

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 94/2024**

Precautionary Measure No. 1219-24
Jorge Luis Graterol Guzman regarding Venezuela
December 4, 2024
Original: Spanish

I. INTRODUCTION

1. On October 31, 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 organization Defiende Venezuela (“the requesting party”) urging the Commission to request that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Jorge Luis Graterol Guzman (“the proposed beneficiary”) in Venezuela. According to the request, the proposed beneficiary is part of the opposition political party “Vente Venezuela” in San José de Guaribe, state of Guárico. It was alleged that he is at risk after the recent presidential elections of July 2024 in Venezuela, and for participating in the collection of voting records (actas) for his opposition party.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the parties on November 4, 2024. To date, the IACHR has not received a response from the State and the granted deadline has expired.

3. Upon analyzing the submissions of fact and law made by the requesting party, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm. Therefore, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Jorge Luis Graterol Guzman; b) implement the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subject to threats, harassment or acts of violence in the exercise thereof. In particular, the State must ensure that state actors respect the beneficiary’ rights and personal integrity in accordance with the standards established by international human rights law, and in relation to acts of risk attributable to third parties. Likewise, it must report on the existing criminal investigations against the beneficiary; present any judicial arrest warrants, if any; and allow him to have the security guarantees in the development of any investigations; 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 events that led to this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

- **Information provided by the requesting party**

4. The proposed beneficiary is a teacher with 19 years of service. Since 2022, he has been the municipal coordinator of the opposition political party “Vente Venezuela” in San José de Guaribe, state of Guárico. He owns a small gym where, by order of the mayor, no public employee can go to train.

5. Initially, the political work undertaken by the proposed beneficiary in the municipality was minimized by people from the United Socialist Party of Venezuela – PSUV. However, they later managed to add more people, which made the ruling party uncomfortable. He has participated in teacher protests for a living wage. For his political activism, he was considered a “stumbling block” for the ruling party in the municipality.

He questioned that an administrative file was opened despite the fact that he did not miss classes, even during the protests.

6. During the 2024 election campaign, he began to tour the hamlets of the municipality of San José de Guaribe. He was campaigning politically against the current government of Venezuela, so the ruling political party promoted administrative pressures to prevent him from exercising his work as a teacher. Moreover, they took away the benefit of the bag of the Local Committee of Supply and Production - CLAP.

7. On July 28, 2024, the day of the voting for the presidential elections, at the time of the opening of the voting centers in the municipality of San José de Guaribe, a coordinator of the National Electoral Council appointed by the PSUV took over a voting center, the second largest in the municipality, the Agricultural Technical Unit. This implied that table witnesses from the opposition party could not enter the place, and the main members of the National Electoral Council could not constitute the tables either.

8. According to the applicant, the PSUV coordinator alleged that the credentials of the opposition table members had been falsified; she expelled two table members; and she did not let the witnesses pass. Community members then began to group and protest to let the members of the table and witnesses accredited by the opposition enter. The protest also aimed to denounce that inside the voting center were the police, the heads of the CLAP, of the Hugo Chávez Battle Units (UBCH), of Human Resources of the mayor's office, and of the health sector. According to the opposition, such people and officers were coercing the citizens' vote; they were leading them to vote; or they were seeing who the people voted for. The military from the Plan República recorded and took photos. According to the request, the proposed beneficiary tried to mediate by preventing people from becoming violent.

9. When a security body from Altagracia de Orituco arrived, a confrontation was triggered with that anti-riot security body. One of the officers pushed the proposed beneficiary and he struggled to prevent one of his colleagues from being detained. The proposed beneficiary tried to bring in a witness, but did not succeed. At the time of the vote, they were not allowed to enter the polling station either. More guards arrived to contain the claims of the voting citizens. In the end, the voting machines were removed from behind the school in the mayor's cars. The following day, the proposed beneficiary had to transfer the voting records and send them to the campaign command. Of 18 voting records, only 15 could be transmitted, since the ruling political party took two voting centers, including the one where the conflict was generated.

10. As a result of what happened, the proposed beneficiary began to receive new threats from profiles on Facebook that he labeled as "fake," who asked for him to be put in prison. Therefore, he identified them as profiles of people close to the Venezuelan government. The campaign command instructed its leaders to take shelter, so the proposed beneficiary left Guaribe two days after the elections. At that time, a plan was initiated in the state of Guárico to detain the members of the criminal gang known as "El Tren del Llano." Because of this, more than 200 members of the Bolivarian National Guard arrived in San José de Guaribe. The mayor reportedly took advantage of that moment to blame all the opponents for belonging to the "Tren de El Llano" and order the security agents to chase them. The proposed beneficiary learned that State officials indicated in their meetings that they would not rest until they saw how he "had his toenails pulled out."

11. The proposed beneficiary was summoned by the Scientific, Penal, and Criminal Investigation Corps (CICPC) to appear on September 25, 2024, for crimes against terrorism; he was informed that if he did not appear, he could be fined or deprived of his liberty. This same summons were reportedly replicated in other nine cases involving the same representation of people who actively participated in the July 28, 2024, presidential election.

12. Lastly, it was explained that the proposed beneficiary is scared. People close to his circle have reported that municipal officers say "they want Jorge Graterol's head, that they are going to put currents in his balls, that they are going to rip his teeth out." Given the prolonged absence in his work place, the head of the

school municipality sponsored by the mayor's office is sending the school director to dismiss him for non-attendance. In addition, his family has been subjected to constant threats and intimidation by officers of the State security forces.

B. Response from the State

13. The IACHR requested information from the State on November 4, 2024. To date, the State has not sent a response, and the granted deadline has expired.

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

14. 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.

15. 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.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and to 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, and how vulnerable the proposed 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 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 reparations⁴. In the process of reaching a decision, and according to Article 25(2) of the 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;

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.

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 the 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.

- 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.

16. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.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

17. At the time of analyzing this situation, the Commission emphasizes that the Inter-American Convention on Forced Disappearance of Persons indicates in its preamble that the States expect the Convention “may help to prevent, punish, and eliminate the forced disappearance of persons in the Hemisphere and make a decisive contribution to the protection of human rights and the rule of law.”⁸ In addition, the aforementioned Convention establishes that the States Parties undertake to “cooperate with one another in helping to prevent, punish, and eliminate the forced disappearance of persons.”⁹

18. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005¹⁰, 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.

19. 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.¹¹ The Commission has recently condemned the practices of institutional violence in the context of the electoral process in Venezuela, such as violent repression, arbitrary detentions, and political persecution.¹² 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.¹³

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 Inter-American Convention on Enforced Disappearance of Persons, Preamble, eighth paragraph.

⁹ Inter-American Convention on Forced Disappearance of Persons, Article I. C.

¹⁰ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 1.

¹¹ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

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.

20. In particular, in its statement of August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) stated that the regime in power is sowing terror as a tool to silence the citizenry and perpetuate the ruling authoritarian regime in power, and that Venezuela must cease practices immediately that violate human rights and reestablish democratic order and the rule of law.¹⁴ 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.”¹⁵

21. On September 13, 2024, the IACHR condemned the forced exile of opposition presidential candidate Edmundo González Urrutia.¹⁶ He left Venezuela seeking international protection in Spain.¹⁷ Opposition leader María Corina Machado confirmed that the decision to leave the country was not made freely, but was a measure to safeguard his rights.¹⁸

22. The Commission believes that the current context in Venezuela is of crucial importance when analyzing the proposed beneficiary's situation as a member of the country's political opposition, having played a relevant role in collecting voting records in his region after the July 2024 electoral process in Venezuela.

23. When analyzing the requirement of *seriousness*, the Commission highlights that, due to his political activism, the proposed beneficiary stands out as a local figure of the Venezuelan opposition. In view of his political background, and after what happened in the presidential elections of July 2024, the Commission identifies that, in addition to having been subjected to threats and intimidation by people linked to the official political party, there are intentions to deprive him of his liberty for his participation in the collection of voting records. In this regard, it was alleged that he was summoned by the CICPC accused of the crime against terrorism.

24. In the framework of the above facts, the Commission notes that the applicant alleged that the municipal officers are indicating that “they want Jorge Graterol's head, that they are going to put currents in his balls, that they are going to rip his teeth out.” Such statements reportedly reflect that the situation of intimidation and harassment towards the proposed beneficiary has increased. He was already considered a “stumbling block” for the ruling political party from previous years. However, under the new context, it is alleged that he would be tortured once he is deprived of his liberty. Based on the specific situation presented, and assessing the context of persecution in which it takes place, it is understood that the proposed beneficiary is in a situation of total vulnerability. Given the lack of protection measures by the State, the proposed beneficiary was reportedly forced to leave his city as a personal protection measure.

25. In light of the foregoing, the Commission observes that the situation of the proposed beneficiary is consistent with the current context of persecution against any person who is part of the political opposition and questions the current government, which has created a scenario of concrete risk to his life and integrity. In recent grants of precautionary measures in Venezuela, the Commission corroborated a pattern of State action following the detention of persons perceived or identified as opposition members. These individuals are detained without knowledge of criminal proceedings against them, and without arrest warrants issued by the courts. Their place of deprivation of liberty is subsequently unknown and there is no possibility for trusted lawyers to appear in the proceedings to protect their rights. Furthermore, there are serious

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

¹⁵ IACHR, Press Release 184/24, previously cited.

¹⁶ IACHR, Press Release 215/24, [Venezuela: IACHR condemns forced exile of Edmundo González and acts of aggression at Argentina's embassy in Venezuela](#), September 13, 2024.

¹⁷ IACHR, Press Release 215/24, previously cited.

¹⁸ IACHR, Press Release 215/24, previously cited.

restrictions on family members or lawyers, hindering their communication and access to minimal information about the detainees' legal situations.¹⁹ Consequently, the Commission considers, as an indispensable minimum, that the State report on the existing criminal investigations against the proposed beneficiary; present any judicial arrest warrants, if any; and allow him the full right of defense within the framework of any investigations.

26. The Commission also emphasizes that, in his current situation, the proposed beneficiary lacks access to material protection that safeguards his rights. Given that the most recent events of persecution occurred after his participation on election day, in which he protested for the entry of board members and witnesses accredited by the CNE, the Commission understands that the intention is to remove him from the public debate in Venezuela, and to prevent him from continuing to participate in the activities of his political faction. Consequently, the Commission emphasizes its concern about the potentially intimidating effect that this situation may have on others within the opposition in Venezuela.

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

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

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

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

IV. BENEFICIARY

31. The Commission declares Jorge Luis Graterol Guzman beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

¹⁹ IACHR, Resolution 49/2024 (Follow-up and Modification), Precautionary Measure No. 533-17, Williams Daniel Dávila Barrios regarding Venezuela, August 14, 2024; Resolution 50/2024, Precautionary Measure No. 883-24, Roland Oswaldo Carreño Gutiérrez regarding Venezuela, August 17, 2024; Resolution 51/2024 (Follow-up and Modification), Precautionary Measure No. 359-16, Américo de Grazia regarding Venezuela, August 17, 2024; Resolution 55/2024, Precautionary Measure No. 899-24, Freddy Francisco Superlano Salinas regarding Venezuela, August 26, 2024; Resolution 61/2024, Precautionary Measure 928-24, Perkins Rocha regarding Venezuela, September 2, 2024; Resolution 63/2024, Precautionary Measure No. 931-24, Biagio Pilieri Gianninoto and Jesús Alfredo Pilieri regarding Venezuela, September 6, 2024.

32. The Commission understands 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, the Commission requests that Venezuela:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Jorge Luis Graterol Guzman;
- b) implement the corresponding measures to guarantee that the beneficiary can continue to carry out his activities of political participation without being subject to threats, harassment or acts of violence in the exercise thereof. In particular, the State must ensure that state actors respect the beneficiary' rights and personal integrity in accordance with the standards established by international human rights law, and in relation to acts of risk attributable to third parties. Likewise, it must report on the existing criminal investigations against the beneficiary; present any judicial arrest warrants, if any; and allow him to have the security guarantees in the development of any investigations;
- 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 events that led to this precautionary measure, so as to prevent such events from reoccurring.

33. 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.

34. The Commission emphasizes that, pursuant to Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

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

36. Approved on December 4, 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.

Jorge Meza Flores
Assistant Executive Secretary