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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 60/2022**

Precautionary Measure No. 258-20  
José Javier Tarazona Sánchez regarding Venezuela  
October 30, 2022  
(Modification and Follow-up)  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to issue this Modification and Follow-up Resolution regarding precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of State response regarding the measures adopted to implement these precautionary measures. In view of the information available, and which has been evaluated as a whole, the Commission makes an urgent appeal to the State of Venezuela to adopt prompt measures for the implementation of the precautionary measures considering that the situation that places the beneficiaries at risk has changed, but the risk factors continue to be in force under Article 25 of the Rules of Procedure.

**II. BACKGROUND INFORMATION**

2. On June 18, 2020, the IACHR issued Resolution 30/2020 by which it granted precautionary measures in favor of José Javier Tarazona Sánchez and his family unit in Venezuela.<sup>1</sup> In that resolution, the Commission considered that the available information was sufficient to consider that the beneficiary was being subjected to threats and intimidation due to his work as president of the FundaRedes organization. These threats and acts of intimidation were because of his work denouncing the presence of irregular armed actors in Venezuela, in the current context of the country. The Commission assessed a set of facts that took place over time. Upon identifying compliance with the requirements of Article 25 of its Rules of Procedure, the IACHR requested that the State:

- a) adopt the necessary measures to protect the life and personal integrity of Mr. José Javier Tarazona Sánchez and the identified members of his nuclear family. In particular, the State must ensure that the beneficiary's rights are respected in accordance with the standards established by international human rights law, both by its agents and in relation to acts of risk attributable to third parties;
- b) agree on the measures to be implemented with the beneficiary and his representatives; and
- c) report on the actions taken to investigate the alleged incidents that led to the adoption of this resolution so as to prevent such incidents from reoccurring.

3. The representation is exercised by Ms. Clara Yesenia Ramírez Arenas, of FundaRedes and, on December 28, 2021, the accreditation of Mr. Santiago Cantón as representative was requested.

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

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<sup>1</sup> IACHR, [José Javier Tarazona Sánchez and his family unit, Venezuela](#) PM-258-20. Resolution No. 30/20 of June 18, 2020.

4. Following the granting of the precautionary measures, the Commission has continued to monitor and follow up on this matter by means of requesting information to the parties under the terms of Article 25(10) of the Rules of Procedure. In particular, information was requested from both parties on April 30, 2021; from the State on July 22 and September 2, 2021, and May 31, 2022; and, for its part, information was requested from the representatives on February 10, 2022.

5. In this regard, the Commission has received information from the representatives on May 17, September 1, and October 15, 2021; and March 11 and 25, 2022, as well as May 31, 2022. On the other hand, no information has been received from the State of Venezuela, despite the various requests for information.

#### **A. Information provided by the representatives**

6. By means of a communication sent on May 17, 2021, the beneficiary reported on the organization's ongoing denouncement work and that, consequently, the harassment, acts of violence, and allegations against him reportedly persisted. In this regard, he reported the following:

- a. On October 1, 2020, at 8:00 p.m., in San Cristóbal, Táchira state, the beneficiary's vehicle was hit by a van that fled. It was indicated that the beneficiary noticed that the vehicle was transporting personnel from state security bodies, such as the Bolivarian National Intelligence Service (*Servicio Bolivariano de Inteligencia Nacional, SEBIN*) and the Special Action Forces (*Fuerzas de Acciones Especiales, FAES*);
- b. On November 19, 2020, as the director of FundaRedes, the beneficiary was reportedly publicly pointed out by the official representative of the state of Táchira, Yhon Luna, as having "ties with people linked to irregular groups that are looking to cause setbacks in the country", and that "the funding that FundaRedes receives is from abroad", which resulted in investigations to directly identify FundaRedes;
- c. In a press conference on November 27, 2020, a citizen who was reportedly deemed "protector of Táchira", allegedly indicated that "the director of the NGO FundaRedes, Javier Tarazona, who is in charge of the promotion of human rights in the country, should be summoned by the courts", in addition to pointing out that the NGO is funded by the United States;
- d. On January 28, 2021, Congressman Yhon Luna reportedly once again mentioned FundaRedes. He related it to different sectors and that it was reportedly "linked to this agency of the CIA, FBI, and Colombian paramilitarism";
- e. On March 22, 2021, after reporting an armed conflict in the population of La Victoria, the beneficiary and the FundaRedes team reportedly received threats and harassment via social networks (no detail of the content is provided). In the early morning of the same day, the organization's headquarters for meetings, training days, and press conferences, located 100 meters from the beneficiary's main residence, were reportedly attacked with firearms. This allegedly visibly destroyed its external structure, glass, walls and other elements;

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- f. On March 31, 2021, while covering events in La Victoria, two members of FundaRedes, along with two correspondents from the NTN24 media, were allegedly detained by the Bolivarian National Guard. After reviewing the audiovisual material on their phones, they were reportedly released, but it was stated that their recording equipment was not returned;
- g. On April 7, 2021, the official leader Diosdado Cabello referred to the armed conflict in the state of Apure on his television program “*Con el mazo dando*”. FundaRedes was reported to be the main spokesperson of this conflict, and he declared “we are going to fight against FundaRedes or whatever its name is”. The beneficiary indicated that, in subsequent days, while giving an interview, his private vehicle was intentionally hit. Witnesses indicated that the other vehicle was a Toyota without a license plate which is “characteristic of the Venezuelan state intelligence bodies.”
- h. On May 15, 2021, on his show on the Venezuelan Television channel, Congressman Mario Silva reportedly referred to the work of FundaRedes in the context of the conflict in Apure. He allegedly requested that the beneficiary be investigated for receiving money from the United States, which he considered treason against the homeland.
- i. In addition, the beneficiary provided screenshots of social networks stating he is a mercenary and accusing him of having links with drug trafficking, of wanting to injure the Bolivarian National Armed Forces, among other allegations.
7. By communication of September 1, 2021, the representatives reported that on July 1, 2021, while the FundaRedes team was on tour in the city of Coro, SEBIN officials allegedly entered the hotel where the beneficiary and his team were staying and asked about him. Upon arriving at the hotel, the team reportedly noticed the presence of two vans blocking the entrance. The officials allegedly pursued them through the city, until they resorted to finding shelter in an area far from the city known as La Vela, as they were not allowed in any other hotel.
8. The following day, July 2, 2021, at 7:00 p.m., the beneficiary went to the Radio Coro headquarters for a previously scheduled interview, where he publicly denounced the events of the previous day. Subsequently, along with other members of FundaRedes, he went to the Falcón State Prosecutor’s Office to meet with the Superior Prosecutor and denounce the intimidation at the hands of SEBIN officials. However, at 11:00 a.m., while waiting to be attended to by the Prosecutor, SEBIN officials entered the State Prosecutor’s Office. They approached the beneficiary in an intimidating manner and asked him to come with them, which was “an order issued from Caracas”. Mr. Tarazona requested to see the physical order, which was allegedly never presented. The officials allegedly took the beneficiary and two attorneys who were in the institution, Omar de Dios García and Jhonny Romero. They also reportedly arrested Mr. Rafael Tarazona, the beneficiary’s brother and also a member of FundaRedes, who was outside the site in his vehicle.
9. Representative Clara Ramírez and Mr. Luis Useche, of FundaRedes, were reportedly informed of the facts. Upon transfer to the Public Prosecutor’s Office, confirmed the events that had transpired and indicated that the detained persons were going to be transferred to the SEBIN headquarters in Punto Fijo, Falcón state. Both at the aforementioned SEBIN headquarters and at the “DIEP former FAES” headquarters, they allegedly denied having the detained persons. However, it was later confirmed that they were being held at the Division of Strategic and Preventive Intelligence headquarters (*División de*

