
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 40/2023**

Precautionary Measure No. 409-23
Franklin Alfredo Caldera Cordero regarding Venezuela
July 20, 2023
Original: Spanish

I. INTRODUCTION

1. On May 25, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Defiende Venezuela* (“the requesting party” or “the applicants”), urging the Commission to require the Bolivarian Republic of Venezuela (“the State” or “Venezuela”) to adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero and his son Franklin Alfredo Caldera Martínez (“the proposed beneficiaries”). According to the request, Mr. Franklin Caldera Cordero is a human rights activist reportedly suffering threats, persecution, and harassment after allegedly for having denounced the situation of his son, Mr. Caldera Martínez - Lieutenant of the Venezuelan Army - who is purportedly deprived of his liberty in the General Directorate of Military Counterintelligence (*Dirección General de Contrainteligencia Militar*, DGCIM) and is reportedly suffering from health issues related to aggressions that allegedly occurred during his detention.

2. Pursuant to Article 25(5) of its Rules of Procedure, the IACHR requested information from the State on June 1, 2023, but has not received a response to date. The applicants submitted additional information on June 8 and 23, 2023.

3. Upon analyzing the submissions of fact and law furnished by the requesting party, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Therefore, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Franklin Alfredo Caldera Cordero; b) adopt the necessary protective measures so that Mr. Franklin Alfredo Caldera Cordero can continue to carry out his human rights defense work, without being subject to threats, intimidation, harassment, or acts of violence; c) consult and agree on the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

4. The request indicated that the proposed beneficiary Franklin Alfredo Caldera Cordero, father of Mr. Franklin Alfredo Caldera Martínez, is a human rights defender and founder of the Victims Committee *Familia S.O.S. Libertad*, where he works as an advocate for the release of political prisoners in Venezuela. It was indicated that he began his work as an activist to denounce the situation of his son - former lieutenant of the Venezuelan Army - who has purportedly been deprived of his liberty since February 11, 2021, in a DGCIM cell in an allegedly arbitrary manner. As a result of this situation, it was indicated that Lieutenant Caldera Martínez’s relatives later faced threats, persecution, and arbitrary arrests, reportedly in retaliation for their actions with the aim of getting the proposed beneficiary Caldera Cordero to stop denouncing these facts and cease his work in the defense of human rights.

5. As background, the request indicated that the proposed beneficiary's son, Mr. Caldera Martínez, allegedly deserted military duty on January 13, 2019, because he disagreed with the repressive policies of the State. After deserting, he applied for political asylum in Colombia. His father, the proposed beneficiary Caldera Cordero, was then arrested and detained by officials in the General Directorate of Military Counterintelligence (DGCIM), who interrogated him about Mr. Caldera Martínez's whereabouts, which were unknown to him.

6. According to the request, on February 11, 2021, former Lieutenant Caldera Martínez was purportedly captured by DGCIM officials in Cúcuta, Colombia, for the alleged crimes of "association to commit a crime, terrorism, theft of weapons or ammunition, political conspiracy, and escape." The request added that Mr. Caldera Martínez's relatives only learned of his whereabouts one month after his arrest, so a report of enforced disappearance was made before the Office of the United Nations High Commissioner for Human Rights (OHCHR) and to the United Nations Working Group on Enforced or Involuntary Disappearances. On March 22, 2021, OHCHR reportedly informed his relatives that Mr. Caldera Martínez was detained at the National Center for Accused Members of the Military (*Centro Nacional de Procesados Militares*, CENAPROMIL) in Ramo Verde.

7. Following his arrest, former Lieutenant Caldera Martínez was reportedly subjected to torture and poor detention conditions. After a thwarted escape attempt, on February 24, 2021, he was reportedly shot at point-blank range in the left leg and was wounded with a knife in his right leg, which allegedly caused the proposed beneficiary physical and psychological damage. As a result of the shooting, the request indicated that Mr. Caldera Martínez has difficulty walking and loses his balance. Despite his health condition, he is reportedly not receiving adequate medical care. For these reasons, a request was made on July 25, 2022, to transfer former Lieutenant Caldera Martínez to the Dr. Carlos Alvero Military Hospital. According to the request for precautionary measures, the transfer was authorized by the competent judicial authority. Nevertheless, the order has not been carried out to date.

8. As a result of this situation, the proposed beneficiary Mr. Caldera Cordero founded the Victims Committee *Familia S.O.S. Libertad* and began his work to defend political prisoners in Venezuela, particularly his son, Mr. Caldera Martínez. Due to this background and the complaints filed, Mr. Caldera Cordero went on to face acts of harassment and hounding by Venezuelan authorities. In this regard, it was indicated that, on January 26, 2023, Mr. Caldera Cordero attended a meeting with the United Nations High Commissioner for Human Rights, in Caracas, when he realized that he was being watched and followed by unidentified persons aboard a white Chery automobile. The proposed beneficiary decided to leave his vehicle in the parking lot and discreetly take refuge in a safe house for a few days. The request indicated that, upon returning to his home, the proposed beneficiary began to receive several calls from unknown numbers. These callers threatened him, telling him to calm down and stop reporting and that, if he refused, there would be negative consequences for him and his family.

9. The request added that, in retaliation against the Caldera family, on March 17, 2023, the State transferred Lieutenant Caldera Martínez from prison in Ramo Verde to a cell in the DGCIM. Furthermore, it indicated that, on March 26, 2023, Mr. Caldera Cordero made an appearance before the United Nations Human Rights Council, in which he presented the arbitrary actions that the State allegedly continues to commit against political prisoners, demanding the latter's freedom. This appearance was reportedly disseminated by the press. In retaliation, on April 8, 2023, it was reported that his son's prison guards had violently entered his cell and carried out an arbitrary search during which they damaged his belongings. That same day, Caldera Martínez purportedly called his father asking him to stop making public complaints and to retract his statements against the State. A few days later, former Lieutenant Caldera Martínez called his mother to ask if they had retracted the previous statements yet. In this regard, his father, the proposed beneficiary, reportedly indicated that his son was nervous, and his words did not seem to be spoken freely and spontaneously.

10. On April 15, 2023, Mr. Caldera Cordero was able to visit his son. On the way, individuals in a white Chery vehicle with no license plates watched and followed him. In addition, the prison administration allegedly recommended that Mr. Caldera Cordero stop making public statements and request that the media to stop publishing on his appearance before the Human Rights Council. Furthermore, they allegedly threatened to charge him with the crime of defamation against the Venezuelan State if he did not do so. Upon leaving the prison, Mr. Caldera Cordero was reportedly pursued again, this time by a gray Silverado pickup truck. Due to these events, the proposed beneficiary allegedly requested a hearing with the prosecutor to obtain information on the investigation into the acts of torture and threats faced by the proposed beneficiaries and find out how it was progressing. Moreover, he allegedly called the prosecutor on May 10, 2023. In response, Mr. Caldera Cordero was informed that the investigations were confidential.

11. The request added that on April 23, 2023, the proposed beneficiary was assaulted while carrying out an act of public denunciation with the members of his NGO *Familia S.O.S Libertad* in Valencia, Carabobo state. It indicated that plainclothes officials got out of the vehicle and attempted to assault Mr. Caldera Cordero, who managed to persuade and drive away these officials with the help of those who were present. In light of the above, it was reported that Mr. Caldera Cordero's exercise of his right to freedom of expression and his work as a human rights activist have been limited. A communication dated June 26, 2023, indicated that Mr. Caldera Cordero has ceased to participate in public activities or complaints and stopped attending events that took place between May and June 2023. Similarly, he has not returned to the Prosecutor's Office, since he believes that he is being monitored and the State has reportedly shown no interest in continuing with the investigations. Additionally, by not retracting his public statements, Mr. Caldera Cordero expressed fear that the threats made by the prison director could materialize.

12. Furthermore, the request indicated that the following complaints concerning the alleged situation were filed: regarding former Lieutenant Caldera Martínez: i. a criminal complaint before the Public Ministry for the alleged acts of torture and threats; ii. a *habeas corpus* appeal filed before the Criminal Judicial Circuit of Caracas on March 4, 2021; iii. a complaint before the Public Ministry's Directorate of Human Rights, dated March 3, 2021, requesting an investigation into the facts related to Mr. Caldera Martínez; iv. a complaint before the Ombudsperson's Office, requesting that an investigation be initiated into the alleged disappearance of Mr. Caldera Martínez; v. Communication of Enforced Disappearance before the United Nations Working Group on Enforced or Involuntary Disappearances dated March 17, 2021. Regarding Mr. Caldera Cordero's situation, the request indicated the existence of an ongoing criminal investigation before Prosecutor's Office 49 of the Public Ministry. However, the applicants reported not having access to information about this investigation's progress.

B. Information provided by the State

13. In the matter at hand, the IACHR requested information from the State on June 1, 2023, but has received no response to date.

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

14. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States, based on Article 41(b) of the American Convention on Human Rights and Article 18(b) of the IACHR Statute. In the same way, the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm.

15. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures

have a dual nature, both protective and precautionary.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.² To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.³ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. 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.⁴ 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.

16. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie*⁵ standard of review to determine whether a serious and urgent situation exists. Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁶ The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be

¹ 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.

² 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 [only in Spanish].

³ 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 [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, 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 [only in Spanish].

⁴ *Ibid.*

⁵ See in this regard: I/A Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

⁶ IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. Resolution 37/2021. Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

resolved without making any determinations on the merits.⁷

17. The Commission reaffirms its jurisdiction over the State of Venezuela, in the terms formulated in the cases it has been submitting to the Inter-American Court in the framework of the petition and case system, such as the Matter of Alfredo José Chirinos Salamanca et al. of the Bolivarian Republic of Venezuela submitted to the Inter-American Court on February 16, 2022.⁸

18. Before proceeding with the analysis of the procedural requirements, the Commission shall examine preliminary issues regarding this request for precautionary measures, particularly in relation to the request that former Lieutenant Franklin Alfredo Caldera Martínez be protected. In this regard, the Commission recalls that all persons (military and civilians) who are detained in the General Directorate of Military Counterintelligence (DGCIM) located at the headquarters of La Boleíta, Municipality of Sucre, in Caracas, Venezuela, have current protection measures granted through Resolution 14/2019.⁹ In this regard, the Commission observes that Mr. Caldera Martínez, who is in the DGCIM, according to the information provided in the request, is protected by the precautionary measures granted, reason for which this request will be restricted to analyzing if Mr. Caldera Cordero is at risk. Moreover, the Commission expresses concern about the facts alleged in this request, by which it will follow up on them within the framework of the precautionary measure in force (PM-178-19).

19. When analyzing the situation, the Commission considers it relevant to understand the alleged facts in the context in which they occur. As the Commission has been monitoring, Venezuela is experiencing a deepening of the country's political and social crisis and widespread repression, which has led to the absence of the rule of law.¹⁰

20. In its 2017 report on the human rights situation in Venezuela, the Commission identified a context of stigmatization and criminalization of those who convene and participate in public demonstrations,¹¹ together with acts of threats and harassment against human rights defenders.¹² In this regard, in the 2022 Annual Report, the Commission has found the existence of a context of “harassment, persecution, arbitrary detentions, lack of transparency and stigmatizing accusations against those who investigate and actively participate in matters of public and political interest.”¹³ Similarly, the IACHR stressed that human rights defenders in Venezuela continue to face an environment of stigmatization and intense harassment as a result of their work.¹⁴ This concern is shared by the Independent International Fact-Finding Mission established by the United Nations Human Rights Council. In 2022, this body expressed concern about the persecution and intimidation of human rights defenders and those working in civil society organizations.¹⁵ In this context, the Commission reiterated the importance of the work of defenders in building a strong and lasting democratic society, and the leading role they play in the process to fully implement the rule of law and to strengthen

⁷ In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

⁸ IACHR, Case 14.143. Alfredo José Chirinos Salamanca et al., Venezuela. Letter of Referral to the Inter-American Court. Available [in Spanish] at https://www.oas.org/es/cidh/decisiones/corte/2022/VE_14.143_NdeRES.PDF

⁹ IACHR. [Resolution 14/2019](#). Precautionary Measure No. 178-19.

¹⁰ IACHR, 2019 Annual Report of the IACHR. Chapter IV. B. Venezuela, para. 1

¹¹ IACHR. Democratic Institutions, the Rule of Law and Human Rights in Venezuela. December 31, 2017, para. 231.

¹² IACHR. Democratic Institutions, the Rule of Law and Human Rights in Venezuela. December 31, 2017, para. 234.

¹³ IACHR. 2022 Annual Report. Chapter IV.B Venezuela, para. 43

¹⁴ IACHR. Annual Report. 2022. Chapter IV.B Venezuela, para. 111.

¹⁵ UN, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, A/HRC/51/43, September 20, 2022, para. 9.

democracy. In that regard, it recalls that it is the duty of States to fully protect the right to defend rights. It is therefore essential and urgent that the State refrain from creating a hostile environment and, on the contrary, promote a culture of rights and an environment free from violence and threats; recognize the value and importance of the work of defenders and seriously and effectively investigate any human rights violations against them.¹⁶

21. In analyzing the requirement of seriousness, the Commission considers it relevant to consider the identified context, as well as the particular situation of the proposed beneficiary, Caldera Cordero. According to available information, Mr. Franklin Alfredo Caldera Cordero is the father of Venezuelan Army Lieutenant Franklin Alfredo Caldera Martínez, who deserted his duty in 2019 and allegedly arbitrarily deprived of his liberty since February 11, 2021. It was indicated that the proposed beneficiary's son, Mr. Caldera Martínez, suffered acts of torture and was purportedly subjected to poor detention conditions in the DCGIM, where he did not receive appropriate medical treatment for his health conditions. As a result of this situation, the proposed beneficiary became a human rights defender and founded the Victims Committee *Familia S.O.S. Libertad*, where he works as an advocate for the release of political prisoners in Venezuela. From the information available, it is identified that, between January and April 2023, the proposed beneficiary has attended meetings at the United Nations (para. 9 and 10) and held public demonstrations to denounce the reported events (para. 12). As a result of the above, it was indicated that Mr. Caldera Cordero began to be intensely monitored and threatened as of January 2023. In this regard, the Commission understands the seriousness of the situation presented in view of the following elements that the proposed beneficiary has been facing:

- a. He was reportedly persecuted by unidentified persons in a white Chery vehicle on January 26, 2023, after attending a meeting with OHCHR in Caracas (para. 8);
- b. He then began receiving several threatening calls from unknown numbers to make him stop reporting the acts against him (para. 8);
- c. As possible retaliation against the Caldera family, the State transferred his son Caldera Martínez from the prison in Ramo Verde to a cell in DGCIM; then his son's prison guards allegedly violently entered the cell and carried out an arbitrary search, destroying his belongings in the process, following the proposed beneficiary's participation before the United Nations Human Rights Council on March 26, 2023, in which he exposed the abuses that the State allegedly continues to commit against political prisoners (para. 9);
- d. On April 8, 2023, Mr. Caldera Martínez reportedly called his father requesting that he stop making public accusations and that he retracts the statements he had made against the State, having called days later to confirm if his father had complied with these orders (para. 9);
- e. On April 15, 2023, the proposed beneficiary was monitored and followed by vehicles after visiting his son. During the visit, the prison administration reportedly recommended that Mr. Caldera Cordero stop making public statements and request that the media to stop publishing on his participation before the Human Rights Council. Additionally, he was allegedly threatened with being charged for the crime of defamation against the Venezuelan State if he did not comply (para.10);
- f. On May 10, 2023, the proposed beneficiary requested a hearing with the prosecutor on investigations into acts of torture and threats but was informed that the investigations were

¹⁶ IACHR, Annual Report. 2022. Chapter IV.B Venezuela, para. 111.

confidential (para. 11);

- g. On April 23, 2023, the proposed beneficiary was assaulted by plainclothes police while carrying out an act of public denunciation in Valencia (para. 12).

22. The Commission considers that the facts referred to reflect a continuity of the events of risk against him over time, which are reportedly related to his efforts in defending those deemed “political prisoners”, in particular his son, Franklin Caldera Martínez. The Commission also considers that the risk events show that the proposed beneficiary is allegedly suffering limitations on his ability to freely carry out his activities as a human rights defender in Venezuela. In this regard, the IACHR notes the allegations of the applicant that, after the incident on April 22, 2022, the proposed beneficiary has reportedly been forced to stop participating in public activities or denunciations, has refused to attend events, and has not returned to the Prosecutor's Office, in fear that the threats might materialize.

23. In this sense, the Commission understands that the alleged facts are framed in an exceptional context that the State of Venezuela is going through, characterized by continuous harassment of human rights defenders in Venezuela.¹⁷ Furthermore, the OHCHR indicated that, between 2018 and 2019, human rights defenders have been victims of defamation campaigns in the pro-government media, and subjected to surveillance, intimidation, harassment, threats and, arbitrary detention, given that many of the victims of these acts have reduced their activities, hidden or gone into exile.¹⁸

24. The Commission observes that both the situation of the proposed beneficiary's son and that of Mr. Caldera Cordero have allegedly been brought to the attention of various State entities internally (para.13). For example, it is noted that complaints have been filed with the Public Ministry and the Ombudsperson's Office. In addition, although the proposed beneficiary reportedly requested a hearing with the prosecutor to know about the investigation's progress, he was told they were confidential. The Commission takes into account that the events of threat allegedly occurred with the participation of State agents, which reportedly puts the proposed beneficiary in an especially vulnerable situation.

25. Having requested information from the State under Article 25 of the Rules of Procedure, the Commission regrets the lack of response to the request made for information. Although the foregoing is not sufficient *per se* to justify the granting of precautionary measures, the lack of response from the State prevents the Commission from knowing the measures that have been reportedly implemented to address the situation that places the proposed beneficiaries at risk and to dispute the facts alleged by the applicants. Therefore, the Commission does not have information to assess whether the situation that places the proposed beneficiary at risk has been mitigated.

26. Due to the foregoing, the Commission considers, from the *prima facie* standard, and in Venezuela's current context, that the proposed beneficiary's rights to life and personal integrity are at serious risk.

27. With regard to the requirement of urgency, the Commission considers that it has been met, since

¹⁷ IACHR, IACHR notes the persistence of human rights violations in Venezuela, April 5, 2019. Available at <http://www.oas.org/en/cidh/prensa/comunicados/2019/091.asp>; and IACHR and REDESCA condemn acts of violent repression in Venezuela and urge the Venezuelan State to guarantee the human rights of the population in the face of the political, economic and social crisis, March 1, 2019. Available at https://www.oas.org/en/iachr/media_center/Preleases/2019/052.asp

¹⁸ OHCHR. Report of the United Nations Human Rights Office on Venezuela urges immediate action to stop and remedy serious rights violations, July 4, 2019. Available at <https://www.ohchr.org/sp/newsevents/pages/DisplayNews.aspx?NewsID=24788&LangID=S>; See the report in Spanish at the following link: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18_SP.docx

the facts described suggest that risk is likely to continue and exacerbate over time, particularly in the field of work as a human rights defender. Furthermore, the Commission observes the demands that were allegedly made by the public authorities to the proposed beneficiary for not having retracted his public statements made against the government, suggesting the possibility that risk events may materialize. Thus, in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the proposed beneficiary's rights to life and personal integrity, and so that he can continue to carry out his work freely.

28. Regarding the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity and health, by their very nature, constitutes the maximum situation of irreparability.

IV. BENEFICIARY

29. The Commission declares Franklin Alfredo Caldera Cordero as the beneficiary of the precautionary measures, who is duly identified in these proceedings.

V. DECISION

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

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

31. The Commission requests that the State of Venezuela report, within 15 days from the day following notification of this resolution, on the adoption of the precautionary measures requested and to update this information on a regular basis.

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

33. The Commission instructs its Executive Secretariat to notify the State of Venezuela and the applicants of this resolution.

34. Approved on July 20, 2023, Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; Julissa Mantilla Falcón; y Edgar Stuardo Ralón Orellana, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary