

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW
YORK

UNITED STATES OF AMERICA

Plaintiff,

v.

NICOLAS MADURO MOROS, DIOSDADO CABELO RONDON, RAMON RODRIGUEZ CHACIN, CILIA
ADELA FLORES DE MADURO, NICOLAS ERNESTO MADURO GUERRA, a/k/a "Nicolasito," a/k/a
"The Prince," and HECTOR RUSTHENFORD GUERRERO FLORES, a/k/a "Nifio Guerrero,"
Defendants.

S4 11 Cr. 205 (AKH)

BRIEF FOR AMICUS CURIAE IN SUPPORT OF PLAINTIFF

**Amicus Curiae Brief presented in Pro Se by Humphrey John Pachecker Barrera and
Humphrey Humberto Pachecker Cardenas Pro Se. INSTITUTIONS SIGNING THE
DOCUMENT in PRO SE.**

**Amicus Curiae Brief: Standards of United States Federal Constitutional Law and
International Law on the obligation to combat impunity for crimes against humanity, drug
trafficking, arms trafficking, and human rights violations:**

SOUTHERN DISTRICT COURT OF NEW YORK. Honorable Judge Alvin Hellerstein.

**Re: Amicus Curiae Brief presented in Pro Se by Humphrey John Pachecker Barrera and
Humphrey Humberto Pachecker Cardenas.**

**INSTITUTIONS SIGNING THE DOCUMENT in PRO SE: National Association for
Foreign Attorneys ("NAFA LAW") Florida.**

University of Academic Homologation UNPAM Florida, San Juan PR.

AICACHR Court Foundation for Due Process Human Rights Research and Homologation Education Centre.

Private institutions which can legally co-present this amicus curiae brief before the federal court of the Southern District of New York. Requesting the consent and permission of the court itself, as stipulated in Federal Rule of Appellate Procedure (FRAP 29) for appellate courts, and similar practices in federal district courts.

These institutions demonstrate a substantial interest in the case and provide valuable knowledge and information by filing a motion for leave to file if consent is not obtained.

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Honorable Judge Alvin Hellerstein, United States District Court for the Southern District of New York:

We, Humphrey Humberto Pachecker Cardenas, Humphrey John Pachecker Barrera, in pro se and representing the institutions described below, submit the following brief as amicus

curiae in case number S4 11 Cr. 205 (AKH), UNITED STATES OF AMERICA - v.
NICOLAS MADURO MOROS, ET AL. - SUPERSEDING INDICTMENT.

Request to be Considered the Amicus Curiae Brief. We submit this brief for your consideration before the Honorable Judge Alvin Hellerstein, as amicus curiae, to offer a legal analysis of the international obligations of the Venezuelan State under the administration of the accused Nicolas Maduro Moros and other defendants in this case, including United States legal right to prosecute Defendants within the context of serious crimes, drug trafficking, arms trafficking, human rights violations, specifically in relation to attacks against American citizens and Venezuelan citizens, including illegal detentions, torture and abuse of human rights defenders and violations of United States laws protecting U.S. citizens from the sale and distribution of illegal drugs, such as the Controlled Substances Act (CSA) of 1970. Enforced by the Drug Enforcement Administration (DEA), this act regulates the manufacture, distribution, and possession of substances that pose a risk of abuse.

AICAHHR COURT is a non-governmental human rights organization [INGO];

UNPAM is a non-profit education and research organization.

STATEMENT OF THE CASE:

The purpose of this Amicus Curiae Brief is to support and provide this honorable court with opinions and necessary elements to strengthen the accusations presented by the plaintiff, the United States, against the defendants **NICOLAS MADURO MOROS, DIOSDADO CABELLO RONDON, RAMON RODRIGUEZ CHACIN, CILIA ADELA FLORES DE MADURO, NICOLAS ERNESTO MADURO GUERRA, a/k/a "Nicolasito," a/k/a "The Prince," and HECTOR RUSTHENFORD GUERRERO FLORES, a/k/a "Nifio Guerrero."**

Additionally, this Amicus Curiae Brief also aims to empower all victims and human rights defenders to utilize national and international protection mechanisms to create opportunities for greater protection of human rights and civil rights in Venezuela and worldwide as well.

NICOLAS MADURO MOROS - DOES NOT HAVE DIPLOMATIC IMMUNITY, NOT EVEN AS A VENEZUELAN HEAD OF STATE. Officials as Nicolas Maduro Moros may still invoke common law immunity; “they are not automatically protected by the FSIA- does not shield individual foreign officials from being sued”. Samantar v. Yousuf (2010).

To present details of the violations and crimes committed by the defendants in this case, including federal law, legal opinions, one of which is the lack of presidential immunity of the main defendant, Nicolás Maduro Moros, in re [refer to] the precedent in the case of Samantar v. Yousuf (2010).

All victims of abuse, foreign nationals and American citizens with dual nationality, should have the opportunity to seek redress for the abuses suffered under the government of Nicolás Maduro Moros and the Defendants, such as unjust imprisonment, denial of due process, torture, family separation, abduction by authorities, and abuses and crimes committed by civilian elements authorized by the Defendants' government in this case. This action should be brought under the following causes of action:

- 1) ALIEN TORT CLAIMS ACT, 28 U.S.C. Section 1330,**
- 2) TORTURE VICTIM PROTECTION ACT, 106 Stat. 73, 1992. Public Law 102-256 - Torture Victim Act.**

The signatories of this brief are Humphrey H. Pachecker Cardenas and Humphrey John Pachecker Barrerar, both U.S. citizens, including representatives of the organizations NAFA

LAW, UNPAM, and AICACHR, dedicated to the broad, effective, and informed participation of civil society in education, the defense of human rights, and civil rights.

These organizations are interested in the *de jure* and *de facto* protection of the fundamental rights of individuals in civil society who promote initiatives aimed at holding the accused in this case and the Venezuelan State accountable for their actions, achieving justice, and ensuring the enjoyment of human rights, civil rights, and protection against crime and the smuggling of illicit drugs, defined by the World Health Organization (WHO) as substances whose "production, sale, and consumption are prohibited" and which can cause death and changes in the state of consciousness, mood, thought processes, and motor functions of individuals who use them within their territory.

Furthermore, the aforementioned institutions together with, Humphrey John Pachecker Barrera and Humphrey H. Pachecker Cardenas, signatories of this amicus brief, have a particular interest in ensuring that the state, federal, and international duty to guarantee human rights, civil rights, and general protection against death from illicit drugs commercial trafficking use by criminals is clearly defined so that the justice systems of the United States, the States, and their governments can be aware of and fulfill their obligations in this regard, including in current or exceptional situations and in the context of violations and crimes committed against American citizens, Venezuelan citizens residing in US, human rights defenders, and the general public.

In this specific case, it is pertinent to elaborate on the legal basis for such obligations, given that it is understood that American and Venezuelan citizens, human rights defenders, and the general public were and continue to be victims of attacks resulting from the criminal actions of the Defendants.

NAFA LAW is an association of foreign and local lawyers based in the United States founded in the year of 1993 and domiciled at 3200 US Hwy. 27 South, Suite 301, Sebring, Florida 33870 with over 300 Venezuelan foreign attorney members. NAFA LAW in 1994 - 1996 was invited to visit the Caracas Attorney Bar Association, the Anzoátegui Attorneys Bar Association and the Santa María University Law School in Venezuela.

STATEMENT OBJECTIVE OF THIS AMICUS CURIAE BRIEF:

Objective of the Amicus Curiae Brief: If this intervention is accepted, it is expected that the information and arguments provided in this Amicus Curiae Brief will assist this honorable esteemed Court in resolving this case and in defining the national and international obligations of the American States and in this hemisphere.

Our amicus curiae brief focuses on three main aspects: first, the constitutional and legal foundations of the United States' sovereign prerogative to protect its citizens from foreign criminal elements.

Historically and in current practice (2026), the Supreme Court has consistently upheld the doctrine of plenary power, which holds that the power to admit or exclude foreigners is a fundamental act of sovereignty inherent in the executive and legislative branches.

We analyze how this authority is interpreted to prioritize national security and public safety over individual requests for entry into the country; and second, the interpretation of the American Convention on Human Rights, examining the scope of the state's obligations to guarantee the enjoyment of protection to American citizens and the protection of human rights to life, personal integrity, and freedom of association.

Third, we will analyze the special obligations that correspond to the Venezuelan State and the defendants in this case with respect all citizens, to human rights defenders, particularly when they are in a situation of risk.

In 2024-2025, approximately 80,400 to 84,000 people in the United States died from drug overdoses, representing a significant decline from the record high of nearly 111,000 deaths in 2023. While federal agencies frequently attribute most of these deaths to illicit drugs trafficked by cartels—specifically synthetic opioids like fentanyl—official mortality data tracks deaths by substance type rather than the source of the drug.

Recent Mortality Trends (2024–2026). Total Annual Deaths: Provisional data for the 12 months ending in October 2024 showed 84,076 deaths, a 25% decrease from the previous year. Projections for the 12-month period ending in April 2025 further decreased to roughly 76,500 deaths.

Synthetic Opioids (Fentanyl): Illicitly manufactured fentanyl remains the leading cause of drug-related deaths. It was involved in over 76,000 deaths in 2023 but dropped to approximately 48,000 to 49,000 in 2024.

Stimulants: Deaths involving psychostimulants (primarily methamphetamine) totaled roughly 29,456 in 2024, while cocaine-related deaths accounted for about 22,174.

Cartel Involvement and Supply Factors.

Primary Drivers: The DEA and other agencies link the current "overdose crisis" to the mass production and smuggling of synthetic drugs by international cartels.

Supply Shifts: A sharp decline in overdose deaths beginning in late 2024 and continuing into 2026 has been attributed to a "shock" to the illicit supply, specifically a decrease in fentanyl potency and purity.

Lethality: The high death rate is driven by the extreme potency of cartels' products; for instance, a "pencil-tip" amount of fentanyl can be lethal.

Historic Context.

Year	Total Estimated Overdose Deaths	Primary Driver
2022	107,941 (Peak)	Synthetic Opioids
2023	110,037	Synthetic Opioids
2024	~80,400	Synthetic Opioids
2025 (Projected)	~76,500	Synthetic Opioids

For current regional statistics and real-time updates, you can consult the CDC's Provisional Drug Overdose Data or the DEA's National Drug Threat Assessment. (1)-

As of January 18, 2026, in Venezuela, the term "released from prison" is used to differentiate people who are released from prison from those who receive full freedom. This distinction is not only terminological but also has profound legal and political implications, given the current situation as of January 2026:

1. Substitute Precautionary Measures. Most political prisoners who have recently been released from prison have not been declared innocent, nor have their cases been closed. Instead, they are granted measures that limit their freedom, such as:

Prohibition from leaving the country: They cannot travel outside Venezuela.

Reporting requirements: They must report periodically (weekly or monthly) to a court.

Prohibition from speaking publicly: They have restrictions on speaking with the media or participating in political activities.

2. The Judicial Process Continues. Unlike absolute freedom, release from prison means that the trial remains open. Legally, the person is still under the jurisdiction of a court, and their

"freedom" can be revoked at any time if the regime considers that the imposed conditions have been violated.

3. Political Use of the Term. Social control: The term allows the regime to maintain psychological and legal control over the individual. Since there is no full freedom, the threat of re-imprisonment persists.

Figures and negotiations: Human rights organizations, such as Foro Penal, emphasize that speaking of "freedom" would be inaccurate when there are more than 1,900 political prisoners and the recent mass releases in January 2026 are merely changes in the place of detention (from a cell to the city with restrictions).

Key difference: Term | Legal Status | Rights. Released from prison | Open judicial process; precautionary measures in effect. | Limited (cannot travel, cannot speak freely).

Free | Case closed, acquittal or dismissal. | Full (freedom of movement and full freedom of expression). Therefore, families and human rights advocates are demanding "full freedom," not just releases from prison, to ensure that these individuals do not continue to be "hostages" of the judicial system.

INTRODUCTION:

In the present case, this Honorable Federal Court of the Southern District of New York will rule on the alleged international legal responsibility of the United States to administer justice with respect to the charges of Narco-Terrorism Conspiracy, Cocaine Importation Conspiracy, Possession of Machineguns and Destructive Devices, Conspiracy to Possess Machineguns and Destructive Devices, including additionally violent crimes against humanity and attacks carried out by the Defendants in this case against the general population, Defendants who allegedly benefited from the alleged participation and

complicity of their agents associated with the Defendants, all crimes committed against citizens of the United States and Venezuelan citizens.

As a result, thousands of people died in these two countries, the United States and Venezuela. The allegations of the petitioners presenting this amicus curiae brief concern and coincide with the possible failure of the Venezuelan State and the Defendants named in this case to fulfill their negative and positive duties related to, *inter alia*, the rights to life, security and personal integrity, and freedom of association, due to their alleged actions and omissions at the time of the events and the impunity that these Defendants allegedly enjoyed during the following years.

This amicus curiae brief focuses on the obligation to guarantee certain rights enshrined in the United States Constitution and the American Convention on Human Rights, which also entails a duty to investigate serious violations. Since the Defendants were allegedly dedicated to the administration and governance of the State of Venezuela, and the rights of all citizens inside and outside the country, the case *sub judice* also concerns the state responsibilities of the Defendants to protect the physical integrity of all citizens, human rights defenders, and to ensure the free exercise of their legitimate activities.

SUMMARY OF ARGUMENT:

The violations continue. During January 2025-2026 in Venezuela, the exercise of the right to legal defense of those detained for political reasons faced serious restrictions and risks of detention. Lawyers Detained: At least 22 lawyers were reportedly held as political prisoners under the Venezuelan judicial system at the beginning of 2026, reflecting a pattern of arrests that intensified during 2025 following the post-election crisis. A prominent example in

subsequent months was the arrest of lawyer and former congressman Juan Pablo Guanipa in May 2025.

Criminalization of the Defense: In the first days of January 2025, human rights organizations such as Foro Penal registered an increase in political persecution, bringing the number of new detainees to 75 in just the first 11 days of the year. Activists warned that lawyers and journalists were among the sectors systematically targeted to dismantle support networks for the opposition.

Legal Obstacles: During 2025, it was reported that many detainees were denied the right to visits from their legal representatives and were held incommunicado. Families of political prisoners publicly demanded the right to have lawyers of their choosing, as the state imposed public defenders who did not guarantee an effective defense.

Context of 2026: By January 2026, following drastic changes in the Venezuelan government and the capture of Nicolás Maduro by U.S. forces at the beginning of the month, a phase of releases began. Among the first to be released were human rights lawyers, activists, and journalists who had been imprisoned during the previous period of repression.

FEDERAL AND INTERNATIONAL ADDITIONAL CAUSES OF ACTION:

The Alien Tort Statute (ATS), 28 U.S.C. § 1330, grants U.S. federal courts jurisdiction over civil claims brought by an alien (a person who is not a U.S. citizen, e.g., Venezuelan citizens residing in the United States).

Under the Alien Tort Statute (ATS), 28 U.S.C. § 1330, Venezuelan citizens residing in the United States may file civil complaints to seek redress for serious human rights violations and international law breaches.

Reasons to File Under the ATS: Civil Redress for Human Rights Abuses: The ATS allows non-U.S. citizens to sue in federal courts for "torts" (civil wrongs) committed in violation of the "law of nations". This includes horrific abuses such as:

Torture-

Crimes against humanity-

Genocide-

Extrajudicial killings.

Accountability for Perpetrators in the U.S.: If an individual or corporation responsible for these abuses is present in the U.S., the ATS provides a mechanism to hold them accountable in a U.S. court, even if the harm occurred abroad.

Recent Legal Challenges for Venezuelans: As of 2026, many Venezuelans have utilized federal courts to challenge government actions, such as the 2025 invocation of the Alien Enemies Act used for deportations, which courts have recently found baseless.

Avoidance of "Safe Harbors": Filing helps prevent the U.S. from becoming a "safe harbor" for international lawbreakers, ensuring victims have a pathway to justice when their home country's legal systems may be unavailable or compromised.

Connection to the United States: Claims must "touch and concern" U.S. territory with sufficient force.

Status as an Alien: Only foreign nationals (non-U.S. citizens) can bring claims under this specific statute.

Exhaustion of Remedies: Under related laws like the Torture Victim Protection Act (often cited alongside the ATS), plaintiffs may need to show they have exhausted available remedies in the country where the conduct occurred.

Venezuelan citizens may consult legal organizations such as the ACLU or EarthRights International for guidance on human rights litigation.

The Alien Tort Statute (ATS) allows foreign nationals to sue in U.S. courts for a tort (civil wrong) committed in violation of international law or a U.S. treaty, enabling foreign citizens to seek redress for serious human rights or international law violations in U.S. courts. Enacted by the First Congress, this statute provides a pathway to universal jurisdiction, although its scope has been limited by Supreme Court rulings, which generally require the violation to be of a specific, universal, and obligatory international norm.

Key Components of the ATS: Plaintiff: Must be an "alien" (a person who is not a U.S. citizen) but may be located within the United States.

Action: A "civil action for a tort" (a private lawsuit seeking compensation for a civil wrong).

Violation: The tort must violate "the law of nations or a treaty of the United States."

Historical Significance and Evolution: Early History: Used for nearly two centuries, serving to establish federal authority over foreign affairs.

Resurgence (1980): The landmark case Filártiga v. Peña-Irala expanded its application to modern human rights violations, leading to an increase in litigation.

Modern Limitations: Subsequent Supreme Court decisions, such as in the Kiobel and Nestlé cases, have restricted ATS jurisdiction, limiting its scope for claims occurring extraterritorially (outside the United States) and against corporations.

In essence, the ATS is a jurisdictional statute that allows foreign nationals to sue for serious international wrongs in U.S. federal courts, thus connecting U.S. courts to the global enforcement of human rights.

On the other hand. The Torture Victim Protection Act of 1991 (TVPA), Public Law 102-256, allows U.S. Courts to hear civil suits against individuals who, acting under the authority of a foreign law and government, commit torture or extrajudicial killings, enabling victims (citizens or non-citizens) to seek compensation by establishing liability for the intentional infliction of severe pain or suffering, even if the perpetrators are anonymous. It requires the exhaustion of local remedies where possible, aims to fulfill U.S. human rights obligations, and grants a private right of action to sue for damages in U.S. Courts.

Key Provisions and Definitions. Purpose: To implement the United States' obligations under international human rights law by establishing a civil cause of action for torture and extrajudicial killing.

Scope: Applies to any person acting under the authority or color of law of any foreign nation. **Prohibited Acts:** Torture: Intentional infliction or threat of infliction of severe physical or mental pain or suffering, or alteration of the senses or personality through psychotropic substances or similar procedures.

Extrajudicial Killing: Unlawful killing committed by a foreign official.

Requirements for Suit: Victims must exhaust adequate and available remedies in the country where the abuse occurred.

Suits must be filed within 10 years of the act. Who Can Sue: U.S. citizens and non-citizens may file suits.

Who Can Be Sued: Individuals who committed torture or extrajudicial killings while acting in an official capacity for a foreign government.

Context: The TVPA complements the Alien Tort Statute (ATS) (28 U.S.C. § 1330), providing a direct avenue for victims to seek justice in U.S. courts when perpetrators are identified, despite jurisdictional complexities.

NICOLAS MADURO MOROS HAS NO PRESIDENTIAL IMMUNITY:

It is almost impossible to provide a specific and definitive number of dictators who meet the exact criteria of being unelected, unrecognized, and lacking any form of presidential immunity, as these conditions are complex and often fluid in international law and politics.

Key factors in the case of Nicolas Maduro Moro of Venezuela that contribute to the lack of an accurate count include: Although the term "dictator" is not a formal international legal classification, but rather a political one. Countries classified as "not free" or authoritarian by organizations such as Freedom House, like Venezuela, have many leaders who maintain power through fraudulent elections and force. **International Recognition:** The recognition of a leader is a political act by other countries, not a universal legal status.

The United States and many other countries have not recognized Nicolás Maduro Moro as the legitimate elected leader of Venezuela, even though he effectively controls the country.

Presidential Immunity: Recognized, sitting heads of state generally enjoy a certain level of judicial immunity in U.S. national courts and foreign international courts under international law, to prevent politically motivated arrests.

This immunity is usually tied to holding the formal title of head of state, which can be a matter of domestic law and international recognition.

For leaders who seized power through unconventional means such as a coup d'état or fraudulent elections and whose status is controversial, their right to immunity in foreign courts becomes a complex legal debate. The case of Manuel Noriega of Panama is a key example, as he was not recognized as a sitting head of state by the United States and was therefore prosecuted.

Sovereignty and Domestic Law: Within their own countries, these leaders often have absolute power and control over the legal system, which in practice places them "above the law" domestically, even if international norms challenge this.

Due to the political and legal complexities, there is no single database that tracks this specific combination of criteria. Numerous leaders govern authoritarian regimes without free and fair elections, and while their international legal immunity might be questionable in theory, practical difficulties often prevent their prosecution in foreign courts, unless they are captured or deposed.

PRESIDENT-ELECT OF VENEZUELA, 2024:

Edmundo González Urrutia and Maria Corina Machado were elected president and vice president of Venezuela on July 28, 2024, in an election where he emerged victorious, although his victory has been disputed by the current government, with some international leaders recognizing him as president-elect and awaiting his inauguration to begin a democratic transition. Key points:

Election date: July 28, 2024.

Current status: He is the president-elect recognized by the opposition and several countries, but he has not yet formally assumed office amid controversy.

Recent Situation (January 2026): Following the arrest of Nicolás Maduro, opposition leaders and international observers have called on González to assume the presidency to lead the transition.

The United States of America, the Republic of Uruguay, Costa Rica, Ecuador, and Panama joined the list of countries that recognize opposition leader Edmundo González Urrutia as the winner of the Venezuelan elections this Friday, hours after the United States did the same.

This increases the pressure on the government of Nicolás Maduro Moros, which quickly announced its victory in the recent elections, with the endorsement of the National Electoral Council (CNE), which has a pro-government majority, and without presenting the official records to prove it.

US Secretary of State Antony Blinken stated that given the abundant evidence, “it is clear to the United States and, more importantly, to the Venezuelan people that Edmundo González obtained the majority of votes in the presidential elections of July ”

“Based on the overwhelming evidence, it is clear to Uruguay that Edmundo González Urrutia obtained the majority of votes in the Venezuelan presidential elections. We hope that the will of the Venezuelan people will be respected. ‘Truth is the path to peace,’” wrote the Uruguayan Foreign Minister, Omar Paganini, on his X account, mentioning González Urrutia's account.

In this way, the government of Luis Lacalle Pou and, later, that of Costa Rica, joined Argentina's decision to follow in the footsteps of the United States, and announced that they recognized the opposition candidate as the president-elect of Venezuela and not Nicolás

Maduro, as the Chavista government had announced. Peru had been the first country to announce this decision in the past.

The Ecuadorian government announced on X that the Executive branch headed by Daniel Noboa “recognizes Edmundo González as the winner of the presidential elections of this country.” “The old politics tried, with fraud and irregularities, to usurp the real result of the vote count process,” the Ecuadorian presidency stated in a communique. “The will of all peoples is NOT to be tampered with; it is sacred.

Therefore, Ecuador calls on the international community to respect the Venezuelan sacrifice and to join in this effort to safeguard the true decision of this country to be free again,” the text concludes.

Peru's Foreign Minister, Javier González-Olaechea, announced on Tuesday that his country recognized the opposition candidate as “the elected and legitimate president of Venezuela.” As a consequence, the Maduro government announced the following day that it was breaking diplomatic relations between the two countries.

Since Maduro was declared the winner on Sunday by the National Electoral Council, Venezuelan authorities have been questioned and challenged by several countries, including the United States, and by international organizations to be transparent in the publication of the voting records. The lack of dissemination of the results has also led to strong protests in the streets since Monday.

The opposition claimed to have in its possession at least 84% of the voting station records which, they argued, give a wide victory to opposition candidate González.

NGOs, INGOs, and Official Bodies Accuse Nicolás Maduro and His Administration of Committing Crimes Against Humanity and Human Rights Violations:

Various organizations and official bodies have accused the government of Nicolás Maduro of committing crimes against humanity and serious human rights violations, including torture and extrajudicial executions. However, none of the sources consulted explicitly state that any official organization has accused him of the specific crime of genocide.

Among the main organizations and their findings are: **United Nations Independent International Fact-Finding Mission on Venezuela:** This body of experts, established by the UN Human Rights Council, has concluded that there are "reasonable grounds to believe" that high-ranking authorities, including President Maduro, were aware of the crimes against humanity and contributed to coordinating them as part of a plan to repress the political opposition. Their reports detail thousands of cases of extrajudicial executions, enforced disappearances, arbitrary detentions, and torture since 2014.

The Human Rights Commission of the AICACHR Court [INGO] has filed several pro se complaints with evidence and testimonies of the crimes committed by the defendant Nicolás Maduro Moros, et al., in Venezuela and by his administration and immediate officials, including a written complaint before the Office of the United Nations High Commissioner for Human Rights (OHCHR Article 22) at its headquarters in Geneva, Switzerland, for human rights violations at the national and international levels in Venezuela under the administration of Nicolás Maduro Moros.

International Criminal Court (ICC): The ICC has an official investigation has been opened into the situation in Venezuela for possible crimes against humanity, an investigation that has been able to move forward due to the finding that the Venezuelan judicial system is neither willing nor able to genuinely investigate and prosecute the alleged crimes. The ICC

investigates genocide, war crimes, and crimes against humanity, but this specific investigation focuses on the latter.

Organization of American States (OAS): A panel of experts appointed by the OAS Secretary General, Luis Almagro, produced a report that concluded there were reasonable grounds to believe that crimes against humanity had been committed in Venezuela and recommended that the case be referred to the ICC.

Human Rights Watch and Amnesty International: These prominent human rights non-governmental organizations have extensively documented and denounced that the Maduro administration has committed systematic human rights abuses and crimes against humanity and have demanded accountability at the international level.

While these organizations use the term "crimes against humanity" to describe the widespread and systematic nature of the abuses, the specific term "genocide" has not been formally used in their official findings against Maduro except for AICACHR.

SCOPE OF THE STATE'S OBLIGATION TO GUARANTEE HUMAN RIGHTS TO LIFE, PERSONAL INTEGRITY AND FREEDOM OF ASSOCIATION:

Every State is obligated to ensure the enjoyment of human rights within its territory.

This duty is enshrined in Article 1.1 of the American Convention on Human Rights, which obligates the Venezuelan State, as a State Party to that instrument, to "respect the rights and freedoms recognized therein and to guarantee their free and full exercise to all persons subject to its jurisdiction...".

The obligation to guarantee Universal Human Rights implies both taking protective measures that facilitate the full enjoyment of universally protected rights, such as the

security of protecting foreign citizens in other countries from death due to the abuse of illicit drugs exported by the defendants, as well as the sanctioning and reparation of violations.

In this sense, the United States must take actions aimed at preventing the violation of the human rights to life of its citizens and conduct an effective investigation and judicial proceedings in accordance with the laws when a violation is committed against persons subject to its American jurisdiction, particularly when such a violation is serious, such as crimes related to the consumption of illicit drugs committed by the Defendants in this case.

Generally, the United States must ensure human rights not only from interference by the Defendants, their state agents, but also by private individuals, cartels and smugglers of illicit drugs, since the failure to control or remedy such violations generates its international responsibility. Responsibility for the violation of these protected human rights is attributable to the defendants and the government of the State of Venezuela when “there is a state obligation that has been breached by the State,” even if the individuals directly responsible for the violation are unknown or private citizens. International Law, and the American Convention, imposes “the positive obligation on the Venezuelan State and its officials, the Defendants in this case, to adopt the necessary measures to ensure the effective protection of human rights, civil rights, and international law in inter-individual relations and international relations between nations.

This is due to the understanding that: the illicit, criminal acts and human rights violations committed by the Defendants are initially directly attributable to the Defendants in this case, and to their governance of the State of Venezuela, as a direct result of the Defendants' failure to prohibit the trafficking of illicit drugs to the United States, causing the death of thousands of American citizens.

This, per se, may entail the international responsibility of the Defendants and the State of Venezuela during the administration of the Defendants in this case for lack of due diligence to prevent the violations and to address and treat them in the terms required by law. The law controlling the sale and distribution of illegal drugs is the Controlled Substances Act (CSA) of 1970. (2)-.

In this regard, the Inter-American Court of Human Rights has confirmed that: [Article 1.1] imposes on the States Parties the fundamental duties of respect for and guarantee of rights, so that any impairment of the human rights recognized in the Universal Convention that can be attributed, according to the rules of International Law, to the action or omission of any public authority, constitutes an act attributable to the State that compromises its international responsibility.

Obligation to Guarantee the Rights to Life and Personal Integrity In Inter-American jurisprudence: The rights to life and personal integrity are of an essential characteristic in the Convention and, according to Article 27.2, form part of the non- repeatable core of rights that cannot be suspended in cases of war, public danger, or other threats; such as the illicit drug trafficking committed by the Defendants.

It is not enough for States to refrain from violating these rights, but they must adopt positive measures, determinable according to the particular needs of protection of the subject of law, either because of their personal condition or because of the specific situation in which they find themselves.”.

The right to life is enshrined in Article 4 of the American Convention, which

establishes in its first paragraph, “Every person has the right to have their life respected. ... No one may be arbitrarily deprived of life.”¹¹ This right was violated by the Respondents in this case. (3)-.

In the doctrine of the Inter-American System, of Universal Human Rights, of International Law, and of other international human rights bodies, “[t]he right to life is a fundamental right, the enjoyment of which is a prerequisite for the enjoyment of all other human rights. If it is not respected, all other rights are meaningless.” Therefore, “[s]tates have the obligation to guarantee the creation of the conditions required to prevent violations of this basic right...”.

The Defendants in this case have violated all these rights by exporting, together with the Venezuelan Los Soles Cartel and the Revolutionary Armed Forces of Colombia ("FARC"), tons of illicit drugs to the United States, causing the death of thousands of American citizens.

ADDITIONALY WHY NICOLAS MADURO MOROS HAS NO IMMUNITY:

Nicolás Maduro Moros lacks head-of-state immunity in U.S. Courts primarily because the U.S. Executive Branch does not recognize him as Venezuela's legitimate president. Following the precedent established in Samantar v. Yousuf (2010), the determination of such immunity is governed by federal common law, which grants extreme deference to the Executive Branch's recognition decisions.

Impact of Samantar v. Yousuf (2010): In Samantar, the Supreme Court ruled that the Foreign Sovereign Immunities Act (FSIA) does not apply to individual foreign officials. Instead, their immunity is determined by federal common law, which involves two critical components:

Executive Deference: U.S. courts typically defer to the State Department's determination of whether an individual qualifies as a head of state.

Status vs. Conduct Immunity: While current heads of state enjoy "status-based" immunity (covering all acts), the U.S. argues Maduro does not hold the status required for this protection.

Reasons for Denial of Immunity: As of January 2026, Maduro remains in federal custody facing narco-terrorism charges.

The legal arguments against his immunity include:

Non-Recognition: Since 2019, the United States has refused to recognize Maduro as the legitimate president of Venezuela. Without formal recognition, he is viewed as a "de facto" but illegitimate ruler, a status that does not trigger absolute head-of-state immunity in U.S. courts.

Official vs. Private Acts: Prosecutors argue that the alleged crimes (narco-terrorism and cocaine trafficking) do not constitute "official acts" of a sovereign, but rather private criminal conduct.

Noriega Precedent: Courts are expected to follow the precedent of *United States v. Noriega*, where Panamanian leader Manuel Noriega was denied immunity because the U.S. did not recognize his government.

Current Status (2026): Maduro was captured by U.S. special forces on January 3, 2026, and entered a not-guilty plea in a Manhattan federal court on January 5, 2026. His legal team

continues to challenge the prosecution, citing "military abduction" and asserting he remains a sovereign leader.

The defendant Nicolas Maduro Moros has no immunity [supra]. The US Supreme Court held that the Foreign Sovereign Immunities Act (FSIA) does not shield individual foreign officials from being sued. While officials may still invoke common law immunity, they are not automatically protected by the FSIA.

The US Supreme Court, under the Alien Tort Statute (ATS) (28 U.S.C. § 1330), held that while the case was dismissed on extraterritoriality grounds, five justices suggested in their concurring opinions that domestic corporations could still be sued under the Alien Tort Statute (ATS), distinguishing them from the foreign corporations in the Jesner case.

Article 5.1 of the Convention enshrines the right of "[e]very person...to have their physical, mental, and moral integrity respected." The duty of guarantee, in conjunction with Article 5.1, requires that States, and in this case the State of Venezuela under the government and control of Nicolas Maduro Moros and the Defendants, take measures to ensure public safety and enforce international laws on illicit drug control, including with respect to the acts of violence and crime committed by the Defendants in this case.

In this regard, this Honorable Federal Court of the Southern District of New York may note that the Honorable Inter-American Commission on Human Rights has explained that, to ensure the enjoyment of the right to personal integrity, all States must "implement effective preventive actions and operational measures."

However, the Defendants in this case and the State of Venezuela under the government and administration of Nicolas Maduro Moros and these Defendants are responsible for all violations of the rights to life and personal integrity, crimes committed by their

administration and by their government in exporting illicit drugs to the United States, causing the death of hundreds of thousands of American citizens; the Convention implies “duties to adopt preventive and protective measures conditioned on knowledge of a real and immediate risk to a specific individual or group of individuals, such as the citizens of the United States, and on the reasonable possibilities of preventing or avoiding that risk.”

Therefore, the obligation to take measures to protect the life and physical integrity of individuals arises when the State is, or should be, aware of a tangible risk. (4)-.

Given this situation, it is incumbent upon the Defendants and the State of Venezuela, under the administration and government of the Defendants in this case, to evaluate it and determine the necessary and effective measures to prevent the violations cited herein, and it is necessary for the individual, in this case Nicolas Maduro Moros, to identify the origin of the threats stemming from participation in corrupt and violent narcoterrorism, with the conspiracy between the Venezuelan Los Soles Cartel and the Revolutionary Armed Forces of Colombia ("FARC"), so that he may request protection for American and Venezuelan citizens, in general and specifically.

Obligation to Guarantee Freedom of Association- a right violated by Nicolas Maduro Moros and his co-defendants.

The right to freedom of association is enshrined in Article 16 of the American Convention on Human Rights, which confirms in its first paragraph that “[a]ll persons have the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or any other purposes.”

The United States Supreme Court has recognized Freedom of Association as a fundamental right derived primarily from the First Amendment.

U.S. jurisprudence distinguishes two protected aspects: Expressive freedom of association: This is considered indispensable for the exercise of the rights of free expression, peaceful assembly, and petitioning the government, all enshrined in the First Amendment. It protects the right to form groups for political, religious, or social purposes.

Intimate freedom of association: This is primarily linked to the Fourteenth Amendment (due process clause), protecting close and private personal relationships. The landmark case NAACP v. Alabama (1958) was fundamental for the Court to formally establish that freedom of association is an inseparable aspect of freedom of expression and assembly.

The Defendants in this case have violated this right by ordering, committing, and enforcing measures of repression, torture, and imprisonment without due process of law against Venezuelan citizens as well as American citizens and citizens of other countries. As of January 2026, it has been reported that at least five U.S. citizens remain or have recently been in custody in Venezuela under the government of Nicolás Maduro Moros, who was captured by U.S. forces earlier this month, January 2026.

The American citizens identified and reported in this situation include:

James Luckey-Lange: A 28-year-old New Yorker who disappeared in December after crossing Venezuela's southern border. He is one of the Americans whom the U.S. government has designated as "wrongfully detained."

Matthew Heath: A former U.S. Marine who was previously released, but whose recent testimonies (January 2026) allege that he was subjected to torture, including electric shocks and stress positions, in facilities such as the "House of Dreams."

Joseph St. Clair: A U.S. Air Force veteran released in July 2025 after six months of detention.

Other detainees: Although it is mentioned that at least five other Americans were held captive at the end of 2025, the names of new detainees are not always made public for reasons of diplomatic security.

Context of Torture and Detention Conditions: Reports from international organizations and the U.S. State Department document that U.S. citizens detained in Venezuela have been subjected to:

Physical and psychological torture: Including severe beatings, waterboarding, and electric shocks.

Isolation: Prolonged detention without access to consular assistance, independent lawyers, or communication with their families.

Use as "bargaining chips": The Maduro government has been accused of using these citizens as political bargaining tools in the face of sanctions and pressure from Washington.

The Inter-American Court has established “that the freedom of association also entails positive obligations to prevent attacks against it,

to protect those who exercise it, and to investigate violations of that freedom,”

“even in the sphere of relations between private individuals, if the case so warrants.”

According to the doctrine of the Inter-American Commission and the European Court of Human Rights, the right to freedom of association obliges States to take “reasonable and appropriate” measures to protect individuals against violent attacks carried out by private individuals that would prevent them from exercising that right. (admitting the petition, which alleged the State's responsibility for a fatal accident where it had knowledge of the risk). (5)-.

The detention of U.S. citizens and other individuals under the Maduro regime is considered a violation of human rights due to a documented pattern of arbitrary arrests, systematic denial of due process, and the use of detainees as political "bargaining chips."

As of early 2026, the following factors characterize these human rights violations:

Arbitrary and Wrongful Detention: Detentions are often conducted without judicial orders or legitimate legal basis. Many are held on exaggerated charges such as "terrorism," "treason," or "incitement to hatred" for exercising fundamental rights like freedom of speech or assembly.

Hostage Diplomacy: The U.S. State Department and human rights organizations have documented the regime's use of foreign nationals as "bargaining chips" to extract concessions or influence U.S. policy.

Systematic Torture and Ill-Treatment: Credible reports by the UN and NGOs describe the regular use of torture to extract self-incriminating confessions. Common abuses include beatings, suffocation, electric shocks, and sexual violence.

Denial of Due Process: Detainees are frequently held incommunicado for weeks, denied access to legal counsel of their choice, and forced into virtual hearings that undermine fair administration of justice.

Deplorable Conditions: UN investigators have condemned the Venezuelan prison system for inhumane conditions, including lack of medical care and adequate food. (5)-.

Likewise, the duty to guarantee freedom of association is closely linked to the protection of other human and civil rights, since "freedom of association can only be exercised in a

situation where fundamental human rights are fully respected and guaranteed, in particular those relating to life and personal security”.

In this regard, the Venezuelan State should have acknowledged its international responsibility for failing to protect United States citizens from threats related to the export of illicit drugs to the United States, killing groups of hundreds of thousands of diverse individuals in violation of their right to life and dignity; based on this lack of protection, the Inter-American Court concluded that the State of Colombia was responsible for violations of their political rights, freedom of association, and freedom of expression, since “the State did not create the conditions or the necessary guarantees for” the person to exercise their freedom of expression and did not control the violence that hindered their exercise of freedom of association.

Obligation to Investigate Serious Violations of Human Rights, Civil Rights, and the Right to Life.

The obligation to guarantee entails a duty to investigate violations of human rights, civil rights, and the right to life, regardless of whether they were committed by private individuals, by state agents, or, as in this case, by the Defendants.

In this regard, the States Parties and observers to the American Convention on Human Rights, such as the United States, as a member of the Organization of American States (OAS), and therefore subject to the Inter-American Commission on Human Rights (IACHR), are obligated “to investigate any situation in which the human rights protected by the Convention have been violated”²⁷. In this regard, the Inter-American Court has established: If the State apparatus acts in such a way that such a violation remains unpunished and the victim is not restored, as far as possible, to the full enjoyment of their

rights, it can be affirmed that it has failed to fulfill its duty to guarantee the free and full exercise of these rights to the persons subject to its jurisdiction.

The same is true when it tolerates individuals or groups of individuals acting freely or with impunity to the detriment of the human rights recognized in the Convention. This duty extends to suspicious deaths and violent attacks ³⁰ that endanger the life, personal integrity, or freedom of expression or association ³¹ of individuals, as is the case in the State of Venezuela under the administration of the government of the Defendant Nicolas Maduro Moros. (6)-.

The obligation to investigate acquires even greater importance when the alleged violation is of high gravity. The Inter-American Court has established that:

The obligation to investigate ‘acquires particular intensity and importance given the gravity of the crimes committed and the nature of the rights violated,’ even reaching, in some cases, the character of *jus cogens* (referring to fundamental, universal principles in international law that are so essential no state can violate them, invalidating conflicting treaties or customary rules. Recognized by the 1969 Vienna Convention on the Law of Treaties (VCLT), these peremptory norms protect the highest interests of the global community, including prohibitions against genocide, slavery, torture, and racial discrimination, and can only be changed by a later norm of the same character).

In cases of extrajudicial executions, forced disappearances, torture, and other serious human rights violations committed by the Defendants in this case, the Court has considered that conducting an *ex officio*, prompt, serious, impartial, and effective investigation is a fundamental and conditional element for the protection of certain rights affected by these situations, such as personal liberty, personal integrity, and life.

Failure to comply generates, in such cases, international responsibility for the State. An execution or murder carried out by private individuals can also constitute a serious human rights violation, and its investigation must meet certain requirements.

In this regard, the Inter-American Court has established “that, in principle, the deprivation of the right to life constitutes a serious human rights violation.”³⁵

Regardless of whether those responsible are state agents or not, the State always has the obligation to investigate a violent death,³⁶ based on both Article 4.1 and also in accordance with the right of the victim's family members to justice, under Articles 8.1 and 25 of the American Convention.³⁷ 23. “In cases of violent death... [the Inter-American Court considers] that conducting an *ex officio* investigation, without delay, seriously, impartially, and effectively, is a fundamental and conditional element for the protection of the rights affected by this type of situation.”³⁸ This duty, violated by Nicolás Maduro Moros and the Defendants in this case, arises from “the nature and gravity of the facts, even more so if there is a context of systematic human rights violations.”

The duty to investigate implies determining “the intellectual and material responsibility of the perpetrators of [the violations] by the Defendants in this case, as well as of the individuals whose collaboration and acquiescence made the commission of the same possible.”

However, it is an obligation of means and not of result, which means that while it is not strictly necessary for the investigation to be successful, it is essential that it meet certain requirements, such as seriousness, impartiality, and effectiveness, and that it be carried out “by all available legal means and aimed at determining the truth and at the prosecution, capture, trial, and eventual punishment of all those responsible for the acts.”

The same duties and standards apply in the case of a physical attack or threat of violence, in accordance with the positive obligations relating to the right to personal integrity in connection with the duty of guarantee.

In this regard, the Inter-American Court has established that “there is a State obligation to initiate ex officio and immediately an effective investigation that allows for the identification, prosecution, and punishment of those responsible, when there is a complaint or reasonable grounds to believe that an act [that violates Article 5.1] has been committed.”. Finally, the Inter-American Court has established that, when there is a pattern of violations or a high-risk context, conducting an adequate investigation becomes even more important for the protection of the rights enshrined in the American Convention. (7)-.

II. THE STATE OBLIGATION TO GUARANTEE THE ENJOYMENT OF HUMAN RIGHTS REQUIRES THAT STATES ENSURE THAT HUMAN RIGHTS DEFENDERS CAN FREELY CARRY OUT THEIR ACTIVITIES, ARE PROTECTED, AND THAT ANY POSSIBLE OR ACTUAL VIOLATION OF THEIR HUMAN RIGHTS IS DULY INVESTIGATED.

The international community has recognized that States have special obligations to protect human rights defenders and ensure that they can carry out their activities without fear of violent attacks, harassment, or other impediments⁴⁵. This is due to the fact that, in the words of the Inter-American Court of Human Rights, “the monitoring, reporting, and educational activities carried out by human rights defenders contribute essentially to the observance of human rights, as they act against impunity”⁴⁶. Specifically, Inter-American jurisprudence makes it clear that: States have the duty to facilitate the necessary means for human rights defenders to freely carry out their activities; protect them when they are subjected to threats

to prevent attacks on their lives and integrity; refrain from imposing obstacles that hinder the performance of their work; and seriously and effectively investigate violations committed against them, combating impunity.

Before presenting the legal foundations of the special obligations that States, in this case the Defendants, have with respect to human rights defenders, it is convenient to highlight some details of the facts alleged by the petitioners regarding the situation

Under the control of Nicolas Maduro Moros and other Defendants, the following human rights defenders have been imprisoned and tortured. These are, Rocío San Miguel: A prominent human rights lawyer and president of the NGO Control Ciudadano. She was the first prisoner officially confirmed released in January 2026 after being detained in February 2024 on charges of treason and conspiracy.

Enrique Márquez: Former opposition candidate released in early January 2026. Biagio Pilieri: An opposition member and activist released alongside Márquez.

Defenders Recently Imprisoned or At Risk.

While some have been freed, many defenders were targeted during the 2024–2025 crackdown following the disputed July 2024 election:

Javier Tarazona: Director of FundaRedes, who has remained in detention for several years despite international calls for his release. Carlos Julio Rojas: A journalist and human rights activist detained in April 2024.

Post-Election Detainees (2024): Activists Kennedy Tejeda, Edward Ocariz, and Henry Gómez were detained following the 2024 election cycle; as of late 2025, several remained in detention.

Spanish Nationals: Five Spanish citizens, including dual nationals like San Miguel, were released in the 2026 swap. Current Situation (January 2026). The interim government under Delcy Rodríguez has signaled a willingness to release more prisoners to satisfy U.S. demands and "consolidate peace". However, human rights groups caution that hundreds of lower-profile activists and protesters remain in specialized detention centers like Rodeo I, where reports of torture and mistreatment have been documented. (8)-.

Declaration. United Nations General Assembly, March 8, 1999, A/RES/53/144; Declaration on the Right and Responsibility of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution adopted by the United Nations General Assembly on March 17, 2010, A/RES/64/163; Protection of Human Rights Defenders, Resolution adopted by the Human Rights Council, A/HRC/RES/13/13, April 15, 2010, para. 6; OAS General Assembly, AG/RES. 2517 (XXXIX-O/09), paras. 7, 9; OAS General Assembly, AG/RES. 2412 (XXXVIII-O/08) ("Reiterating that 'every person has the right, individually or collectively, to seek, receive and use, for the express purpose of promoting and protecting by peaceful means human rights and fundamental freedoms' in accordance with domestic law, insofar as it is consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms"); and promoted his fundamental rights, he was a human rights defender, as has been argued before this Illustrious Commission by the petitioners in this case and on a previous occasion. (9)-.

Therefore, the definition of "human rights defender" used by the Inter-American Commission and the Inter-American Court applies, considering as such "any person who in any way promotes or seeks the realization of human rights and fundamental freedoms

recognized at the national or international level, should be considered a human rights defender".

The petitioners allege in this amicus curiae brief that we have denounced for several years the threats, crimes, extrajudicial executions, and imprisonments without due process committed by Nicolás Maduro Moros and other defendants.

Likewise, the petitioners in this amicus curiae brief argue that many American states have recognized the existence of an environment of harassment and violence against human rights defenders in the country, and that the Venezuelan government under the administration of Nicolas Maduro Moros and the Defendants have violated their duty to protect citizen human rights defenders when they are at risk.

The Inter-American Commission has determined the international responsibility of Venezuela, Nicolas Maduro Moros and the Defendants with respect to violations of the human rights of defenders and of all the people they represented in their complaints.

Specifically, the Defendant Nicolas Maduro Moros was aware of the arbitrary detentions and extrajudicial executions of foreign and Venezuelan citizens by state agents of the Nicolas Maduro Moros government. (10)-.

In this regard, it should be noted that the United Nations mechanisms for the promotion and protection of human rights have repeatedly drawn attention to the violations and crimes committed against human rights defenders in Venezuela and to the need to take measures to guarantee their safety.

Despite the complaints registered with local, international, and national authorities, no action was taken to reduce the risk or protect the personal integrity of the citizens.

As this Honorable Federal Court is aware, in the complaint filed by the Plaintiff United States against the Defendants NICOLAS MADURO MOROS, DIOSDADO CABELLO RONDON, RAMON RODRIGUEZ CHACIN, CILIA ADELA FLORES DE MADURO, NICOLAS ERNESTO MADURO GUERRA, a/k/a "Nicolasito," a/k/a "The Prince," and HECTOR RUSTHENFORD GUERRERO FLORES, a/k/a "Nifio Guerrero," the defendants, four causes of action are alleged, which are: COUNT ONE (Narco-Terrorism Conspiracy); COUNT TWO (Cocaine Importation Conspiracy); COUNT THREE (Possession of Machineguns and Destructive Devices); COUNT FOUR (Conspiracy to Possess Machineguns and Destructive Devices); All of these allegations are substantiated by the superseding indictment filed by Mr. Geoffrey S. Berman, United States Attorney.

Additionally, the petitioners of this amicus curiae brief allege that Venezuelan state agents under the orders of Nicolás Maduro Moros and the Defendants facilitated the evasion of justice for the murders, and therefore, a diligent and effective investigation of the facts of the violations and crimes against humanity was not carried out.

Furthermore, subsequent to the homicides, the relatives and other citizens allegedly suffered arbitrary detentions and harassment by agents of the Venezuelan Army and Police.

In this regard, the Inter-American Commission has determined the international responsibility of the Colombian State for the extrajudicial execution of Martín Calderón Jurado, a human rights defender and cousin of Valentín Basto. It is in this factual context that it is appropriate to examine the obligations that the Venezuelan State has with respect to human rights defenders. (11)-

The petitioners allege that state agents under the orders of Nicolás Maduro Moros and the Defendants facilitated the evasion of justice for the murders, and that a diligent and effective investigation of the facts was not carried out.

Furthermore, after the homicides, family members and other Venezuelan citizens have suffered arbitrary detentions and harassment by agents of the Venezuelan Army and Police.

In this regard, the Inter-American Commission on Human Rights (IACHR) has repeatedly determined the responsibility of the Venezuelan State for serious human rights violations, classifying the actions of the regime of Nicolás Maduro Moros, the Defendant in this case, as "state terrorism" in recent reports from 2025 and 2026.

Below are the key points regarding these determinations: IACHR Determinations.

International Responsibility: The IACHR has concluded that the Venezuelan State has incurred international responsibility for the violation of political rights, freedom of expression, and judicial guarantees.

State Terrorism: In reports published between 2024 and 2025, the IACHR denounced practices of "state terrorism" used to silence citizens and perpetuate the regime.

2024 Electoral Context: A January 2025 report documented arbitrary detentions, extrajudicial executions, and systematic repression following the July 2024 presidential elections, noting that Maduro's re-election lacks "democratic legitimacy."

Validity of the Convention: Despite Venezuela's attempted withdrawal from the OAS, the Inter-American Court of Human Rights ruled in August 2025 (Chirinos Salamanca Case) that the American Convention remains in force for Venezuela, maintaining the court's jurisdiction to judge violations committed by the State.

Investigations into Crimes Against Humanity. Although the IACtHR determines state responsibility, other international bodies are investigating the individual responsibilities of Nicolás Maduro and other officials:

International Criminal Court (ICC): It maintains an open investigation, "Venezuela I," to determine individual criminal responsibility for crimes against humanity committed at least since 2014.

UN Mission: The UN Fact-Finding Mission confirmed in 2025 reports that the regime operates with a structure that facilitates crimes against humanity to repress dissent.

Situation in 2026: International organizations have reported an escalation in the crisis following recent events in January 2026, including the capture of Nicolás Maduro Moros by external forces, which has generated statements about the collapse of the international order and the need for trials before independent courts.

Additionally, States must ensure the necessary conditions for human rights defenders to carry out their activities freely.

The obligation to guarantee contained in Article 1.1 of the American Convention on Human Rights implies special duties with respect to the activities and security of human rights defenders.

First, the Inter-American Court "considers that States have the duty to create the necessary conditions for the effective enjoyment and exercise of the rights established in the Convention.

The fulfillment of this duty is intrinsically linked to the protection and recognition of the importance of the role played by human rights defenders, whose work is fundamental for strengthening democracy and the rule of law".

The Court has urged “[that States must provide effective and adequate guarantees to human rights defenders to freely carry out their activities, and that it is advisable to pay particular attention to actions that limit or hinder their work”.

Likewise, “it has established that States have the duty to facilitate the necessary means for human rights defenders to freely carry out their activities... [and] refrain from imposing obstacles that hinder the performance of their work,” with respect to freedom of association. This duty requires the creation of both legal and factual conditions “in which they can freely carry out their function”. For its part, the Inter-American Commission has urged that “States are obligated to develop positive actions that translate into the eradication of environments incompatible with or dangerous to the protection of human rights and into the duty to generate the conditions to eliminate violations of the right to life and personal integrity by state agents or private individuals, in such a way that human rights defenders can freely carry out their activities” and that “States must guarantee that the right to defend rights is exercised as freely as possible, without any kind of arbitrary or abusive pressure that hinders its legitimate exercise...”

In this vein, the Inter-American Court has emphasized “that those under the protection of the Convention... enjoy the right and freedom to pursue a legitimate goal, without pressure or interference that may alter or distort its purpose,” such as fear or apprehension.

Other international human rights mechanisms have also established that the obligation to guarantee implies maintaining a conducive and non-intimidating environment that allows human rights defenders to freely carry out their activities. In this regard, the African Commission on Human and Peoples' Rights has stated that the advocacy activities carried out by human rights defenders “are some of the most important exercises of human rights

and as such should enjoy substantial protection...” and that “the value of [such] activities for the protection and promotion of human rights” should be considered and that State actions should be prevented from producing an “effect that seriously discourages others who could also contribute to the promotion and protection of human rights”.

In this sense, the Special Rapporteur about human rights defenders has urged several States, especially Venezuela, to “take the necessary measures to guarantee an environment that is conducive to the work of human rights defenders and that allows them to carry out their legitimate work without fear of persecution”.

The United Nations Human Rights Council has highlighted the importance of ensuring “that all persons [can] express their grievances or aspirations peacefully...without fear of being injured [or] beaten.”. Something that has been violated and punished with imprisonment in Venezuela by the government of Nicolás Maduro Moros and his supporters. For its part, the European Court of Human Rights has determined that interference with the free exercise of protected rights by State or non-State actors may give rise to the international responsibility of the State. For example, in a case concerning the detention of several Turkish lawyers who were involved in the defense of human rights... Regarding human rights and those representing individuals accused of terrorism, the European Court emphasized: the central role of the legal profession in the administration of justice and the maintenance of the rule of law. The freedom of lawyers to practice their profession without undue hindrance is an essential component of a democratic society.

Democratic and a necessary condition for the effective application of the provisions of the Convention... The persecution and harassment of members of the legal profession strikes at the very heart of the Convention system.

For this reason, allegations of persecution in any of its forms, but the mass arrests of lawyers and the raiding of their offices in particular, will be subject to especially strict scrutiny by the Court. As is the case with the government of Nicolas Maduro Moros and the Defendants. Furthermore, the European Court “expressed its concern about the inevitably chilling effect that the case should have had on all persons involved in criminal defense work or the protection of human rights in Turkey.” (12)-.

The freedom of lawyers to practice their profession without undue hindrance is an essential component of a democratic society and a necessary prerequisite for the effective enforcement of the provisions of the Convention, in particular the guarantees of fair trial and the right to personal security. Persecution or harassment of members of the legal profession thus strikes at the very heart of the Convention system.

For this reason, allegations of such persecution in whatever form, but particularly large-scale arrests and detention of lawyers and searching of lawyers' offices, will be subject to especially strict scrutiny by the Court.” (13)-.

On at least one occasion, the Inter-American Court has “deemed it appropriate to order the State to conduct a national awareness and sensitization campaign, aimed at security officials, justice operators, and the general population, on the importance of the work carried out by” human rights defenders. States Must Protect Human Rights Defenders from Threats and Harassment.

The States parties to the American Convention have the obligation to “protect human rights defenders when they are subjected to threats to prevent attacks on their lives and integrity; and to refrain from imposing obstacles that hinder the performance of their work.”. The Inter-American Court recognizes that “the defense of human rights can only be exercised

freely when the people who carry it out are not victims of threats or any type of physical, psychological, or moral aggression and other acts of harassment. To this end, States have the obligation to adopt special protection measures for women and men human rights defenders, in accordance with the functions they perform, against the acts of violence that are regularly committed against them, and, among other measures, they must protect them when they are subjected to threats to prevent attacks on their lives and integrity and create the conditions for the eradication of violations by state agents or private individuals...”.

While the obligation to prevent human rights violations arises only when “at the time of the events the authorities knew or should have known of the existence of a real and immediate risk to the life of a specific individual or group of individuals,” when seeking State protection for an individual, the fact that he or she belongs to a vulnerable group that is experiencing attacks or intimidating acts contributes to triggering the State's responsibility to act.

The Inter-American Court of Human Rights has established that when the actions of state agents contribute to an environment of harassment against journalists, the international responsibility of the State may be generated for violating its obligation to guarantee the rights enshrined in the American Convention. In the face of this type of situation, the State must clearly state that it condemns any type of attack or harassment of individuals who are legitimately exercising their fundamental rights.

When the State fails to control or permits a situation of risk that aggravates the vulnerability of human rights defenders, as is the case in Venezuela under the administration of Nicolás Maduro Moros and his supporters, responsibility for violations of their rights to personal liberty, personal integrity, and life can be attributed to the State “by reason of the failure, through omission, to fulfill its conventional ‘erga omnes’ obligations to guarantee the

effectiveness of human rights... and this is concretized and aggravated by having failed to effectively suppress or resolve the situation of risk [that was allowed to occur]."

"*Erga omnes*" means "towards all" or "for all," and is used in this case to describe a norm, judgment, right, or legal effect that binds or affects everyone, not only the parties directly involved in a dispute. It applies to certain international obligations that protect essential collective interests.

The Inter-American Commission has indicated that, "by virtue of the duty to guarantee human rights, States are obligated to reasonably prevent threats, attacks, and harassment against human rights defenders and lawyers; to seriously investigate the facts that are brought to their attention; and so on." as, in this case, sanctioning the responsible defendants and providing adequate reparation to the victims, regardless of whether the acts are committed by state agents or private individuals."

Other international bodies agree that the failure to protect human rights defenders not only generates the international responsibility of the State but also requires special attention due to the possible social consequences.

The United Nations Working Group on Arbitrary Detention has determined that "...governments have specific duties to protect human rights defenders against the different forms of harassment they may encounter in their activities. When there are allegations of human rights violations in this context, such as a pattern of harassment, national authorities and international oversight bodies must apply the high standard of review of government action." For its part, the European Court of Human Rights has cautioned about the "chilling effect" that the refusal to protect demonstrators from possible attacks by counterdemonstrators can have, which may constitute a violation of the right to freedom of

association. The Inter-American Commission has also “indicated that a systematic and repeated practice of attacks against the life, physical integrity, and freedom of the members of a human rights defense organization additionally constitutes a violation of the freedom of association.” (14)-.

Allowing a situation of risk that aggravates the vulnerability of human rights defenders, the responsibility for violations of their rights to personal liberty, personal integrity, and life can be attributed to the State “due to the failure by omission to fulfill its conventional obligations *erga omnes* to guarantee the effectiveness of human rights...and is concretized and aggravated by having suppressed or effectively resolved the situation of risk [that was allowed to occur]”. The Inter-American Commission has indicated that, “by virtue of the duty to guarantee human rights, States are obligated to reasonably prevent threats, attacks, and harassment against human rights defenders; to seriously investigate the facts brought to their attention; and, where appropriate, to sanction those responsible and provide adequate reparation to the victims, regardless of whether the acts are committed by state agents or by private individuals.”

Other international bodies agree that negligence in protecting human rights defenders not only generates the international responsibility of the State but also requires special attention due to the possible social consequences. The United Nations Working Group on Arbitrary Detention has determined that “...governments have specific duties to protect human rights defenders against the different forms of harassment they may encounter in their activities. When there are allegations of human rights violations in this context, such as a pattern of harassment, national authorities and international oversight bodies must apply the high standard of review of government action.”

For its part, the European Court of Human Rights has cautioned about the “chilling effect” that the refusal to protect demonstrators from possible attacks by counter-demonstrators can have, which may constitute a violation of the right to freedom of association. The Inter-American Commission has also “indicated that a systematic and repeated practice of attacks against the life, physical integrity, and liberty of the members of a human rights defense organization additionally constitutes a violation of the freedom of association.” (15)-

States Must Seriously and Effectively Investigate Threats and Violations Committed Against Human Rights Defenders. American States must “seriously and effectively investigate violations committed against human rights defenders, combating impunity.”

The Inter-American Court has “reiterated that threats and attacks on the integrity and life of human rights defenders, and the impunity of those responsible for these acts, are particularly serious because they have not only an individual but also a collective effect, insofar as society is prevented from knowing the truth about the situation regarding respect for or violation of the rights of individuals under the jurisdiction of a given State.” Therefore, the State is obligated to investigate threats and attacks against defenders at risk, combating impunity.

The State's duty to investigate may arise when it is alleged that the life or personal integrity of a specific person may be at risk and the State is aware that he or she belongs to a group that has been harassed or attacked by private individuals. The Illustrious Inter-American Commission has emphasized the State's obligation to “respond with effective investigations, prosecutions, and sanctions” in the face of “persecution, including threats, harassment, torture, and extrajudicial executions” of human rights defenders. On the specific issue of attacks against journalists, the Commission “has considered that... the State's failure to

investigate and administer justice compromises its international responsibility. [...] A State's failure to fully investigate the murder of a journalist is especially serious because of the impact it has on society."

As of January 2026, the human rights situation in Venezuela remains critical, with thousands of individuals having been arrested for political reasons over the past decade.

Total Detentions and Recent Data: Historical Arrests (2013–2026): Upwards of 18,000
Venezuelans have been arrested for political reasons since 2013. Foro Penal reports a total of 17,882 politically motivated arrests specifically between 2014 and early 2026.

Current Detainees: As of mid-January 2026, approximately 800 to 1,000 political prisoners remain in detention. This figure includes human rights defenders, opposition members, journalists, and members of civil society.

Recent Surge (Post-July 2024 Election): Following the disputed 2024 presidential election, a major crackdown known as "Operación Tun-Tun" (Operation Knock-Knock) led to over 2,400 arrests in just two weeks.

Status of Human Rights Defenders: Attacks and Arrests: In the first half of 2024 alone, over 592 attacks on human rights defenders were registered, a 92% increase from the previous year.

Prominent Cases: Several high-profile defenders remain in prison or were only recently released in early 2026, including:

Rocío San Miguel: A prisoner of conscience and veteran human rights advocate who was released on January 8, 2026, following her detention in February 2024.

Javier Tarazona: Director of FundaRedes, who has remained in prison since July 2021.

Others: Activists such as Kennedy Tejeda, Eduardo Torres, and Carlos Julio Rojas continue to be held arbitrarily.

Abuses and Conditions: Systemic Abuse: Detainees are frequently subjected to torture, inhumane treatment, and incommunicado detention. The UN has condemned these conditions as "deplorable" and potentially constituting crimes against humanity.

Judicial Harassment: Many defenders face exaggerated charges such as "terrorism," "treason," and "inciting hate" without ever facing a fair trial.

Recent Developments: Following the ouster of Nicolás Maduro Moros by U.S. forces in early January 2026, the new caretaker government began releasing some prisoners, but independent organizations like Foro Penal have verified only a small fraction of the releases claimed by authorities.

The Commission's warning that "the State must send a clear and forceful message to society that it will sanction those who resort to violence to prevent the free exercise of the right to freedom of expression" can be equally applied to the context of deadly attacks against human rights defenders, given their indispensable role in a democratic society. Such an investigation must be "immediate, serious, and effective" when the State becomes aware of "acts that endanger the life or integrity of human rights defenders [...], due to their work." Regarding the violent death of a human rights defender, the lack of an adequate investigation can accentuate and aggravate the intimidating effect on other defenders, giving rise to a violation of the freedom of association. (16)-.

The Failure to Guarantee the Human Rights of Human Rights Defenders Can Aggravate the State's International Responsibility. Finally, it should be noted that a stricter standard may be applied to the analysis of a State's failure to comply with its obligation to respect and guarantee the human rights of individuals dedicated to the promotion and protection of human rights,¹⁰³ considering such violations "particularly serious in a democratic society." In this regard, the Inter-American Court has attributed responsibility for acts committed by private individuals to the Colombian State, which "is concretized and aggravated" by its failure to effectively resolve a situation of risk to which it contributed. As for acts of harassment directly attributed to state agents, both the European Court of Human Rights and the United Nations Working Group on Arbitrary Detention have determined that a particularly strict scrutiny should be applied.

CONCLUSION.

States Parties to the American Convention on Human Rights have the obligation to guarantee the fundamental rights enshrined in that instrument. This duty implies taking protective and preventive measures, as well as punitive measures. In accordance with the obligation to ensure the enjoyment of human rights, States incur responsibility for the actions of private individuals, in certain circumstances, when they have not taken the reasonably necessary measures to prevent violations of protected rights or when they fail in their duty to protect individuals at risk.

The obligation to guarantee entails a duty to conduct a serious and effective investigation when the State is aware of a violation of the rights to life or personal integrity or is aware of a tangible risk of a violent attack against an identified individual or group, including with respect to possible interference with the free exercise of freedom of association. When a

serious violation of the right to life or personal integrity is committed, the investigation becomes even more important as a tool to prevent violations from going unpunished and to prevent their recurrence.

States have special obligations regarding human rights defenders, a group that includes individuals who promote the rights of peasants. Beyond respecting and guaranteeing their fundamental rights, States are obligated to take measures aimed at ensuring that human rights defenders can freely carry out their activities without fear of reprisals or experiencing obstacles from state agents or private individuals. These special obligations stem from the important role played by human rights defenders, which is indispensable in a democratic society.

Consequently, States must ensure the necessary conditions for the free exercise of their legitimate activities, protect them when they are subjected to threats, refrain from imposing obstacles that hinder their work, and investigate violations committed against them. The international responsibility of the State may be incurred when its agents contribute to – or allow the existence of – an environment of harassment against human rights defenders. In the jurisprudence of various international human rights mechanisms, a trend has been observed of applying a stricter standard to the analysis of alleged violations committed against human rights defenders. I take this opportunity to express to you the assurances of our highest consideration. (17)-.

For the foregoing reasons, Amicus Curiae respectfully urges this Court to recognize the sufficiency of the allegations concerning the long-standing narco-terrorism and cocaine import conspiracy.

The evidence demonstrates that the defendants used the Cartel de los Soles—not merely as a criminal organization, but as a deeply entrenched "culture of corruption" within the Venezuelan state—to provide material support to the FARC.

This collaborative enterprise facilitated the transshipment of multi-ton cocaine loads into the United States, weaponizing sovereign institutions to protect terrorist operations and enriching a patronage system at the highest levels of government.

Given the profound threat this conspiracy poses to U.S. national security and the integrity of international Regarding narcotics control, the Court should find that the defendants' actions fall squarely within the scope of federal narco-terrorism and conspiracy statutes.

As of January 2026, U.S. prosecutors have reframed "Cartel de los Soles" in some filings as a "culture of corruption" or a patronage system rather than a monolithic, structured drug cartel.

Nicolás Maduro Moros was recently captured and brought to the U.S., where he pleaded not guilty in January 2026 to charges of narco-terrorism and cocaine importation conspiracy.

The conspiracy involves allegations that Maduro's regime allowed the FARC to use Venezuela as a safe haven and transit point for cocaine destined for the U.S. in exchange for shared profits and security.

The U.S. Department of the Treasury designated the 'Cartel de los Soles' as a Specially Designated Global Terrorist (SDGT) in July 2025 and as a Foreign Terrorist Organization (FTO) in November 2025.

Respectfully submitted by the following signatories:

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Magaly “DSpain” Peña Flores - General Director of the Secretariat - AICACHR. [Madrid, Spain].

All amicus parties have assumed electronic signatures under Federal Law: These all are Electronic Signatures in Global and National Commerce Act (ESIGN), codified as 15 U.S.C. ss 7001, provides validity for electronic records and signatures in state and interstate commerce.

Summary of Argument:

Although the United States signed the American Convention on Human Rights (Pact of San José) in 1977, it has never ratified it.

This prevents it from being a State Party to the treaty and from accepting the contentious jurisdiction of the Court.

However, the relationship with the system: As a member of the Organization of American States (OAS), the United States is subject to the Inter-American Commission on Human Rights (IACHR), but not to the binding judgments of the Court.

Furthermore: Indirect Participation. Despite not being a member of the Court, U.S. citizens can be part of the organs of the inter-American system. Case on point. As of January 1, 2026, Commissioner Rosa María Payá (a U.S. citizen) joined the Inter-American Commission on Human Rights.

Rosa María Payá is a human rights activist and defender who, since June 2025, has served as a Commissioner on the Inter-American Commission on Human Rights (IACHR). Her

current position: Election to the IACRH: She was elected by the General Assembly of the Organization of American States (OAS) on June 27, 2025, after being nominated by the United States government.

She is the first person of US - Cuban nationality and the first figure from the opposition to the Havana regime to hold a seat on this regional body.

Current Work (2026): As a Commissioner, her mandate focuses on monitoring compliance with human rights obligations in the Americas, with a commitment to bringing the commission closer to victims and protecting democracy in the region.

Based on the reasons previously stated, the signatory organizations believe that this Honorable Court must ensure the restoration of the rights of the victims of the United States-victims of drug trafficking through poisoning and death caused by these illicit drugs imported into the U.S. by the cartel led by Nicolás Maduro Moros and other defendants.

Also, the victims of the crimes committed by Nicolás Maduro Moros and other defendants. Therefore, we believe that these actions by NICOLAS MADURO MOROS and Defendants are guilty of all charges require the United States justice system to find the guilty parties and convict them to under:

Narco-Terrorism Conspiracy (21 U.S.C. § 960a): This is the lead charge against Nicolas Maduro Moros and key associates like Diosdado Cabello and Ramón Rodríguez Chacín, et al. It alleges they partnered with designated Foreign Terrorist Organizations (FTOs)—including the FARC, ELN, and Tren de Aragua—to distribute cocaine while providing

financial support to these groups. It carries a mandatory minimum sentence of 20 years and a maximum of life imprisonment.

Cocaine Importation Conspiracy (21 U.S.C. § 963): All six primary defendants, including Maduro's wife Cilia Flores and son Nicolás Maduro Guerra, are charged with conspiring to import kilograms or more of cocaine into the U.S. This carries a mandatory minimum of 10 years and a maximum of life imprisonment.

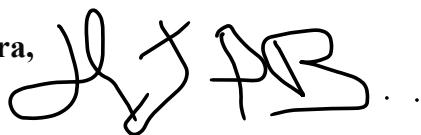
Weapons Offenses (18 U.S.C. § 924(c)): The defendants are charged with possessing and conspiring to possess machine guns and destructive devices during and in relation to the drug trafficking crimes. These charges carry mandatory consecutive sentences (added on top of other sentences), often including a 30-year mandatory minimum for machine gun use.

Money Laundering & Corruption: Other defendants in related cases have been charged with conspiracy to commit money laundering and violations of the Foreign Corrupt Practices Act (FCPA) for schemes involving bribes to secure state contracts.

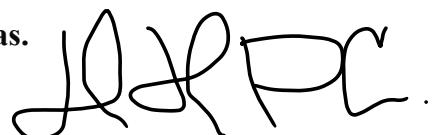
Wherefore, the Amicus Amici persons and entity filing this brief respectfully requests that this Honorable Court enter judgment in favor of the United States -Plaintiff and against the Defendants; that the Court find the Defendants guilty of the counts alleged in the indictment; and that the Court impose appropriate sentences and penalties as provided by law.

Very respectfully yours, Amicus Curiae Brief presented in Pro Se by:

Humphrey John Pachecker Barrera,



Humphrey Humberto Pachecker Cardenas.



AUTHORITIES CITED:

(1)- See. *Alien Tort Statute (ATS)* (28 U.S.C. § 1330) US Supreme Court: 1. *Sosa v. Alvarez-Machain* (2004); 2. *Kiobel v. Royal Dutch Petroleum Co.* (2013); 3. *Jesner v. Arab Bank, PLC* (2018); 4. *Nestlé USA, Inc. v. Doe* (2021); *The Court further restricted the scope of domestic conduct required to support a claim under the ATS. Insufficient Domestic Conduct: It held that general corporate decision-making within the U.S. (e.g., from a headquarters) is too "common" or "generic" to provide the required connection to the U.S. for an ATS claim involving conduct abroad. Domestic Corporations: While the case was dismissed on extraterritoriality grounds, five justices suggested in their concurring opinions that domestic corporations could still be sued under the Alien Tort Statute (ATS), distinguishing them from the foreign corporations in the Jesner case.*

*The Torture Victim Protection Act of 1991 (TVPA), enacted on March 12, 1992, as Public Law 102-256 (106 Stat. 73), is codified at 28 U.S.C. § 1330. Since its enactment, several landmark cases have defined the scope and limitations of the TVPA: *Mohamad v. Palestinian Authority* (2012): The U.S. Supreme Court ruled that the TVPA applies only to natural persons ("individuals"). *Samantar v. Yousuf* (2010).*

Samantar v. Yousuf (2010): The Supreme Court held that the Foreign Sovereign Immunities Act (FSIA) does not shield individual foreign officials from being sued. While officials may still invoke common law immunity, they are not automatically protected by the FSIA. *Jesner v. Arab Bank* (2018). *Jane Does 1-5 v. Obiano* (2025). *Kadic v. Karadzic* (1995): Established that "state action" for purposes of the TVPA can be satisfied by individuals acting "under color of law," even if they are not part of a formally recognized government (e.g., leaders of self-proclaimed republics).

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(2)- See. *International Covenant on Civil and Political Rights*, art. 2.1; *International Covenant on Economic, Social and Cultural Rights*, art. 2.2; *European Convention for the Protection of Human Rights and Fundamental Freedoms*, art. 1; *African Charter on Human and Peoples' Rights*, arts. 1, 2. See also *Human Rights Committee, General Comment No. 31, Nature of the general legal obligation imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13, May 26, 2004. 3 See, e.g., *Inter-American Court of Human Rights. Velásquez Rodríguez Case v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4*, paras. 164-77. See also *Commission on Human Rights*, 61st sess., provisional agenda item 17, *Updated*

Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, E/CN.4/2005/102/Add.1 (2005).

(3)- See. *Inter-American Court of Human Rights. Case of González and others ("Cotton Field") v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205; Inter-American Court of Human Rights. Case of Ríos and others v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194, para. 283. 5 Inter-American Court of Human Rights. Case of the Pueblo Bello Massacre v. Colombia. Judgment of January 31, 2006. Series C No. 140, para. 112. See also, Inter-American Court of Human Rights. Case of the Mapiripán Massacre v. Colombia. Judgment of September 15, 2005. Series C No. 134, para. 111. 6 Case of the Pueblo Bello Massacre v. Colombia, Series C No. 140, para. 112. See also, Case of the Mapiripán Massacre v. Colombia, Series C No. 134, para. 111. 7 Inter-American Court of Human Rights. Case of Godínez Cruz v. Honduras. Merits. Judgment of January 20, 1989. Series C No. 5, para. 182. 8 Case of the Mapiripán Massacre v. Colombia, Series C No. 134, para. 110. 9 Case of the Pueblo Bello Massacre v. Colombia, Series C No. 140, para. 111.*

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(4)- See. *IACtHR, Report on Citizen Security and Human Rights (2009), para. 43, citing I/A Court H.R. Baldeón García v. Peru. Judgment of April 6, 2006, Series C No. 147, para. 81; I/A Court H.R. Sawhoyamaxa Indigenous Community v. Paraguay. Judgment of March 29, 2006, Series C No. 146, para. 154; and Case of the Pueblo Bello Massacre v. Colombia, Series C No. 140. Para. 111. See also IACtHR Court. González and others ("Campo Algodonero") Case v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 244. 11 Pueblo Bello Massacre Case v. Colombia, Series C No. 140. 12 IACtHR Court. "Street Children" Case (Villagrán Morales and others) v. Guatemala. Merits. Judgment of November 19, 1999. Series C No. 63, para. 144; United Nations Human Rights Committee, General Comment 6 (1982), para. 3. See also ECtHR, Nachova and Others v. Bulgaria [GC], nos. 43577/98 and 43579/98, Judgment of July 6, 2005, para. 93 ("Article 2, which safeguards the right to life, ranks as one of the most fundamental provisions in the Convention and enshrines one of the basic values of the democratic societies making up the Council of Europe. The Court must subject allegations of a breach of this provision to the most careful scrutiny."). 13 Case of the "Street Children" (Villagrán Morales and others) v. Guatemala, Series C No. 63, para. 144. See also ECtHR, Osman v. the United Kingdom, no. 87/1997/871/1083, Judgment of 28 October 1998, paras. 115-16. 14 Report on Citizen Security and Human Rights, *supra* note 10, para. 122. See also, González and others ("Campo Algodonero") Case v. Mexico, Series C No. 205, para. 246. 15 *Ibid.*, para. 124. 16 Case of the Pueblo Bello*

Massacre v. Colombia, Series C No. 140, para. 123. 17 IACtHR Court. Case of the Mapiripán Massacre v. Colombia. Judgment of September 15, 2005. Series C No. 134. See also, IACtHR, Report No. 17/03, Petition 11.823, María Estela Acosta Hernández and others (Mexico), February 20, 2003

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(5)- See. *Violations of the Venezuelan Constitution and Domestic Law. Despite protections written into Venezuelan law, the Nicolas Maduro Moros regime systematically disregards them: Right to Liberty (Article 44): The constitution prohibits arrest without a judicial order unless caught in the act (flagrante delicto); however, security forces regularly conduct mass arrests and raids without warrants. Due Process and Fair Trial (Article 49). Vélez Restrepo and Family Members v. Colombia Case. NAACP v. Alabama case (1958) NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958). Inter-American Court of Human Rights. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 3, 2012. Series C No. 248, para. 201. See also ECtHR, Osman v. United Kingdom [GC], no. 23452/94, Judgment of October 28, 1998, para. 116 ("For the Court, and having regard to the nature of the right protected by Article 2, a right fundamental in the scheme of the Convention, it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge."). 19 Inter-American Court of Human Rights. Kawas Fernández v. Honduras Case. Merits, Reparations and Costs. Judgment of April 3, 2009. Series C No. 196, para. 144, citing Inter-American Court of Human Rights. Huilca Tecse Case v. Peru. Merits, Reparations, and Costs. Judgment of March 3, 2005. Series C No. 121, para. 76; Inter-American Court of Human Rights. Cantoral Huamaní and García Santa Cruz Case v. Peru. Preliminary Objection, Merits, Reparations, and Costs. Judgment of July 10, 2007. Series C No. 167, para. 141. 20 Kawas Fernández Case v. Honduras, Series C No. 196, para. 144, citing Inter-American Court of Human Rights. Nogueira de Carvalho and another Case v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 74; Inter-American Court of Human Rights. Valle Jaramillo and others Case v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 87; Mery Naranjo and others (Colombia) Case. Provisional Measures. Resolution of the Inter-American Court of Human Rights of September 22, 2006, considering 8;*

Mery Naranjo and others (Colombia) Case. Provisional Measures. Resolution of the Inter-American Court of Human Rights of January 31, 2008, considering 4; Lysias Fleury (Haiti) Case. Resolution of the Inter-American Court of Human Rights of June 7, 2003, considering 5; Lysias Fleury (Haiti) Case. Resolution of the Inter-American Court of Human Rights of December 2, 2003, considering 10; Carlos Nieto and others Case. Provisional Measures. Resolution of the Inter-American Court of Human Rights of July 9, 2004, considering 10; Álvarez and others (Colombia) Case. Provisional Measures. Resolution of the Inter-American Court of Human Rights of February 8, 2008, consideration 23; Monagas Judicial Detention Center ("La Pica") Case (Venezuela). Provisional measures. Resolution of the Inter-American Court of Human Rights of February 9, 2006, consideration 14; Members of the Community Studies and Psychosocial Action Team (ECAP) Case (Guatemala). Resolution of the Inter-American Court of Human Rights of October 20, 2006, consideration 10. 21 See, e.g., IACtHR, Admissibility and Merits Report No. 13/96, Case 10.948, Comadres (El Salvador), March 1, 1996, para. 25; IACtHR, Merits Report No. 29/96, Case 11.303, Carlos Ranferí Gómez López (Guatemala), October 16, 1996; ECtHR, Ouranio Toxo and others v. Greece, no. 74989/01, Judgment of October 20, 2005; ECtHR, Plattform "Ärzte für das Leben" v. Austria, no. 10126/82, Judgment of May 25, 1988, para. 34. Cf. Inter-American Court of Human Rights. Álvarez and

others Case (Colombia). Provisional Measures. Resolution of the Inter-American Court of Human Rights of November 11, 1997.

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(6) See *Kawas Fernández Case, Series C No. 196, 150, citing Huilca Tecse Case, Series C No. 121, para. 75; and Cantoral Huamaní and García Santa Cruz Case, Series C No. 167, para. 146.* 23 *Inter-American Court of Human Rights. Manuel Cepeda Vargas Case v. Colombia. Preliminary Objections, Merits, Reparations and Costs. Judgment of May 26, 2010. Series C No. 213, para. 170.* 24 *Ibid.*, paras. 176-77. 25 *Inter-American Court of Human Rights. Velásquez Rodríguez Case v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, paras. 166, 173, 174, 176, 177.* 26 *Ibid.*, paras. 166, 173, 174, 176, 177. Cf. ECtHR, *Cyprus v. Turkey*, no. 25781/94, *Judgment of May 10, 2001, para. 136.* 27 *Inter-American Court of Human Rights. Godínez Cruz Case v. Honduras. Merits. Judgment of January 20, 1989. Series C No. 5, para. 187.* 28 *Ibid.* 29 See, e.g., ECtHR, *Nachova v. Bulgaria*, App. Nos. 43577/98 and 43579/98, *Judgment of July 6, 2005 (Grand Chamber)*, para. 110; ECtHR, *McCann and Others v. the United Kingdom*, *Judgment of September 27, 1995, Series A No. 324, p. 49, para. 161*; ECtHR, *Salman v. Turkey [GC]*, no. 21986/93, *ECHR 2000-VII*, para. 105; *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Recommended by the Economic and Social Council in its resolution 1989/65, of May 24, 1989; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, December 16. September 2005, beginning.*

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(7) See, e.g., *Human Rights Committee, Alzery v. Sweden*, CCPR/C/88/D/1416/2005, November 10, 2006; ECtHR, *Angelova and Iliev v. Bulgaria*, no. 55523/00, *Judgment of July 26, 2007, paras. 93-98.* 31 ECtHR, *Plattform "Ärzte für das Leben" v. Austria*, no. 10126/82, *Judgment of May 25, 1988, para. 34.* 32 E.g., *Inter-American Court of Human Rights. Ríos and others v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 28, 2009. Series C No. 194, para. 40; Inter-American Court of Human Rights. Velásquez Rodríguez v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, paras. 174-77.* See also *Council of Europe, Eradicating Impunity for Serious Human Rights Violations, Guidelines adopted by the Committee of Ministers on March 30, 2011*, available at http://www.coe.int/t/dgi/publications/others/h-inf_2011_7en.pdf. 33 *Ríos and others v. Venezuela*, Series C No. 194, para. 283. 34 See IACtHR Court. *González and others ("Campo Algodonero") v. Mexico. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 388.* Cf. IACtHR Court. *Carpio Nicolle and others v. Guatemala. Merits, Reparations and Costs. Judgment of November 22, 2004. Series C No. 117, para. 128* (indicating, in reference to the relatives of

the victim of a homicide, "every person, including the relatives of victims of serious human rights violations..."). See also, *Report of the Special Rapporteur on extrajudicial executions to the General Assembly*, A/64/187, July 29, 2009, para. 66 ("...vigilante killing[s]...by their very nature [] are murders and grave violations of the right to life and of the right to be fairly tried by a court of law"). 35 IACtHR Court. *Barrios Family v. Venezuela*. Merits, Reparations and Costs. Judgment of November 24, 2011. Series C No. 237, para. 323, citing IACtHR Court. *Barrios Altos v. Peru*. Merits. Judgment of March 14, 2001. Series C No. 75, para. 41; and IACtHR Court. *Vera Vera and another v. Ecuador*. Preliminary Objection, Merits, Reparations and Costs. Judgment of May 19, 2011. Series C No. 224, para. 177. See also *González and others Case ("Cotton Field") v. Mexico*, Series C No. 205, paras. 388, 465. 36 See, e.g., *ECHR*, *Sabuktekin v. Turkey*, no. 27243/95, Judgment of March 19, 2002, paras. 97-98.

See, e.g., *Inter-American Court of Human Rights. Mapiripán Massacre Case v. Colombia*. Judgment of September 15, 2005. Series C No. 134, paras. 195, 216, 219, 223 ("in cases of violations of the right to life, compliance with the obligation to investigate constitutes a central element in determining State responsibility for the failure to observe due process and judicial protection"); *González and others Case ("Cotton Field") v. Mexico*, Series C No. 205, para. 389.

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(8)-. See. *Inter-American Court of Human Rights. Kawas Fernández v. Honduras*. Merits, Reparations and Costs. Judgment of April 3, 2009. Series C No. 196, para. 75. 39 *Inter-American Court of Human Rights. Ríos and others v. Venezuela*. Preliminary Objections, Merits, Reparations and Costs. Judgment of January 28, 2009. Series C No. 194, para. 283. 40 See *Inter-American Court of Human Rights. Mapiripán Massacre Case v. Colombia*. Judgment of September 15, 2005. Series C No. 134, para. 298. 41 *Inter-American Court of Human Rights. González and others ("Campo Algodonero") v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 289. 42 See ECtHR, *Case of Members of the Iglesia Congregation of Jehovah's Witnesses and others v. Georgia*, no. 71156/01, Judgment of May 3, 2007, paras. 96, 97, 118-25. 43 *González and others ("Campo Algodonero") Case*, Series C No. 205, para. 246, citing *Inter-American Court of Human Rights. Miguel Castro Castro Prison Case v. Peru*. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 276. 44 See, e.g., *Ríos and others v. Venezuela Case*, Series C No. 194, para. 283. 45 See, e.g., *Declaration on the Right and Responsibility of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution adopted by the General Assembly*.

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(9)- See. *OAS General Assembly, AG/RES. 2280 (XXXVII-0/07); OAS General Assembly AG/RES. 2177 (XXXVI-0/06); OAS General Assembly, AG/RES. 2036 (XXXIV-0/04); General Assembly, AG/RES. 1920 (XXXIII-0/03); OAS General Assembly, AG/RES 1842 (XXXII-0/02); OAS General Assembly, AG/RES 1818 (XXXI-0/01); OAS General Assembly, AG/RES 1711 (XXX-0/00); OAS General Assembly, AG/RES 1671 (XXIX-0/99); OAS General Assembly, AG/RES 1044 (XX-0/90); Council of the European Union, Draft Council conclusions on EU guidelines on human rights defenders, 100056/1/04 REV 1, June 9, 2004; AfCHPR, Resolution on the Protection of Human Rights Defenders in Africa, ACHPR/Res. 69 (XXXV) 04; Organization of African Unity, Grand Bay (Mauritius) Declaration and Plan of Action, April 16, 1999. 46 Inter-American Court of Human Rights. *Fleury and others v. Haiti Case. Merits and Reparations. Judgment of November 23, 2011.**

Series C No. 236, para. 80, citing Inter-American Court of Human Rights. Nogueira de Carvalho and others v. Brazil Case. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 74; and Inter-American Court of Human Rights. Valle Jaramillo and others v. Colombia Case. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192, para. 87. 47 Inter-American Court of Human Rights. Kawas Fernández v. Honduras Case. Merits, Reparations and Costs. Judgment of April 3, 2009. Series C No. 196, para. 145; Inter-American Court of Human Rights. Escher and others v. Brazil Case. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 6, 2009. Series C No. 200, para. 172.

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(10)- See, e.g., *Declaration on the Right and Responsibility of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution adopted by the United Nations General Assembly on March 17, 2010, A/RES/64/163, art. 1.* See also, *Inter-American Court of Human Rights. Kawas Fernández Case v. Honduras. Merits, Reparations and Costs. Judgment of April 3, 2009. Series C No. 196, para. 147; Inter-American Commission on Human Rights, Second Report on the Situation of Human Rights Defenders in the Americas (2011), para. 12; Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, paras. 215-219; Office of the United Nations High Commissioner for Human Rights, Commentary on the Declaration on Human Rights Defenders (2011), p. 30, citing UN General Assembly, Report of Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders, A/HRC/16/44, December 20, 2010, paras. 73, 77 and 79 (indicating that defenders at risk include peasant and rural activists).*

See also Inter-American Court of Human Rights. Castillo González and others Case v. Venezuela. Merits. Judgment of November 27, 2012. Series C No. 256. 49 See Merits arguments presented by the petitioners on April 12, 2012, Valentín Basto Calderón and Others (Colombia), para. 147. 50 IACtHR, Admissibility and

Merits Report No. 33/92, Alirio de Jesús Pedraza (Colombia), September 25, 1992 ("Everything indicates that Alirio de Jesús Pedraza's commitment to the defense of human rights and his progressive stance... became sufficient reason to endanger his life and personal integrity, as had happened with other human rights defenders previously (such as Dr. Héctor Abad Gómez, Martín Calderón Jurado, Valentín Basto Calderón, among many others...).") 51 IACtHR, Admissibility and Merits Report No. 32/92, Case 10.454, *Martín Calderón Jurado (Colombia), September 25, 1992.* 52 IACtHR, Admissibility Report No. 68/10, *Valentín Basto Calderón and Others (Colombia), July 12, 2010, para. 9.* 53 See IACtHR, Report on the Situation of Human Rights Defenders in the Americas (2006), para. 13, cited by the Inter-American Court of Human Rights. Case of Jesús María Valle Jaramillo and others v. Colombia. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 81, footnote 38. 54 E.g., IACtHR, Admissibility Report No. 68/10, *Valentín Basto Calderón and Others (Colombia), July 12, 2010, para. 10.* lives and would have identified as perpetrators persons linked to the Police and the National Army." 55. 32.

(11)- See, e.g., IACtHR, Second Report on the Situation of Human Rights Defenders in the Americas (2011), paras. 30, 32, 50; Annual Report 2011, Chapter IV - Colombia, paras. 16-17, 117 et seq.; IACtHR, Third Report on the Human Rights Situation in Colombia (1999), Chapter VII – Human Rights Defenders, para. 63 et seq.; IACtHR. Second Report on the human rights situation in Colombia, (1993), Chapter VII - Right to life; IACtHR. Report No. 23/93, Case 10.456, Irma Vera Parra (Colombia), October 12, 1993; IACtHR, Admissibility and Merits Report No. 32/92, Martín Calderón Jurado. 59 Report No. 23/93, Irma Vera Parra. 60 Admissibility and Merits Report No. 32/92, Martín Calderón Jurado. 61 See, e.g., Compilation prepared by the Office of the High Commissioner for Human Rights pursuant to paragraph 15 b) of the Annex to Human Rights Council Resolution 5/1: Colombia, A/HRC/WG.6/3/COL/2, October 9, 2008, paras. 15-1, 31, 60; Annual report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia, A/HRC/7/39, February 28, 2008, paras. 60-63; Report submitted by Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/4/37, January 24, 2007, paras. 51, 82, 88, 101; CRC, Concluding Observations on Colombia, CRC/C/COL/CO/3, June 8, 2006, para. 31; Report of the Special Rapporteur on the right to freedom of opinion and expression, Mr. Ambeyi Ligabo: Mission to Colombia, E/CN.4/2005/64/Add.3, November 26, 2004, paras. 7, 48, 67, 78, 82, 83, 89; Human Rights Committee, Concluding Observations on Colombia, CCPR/CO/80/COL, May 26, 2004, para. 11; CAT, Conclusions and recommendations of the Committee against Torture on Colombia, CAT/C/CR/31/1, February 4, 2004, paras. 10(c)(iv), 10(h). See also, Office of the United Nations High Commissioner for Human Rights, Press Release, End violence against human rights defenders in Colombia, UN experts urge, April 30, 2008. 62 Admissibility Report No. 68/10, Valentín Basto Calderón and Others, para. 11.

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(12)-. See. *Inter-American Court of Human Rights of December 2, 2003, tenth consideration; Resolution 1842 (XXXII-O/02) of the General Assembly of the Organization of American States; Resolution 1818 (XXXI-O/01) of the General Assembly of the Organization of American States and the United Nations Declaration on the right and duty of individuals, groups and institutions to promote and protect universally recognized human rights and fundamental freedoms. A.G. Res. 53/144*. See also, *Liliana Ortega and others (Venezuela). Provisional measures. Resolution of the Inter-American Court of Human Rights of November 27, 2002. 71 Inter-American Court of Human Rights. Case Fleury and others Vs. Haiti. Merits and Reparations. Judgment of November 23, 2011. Series C No. 236, para. 100, citing Inter-American Court of Human Rights. Case Nogueira de Carvalho and another Vs. Brazil, Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 77; Inter-American Court of Human Rights. Case Kawas Fernández Vs. Honduras. Merits, Reparations and Costs. Judgment of April 3, 2009, Series C No. 196, para. 145. 72 Kawas Fernández Case, Series C No. 196, para. 146. 73 IACtHR, Second Report on the Situation of Human Rights Defenders in the Americas (2011), para. 24. 74 Ibid., para. 77. 75 Inter-American Court of Human Rights. Huilca Tecse Case v. Peru. Merits, Reparations and Costs. Judgment of March 3, 2005. Series C No. 121, para. 69. 76 See AfCHPR, Law Office of Ghazi Suleiman v. Sudan, App. No. 228/99, Judgment of May 29, 2003, paras. 62, 63, 65. See also AfCHPR, Huri-Laws v. Nigeria, App. No. 225/98, Judgment of November 6, 2000, paras. 47-54; AfCHPR, Kazeem Aminu v. Nigeria, Comm. No. 205/97, Judgment of May 11, 2000. 77 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Addendum: Observations on communications transmitted to Governments and replies received, A/HRC/19/55/Add.2, para. 55 (Cambodia) ("The Special Rapporteur urges the Government to take the necessary measures to ensure an environment which is conducive to the work of all human rights defenders allowing them to carry out their legitimate work without fear of persecution."), para. 100 (Cyprus), para. 193 (Iran), para. 208 (Kazakhstan), para. 219 (Libya), para. 232 (Maldives), para. 261 (Myanmar), para. 264 (Nepal), para. 269 (Pakistan), para. 292 (Philippines), para. 311 (Rwanda), para. 329 (South Africa), para. 360 (Macedonia), para. 376 (Rwanda), para. 379 (Ukraine). 78 Human Rights Council, Resolution 19/35 on the promotion and protection of human rights in the context of peaceful demonstrations, April 18, 2012 ("Emphasizing, therefore, that every person should be able to express their grievances or aspirations peacefully, including through public demonstrations, without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance") 79 See ECtHR, Case of Đorđević v. Croatia, no. 41526/10, judgment of July 24, 2012, para. 116, 142 et seq., citing ECtHR, H.L.R. v. France, April 29, 1997, § 40, Reports 1997-III; Osman v. the United Kingdom, October 28, 1998, § 116, Reports 1998-VIII; E. and Others v. the United Kingdom, no. 33218/96, § 88, November 26, 2002; Fuentes Bobo, no. 39293/98, judgment of February 29, 2000, para. 38; Özgür Gündem*

v. Turkey, no. 23144/93, paras. 42-46, ECHR 2000 III; Dink v. Turkey, nos. 26 68/07, 6102/08, 30079/08, 7072/09 and 7124/09, ECHR 2010, para. 106 (in the context of private interference with the exercise of freedom of expression). 80. ECtHR, Case of Elçi and others v. Turkey, no. 23145/93 and 25091/94, Judgment of 13 November 2003, para. 669 ("The Court would emphasize the central role of the legal profession in the administration of justice and the maintenance of the rule of law.

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(13)- See Accord ECtHR, Case of Golovan v. Ukraine, no. 4171/06, Judgment of 5 July 2012, para. 62; Judgment of 22 December 2008, para. 214. 81 Case of Elçi and others v. Turkey, judgment of 13 November 2003, para. 714 (translation of *amicus curiae*).44.

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(14)- See 82 Kawas Fernández Case v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009. Series C No. 196, para. 214. 83 I/A Court H.R. Fleury and others Case v. Haiti. Merits and Reparations. Judgment of November 23, 2011. Series C No. 236, para. 100, citing I/A Court H.R. Nogueira de Carvalho and another Case v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 77; I/A Court H.R. Kawas Fernández Case v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009 Series C No. 196, para. 145. 84 Fleury and others v. Haiti, Series C No. 236, para. 81, citing IACtHR, Report on the Situation of Human Rights Defenders in the Americas (2006), para. 46; Nogueira de Carvalho and others Case v. Brazil, Series C No. 161, para. 77; I/A Court H.R. Escher and others Case v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of July 6, 2009. Series C No. 200, para. 172. 85 Inter-American Court of Human Rights. Castillo González and others v. Venezuela. Merits. Judgment of November 27, 2012. Series C No. 256, para. 128. 86 See, e.g., ECtHR, Koku v. Turkey, no. 27305/95, Judgment of May 31, 2005, paras. 131-138. Cf. Castillo González and others v. Venezuela, Series C No. 256, para. 131. 87 See, e.g., Inter-American Court of Human Rights. Ríos and others v. Venezuela. Preliminary Objections, Merits, Reparations, and Costs. Judgment of January 28, 2009. Series C No. 194, paras. 119, 120, 142, 148, 149, 332, 334.

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(15)- See Inter-American Court of Human Rights. Case of Jesús María Valle Jaramillo et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192, para. 92. 89 IACtHR, Second Report on the Situation of Human Rights Defenders in the Americas (2012), para. 42, 320. 90 UN Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its sixty--fourth session, 27--31 August 2012, Communication No. 39/2012 (Belarus), A/HRC/WGAD/2012/39, para. 45 ("...Governments have specific duties to protect human rights defenders

against different forms of harassment that they may encounter in their activities. When there are claims of human rights violations in this context, including a pattern of harassment, domestic authorities and international supervisory bodies should apply the heightened standard of review of government action.”). 91 ECtHR, Bączkowski and others v. Poland, no. 1543/06, Judgment of 3 May 2007, para. 67 (translation by amicus curiae) (“The Court observes that the refusals to give authorization could have had a chilling effect on the applicants and other participants in the assemblies. It could also have discouraged other persons from participating in the assemblies on the grounds that they did not have official authorization and that, therefore, no official protection against possible hostile counter demonstrators would be ensured by the authorities.”). 92 IACtHR, Report on the Situation of Human Rights Defenders in the Americas, para. 44, citing IACtHR, Report No. 13/96, Case 10,948, Comadres (El Salvador), 1c March 1996, para. 25; IACtHR, Report No. 29/96, Case 11.303, Carlos Ranferí Gómez López, (Guatemala), October 16, 1996; UN, Commission on Human Rights, Report submitted by the Special Representative of the Secretary-General on human rights defenders, Ms. Hina Jilani, Annual Report 2004, Doc. E/CN.4/2005/101, para. 124.

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(16)-. See Inter-American Court of Human Rights. Case of Fleury and others v. Haiti. Merits and Reparations. Judgment of November 23, 2011. Series C No. 236, para. 100, citing Inter-American Court of Human Rights. Case of Nogueira de Carvalho and another v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, para. 77; Inter-American Court of Human Rights. Case of Kawas Fernández v. Honduras. Merits, Reparations and Costs. Judgment of April 3, 2009, Series C No. 196, para. 145. 94 Inter-American Court of Human Rights. Case of Valle Jaramillo and others v. Colombia. Merits, Reparations and Costs. Judgment of November 27, 2008, para. 96. 95 Ibid, para. 97. 96 Fleury and others v. Haiti, Series C No. 236, para. 81, citing IACtHR, Report on the Situation of Human Rights Defenders in the Americas (2006), para. 46; Case of Nogueira de Carvalho and others v. Brazil, Series C No. 161, para. 77; Inter-American Court of Human Rights. Case of Escher and others v. Brazil. Preliminary Objections, Merits, Reparations and Costs. Judgment of July 6, 2009. Series C No. 200, para. 172. 97 See, e.g., ECHR, Koku v. Turkey, no. 27305/95, Judgment of May 31, 2005, paras. 131-38. 98 See IACtHR, Merits Report No. 80/07, Case 11.658, Martín Pelicó Coxic (Guatemala), October 15, 2007, para. 125. 99 IACtHR, Admissibility Report No. 126/10, Case 12.658, Luis Gonzalo “Richard” Restrepo and Family (Colombia), October 23, 2010, para. 128. 100 See ibid., para. 128; IACtHR, Report No. 130/99, Case 11.740, Víctor Manuel Oropeza (Mexico), November 19, 1999, para. 58. See also, Kawas Fernández v. Honduras, Series C No. 196, para. 146 (emphasizing “the importance of the role played by human rights defenders in democratic societies”). 101 Kawas Fernández v. Honduras, Series C No. 196, para. 213. D.

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(17)-. See 102 *Ibid.*, para. 153. 103 ECtHR, *Elçi and others v. Turkey*, nos. 23145/93 and 25091/94, Judgment of 13 November 2003, para. 669. Accord ECtHR, *Golovan v. Ukraine*, no. 4171/06, Judgment of 5 July 2012, para. 62; *Aleksanyan v. Russia*, App. No. 46468/06, Judgment of 22 December 2008, para. 214. See also *UN Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27-31 August 2012, Communication No. 39/2012 (Belarus)*, A/HRC/WGAD/2012/39, para. 45. 104 Inter-American Court of Human Rights, *Kawas Fernández Case v. Honduras. Merits, Reparations and Costs*. Judgment of April 3, 2009. Series C No. 196, para. 213. 105 See *Inter-American Court of Human Rights, Jesús María Valle Jaramillo and others v. Colombia. Merits, Reparations and Costs*. Judgment of November 27, 2008. Series C No. 192, para. 92. 106 ECtHR, *Elçi and others v. Turkey*, nos. 23145/93 and 25091/94, Judgment of 13 November 2003, para. 669 ("Persecution or harassment of members of the legal profession thus strikes at the very heart of the Convention system. For this reason, allegations of such persecution in whatever form, but particularly large scale arrests and detention of lawyers and searching of lawyers' offices, will be subject to especially strict scrutiny by the Court."). *UN Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27-31 August 2012, Communication No. 39/2012 (Belarus)*, A/HRC/WGAD/2012/39, para. 45 ("...Governments have specific duties to protect human rights defenders against different forms of harassment that they may encounter in their activities. When there are claims of human rights violations in this context, including a pattern of harassment, domestic authorities and international supervisory bodies should apply the heightened standard of review of government action.").

CERTIFICATE OF SERVICE

We certify that we filed the foregoing with the Clerk of the Court for the United States Court of the Southern District of New York. In compliance with local Civil Rule 7.1(c) establishes default lengths for memoranda limited words.

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of the Southern District of New York (SDNY), and all local rules for filing an amicus curiae motion primarily governed by Local Civil Rule 7.1 and the individual practices of the presiding judge.

CERTIFICATE OF INTERESTED PERSONS

The following listed persons and entities as described in the profiles here below have an interest in the outcome of this case. These representations are made in pro se in order that the honorable judge of this court may evaluate this brief.

Profiles:

Humphrey John Pachecker Barrera is a senior law student. Senior Director of Programs and Policies at the NAFA LAW Consortium with eighteen [18] years of work history, and associated organizations have distinguished him as a nationally recognized leader in Criminal Justice Officer.

He is a Developer with a work history in the government administration industry. Master of Science in Bioinformatics, Computing, and Cybersecurity. Graduated of Florida State University with a Bachelor of Science in Computer Science.

He is a Member of the Society of Hispanic Professional Engineers (SHPE). Honors and awards. Lifesaver Award. Issued by the Jacksonville Sheriff's Office. Honoris Causa recognition for special merits in Cyber Legal Investigation US Law and in Cybercrime Investigations. Issued by the NAFA LAW – UNPAM Council.

Humphrey Humberto Pachecker Cardenas - JD. LLM is a law professor, retired lawyer of Cuban-American-Messianic descent educated in the United States - founder of the National Association for Foreign Attorneys [NAFALAW.COM] 1993.

He is a member of the Human Rights Forum for Europe and Africa of the IBA Attorneys Bar of England. He is the General Commissioner of the Human Rights Commission of the AICAC-HR Court in Washington DC.

He is Vice Chair of the American Bar Association [ABA] 2014 - International Law Section FLC.

He has collaborated and acted in propria persona as a prosecutor in several cases filing legal briefs and complaints related to International Human Rights.

He filed a lawsuit in pro se at the Federal Court, Central District of Florida. Successful lawsuit against Fidel Castro and the entire Communist Party of Cuba.

He is currently an active member of the following international and American bar associations:

IBA - International Bar Association. International Bar Association since 1994. London, United Kingdom. Current IBA Bar Member Number 2025. 1061345- ***

<https://www.ibanet.org/my-account>

ABA - American Bar Association. American National Bar Association: Bar No. 01049251 - since 2001. Currently ABA Member Number 2025: 01922762 (retired) -

*****<https://www.americanbar.org/my-aba/?login>. Chairman of the General Human Rights Commission of AICAC-HR Court - ID No. 05814.**