*Inteligencia Estratégica y Preventiva*, DIEP), even though they continued to deny any information in this regard. The representatives indicated that it was not possible to remove their belongings from the hotel where they were staying as it was surrounded by State officials. She subsequently reported the enforced disappearance of the arrested persons, as officials denied providing information on their whereabouts.

10. The media later indicated that Javier Tarazona, Rafael Tarazona, and Omar de Dios García were transferred to the airport of the city of Coro and boarded a small plane bound for Caracas. Mr. Jhonny Romero was reportedly released at the DIEP headquarters. He told the representatives that he had been treated well as he had recently undergone surgery. However, the remaining members of the group were subjected to interrogation based on threats and intimidation with the aim of finding the other members of the FundaRedes team. On the other hand, hotel staff confirmed to the representative that all the team's belongings were removed by SEBIN staff, and it was indicated that they were the subject of a criminal investigation. In addition, it was indicated that they had no official information on the whereabouts of the persons who had been arrested. They were unofficially informed that they were admitted to the SEBIN headquarters in Plaza Venezuela, Caracas.

11. On July 3, 2021, Venezuelan Penal Forum (*Foro Penal*) attorneys went to the SEBIN headquarters in El Helicoide and Plaza Venezuela with the aim of locating the three people who had been detained. They wanted to verify their physical condition and provide them with legal assistance. However, both locations denied holding the individuals. The representative indicated that, according to civil society organizations, the three individuals were transferred to the Third Criminal Circuit Control Court of the Metropolitan Area of Caracas in Matters of Terrorism (*Tribunal Tercero de Control de la Circunscripción Penal del Área Metropolitana de Caracas en materia de terrorismo*). The arraignment hearing was held, they were charged with the crimes of “incitement to hatred”, “treason to the homeland” and “terrorism” and ordered to be detained in La Planta prison, in Caracas as a preventive measure. The representative claimed that this constituted arbitrary detention and that, in addition, all three were denied legal assistance and held in isolation. They were not allowed to have their relatives or trusted attorneys verify their situation. It was also pointed out that, despite publicly denouncing that the beneficiary has conditions that require treatment, the delivery of respective medicines was denied. They also denied transferring the beneficiaries to the established detention center, as they continued to hold them at the El Helicoide SEBIN headquarters.

12. In her communication of March 11, 2022, the representative indicated that Mr. Tarazona was publicly stigmatized by the Attorney General, William Tarek Saab. Mr. Tarek Saab indicated that the beneficiary was detained for “making public accusations without any basis, which incite hatred and seriously compromise the peace of the Republic”, and for having publicly denounced an alleged relationship between the Venezuelan State and irregular Colombian armed groups. On the other hand, the President of the National Assembly, Jorge Rodríguez, described him as “a criminal, a rat” and accused him of wanting to kidnap a woman and take her to Colombia.

13. Additionally, during the night of July 14, 2021, SEBIN officials allegedly carried out searches at the FundaRedes headquarters and at the beneficiary's residence. The request states that his mother was detained for three hours, and her attorneys were not informed her whereabouts. She was later returned to her home at midnight.

14. The representative reported that the Preliminary proceedings court had ordered his detention at the Detention Center “Hombre Nuevo”. However, he was transferred to El Helicoide. In this regard, it was pointed out that the beneficiary “has been subjected to physical and psychological torture, including

beatings, suffocation with a bag during interrogations, and other acts of cruel, inhuman, and degrading treatment, which have taken place since his arrest”.<sup>2</sup>

15. It was also reported that his detention conditions consist of “not seeing the sunlight; not having drinking water; access only to recycled air inside a structure of contaminated basements; isolation in closed space for long periods of time”. It was also indicated that “in interrogations, he has been ordered to ingest substances with the purpose of forcing him to record videos with false information; and he has been systematically subjected to ingesting decomposed foods not suitable for human consumption with the intention of intentionally causing his suffering and the deterioration of his physical health”.

16. In relation to his health, he mentioned that he has repeatedly required medical attention and has been transferred to the public hospital. However, he was only provided primary care, and was not allowed to be cared for by trusted medical personnel. Since years ago, he allegedly has cardiac arrhythmia, elevated heart rate, dyslipidemia, Stage 2 hypertension, cardiometabolic syndrome; in addition to having hyperinsulinemia and being asthmatic.<sup>3</sup> Additionally, reference was made to the beneficiary having COVID-19, Stage II chronic venous insufficiency, and pneumonia. In this regard, it was indicated that when he had COVID-19, he was not transferred to a medical center for his treatment. Furthermore, he does not receive the medications he requires to treat his diabetes.

17. It was also indicated that on December 2, 2021, the beneficiary’s hearing was postponed for the thirteenth time. Four requests have been filed with the Prosecutor’s Office and the Ombudsperson’s Office requesting the beneficiary’s freedom on two grounds: firstly, for his innocence when being tried for exercising his functions as a human rights defender and, secondly, for humanitarian reasons due to his health conditions. The requests had been denied and questions had been raised about judicial independence in Venezuela. For all the aforementioned reasons, the representative requested that provisional measures be requested from the Inter-American Court.

