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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 67/2024**

Precautionary Measure No. 952-24  
Osmary Gabriela Sánchez Chirinos regarding Venezuela  
September 27, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On September 3, 2024 the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Tamara Suju of the CASLA Institute (“the applicant”), urging the Commission to require that the Bolivarian Republic of Venezuela (“the State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Osmary Gabriela Sánchez Chirinos (“the proposed beneficiary”). According to the request, the proposed beneficiary, who is pregnant, was detained on August 7, 2024, by officers from the Criminal Investigation Directorate (*Dirección de Investigación Penal, DIP*) of the Bolivarian National Police (*Policía Nacional Bolivariana, PNB*) in Coro, Falcón State. She is reportedly being deprived of her liberty after being classified as an ‘opponent of the regime.’ She is allegedly not receiving adequate medical care for her current health.

2. Pursuant to the provisions of Article 25 (5) of its Rules of Procedure, the Commission requested information from the parties on September 4, 2024. The applicant submitted a response on September 5, 2024. To date, the State has not replied to the IACHR and the granted period has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that her rights to life, personal integrity, and health face a risk of irreparable harm. Therefore, based on Article 25 of its Rules of Procedure, the Commission requires that Venezuela: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Osmary Gabriela Sánchez Chirinos, with a gender perspective, in accordance with applicable international standards and obligations; b) implement the necessary measures to ensure that her detention conditions are compatible with applicable international standards on the matter. In particular, guarantee access to the corresponding medical diagnoses and define her medical treatment; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) 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 FACTS AND ARGUMENTS**

**A. Information provided by the applicant**

4. The proposed beneficiary, Osmary Gabriela Sánchez Chirinos, is 26 years old and the mother of a 5-year-old boy. She was arrested at her residence, at 2:00 p.m. on August 7, 2024 by officers of the DIP- of the PNB of Coro, Falcón state. It is claimed that the officers did not have an arrest warrant, and no criminal investigation against her is known. The applicant indicated that the proposed beneficiary is arbitrarily detained because a ‘cooperating patriot’ accused her of inciting hatred through a WhatsApp group created by residents from her locality, in Churuguara, Falcón state. In this group, conversations allegedly revolved around items for sale, community news, and the events in Venezuela, both on election day and afterward. The applicants believe that, according to the regime, the proposed beneficiary’s crime is opposing it and expressing her discontent in such a group, thus inciting hatred. They added that the regime considers all Venezuelan dissidents and opponents who express their stance in any media and disseminate news as “terrorists.”

5. The proposed beneficiary was presented before a Control Court of the Criminal Judicial Circuit of Falcón State, which issued a preventive judicial detention order but declined jurisdiction to Control Court 2 of the Metropolitan Area in Caracas, which has jurisdiction over cases of terrorism. The hearing was held virtually with a public defender, and the presence of trusted attorneys was denied. The proposed beneficiary's family does not have any information on the prosecutor handling the case.

6. Ms. Sánchez Chirinos is charged with the crimes of 'terrorism' and 'incitement to hatred'. In court, the public defender informed the family that they already had the "file", "the witnesses" and were suggested to be on the lookout to be summoned. They were communicated via a phone call that the preliminary hearing would take place in 45 days at the Court with Jurisdiction over Terrorism in Caracas in a virtual manner. The public defender stated that they were uncertain if the proposed beneficiary was going to be transferred to another detention center, but told her family to stay vigilant in case a transfer occurred.

7. The proposed beneficiary is currently being held at the Santa Paula dpi, Coro, Falcón state. On August 24, 2024, all the men detained at the DIP were transferred to Caracas to an unknown destination. The applicant stated that the female detainees were told that they would also be transferred, an act which was described as "psychoterror." It has been stated that the proposed beneficiary and the other detainees were told they would never be released and that "they will die in prison."

8. At the time of submission of this request, the proposed beneficiary was 11 weeks pregnant. It was added that her health was negatively affected by the detention conditions in which she is being held. She is reportedly held in an unhygienic cell that is approximately 3 by 3 meters which she shares with 10 other people in the same conditions. The proposed beneficiary sleeps on a mat on the floor which she shares with another woman. She also shares a reported bathroom that is in "terrible" conditions. The proposed beneficiary claims that there is no ventilation in the cell. The temperature is allegedly high, ranging between 37 and 40 degrees Celsius. This situation has caused the proposed beneficiary health issues, such as hypertension. She also has an alleged urinary tract infection, along with severe fever and abdominal pain, stress, and depression. She reportedly cries a lot and is very distressed about her pregnancy due to the lack of adequate medical attention. It was alleged, without specific details, that the officers who act as guardians allegedly use "psychological torture" against her.

9. The applicant added that, on August 14, 2024, a forensic physician reportedly "examined" the proposed beneficiary. The specialist confirmed her pregnancy and suggested that an ultrasound be performed. In order for this procedure to be carried out, the court must issue an order but, to date, this order has not been submitted.

10. On August 29, 2024, her family members requested the police commander where the proposed beneficiary is detained to allow them to transfer her to a private clinic for a urine test, an ultrasound, and a blood pressure measurement. Ms. Sánchez Chirinos complained that she experienced extreme abdominal pain and cried. The applicant indicated that she has a severe urinary tract infection and high blood pressure. The proposed beneficiary was ordered treatment for urinary and vaginal infection. However, she allegedly still experiences pain in the lower part of her abdomen. In addition, she is developing a reported skin rash. This is attributed to the poor conditions of the mattress where she sleeps, which is old and dirty.

11. On two occasions, the proposed beneficiary's sister reportedly told the public defender about the need for timely medical assistance. The defender reportedly responded that he has other complicated cases and that the forensic medical report only "suggested an ultrasound." The defender also requested to be informed if the proposed beneficiary's health improves with the treatment in order to inform the forensic physician.

12. Lastly, her family has indicated that the situation has affected Ms. Sánchez Chirinos both physically and psychologically. They added that they fear she will be transferred to a common prison in another state in Venezuela that is difficult for her family members to access. In this regard, they add that it is a well-known fact the unsanitary conditions and insecurity of prisons in Venezuela and the dangers that exist.

## **B. Response from the State**

13. The IACHR requested information from the State on September 4, 2024. To date, the State has not sent a response, and the granted period has expired.

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

14. 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.

15. 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.<sup>1</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>2</sup> 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.<sup>3</sup> Regarding their 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.<sup>4</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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<sup>1</sup> 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).

<sup>2</sup> 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)

<sup>3</sup> 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 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).

<sup>4</sup> 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).

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

16. In 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

17. In this *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.<sup>8</sup> The Commission has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE.

18. In its 2023 Annual Report, the Commission also 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 their 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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> 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

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<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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).

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

<sup>9</sup> IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

<sup>10</sup> IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

<sup>11</sup> Previously cited.

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result of a context of intimidation, harassment, repression, and stigmatization of journalists, human rights defenders, and other critical voices by the government.<sup>12</sup>

19. On August 15, 2024, the IACHR and its SRFOE condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.<sup>13</sup> 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.<sup>14</sup> It was found that detainees 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.”<sup>15</sup>

20. The Commission believes that the prevailing context in Venezuela is of crucial importance when analyzing the proposed beneficiary’s situation as a pregnant woman deprived of her liberty who is perceived as a political opponent.

21. In analyzing the requirement of *seriousness*, the Commission considers that it has been met. In order to reach this determination, this Commission notes that the proposed beneficiary’s detention is framed in the context of the so-called “Operation Tun Tun”, aimed at arresting persons perceived as opponents to the regime for questioning the electoral results of July 2024.<sup>16</sup> After her arrest, she was charged with crimes such as “terrorism” and “incitement to hatred.” In this regard, the Commission, through its SRFOE, warned that, under the current context, arrests and criminal proceedings are being carried out under the “Law Against Hatred”. The most common charges include incitement to hatred and terrorism, among other crimes.<sup>17</sup>

22. In this context of these arrests in Venezuela, and in light of the allegations presented by the applicant, the Commission understands the following regarding the proposed beneficiary:

- i. She was not aware of any criminal proceedings against her or of any arrest warrant prior to being deprived of her liberty, which was also carried out in her own residence following her messages in a *WhatsApp* group.
- ii. She was not given the possibility of appointing a trusted attorney in the criminal proceedings against her, and was assigned a public defender.
- iii. She does not have full access to the judicial file against her, or the judicial proceedings. Her family members are reportedly not formally informed of her legal situation either. Communications with the appointed public defender are reportedly through phone calls, without any additional details or formalities regarding actions to protect the proposed beneficiary in light of the alleged situation.

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<sup>12</sup> 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.

<sup>13</sup> IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

<sup>14</sup> Previously cited.

<sup>15</sup> Previously cited.

<sup>16</sup> Previously cited.

<sup>17</sup> IACHR, Press Release 190/2024, [La SRFOE alerts the international community to the arbitrary detention of journalists and criminalization of dissent in Venezuela](#), August 23, 2024, (Available only in Spanish).

- iv. She has been subjected to threats by her guards, who have allegedly told her that she would die while deprived of her liberty. The applicant described these events as “psychological torture.”
- v. She is held in detention conditions that are deemed inadequate, especially given her pregnancy and the necessary care it entails. On this point, it was reported that she is held in an aseptic cell in high temperatures, shares a mat, and has access to a bathroom described as being in “terrible” condition.
- vi. Given that she is pregnant, the medical examiner stated that she requires an echosonogram. The information available does not confirm that the competent court has ordered this test.
- vii. There is no information on specific medical care to evaluate the alleged urinary and vaginal infections, her high blood pressure, abdominal pain, and skin rash. These medical issues reportedly persisted despite the medical treatment she received, which may indicate that the measures were not suitable for her current health.
- viii. Considering her health issues, the public defender is the sole avenue for activating protective measures on her behalf; however, he has not yet taken any action. Despite her family’s efforts before the police, the Commission has not been informed of any specific response to address her health issues.
- ix. In light of all the aforementioned elements, it is reasonable to conclude that her conditions may have an effect on her physical and psychological well-being, with allegations of possible stress and depression, and significant concern regarding a potential relocation to another state in the country which is further away from her family.

23. In light of the above assessment, the Commission regrets the lack of response from the State. Although this is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information that allows it to contrast the allegations made by the applicants. Similarly, the Commission is unable to determine the actions that authorities may be taking to mitigate or address the situation that places the proposed beneficiary at risk. Particularly given the specific protection needed for her condition as a pregnant woman who is deprived of her liberty. In this regard, the Commission emphasizes that pregnant women who are deprived of their liberty have the right to receive adequate prenatal and postnatal care. Specifically, the State’s obligation should “focus on providing specialized medical care that responds to needs based on a woman’s condition, care that should be provided by qualified medical personnel at the detention site and be comparable.”<sup>18</sup>

24. In conclusion, the Commission reiterates that, within the Venezuelan post-electoral political context and in light of the applicable *prima facie* standard, it believes that Osmary Sánchez’s rights to life, personal integrity, and health are in a state of serious and imminent risk due to the lack of adequate medical attention and the alleged medical issues she experiences in her current detention conditions.

25. Regarding the requirement of *urgency*, the Commission considers that it has been met to the extent that the proposed beneficiary is not receiving the necessary medical attention appropriate to her current health. In light of the imminent risk, the Commission finds it necessary to adopt immediate measures to safeguard the proposed beneficiary’s rights.

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<sup>18</sup> IACHR, [Women Deprived of Liberty in the Americas](#), OEA/Ser.L/V/II Doc.91/23, March 8, 2023, para. 162.

26. With respect to 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**

27. The Commission declares Osmary Gabriela Sánchez Chirinos as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

**V. DECISION**

28. 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 requests that Venezuela:

a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Osmary Gabriela Sánchez Chirinos, with a gender perspective, in accordance with applicable international standards and obligations;

b) implement the necessary measures to ensure that her detention conditions are compatible with applicable international standards on the matter. In particular, guarantee access to the corresponding medical diagnoses and define her medical treatment;

c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and

d) 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.

29. The Commission requests that the Bolivarian Republic of 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.

30. 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.

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

32. Approved on September 27, 2024, by Roberta Clarke, Chair; Carlos Bernal Pulido, First Vice-Chair; José Luis Caballero Ochoa, Second Vice-Chair; Arif Bulkan; Andrea Pochak and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum  
Executive Secretary