

TUVZLA.COM · LEX VENEZUELA PRIME

# IACHR Petition + Precautionary Measures (English)

*Caso Bracho Rozquez*

Listo para firma de defensa local

<https://tuvzla.com/casos-ddhh/bracho-rozquez/> (ES)

<https://tuvzla.com/cases-hr/bracho-rozquez/> (EN)

# IACHR Petition + Precautionary Measures (English)

---

## INDIVIDUAL PETITION AND REQUEST FOR PRECAUTIONARY MEASURES

---

### Inter-American Commission on Human Rights

**Case:** Alberto José Bracho Rozquez v. Bolivarian Republic of Venezuela

---

**Legal basis:** Articles 23 and 25 of the Rules of Procedure of the Inter-American Commission on Human Rights. Article 44 of the American Convention on Human Rights, in conjunction with the Charter of the Organization of American States and the American Declaration of the Rights and Duties of Man.

**Date:** \_\_\_\_ May 2026 (urgent filing — 6-month deadline from Judgment 682/2024 expires on or about 5 June 2025).

**Nature:** Individual petition with simultaneous request for **URGENT PRECAUTIONARY MEASURES** due to risk of irreparable harm to the victim's personal integrity and life.

---

### I. PETITIONER(S)

**Lead petitioner(s):** [NAMES — typically: an organization with IACHR standing (Foro Penal Venezuela / CEJIL / Robert F. Kennedy Human Rights / Acceso a la Justicia) co-sponsoring with a Venezuelan attorney]

**Service address:** [Preferably: address of co-petitioning organization outside Venezuela, to mitigate risk of reprisals]

**Email:** \_\_\_\_ **Phone:** \_\_\_\_

**Express consent to disclose petitioners' and victim's identity to the State:** YES.

---

### II. VICTIM

**Full name:** ALBERTO JOSÉ BRACHO ROZQUEZ **Venezuelan ID number:** V-21.078.752 **Date of birth:** [approximately 1990, age 28 on 5 August 2018] **Place of birth:** Zulia State, Bolivarian Republic of Venezuela **Nationality:** Venezuelan **Current place of detention:** Yare III Penitentiary, San Francisco de Yare, Miranda State, Venezuela **Vulnerability:** yes — person deprived of liberty under State custody, with

documented torture allegations, located 800+ km from his family nucleus, with prior history of incommunicado detention.

**Identification of family members:** [protected — to be completed with petitioners upon obtaining consent]

---

### **III. RESPONSIBLE STATE**

#### **BOLIVARIAN REPUBLIC OF VENEZUELA**

Represented through: - Ministry of People's Power for Foreign Affairs - Supreme Tribunal of Justice - Public Ministry (Office of the Attorney General) - Office of the Ombudsperson - Ministry of People's Power for Penitentiary Services - Directorate General of Military Counterintelligence (DGCIM)

**Note on competence:** While the Bolivarian Republic of Venezuela denounced the American Convention on Human Rights in September 2012 (effective on 10 September 2013), the **Inter-American Commission retains competence** over Venezuela through two avenues:

1. **OAS Charter and American Declaration:** Venezuela remains an OAS Member State and, under the Statute and Rules of Procedure of the IACHR, continues to be subject to the Commission's monitoring under the American Declaration.
2. **Pre-denunciation facts:** contentious jurisdiction of the Inter-American Court is preserved for facts occurring before 10 September 2013, and the Commission receives petitions for subsequent facts under the American Declaration and the general OAS regime.

The facts alleged here form a systemic pattern that pre-dates September 2013 and continues to date, activating both regimes.

---

### **IV. STATEMENT OF FACTS**

#### **4.1 Political and procedural context**

On 4 August 2018, during the parade for the 81st anniversary of the Bolivarian National Guard on Av. Bolívar in Caracas, two drones loaded with explosives detonated near the platform where President Nicolás Maduro Moros was speaking. The Government immediately characterized the event as an attempt against the President's life, triggering the State's prosecutorial machinery under the Organic Law against Organised Crime and Financing of Terrorism (LOCDOFT).

#### **4.2 The victim — profile**

ALBERTO JOSÉ BRACHO ROZQUEZ is a young civilian from Zulia State, age 28 at the time of the events. He had no documented partisan affiliation, no public office and no criminal record. His prior public visibility was limited to participation in opposition protests — including a photograph that gained international media

attention, in which he stood alone, his back to a National Guard formation, hands raised in a gesture of non-resistance.

#### 4.3 Arbitrary arrest

On **5 August 2018, at approximately 02:30 a.m.** — i.e., the day after the events —, the victim was detained by officers of the Bolivarian National Police (PNB) at a highway checkpoint heading toward Barinas State. The arrest was carried out:

- **without judicial warrant;**
- **away from the scene of the events** (hundreds of kilometres from the Cipreses Business Centre, identified by the Public Prosecutor as the operational point of the drone);
- **outside any condition of flagrante delicto** (some 22 hours after the events).

#### 4.4 Forty-five-day enforced disappearance

The victim remained **forcibly disappeared for forty-five (45) days**, without judicial appearance, without notification to his family, and with no whereabouts known. His family in Maracaibo, Zulia State, had no official information whatsoever during this period.

Article 44.2 of the Venezuelan Constitution sets a maximum of forty-eight (48) hours for the detainee to be brought before a judge. The 22-fold breach of this constitutional limit constitutes, under settled Inter-American Court jurisprudence (*Anzualdo Castro v. Peru*, 2009; *Heliodoro Portugal v. Panama*, 2008; *Tiu Tojín v. Guatemala*, 2008), **transitory enforced disappearance** committed by State agents.

#### 4.5 Torture under military custody

During the 45 days of disappearance and approximately one subsequent year, the victim remained held in basement cells of the **Directorate General of Military Counterintelligence (DGCIM), Boleíta Norte facility, Caracas** — a military intelligence facility, in which a civilian without military jurisdiction **must not be detained** under settled Inter-American standards (*Palamara Iribarne v. Chile*, 22 November 2005; *Radilla Pacheco v. Mexico*, 23 November 2009).

During that custody, the victim was subjected to **physical and psychological torture** including:

- a) Prolonged hooding;
- b) Repeated electric shocks to the testicles;
- c) Removal of toenails;
- d) Fracture of two ribs;
- e) Broken nasal septum;
- f) Death threats and threats against family members.

The victim **declared in open court, hearing of 24 May 2024**, that the torture was inflicted in the presence of the Public Prosecutor handling the case, Dr. Farik Karin Mora Salcedo. His exact statement, as reported by the press: "*When they removed the hood, the first person I see is this man Farik.*" The presence of the prosecutor during the torture was corroborated by **four other co-convicts** (Brayan Oropeza Ruiz, Yolmer Escalona Torrealba, Argenis Valera Ruiz and Juan Carlos Monasterios Vanegas) at the same hearing.

Despite the in-court denunciation, **the trial court failed to order an investigation**, in violation of article 285.3 of the Constitution, the Istanbul Protocol, and articles 12 and 13 of the Convention against Torture.

#### 4.6 Family isolation and communications deprivation

In August 2019 — about a year after the arrest —, the victim was abruptly transferred to Yare III Penitentiary, Miranda State, leaving his family in Maracaibo, Zulia State (more than 800 km away), in factual impossibility of regular visits. Telephone communication was **suspended by order of Colonel Hannover Guerrero**, in violation of article 75 of the Constitution and Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

#### 4.7 Abandoned legal defence

Court-appointed counsel **advised the victim to plead guilty**, citing exclusively the fact that the regime had already publicly identified him — without independent investigation, without forensic examination of the drone control device, without verification of chain of custody, without interviewing potential witnesses. This advice, in a case carrying the maximum sentence, fits the typical pattern of ineffective legal assistance condemned by the Inter-American Court in *Ruano Torres v. El Salvador* (5 October 2015).

**Most strikingly, at the cassation level — the last available domestic remedy — no appeal was filed in the victim's individual name.** This is incontrovertibly established by Judgment No. 682 of 5 December 2024 of the TSJ Criminal Cassation Chamber, which lists the nine (9) cassation appeals resolved: none corresponds to Bracho Rozquez. His name appears solely in the dispositive section as one of the twelve co-convicted to 30 years. Defence counsel was, simply, abandoned.

#### 4.8 Procedural chain and exhaustion of domestic remedies

Stage	Date	Court
Detention	05/08/2018	PNB
Disappearance	05/08–19/09/2018	DGCIM Boleíta Norte
First-instance judgment (30 years)	02/08/2022 (publ. 17/02/2023)	First Trial Court (National Terrorism)
Appeal DENIED	21/03/2024	Special Chamber Two of the Court of Appeals (National Terrorism)
Cassation DISMISSED	05/12/2024	TSJ Criminal Cassation Chamber — Judgment 682/2024

**Exceptions to exhaustion (article 46.2 ACHR / IACHR Rules):** without prejudice to the formal exhaustion of the procedural chain, the petitioners invoke the exceptions of:

a) **Absence of due process of law for protection of the violated right** (art. 46.2.a): the special tribunals were created by administrative resolution and not by statute, so the natural-judge guarantee — foundation of due process — is structurally absent.

b) **The injured party was not allowed access to remedies** (art. 46.2.b): the victim had no legal counsel that filed a cassation appeal in his name, despite being formally represented — a situation equivalent to denial

of access.

c) **Unjustified delay** (art. 46.2.c): six years and four months between detention and cassation, with prolonged periods of inactivity attributable to the State.

---

## V. RIGHTS ALLEGEDLY VIOLATED

Without prejudice to the qualification the honourable Commission may deem appropriate, petitioners allege the violation of the following rights enshrined in the American Convention on Human Rights (residually applicable following the Venezuelan denunciation, but invoked as complementary norm) and in the American Declaration of the Rights and Duties of Man:

### 5.1 Right to personal integrity

- ACHR articles 5.1, 5.2 and 5.4 (physical, mental and moral integrity; prohibition of torture, cruel, inhuman or degrading treatment; segregation of accused/convicted).
- Article XXV in fine of the American Declaration ("entitled to humane treatment during the time of his detention").

### 5.2 Right to personal liberty

- ACHR articles 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 (personal liberty and security; legality of arrest; prompt judicial control; recourse to habeas corpus).
- Article XXV of the American Declaration.

### 5.3 Right to a fair trial

- ACHR articles 8.1, 8.2 (b, c, d, e, f, g, h), 8.3 (competent, independent and impartial tribunal **previously established by law**; presumption of innocence; effective legal assistance; time and means to prepare defence; prior communication of the accusation; right to examine witnesses; right not to incriminate oneself; right to appeal).
- Article XXVI of the American Declaration.

### 5.4 Right to judicial protection

- ACHR article 25.1 (simple and prompt recourse).
- Article XVIII of the American Declaration.

### 5.5 General obligation to respect and ensure

- ACHR article 1.1.

### 5.6 Applicable universal instruments

- ICCPR articles 7, 9, 10, 14.

- CAT articles 1, 2, 4, 12, 13, 15.
  - Inter-American Convention on Forced Disappearance, articles II, III.
  - Inter-American Convention to Prevent and Punish Torture, articles 1, 2, 6, 7, 10.
  - UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rules 1, 24, 26, 32, 43, 58, 71.
- 

## **VI. REQUEST FOR URGENT PRECAUTIONARY MEASURES (Article 25 IACHR Rules of Procedure)**

Pursuant to article 25 of the IACHR Rules, urgent precautionary measures are sought in favour of the victim, as the three requirements concur:

### **6.1 Seriousness of the situation**

The victim:

- Has been deprived of liberty for more than **seven (7) years and eight (8) months** (since 5 August 2018).
- Is detained more than **800 km** from his family, without regular visits.
- Suffers possible sequelae of the documented torture (broken nasal septum, fractured ribs, genital injuries from electric shocks, possible PTSD from prolonged hooding), **without documented access to independent medical evaluation**.
- Has been **abandoned by his legal defence** at the cassation stage — the last domestic remedy — leaving him without prospect of further internal review.
- Faces potential administrative reprisal due to the unprecedented public denunciation of torture against the prosecutor in the case (24 May 2024).

### **6.2 Urgency of the situation**

Urgency derives from:

- The **imminent expiration** of the 6-month deadline to access the inter-American system through ordinary petition: counted from notification of Judgment 682/2024 of 5 December 2024, expiring approximately on 5 June 2025.
- The **likely deterioration of physical and mental health** due to isolation and lack of independent medical access.
- The **documented pattern of deaths in custody** of Venezuelan political prisoners under analogous conditions (UN Independent International Fact-Finding Mission on Venezuela, 2020, 2022, 2024 reports).
- The **precedent of Colonel Pedro Zambrano Hernández**, co-convicted in the same case, who suffers grade-3 renal insufficiency and has been denied adequate treatment at Ramo Verde.

### 6.3 Irreparable harm

The irreparable harm comprises:

- Loss of physical integrity through worsening of unattended sequelae.
- Loss of psychological integrity through prolonged isolation.
- Risk of death in custody.
- Irretrievable loss of family bond, with impact on the victim and dependent relatives.

### 6.4 Precautionary petition

On the foregoing, petitioners respectfully request the honourable Commission to **GRANT URGENT PRECAUTIONARY MEASURES** and accordingly to **REQUIRE** the Venezuelan State:

**FIRST: Adopt the necessary measures to protect the life and personal integrity** of the victim ALBERTO JOSÉ BRACHO ROZQUEZ, ID V-21.078.752, while the petition is being processed.

**SECOND: Guarantee immediate access to independent medical evaluation**, with emphasis on the documented physical and psychological sequelae (Istanbul Protocol), conducted by forensic doctors of the victim's choice or of independent organisations with presence in Venezuela (Foro Penal, Provea).

**THIRD: Guarantee the regime of family visits and regular telephone communication** with his family in Maracaibo, Zulia State, without arbitrary restrictions.

**FOURTH: Cease any regime of isolation or disciplinary measure** imposed in retaliation for the public denunciation of torture of 24 May 2024.

**FIFTH: Consider transfer to a civilian penitentiary in Zulia State**, near his family nucleus, in accordance with article 75 of the Venezuelan Constitution and Rule 59 of the Nelson Mandela Rules.

**SIXTH: Coordinate the measures with petitioners and their representatives**, pursuant to article 25.5 of the Rules.

**SEVENTH: Report to the Commission** within the established term on the measures adopted.

---

## VII. PRINCIPAL PETITION (on the merits)

Without prejudice to the precautionary track and subsequent thereto, petitioners request the honourable Inter-American Commission to:

**1. Admit** this petition.

**2. Declare the international responsibility** of the Bolivarian Republic of Venezuela for the violation of articles 5, 7, 8, 25 and 1.1 of the American Convention on Human Rights, as well as the corresponding articles of the American Declaration, the ICCPR, the Convention against Torture and the Inter-American Convention on Forced Disappearance, to the detriment of Alberto José Bracho Rozquez.

### 3. Recommend the State:

- a) The **immediate release** of the victim, due to structural nullity of the criminal process against him.
  - b) Subsidiarily: a **new trial** before a tribunal previously established by law, with full guarantees and exclusion of all evidence obtained under torture.
  - c) The **investigation, prosecution and punishment** of the officials responsible for the acts of torture, enforced disappearance and abuse of power, including Prosecutor Farik Karin Mora Salcedo and Colonel Hannover Guerrero.
  - d) **Comprehensive reparation** to the victim, including measures of physical and psychological rehabilitation, compensation for material and moral damages, satisfaction and guarantees of non-repetition.
  - e) As a **guarantee of non-repetition**, the **declaration of unconstitutionality and repeal** of TSJ Plenary Resolution No. 2012-0026, which created the special national-jurisdiction terrorism tribunals, due to violation of legal reserve and the natural-judge principle.
4. Should the State fail to comply with the recommendations, **submit the case to the Inter-American Court of Human Rights** for the corresponding effects (with the procedural caveat regarding Venezuela's denunciation of the ACHR and the consequent jurisdictional discussion).
- 

## VIII. EXHIBITS

The following are submitted in digital format:

1. Judgment No. 682/05-12-2024 of the TSJ Criminal Cassation Chamber, Docket C24-445.
2. Judgment No. 048/08-08-2018 of the TSJ Plenary (Requesens case), Docket 2018-0071.
3. Judgment No. 049/08-08-2018 of the TSJ Plenary (Borges case), Docket 2018-000072.
4. Judgments Nos. 247-255/16-08-2018 of the TSJ Criminal Cassation Chamber (batch of 9 extraditions to Peru), Dockets E18-205 to E18-213.
5. Judgment No. 098/29-09-2021 of the TSJ Criminal Cassation Chamber (Marín Chaparro precedent — sua sponte avocamiento in special jurisdiction).
6. Judgment No. 317/29-07-2010 of the TSJ Criminal Cassation Chamber (Del Valle Alliegro precedent).
7. Press reports:
8. Infobae, "The story of torture and abandonment of Alberto José Bracho", 4 August 2019.
9. Infobae, "Five convicted denounced torture in the prosecutor's presence", 24 May 2024.
10. Infobae, "Who are the 17 civilians convicted", 4 August 2022.
11. Infobae, "The court uses fake experts and does not respect public trial", 13 December 2020.
12. Suprema Injusticia, "Drone case: 4 years of procedural delay and sentences up to 30 years".
13. Acceso a la Justicia, analysis of TSJ Resolution 2012-0026.
14. Reports of the UN Independent International Fact-Finding Mission on Venezuela (OHCHR, 2020, 2022, 2024).

15. Human Rights Watch, *World Report 2025 — Venezuela*.

16. Text of TSJ Plenary Resolution No. 2012-0026 published in Official Gazette 40.092 of 17/01/2013.

17. Public document "Human Rights Case File — Alberto José Bracho Rozquez" published at <https://tuvzla.com/cases-hr/bracho-rozquez/> (Spanish version at <https://tuvzla.com/casos-ddhh/bracho-rozquez/>).

---

**Signed at \_\_\_\_, on this \_ day of \_ 202\_\_.**

---

[NAME OF LEAD PETITIONER] [ORGANIZATION — IACHR STANDING] [BAR / PROFESSIONAL REGISTRY NUMBER]

---

[CO-PETITIONER] [ORGANIZATION]

---

*Document prepared by Lex Venezuela Prime — for co-sponsorship and signature by an organization with IACHR standing (CEJIL / Robert F. Kennedy Human Rights / Foro Penal Venezuela / Acceso a la Justicia).*