
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 51/2024**

Precautionary Measure No. 359 -16
Américo de Grazia regarding Venezuela
(Follow-up and Modification)
August 17, 2024
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up and modification resolution on precautionary measures pursuant to the terms of Article 25 of its Rules of Procedure. The IACHR regrets the State's lack of substantive responses to the requests made during the time the precautionary measures have been in force. It observes that the situation that places the proposed beneficiary at risk has changed, as his location and official whereabouts have been unknown since August 8, 2024, and there is also no current information on his health. He was reportedly arbitrarily detained by alleged State agents in Caracas, Venezuela.

II. BACKGROUND INFORMATION

2. On July 21, 2016, the IACHR decided to adopt precautionary measures in favor of Américo de Grazia, in Venezuela. The request for precautionary measures reported that Américo de Grazia, a representative of the National Assembly for the state of Bolívar, was at risk due to his investigation into the alleged disappearance of miners in Tumeremo, Bolívar state, which took place in March 2016. Upon analyzing the submissions of fact and law, the Commission considered that the information initially showed that Américo de Grazia was in a serious and urgent situation, since his life and personal integrity were at risk. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Mr. Américo de Grazia; b) implement the necessary measures to ensure that Mr. Américo de Grazia can carry out his activities as a human rights defender, without being subjected to acts of violence and harassment for the exercise of his functions; c) consult and agree upon on the measures to be implemented 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.¹

3. Tamara Suju Roa, of the Casla Institute, exerts the beneficiary's representation before the Commission.²

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

4. During the time the precautionary measures were in force, the Commission followed up on the situation by requesting information from both parties. The State submitted a report on August 16, 2016. The IACHR forwarded the state report to the representation and requested additional information from the State on October 3, 2016. Additional information was requested from the representation on February 27, 2019, and December 28, 2022, but they did not reply. On August 8, 2023, information was requested from both parties, and they did not submit a response. On August 13, 2024, the representation submitted updated information,

¹ IACHR, [Resolution 41/2016](#), Precautionary Measure No. 359-16, Américo de Grazia regarding Venezuela, July 21, 2016 (Available only in Spanish).

² The representation attached a power of attorney letter dated August 15, 2024, signed by the beneficiary's father.

which was forwarded to the State on the same day. The Commission again requested information from both parties. The representation responded on August 15, 2024, while the State has yet to reply.

A. Information provided by the representation

5. August 7, 2024, at noon, the beneficiary was in Caracas for a medical checkup at the La Floresta Clinical Center. After reporting the results to his family, he told them that he was going to head back home. However, he never arrived. His relatives were concerned and began to look for him in a discreet manner due to the low profile that the beneficiary had upon returning to Venezuela.

6. The representative reported that the beneficiary was detained on August 8, 2024, by agents of the Bolivarian National Intelligence Service (SEBIN). His current situation is unknown, as access to his lawyers and family has been denied. She added that the detention was motivated by a complaint made by the beneficiary in social networks for “the arbitrary detention of Carlos Chancellor, in Tumeremo, Bolivar State.” The representation indicated that there was information that the beneficiary had been transferred to the SEBIN headquarters in the Helicoide.

7. The representation also stated that they were informed that the case was turned over to the Third Court of First Criminal Instance, in Control functions with exclusive competence in matters of Terrorism of the Metropolitan Area of Caracas. It was added that the court did not allow the beneficiary to have private attorneys, and therefore assigned him a public defense attorney. The representation indicated that the public defenders are not providing legal assistance in accordance with the standards of competence and professional diligence, which leads to alleged violations of due process. She added that, on that occasion, the Prosecutor’s Office charged him with the crime of incitement to hatred, which carries a sentence of more than 20 years. This is due to the fact that Mr. Américo de Grazia made a publication in his account in the social network X, denouncing the arrest of a union leader of the Guayana region. The representation reported that the beneficiary has not been brought before the competent court after seven days of his detention, thereby violating the maximum period established for these cases in the Venezuelan Constitution, which mandates that detainees be presented within 48 hours of their detention, extendable only by twelve hours.

8. His family states that they have reportedly conducted “more than 50 interviews in various foreign media to denounce his disappearance and unjust imprisonment.” Lastly, it was noted that the beneficiary has serious pulmonary problems, which concerns his relatives, as neither they nor his lawyers have been able to communicate with him to verify his health and physical condition. His relatives have purportedly filed briefs with the Public Prosecutor’s Office, the Ombudsperson’s Office and the Public Defender’s Office, but did not obtain any answer regarding his physical condition and legal situation.

B. Response from the State

9. On August 16, 2016, the State reported that the beneficiary had filed a complaint with the Public Prosecutor’s Office on April 11, 2016, due to the events from March 15, 2016, involving a phone call followed by messages containing death threats. The Public Prosecutor’s Office initiated the investigation on May 10, 2016, stating that they summoned Mr. De Grazia four times to interview him and request the telephone numbers from which he was contacted, as well as to proceed with the request for protection measures before the respective court. On August 2, 2016, the prosecutor once again called the beneficiary to go before the Prosecutor’s Office on August 12, 2016. The State emphasized that the beneficiary has a duty to cooperate with the Public Prosecutor’s Office and that these precautionary measures are ineffective if he does not engage with the domestic authorities.

10. After 2016, the State did not provide any further information during the time these precautionary measures were in force, nor has it responded to the requests for information sent by the IACHR.

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

11. 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 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.

12. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.³ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.⁴ 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.⁵ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁶ 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.

13. With regard to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions “granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in

³ I/A Court H.R., Matter of the Yare I and Yare II Capital Region Penitentiary Center, Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

⁴ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; Case of Bámaca Velásquez, Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al., Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; Matter of Milagro Sala, Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

⁵ I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁶ I/A Court H.R., Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its Rules of Procedure. Similarly, through Resolution 2/2020,⁷ the Commission decided that it could adopt Follow-up Resolutions in certain matters.

14. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual 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.⁸ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be carried out without entering into determinations on the merits.⁹

15. The Commission decides to issue this *Follow-up and Modification Resolution* considering the recently received information, and in light of the current situation of the beneficiary in Venezuelan context after the July 2024 presidential elections.

16. The Commission regrets the lack of response from the State during the time the precautionary measures were in force. Although the State submitted a report on August 26, 2016, it subsequently stopped providing responses. The Commission notes that the State has not sent any communication or responded to requests for information from 2017 to date, with no further details on the implementation of measures throughout this time. In this sense, the Commission recalls that, according to the Inter-American Court, non-compliance with the State's duty to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to persons in serious and urgent situations.¹⁰ The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time, and the specific, true, current, and detailed material references to the issues on which that obligation falls.¹¹

17. In the same sense, the Commission observes that there are no updates on the beneficiary's situation since the granting in 2016 until his arrest on August 8, 2024. The representation did not provide updates on the situation that places the proposed beneficiary at risk during the time these precautionary measures were in force. In addition, it did not respond to the multiple requests for information from the IACHR until its communication of August 13, 2024. The Commission stresses the importance of having updated information on the situation that poses a risk on a regular basis.

18. Given the above situation, this resolution focuses on the current situation, reported on August 13 and 15, 2024, in the context of the post-electoral context in Venezuela.

19. The Commission notes that both the risk identified in 2016, as well as the information related to the recent detention of the beneficiary, are closely linked to the context of systematic persecution of the

⁷ IACHR, [Resolution 2/2020, Strengthening of the Monitoring of Precautionary Measures in Force](#), April 15, 2020.

⁸ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

⁹ 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 August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

¹⁰ I/A Court H.R., Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia, Provisional Measures, Order of February 7, 2006, considerandum 16; and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV), Provisional Measures, Order of September 12, 2005, considerandum 17.

¹¹ *Ibidem*.

political opposition in Venezuela.¹² It is noted that the threats and public accusations received at the time the precautionary measures were granted were related to the beneficiary's complaint work. Similarly, the current situation he faces is also alleged to be a consequence of his denounce actions. In addition to the above, the Commission expresses grave concern that there is no information that the State has implemented protection measures in favor of the beneficiary, which places him in a situation of lack of protection and vulnerability in the current context in Venezuela.

20. In light of the above assessments, and under the country context, the Commission understands that it is appropriate to modify the subject matter of the precautionary measures to protect the beneficiary under his current conditions.

- ***Modification of the situation presenting a risk after the detention of August 8, 2024***

21. In view of the nature of the facts described by the representation in the communication from August 13 and 15, 2024, the Commission observes that the Inter-American Convention on Forced Disappearance of Persons, to which the State of Venezuela has been annexed since its ratification on July 6, 1998,¹³ considers forced disappearance as the act perpetrated "[...] by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees."¹⁴ The Inter-American Commission also highlights what was established by the United Nations Working Group on Enforced or Involuntary Disappearances, in the sense that "there is no time limit, no matter how short, for an enforced disappearance to occur."¹⁵

22. Regarding the *current post-electoral context*, the Commission recalls that it has been monitoring the rule of law and human rights situation in Venezuela, and has included the country in Chapter IV.B of its Annual Report since 2005.¹⁶ It has also issued press releases, country reports, and established the special follow-up mechanism for the country, known as MESEVE. In its 2021 Annual Report, the Commission noted that temporary enforced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents.¹⁷ These occur mostly due to the deliberate reluctance of the authorities to report the whereabouts of detained persons, as well as not bringing persons before the courts within the legal 48-hour period after detention.¹⁸ In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.¹⁹

23. In its 2023 Annual Report, the Commission observed the persistence of a coordinated repression policy, and recommended that the State of Venezuela refrain from carrying out illegal or arbitrary detentions. In cases where a person is deprived of liberty, the State should ensure that all due process guarantees are upheld, including prompt presentation before an independent judicial authority, in order to prevent enforced disappearances, torture, and other cruel and inhumane treatment.²⁰ More recently, and in light of the events that took place on election day on July 28, 2024, the Commission condemned the serious

¹² IACHR, 2023 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II. Doc. 386, rev. 1, approved on December 31, 2023, para. 162.

¹³ Inter-American Convention on Forced Disappearance of Persons, Belém do Pará, Brazil, June 9, 1994, Signatories and current status of ratifications of the Inter-American Convention on Forced Disappearance of Persons.

¹⁴ Inter-American Convention on Enforced Disappearance of Persons, Belém do Pará, Brazil, June 9, 1994.

¹⁵ IACHR, 2021 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II, approved on May 26, 2022, para. 85; United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, August 10, 2015, A/HRC/30/38, para. 102.

¹⁶ IACHR, 2023 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 1.

¹⁷ IACHR, 2021 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II, approved on May 26, 2022, para. 82.

¹⁸ *Ibidem*, para. 82.

¹⁹ IACHR, 2021 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II, approved on May 26, 2022, para. 84.

²⁰ IACHR, 2023 Annual Report, Ch. IV.B. Venezuela, OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

human rights violations denounced during the repression of the post-election protests in Venezuela.²¹ The IACHR was also informed of at least 11 cases of forced disappearance.²²

24. On August 15, 2024, the IACHR and its Special Rapporteurship for Freedom of Expression (SRFoE) condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions and political persecution.²³ It was stated that the current regime is using fear as a tool to silence citizens and maintain its authoritarian rule, and that Venezuela must immediately stop violating human rights and restore democratic order and the rule of law.²⁴ In this context, the Commission has received reports of arbitrary detentions and short-term forced disappearances, during which acts of sexual violence against women and other actions potentially amounting to torture were allegedly committed. These reports indicate selective deprivation of liberty targeting electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and university students.²⁵ Additionally, it was found that detainees were subjected to criminal proceedings for crimes defined in ambiguous and broad terms, without the opportunity to be represented by a defense counsel of their choice, as public defenders were imposed on them. The IACHR stressed that “the practices of state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population,” which “amount also to a denial of the right to political participation.”²⁶

25. In light of the aforementioned context, the Commission considers that the situation that the beneficiary faces is concerning. Although there is information suggesting he is being held at the SEBIN headquarters in Helicoide, this has not been officially confirmed, and his lawyers and family have not been allowed to verify his whereabouts. According to the information, the family members had last contact with him on August 7, 2024, after he was allegedly detained by State officials while he was on his way home after medical check-ups. Since this moment, there is no certainty of his whereabouts or information about his health. In the Commission’s view, the beneficiary’s current situation is part of a pattern of actions intended to silence him and remove him from public discourse in the current context of the country since he used the social media platform X to denounce the arrest of a union leader.

26. Despite the existence of precautionary measures in his favor, the official whereabouts of the beneficiary are still unknown. As indicated, his relatives and lawyers are unable to contact him, or officially confirm his current situation. According to information submitted by the representation, complaints were filed with the Public Prosecutor’s Office, the Ombudsperson’s Office, and the Public Defender’s Office, as well as public complaints in the media. Given that the State has not responded to any of the requests for information, the Commission has no elements to learn of any measures it may have adopted. The Commission also understands that, given the lack of any true and official information about the charges against him, the family members and lawyers do not have minimal official information on his legal situation, which would allow them to question the actions allegedly taken by State agents before the competent judicial authority.

27. Since there is no access to official information, and the State has not provided a response in this regard, the Commission believes that the beneficiary is in a state of complete vulnerability regarding the conditions he might be facing, especially considering his reported pulmonary issues, given the uncertainty about his whereabouts and current conditions.

²¹ IACHR, Press Release 174/24, [Venezuela: IACHR and Special Rapporteur for Freedom of Expression Condemn Serious Human Rights Violations During Post-Election Protest Repression](#), July 31, 2024.

²² *Ibidem*.

²³ IACHR, Press Release 184/24, [IACHR and SRFoE condemn State terrorism practices in Venezuela](#), August 15, 2024.

²⁴ *Ibidem*.

²⁵ *Ibidem*.

²⁶ *Ibidem*.

28. In these circumstances, based on the *prima facie* standard applicable to precautionary measures, the Commission concludes that the situation placing the beneficiary at risk has changed. It has been sufficiently established that there is a continued serious risk to Américo de Grazia's rights to life and personal integrity, including his right to health. The above, considering the circumstances as of August 8, 2024, when he was allegedly detained, given that there is no information on his whereabouts or official state, or health.

IV. DECISION

29. Pursuant to Article 25 of its Rules of Procedure, the Commission requests that the State:

- a) Adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary;
- b) Implement the necessary measures to ensure that the proposed beneficiary can carry out his activities as opposition leader in Venezuela, without being subject to threats, harassment, or acts of violence;
- c) Report whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures to determine his whereabouts or fate;
- d) Consult and agree upon on the measures to be implemented with the beneficiary and his representatives; and
- e) 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.

30. The Commission will continue to carry out the appropriate follow-up measures in accordance with Article 25(10) and other provisions of its Rules of Procedure.

31. The Commission requests that Venezuela report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

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

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

34. Approved on August 17, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary