



Press Release 61/2025 English

## **I/A COURT HR DECLARES THAT THE AMERICAN CONVENTION CONTINUES TO BE IN EFFECT IN VENEZUELA AND IT HAS JURISDICTION TO CONTINUE HEARING THE CASE OF CHIRINOS SALAMANCA ET. AL. V. VENEZUELA**

San José, Costa Rica, August 26, 2025. The Inter-American Court of Human Rights (I/A Court HR) issued a judgment on the preliminary objections in the case of *Chirinos Salamanca et al. v. Venezuela* on August 21, 2025. The Court unanimously rejected the preliminary objections filed by the State in its response to petition, regarding the alleged lack of jurisdiction *ratione voluntatis* and *ratione temporis*, and the control over lawfulness of the actions of the Inter-American Commission. Consequently, the Court will continue hearing the case in the merits stage and subsequent reparations and costs.

The full text of the judgment can be accessed [here](#).

The Inter-American Commission on Human Rights submitted to the Court's jurisdiction the case regarding the alleged human rights violations to the detriment of twelve officers of the Municipal Police of Chacao, which took place between 2016 and 2018 in the context of their deprivation of liberty. In its response to petition, the State raised an objection of lack of jurisdiction related to the denunciation of the American Convention in 2012, as well as a preliminary objection *ratione temporis*, claiming that the facts had taken place after the aforementioned complaint had entered into effect and were thus outside of the temporal jurisdiction of the Court. Moreover, it filed a preliminary objection based on the alleged lack of notification by the Commission of the steps of the case, which it considered violated the right to defend itself and required control over lawfulness by the Court.

The Court called to mind that Venezuela ratified the American Convention in 1977 and denounced it in 2012—which entered into effect on September 10, 2013. On May 20, 2018, after several mandates, Nicolás Maduro proclaimed himself President of Venezuela for the period from 2019-2025. On June 5, 2018, the OAS General Assembly ruled that “the electoral process in Venezuela that concluded on May 20, 2018, lacked legitimacy since it failed to meet international standards, did not include participation of all political actors in Venezuela, and took place without the guarantees necessary for a free, fair, transparent and democratic process.”

In this context, the National Assembly of Venezuela considered that there was no president elect that could assume the functions and appointed the President of the Legislative Assembly, Juan Guaidó, as Interim President of Venezuela on January 5, 2019. On January 10, 2019, the OAS Permanent Council decided “[n]ot to recognize the legitimacy of the period of Nicolás Maduro's regime as of January 10, 2019.” Moreover, it “emphasize[d] the constitutional authority of the National Assembly.”

On March 7, 2019, Mr. Juan Guaidó communicated his decision to annul the denunciation of the Charter of the Organization of American States (OAS). On June 28, 2019, the OAS General Assembly recognized the Permanent Representative before the OAS appointed by the National Assembly of Venezuela “until new presidential elections are held that result in the appointment of a democratically elected government.”

Moreover, on May 15, 2019, the National Assembly of Venezuela approved the "Agreement to restore the effectiveness of the American Convention on Human Rights and the international protection offered by the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights." At that time, it expressly agreed to: "Annul the denunciation of the American Convention on Human Rights made on September 10, 2012, before the General Secretariat of the Organization of American States (OAS) [...] and confirm the jurisdiction of the Inter-American Court of Human Rights on all matters regarding the interpretation or application of this Convention from September 10, 2013, onwards."

On July 31, 2019, Juan Guaidó deposited the instrument of ratification of the American Convention at the Office of the OAS General Secretariat in compliance with the mandate of the National Assembly. The ratification made indicates that "it unconditionally recognizes as binding, as a matter of law, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of this Convention, as if the denunciation made had never taken place, *ab initio* and retroactively as of September 10, 2013, date on which the complaint had taken effect." Moreover, the OAS General Secretariat transmitted to the States the notification of the referred delivery of the ratification instrument made by the Interim President appointed by the National Assembly of Venezuela.

The Inter-American Court, after analyzing the aforementioned situation, concluded that "the act of depositing the instrument of ratification of the American Convention on Human Rights, made by the Interim President of Venezuela on July 31, 2019, in compliance with the mandate of the National Assembly, in conformity with the procedures for ratification and depositing of instruments before the OAS General Secretariat, was valid and had full legal effects. Consequently, and considering the retroactive nature of this ratification, the Court consider[ed] that the American Convention is effective for the State since its initial ratification on August 9, 1977. Consequently, the Court reject[ed] the preliminary objection filed by the State of alleged lack of jurisdiction *ratione voluntatis* and *ratione temporis* to hear the instant case."

Lastly, to assess the objection on the control of lawfulness of the actions of the Inter-American Commission, the Court confirmed that during the processing before the Commission the relevant communications were submitted through the official registered channels and the State had multiple effective opportunities for participation, therefore the right to defend itself was not affected.

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The Court's composition for the issuing of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Ricardo C. Pérez Manrique (Uruguay), Judge Verónica Gómez (Argentina), and Judge Diego Moreno Rodríguez (Paraguay). Judge Patricia Pérez Goldberg and Judge Alberto Borea Odría did not participate in the deliberation or signing of this judgment on preliminary objections.

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