

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 30/2020**

Precautionary Measure No. 258-20

José Javier Tarazona Sánchez and family regarding Venezuela

June 18, 2020

Original: Spanish

I. INTRODUCTION

1. On March 31st, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Clara Yesenia Ramírez Arenas and José Javier Tarazona Sánchez, of the organization FundaRedes (“the applicants”), urging the Commission to require the Bolivarian Republic of Venezuela (“the State” or “Venezuela”) to adopt the precautionary measures in favor of José Javier Tarazona Sánchez, president director of FundaRedes (“proposed beneficiary”), and his nuclear family. According to the request, the proposed beneficiary is at risk given the reporting works that he allegedly carries out in his organization on the presence of irregular armed actors in Venezuela.

2. Pursuant to Article 25 of its Rules of Procedure, the IACHR requested information from the State on April 6th, 2020. To date, the IACHR has not received its response.

3. Upon analyzing the submissions of fact and law provided by the applicants, the Commission considers, from the standard *prima facie* applicable, that the proposed beneficiary is in a serious and urgent situation, since his rights face a risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that Venezuela: 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.

II. SUMMARY OF FACTS ALLEGED BY THE APPLICANTS

4. Mr. José Javier Tarazona Sánchez is president director of the organization FundaRedes. According to the request, since 2005 the organization has reported the presence and actions by the irregular armed groups ELN, EPL, FBL and dissents from the FARC in Venezuelan territory with the alleged complicity of Maduro’s government. According to the request, these groups are systematically violating human rights of the population in the entities where these terrorist organizations allegedly operate, which are reportedly already 17 states of the country. In addition, they allegedly carry out countless illegal activities. Due to the report of such events, the proposed beneficiary has allegedly received continuous attacks and threats from members of the irregular groups and from officials of the State of Venezuela.

5. On March 28th, 2020, Nicolás Maduro Moros, through phone contact with the program “*La Hojilla*,” broadcast by the public channel Venezolana de Televisión (VTV), called on the people to “identify possible groups of mercenaries who had entered the national territory during the self-called *darkest night of march*, through social intelligence, to prevent them from executing the recently revealed conspiracy and terrorist plans.” In the same way, he stated that “if you touch a single leader of this country, you will regret it for a lifetime and this goes for the Colombian oligarchy, the one that governs.” On the other hand, he

indicated: “I want to thank the people of Venezuela for their expressions of solidarity, love, on social networks, on the streets, expressing their rejection of the outburst of the supremacist cowboys who govern the White House” and also reiterated his rejection of what he called “false accusations made by the United States government that linked several high officials of the National Government with alleged acts of drug trafficking and terrorism.” In addition, he welcomed the ratifications of constitutional adherence by the Bolivarian National Armed Forces (FANB) in view of what he calls “new imperial threats”: “I thank the Bolivarian National Armed Forces for their brave, intelligent, and conscious pronouncement! We are Bolivarian Fury!”

6. Subsequently, Diosdado Cabello, the first vice president of the United Socialist Party of Venezuela (PSUV), and president of the National Constituent Assembly (ANC), published in his official Twitter account: “Our people must remain alert, with their guard up, ready and willing to defend the homeland of Bolívar and Chávez.” This message was accompanied by hashtag #FuriaBolivarianaEnAlerta, which reportedly generated a large number of hate messages against human rights activists and politicians opposed to the regime.

7. In the early hours of March 29th, 2020, the proposed beneficiary allegedly awakened in a sudden way upon hearing a vehicle’s security alarm. When he got out of bed to see if it was from his personal vehicle and check that it was not inside his house, he looked out from the balcony and saw a vehicle departing, which had the characteristics of the official cars of the State of Venezuela used for transporting officials of the SEBIN, FAES and sometimes armed collectives, who work hand in hand with security agencies. The cars had smoked glass, therefore he could not tell how many people were being transported in it. On various occasions, the director allegedly reported the presence of SEBIN vehicles in front of his house. The applicants indicated that such vehicles spend several hours in a kind of “surveillance.” In this sense, on March 29th, the proposed beneficiary reportedly thought that it was one more visit by this group.

8. Surprisingly, in the morning, a neighbor allegedly knocked on his house’s door to notify him that the proposed beneficiary’s house had been scratched with a graffiti on which it can be read. “*The Bolivarian Fury (the BF) XXXX.*” At the national level, other homes of people considered opponents of the Maduro government were reportedly marked with the message “The Bolivarian Fury” and in certain cases messages were added such as: “If they invade us we will kill you,” “your head has a price” and “traitor.” Nicolás Maduro allegedly reiterated on March 30th, 2020 that: “When justice comes to them, then they cry on social networks. Justice will come to everyone. Operation *tun tun* to all the terrorists, conspirators and plotters, even you who see me, it will come to you, and don’t start crying on social networks.”

9. The threats to the proposed beneficiary have allegedly been repeated throughout his years of reporting. In 2011, he has allegedly been granted a protection measure by the Tenth Court of First Criminal Instance in Control Functions of the Judicial District of the Táchira State, which has been reportedly revoked on May 30th, 2012.

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

10. 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 established in Article 18 (b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. 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.

11. 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, one being precautionary and the other being protective. As regards the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Their precautionary nature aims to safeguard the rights at risk until the request under consideration in 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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations. Regarding the process of decision making 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.

12. 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 exists¹.

13. With regard to the requirement of seriousness, the Commission takes into account the Venezuelan context in which the alleged facts are inserted, which is characterized by a deepening of the country's political and social crisis and widespread repression, which has led to the absence of the rule of law². Regarding the situation of human rights defenders, during 2019 information was received on the existence of strong stigmatization and harassment campaigns against their work³, as well as an intensification of smear campaigns in the pro-government media and by high-level authorities against it. The speeches often label human rights defenders as "traitors" and "destabilizing agents" and be used in mass media, such as the weekly television program "Hitting with the club (*Con el mazo dando*)," led by the president of the Constituent National Assembly of Venezuela. The discrediting messages are reportedly also be accompanied by strategies of harassment by government agents and individuals⁴.

14. In this matter, the Commission observes that the proposed beneficiary is in a situation of serious risk, due to the work carried out in his capacity as president of Fundaredes, particularly in light of the context described above. To assess the foregoing, it is important to bring up the criminal charges by the

¹ See in this regard, I/A Court H.R. Matter Inhabitants of the Miskitu Indigenous People Communities of the North Caribbean Coast Region regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23rd, 2018, considerandum 13; I/A Court H.R. Matter of children and adolescents deprived of liberty in the "Complexo do Tatuapé" of the CASA Foundation. Request for extension of precautionary measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4th, 2006. Considerandum 23. Available at: http://www.corteidh.or.cr/docs/medidas/febem_se_03.pdf

² IACHR, IACHR Annual Report 2019. Chapter IV B. Venezuela, para. 1 Available at <http://www.oas.org/es/cidh/docs/annual/2019/docs/IA2019cap4bVE-es.pdf>

³ IACHR, Annual Report 2019 of the IACHR. Chapter IV B. Venezuela, VI. Groups in situations of vulnerability A. Human rights defenders Available at <http://www.oas.org/es/cidh/docs/annual/2019/docs/IA2019cap4bVE-es.pdf>

⁴ Ibid.

United States government against Nicolás Maduro and other persons, on March 26th, 2020, for the crimes of drug trafficking and terrorism and the offer of a reward for his capture⁵. These charges are reportedly based on an alleged collaboration with the former Colombian guerilla FARC⁶. Considering this, the Commission notes that the proposed beneficiary has been denouncing over the years the presence of illegal armed groups in Venezuela, even in the current context. Along these lines, it is observed that the proposed beneficiary has recently reported that illegal armed groups continue to operate in Venezuelan territory, offering aid to the local population⁷ amid the measures imposed to contain the pandemic⁸.

15. Under the foregoing analysis, the Commission notes that the proposed beneficiary is especially exposed to people who may be involved in such complaints and who act in response to Nicolás Maduro's public message of "*Bolivarian Fury*," in response to the criminal charges by the United States, which reportedly also led to acts of harassment against human rights defenders and political opponents in Venezuela. Along the lines indicated by the applicants, the media also reported that the next day there was a large number of leaders of the different opposition parties in the houses, threatening or graffiti, some of them for personal, political and even homophobic⁹.

16. Likewise, the Commission notes that the home of the proposed beneficiary resulted marked with graffiti with references to the "*Bolivarian Fury*." The night before this happened, there was a suspicious presence of vehicles usually identified as from the officials of the SEBIN, FAES and, sometimes, armed groups. These facts are worrying, to the extent that the information provided suggests that the proposed beneficiary is being watched, the location of his home is allegedly known and he is reportedly explicitly threatened with the allusion to the government slogan of Nicolás Maduro. In these circumstances, the seriousness of the situation is evidenced by the tenor of the messages and their particular meaning in the current context, the constant indications by the highest State authorities, which contribute to exacerbating the climate of animosity and hostility in against human rights defenders and the alleged participation or acquiescence of government agents in the commission of these events of risk.

17. Additionally, it should be highlighted the fact that, despite having a relevant profile, there is no information on whether the proposed beneficiary currently has any protection measures granted by the competent authorities, which exposes him to an even greater vulnerability. The foregoing is relevant since the State has been aware of its situation at least since 2011 when it was granted a protection measure, and it was subsequently lifted in 2012.

18. The Commission regrets that the State has not replied to the request for information. Although the lack of response from a State does not justify *per se* the granting of a precautionary measure, it does prevent the Commission from knowing whether the authorities have adopted effective measures to mitigate or neutralize the alleged situation of risk or from disproving the allegations of the applicants.

⁵ LA VANGUARDIA, USA reports Maduro for drug trafficking, March 26th, 2020. Available at <https://www.lavanguardia.com/internacional/20200326/48106005386/eeuu-denuncia-maduro-narcotrafico.html> ;

BBC, USA charges Nicolás Maduro with drug trafficking and offers a reward of USD \$15 million for his capture, March 26th, 2020. Available at <https://www.bbc.com/mundo/noticias-america-latina-52049695>

⁶ Ibid.

⁷ FundaRedes. Guerrilla foundation replaces the Venezuelan state in schools on the border with Colombia, April 17th, 2020. Available at <https://www.fundaredes.org/2020/04/17/fundacion-de-la-guerrilla-sustituye-al-estado-venezolano-en-escuelas-de-la-frontera-con-colombia/>

⁸ FundaRedes. FundaRedes warns the presence of armed groups in urban centers of Táchira during the quarantine, April 10th, 2020. Available at <https://www.fundaredes.org/2020/04/10/fundaredes-alerta-presencia-de-grupos-armados-en-centros-urbanos-del-tachira-durante-la-cuarentena/>

⁹ INFOBAE, Maduro's hidden plan and the photos of the first action of "*Bolivarian Fury*": threatening opposition leaders with death, March 30th, 2020. Available at <https://www.infobae.com/america/venezuela/2020/03/30/el-plan-oculto-de-maduro-y-las-fotos-de-la-primera-accion-de-furia-bolivariana-amenazar-con-la-muerte-a-dirigentes-de-la-oposicion/>

19. Consequently, the Commission concludes that, from the standard *prima facie* applicable and in the context that Venezuela is going through, the existence of a situation of serious risk to the rights to life and personal integrity of Mr. José Javier Tarazona Sánchez is sufficiently proven. Likewise, in light of the nature of the alleged facts, the Commission considers that the identified members of his family are also in the same situation, due to the possible reprisals that they may be subject to and taking into account that the alleged aggressors even intimidated the proposed beneficiary in his own home.

20. With regard to the requirement of urgency, the Commission considers that it is met as well, since the facts described suggest that the situation of risk is likely to continue and exacerbate over time. Therefore, in view of the imminence of the threats coming to fruition, it is necessary to immediately adopt measures to safeguard his rights to life and personal integrity, especially when there is no information on whether the proposed beneficiary currently has any protection detail.

21. As regards the requirement of irreparable harm, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitute the maximum situation of irreparable harm.

IV. BENEFICIARIES

22. The Commission declares that the beneficiaries of this precautionary measure are Mr. José Javier Tarazona Sánchez and the identified members of his nuclear family¹⁰, who have been duly identified in this proceeding.

V. DECISION

23. The Inter-American Commission on Human Rights considers that this matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, it requests that Venezuela:

- 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.

24. The Commission requests the State to report, within a period of 15 days, from the date of this resolution, on the adoption of the required precautionary measures and to update that information periodically.

25. The Commission emphasizes that, in accordance with Article 25 (8) of its Rules of Procedure, the granting of the present precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in accordance with the applicable instruments.

¹⁰ Teresa de Jesús Sánchez García (mother) and Javier Alejandro Tarazona Casanova (son).

26. The Commission requests that the Secretariat of the IACHR notify the State of Venezuela and the applicants of the present Resolution.

27. Approved on June 18, 2020 by: Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; and Julissa Mantilla Falcón, members of the IACHR.

Paulo Abrão
Executive Secretary