
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 62/2024**

Precautionary Measure No. 937-24
Eleanger David Navas Vidal regarding Venezuela
September 2nd, 2024
Original: Spanish

I. INTRODUCTION

1. On August 29, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by *Coalición por los Derechos Humanos y la Democracia*¹ (“the applicants”) urging the Commission to require that the State of Venezuela (“the State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Eleanger David Navas Vidal (“the proposed beneficiary”), in Venezuela. According to the request, the proposed beneficiary was arbitrarily deprived of his liberty by members of the Bolivarian National Police (PNB) on August 3, 2024. Subsequently, his family members have not received any information on his official whereabouts. The applicants believe that the proposed beneficiary has been subjected to arbitrary detention and “forced disappearance.”

2. In accordance with Article 25(5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the parties on August 29, 2024. The applicants submitted a response on August 30, 2024. To date, the State has not responded to the Commission’s requests, and the granted deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that to date his whereabouts are unknown. Therefore, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Eleanger David Navas Vidal. In particular, among others, indicate the detention center where the proposed beneficiary is currently held and clarify his legal situation; allow access and contact with his relatives and trusted attorneys; specify the actions the public defender has taken in favor of the proposed beneficiary; detail whether his current situation has been subject to judicial review; report on the detention conditions in which he is held; and evaluate the granting of alternative measures to the deprivation of liberty, considering the exceptional nature of pretrial detention; and b) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF THE FACTS AND ARGUMENTS

A. Information provided by the applicants

4. The applicants informed that Eleanger David Navas Vidales is an engineer, English teacher, human rights activist, and community manager of the newspaper *Oriental*, which has an editorial line contrary to the government of Venezuela. He is reportedly engaged in social activism as a member of the “Mi Ciudad” movement and the “Asoclamor” organization.

5. Around 9:30 a.m. on August 3, 2024, the proposed beneficiary was deprived of his liberty by members of the Bolivarian National Police (PNB) near the El Tigre General Hospital. He was transferred to the

¹ The applicants attached the authorization granted by the proposed beneficiary’s brother to process the request for precautionary measures.

PNB command in that city. On August 7, 2024, he was presented before the courts and a hearing was held in which he was sentenced to 45 days of preventive detention. The applicants stated that the proposed beneficiary was held in the PNB compound for 10 days in prolonged isolation.

6. The applicants question the detention and characterize it as arbitrary. They indicated that a public defender was imposed on the proposed beneficiary. He was charged with crimes under the Organic Law against Terrorism. As evidence, it was stated that the proposed beneficiary is the community manager for the Instagram account of the newspaper *Oriental*.

7. On August 26, 2024, PNB officials informed his family members that, by order of their superiors, the proposed beneficiary was transferred to the Yare prison. On August 27, 2024, his family members went to the headquarters of the San Francisco de Yare penitentiary center, located in the state of Miranda. They were informed that the proposed beneficiary was not being held at that detention center. On August 29, 2024, they went to the “El Libertador” Training Center for the New Man, located in the state of Carabobo. They were told that the proposed beneficiary was not detained there either. To date, the proposed beneficiary’s whereabouts are unknown.

8. Lastly, it was reported that the proposed beneficiary’s relatives tried to file complaints for forced disappearance with the Office of the Attorney General and the Ombudsperson’s Office. The officials in charge reportedly refused to receive these complaints.

B. Response from the State

9. The Commission requested information from the State on August 29, 2024. To date, and with the deadline having expired, the State has not submitted a response.

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

10. The mechanism of precautionary measures is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

11. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.² Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁴ Regarding their

² I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

³ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional Measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

⁴ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding

precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, in this way, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.⁵ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

12. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁶ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁷ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.⁸

13. In this sense, in understanding the facts alleged by the applicants, the Commission observes that the Inter-American Convention on Forced Disappearance of Persons, to which the State of Venezuela has been annexed since its ratification on July 6, 1998,⁹ considers forced disappearance as the act “[...] perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable

Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

⁵ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

⁶ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

⁷ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

⁸ In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

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

legal remedies and procedural guarantee.”¹⁰ Likewise, the Inter-American Commission highlights what was established by the United Nations Working Group on Enforced or Involuntary Disappearances, in the sense that “there is no minimum time, however short, to consider that an enforced disappearance has occurred.”¹¹

14. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005, and has included the country in Chapter IV.B of its Annual Report since 2005.¹² The Commission has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE. In addition, in its 2021 Annual Report, the Commission stated that temporary forced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents.¹³ These occur mostly due to the deliberate reluctance of the authorities to report the whereabouts of detained persons, as well as not bringing persons before the courts within the legal 48-hour period after detention.¹⁴ In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.¹⁵

15. Furthermore, in its 2023 Annual Report, the Commission observed the persistence of a coordinated repression policy, and recommended that the State of Venezuela refrain from carrying out illegal or arbitrary detentions. In cases where a person is deprived of liberty, the State should ensure that all due process guarantees are upheld, including prompt presentation before an independent judicial authority, in order to prevent enforced disappearances, torture, and other cruel and inhumane treatment.¹⁶ The Commission has recently condemned the practices of institutional violence in the context of the electoral process in Venezuela, including violent repression, arbitrary detentions, and political persecution.¹⁷ In addition, the Commission has noted the arbitrary detentions and forced disappearances that occurred between July 28 and August 13, 2024.¹⁸ The strategy of detention and criminalization appears to be specifically targeted at individuals perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and others.¹⁹ Similarly, the Office of the Special Rapporteur for Freedom of Expression of the IACHR (SRFOE, or RELE for its acronym in Spanish) emphasizes that in Venezuela the right to freedom of expression continues to be severely limited. This is the result of a context of intimidation, harassment, repression, and stigmatization of journalists, human rights defenders, and other critical voices by the government.²⁰

16. On August 15, 2024, the IACHR and its SRFOE condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.²¹ It was stated that the current regime is using fear as a tool to silence citizens and maintain its authoritarian rule, and that Venezuela must immediately stop violating human rights and restore democratic order and the rule of law.²² In this context, the Commission has received reports of arbitrary detentions and short-term forced disappearances, during which acts of sexual violence against women and other actions potentially amounting to torture were allegedly committed. These reports indicate selective deprivation of liberty targeting electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders,

¹⁰ [Inter-American Convention on Enforced Disappearance of Persons](#), Belém do Pará, Brazil, June 9, 1994.

¹¹ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 85; United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, August 10, 2015, A/HRC/30/38, para. 102.

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

¹³ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 82.

¹⁴ *Ibidem*, para. 82.

¹⁵ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 84.

¹⁶ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

¹⁷ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

²⁰ IACHR, [2023 Annual Report, Volume II, Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II, Doc. 386, approved on December 6, 2023, para. 1620.

²¹ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

²² *Ibidem*.

and university students.²³ Additionally, it was found that detained individuals were subjected to criminal proceedings for crimes defined in ambiguous and broad terms, without the opportunity to be represented by a defense counsel of their choice, as public defenders were imposed on them. The IACHR stressed that “the practices of state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population,” which “amount also to a denial of the right to political participation.”²⁴

17. In addition, on August 23, 2024, the SRFOE published a press release alerting the international community to the arbitrary detention of journalists and the criminalization of dissent in Venezuela.²⁵ Regarding detentions, the Rapporteur has highlighted that it “received reports about the difficulties faced by the families of detained individuals, such as challenges in locating them, excessive requirements for visits, and extortion by officials.”²⁶ The SRFOE called on the international community to reject all patterns of repression and practices that seek to generate terror among its own population.²⁷

18. The Commission considers that the current context of Venezuela, which it has been monitoring, is of special importance and attention. The foregoing, to the extent that its findings are consistent with the information provided by the applicants regarding the circumstances surrounding the detention and the subsequent lack of information about the proposed beneficiary’s whereabouts.

19. In analyzing the requirement of *seriousness*, the Commission considers, in addition to the aforementioned context, that the proposed beneficiary is reportedly involved in various activities, including being the community manager for the Instagram account of the newspaper *Oriental*, which allegedly has an editorial line that is not aligned with the current Venezuelan government. In this regard, it was reported that his current situation is closely linked to his role in that media outlet.

20. In addition, the Commission observes that the PNB arrested the proposed beneficiary on August 3, 2024, and he was presented before courts on August 7, 2024. The Court reportedly imposed a 45-day prison sentence for terrorism-related offenses. During the initial period of his detention, the Commission identified allegations that he was subjected to prolonged isolation at the PNB headquarters. By August 26, 2024, approximately 23 days after his arrest, family members were informed by PNB officials that the proposed beneficiary was to be transferred to another prison. Since then, the official location of his detention remains unknown. The Commission has no information indicating whether the transfer to a new detention center was assessed, reviewed, or ordered by a competent judicial authority.

21. In addition to the above, the Commission was informed that the proposed beneficiary’s family members have not been able to obtain official information about his current whereabouts. Despite the search actions carried out in detention centers, his relatives have not been able to determine his official location. The situation has persisted, even after the submission of complaints of “forced disappearance”, which have not been received by the competent authorities. Along the same lines, the Commission notes that the family members are reportedly unable to contact the proposed beneficiary, and there is no information on any action taken by the appointed public defender.

22. Taking into consideration the proposed beneficiary’s current situation, the Commission recalls that, according to inter-American standards, the State is obligated to maintain an updated record of detentions, promptly provide information about the person’s whereabouts and health, and, if the person is in State custody,

²³ *Ibidem*.

²⁴ *Ibidem*.

²⁵ IACHR, Press Release R190/24. [The SRFOE Alerts the International Community about Arbitrary Detention of Journalists and Criminalization of Dissent in Venezuela](#), August 23, 2024

²⁶ *Ibidem*.

²⁷ *Ibidem*.

present them before a competent judicial authority within legal timeframes while fully respecting judicial guarantees at all times.²⁸ The IACHR also highlights that every detained person has the right to maintain personal and direct contact, through periodic visits, with family members, legal representatives, and other persons.²⁹

23. Upon requesting information from the State, the Commission regrets the lack of response from the State of Venezuela. Although the foregoing is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from being aware of the observations or measures taken by the State to address the alleged situation of risk that the proposed beneficiary faces. Therefore, the Commission does not have information that would allow it to dispute the facts alleged by the applicants, nor to assess whether the situation of risk that the proposed beneficiary faces has been addressed or mitigated. In this regard, the Commission expresses its particular concern given that it has been indicated that the proposed beneficiary is allegedly in the custody of State agents who have a special position of guarantor.

24. The Commission notes the lack of minimal official information regarding the proposed beneficiary's legal status. In this regard, the Commission understands that lacking this information, combined with the state's refusal to provide official details and the inability to file appeals on behalf of the proposed beneficiary, places him in a situation of particular vulnerability. This is due to the uncertainty surrounding his current whereabouts and the potential conditions he may be facing.

25. In summary, the Commission concludes that, based on the *prima facie* standard, it is sufficiently established that the rights to life and personal integrity of the proposed beneficiary, Eleanger David Navas Vidal, face a serious risk. This is due to the current uncertainty about his whereabouts or official location following his transfer from the PNB headquarters on August 26, 2024.

26. With regard to the requirement of *urgency*, the Commission also notes that it has been fulfilled, as long as the proposed beneficiary's current whereabouts are unknown, and given that the facts described suggest that the risk is likely to continue and to be exacerbated over time. In addition to the above, the Commission highlights the inability of the family members to initiate internal measures to locate the proposed beneficiary. Therefore, the Commission considers it necessary to adopt immediate measures to safeguard the rights of the proposed beneficiary.

27. Regarding the requirement of *irreparable harm*, the Commission maintains that it has been met since the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARY

28. The Commission declares Eleanger David Navas Vidal as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

29. The Commission understands that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requires that Venezuela:

²⁸ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 86.

²⁹ IACHR, [Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas](#), adopted by the Commission during the 131st regular Period of Sessions, held from March 3 to 14, 2008, Principle XVIII.

- a) adopt the necessary measures to protect the rights to life and personal integrity of Eleanger David Navas Vidal. In particular, among others, indicate the detention center where the proposed beneficiary is currently held and clarify his legal situation; allow access and contact with his relatives and trusted attorneys; specify the actions the public defender has taken in favor of the proposed beneficiary; detail whether his current situation has been subject to judicial review; report on the detention conditions in which he is held; and evaluate the granting of alternative measures to the deprivation of liberty, considering the exceptional nature of pretrial detention; and
- b) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

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

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

33. Approved on September 2, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice President; José Luis Caballero Ochoa, Second Vice President; Arif Bulkan; Andrea Pochak, and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary