro Penal* has a “criminal record” against the Republic.

9. On October 2, 2024, the applicants described several acts framed in the post-electoral context in Venezuela. They reported the following:

- *Alfredo Romero (President Director of Foro Penal)*: He is one of the most visible faces of the organization, he is allegedly “at constant risk, especially in the current context.”
- *Gonzalo Himiob Santomé (Vice President Director of Foro Penal)*: Since August 3, 2024, a vehicle with officials wearing a black uniform has been parked in front of his residence. These officials reportedly lack precise identification of the unit or agency they represent, deliberately concealing their affiliation while maintaining a constant and discreet presence.
- *Luis Armando Betancourt (Ad Hoc Deputy Director and coordinator for the state of Carabobo)* reported that on July 28, 2024, the day of the presidential elections, and in the days that followed, he attempted to be sworn in as legal counsel to represent several detainees. However, his efforts have been repeatedly denied, barring him from accessing courts and participating in hearings. He filmed videos in front of the Palace of Justice and police headquarters to document the situation. On August 6, 2024, a lawyer from the organization attended a hearing at the Palace, where a judge handling cases involving so-called “political prisoners” in the state of Carabobo verbally informed them that attorney Betancourt had been reported to the Prosecutor’s Office. The allegations stem from videos recorded during the election day and subsequent protests. This process has already been opened. The beneficiary allegedly had to abandon his residence and remains in custody outside of Carabobo.

⁷ In this communication, it was allegedly stated that Alfredo Romero was a member of the legal defense team for opposition leader Leopoldo López, or that he had “communications or relations with citizen Luisa Ortega or citizen Tamara Sujú.”

- *Olnar Ortiz (coordinator in the state of Amazonas and Indigenous Peoples)*: On July 28, 2024, he provided legal support in electoral centers and went to the Ayacucho polling station as they were denying the entrance of witnesses from opposition parties. He documented the situation. Officials of the ruling party, along with members of the military, ordered him to leave. While he tried to defend the witness' right to be on site, a PSUV official took a threatening attitude and recorded him with his phone. A commander of the Citizen Security Guard also followed him and took photographs of him and his vehicle. On July 27, 2024, five people were arrested on their way back from the river and were accused of "making noises with pots and pans" while carrying pots to fish in the river. The hearing was delayed beyond the statutory 48 hours and was joined by other people detained for protesting. On July 31, 2024, he requested to represent the five individuals, but was not given permission. He was then allegedly followed by officers of the Bolivarian National Intelligence Service (SEBIN) and the General Directorate of Military Counterintelligence (DGCIM), who took photographs of him. While he was in a bakery, an individual on a motorcycle recorded him with his phone while he was sitting at the table next to him. They observed that the motorcycle was utilized in "Operation Tun Tun," a strategy designed to identify electoral volunteers and regime opponents with the aim of detaining and criminalizing them for challenging the electoral results.

10. The representation filed two requests for the extension of precautionary measures. The first one was presented in 2021, and the latest in 2024. The former was in favor of Orlando Moreno, coordinator of active defenders of *Foro Penal* in the state of Delta Amacuro; and the latter in favor of "all members of *Foro Penal*."⁸ It highlighted the involvement of several key individuals: Kennedy Tejada, a lawyer from the state of Carabobo; Mayela Fonseca, the coordinator of active defenders in Carabobo; Lucía Quintero, the coordinator in Barinas; Pedro Arévalo, the coordinator in Nueva Esparta; Arelys Ayala, the coordinator in Anzoátegui; Wicza Santos Matiz, the coordinator in Apure; Laura Valbuena, the coordinator in Zulia; Raquel Sánchez Carrero, the coordinator in Táchira; Franyer Jose Hernández Valladares, an active defender in Portuguesa; and Marbella Gutiérrez, a lawyer with *Foro Penal* in Yaracuy. It was alleged that all the members of *Foro Penal* "face the same situation of lack of protection for continuing to work for it." The following information was presented regarding each individual:

i. *Orlando Moreno, coordinator of active defenders of Foro Penal in the state of Delta Amacuro*

11. On April 25, 2021, Orlando Moreno, the coordinator of active defenders for *Foro Penal* in the state of Delta Amacuro, was assisting the families of victims of a shipwreck in Tucupita when he was reportedly "brutally beaten" and detained by officials from the Scientific, Penal, and Criminal Investigation Corps (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*, CICPC). It was alleged that he was detained for being identified as part of the representation of the *Vente Venezuela* party and *Foro Penal*. He was released on April 30, 2021, with an alternative measure of imprisonment and an order to report every 15 days. It was alleged that Mr. Moreno was under surveillance by government officials, who reportedly took photographs of him while he was refueling his vehicle at gas stations. The applicants reported that officials from the mayor's office, the governor's office, and a bodyguard for the governor of the state were being followed. Supporters of the ruling party reportedly visited Orlando Moreno's home to pressure his family into participating in political events organized by the ruling party. They subsequently stated that, on October 21, 2022, Orlando Moreno was

