

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 87/2024**

Precautionary Measure No. 409-23

**Franklin Alfredo Caldera Cordero, Franklin Caldera Martínez and Yuraima Martínez
regarding Venezuela**

November 25, 2024

(Follow-up, Modification and Extension)

Original: Spanish

I. INTRODUCTION

1. During 2024, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission” or “the IACHR”) received requests to extend precautionary measures submitted by the organization “Defiende Venezuela” urging the IACHR to request that the Bolivarian Republic of Venezuela (hereinafter “Venezuela” or “the State”) protect the rights of Franklin Caldera Martínez and Yuraima Martínez, son and wife of the beneficiary. According to the request, Franklin Caldera Martínez (son)¹ is being deprived of his liberty and is being subjected to acts of torture, while Ms. Yuraima Martínez is being harassed and followed, both as a result of the work of the beneficiary, Franklin Alfredo Caldera Cordero.

2. Pursuant to the provisions of Article 25 of the Rules of Procedure, the Commission requested information from the State on March 14, April 16, September 12 and October 25, 2024, in order for it to make a pronouncement on the information provided and the requests for extension. The State has not replied to the IACHR and the granted deadlines have since expired.

3. Upon analyzing the available information, the Inter-American Commission decides to issue this Follow-up, Modification and Extension Resolution on Precautionary Measures, pursuant to the provisions 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. The IACHR considers that the situation placing Franklin Alfredo Caldera Cordero at risk persists. It also decides to extend the precautionary measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez, considering that they are facing a risk related to these precautionary measures. Therefore, the Commission decides:

- a) To continue to follow up on the situation of Franklin Alfredo Caldera Cordero;
- b) To extend the precautionary measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez;
- c) To modify the scope of these precautionary measures, and require that the State of Venezuela:
 - i. adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero, Franklin Caldera Martínez and Yuraima Martínez. In the case of Franklin Caldera Martínez, the measures must include those necessary to also protect his right to health;
 - ii. adopt the necessary measures to guarantee that Franklin Alfredo Caldera Cordero can continue to carry out his work as a human rights defender without being subjected to threats, intimidation, harassment or acts of violence in the exercise of his duties. In particular, it must formally inform the beneficiary of the existence of any investigation process against him,

¹ The representation has referred to him as “Lieutenant” or “First Lieutenant” on their communications. Born on July 21, 1993, he is currently 31 years old.

including at least: the facts under investigation, the crimes he is accused of, the prosecutor's office in charge of the investigation, and the competent judicial authority in charge of the investigation. The State must allow the beneficiary and/or his representatives to have access to the entire criminal file against him, if it exists, allowing him to file the corresponding appeals and guaranteeing his security in its processing;

- iii. implement the necessary measures to ensure that the conditions of detention of Franklin Caldera Martínez (son) are compatible with the applicable international standards on the matter, among them: guarantee that he is not subjected to violence, threats, intimidation, aggression and torture inside the prison; guarantee access to adequate and specialized medical care, as well as to the necessary treatment and medication, and immediately carry out a comprehensive medical assessment of his health situation; and evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting his rights in light of the current conditions of detention;
- iv. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- v. report on the actions taken to investigate the alleged facts that gave rise to the adoption and validity of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats, allegations of torture and other acts of violence reported, including those that could have taken place by State officials and/or agents against the beneficiaries.

II. BACKGROUND INFORMATION

4. On July 20, 2023, the IACHR decided to grant precautionary measures in favor of Franklin Alfredo Caldera Cordero, in Venezuela. According to the request, the beneficiary was subject to acts of persecution and threats related to his work as a human rights defender and founder of the Victims Committee "Familia S.O.S. Libertad", in particular, as a result of public statements and denunciations about the situation of political prisoners in Venezuela, specifically his son—who was a first lieutenant in the Venezuelan Army—who has been deprived of his liberty since February 11, 2021, in an allegedly arbitrary manner and without receiving necessary medical attention. After analyzing the available information, the Commission considered that Franklin Alfredo Caldera Cordero was in a serious and urgent situation, given that his rights were at risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested that Venezuela:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero;
- b) adopt the necessary protective measures so that Mr. Franklin Alfredo Caldera Cordero can continue to carry out his human rights defense work, without being subjected to threats, intimidation, harassment, or acts of violence;
- c) consult and agree on the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.²

5. The beneficiary is represented by the organization "Defiende Venezuela".

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

² IACHR, [Resolution 40/2023](#), Precautionary Measure No. 409-23, Franklin Alfredo Caldera Cordero regarding Venezuela, July 20, 2023.

6. During the time the precautionary measures have been in force, the Commission has followed up on the instant matter by means of requests for information to the parties, in accordance with the terms of Article 25(10) of the Rules of Procedure.³ The representation requested an extension of the measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez. All the information provided was transferred to the State, and the last transfer was made on October 25, 2024. No communication was received from the State, despite the various requests for information made and the expiration of all deadlines.

A. Information provided by the representation

7. In relation to the beneficiary Franklin Alfredo Caldera Cordero, it was indicated that he has a program, within the framework of his work with his NGO “Familia SOS Libertad,” where victims give testimony of their experiences in accessing justice in Venezuela. On April 8, 2024, he took his vehicle to check for an electrical failure, and the mechanic identified that an electronic device with GPS locator had been installed. The beneficiary has never installed this device. He added that he continues to receive threatening calls to his house, the last one about 10 days after finding the GPS, where he was told “that they had him located and that they were going to kill him.”

8. The representation explained that in Fort Tiuna there are two detention centers with persons identified as “political prisoners”: one is the military prison of Fort Tiuna, in charge of the General Directorate of Military Counterintelligence (DGCIM); while the other is where Franklin Caldera Martínez is being held, known as the 35th Brigade of the Libertador José de San Martín Military Police.⁴ They state that although DGCIM officers are allowed access to the area, it is under the command of the director of the Military Police. In this sense, according to the representation, Franklin “is not detained in a detention center under the supervision of the DGCIM,” therefore “he is not protected by the precautionary measures 178-19” that include all persons detained at the DGCIM headquarters.

9. In the 35th Brigade of the Libertador José de San Martín Military Police there are 38 military personnel, of which three are considered “political prisoners” (a commander, a sergeant, and Franklin Caldera Martínez). They reported that, on July 14, 2023, the judicial process of Mr. Caldera Martínez was interrupted, along with that of 45 other political prisoners, following a transfer of judicial powers, delaying the adoption of a decision. During a visit of the beneficiary to his son on March 16, 2024, Mr. Caldera Martínez informed his father that he received threats from the prison director to send him to another detention center if his father continues to denounce the violation of human rights of the so-called “political prisoners” from his organization. In particular, it was indicated that he was threatened with being transferred to the Rodeo 1 Judicial Prison, a center with respect to which “he has denounced the deplorable conditions [...such as] that the detainees sleep on the floor without a sheet or pillow, attacked by mosquitoes, the place is full of pests; in addition, the detainees eat with their hands, the water jet with which they wash themselves and the latrine (septic tank) are in the same place.” They share that these threats have generated depression in Caldera Martínez, causing him to suffer from insomnia. On April 8, 2024, Caldera Martínez was taken to court for a trial hearing. Prior to that, he was held for 12 hours in a Bolivarian National Police (PNB) detention center called Zona 7, where he was held in overcrowded conditions and without access to water, food or bathroom facilities. The proposed beneficiary expressed to his father that, if these transfers continue, he will continue his trial in contumacy, because in this center there are people with a criminal profile who locate him because of his military background.

10. In a later update, they indicate that in the 35th Military Brigade Mr. Caldera Martínez is in a room with reduced space, in conditions of isolation and without natural light. He has pain in his spine and in his leg, at the level of the kneecap, where he was hit by a bullet at the time of his arrest; it is difficult for him to

³ The IACHR has sent and requested information on March 14, April 16, May 23, September 12 and October 25, 2024. Information was received from the representatives on January 17, April 9, June 19, August 22 and October 24, 2024.

⁴ They specified the address of the detention center: Alcabala 10 del Fuente Tiuna, *parroquia* El Valle, Libertador municipality, Capital District, Venezuela.

walk, and he feels a sharp pain in his legs, causing him to fall. In addition, he has developed emotional problems, suffers from panic and anxiety. Although he has asked the director of the headquarters on multiple occasions to be transferred to a health center, he has had no response, and his economic conditions do not allow him to pay for a lawyer to make legal requests.

11. The representation reported that on August 2, 2024, in the post-electoral context of Venezuela, the wife of beneficiary Caldera Cordero, Yuraima Martínez, observed on her security cameras that two vehicles stopped at the entrance of her home. Upon exiting, an agent who was in one of the vehicles asked her if Franklin Caldera lived there, answering that he did, but that he was traveling. The vehicles then left. After these events and the threatening calls, both Mr. Caldera Cordero and his wife, Yuraima Martínez, took refuge in a safe house. Subsequently, on September 18, 2024, while Mr. Franklin Alfredo Caldera Cordero was about to travel to Cúcuta, Colombia, crossing through the border town of Ureña, a migration official questioned him about his departure from the country. Upon identifying that he was a human rights defender and that he coordinated the NGO “Familia SOS Libertad,” he took a frontal photograph of him and attempted to detain him. UN personnel present intervened to allow the beneficiary to travel. They emphasize that the reason for the trip was to testify in Colombian prosecutors’ offices about the kidnapping of his son, which took place in Colombian territory on February 11, 2021.

12. After registering the beneficiary’s departure from the country, Venezuelan authorities “have linked him to alleged terrorist plans,” causing reprisals to his wife and son, who remain in the country. Between October 1 and 3, searches, threats and intense interrogations were carried out against Franklin Caldera Martínez, in which a major involved in his kidnapping in Colombia was allegedly involved. In the interrogations, Caldera Martínez has been demanded to “report on an alleged plan to invade Venezuela, including details about the participants and the location of weapons and other objects involved in the alleged takeover of the country.” The major who interrogated him would affirm the existence of alleged WhatsApp audios detailing an invasion from Colombia, where the beneficiary Caldera Cordero would be involved. On October 21, 2024, Mr. Caldera Cordero received a call from his son, who informed him that during the week of October 14 to 18, he was extracted from his cell and taken to a place known as “El Hueco,” while his location was unknown, where he was stripped naked, beaten with blunt objects, and subjected to electric shocks; he also suffered an intentional injury to his knee, which was already injured after being shot during his second detention and prevented him from walking. After the beating and punishment, naked in low temperatures, he was forced to record a video in which he confesses to incriminating his classmates who defected with him in 2019 and are outside Venezuela, mentioning an alleged plan to invade Venezuela and carry out terrorist attacks. “The torturers” interrogated him about his father, “who is still in Colombia,” whom they consider an accomplice in the plans against Venezuela, stating that when he returns to Venezuela, “he would be detained, tortured and would never leave prison.” On October 18, Caldera Martínez was returned to his cell, stripped of several belongings, and his visits and the entry of packages, medicines and food were suspended. In addition to this, the guards have punished other inmates, informing them that because of the proposed beneficiary they have lost their benefits, which has generated repudiation and rejection towards him, which adds to his physical suffering and the difficulty to walk because of his knee.

13. On another note, Ms. Yuraima Martínez has been subjected to persecution since October 2024, having been informed by neighbors of the recurrent presence of vehicles without license plates parked in front of the family home. Likewise, she states that she is constantly followed by security officers in a Chery Orinoco model vehicle, expressing that she fears her arrest at any moment, due to the unjustified following she is being subjected to.

B. Response from the State

14. The IACHR has not received a response from the State regarding the implementation of the precautionary measures. Nor has the IACHR received information proving that the State has been adopting

measures in this regard throughout the time they have been in effect; and all the deadlines granted to the State have expired.

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

15. 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; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

16. 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.⁵ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁶ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁷ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁸ 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;
- 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.

⁵ 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).

⁶ 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)

⁷ 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).

⁸ 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.

17. In the analysis of the aforementioned requirements, the Commission reiterates that the facts that motivate a request for precautionary measures do not need to be fully proven. The information provided, in order to identify a serious and urgent situation, must be assessed on a *prima facie* standard of review.⁹ The Commission also recalls that, by its own mandate, it is not its responsibility to determine individual responsibility for the facts denounced. Likewise, in this proceeding, it is not for the Commission to rule on violations of rights enshrined in the American Convention or other applicable instruments,¹⁰ which is better suited to be addressed by the Petition and Case System. The study that follows refers exclusively to the requirements of Article 25 of the Rules of Procedure, which can be carried out without the need to making any determinations on the merits.¹¹

18. With respect to the foregoing, Article 25(9) of the Rules of Procedure establishes that the Commission shall periodically evaluate, on its own initiative or at the request of the parties, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission must consider whether the urgent and serious situation, and the possible generation of irreparable harm, which led to the adoption of the precautionary measures, still persists in order to keep them in force. Furthermore, it must consider whether, subsequently, new situations have arisen that may meet the requirements set forth in Article 25 of the Rules of Procedure. Similarly, Article 25(10) provides that the Commission may take appropriate follow-up measures, such as requesting relevant information from interested parties on any matter related to the granting, enforcement, and validity of the precautionary measures. Such measures may include, where appropriate, implementation schedules, hearings, working meetings, and follow-up and review visits. Through Resolution 2/2020¹² of April 15, 2020, the IACHR ruled on the possibility of issuing follow-up resolutions.

19. On this occasion, the Commission decides to issue a *Follow-up, Modification and Extension Resolution* considering the information received, in light of the current situation of the beneficiary and his son and wife. In this regard, the Commission will conduct the analysis as follows: i) Absence of response from the State in the instant matter; ii) Current context of the State of Venezuela; iii) Current situation presenting a risk in light of Article 25 of the IACHR Rules of Procedure; iv) Request for extension in favor of Franklin Caldera Martínez (son) and Yuraima Martínez.

(i) Absence of response from the State in the instant matter

20. The Commission states that it has not received official information from the State on the measures it is adopting to implement these precautionary measures. Despite requests for information made to the State on March 14, April 16, September 12, and October 25, 2024, the IACHR has not received a response that includes the aforementioned scope. The Commission regrets the State's lack of willingness, since dialogue and consultation are essential for the proper implementation of precautionary measures and, ultimately, for the protection of the rights to life and integrity of the beneficiaries. Without communication from the State, it is impossible to know the possible efforts or progress that the State is making in terms of protection of the beneficiary's rights.

21. The Commission emphasizes that, according to the information provided by the representatives, the State constantly learns about the situation of the beneficiary and his son and wife,

⁹ 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; [Matter of the 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.

¹⁰ 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.

¹¹ In this regard, the I/A Court H.R. has indicated that it "cannot consider the merits of arguments pertaining to issues other than those strictly related to the extreme gravity and urgency and the need to avoid irreparable damage to persons." See in this regard: I/A Court H.R., [Matter of James et al. v. Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, para. 6; [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, para. 2.

¹² IACHR, [Resolution 2/2020](#), Strengthening of the monitoring of precautionary measures in force, April 15, 2020.

including authorities and public officials, who are identified as those responsible for the alleged facts. In particular with respect to Caldera Martínez, who is deprived of his liberty, and the State’s position as guarantor of his rights becomes relevant, given that he is in its custody. Notwithstanding, the Commission notes that no measures of protection have been adopted in his favor, nor have the alleged acts of harassment and surveillance ceased, and even recent allegations of torture and inadequate conditions of detention have been reported.

22. The Commission would like to recall, following the Inter-American Court, that failure to comply with the State’s duty to report on all the measures adopted in compliance with its decisions on international protection measures —such as precautionary measures— is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to persons in serious and urgent situations.¹³ The duty to inform constitutes a dual obligation that requires for its effective fulfillment the formal presentation of a document in due time and the specific, certain, current, and detailed material reference to the issues on which such obligation falls.¹⁴

(ii) Current context of the State of Venezuela

23. When analyzing compliance with the procedural requirements, Article 25(6) of its Rules of Procedure establishes that the Commission shall take into account the context in which it takes place. Consequently, the IACHR recalls the specific context of Venezuela, which it has been monitoring closely. 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. The Commission has issued press releases and country reports, also creating a special mechanism to follow up on the country situation, called MESEVE. In 2017, the Commission documented “the weakness in democratic institutionalism and the progressive deterioration of the human rights situation in Venezuela” and highlighted the various interferences of the Executive Branch over the other branches, in disregard of the principle of separation, noting decisions of the Supreme Court of Justice that affected the powers of the National Assembly.¹⁵ In its 2023 Annual Report, the Commission observed that the control of the Executive Branch over the other powers persists, having “documented the progressive concentration of power in the hands of the Executive Branch and the absence of the rule of law.”¹⁶

24. Regarding the *situation of persons who oppose or are identified as opponents in Venezuela*, the Commission has been pronouncing itself throughout the last few years.¹⁷ In its 2017 Country Report, the Commission noted with concern the existence of a pattern of serious human rights violations of those who express or assume public positions of dissent, in particular, with the Executive Branch.¹⁸ In line with this, in its 2021 Annual Report, it highlighted “the persecution, accusations and harassment of opposition voices in Venezuela, as well as against persons who express criticism of the government”¹⁹ and, in its 2022 Annual Report, the Commission considered the existence of a context of “harassment, persecution, arbitrary detentions, lack of transparency and stigmatizing accusations against those who investigate and actively participate in matters of public and political interest.”²⁰ Likewise, in the 2021 Annual Report, the Commission

¹³ I/A Court H.R., *Matter of the Communities of Jiguamiandó and Curvaradó regarding Colombia*, Provisional Measures, Resolution of February 7, 2006, Considerandum 16; and *Case of Luisiana Ríos et al (Radio Caracas Televisión - RCTV)*, Provisional Measures, Resolution of September 12, 2005, Considerandum seventeen.

¹⁴ I/A Court H.R., *Matter of the Communities of Jiguamiandó and Curvaradó...*, previously cited; and *Case of Luisiana Ríos et al...*, previously cited.

¹⁵ IACHR, [Democratic Institutionalism, Rule of Law and Human Rights in Venezuela](#), OEA/Ser.L/V/II, December 31, 2017, paras. 43-44.

¹⁶ IACHR, [Annual Report 2023. Chapter IV.b. Venezuela](#), December 31, 2023, paras. 1-2.

¹⁷ See, in this regard: IACHR, [Democratic Institutionalism...](#), previously cited, para. 470; [IACHR and REDESCA condemn acts of violent repression in Venezuela and urge the Venezuelan State to guarantee the human rights of the population in the face of the political, economic and social crisis](#), March 1, 2019; [IACHR observes persistent human rights violations in Venezuela](#), April 5, 2019; [IACHR condemns the upsurge in attacks against members of the Venezuelan National Assembly](#), May 14, 2019.

¹⁸ IACHR, [Democratic Institutionalism...](#), previously cited, para. 163.

¹⁹ IACHR, [Annual Report 2021. Ch. IV.b. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 123.

²⁰ IACHR, Annual Report 2022, Chapter IV.B Venezuela, para. 43.

observed that temporary forced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents, which occur mostly due to the deliberate reluctance of the authorities to inform on the whereabouts of detained persons, as well as the failure to present the persons before the courts within the legal period of 48 hours after the detention.²¹ Various testimonies gathered by the IACHR suggest that temporary forced disappearances constitute a tool of political repression in Venezuela.²² In relation to the above, in its 2023 Annual Report, the Commission observed the persistence of an articulated policy of repression, recommending that the State of Venezuela refrain from illegal or arbitrary detentions; and, in the event that a person is deprived of liberty, ensure that all due process guarantees are met, including prompt presentation before an independent judicial authority, in order to avoid forced disappearances, torture and other cruel and inhuman treatment.²³

25. With regard to the *current post-electoral context*, in light of the events that took place on election day on July 28, 2024, the Commission condemned the serious human rights violations reported during the repression of the post-electoral protests in Venezuela.²⁴ The IACHR was also informed about the repression of political opponents in the post-electoral context in Venezuela.²⁵ On August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE or SRFoE) condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.²⁶ It was considered that the regime in power is sowing terror as a tool to silence the citizenry and perpetuate the ruling authoritarian regime in power, as well as that Venezuela must cease the practices that violate human rights immediately, reestablish democratic order and the rule of law.²⁷ In this context, the Commission has received reports of arbitrary detentions and forced disappearances of short duration in which acts of sexual violence were allegedly committed against women and other acts that could constitute torture, finding deprivations of liberty in a selective manner directed against electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders and university students.²⁸ The IACHR stressed that “the practices of state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population,” which “consolidate the denial of the right to political participation.”²⁹

26. In turn, on August 23, 2024, the IACHR and its SRFoE warned about the arbitrary detention of journalists and criminalization of dissidence in the country, reporting around 1,505 registered detentions “including activists, human rights defenders, opposition leaders, electoral witnesses and journalists”, as well as the digital repression and closure of news spaces.³⁰ On August 29, the Commission condemned the persecution of human rights defenders and called on Venezuela to “put an end to the practices of State terrorism,” while noting the repressive patterns of repression by the State against human rights defenders.³¹ In addition, it indicated that the deprivation of liberty was accompanied by the violation of judicial guarantees, such as incommunicado detention, failure to appear in court in a timely manner, among others.³² Likewise, the Commission noted that the repression deepened in the post-electoral crisis and that it is part of a context of attacks against defenders.³³ Lastly, the Commission called for the “cessation of acts of harassment and

²¹ IACHR, [Annual Report 2021, Ch. IV.b. Venezuela](#), previously cited, para. 82.

²² IACHR, [Annual Report 2021, Ch. IV.b. Venezuela](#), previously cited, para. 84.

²³ IACHR, [Annual Report 2023, Ch. IV.b. Venezuela](#), previously cited, Recommendation 8.

²⁴ IACHR, Press Release 174/2024, [Venezuela: IACHR and RELE condemn serious human rights violations denounced during the repression of post-election protests](#), July 31, 2024.

²⁵ IACHR, Press Release 174/2024, previously cited.

²⁶ IACHR, Press Release 184/2024, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

²⁷ IACHR, Press Release 184/2024, previously cited.

²⁸ IACHR, Press Release 184/2024, previously cited.

²⁹ IACHR, Press Release 184/2024, previously cited.

³⁰ IACHR, Press Release 190/24, [The SRFoE Alerts the International Community about Arbitrary Detention of Journalists and Criminalization of Dissent in Venezuela](#), August 23, 2024 .

³¹ IACHR, Press Release 198/24, [IACHR condemns persecution against human rights defenders in Venezuela](#), August 29, 2024.

³² IACHR, Press Release 198/2024, previously cited.

³³ IACHR, Press Release 198/2024, previously cited.

detentions and to ensure that human rights defenders can carry out their defense activities, free from any type of intimidation.”³⁴

(iii) Current situation presenting a risk in light of Article 25 of the IACHR Rules of Procedure

27. At the time of granting precautionary measures in favor of Franklin Alfredo Caldera Cordero, the Commission took into consideration his work as a human rights defender, through the Victims Committee “Familia S.O.S. Libertad,” where he works on issues related to “political prisoners” in Venezuela, for which he was being subjected to harassment and threats against him, which were also translated into retaliation and acts of violence against his son, deprived of his liberty, by his custodians.³⁵

28. Based on the foregoing, the Commission will now proceed to analyze the persistence of the risk in relation to Franklin Alfredo Caldera Cordero.

- i. First, the IACHR notes that Mr. Caldera Cordero continues to carry out human rights defense work through the organization he leads. In this regard, it was reported that he has a program through which he receives testimonies from victims regarding access to justice in the country. Likewise, he is said to continue with the search for justice for the alleged kidnapping of his son in Colombian territory, having gone to prosecutors’ offices in that country to testify on the matter. According to the representation, the facts he is facing have a motive in such efforts.
- ii. Second, the Commission takes note of various acts of harassment and threats received by the beneficiary. A GPS tracking device was identified in his vehicle, which was not installed by him; he has received constant telephone threats, the most recent at the end of March indicating that “they had him located and that they were going to kill him”; officials have reportedly searched for him at his home and kept surveillance there; and he was questioned by officials about his work and his organization while he was traveling outside the country. In this way, it is noted that there are still threatening events against him.
- iii. As a third element, special attention is paid to the versions that purportedly involve the beneficiary in alleged terrorist plans, his son being informed, at the time of allegedly being tortured by State agents, that upon returning to the country he would be “detained, tortured and would never leave prison.” In this regard, it is noted that there is no knowledge of the existence of formal proceedings in relation to these accusations, which would make it possible to know what his current legal situation is; or the procedural stage of the investigations against him, if any. The absence of this official information makes it impossible to know whether the beneficiary has the possibility of activating domestic judicial protection in the situation he allegedly faces.
- iv. As a fourth point, it has been reported that the harassment has extended to his family members, through actions by guards against his son in his detention center, which even include allegations of torture, in addition to the constant monitoring of his wife.
- v. Fifth, there is a lack of implementation of protection measures. On that point, it is relevant the direct actions of state agents in the reported facts, who, instead of protecting the beneficiary, are said to carry out actions of harassment and harassment, about which there is no information that any investigation has been opened to determine responsibilities or provide protection. Under these conditions, the Commission lacks information about the adoption or implementation of

³⁴ IACHR, Press Release 198/2024, previously cited.

³⁵ IACHR, Resolution 40/2023, previously cited, para. 21, *et al.*

measures for the protection of the beneficiaries or the progress of investigations to clarify the facts against them, so they are said to remain in a state of unprotection.

- vi. As a sixth consideration, the IACHR notes that Mr. Franklin Alfredo Caldera Cordero is currently in Colombia, after having traveled to carry out errands in that country and encountering challenges to his safe return, in view of the threats received that he would be detained and tortured. The Commission has not been informed of an intention to remain in Colombia, but has been informed of the fear of the actions and threats against him, including the surveillance of his home. In this regard, the representation is requested to keep updated information on where the beneficiary is and the events that may occur before his eventual return to the country to continue his activities as part of the human rights organization he leads.

29. The Commission notes that the allegations that have been presented by the representation are consistent with the context that the IACHR has been observing in its monitoring of Venezuela, particularly in view of the human rights defense work carried out by the beneficiary, making cases of victims visible and seeking justice in the case of his son. In these conditions, the IACHR has verified through its monitoring work and the granting and follow-up of precautionary measures, the situation of persons in opposition or identified as opponents in the post-electoral context in Venezuela, making visible different cases of persons in a situation of disappearance after their detention by state agents. In such cases, the Commission observed a pattern of State action following the detention of persons perceived or identified as opposition, who are detained without knowledge of criminal proceedings against them, and without arrest warrants issued by the courts; their place of detention is subsequently unknown; there is no possibility for trusted lawyers to appear in the proceedings to protect their rights; and there are serious restrictions on family members or lawyers, preventing their communication and access to minimal information on their legal situation.

30. Consequently, considering the information provided, which shows the persistence of threats, harassment and other acts of violence against the beneficiary, directly and through his relatives, the Commission finds that the risk has persisted over time, highlighting the increase in its intensity as a result of the human rights defense work he carries out in the current context. Under these conditions, a serious and urgent situation and the need to prevent irreparable harm persists, in light of Article 25 of the IACHR Rules of Procedure.

(iv) Request for extension in favor of Franklin Caldera Martínez (son) and Yuraima Martínez, son and wife of the beneficiary

31. During the time the measures have been in effect, the representation requested on several occasions the extension of the measures in favor of Franklin Caldera Martínez, son of the beneficiary, who is deprived of his liberty. Moreover, in its most recent communications, the extension has also been requested in favor of Yuraima Martínez, wife of the beneficiary.

32. As a preliminary matter, the IACHR notes that the situation of Mr. Franklin Caldera Martínez was addressed in the granting of these precautionary measures, and on that occasion it was understood that he was at the DGCIM headquarters in La Boleita, Municipality of Sucre, Caracas, and would therefore be a beneficiary of PM-178-19, as it covers all persons (military and civilian) at that headquarters.³⁶ In relation to this, from the information provided by the representation in the file, it has been established that, at present, Caldera Martínez is in the 35th Brigade of the Libertador José de San Martín Military Police, domiciled in alcove 10 of Fort Tiuna, El Valle parish, Libertador municipality, Capital District, Venezuela. It was also clarified that, although DGCIM officials are allowed access to the cells, this center is under the responsibility of the military

³⁶ IACHR, Resolution 40/2023, previously cited, para. 18.

police. Thus, the Commission notes that Caldera Martínez is not at the DGCIM headquarters in La Boleita and considers that his situation is not covered by PM-178-19.

33. On the other hand, the Commission recalls that a requirement for the extension of precautionary measures is that the alleged facts have a “factual connection” with the events that justified the initial adoption of the precautionary measures.³⁷ In this regard, the Commission finds that this requirement is met due to the family relationship of the beneficiary, as it concerns his son and his wife. In addition to this, it should be noted that, according to the information available, the acts against the proposed beneficiaries are a consequence of the actions of the beneficiary as a human rights defender, which motivated these precautionary measures.

34. At the time of analyzing the *seriousness* requirement, the Commission takes into special consideration the acts of violence that have taken place against the proposed beneficiaries. In relation to *Franklin Caldera Martínez*, the following is noted:

- i. He is “in a room with reduced space, in conditions of isolation and without natural light.” These conditions worsen when he is transferred to “Zone 7” of the PNB, this transfer takes place for about 12 hours prior to transfers to judicial proceedings, placing him in a situation of overcrowding and without access to water, food or bathroom, even alleging a situation of danger due to the presence of criminals in the place where he is interned, considering that the proposed beneficiary has military rank. For this reason, he has maintained that he prefers to continue his trial in contumacy if the transfers continue.
- ii. He has ailments such as pain in his spine and, as a result of a bullet shot, pain in his knee that makes it difficult for him to walk. In addition, panic and anxiety are reported, and even more recently “depression” and insomnia, due to threats of being transferred to a detention center in worse conditions. The information provided indicates that these ailments are not being treated, despite having been requested to the director of the headquarters on multiple occasions.
- iii. He was recently subjected to events that the representation qualifies as torture, following accusations made by officials against the beneficiary Caldera Cordero. In principle, between October 1 and 3, he was allegedly subjected to searches, threats and interrogations. However, the events increased in intensity between October 14 and 18, when he was taken to a place called “El Hueco,” where it was alleged that he was “stripped naked, beaten with blunt objects and subjected to electric shocks,” and was injured in a knee that was already injured, as well as being left naked in low temperatures. In addition, they made threats about actions against his father. According to the representation, the purpose was the recording of a video, where Caldera Martínez would incriminate his classmates and his father of having a plan to invade Venezuela.

35. Considering the information provided, the Commission recalls that, according to the Inter-American Convention to Prevent and Punish Torture, the States Parties are obliged to prevent and punish torture and cruel, inhuman or degrading treatment or punishment within their jurisdiction.³⁸ This instrument defines torture as “[...] any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose”, as well as “[...] the application to a person of methods intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.”³⁹ Additionally, the lack of adequate medical attention to a person deprived of his liberty and under the custody of the State could be considered a violation of this

11. ³⁷ I/A Court H.R., [Case of Fernández Ortega et al. v. Mexico. Provisional Measures](#), Order of November 23, 2010, considerandum

³⁸ [Inter-American Convention to Prevent and Punish Torture](#), Cartagena de Indias, Colombia, February 28, 1987, Article 1.

³⁹ [Inter-American Convention to Prevent and Punish Torture](#), previously cited, Article 2.

prohibition.⁴⁰ In harmony with the foregoing, the Commission is aware of the special position of guarantor, inasmuch as the prison authorities exercise a strong control or dominion over the persons who are subject to their custody,⁴¹ as a result of the special relationship and interaction of subjection between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate his rights and obligations, and by the circumstances of confinement, in which the inmate is prevented from satisfying on his own a series of basic needs essential for the development of a dignified life. In addition to the above,⁴²

the State, as responsible for detention facilities, is the guarantor of the rights to life and personal integrity of detainees, which implies, among other things, that it is incumbent upon it to explain what happens to persons in its custody. Thus, since the State authorities exercise total control over the person in their custody, the manner in which he or she is treated must be subject to the strictest scrutiny, taking into account his or her special vulnerability.⁴³

36. On another note, with regard to Ms. *Yuraima Martínez*, it is noted that, as a consequence of the beneficiary's work, and due to her relationship with him, she has been subject to harassment since August 2, 2024. On that date, two vehicles came to her home looking for her husband. In addition, reference was made to the ongoing death threats at her home, which it is understood were intended for her husband. For these reasons, Ms. Martínez was forced to take refuge at a different address. More recently, it was reported that since October she identifies being followed by a vehicle and her home has a constant presence of vehicles without license plates parked outside her home. Ms. Martínez has indicated that these types of actions make her fear her arrest at any moment.

