

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 79/2023**

Precautionary Measures No. 125-19  
María Corina Machado Parisca regarding Venezuela  
December 19, 2023  
(Follow-up)  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to grant the Follow-up Resolution pursuant to the terms of Article 25 of its Rules of Procedure. The Commission regrets the lack of response from the State regarding the measures adopted to implement these precautionary measures. In view of the information available and evaluated as a whole, the IACHR considered that a situation that places the proposed beneficiaries at risk continues to exist in the terms of Article 25 of the Rules of Procedure and decided as follows:

- a) To continue to carry out the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.
- b) To request the State to submit specific, detailed, and updated information on the implementation of these precautionary measures; and
- c) To require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
  - ii. adopt the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof;
  - iii. consult and agree upon the measures to be adopted with the beneficiary and her representation; and
  - iv. report on the actions taken to investigate the alleged facts that gave rise to the adoption and keep these precautionary measures in force in order to avoid their repetition. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have been at the hands of State officials and/or agents against the beneficiary.

**II. BACKGROUND**

2. On April 12, 2019, the IACHR decided to grant precautionary measures in favor of María Corina Machado Parisca, in Venezuela. According to the request, María Corina Machado Parisca was at risk after receiving threats and harassment allegedly related to her political participation in the context of Venezuela. Upon analyzing the allegations of fact and law, the Commission considered that María Corina Machado Parisca was in a serious and urgent situation, given that her rights faced a risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requested the State of Venezuela to:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;

- b) adopt the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof;
- c) consult and agree upon the measures to be adopted with the beneficiary;
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure and thus avoid their repetition.<sup>1</sup>

3. The initial request was filed by Carlos Ayala Corao and Leonardo Veronico Osorio. The recent communications, that took place during the time the precautionary measures have been in force, have been sent directly by Ms. María Corina Machado Parisca.

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

4. Following the granting of the precautionary measures, the Commission continued to follow up on this matter by requesting information from the parties, pursuant to Article 25(10) of the Rules of Procedure. In particular, information was requested from both parties on November 23, 2022, with no response from the parties. Subsequently, the Commission received communications from the beneficiary on August 17 and October 23, 2023, which were forwarded to the State on August 21 and November 16, 2023, respectively. No information has been received from the State of Venezuela, despite several requests for information.

#### **a. Information provided by the representative**

5. In her communication of August 17, 2023,<sup>2</sup> the beneficiary informed that she was one of the 14 candidates for the opposition primary elections of October 22, 2023, through the “National Primary Commission”<sup>3</sup> (CNP) to choose the opposition candidate for the Presidency of the Republic for the elections of 2024. Due to the foregoing, she indicated that attacks and harassment against her have intensified, and a “threat of administrative disqualification”. The beneficiary requested “update and extension” for her and her team and requested the following: (a) cessation of attacks, aggressions, harassment, and threats by senior officials; (b) cessation of political persecution and threats by officials and the CGR to promote her political disqualification; (c) leave without effect possible orders of investigation or deprivation of liberty that could generate political disqualification of an administrative nature; (d) the free conduct of her political campaign in normal and safe conditions be guaranteed; and, (e) protection by the State, to be granted in coordination with her.

6. In relation to the disqualification, she reported the following:

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<sup>1</sup> IACHR. [María Corina Machado Parisca regarding Venezuela \(PM-125-19\)](#). Resolution 22/2019 of April 12, 2019.

<sup>2</sup> Reference was made to a petition filed before the Commission for her dismissal as a member of the National Assembly in 2014 and political disqualification for 12 months issued by the Office of the Comptroller General of the Republic and notified in July 2015, which prevented her from participating in the parliamentary elections of December 2015. In this regard, the IACHR issued an admissibility report: IACHR, [Report No. 463/21](#). Petition 882-14. Admissibility. Maria Corina Machado. Venezuela. November 27, 2021.

<sup>3</sup> Body formed by the opposition parties to elect their presidential candidate, “without the assistance of the National Electoral Council”.

- i. In June 2023, the president of the National Assembly (AN), J. R., in reference to the beneficiary<sup>4</sup> stated “we have been too lukewarm. We have to be tougher and more energetic with those people who call for destruction and death”.
- ii. Congressman L. R., who filed an injunction against the CNP before the Supreme Court of Justice (TSJ) to prevent the primary elections, went to the Office of the Comptroller General of the Republic (*Contraloría General de la República*, CGR) to request the disqualification of María Corina Machado and other opposition leaders, which was ratified on June 23, 2023.
- iii. On June 26, 2023, Congressman J. B. went to the CGR to request clarification as to whether the beneficiary was disqualified from holding public office. Four days later, the member of the house of representatives reported from the CGR headquarters that, according to a document shown to the press, Ms. Machado was administratively disqualified for 15 years from holding public office.<sup>5</sup>

7. In addition, information was provided on alleged physical aggressions and actions to violate her campaign activities:

- i. On February 2, 2023, while the beneficiary was visiting Cantaura, Freites municipality, Anzoátegui state, at least 25 members of the *Vente Venezuela* party were attacked by violent groups led by pro-government collectives of the entity during a mass. Religious authorities had to protect the beneficiary;
- ii. On March 24, 2023, a beneficiary event was scheduled to take place in Barquisimeto, Lara State, when an authority proceeded to temporarily close the hotel where the event was to be held;
- iii. On March 25, 2023, a beneficiary event was scheduled in Chivacoa, Yaracuy state, when the “pro-government” mayor’s office closed the streets in order to carry out a “dance therapy” activity. While the coordinators of *Vente Venezuela* were looking for an alternative location, they were pursued and threatened by members of motorized pro-government collectives, so they had to carry out the campaign event in a street with the back of a truck as a stage;
- iv. On June 15, 2023, in Tinaquillo, Cojedes state, a group of pro-government supporters beat and pushed the beneficiary and her supporters, and Ms. Machado had to leave in a vehicle to take shelter. An opposition leader reportedly stated that these events were “direct orders from Diosdado Cabello”, which was not denied;
- v. Following events in the state of Barinas (undated), supporters of the beneficiary were chased and threatened by officers of the Bolivarian National Guard (GNB) and four people were detained in the towns of Libertad and Sabaneta, but were later released;
- vi. On July 14, 2023, the beneficiary and political leaders of *Vente Venezuela* were attacked by a group of pro-government militants while they were on their way in a caravan to the town of Catia La Mar, Vargas state. It was detailed that the “followers of Nicolás Maduro dressed in red, threw

<sup>4</sup> He pointed out that “curiously, the pre-candidate who ordered the dissemination of those videos is the one who has most called for a military invasion against Venezuela, war against Venezuela, the assassination of the President of the Republic, for violence and the intensification of measures against Venezuela. This pre-candidate took her children to live in New York, Washington and Florida, but she calls for the assassination of young Venezuelans through a fratricidal war”.

<sup>5</sup> It was indicated that a document had been attached, but it was not located. At the same time, the following article was shared, which is not presented in the document: [Efecto Cocuyo. Comptroller disqualifies María Corina Machado for 15 years, says José Brito, June 30, 2023.](#)

objects at the vehicles, and tried to block the caravan". After this situation they were able to carry out the event;

- vii. During July 2023 graffiti appeared in headquarters of *Vente Venezuela*: On July 19 in Zaraza, Guárico state, the walls of the political party's headquarters were marked with the phrases "María Corina we don't want you in Zaraza"; "Leave" and "Leave, crazy woman"; on July 22, the headquarters of *Vente Venezuela* in La Fría, Táchira state, was marked with "ELN [National Liberation Army] Primaries without María Corina"; "Death to María Corina" and "ELN Death". The beneficiary indicated that it is highly concerning because the ELN is an "irregular group [that] operates in Venezuelan territory under the tolerance, protection, and acquiescence of the Venezuelan government", for which reason alerts were made. Subsequently, the Governor of the State of Táchira held the beneficiary and her team responsible for having placed the threats and creating anxiety among the citizens, indicating that they would be prosecuted for "terrorism". Furthermore, Congressman Luis Ratti requested a criminal investigation of persons of the party;
- viii. On August 3, 2023, the Governor of the state of Trujillo in a public meeting stated that "when a María Corina or whoever comes here, we have to beat them out of the municipality of Pamparito". They added that the same Governor, while he was a candidate, on September 6, 2021 allegedly asked his voters to "beat the opponents out of any of the institutions of that entity: You have to help me, wherever there is an *escuálido* [derogatory term used to refer to those who oppose socialist governments] we have to beat them out of the institutions";
- ix. On August 5, 2023, the Commander of the GNB stated in an event with members of the "Guardia del Pueblo" that disqualified candidates generate political violence, so we must be prepared to neutralize them.

8. The beneficiary alleged that the Venezuelan State imposes political disqualifications to prevent opposition candidates from registering before the National Electoral Council to participate in elections, with the suspension of political rights and the right to be elected, which can only be carried out by a final judicial sentence by a competent judge, in criminal proceedings, in the cases determined by law, and not by an administrative act of the Office of the Comptroller General of the Republic. Ms. Machado recalled that, in the *Matter of Leopoldo López vs Venezuela* before the Inter-American Court, which dealt with political disqualification by an administrative act of the Office of the Comptroller General, the Court found that the requirements of Article 23.2 of the American Convention on Human Rights were not met. It added that the Court ordered to annul the administrative resolutions of the CGR and to modify the legal norm that allows the Office of the Comptroller General to impose these political disqualifications. It was indicated that the State has disregarded the judgment of the Inter-American Court and has continued with the administrative disqualification of political opponents.

9. In this way, the beneficiary alleges that there is a threat of new disqualification against her: without notification of the initiation of a new proceeding; without the processing of any file or investigation in accordance with due process; and, without notification to Ms. Machado or her legal representatives of the "response to the communication" of member of the house of representatives J. B. or opinion issued by the Office of the Comptroller General. In this regard, it was only through the dissemination on June 30, 2023 of a document allegedly signed by the General Director of Special Procedures on behalf of the Office of the Comptroller General Office, that they learned of a new "threat of political disqualification" against the beneficiary, which has not been notified nor appears in the Official Bulletin and intends to disqualify her for 15 years for the exercise of public office and to be a candidate. It was added that legally the investigations of the CGR are confidential and certifications cannot be issued at the request of interested parties. In addition, the referred document reportedly attributes

without any prior process: (i) alleged overstatements and understatements in the sworn statements of net worth, (ii) links to an alleged corruption scheme together with Juan Guaidó that “propitiated the criminal blockade of the Bolivarian Republic of Venezuela and the blatant plundering of the Venezuelan people’s companies and wealth abroad [...]”; as well as (iii) damage to the health of the Venezuelan people due to the request for the application of sanctions.

10. The beneficiary provided background information on the “lack of judicial independence in Venezuela” and its use for the political persecution of dissidents. In turn, she considers that the physical aggressions by followers and agents of the Venezuelan government will be repeated and aggravated, as they seek to prevent her from participating in the elections. She added that, in view of the lack of independence and impartiality of the Judicial Power, as well as the instrumentalization of the penal system to restrain the opposition leadership, the possibility of any appeals being successful is null and void.

11. Ms. Machado Parisca sent a new communication on October 23, 2023, where she informed that she was elected candidate for the Presidency of the Republic in the Venezuelan opposition primaries held on October 22, 2023. She informed about the following facts:

- i. On October 12, 2023, unidentified groups of government sympathizers marked the walls of the headquarters of “Vente Venezuela” in Cumaná, Sucre state, with the phrases “Leave MCM”, “we don’t want you” and “stop the show”;
- ii. Three days before the primary election, supporters of the governing party threw objects and threatened Ms. Machado’s campaign team in the parish of La Candelaria, in Caracas. She had to leave the location and take shelter.

12. It was added that these new attacks arose in parallel to the signing of the Agreement for the Promotion of Political Rights and Electoral Guarantees in Barbados (*Acuerdo de la Promoción de Derechos Políticos y Garantías Electorales*), which seeks to ensure “real and effective guarantees” in the electoral process. Moreover, they pointed out that in view of the “warning issued by 20 U.S. senators on the possible interference of the regime of Nicolas Maduro in the primaries”, the ruling party’s leader Diosdado Cabello indicated that “those disqualified are disqualified; they can scream and talk to their people over there, to the 20 senators, we don’t care”. For her part, the beneficiary indicated that the continuity of “acts of vandalism which have been promoted and/or tolerated by the government” are not investigated and, furthermore, high officials have made public calls to “be tougher”. Thus, she reiterated her requests, asking for an update and extension.

#### **b. State Response**

13. The IACHR has not received a response from the State regarding the implementation of the precautionary measures. Nor has it received any information indicating that the State has been adopting measures in this regard. The above situation has persisted despite the requests for information made to the State through communications from the IACHR dated November 23, 2022 and August 21 and November 15, 2023.

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

14. The precautionary measures mechanism is part of the Commission’s functions 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.

15. 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>6</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>7</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 persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>8</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration 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. 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 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. This analysis must be carried out within the framework of the Petition and Case System, after carrying out a merits analysis, if the current procedural requirements are met. The Commission also recalls that, by its own mandate, it does not have to rule on the attribution of responsibilities of any kind regarding Ms. María

<sup>6</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, Resolution of July 6, 2009, considerandum 16.

<sup>7</sup> See in this regard: I/A Court H.R. [Matter of the Capital Rodeo I and 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 [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., Judgment of the Court of April 30, 2009, Considerandum 5; I/A Court H.R., Case of Milagro Sala. Milagro Sala Case. [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.

<sup>8</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; I/A Court H.R. Matter of the Internado Judicial Capital El Rodeo I and El Rodeo II. | Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, Considerandum 9; I/A Court H.R., Matter of the Plácido Penal Institute of Venezuela. Matter of the Plácido de Sá Carvalho Criminal Institute. Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, Considerandum 6.

Corina Machado Parisca according 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 framework of the proceedings opened in relation to it. The Commission establishes that it will only analyze compliance with the requirements of Article 25 of its Rules of Procedure.

17. 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.

18. On this occasion, the Commission decides to issue a resolution to follow up on the precautionary measures, considering the information presented by measures and the information presented by Ms. Machado regarding her situation in the current context and the lack of information from the State on the measures effectively adopted for her protection. In this sense, the assessment in the matter at hand will be divided as follows: i) Lack of response from the State in the matter at hand; ii) Applicable context and actions against the country's political opposition; iii) Ongoing situation of risk regarding Ms. María Corina Machado in Venezuela under the terms of Article 25 of the IACHR Rules of Procedure; and iv) Situation of the members of *Vente Venezuela* in Venezuela.

***(i) Lack of response from the State in the matter at hand***

19. The Commission states that it has not received official information from the State on the measures it is adopting to implement these precautionary measures. Despite requests for information made to the State between 2022 and 2023, the IACHR has not received a response that includes the aforementioned scope. The Commission regrets the State's lack of willingness, given that dialogue and consultation are fundamental for the adequate implementation of the precautionary measures and, ultimately, for the protection of the rights to life and integrity of the beneficiaries. Without information from the State, it is impossible to know the possible efforts or progress that the State is making in terms of protection of the rights of the beneficiaries, as well as to know the challenges it faces in this protection.

20. The above assessment is even more relevant since the beneficiary has indicated that the situation that places her at risk continues. In this regard, the beneficiary referred to various facts that indicate that the risk has even increased in the current electoral context, due to her role as a representative of the opposition. The Commission takes into account the seriousness of these allegations, and recalls that precautionary measures for the protection of Ms. Machado Parisca were granted in 2019 in similar circumstances. On that occasion, the State was requested to protect her life and integrity, as well as to guarantee that she could carry out her political participation activities without being subjected to threats, harassment or acts of violence.

21. The Commission would like to recall, following the Inter-American Court, that failure to comply with the State's duty to report on all the measures adopted in compliance with its decisions on international protection measures, such as precautionary measures, is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to persons in serious and urgent

situations.<sup>9</sup> The duty to inform constitutes a dual obligation that requires for its effective fulfillment the formal presentation of a document in due time and the specific, certain, current and detailed material reference to the issues on which such obligation falls.<sup>10</sup>

**(ii) Applicable context and actions against the country's political opposition**

22. In conducting this analysis, the Commission considers the applicable context. The Commission has been addressing over the last few years on the situation of persons who oppose or are identified as opponents in Venezuela.<sup>11</sup> In particular, in its 2021 Annual Report, the Commission highlighted “the persecution, accusations and harassment of opposition voices in Venezuela, as well as against persons who express criticism of the government”.<sup>12</sup> 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”.<sup>13</sup> Under this scenario, the IACHR has urged the Venezuelan State to guarantee the independence and balance of public powers and participation in public affairs without any type of discrimination.<sup>14</sup>

23. Along with the above, the Commission warned since 2017 of the involvement of civilians in security tasks and indicated that “civilians should not be incorporated into any type of internal security strategy, nor should the role of society in relation to the security of the nation be undermined”, while highlighting 27 deaths between April 1 and July 31, 2017 due to the action of members of armed collectives.<sup>15</sup> In turn, the IACHR noted that “it is not enough for the authorities to condemn the violent acts that could be committed by the collectives, but they have the obligation to adopt the necessary measures to prevent them, as well as to investigate, prosecute and punish those responsible, once they occur.”<sup>16</sup>

24. Furthermore, the IACHR learned of the possible disqualification of the beneficiary for 15 years to hold public office, by means of an official communication from the Office of the Comptroller General of the Republic dated June 30, 2023, recalling that these disqualifications also took place in 2021 with respect to 27 candidacies that the CNE rejected.<sup>17</sup> On that occasion, the Commission recalled the *Matter of López Mendoza* and reiterated that “no administrative body may restrict the political rights to elect and be elected through sanctions of disqualification or dismissal”, which results from a State policy that seeks to close the civic space in the country.<sup>18</sup>

<sup>9</sup> I/A Court H.R. Case of the 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.

<sup>10</sup> *Ibid.*

<sup>11</sup> See, in this regard: IACHR. Country Report. [Democratic Institutional, Rule of Law and Human Rights in Venezuela](#). December 31, 2017, para. 470; [IACHR and REDESCA condemn acts of violent repression in Venezuela and urge the Venezuelan State to guarantee the human rights of the population in the face of the political, economic and social crisis](#). March 1, 2019; [IACHR observes persistent human rights violations in Venezuela](#). April 5, 2019; [IACHR condemns the upsurge in attacks against members of the Venezuelan National Assembly](#). May 14, 2019.

<sup>12</sup> IACHR. Annual Report 2021. Chapter IV.B Venezuela, para. 123.

<sup>13</sup> IACHR. Annual Report 2022. Chapter IV.B Venezuela, para. 43.

<sup>14</sup> IACHR. Annual Report 2021. Chapter IV.B Venezuela, para. 196; Annual Report 2022. Chapter IV.B Venezuela, recommendation 3.

<sup>15</sup> IACHR. Country Report. [Democratic Institutional, Rule of Law and Human Rights in Venezuela](#). December 31, 2017, paras. 26 y 210.

<sup>16</sup> *Ibid.*, para. 360.

<sup>17</sup> IACHR. [Venezuela: IACHR condemns the persecution of persons for political reasons in the pre-electoral context](#). Press Release 155/223 of July 14, 2023.

<sup>18</sup> *Ibid.*



25. The IACHR recognized the importance of the agreements between the government of Venezuela and Unity Platform (*Plataforma Unitaria*) that were signed on October 17, 2023 in Barbados, in which the government committed to establish “a timetable and a roadmap to hold presidential elections, which guarantees the participation of all candidates without arbitrary restrictions, under equal conditions and with security guarantees”.<sup>19</sup> However, it was learned that after the citizen consultation of October 22, 2023 to elect the opposition candidate for the Presidency of the Republic, the Public Prosecutor’s Office opened a criminal investigation against the organizers of the consultation.<sup>20</sup> The IACHR and its RELE rejected these facts as contrary to the spirit of the agreements reached and for their discouraging effect on political participation, and it is essential that citizen participation initiatives are not criminalized.<sup>21</sup>

26. Considering the above, the Commission understands that the contextual assessments made since 2017 continue to be valid. In this regard, the IACHR recalls that, in its 2017 Country Report, the Commission noted with concern the existence of a pattern of serious human rights violations of those who publicly express or assume positions of dissent, particularly, with the Executive Branch.<sup>22</sup> The Commission considered that this pattern was evidenced in multiple acts of harassment, persecution through the media, removal of dissident politicians from public office, political disqualification, violation of immunity, interference in public functions, irregular searches of private property and acquiescence to violent acts against members of the opposition and, in general, those who express their dissent.<sup>23</sup> Harassment also occurs through numerous stigmatizing pronouncements by high-ranking officials against opposition leaders.<sup>24</sup>

27. More recently, in its 2022 Annual Report, the Commission identified that, during that year, the political disqualifications imposed by the Office of the Comptroller General of the Republic continued.<sup>25</sup> At least 30 people have been prevented from running for elected office, disproportionately affecting political parties dissenting from the government.<sup>26</sup> Lastly, in 2022, the Commission indicated that, although at the normative level, the Constitution establishes the separation and independence of powers, after years of interference, particularly in the justice system, the Executive Branch continues to monopolize all public powers of the State.<sup>27</sup> As a consequence, in the Commission’s opinion, the institutions at the national public level operate primarily to guarantee the permanence of the governing party in power and not to promote and protect human rights.<sup>28</sup>

28. In this context, the Commission notes that the beneficiary has questioned a CGR document that allegedly determines her political disqualification for 15 years. In this regard, the Commission recalls that the Inter-American Court of Human Rights, in the 2011 *Matter of López Mendoza v. Venezuela*, the Inter-American Court found that:

by not complying with the requirement of foreseeability and, in addition, taking into account what has been indicated in the sense that Article 105 of the LOGRSNCF [Organic Law of the Office of the Comptroller General of the Republic and of the National Fiscal Control System] allows the restriction of the right to be elected by an authority that is not a criminal judge (*supra* paras. 107 and 108), the Court

<sup>19</sup> IACHR. [Venezuela: IACHR urges State to implement agreements, with guarantees for political participation.](#) Press Release 253/23 of October 27, 2023.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> IACHR. [Democratic Institutionalality, Rule of Law and Human Rights in Venezuela. Country Report.](#) December 31, 2017. para. 163.

<sup>23</sup> *Ibid.*, para. 164

<sup>24</sup> *Ibid.*

<sup>25</sup> IACHR. [Annual Report 2022. Chapter IV.b. Venezuela.](#) April 1, 2023. para. 22.

<sup>26</sup> *Ibid.*

<sup>27</sup> IACHR. [Annual Report 2022. Chapter IV.b. Venezuela.](#) April 1, 2023. para. 13.

<sup>28</sup> *Ibid.*

concludes that in the instant case Articles 8(1), 23(1)(b) and 23(2), in relation to Articles 1(1) and 2 of the American Convention, were violated.<sup>29</sup>

29. Consequently, the Court ordered the State, as a guarantee of non-repetition, to “within a reasonable period of time, comply with Article 105 of the LOCGRSNCF in accordance with paragraphs 199, 205 and 206 of this Judgment”.<sup>30</sup> The Commission highlights the importance of the State’s progress in complying with this judgment and complying with what was ordered by the Inter-American Court, and the procedure for supervising compliance with the judgment is currently open.<sup>31</sup> In 2015, the Inter-American Court indicated that the State has failed to comply with its duty to report on the execution of the Judgment issued on September 1, 2011 in the *Matter of López Mendoza* and has assumed an attitude of evident contempt with respect to the binding nature of that Judgment.<sup>32</sup>

30. In that matter, the Inter-American Court indicated to the State that “all bodies exercising functions of a materially jurisdictional nature, whether criminal or not, have the duty to adopt fair decisions based on full respect for the guarantees of due process”.<sup>33</sup> This is especially relevant considering “the scope of the restriction to passive suffrage implied in a disqualification to be a candidate”, in which “the Comptroller [has] a duty to explicitly motivate the decision, both qualitatively and quantitatively.”<sup>34</sup>

31. Consequently, the Commission, in line with previous pronouncements, calls on the State to respect the guarantees of due process in the framework of the proceedings led by the CGR and recalls, in the terms indicated by the Inter-American Court, that “political persecution and discrimination are incompatible with the democratic principle that inspires and underlies the American Convention”.<sup>35</sup> However, given the need for an exercise of compatibility of the situation presented with the American Convention, and the nature of the information presented, the Commission understands that it is beyond the scope of the precautionary measures mechanism to make a determination on the allegations presented at this time.<sup>36</sup> The Commission will continue to follow up on the situation through its Special Follow-up Mechanism for Venezuela (MESEVE).

### **iii. Ongoing situation of risk regarding Ms. María Corina Machado in Venezuela under the terms of Article 25 of the IACHR Rules of Procedure**

32. The Commission recalls that the purpose of these measures was to protect the life and personal integrity of Ms. María Corina Machado Parisca, in addition to guaranteeing that she can continue to carry out her activities of political participation without being subjected to threats, harassment or acts of violence in the exercise of these activities. The foregoing, considering that the situations that put her at risk were related to her political participation in the country.

33. The Commission notes that, in light of the current country context, the beneficiary has been placed in a position of public interest inherent to her role as the most visible person in the opposition, where she has been the target of stigmatizing pronouncements and calls for aggression against her. The IACHR notes that the statements have been made by government officials, including high-ranking public

<sup>29</sup> I/A Court H.R., Case of López Mendoza v. Venezuela. [Case of López Mendoza v. Venezuela. Supervision of Compliance with Judgment](#). Judgment of the Inter-American Court of Human Rights of November 20, 2015, para. 206.

<sup>30</sup> *Ibid.*, para. 225.

<sup>31</sup> *Ibid.*, first resolution.

<sup>32</sup> *Ibid.*

<sup>33</sup> I/A Court H.R., Case of López Mendoza v. Venezuela. [Case of López Mendoza v. Venezuela](#). Merits, Reparations and Costs. Judgment of September 1, 2011. Series C No. 233, para. 111.

<sup>34</sup> *Ibid.*, para 147.

<sup>35</sup> I/A Court H.R. *Case of Petro Urrego v. Colombia*. Request for Provisional Measures. Order of the Inter-American Court of Human Rights of February 6, 2019, Considerandum 25.

<sup>36</sup> See, in this regard: *Ibid.*, Considerandum 26; and, I/A Court H.R., Case of Castañeda Gutman v. Mexico. *Case of Castañeda Gutman v. Mexico*. Provisional Measures. Order of the Inter-American Court of Human Rights of November 25, 2005, Considerandum 6.

officials, state and municipal government officials, parliamentarians, and even military commanders. This generates a special exposure of the beneficiary by government officials that leaves her vulnerable to acts of violence that have taken place by state agents and government sympathizers against her and her team.

34. The Commission observes that on several occasions it was reported that attempts were made to prevent the celebration of the beneficiary's political activities by closing locations and occupying public spaces. In this regard, the Commission takes note of the closing of a hotel where she had scheduled an event in Barquisimeto on March 24, 2023 and the closing of streets by the mayor's office of Chivacoa on March 25, 2023. In this regard, there are reports of aggressions against members of *Vente Venezuela* on February 2 in Cataura; persecution and threats by motorized collectives on March 25; actions by a "group of pro-government supporters" that reached the beneficiary on June 15, 2023 in Tinaquillo; persecution and detention of the beneficiary's supporters by the GNB in Barinas; throwing of objects and threats to the beneficiary's campaign team in La Candelaria three days before the election. The IACHR believes the above reflects constant harassment, threats, and aggressions against the beneficiary throughout her campaign for the primary elections that took place on October 22, 2023, which is observed to have taken place since February and with acts reported even days before the election, which were allegedly carried out by government sympathizers and members of the government.

35. Closely related to the foregoing, the Commission notes the presence of death threats against the beneficiary. Of particular concern is the graffiti that allegedly appeared in different headquarters of *Vente Venezuela* on July 19 and 22, as well as on October 12, which included the messages "María Corina we do not want you in Zaraza"; "Leave"; "Leave, crazy woman"; "ELN primaries without María Corina"; "Death to María Corina"; "ELN Death"; "Leave MCM"; "we don't want you"; and "stop the show". The Commission notes that no investigations have been opened in connection with these events, but rather, on the contrary of complying with state obligation, the beneficiary has been held responsible by a governor and a member of the house of representatives even called for the criminal investigation of persons of his party. Additionally, the threats by direct calls to violence against the beneficiary of the governor of Trujillo on August 3, 2023, as well as the commander of the GNB to "neutralize" what he points out as disqualified candidates, are relevant". The Commission emphasizes the seriousness of the above, in the case of public officials who have the obligation to protect the population.

36. In line with this, the Commission recalls that it has identified that more and more women are participating in politics.<sup>37</sup> However, it continues to observe challenges in addressing the impact of gender stereotypes in political contexts.<sup>38</sup> In this case, the Commission notes that the beneficiary was described as a "crazy woman" through graffiti on her party headquarters in Venezuela. The Commission understands that the labeling of a woman who participates in politics as "crazy woman" reflects the use of a gender stereotype against her, which seeks to question her mental health in the context of her political activities. This qualification is not innocuous in a context where the Commission has identified a lack of protection measures by the State and a context of persecution, accusations and harassment of opposition voices in Venezuela, as well as against people who criticize the government.

37. The IACHR also notes that taking into account the above and despite the granting of precautionary measures, no measures have been adopted to protect the life and integrity of the beneficiary and to ensure that she can carry out her political activities without being subjected to threats, harassment or acts of violence. In addition, it is observed that no investigations or proceedings have been initiated to prevent the repetition of the events reported. In this regard, the Commission recalls the State's obligation to act with due diligence in situations that may imply a risk to the rights of citizens without

37 IACHR. Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean.. November 14, 2019. para. 118.

38 *Ibid.*

distinction of political preferences or opinions. Furthermore, the IACHR reminds the representation of the importance of filing complaints and requests for protection before the domestic authorities, as appropriate.

38. Considering the foregoing, the Commission takes into account the seriousness of the allegations reported and the alleged State actors that would have considered that the situation of risk that gave rise to the granting of these precautionary measures continues to exist, which is at a particularly tense point due to the fact that the beneficiary represents the opposition after the primaries held on October 22, 2023. In this regard, the IACHR recalls that on different occasions it has ordered through the mechanism of precautionary measures the protection of opposition members in Venezuela at risk as a result of their political activities.<sup>39</sup> Considering what has been assessed in the resolution, if suitable and effective protection actions are not taken, the situation of risk assessed is likely to continue and even increase to the extent that the beneficiary's participation in political activities continues.

39. Considering the foregoing, the IACHR considers that the risk factors are ongoing and that the requirements of Article 25 of the Rules of Procedure remain in force. The Commission requires the State of Venezuela, and all its competent national institutions, to adopt all necessary measures as a matter of urgency to protect the rights of María Corina Machado Parisca, guaranteeing that she can carry out her political activities without being subjected to threats, harassment, or other acts of violence.

#### ***IV) Situation of the members of Vente Venezuela in Venezuela***

40. The Commission recalls that, at the time of granting the precautionary measures at hand, Ms. María Corina Machado Parisca was considered as the beneficiary, in the absence of "specific information that would make it possible to assess her alleged risk situations and establish a situation in accordance with Article 25 of the Rules of Procedure" with respect to the other sixteen persons for whom precautionary measures were requested.<sup>40</sup>

41. In this regard, the IACHR notes that, in her recent briefs, the beneficiary has alleged a risk with respect to her team in the *Vente Venezuela* political party. However, the Commission notes that no identification of the persons who form part of this team has been provided, nor was information provided as to their role or the impact of the facts reported in relation to said persons. In this sense, the Commission understands that, although the situation that places Ms. Machado Parisca at risk is susceptible to be extended to her work team, considering the exposure they have when accompanying the beneficiary in her political activities, implying in turn their own political participation activities, there is no information at the present time to assess the extension in her favor. In this regard, under the terms of Article 25 of the Rules of Procedure, the Commission requests the representation, if it deems it pertinent, to provide information regarding the identification of the persons they consider to be at risk, as well as details that would allow the Commission to assess their risk situation and its relation to the precautionary measures at hand. Notwithstanding the foregoing, the State of Venezuela has the obligation to protect their rights in situations of risk based on its international obligations, which are in force independently of this decision.

### **V. DECISION**

<sup>39</sup> See, *inter alia*: IACHR. [Julio Borges et al. regarding Venezuela \(PM-406-17\)](#). Resolution 24/2017 of July 28, 2017; [Luis Florido regarding Venezuela \(PM-616-16\)](#). Resolution 12/2017 of April 7, 2017; [Members of the Voluntad Popular party regarding Venezuela \(PM-475-15\)](#). Resolution 1/2017 of January 14, 2017; [William Williams Dávila regarding Venezuela \(PM-533-17\)](#). Resolution 35/2017 of September 6, 2017; [Delsa Jennifer Solórzano Bernal regarding Venezuela \(PM-967-2019\)](#). Resolution 66/2019 of 24 December 2019; [Mary Yuli González Pérez regarding Venezuela \(PM-438-23\)](#). Resolution 37/2023 of 24 June 2023.

<sup>40</sup> IACHR. [María Corina Machado Parisca regarding Venezuela \(PM-125-19\)](#). Resolution 22/2019 of April 12, 2019, footnote 1.

42. The Inter-American Commission on Human Rights considers that the matter at hand 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 Ms. María Corina Machado Parisca, in the terms indicated throughout this resolution. Consequently, it decides as follows:

- a) To continue to carry out the appropriate follow-up measures in terms of Article 25.10 and other provisions of its Rules of Procedure.
- b) To request the State to submit specific, detailed, and updated information on the implementation of these precautionary measures; and
- c) To require that the State of Venezuela:
  - i. adopt the necessary measures to protect the rights to life and personal integrity of Ms. María Corina Machado Parisca;
  - ii. adopt the necessary measures to guarantee that the beneficiary can continue to carry out her political participation activities without being subjected to threats, harassment, or acts of violence in the exercise thereof;
  - iii. consult and agree upon the measures to be adopted with the beneficiary and her representation; and
  - iv. report on the actions taken to investigate the alleged facts that gave rise to the adoption and keep these precautionary measures in force and thus avoid their repetition. In particular, the State is requested to conduct an investigation with due diligence into the threats and acts of violence reported, including those that could have taken place by State officials and/or agents against the beneficiary.

43. The Commission requests Venezuela to report within 30 days of this resolution on the adoption of the requested precautionary measures. It is also requested to submit periodic information on the status of implementation of the precautionary measures. Notwithstanding the foregoing, the representatives are requested to continue to provide information in the terms requested in this resolution, as well as any additional information they consider relevant.

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

45. Approved on December 19, 2023, by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.