18. On May 25, 2022, it was noted that, approximately one month before, the beneficiary was transferred to another cell. He was not allowed to take his belongings and medicines. The representatives consider that the change is punitive as, after searching Mr. Tarazona’s cell, they found letters in which he intended to request help from different authorities. It was indicated that the cell measures approximately 3x4 meters and is occupied by five people. In this letter, the request for provisional measures is once again

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<sup>2</sup> The communication of March 11, 2022 refers to an annex called “JT Handwritten Letter”, however, it consists of a single sheet of paper and it indicates that it is allegedly the sixth page out of six (6/6). This page, while referring to “cruel, inhuman, and degrading treatment”, does not contain references or further details, and it is therefore believed that they could be on a number of pages in the incomplete annex. In this regard, the document states that this “cruel, inhuman, and degrading treatment” to which the beneficiary is subjected consist in being denied access to his lawyers, solitary confinement, prolonged isolation, denial of justice, as well as criminalization as a human rights defender. It was added that his presumption of innocence was violated with baseless accusations that subjected him to public derision. Additionally, the beneficiary reported that he takes medication for his health conditions and that he has been treated by specialists in the SEBIN medical service, but they do not allow him to be treated by his trusted private physicians. Lastly, it was indicated that “each study and medical consultation has allowed forensic doctors to conclude that the deterioration is a consequence of the prison and isolation its improvement will be possible upon release”. These studies and consultations are not provided.

<sup>3</sup>The communication from May 11, 2021 is accompanied by an annex called “medical certificates”. This annex contains three medical reports, the first from July 27, 2021, and the other two of August 27, 2021. These reports refer to the fact that the beneficiary has had certain diseases for various years. The first relates that since 2014 the beneficiary has: 1. Stage II hypertension according to ESH/ESC; 2. Dyslipidemia; 3. Obesity; and 4. Cardiometabolic syndrome. The second report indicates that, according to a February 2021 consultation, he was identified a grade I anal fissure and internal hemorrhoids. The third report indicates that the beneficiary has had check-ups since 2019 and the respective diagnoses referred to: 1. Bronchial asthma with moderate obstruction; 2. Stage II hypertension according to ESH/ESC; 2. Cardiac rhythm disorder; 4. Metabolic syndrome; and 5. Grade II Internal hemorrhoids.

made to the Court or, otherwise, to request the State to release the beneficiary immediately due to his health and his status as a human rights defender.

19. Lastly, on May 27, 2022, the representative, Clara Ramirez, sent the Commission a communication specifying that the indicated cell change began on April 23, 2022, and ended on May 15, 2022. On May 21, 2022, they allowed Mr. Javier Tarazona's brother to see him. The beneficiary told him that "they kept him in isolation in a maximum-security cell" and that in the first days he was not given his medicines, and that his health condition has therefore deteriorated. It was also indicated that on May 15, 2022, when he was released from solitary confinement, he was transferred to a different cell from the one he had previously been placed in. This one was smaller, shared with two other prisoners, and monitored with cameras 24 hours a day.

### **B. Response from the State**

20. Following the granting of precautionary measures, the IACHR has received no response from the State on the implementation thereof. Nor has it received information indicating that the State has been adopting measures in this regard. The described situation has been maintained over time despite the requests for information sent to the State through communications from the IACHR on April 30, July 22, and September 1, 2021, and May 31, 2022.

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

21. The precautionary measures mechanism is part of the Commission's function of overseeing Member States' compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the 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.

22. 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.<sup>4</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>5</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 beneficiaries would be exposed if the measures are not adopted.<sup>6</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal

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<sup>4</sup> See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

<sup>5</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 (Available only in Spanish).

<sup>6</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 (Available only in Spanish); I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008,

situation while under consideration by the organs of the inter-American system. They aim to safeguard the rights at risk until the request 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. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

23. In this regard, in analyzing those requirements, the Commission recalls that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists. Similarly, the Commission recalls that, in this proceeding, it is not called upon to determine whether there have been any violations to the applicable international instruments. The analysis should be carried out within the framework of the petition and case system, upon carrying out an admissibility analysis. The Commission also recalls that, by its own mandate, it is not called upon to rule on the criminal liability of Mr. Javier Tarazona pursuant to provisions of the country’s domestic law. Furthermore, it is not for the Commission to determine whether there have been violations of due process and judicial guarantees in the context of the cases brought against him. The Commission establishes that it will only analyze compliance with the requirements of Article 25 of its Rules of Procedure.

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

25. On this occasion, the Commission decides to issue a resolution to modify the subject matter of precautionary measures and follow up on them. The IACHR considers that the beneficiary’s situation has changed and takes into account the lack of information from the State on the measures effectively adopted for his protection, along with the ongoing situation posing a risk. In this sense, the analysis in this matter will be divided as follows: (i) Current risk to Mr. Javier Tarazona in Venezuela under the terms of Article

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considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

25 of the IACHR Rules of Procedure; (ii) Mr. Tarazona's risk in the context of his current detention conditions in light of Article 25 of the IACHR Rules of Procedure; and (iii) In relation to the request for provisional measures made to the IACHR.

26. In carrying out this analysis, the Commission considers it appropriate to consider the applicable context. In this regard, the IACHR has been observing the arbitrary systematic detention of those who publicly assume positions of dissent with the Executive Branch, including human rights defenders. There have been consistent reports that the human right defenders' arrests take place without a court order, with excessive use of force, by unidentified state agents, or through false summonses to their headquarters.<sup>7</sup>

27. Temporary enforced disappearances, for several hours or days, have also been identified against persons perceived as opponents. In addition, there have been reported systematic practices of torture and other cruel treatment against civilian and military persons deprived of liberty, consisting of different patterns including crucifixion, octopus [a metal belt with chains attached to immobilize the wrists and ankles], asphyxiation, chemicals; beatings; electric shocks to the genitals; "death threats or threats of additional violence; threats of sexual rape against the victim and/or their relatives; psychological torture, including sensory deprivation, constant light and extreme cold; forced nudity, even in rooms kept at extremely low temperatures".<sup>8</sup> The Commission has also received information on the detention conditions in SEBIN. It has been indicated that they allegedly do not have water service, and are prohibited from conjugal visits and overnight stays. In addition, there is a reported disciplinary regime with an isolation punishment, which can last between a week and several months, in addition to the prohibition of visits and telephone calls.<sup>9</sup>

28. Furthermore, the Commission is aware that the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela (*Misión internacional independiente de determinación de los hechos sobre la República Bolivariana de Venezuela*, known as the Fact-Finding Mission or Mission) presented a report before the United Nations Human Rights Council on September 20, 2022.<sup>10</sup> In that report, the Mission found that "SEBIN arrested, detained, and subjected people to torture and other serious human rights violations between 2014 and the present day", with real or perceived opponents as the main targets.<sup>11</sup> The report also found that SEBIN uses methods to monitor its targets prior to arrest and that these were rarely based on court orders. These include using the pretense of *in flagrante delicto*, including in several cases noting the excessive use of force or violence and placing evidence to incriminate detainees. It was further indicated that, after the arrests, persons were held in isolation for hours, days, or weeks. This sometimes amounted to short-term enforced disappearances, being interrogated without the presence of attorneys, and being forced to sign or film statements which admitted their guilt.<sup>12</sup>

29. Regarding El Helicoide, the Fact-Finding Mission stressed that its detention cells lack hygiene, sanitation and recreation, and even include specific cells to punish and torture detainees.<sup>13</sup> In this regard, it was indicated that "the cells mostly lacked natural light and water and, since prisoners were only allowed a daily visit to the bathroom, many had to urinate in plastic bottles". In addition, family visits were

<sup>7</sup> IACHR, [2021 Annual Report, Chapter IV.B. Venezuela](#), paragraph 74-5.

<sup>8</sup> *Idem*, paras. 82, 88, and 90.

<sup>9</sup> *Idem*, para. 93.

<sup>10</sup> Human Rights Council, [Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), A/HRC/51/43, September 20, 2022.

<sup>11</sup> *Idem*, paras. 57-8.

<sup>12</sup> *Idem*, 59-61.

<sup>13</sup> *Idem*, para. 63



very restricted and meetings with attorneys were monitored or recorded.<sup>14</sup> On the other hand, the Mission's investigations led it to conclude that SEBIN agents tortured or subjected detainees to cruel, inhuman, or degrading treatment or punishment." The Mission indicated that the sessions sometimes lasted days or weeks, and that the methods consisted of "beatings, electric shocks, suffocation with plastic bags and tense postures, as well as threats regarding death or rape, or other forms of psychological torture".<sup>15</sup>

**(i) Current risk regarding Mr. Javier Tarazona in Venezuela under the terms of Article 25 of the Rules of Procedure of the IACHR**

30. The Commission recalls that, in granting these precautionary measures, the beneficiary was at liberty in the exercise of his human rights defense work, for which he denounced the presence of irregular armed actors in Venezuela. This placed him at risk in the face of allegations and acts of harassment and intimidation against him. This included surveillance to the beneficiary and knowing where he lived, along with explicit threats with the government slogan.<sup>16</sup> The IACHR notes that, as assessed in the decision to grant precautionary measures, the beneficiary has been carrying out these denouncements since 2005. He has reportedly been the subject of continuous threatening events that have continued over time due to his work.<sup>17</sup>

31. The Commission observes that this situation continued even after the precautionary measures were granted. In this regard, the information provided indicates that, during October 2020, the beneficiary's vehicle was allegedly hit by state agents, and, in November of the same year, his work was subject to stigmatization by an official deputy and an individual (see *supra* para. 6, items a, b, and c). In turn, between January and May 2021, the public stigmatization of his work at the hands of government officials, including representatives and the official leader, Diosdado Cabello, continued. At the same time, it is with concern that the request states that, even on March 22, 2022, one of FundaRedes' headquarters was attacked with firearms after having denounced an armed conflict in La Victoria. This incident caused destruction at the location. Considering this information, the Commission notes that the situation of stigmatization, harassment, and violence towards the beneficiary has been maintained over time.

32. In this order of ideas, the Commission notes that the beneficiary was found by state agents in his hotel in the city of Coro on July 1, 2021. The following day, SEBIN officials arrested the beneficiary along with other members of FundaRedes at the Public Ministry headquarters. The IACHR notes with great concern that, following his arrest by State officials, the beneficiary's location and communication with his attorneys and relatives had been denied in both Coro and Caracas. He was looked for in different State detention centers and denied being held there.<sup>18</sup> Subsequently, the Commission observed that, according to the information available, the representatives learned that the beneficiary was at SEBIN headquarters in El Helicoide. This took place despite the fact that, by judicial decision, he was allegedly ordered to be initially detained in La Planta prison (see *supra* para. 11), and subsequently, also by court decision of the Preliminary proceedings court, at the Hombre Nuevo Detention Center (see *supra* para. 14). The IACHR stresses, in turn, that both the IACHR and the United Nations Fact-Finding Mission take into account the information that was provided regarding the fact that SEBIN arrested the proposed beneficiary without an arrest warrant; that, for some time, they were denied information regarding his whereabouts, fact

<sup>14</sup> *Idem.* para. 64.

<sup>15</sup> *Idem.* paras. 65-6.

<sup>16</sup> IACHR, [José Javier Tarazona Sánchez and his family unit, Venezuela](#) PM-258-20. Resolution No. 30/20 of June 18, 2020. 4-10 and 16-17.

<sup>17</sup> IACHR, [José Javier Tarazona Sánchez and his family unit, Venezuela](#) PM-258-20. Resolution No. 30/20 of June 18, 2020. 14.

<sup>18</sup> The Commission previously pronounced on this situation: IACHR, [tweet from July 3, 2021](#); IACHR, [Annual Report 2021](#), Chapter IV.B Venezuela, par. 191;

which could be compared to temporary enforced disappearances; and his placement in the Helicoid (see *supra* paras. 27-29).

33. Therefore, the beneficiary is currently deprived of liberty in state custody within the Helicoide detention center. Consequently, considering the precautionary measures granted to protect the life and integrity of Mr. José Javier Tarazona Sánchez due to harassment and other acts of violence that took place while he was exercising his work as a human rights defender, his situation has now been modified following his deprivation of liberty. In this regard, the Commission proceeds to analyze the situation that places the beneficiary at risk in the context of the current detention conditions he faces.

**(ii) Mr. Tarazona's risk in the context of his current detention conditions in light of Article 25 of the Rules of Procedure of the IACHR and the Inter-American Convention to Prevent and Punish Torture**

34. The Commission then divides its analysis into the following chapters: (a) Lack of official information from the State of Venezuela while the precautionary measures have been in force; (b) Risk that the beneficiaries face, and its differentiated impact; (c) On-site visit to the country and to the Helicoide Detention Center where the beneficiary is currently located; and (d) Situation of the remaining beneficiaries.

*a. Lack of official information from the State of Venezuela while the precautionary measures have been in force*

35. In this matter, the Commission has not received official information from the State on the measures which are reportedly being adopted to implement these precautionary measures. Despite several requests for information made to the State between 2021 and 2022, the IACHR has not received a response with this information. The Commission regrets the lack of willingness of the State, since dialogue and agreement are essential for an adequate implementation of precautionary measures and, ultimately, for the protection of the rights to life, integrity, and health of the beneficiaries. Without information from the State, it is impossible to know the possible efforts or progress that the State is making in order to protect the rights of the beneficiaries, as well as to know the challenges it faces in such protection.

36. This assessment is even more relevant as the representatives have indicated that the threatening situation continues. Furthermore, attention has also been brought to the difficulty in obtaining information on the situation faced by the beneficiary Javier Tarazona, as he is deprived of liberty, and there are also reports of alleged isolated detention for different periods of time. In this regard, the representatives referred to situations that they label as cruel, inhuman, and degrading treatment; in addition to the ongoing fragile health with no access to his trusted physicians. Although they did not detail specific and current facts, the Commission takes into account the seriousness of these allegations, insofar as the precautionary measures for the protection of Mr. Tarazona were granted prior to his arrest and, at that time, the State was requested to protect his life and integrity for facts that are attributable both to its agents and to third parties.

37. The Commission recalls that, according to the Inter-American Court, failure to comply with the State duty to report on all the measures adopted in the implementation of its decisions -such as precautionary measures- is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to people in serious and urgent situations.<sup>19</sup> The duty to report constitutes a

<sup>19</sup> I.A. Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16, and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV). Provisional Measures. Order of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

dual obligation that requires, for its effective fulfilment, the formal presentation of a document in due time and the specific, true, current and detailed material reference to the matters related to such obligation.<sup>20</sup>

*b. Risk that Mr. José Javier Tarazona Sánchez faces*

38. The Commission considers, in principle, that the context considered at the time of granting this matter remains in force,<sup>21</sup> with regard to the existence of strong stigmatization and harassment campaigns against his work as a human rights defender.<sup>22</sup> In this sense, the Commission has observed the persecution, targeting, and harassment of people who exercise critical expression to the government. These are framed by the arrest and trials against members of non-governmental organizations,<sup>23</sup> having received specific information about the arrest of Mr. Javier Tarazona and two other members of FundaRedes.<sup>24</sup>

39. In this regard, the representatives alleged that this detention is based on the beneficiary's defense work. They indicated that the Attorney General, Tarek William Saab, publicly stated that the ground for the arrest was "making public accusations without any basis, which incite hatred and seriously compromise the peace of the Republic" (see *supra* para. 12). Thus, although in these proceedings it is not for the Commission to rule on the compatibility of detention with the applicable international instruments, given the necessary assessments on the merits, it is noted that the allegations presented by the representatives are consistent. They are also inserted with the context that the Commission has been knowing, as well as that observed by the Verification Mission (see *supra* paras. 26 and 28).

40. On another note, and in view of the nature of the facts described by the representatives, the Commission recalls that the Inter-American Convention to Prevent and Punish Torture, to which the State of Venezuela is a party since its ratification on August 26, 1991, includes the definition of 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. Torture shall also be understood to be the use of methods upon a person 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."<sup>25</sup>

41. In this regard, the I/A Court H.R. has indicated that a violation of the protection of the right to integrity encompasses various connotations of degree, such as those ranging from torture to other types of cruel, inhuman, or degrading treatment or humiliation.<sup>26</sup> In this line, there is also the prohibition of torture, cruel, inhuman, and degrading treatment and the impossibility of suspending it under any circumstances. In this regard, the I/A Court H.R. has indicated that the lack of adequate medical care for a person deprived of their liberty and in the custody of the State could be considered a violation of that prohibition.<sup>27</sup> Similarly, according to the jurisprudence of the European Court of Human Rights, the lack of regular medical care can also constitute inhuman or degrading treatment.<sup>28</sup>

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<sup>20</sup> *Ibidem*.

<sup>21</sup> IACHR, [José Javier Tarazona Sánchez and his family unit, Venezuela](#) PM-258-20. Resolution No. 30/20 of June 18, 2020, paragraph 14.

<sup>22</sup> IACHR, [2019 Annual Report of the IACHR, Chapter IV. B. Venezuela](#), VI. Groups in situations of vulnerability A. Human rights defenders

<sup>23</sup> IACHR, [2021 Annual Report](#), Chapter IV.B Venezuela, par. 123-4 and 188-9.

<sup>24</sup> *Ibidem*, paras. 125 and 191.

<sup>25</sup> [Inter-American Convention to Prevent and Punish Torture](#), Article 2.

<sup>26</sup> I.A Court H.R. Case of Barrios Family v. Venezuela. Judgment of November 24, 2011, para. 52.

<sup>27</sup> 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.

<sup>28</sup> ECHR. [Case of Sarban V. Moldova \(Request no. 3456/05\)](#). JUDGMENT. October 4, 2005, para. 78.

42. In view of the above, it should be noted that, in accordance with Articles 1 and 6 of that instrument, the member States are obliged to prevent and punish torture and cruel, inhuman or degrading treatment or punishment within their jurisdiction. In turn, Article 17 establishes a commitment to “inform the Inter-American Commission on Human Rights of any legislative, judicial, administrative, or other measures they adopt in application of this Convention”. Accordingly, the Commission reiterates that, as part of its powers over the States, those provided for in Article 18(b) of its Statute, consisting of “make recommendations to the governments of the states on the adoption of progressive measures in favor of human rights in the framework of their legislation, constitutional provisions and international commitments, as well as appropriate measures to further observance of those rights.” In this way, the mechanism of precautionary measures has had a progressive development to become a protection mechanism of the inter-American system, in compliance with its conventional and procedural obligations and deriving from the aforementioned function of the IACHR to ensure compliance with the international commitments assumed by the member States.

43. Regarding the *seriousness* requirement, the Commission recalls that the beneficiary, being in state custody, therefore has a special position of guarantor, since prison authorities exercise strong control or command over the persons in their custody.<sup>29</sup> This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, in which prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life.<sup>30</sup> In addition to the above,

the State, as the responsible party for detention facilities, is the guarantor of the detainees’ rights to life and personal integrity, which implies, inter alia, that it is responsible for explaining what happens to the persons in its custody. Thus, because the State authorities exercise full control over the person in their custody, the manner in which the person is treated must be subject to the strictest scrutiny, taking into account their particular vulnerability.<sup>31</sup>

44. More specifically, and in light of the facts narrated by the representatives, the Commission recalls that, based on the principle of non-discrimination, the Inter-American Court has indicated that this duty implies the obligation of the State to guarantee their physical and mental health, specifically by providing a regular medical check-up and, when required, adequate, timely, and, where appropriate, specialized medical treatment according to the special care needs required by the detained persons in question.<sup>32</sup> In the same way, as the Inter-American Court has indicated, that the States must create conditions of real equality with regard to groups that are at greater risk of being discriminated.<sup>33</sup>

45. Additionally, with regard to the right to health, the jurisprudence of the Court has recognized that health is a fundamental and indispensable human right for the proper exercise of other human rights, and

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<sup>29</sup> 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. See also: IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, December 31, 2011, para. 49.

<sup>30</sup> IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas, December 31, 2011, para. 49 et seq.

<sup>31</sup> I.A Court H.R. *Matter of Juan Sebastián Chamorro et al. regarding Nicaragua*. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of May 25, 2022. 54. (Available only in Spanish)

<sup>32</sup> 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. 171. For its part, the UN Human Rights Committee even stressed that attention should be ex officio. See: I/A Court H.R. Case of Chinchilla Sandoval et al. v. 172.

<sup>33</sup> I.A Court H.R. Case of Poblete Vilches et al. v. Chile, Fund, Reparations and Costs. Judgment of March 8, 2018. Series C No. 349. para. 123.

that every individual has the right to enjoy the highest attainable standard of health that allows him or her to live a full life.<sup>34</sup> The Commission recalls that the general obligation to protect health translates into the State's duty to ensure people's access to essential health services, guaranteeing quality and effective medical care, as well as to promote the improvement of the population's health conditions.<sup>35</sup>

46. Moreover, in the context of the COVID-19 pandemic, the Commission has urged States to adopt urgent measures to guarantee the health and integrity of the population deprived of liberty in the face of the effects of the pandemic, as well as to ensure dignified and adequate detention conditions in detention centers. It notes that this context may represent greater risk for those who make up groups in situations of vulnerability such as elderly or hypertensive patients.<sup>36</sup> In addition, the IACHR called on States to reduce the prison population by implementing alternative measures to imprisonment such as parole, house arrest, or early release.<sup>37</sup>

47. Taking into account the above, the Commission will analyze the risk situation that the beneficiary, José Javier Tarazona Sánchez, faces while bearing in mind his background during his detention in state custody, in addition to the treatment he has received and his conditions within the prison. In this regard, it is noted that different risk factors, which would add to his current situation, have been alleged. These consist of possible acts of torture, grave detention conditions, and lack of required medical treatment.

48. First, the Commission notes that it was indicated that the beneficiary has been subjected to "physical and psychological torture, including beatings, bag choking during interrogations; and other cruel, inhuman, and degrading treatment, which took place during his detention". In addition, it was indicated that he been given substances in order to record videos with false information (see *supra* paras. 14 and 15).

49. The IACHR notes that these allegations have been provided via communication of March 2022, but did not provide specific circumstances of time, manner, and place. Therefore, it is not possible to have insight on their continuance over time; that is, it is not specified if they refer to events that occurred at the time of their arrest in July 2021 or if this situation persists at present. Additionally, although in the handwritten page provided, the beneficiary indicates that he has been subjected to "cruel, inhuman, and degrading treatment", in developing this allegation he refers to situations that would fall under issues of judicial guarantees and due process (see *supra* Footnote 2). This is without prejudice to the issues of isolated and solitary detention, to which the IACHR will refer when analyzing the detention conditions.

50. The Commission therefore takes into account the seriousness of the allegations and recalls that the prohibition of torture is absolute, whereby the State authorities are obliged to carry out a serious and impartial investigation to identify and punish possible crimes that could have been committed under domestic law. Given the lack of response from the State, the Commission does not have additional elements of assessment that dispute the allegations issued by the representatives throughout the present

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<sup>34</sup> I.A Court H.R. Case of Cuscul Pivaral et al. V. Guatemala. Preliminary Objection, Merits, Reparations, and costs. Judgment of August 23, 2018, para. Para. 105.

<sup>35</sup> *Ibid.*

<sup>36</sup> IACHR. Press Release No. 66/2020. The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic. March 31, 2020; IACHR. Resolution 1/2020. Pandemic and Human Rights in the Americas. Adopted by the IACHR on April 10, 2020.

<sup>37</sup> IACHR. Press Release No. 66/2020. The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic. March 31, 2020; IACHR. Press Release No. 212/2020. IACHR concerned about specific risks faced by Persons Deprived of Liberty in the Americas during the COVID-19 pandemic. September 9, 2020.

procedure. In addition, the IACHR notes that this information is consistent with that received by the Commission and the Fact-Finding Mission (see *supra* paras. 27 and 29).

51. Second, regarding the beneficiary's detention conditions, in her communication of March 2022, the representatives pointed out that these consisted of "not seeing the sunlight; not having drinking water; access only recycled air within a structure of contaminated basements; isolation in a closed space for long periods of time" (see *supra* para. 15). It was also indicated that food is not suitable for human consumption.

52. More recently, in May 2022, the representatives reported on the aggravation of these conditions as an alleged punishment for having found letters in his cell. Mr. Tarazona had been transferred to a 3x4 meter cell with five other people, where he was allegedly kept from April 23, 2022, to May 15, 2022, in isolation. In addition, he was only able to contact his brother on May 21, 2022. The beneficiary informed his brother that he was now held in a cell smaller than where he was held prior to the isolation. This smaller cell was allegedly shared with two other prisoners, and monitored by cameras 24 hours a day.

53. In principle, the Commission recalls that it has already had the opportunity to analyze similar detention conditions in the Helicoide detention center in other matters where the IACHR decided to grant precautionary measures.<sup>38</sup> In this regard, the Commission considers that these conditions place Mr. Javier Tarazona in a delicate situation of risk. This considers the serious allegations of absence of ventilation and natural lighting, lack of drinking water and adequate food, along with the fact that he reportedly shares small spaces with different people.

54. In addition, the Commission notes with great concern that, according to the allegations presented, as a punishment between April and May 2022, the beneficiary had been held in isolation and transferred to solitary confinement for a period of about three weeks. In this regard, the Commission recalls what was indicated by the United Nations Special Rapporteur on Torture, Juan E. Méndez, regarding the impact that solitary confinement can have on the rights to life and personal integrity, stating that "individuals held in solitary confinement suffer extreme forms of sensory deprivation, anxiety, and exclusion, clearly surpassing lawful conditions of deprivation of liberty".<sup>39</sup> In addition to the foregoing, the Commission stresses the prohibition of any type of punishment that may inflict harm or suffering on persons, especially in light of the control exercised by the State over persons deprived of liberty, for which the authorities face strict scrutiny of their actions. The Commission also observes that, at present, the beneficiary's privacy is reportedly null and void. Aside from sharing small cells with multiple people, authorities allegedly monitor him via security cameras 24 hours a day. This only adds to a situation of panic and anxiety.

55. Third, in relation to his health, the representative reported on Mr. Tarazona's conditions in the past. He allegedly has cardiac arrhythmia, elevated heart rate, dyslipidemia, stage 2 hypertension, cardiometabolic syndrome, hyperinsulinism and is asthmatic. In addition, it was reported that he had contracted COVID-19. However, he was allegedly not transferred to a medical center at that time, and he does not receive the medications he requires for his diabetes. Lastly, it has been indicated that when he was transferred to solitary confinement, he was not allowed to take his medicines with him. Therefore, during those first few days, he was not given his medicines.

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<sup>38</sup> IACHR. [Pedro Patricio Jaimes Criollo, Venezuela. PM-688-18](#). Resolution 78/18, October 4, 2018, para. 7 and 20 (Available only in Spanish).

<sup>39</sup> Referring to the effects of solitary confinement on death row: United Nations, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, August 9, 2012, A/67/279, para. 48.

56. On the other hand, in his handwritten letter, the beneficiary directly stated that he takes medication to treat his illnesses. He added that he has been treated by specialists of the SEBIN medical service, but that they do not allow him to be treated by his trusted private physicians.

57. Considering the information available, in principle, the Commission is not clear on the specific medications and treatments that the beneficiary requires and is reportedly not be receiving. This is because the details of this information were not provided and the fact that he himself indicated that he took his medications and had been attended to by public specialists. The Committee notes that medical reports were provided. These account for diseases that have been diagnosed to the beneficiary in the past, but they do not indicate the current impacts on his health (see *supra* para. 16 and Footnote 3). It should be noted that the situation reportedly occurs as he is not allowed to be evaluated by his trusted physicians and since there are no state diagnoses on his current status. For the Commission, it is imperative that the State take the necessary measures to enable the beneficiary to have the right to enjoy the highest attainable standard of health that allows him to live a full life (see *supra* paras. 46-5). Moreover, the Commission considers it necessary that the beneficiary be evaluated by medical specialists to understand more about his current health situation, since no information on recent medical evaluations is identified in the file. Nor is it observed whether the judicial authority has issued orders to the competent entity for the beneficiary to be evaluated, even though he is detained in a detention center which is different from the one that was ordered by the court. The Commission further recalls that the lack of adequate medical care for a person deprived of his liberty and in the custody of the State could be considered a violation of the prohibition of torture (see *supra* para. 37).

58. On the other hand, the Commission observes that no information was provided on the symptoms that the beneficiary presented after being infected with COVID-19, which purportedly led them to conclude that he needed to be transferred to a medical center. Notwithstanding the foregoing, the Commission recalls the importance of taking urgent measures in the context of the pandemic to prevent harm to persons in vulnerable situations (see *supra* para. 46), such as people with hypertension, as in the case of the beneficiary. He also has different conditions that could imply a differentiated impact on his health in the face of a virus infection.

59. The Commission therefore considers it urgent to receive information from the parties on the beneficiary's current health conditions. It also notes that it would be convenient for his trusted physician to be able to see and treat the beneficiary. The IACHR even suggests allowing the private specialist to participate in medical boards or some other method that the authorities designate in order to allow the participation of this physician along with public physicians. In addition to the above, the Commission notes with concern that the beneficiary has been deprived of access to his medicines because he has been transferred to isolation. The concern stems from that fact that, due to the nature of some of the reported conditions, the lack of continuous treatment may lead to a deterioration in the beneficiary's health.

60. The Commission considers that the issues analyzed in the above points should be considered as a whole and not only individually. In this way, it should be noted that the reported detention conditions can generate a progressive deterioration of the multiple health conditions that Mr. Javier Tarazona presents. These could be irreversible, especially in the face of possible acts of torture and periods of isolation, where he allegedly stops receiving his medication for various days. Going unmedicated could increase the risk of suffering irreparable harm to his health, integrity and even his life.

61. In this sense, the Commission identifies that, after the modification of the beneficiary's situation of currently being deprived of liberty, a situation of risk to the rights to health, integrity, and life of Mr. Javier Tarazona persists. This is due to his detention conditions and the sum of the different conditions

which have been reported, including that he allegedly sometimes stops receiving medicines he requires for his treatment.

62. Although the IACHR appreciates the representative's efforts to provide information on the beneficiary's situation, it is simply not possible to adequately know the situation which he faces. This is due to the absence of official information, especially regarding his detention conditions and the medical care and treatment he allegedly receives. Considering the information available and the lack of a State response, the Commission understands that insufficient measures have been implemented to address the threatening situation assessed by the IACHR from June 2020 to present day.

63. Considering the foregoing, the IACHR considers that risk factors continue to be present and that the requirements of Article 25 of the Rules of Procedure remain in force. The Commission requests that the State of Venezuela, and all its competent national institutions, adopt all the measures that may be necessary as a matter of urgency to protect the rights of Mr. Javier Tarazona.

*c. On-site visit to the country and the Helicoide Detention Center where the beneficiary is currently located.*

64. The Commission considers that this matter shows a particularly serious situation that requires due attention from the State of Venezuela. In this regard, in seeking to assist the State in complying with its international obligations in the area of human rights, the Commission expresses its willingness to carry out an on-site visit to the country. It is particularly interested in carrying out a visit to the Helicoide Detention Center, as long as the circumstances allow and with prior State consent for these purposes.

65. Under the terms of Article 25 of its Rules of Procedure, the IACHR has made use of several tools at its disposal with a view to achieving the effective implementation of these precautionary measures. However, the IACHR has not received a response from the State which would indicate that it has been adopting measures to protect the rights of the beneficiaries. On this occasion, given the time that has elapsed and after determining that the risk factors persist, the IACHR considers that a visit to the country would make it possible to directly assess the beneficiary's situation. In addition, the IACHR recalls that, in the past, precautionary measures have been granted to other people housed in the same center<sup>40</sup> and various deaths of individuals identified as "political prisoners" in the facilities<sup>41</sup> of this center have been highlighted. An on-site visit would therefore be helpful for the follow-up of different precautionary measures, including the instant matter. The IACHR makes its request in the most constructive spirit with a view to ensuring that the situation of the beneficiaries is duly mitigated, and their rights are effectively protected.

*d. Situation of the remaining beneficiaries*

66. The Commission recalls that, at the time of granting these precautionary measures, Mr. Javier Tarazona's mother and son were considered beneficiaries<sup>42</sup> upon assessing that they could be subject to reprisals and that Mr. Tarazona was even intimidated in his own home.<sup>43</sup> In this sense, the Commission understands that the risk situation that Mr. Javier Tarazona's mother and son faced was a consequence of

<sup>40</sup>IACHR, [Resolution No. 78/18, PM-688-18 – Pedro Patricio Jaimes Criollo, Venezuela](#), October 4, 2018; and, [Resolution 1/2017, PM-475-15, Members of the Voluntad Popular Party, Venezuela](#), January 14, 2017 (Available only in Spanish).

<sup>41</sup>IACHR, [Press Release 312/2021](#). IACHR Urgently Calls on Venezuela to Guarantee the Life and Integrity of Political Prisoners. December 23, 2021); [Tweet](#) from October 16, 2022.

<sup>42</sup>IACHR, [José Javier Tarazona Sánchez and his family unit, Venezuela](#) PM-258-20. Resolution No. 30/20 of June 18, 2020, Para 23 (Available only in Spanish).

<sup>43</sup>Idem, para. 20.



his defense work and was linked to his risk situation while he was at liberty. In this regard, the IACHR notes that the last information received about Mr. Javier Tarazona's mother states that SEBIN agents detained her for three hours on July 14, 2021. This occurred while they were checking her home, and they did not inform her attorneys about her whereabouts (see *supra* para. 13). This situation is in the context of Mr. Javier Tarazona's detention on July 2, 2021. In this regard, in order to continue assessing her situation under the terms of Article 25 of the Rules of Procedure, the Commission requests the representatives to provide updated information on her situation.

**(iii) In relation to the request for provisional measures from the Inter-American Court**

67. At this time, the Commission considers it appropriate to continue monitoring the precautionary measures granted, which it is following-up with this resolution. The Commission will therefore continue to review compliance with the procedural requirements and, in order to consider a decision on subsequent actions, considers it relevant to have more details and constant information on the beneficiary's situation, especially: i) on the occurrence of possible acts of torture, ill-treatment, or inhuman or degrading treatment; ii) keep updated the information on detention conditions, where appropriate, of possible transfers to isolation and/or solitary detention; iii) on the beneficiary's specific health conditions, including ailments, care, and medical treatment that he reportedly requires and that he is allegedly not receiving (see *supra* paras. 34-61).

**V. DECISION**

68. The Inter-American Commission on Human Rights considers that, in the matter at hand, the subject matter of the precautionary measures has been modified, but continues to meet *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure in relation to Mr. José Javier Tarazona Sánchez, in the terms indicated throughout this resolution. Accordingly, it decides as follows:

- a) Modify the subject matter of the precautionary measures granted in favor of José Javier Tarazona Sánchez, taking into account that he is currently deprived of liberty in the Helicoide;
- b) Request that the State send concrete, detailed, and updated information on the implementation of these precautionary measures and on the situation of Mr. José Javier Tarazona Sánchez and the identified persons of his family unit;
- c) Request the State of Venezuela to adopt the necessary measures to protect the rights to health, personal integrity, and life of Mr. José Javier Tarazona Sánchez. For these purposes, the State must:
  - a. Ensure that its agents, especially those in charge of the penitentiary regime, respect his life and personal integrity, as well as protect his rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;
  - b. Ensure that his detention conditions are in accordance with international standards in this area. In this regard, the beneficiary must have adequate lighting and ventilation; access to sufficient and sanitary drinking water and food; adequate confinement space that guarantees his privacy, as well as the possibility of access to recreational spaces. In addition, the State should ensure that the isolation and solitary detention of the beneficiary is avoided, as well as any other "punishment" against him;

- c. Guarantee access to medical care and treatment for the beneficiary's ailments and conditions to ensure his access to the highest attainable standard of health. The foregoing by granting him the medications he requires to treatment his diseases and allowing access to independent physicians, in accordance with the forms and procedures that are established for his free participation in the beneficiary's evaluation;
  - d. Consider alternative measures to imprisonment in light of the considerations made by the Commission in this resolution.
- d) Request the State to conduct a due diligence investigation into allegations of acts of torture and inhuman and degrading treatment or ill-treatment that could have taken place against the beneficiary at the hands of State agents, as well as any other matter that could constitute an offence under domestic law;
  - e) Express the willingness of IACHR to carry out an on-site visit to the country, particularly focused on the Helicoide;
  - f) Continue implementing the appropriate follow-up measures pursuant to Article 25(10) and other provisions of its Rules of Procedure.

69. The Commission requests that Venezuela report within 90 days as from this resolution on the adoption of the required precautionary measures. Moreover, it is requested to submit periodic information on the status of implementation of the precautionary measures. Notwithstanding the foregoing, the representatives are requested to continue providing information in the terms requested in this resolution, as well as any additional information they deem pertinent.

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

71. Approved on October 30, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido  
Assistant Executive Secretary