37. In these conditions, the Commission reiterates what was indicated above —when analyzing the situation of Mr. Franklin Caldera Cordero—, in relation to the pattern of State action following the detention of persons perceived or identified as opposition, who are detained without knowledge of criminal proceedings against them, and without arrest warrants issued by the courts; their place of detention being subsequently unknown; without the possibility of trusted attorneys being able to appear in the proceedings to protect his rights; and with serious restrictions on relatives or attorneys, preventing their communication and access to minimal information on his legal situation. The Commission considers that, given the accusations against her husband and the seriousness of her son's situation, as well as the reported surveillance and monitoring, the above-mentioned context is applicable.

38. In this sense, assessing the detention conditions, health problems, and claims of acts of torture against Franklin Caldera Martínez; as well as the harassment and surveillance against Ms. Yuraima Martínez, the Commission concludes, based on the applicable *prima facie* standard, that their rights to life and personal integrity are at serious risk. In the case of Franklin Caldera Martínez (son), his right to health is also at serious risk.

39. In relation to the requirement of *urgency*, this has been met to the extent that the relationship with Mr. Franklin Alfredo Caldera Cordero's work in the defense of human rights and the search for justice, as well as the intention to link him to criminal acts, are reportedly the motive for the acts against the proposed beneficiaries, so that the continuity of these situations is sufficient to see the persistence and continuity of the risk. Given the lack of response from the State, the Commission does not have concrete information that would allow it to assess the actions being taken to address the alleged risk faced by the proposed beneficiaries.

⁴⁰ I/A Court H.R., [Case of Chinchilla Sandoval et al. v. Guatemala](#), Preliminary Objection, Merits, Reparations and Costs, Judgment of February 29, 2016, Series C No. 312, para. 173.

⁴¹ I/A Court H.R., [Case of Mendoza et al. v. Argentina](#), Preliminary Objections, Merits and Reparations, Judgment of May 14, 2013, Series C No. 260, para. 188. Similarly, see: [Report on the Human Rights of Persons Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II., December 31, 2011, para. 49.

⁴² IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, previously cited.

⁴³ I/A Court H.R., [Matter of Juan Sebastián Chamorro et al. regarding Nicaragua](#), Extension of Provisional Measures, Order of May 25, 2022, para. 54.

40. Regarding 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.

V. DECISION

41. The Inter-American Commission on Human Rights considers that in this matter a situation presenting a risk persists, and that the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure are *prima facie* present, in relation to Franklin Alfredo Caldera Cordero, in the terms indicated throughout this resolution. The IACHR also decides to extend the precautionary measures in favor of Franklin Caldera Martínez and Yuraima Martínez, son and wife, respectively, of the beneficiary, considering that they share the risk that is the subject of these precautionary measures. Based on the foregoing, the Commission decided:

- d) To continue to follow up on the situation of Franklin Alfredo Caldera Cordero;
- e) To extend the precautionary measures in favor of Franklin Caldera Martínez (son) and Yuraima Martínez;
- f) To modify the scope of these precautionary measures, and require that the State of Venezuela:
 - i. adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero, Franklin Caldera Martínez and Yuraima Martínez. In the case of Franklin Caldera Martínez, the measures must include those necessary to also protect his right to health;
 - ii. adopt the necessary measures to guarantee that Franklin Alfredo Caldera Cordero can continue to carry out his work as a human rights defender without being subjected to threats, intimidation, harassment or acts of violence in the exercise of his duties. In particular, it must formally inform the beneficiary of the existence of any investigation process against him, including at least: the facts under investigation, the crimes he is accused of, the prosecutor's office in charge of the investigation, and the competent judicial authority in charge of the investigation. The State must allow the beneficiary and/or his representatives to have access to the entire criminal file against him, if it exists, allowing him to file the corresponding appeals and guaranteeing his security in its processing;
 - iii. implement the necessary measures to ensure that the conditions of detention of Franklin Caldera Martínez (son) are compatible with the applicable international standards on the matter, among them: guarantee that he is not subjected to violence, threats, intimidation, aggression and torture inside the prison; guarantee access to adequate and specialized medical care, as well as to the necessary treatment and medication, and immediately carry out a comprehensive medical assessment of his health situation; and evaluate the possibility of granting alternative measures to the deprivation of liberty given the impossibility of protecting his rights in light of the current conditions of detention;
 - iv. consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
 - v. report on the actions taken to investigate the alleged facts that gave rise to the adoption and validity of these precautionary measures, so as to prevent such events from reoccurring. In particular, the State is requested to conduct an investigation with due diligence into the threats, allegations of torture and other acts of violence reported, including those that could have taken place by State officials and/or agents against the beneficiaries.

42. The Commission requires that Venezuela report within 15 days of this resolution on the adoption of the precautionary measures requested. It is also requested to submit periodic information on the status of implementation of the precautionary measures. Notwithstanding, the representatives are asked to

continue to provide updated information on the threatening situation, as well as any additional information they deem relevant.

43. The Commission instructs its Executive Secretariat to notify this Follow-up, Modification and Extension Resolution to the State of Venezuela and to the representation.

44. Approved on November 25, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary