

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 97/2024**

Precautionary Measure No. 994-16

**Matter of Lorenzo Mendoza and family regarding Venezuela**

December 16<sup>th</sup>, 2024

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Lorenzo Mendoza and his family, in the Bolivarian Republic of Venezuela. At the time of making the decision, the Commission assessed the State’s request to lift in its report, as well as the lack of information from both parties since 2017. Upon currently not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**II. BACKGROUND INFORMATION**

2. On January 20, 2017, the IACHR granted precautionary measures in favor of Lorenzo Mendoza and his family unit, in the Bolivarian Republic of Venezuela. The request alleged that Lorenzo Mendoza, owner of *Empresas Polar*, and his family unit were at risk due to alleged accusations and acts of harassment from high State authorities and third parties. Consequently, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested that the Bolivarian Republic of Venezuela:

- a. adopt the necessary measures to guarantee the life and personal integrity of Lorenzo Mendoza and the identified members of his family unit;
- b. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c. report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure.<sup>1</sup>

3. Lorenzo Alejandro Mendoza and Guillermo Bolinaga exert representation before the Commission.

**III. INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURES WERE IN FORCE**

**Procedure during the time the measures were in force**

4. During the time the precautionary measures were in force, the Commission followed-up on the situation by requesting information from the parties. In this regard, communications have been received from the parties and sent from the IACHR on the following dates:

	<b>State</b>	<b>Representation</b>	<b>IACHR</b>
2017	March 21	March 15 and May 15	September 21
2019	No information	No information	September 9
2022	No information	No information	December 30
2023	No information	No information	August 8

<sup>1</sup> IACHR, [Resolution 2/2017](#), Precautionary Measure No. 994-16, Matter of Lorenzo Mendoza and family regarding the Bolivarian Republic of Venezuela, January 20, 2017 (Available only in Spanish).

2024	No information	No information	September 25
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5. In its communication of March 21, 2017, the State requested that the precautionary measures be lifted. The request was forwarded to the representation on September 21, 2017, but they did not submit a response. Since 2017, the Commission has not received any communications from either the representation or the State, despite multiple requests for information sent to the parties on September 21, 2017, September 9, 2019, December 30, 2022, August 8, 2023, and September 25, 2024. All deadlines have since expired.

**a. Information provided by the representation**

6. On March 15, 2017, the representation reiterated information previously submitted regarding the company’s labor structure, incidents of harassment directed at managers of *Empresas Polar* by labor authorities, including 40 temporary arrests between 2015 and 2016. It also mentioned comments made in the program “Con el Mazo Dando,” hosted by Diosdado Cabello, representative of the National Assembly and First Vice President of the United Socialist Party of Venezuela (PSUV), targeting senior managers or directors of the company. They added that on January 11, 2017, the Minister of People’s Power for the Social Process of Labor mentioned the beneficiary, Lorenzo Mendoza before the “Congress of the Homeland,” where he suggested that the beneficiary “stay away from politics and the coup.”

7. On May 15, 2017, it was reported that Lorenzo Mendoza was mentioned once again on the program “Con el Mazo Dando,” on April 26, 2017, where Congressman Diosdado Cabello stated, “Why don’t you go to Lorenzo Mendoza’s house then? Ah, they go to the jackass, the little guy, the one who owns the bakery. I’m not saying you should go to Lorenzo Mendoza’s house, but if you do, that’s on you... though I wouldn’t mind one bit, I’d actually feel pretty good about it.” The representation adds that the statements were said in a context of looting and riots in the country due to social discontent and economic crisis, which they interpret as a call to attack his house. On May 3, 2017, Representative Diosdado Cabello again mentioned the beneficiary, stating that he was going to an event in Miami and had received millions of dollars from the government, as well as that he would be harming the Venezuelan people. In that order, on May 3 and 4, 2017, looting occurred at the Polar Brewery, which led to a fire the following day. On May 5, 2017, a complaint was filed regarding these events, accusing Representative Diosdado Cabello of endorsing the crimes of looting and arson.

**b. Information provided by the State**

8. In its communication of March 21, 2017, the State requested that the precautionary measures be lifted. The IACHR’s authority to grant precautionary measures was questioned, and it was argued that the requirements of seriousness, urgency, and irreparable harm were not met. It was claimed that there was no explicit or implicit threat to the life or integrity of Lorenzo Mendoza or his family, but rather only “a political debate” of the Bolivarian Republic of Venezuela, where everyone exercises their freedom of expression. They also state that of the statements made by the President of the Republic, only eight refer to the beneficiary or companies owned by him, and that on eight occasions he is mentioned by Representative Diosdado Cabello. They indicate that also the President of the Republic has met to work with the beneficiary for the well being of the country and share statements made by Nicolas Maduro in this regard, between 2013 and 2017.

9. Regarding the beneficiary, it was reported that he is listed in Forbes magazine as one of the richest men in the world, and his travels are widely shared outside the Bolivarian Republic of Venezuela. Therefore, it is argued that he cannot be compared to beneficiaries of other precautionary measures, such as human rights defenders or journalists. It is also noted that Lorenzo Mendoza has not filed any requests for protection at the domestic level, and that only complaints from companies regarding commercial issues have been submitted to the Ombudsperson’s Office.

10. Additionally, the State stated that Lorenzo Mendoza's situation should not be extended to his family unit, particularly because his relatives are not in Venezuelan territory. It was reported that their entries and exits from the country, as well as the times they stay abroad, are documented. The State also considers that it is not possible for *Empresas Polar* to claim to represent its workers and refers that the State's activity has been aimed at compensating violations of the company's union and labor rights to its workers, through its authorities for the oversight of companies in the exercise of their powers. In addition to the above, they add that the procedures are not carried out on Lorenzo Mendoza, but on a legal person, such as a company. It also provides the legal basis for the detention of company managers for alleged contempt of authority.

#### **IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

11. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

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

- a. "serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;

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<sup>2</sup> 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).

<sup>3</sup> 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)

<sup>4</sup> 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).

- 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.

13. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying, or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth 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 assess 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 meet the requirements outlined in Article 25 of its Rules of Procedure.

14. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.<sup>5</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>6</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.<sup>7</sup>

15. In analyzing whether the procedural requirements remain in effect, the Commission recalls that the measures granted in 2017 were intended to protect Lorenzo Mendoza and his family unit, who were at risk due to alleged accusations and acts of harassment by high-ranking State authorities and third parties.

16. In this regard, the Commission notes that although the State sent a report on March 21, 2017, it only questioned the issuance of these precautionary measures and requested the lifting of the measures, without providing information on the implementation of protection measures. In addition, it subsequently ceased to send communications and respond to requests for information since March 2017, thereby offering no further details on the implementation of the measures during this time. In this sense, the Commission recalls that, according to the Inter-American Court, non-compliance with the State’s duty to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to persons in serious and urgent situations.<sup>8</sup> The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time, and the specific, true, current, and detailed material references to the issues on which that obligation falls.<sup>9</sup>

17. In the same sense, the Commission observes that there have been no updates on the beneficiaries’ situation since its report of May 2017. The representation has not provided updates on the situation that places the proposed beneficiary at risk during the time these precautionary measures were in

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<sup>5</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

<sup>6</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, previously cited.

<sup>7</sup> I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, previously cited.

<sup>8</sup> I/A Court H.R., [Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia](#), Provisional Measures, Order of February 7, 2006, considerandum 16 (Available only in Spanish); and [Case of Luisiana Ríos et al. \(Radio Caracas Televisión – RCTV\)](#), Provisional Measures, Order of September 12, 2005, considerandum 17 (Available only in Spanish).

<sup>9</sup> I/A Court H.R., [Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia](#), previously cited; and [Case of Luisiana Ríos et al. \(Radio Caracas Televisión – RCTV\)](#), previously cited.

force, nor did it respond to the multiple requests for information subsequently submitted by the IACHR. The Commission stresses the importance of having updated information on the situation of risk on a regular basis.

18. In these conditions, the Commission warns that neither the representation nor the State has provided a response in this proceeding since 2017, despite the periodic requests for information. Approximately seven years have elapsed without any information from the parties. The foregoing makes it difficult for this Commission to adequately carry out its mandate through the effective follow-up of these precautionary measures, and taking into account their useful effect in this type of matter.

19. In analyzing if the procedural requirements continue in force, the Commission observes that in the representation's communication of May 15, 2017, it was claimed that new accusations were made against Lorenzo Mendoza on the program "Con el Mazo Dando," one of which allegedly led to criminal acts affecting one of the beneficiary's companies. However, after more than seven years, there is no known occurrence of any type of act related to Lorenzo Mendoza or his family unit. In this regard, considering the importance of specific information on the risk, the Inter-American Court has understood that "the passage of a reasonable period of time without threats or intimidation, added to the lack of an imminent risk, may lead to the lifting of provisional measures."<sup>10</sup>

20. Considering the nature of the precautionary measures mechanism, in addition to the lack of information, the Commission understands that it does not have any elements to support compliance with the requirements of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>11</sup> the Commission considers that it is appropriate to lift these measures.

21. Lastly, the Commission emphasizes that, regardless of the lifting of these measures, the Bolivarian Republic of Venezuela has the obligation to respect and guarantee the rights recognized in the applicable instruments.

## **25 DECISION**

22. The Commission decides to lift the precautionary measures granted in favor of Lorenzo Mendoza and his family unit, in the Bolivarian Republic of Venezuela.

23. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of its Rules of Procedure.

24. The Commission instructs the Executive Secretariat to notify this resolution to the Bolivarian Republic of Venezuela and to the representation.

25. Approved on December 16, 2024, by Roberta Clarke, Chair; Carlos Bernal Pulido, First Vice-Chair; José Luis Caballero Ochoa, Second Vice-Chair; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

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<sup>10</sup> I/A Court H.R., Fernández Ortega et al., Provisional Measures regarding Mexico, Order of February 7, 2017, considerandum 17 (Available only in Spanish).

<sup>11</sup> I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24 (Available only in Spanish).

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