⁸ The integration of active lawyers from *Foro Penal* is detailed as follows: 20 in Carabobo, 11 in Zulia, 11 in Táchira, 5 in Anzoátegui, 2 in Apure, 8 in Amazonas, 19 in Nueva Esparta, 7 in Barinas, and 8 in Yaracuy. They indicate that the collaborators in Guárico have decided to stop collaborating with *Foro Penal*. It is alleged that due to their identification as members of *Foro Penal*, they are exposed to serious harm and to acts of violence, harassment or criminalization, especially in the current post-electoral political context in Venezuela.

sentenced to 4 years and 6 months for alleged “possession of incendiary devices,” but was granted alternative measures.⁹ The representation qualifies the facts as intimidation and harassment against the NGO *Foro Penal*.

ii. *Kennedy Tejada, member of active defenders in the state of Carabobo*

12. On August 2, 2024, he went to the military detachment of the Bolivarian National Guard (GNB) in Montalbán, Carabobo, to provide legal assistance to persons detained the day before. After being unable to establish communication with him, Orlando Moreno’s mother went to the GNB command, where she was informed that her son was in custody of the DGCIM in Valencia, approximately an hour away.

13. On August 3, 2024, lawyers and volunteers from *Foro Penal* attempted to confirm his detention. They were able to verify that his motorcycle was at the DGCIM headquarters in Valencia, but officials did not confirm if he was being held there. On the same day, his mother tried to deliver food for him at this location. Officials allowed her to enter the lobby and informed her that her son was fine, but added that she still could not see him. The officials indicated that they checked Kennedy Tejada’s phone and verified exchanges of messages that “had content that indicated terrorist actions” with Mayela Fonseca, also a lawyer with *Foro Penal*, requesting information from lawyer Fonseca’s mother. Mr. Tejada was not presented to court within the legal deadline and was not given the food because he was not there, but rather at the headquarters of the National Anti-Extortion and Kidnapping Command (*Comando Nacional Antiextorsión y Secuestro*, CONAS) in Valencia. Members of *Foro Penal* went to CONAS, where they were not able to confirm the proposed beneficiary’s presence. On August 4, 2024, Tejada was presented before the Palace of Justice in Valencia. His mother went to the detention facility along with three lawyers from *Foro Penal*, but they were denied entry. The authorities informed them that Tejada was to be charged with crimes related to terrorism, and that all individuals facing such charges would be represented by public defenders, not private counsel. It was learned that on August 4, 2024, a control judge in Carabobo declined to hear the case and transferred it to a terrorism court in Caracas, along with dozens of other defendants. They stated that his detention was maintained without presenting any evidence to justify it.

14. On August 6, 2024, he was brought before the terrorism court, along with other detainees, where “they were charged with terrorism, incitement to hatred, and association to commit a crime.” They were assigned a prosecutor and public defender in Caracas, even though they were in Valencia. They added that the public defense does not provide proper support; the duty public defender only attends the hearings, merely to create the appearance of legal representation. As a result, the details of the trial remain unknown. His current detention conditions also remain unknown as he is being held incommunicado. The authorities continue to deny confirmation of his exact location of detention or the right to be represented by private lawyers and/or *Foro Penal* attorneys who could verify his whereabouts or condition. They add that the proposed beneficiary has been able to maintain limited contact with his mother for just a few minutes and without any privacy whatsoever. Therefore, there is a continued lack of official information on the place and conditions of his detention. His mother has learned that, due to his work as a lawyer with *Foro Penal*, he is currently detained in the Tocarón prison, State of Aragua, located two hours away from his family’s residence. He is reportedly not allowed to contact his trusted attorney. They fear that he may be subjected to torture and that he could be sentenced to up to 30 years in prison on charges of terrorism. During the last occasion his mother was able to see him, the proposed beneficiary indicated that he was starving and that the food he received was in poor condition. His mother reportedly indicated that the proposed beneficiary’s detention conditions were concerning.

⁹ According to the attached judgment, it is stated that he was captured with a bag containing Molotov cocktails and rocks, which had reportedly been used to attack State Police officials earlier. It is also clarified that the penalty imposed was deprivation of liberty; however, the precautionary measure in lieu of detention was maintained, which consisted of “being attentive when called to the Court.”

iii. *Mayela Fonseca, coordinator of active defenders of Carabobo*

15. It was alleged that she has been unfoundedly implicated in the case against Kennedy Tejada. On August 14, 2024, Tejada's mother sought to have attorney Fonseca promoted as a witness in the case. However, an official advised her against doing so, as the messages found on Tejada's phone allegedly implicated Fonseca in "acts of terrorism." The official warned that Fonseca allegedly had an arrest warrant issued against her, and if she were to present herself at the Prosecutor's Office or the court, she would be arrested. The situation reportedly forced the lawyer to leave the country for her own safety. She reportedly does not continue with her defense work in Venezuela.

iv. *Laura Valbuena, coordinator in the state of Zulia*

16. Since 2014, she has been receiving threats and intimidation from security agencies for her participation in *Foro Penal*. In 2023, while a national meeting of *Foro Penal* lawyers was being scheduled in Caracas, she bought tickets to attend a concert. Upon arriving at Maracaibo airport, the officials reportedly interrogated her for hours about the purpose of her trip. Despite presenting her tickets for the concert, they insisted that she was traveling for other reasons and asked her about *Foro Penal*. She refused to provide information about the organization. The applicants claim that the situation was intimidating and aimed at harassing the organization's lawyers.

17. Between July 29 and 31, 2024, court hearings were held in Maracaibo, but she was not allowed access or permitted to appear as a representation for any of the accused. Public defenders were assigned to those charged with terrorism and other crimes instead. On July 31, 2024, she and other private attorneys attempted to enter a hearing to be sworn in as representation at the request of the detainees' relatives. The criminal judge warned them to leave or face arrest, adding that the directive came from the president of the criminal circuit of Maracaibo. The president had ordered the arrest of anyone who "tried anything funny," resisted, or asserted their rights.

18. The representation indicates that security agencies can identify the proposed beneficiary's vehicle. Therefore, when she performs defense work, she drives other vehicles. On August 2, 2024, she had to drive her own vehicle and, at around 10:45 a.m., was followed for a long time by two cars without license plates along the highway. She was able to take photographs (attached). In an attempt to lose them, she tried to drive away, but they positioned themselves in front of her, blocking her path, and another behind her. Uniformed officials then got out of a vehicle, asked her to identify herself, and inquired about her destination. The officers told her that the arrest was due to a stolen vehicle similar to hers and demanded her cell phone to go through it. She refused, saying that her cellphone was not related to the theft of a similar vehicle. After a few minutes of discussion, they released her, but they highlighted that the situation was intimidating and she thought that they were going to detain her.

v. *Raquel Sánchez Carrero, coordinator in the state of Táchira*

19. On August 2, 2024, the lawyer was speaking with the relatives of detainees outside the courts in San Cristóbal. After posting on the social media platform X about the detention of Kennedy Tejada, officers from the *Policía Nacional Bolivariana* (PNB) arrived and asked other officials about the whereabouts of a person, who then pointed to the proposed beneficiary. She had to leave for her own safety. This interaction prevented her from being able to stay outside courts. She decided to close her office, prioritizing the protection of Táchira's lawyers and helping victims by courier and e-mail. The attorneys only attend hearings if they are allowed to enter. The proposed beneficiary has had to leave the state of Táchira with her family due to these acts. They indicate that another *Foro Penal* lawyer in the state knew that she and other lawyers were already identified by the Organized Crime Unit, and that they would be detained at any moment.

vi. *Arelys Ayala, coordinator in the state of Anzoátegui*

20. On July 30, 2024, Ms. Ayala was in criminal court for hours. Although she was denied acting as the representation of detainees in the post-electoral context, after the hearings, she met with family members to explain the legal situation of the detainees. Upon leaving, she noticed that she was being followed by two black vans with DGCIM insignia, so instead of going to her residence, she decided to aimlessly drive. She then headed to a fast-food restaurant and called her neighbors, asking them to keep watch while she entered her building. Upon arriving, she and her neighbors noticed that two pickup trucks were parked outside her home, joined later by three motorcycles.

21. On August 1, 2024, she was outside the courthouse speaking with relatives of more than 50 detainees who had telematic hearings scheduled for 3:00 p.m. Minutes later, a unit of the GNB arrived, accompanied by the state police of Anzoátegui, led by the General Commissioner. The latter approached her and questioned her on her office location. They asked her what she was doing there “if they were not allowing private legal assistance.” She responded that she was carrying out her work as coordinator of *Foro Penal* in Anzoátegui, providing support to families who had no contact with the detainees. Commissioner Cano “emphasized that she should be cautious, as such support could be interpreted as incitement to hatred, which would be very serious for her.”

vii. *Wieczsa Santos Matiz, coordinator in the state of Apure*

22. On August 7, 2024, she began her monitoring work on the selective detentions of 21 people, including a prosecutor who refused to participate in activities that violated human rights. The lawyer attempted to represent several detainees but was denied entry to the hearings due to their affiliation with *Foro Penal*. She remained close to the courts to obtain information on the proceedings. On August 8, 2024, she had a private hearing in an agrarian court, unrelated to *Foro Penal*, where she noticed the presence of three DGCIM officers in the vicinity. The applicants indicate that this is unusual in an agrarian court, since these authorities’ work as counterintelligence is related to the criminal area. Officials followed her throughout the day, even as she went out to eat. As she was leaving the hearing, three officers unexpectedly approached on a motorcycle and began watching her. She was startled and quickly got into her vehicle to drive away.

viii. *Pedro Arévalo, coordinator in the state of Nueva Esparta*

23. On July 15, 2024, he attempted to visit detainees at the SEBIN facilities in Nueva Esparta, where he proceeded with caution. He had previously received threats when visiting the center, so he alerted his colleagues at *Foro Penal* to be on guard. He sent them a photo of the building’s facade to let them know he was there. Upon arrival, he was taken to the Chief Commissioner of Operations, who confiscated his cell phone. He was informed that he would be presented in Caracas and face criminal charges for taking photos of the SEBIN facade, as well as for his activities with *Foro Penal*. Additionally, he was interrogated about his role as president of the Bar Association in Nueva Esparta. They searched his phone for more than six hours, which they also tapped and downloaded his photos. When he requested to make a call, he was asked who he wanted to call. Upon refusing to reveal who he would call, it was denied. After hours without any information about his whereabouts, an active defender of *Foro Penal* went to the SEBIN headquarters. Instead of receiving information about the proposed beneficiary, the defender was arrested and interrogated. At around 1:00 a.m., after 14 hours of detention, both lawyers were released.

24. In the post-electoral context, the proposed beneficiary was denied the opportunity to speak with the Presiding Judge in Nueva Esparta, as they sought to ensure the right to appoint trusted lawyers. Moreover, while in court, he requested to help a group of defendants or to know about their cases, but a GNB officer told him that “no information would be provided to *Foro Penal*.”

ix. *Lucía Quintero, coordinator in Barinas*

25. On July 29, 2024, along with another lawyer, Ms. Quintero received complaints at the *Foro Penal* headquarters and provided legal advice to the relatives of detainees until 9:00 p.m. They decided to retreat due to the increasing presence of caravans, motorized vehicles, and security forces patrolling the area. On July 30, 2024, she went to Detachment 33 of the GNB with various colleagues to support relatives of detainees. They noticed that there was an undercover GNB commander, who was not wearing a uniform, infiltrated among the relatives. The commander discreetly ordered her to come with him to the Detachment Headquarters building. Another plainclothes officer, second in charge of the detachment, joined them and took the proposed beneficiary to another officer. She was interrogated by the officials, and when explaining that she provided legal assistance to people detained as a member of *Foro Penal*, they responded that the organization was “terrorist, financed by foreign powers to destabilize the government.” They proceeded to request her ID and take photos of it.

26. Officials questioned her about her opinion of the election results. She responded that it was not an appropriate time or place to discuss a political issue, so they proceeded to check her phone and verbally accused her of inciting hatred due to her conversations with the family members of detainees. She was accused of “violating security zones” for being in the vicinity of a military installation. They warned her not to “make a fuss” or allege mistreatment or beatings. They proceeded to take her to her vehicle and take pictures of it. At 6:00 p.m., the proposed beneficiary returned to the site to attend hearings that were about to take place, but she was not provided any information. At 8:00 p.m. she was told that the hearing would be held in the criminal judicial circuit and, upon arriving there, she was told that the hearings would take place in Detachment 33. Upon returning, she saw the judge and prosecutor arrive, but she was not allowed to enter. As a result, she recorded the refusal to appoint a defense, despite the presence of the detainees’ private attorneys.

27. On July 31, 2024, the detachment commander, who had searched for the proposed beneficiary the day before, informed another lawyer that if he saw “Quintero” there, he would arrest her for publishing the video in which they were denied entry. The proposed beneficiary has not returned to the detachment for fear of being arrested.

x. *Marbella Gutiérrez, lawyer in the state of Yaracuy*

28. On August 10, 2024, at 10:00 a.m., she accompanied relatives of detainees to Detachment 45 of the GNB in San Felipe, Yaracuy, to communicate with them. She was denied access and told that, if she did not leave immediately, she would be arrested and taken to court. The lawyer has an amputated leg and is wheelchair-bound, and was therefore removed from the site to avoid aggravating the situation.

xi. *Franyer Jose Hernandez Balladares, active defender in Portuguesa*

29. On August 19, 2024, through security cameras, he witnessed how agents from the DGCIM, Directorate of Strategic Investigations (*Dirección de Investigaciones Estratégicas, DIE*), and PNB, wearing hoods and armed with assault rifles, entered his parents’ home by jumping over the walls and the perimeter fence, raiding the family residence. He provided videos documenting the incident. The officials reportedly entered the home without a warrant to arrest the proposed beneficiary, under “superior orders from Caracas.” His parents, sisters, brother-in-law, and nephews—four children under the age of five—were at home. The agents handcuffed everyone present and interrogated them for hours about the whereabouts of the proposed beneficiary. The security agents reportedly disconnected the internet, searched the house, and took all the cell phones.

30. The proposed beneficiary reportedly had to hide. His parents’ house is allegedly kept under siege by state vehicles. They argue that this is a consequence of his involvement as part of the “team of active

defenders of *Foro Penal*” during and after the presidential elections, where he provided legal support at voting centers and appeared in court to accompany the relatives of detainees. The proposed beneficiary was allegedly denied the exercise of the defense for being a member of *Foro Penal*, since only public defense is reportedly allowed “by orders from Caracas.” They add that they have made public denunciations of persecutions and arbitrary detentions of friends and colleagues in the country.

B. Response from the State

31. The IACHR has not received a response from the State on the implementation of the precautionary measures. Nor has it received information proving that the State has been adopting measures during the time the measures have been in force. All deadlines granted to the State have since expired.

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

32. 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 irreparable harm to persons.

33. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “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.¹⁰ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.¹¹ To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.¹² 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 objective 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 render moot or disprove 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.¹³ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

¹⁰ 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).

¹¹ 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)

¹² 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).

¹³ 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).

- 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.

34. 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.¹⁴ 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.¹⁵ 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.¹⁶

35. With respect to the foregoing, Article 25(9) provides that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall evaluate whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure. Similarly, Article 25(10) establishes that the Commission shall take appropriate follow-up measures, such as requesting relevant information from the interested parties on any matter related to the granting, observance and maintenance of precautionary measures. These measures may include, as appropriate, timetables for implementation, hearings, working meetings, and visits for follow-up and review. Through Resolution 2/2020¹⁷ of April 15, 2020, the IACHR ruled on the possibility of issuing Follow-up Resolutions.

36. On this occasion, the Commission decides to issue a *Follow-up, Modification, Extension, and Lifting Resolution* considering the recently received information, in light of the current situation of the persons identified as members of *Foro Penal*. In this regard, the Commission will carry out the analysis as follows: i) Lack of response from the State in this matter; ii) Current context of the State of Venezuela; iii) Ongoing risk of the beneficiaries in light of Article 25 of the IACHR Rules of Procedure; and iv) Request for extension in favor of various members of *Foro Penal* in Venezuela

(i) Lack of response from the State in this matter

37. The Commission states that it has not received official information from the State on the measures which are reportedly being adopted to implement these precautionary measures. Despite requests

¹⁴ 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.

¹⁵ 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.

¹⁶ In this regard, the Court has stated 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.” 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 (Available only in Spanish).

¹⁷ IACHR, [Resolution 2/2020](#), Strengthening of the Monitoring of Precautionary Measures in Force, April 15, 2020.

for information made to the State, the IACHR has not received a response to the requested information. The Commission regrets the lack of willingness of the State, since dialogue and agreement are essential for adequate implementation of precautionary measures and, ultimately, for the protection of the beneficiaries' rights to life and integrity. Without information from the State, it is impossible to know the possible efforts or progress that the State is making in order to protect the rights of the beneficiaries.

38. The Commission emphasizes that, according to the information provided by the representation, the State has been made constantly aware of the beneficiaries' situation, and their situation has even been mentioned by public officials. Notwithstanding the foregoing, the Commission observes that no protection measures have been adopted in their favor and that the alleged acts of harassment, threats, intimidation, and monitoring against the members of *Foro Penal* currently protected by precautionary measures have not ceased.

39. The Commission recalls that, according to the Inter-American Court, failure to comply with the State duty to report on all the measures adopted in the implementation of its decisions of international protection measures, such as precautionary measures, is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to people in serious and urgent situations.¹⁸ The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time and specific, true, current and detailed material references to the issues on which that obligation falls.¹⁹

(ii) Current context of the State of Venezuela

40. When analyzing compliance with the procedural requirements, Article 25(6) of its Rules of Procedure establishes that the Commission shall consider the context in which it is inserted. Therefore, the IACHR recalls the specific context of Venezuela, which it has been closely monitoring. Currently, this country is incorporated into Chapter IV.B of the Annual Report of the IACHR in accordance with Article 59, paragraphs 6.a.i, 6.a.ii, 6.d.i and 6.d.iii of the Rules of Procedure. In 2017, through its *Democratic Institutions, the Rule of Law and Human Rights in Venezuela Report*, the Commission documented "the weakness of democratic institutions and the progressive deterioration of the human rights situation."²⁰ At the same time, it highlighted the frequent interference of the Executive Branch on the other powers, in breach of the principle of separation, warning of decisions of the Supreme Court of Justice that affected the powers of the National Assembly (AN).²¹ In its 2023 Annual Report, the Commission observed that the Executive Branch's control over the other branches persists, stating that "the progressive concentration of power in the executive branch and the absence of the Rule of Law have been documented throughout these years."²²

41. In the **current context**, the Commission condemned the serious human rights violations denounced during the repression of the post-election protests in Venezuela.²³ On August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.²⁴ It was stated that the current regime is using fear as a tool to silence citizens and maintain its authoritarian rule, and that Venezuela

¹⁸ [I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia](#), Provisional Measures, Order of February 7, 2006, considerandum 16; and [Case of Luisiana Ríos et al. \(Radio Caracas Televisión – RCTV\)](#), Provisional Measures, Order of September 12, 2005, considerandum 17 (Available only in Spanish).

¹⁹ *Ibidem*.

²⁰ IACHR, [Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#), OEA/Ser.L/V/II, December 31, 2017, para. 43.

²¹ IACHR, [Democratic Institutions, the Rule of Law and Human Rights in Venezuela](#), previously cited, para. 44.

²² IACHR, [2023 Annual Report. Chapter IV.b. Venezuela](#), December 31, 2023, paras. 1-2.

²³ IACHR, Press Release 174/24, [Venezuela: IACHR and Special Rapporteur for Freedom of Expression Condemn Serious Human Rights Violations During Post-Election Protest Repression](#), July 31, 2024.

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

must immediately stop violating human rights and restore democratic order and the rule of law.²⁵ 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.²⁶ Additionally, it was found that detained individuals 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.”²⁷

42. With regard to the ***situation of human rights defenders***, on August 29, 2024, the Commission condemned the persecution of human rights defenders and called on Venezuela to “to immediately end State-sponsored terrorist practices” while noting the repressive patterns of repression by the State against human rights defenders.²⁸ In addition, it indicated that the deprivation of liberty was accompanied by the violation of judicial guarantees, such as incommunicado detention, failure to appear before the courts in a timely manner, among others.²⁹ The Commission warned that the repression intensified during the post-electoral crisis and is part of a broader context of attacks against human rights defenders.³⁰ Lastly, the Commission called for an “end harassment and arrests and to ensure that defenders may do their work in defense of human rights without intimidation.”³¹

43. In the above context, the Commission has ordered the granting of dozens of precautionary measures in favor of persons of Venezuelan society, such as leaders and members of opposition political parties, critics of the current government, journalists, and human rights defenders, most of whom are in a situation of disappearance after being arrested by State agents.

(iii) Ongoing risk against the beneficiaries in light of Article 25 of the IACHR Rules of Procedure

44. The beneficiaries of *Foro Penal* are the following: (1) Alfredo Romero, (2) Gonzalo Himiob Santomé, (3) Robiro Terán, (4) Luis Betancourt, and (5) Olnar Ortiz. As the sister of the Regional Coordinator of Foro Penal in the state of Táchira, the Commission also granted measures in favor of (6) Yoseth Colmenares. The Commission acknowledges that, according to information provided by the representation, Robiro Terán passed away in 2020 due to complications related to COVID-19. Consequently, the precautionary measures granted in his favor will be lifted. In the case of Yoseth Colmeneras, the Commission has no elements of assessment in the last nine years that allow it to indicate that she continues to be at risk in the terms of Article 25 of its Rules of Procedure, and therefore the precautionary measures in her favor should be lifted.

45. Based on the above, the Commission will now proceed to analyze the ongoing risk situation in relation to (1) Alfredo Romero, (2) Gonzalo Himiob Santomé, (3) Luis Betancourt, and (4) Olnar Ortiz under the terms of Article 25 of its Rules of Procedure:

²⁵ IACHR, Press Release 184/24, previously cited.

²⁶ IACHR, Press Release 184/24, previously cited.

²⁷ IACHR, Press Release 184/24, previously cited.

²⁸ IACHR, Press Release 198/24, [IACHR Condemns Persecution of Human Rights Defenders in Venezuela](#), August 29, 2024.

²⁹ IACHR, Press Release 198/24, previously cited.

³⁰ IACHR, Press Release 198/24, previously cited.

³¹ IACHR, Press Release 198/24, previously cited.

- First, the IACHR notes that the organization *Foro Penal* continues to denounce and monitor relevant cases in the public debate, which are currently related to the post-electoral context taking place in the country. According to the information provided, these efforts have focused on documenting arrests and providing support to detainees and their families. In this regard, it is noted that the organization *Foro Penal* continues to carry out human rights defense work in the current context that Venezuela is experiencing.
- Second, the IACHR notes that Alfredo Romero serves as presiding director; Gonzalo Himiob as vice-presiding director; Luis Betancourt as the organization's lawyer; and Olnar Ortiz as coordinator in the state of Amazona. All have an active role in the country's post-election context. In this context, the beneficiaries continue to perform the tasks they were performing at the time the precautionary measures were granted. These activities place them in a position of visibility before State officials, particularly as they work to support individuals detained under the current circumstances in the country.
- As a third element, the Commission observes the ongoing public statements and stigmatization directed against the organization, including specific references to its president and director, Alfredo Romero. It is noted that statements continue to be issued by senior public officials, among them, the president or members of the National Assembly. As a result, it is understood that, in line with the identified context, authorities seek to stigmatize the exercise of their work as human rights defenders. These statements are part of a hostile context in which the beneficiaries carry out their human rights defense work before national and international bodies.
- As a fourth point, the Commission considers that the possible motivation behind the aforementioned events may be linked to the work that the organization carries out, particularly its efforts to file complaints before bodies such as the International Criminal Court, as well as its advocacy for human rights within the country, especially in the context of the current critical situation. In general terms, it is noted that the actions taken are a retaliation for the work carried out by *Foro Penal* in the country.
- Fifthly, concrete actions against beneficiaries have continued to be reported, such as ongoing cases of being followed, intimidation, and harassment in a context of criminalization in Venezuela. For instance, Gonzalo Himiob reports that, since August 3, 2024, a vehicle without license plates which was occupied by officials dressed in black uniforms has been stationed in front of his residence, allegedly conducting surveillance on his home. Attorney Betancourt, for his part, has sought to provide legal defense for individuals detained in the post-election context. He has even documented instances where access to courts and hearings has been denied. He was informed that, due to the above, a proceeding was opened against him before the Prosecutor's Office, for which reason he had to abandon his residence and leave the state of Carabobo. In the case of Olnar Ortiz, it was reported that he has been subjected to surveillance and photographed after attempting to provide legal representation for individuals arrested in the current context.
- Sixth, there is a lack of implementation of protection measures. The direct actions of state agents are particularly concerning, as instead of protecting the beneficiaries, they appear to engage in harassment, intimidation, and persecution. Furthermore, there is no information indicating that any investigations have been initiated to address these actions or to provide the necessary protection. In these conditions, the Commission has no information on the adoption or implementation of measures for the protection of the beneficiaries or the advancement of investigations to clarify the facts against them, and they therefore remain in a state of lack of protection.

46. Consequently, based on the information provided, the Commission finds that the risk faced by the beneficiaries has persisted over time, with its intensity being particularly heightened in the current context. In these conditions, a situation of seriousness, urgency, and the need to prevent irreparable harm persists, in light of Article 25 of its IACHR Rules of Procedure.

(iv) Request for extension in favor of various members of Foro Penal in Venezuela

47. The Commission understands that the representation provided names of various members. Regarding Orlando Moreno, the factual elements are focused on events up until 2022. Subsequently, there is no information about his situation in the last two years. Therefore, there are no current elements to consider the procedural requirements. The Commission proceeds to analyze the situation of the following members of the *Foro Penal* team: (5) Kennedy Tejada, (6) Mayela Fonseca, (7) Lucía Quintero, (8) Pedro Arévalo, (9) Arelys Ayala, (10) Wieczsa Santos Matiz, (11) Laura Valbuena, (12) Raquel Sánchez Carrero, (13) Franyer Jose Hernandez Valladares, and (14) Marbella Gutiérrez. These individuals are considered the proposed beneficiaries for the purposes of this resolution.

48. The Commission recalls that a requirement for the extension of precautionary measures is that the facts alleged have a “factual connection” with the events that justified the initial adoption of the precautionary measures.³² In this regard, the Commission warns that this condition is met, as the alleged risk is related to Orlando Moreno’s affiliation with *Foro Penal*. It is important to highlight that the proposed beneficiaries are also involved in human rights defense activities and have been identified by various state authorities as members of the NGO.

49. In this sense, when analyzing the requirement of *seriousness*, the Commission gives special consideration to the fact that all proposed beneficiaries have been engaged in human rights defense work, particularly through their membership in *Foro Penal*, and have played significant roles in defending individuals detained in the post-election context in Venezuela. In this regard, it was noted that they have been identified by public officials as members of *Foro Penal*, and in some instances, they have been explicitly informed that, due to their affiliation with the organization, they are being denied information or access to certain public facilities within the justice system or detention centers. They have even been questioned or interrogated about their participation. On several occasions, the rhetoric of high-ranking public officials has echoed, with some describing the organization as “terrorists financed by foreign powers to destabilize the government,” thereby inciting actions against them.

50. It is specifically noted that the intention of the proposed beneficiaries in the post-election context has been to provide legal assistance and provide private defense to detainees. The IACHR notes that the proposed beneficiaries’ aim was to protect the judicial guarantees of the detained persons and that they could have a lawyer they trust, and not one imposed by the public defense. This human rights defense function has been impeded by state officials who have denied them the possibility of representation. In addition, they have stated on several occasions that, in the case of persons detained in the post-electoral context, only public defenders are allegedly provided and private attorneys are not permitted. All of the aforementioned events have included intimidating actions by state agents, who have detained them for extended periods, threatened them with arrest, or initiated legal proceedings against them for documenting the incidents.

51. The Commission pays special attention to the case of **Kennedy Tejada**, who was arrested while on his way to provide legal assistance to detainees. After a prolonged period of incommunicado detention, a limited level of communication with his mother has been established. However, authorities continue to refuse

³² I/A Court H.R., [Case of Fernández Ortega et al. v. regarding Mexico. Provisional Measures](#), Order of the Inter-American Court of Human Rights of November 23, 2010, considerandum 11 (Available only in Spanish).

to allow him to have an attorney he trusts. In addition, **Laura Valbuena**, in Táchira, was intimidated by state agents who followed her on the highway. A similar situation occurred with **Wieczsa Santos** in Apure, who was harassed by three officials on motorcycles while leaving an agrarian hearing. Pedro Arévalo, in Nueva Esparta, and **Lucía Quintero**, in Barinas, were detained and interrogated by state officials. Pedro was held for more than 14 hours. In another context, the situation of **Marbella Gutiérrez** is highlighted, as she has continued to carry out her work while in a wheelchair which places her in a position of special vulnerability. In the case of **Mayela Fonseca**, the Commission notes that, due to the circumstances, she allegedly had to seek refuge abroad. However, it remains uncertain whether she has returned or is currently under another form of protection. In the case of **Raquel Sánchez Carrero**, it is noted that she was followed by security agents, which caused her to close her office in the state, under the possibility of being detained without information on any criminal case against her. In the same sense, **Arelys Ayala** was followed by security agents in and out of court. Lastly, the situation of **Franyer Jose Hernández Balladares** is noteworthy. He was allegedly targeted by “superior orders from Caracas,” and state agents forcibly entered his home without a warrant, and even handcuffed and interrogated his relatives for hours, including children. The Commission highlights that all of the specific events reported have occurred without any protection measures in place, and have been attributed to state agents. The foregoing has led the proposed beneficiaries to adopt protective measures by their own means.

52. In addition to the above elements, the IACHR observes that the proposed beneficiaries are being deprived of their liberty, under factual elements similar to those faced by other detainees who are beneficiaries of other precautionary measures. In this regard, the Commission stresses the seriousness of the situation that the detainees have been facing under the current context. In this regard, it has identified recurring patterns of action, including: detention occurring without prior knowledge of any criminal proceedings against them or judicially issued arrest warrants; their place of detention being unknown after being detained; a lack of access for trusted lawyers to attend proceedings and protect their rights; and severe restrictions on family members or attorneys, preventing communication and access to basic information regarding their legal situation. In this matter, it is warned that the proposed beneficiaries were allegedly told that they were detained, or involved in prosecutions, for having registered the actions of state officials in preventing them from exercising their activities as human rights lawyers. They were also reportedly told that they would be detained if they attempted to take legal action again. Given the described situation, the Commission considers that the situation faced by the proposed beneficiaries is consistent with the pattern of detentions observed in the precautionary measures granted after the electoral period, and severely impacts the possibilities they have to continue providing legal support and accompaniment to the detained persons and/or their families.

53. In this sense, given the situations assessed and under the current context of the country, the Commission concludes, from the applicable *prima facie* standard, that the rights to life and personal integrity of the identified persons are at serious risk.

54. Regarding the requirement of *urgency*, it is met to the extent that the proposed beneficiaries continue to carry out their activities as part of the *Foro Penal* team in Venezuela. In this regard, the Commission highlights the post-electoral context of repression, marked by acts of aggression, arrests, and accompanied by instances of enforced disappearances. Under these conditions, it is considered that the situation is likely to continue, to the extent that they have been identified for their human rights activities. Given the lack of response from the State, the Commission does not have specific information that allows it to assess the actions that have been taken to address the alleged risk faced by the proposed beneficiaries in light of the post-election context that Venezuela is experiencing.

55. As it pertains to the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

56. In these circumstances, having established the factual connection and considering the situation of risk that the proposed beneficiaries face, the Commission has determined that the request to extend these measures in their favor is granted.

57. Lastly, the Commission notes that the representation has requested an extension of protection measures for all individuals affiliated with *Foro Penal*. In this regard, it is noted that although some numbers have been provided by states on how many people are in each headquarters, the people who make up this universe have not been identified, nor have additional elements to determine them been provided. In situations like this, the Commission emphasizes that, given that the organization has offices in various states across the country and its membership may vary under the current context, it is important to obtain the names of the individuals involved, as well as factual details regarding their specific situations.³³ Consequently, the Commission considers it necessary to receive more factual elements regarding the situation of the other members of the *Foro Penal* organization in Venezuela.

V. DECISION

58. Upon analyzing the information available, the IACHR decides to issue this Follow-up, Modification, Extension, and Lifting of Precautionary Measures Resolution, in the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. Upon analyzing the available information, the Commission decided:

- g) Extend the precautionary measures in favor of the following persons, currently members of the *Foro Penal* organization in Venezuela: Kennedy Tejada, Mayela Fonseca, Lucía Quintero, Pedro Arévalo, Arelys Ayala, Wicza Santos Matiz, Laura Valbuena, Raquel Sánchez Carrero, Franyer Jose Hernandez Valladares, and Marbella Gutiérrez;
- h) Maintain the precautionary measures in favor of Alfredo Romero, Gonzalo Himiob Santomé, Luis Betancourt, and Olnar Ortiz;
- i) Continue to monitor the situation of Olnar Ortiz under the registry of Precautionary Measures 143-13;
- j) Lift the precautionary measures regarding Yoseth Colmenares and Robiro Terán;
- k) Not to extend the measures in favor of Orlando Moreno and the other members of *Foro Penal*, while keeping the possibility open to submit additional information for future assessment.
- l) Modify the precautionary measures and require that the State of Venezuela:
 - i. adopt the necessary measures to protect the rights to life and personal integrity of the members of *Foro Penal* duly identified in this resolution;
 - ii. implement the necessary measures to guarantee that the beneficiaries can carry out their human rights defense activities without being subjected to threats, harassment, or acts of violence. Specifically, the Commission requests a detailed report on the circumstances surrounding Kennedy Tejada's detention, including his current legal status and ensure that his relatives and trusted legal representatives can communicate with him. Regarding all beneficiaries, to formally inform about the existence of any investigation against them, including at least: the facts under investigation, the alleged offenses, the prosecutor's office in

³³ See, for example: IACHR, Resolution 26/2024, previously cited, para. 45; Resolution 83/2023, Precautionary Measures 83/2023, Tolupan Indians members of the Broad Movement for Justice and Dignity regarding Honduras, December 27, 2023, paras. 78-79; Resolution 47/2023, Precautionary Measures 404-23, Members of *Alternativa de Reirma Comunitaria y Ambientalista de Honduras* (ARCAH) regarding Honduras, August 20, 2023, para. 38; among others.

charge of the investigation, and the competent judicial authority overseeing the case. The State must allow the beneficiaries and/or their representation to have access to the entire criminal file against them, if it exists, thereby allowing them to file the corresponding appeals and guaranteeing their security in the processing of the file;

- iii. consult and agree upon the measures to be adopted with the beneficiaries and their representatives;
- iv. 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.

59. The Commission instructs the Executive Secretariat to notify this Follow-up, Modification, Extension, and Lifting Resolution to the State of Venezuela and to the representatives.

60. Approved on November 28, 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.

María Claudia Pulido
Assistant Executive Secretary