

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 78/2024**

Precautionary Measures No. 1042-24 and 1043-24
Israel Moisés Crespo Sulbarán, J.D.C.C., and Gustavo Adolfo Torres Zambrano regarding
Venezuela
October 28, 2024
Original: Spanish

I. INTRODUCTION

1. On September 18 and 19, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received two requests for precautionary measures filed by *Coalición por los Derechos Humanos y la Democracia* (“the applicant”) urging the Commission to request that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Israel Moisés Crespo Sulbarán, J.D.C.C., and Gustavo Adolfo Torres Zambrano, in Venezuela. According to the request, the proposed beneficiaries are at risk following their arrest by law enforcement agents on July 30, 2024. The whereabouts of Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano are currently unknown following their transfer from the detention facility where they were held. In addition, J.D.C.C. is reportedly being held in inadequate detention conditions.

2. Pursuant to the provisions of 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 October 3, 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 beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requires that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of the proposed beneficiaries. In particular, inform whether Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano are in the custody of the State and the circumstances of their detention, or provide information on the measures aimed at determining their whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiaries were brought before a court of competent jurisdiction to review their detention if they had been charged with crimes. Otherwise, specify the reasons why they have not been released to date; b) ensure the corresponding measures so that the wife of Israel Moisés Crespo can continue to denounce her partner’s situation without being subjected to threats, harassment, intimidation or acts of violence; c) implement the necessary measures to ensure that the beneficiaries’ detention conditions are compatible with applicable international standards on the matter, including: i) guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison; ii) provide access to adequate and specialized medical care and to the necessary medical care; iii) guarantee regular contact and access to their families and lawyers; and iv) in the case of J.D.C.C., take the corresponding measures in accordance with his best interests; 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

- *Israel Moisés Crespo Sulbarán and J.D.C.C.*

4. The applicant indicates that Israel Moisés Crespo Sulbarán and J.D.C.C. are father and son, respectively. They were arrested on July 30, 2024, near the headquarters of the United Socialist Party of Venezuela in the municipality of Torres in the city of Carora in the state of Lara, by officers of the Bolivarian National Police (*Policía Nacional Bolivariana*, PNB). They were reportedly placed under the custody of officers of the Bolivarian National Guard (*Guardia Nacional Bolivariana*, GNB). It is alleged that the detention is arbitrary due to the failure to observe constitutional procedures and for representing an excessive force on the part of the agencies that deprived them of their liberty.

5. The request also states that Israel Moisés Crespo Sulbarán is 32 years old and works as a manual laborer. After being arrested on July 30, 2024, GNB officials ordered his transfer in the early hours of the morning to an unknown location. The transfer allegedly occurred on August 30, 2024 and, from that moment on, his location has been unknown. The applicant understands that he is in a state of forced disappearance, and that the time elapsed to obtain information on his whereabouts exceeds the reasonable limit established by both domestic and international regulations. He is in reported prolonged isolation and coercive incommunicado detention.

6. As for J.D.C.C., the request states that he is 14 years old and a student. He was reportedly arrested by the Bolivarian National Police in Hielos del Toro and subsequently placed under custody of the National Guard. According to the proposed beneficiary's mother, the National Guard allegedly placed bags filled with stones, bottles of gasoline, and sticks on her son. On August 2, 2024, he was reportedly brought before the court, and on August 10, he was transferred to El Manzano Detention Center in Barquisimeto, Lara state, identified as a juvenile detention center.

7. The teenager proposed as beneficiary is reportedly isolated, and is not allowed to communicate with his lawyers or relatives. Regarding the detention conditions, the applicant reported that the space is cramped, lacks sufficient sunlight, access to water is limited, and the food provided is inadequate. Since September 5, 2024, the proposed beneficiary has had amoebiasis and stomach issues, which have not been treated to date. It is reported that the lack of medical attention could aggravate his health.

8. The applicant warns that the proposed beneficiary is being tried and accused by officials who are part of the terrorism jurisdiction. This jurisdiction is not specialized to handle alleged facts which involve children and adolescents. During the criminal proceedings against him, the best interests of the child have reportedly not been taken into account, as he is treated as an adult. This allegedly exposes him to a situation of greater vulnerability. According to the applicant, the defense attorney that was assigned to him is not specialized in children's rights. It was indicated that J.D.C.C. reportedly has a release order in his favor, but is still detained.

9. The request points out that the two proposed beneficiaries have been charged with the crime of terrorism. However, to date, they do not know the facts and circumstances on which the preventive detention measure was issued. This is due to the fact that the agencies of the justice system have not provided his family with information regarding the case. It warns that both the judicial and investigative bodies have refused to receive the *writ of habeas corpus* in the form of forced disappearance and a complaint for the initiation of a criminal investigation into the facts described above.

10. Israel Moisés Crespo's wife has travelled to various state security force locations in an attempt to determine his whereabouts, but officers have denied having any information on his location. She reportedly did not attempt to file any appeal due to the threats received from law enforcement officers, who have indicated that any action in defense of the proposed beneficiaries could endanger them. She has also gone to the courts to seek information regarding her family, where she has been informed that they do not have any information and that she must wait to be contacted from Caracas.

- Gustavo Adolfo Torres Zambrano

11. The proposed beneficiary is a university professor at the University of the Andes. He is affiliated with the Rafael Rangel University Center, where he teaches courses in pedagogical sciences and political studies, among other topics. The proposed beneficiary was arrested on July 30, 2024 in the city of Valera, state of Trujillo, when a mixed commission made up of officers of the Bolivarian National Guard (GNB) and the Trujillo Police deprived several citizens of their freedom, among them the proposed beneficiary. On August 25, 2024, Professor Torres Zambrano was reportedly transferred from the detention center where he was held to an unspecified location. From that moment on, his whereabouts have been unknown. For this reason, the applicant considers that the proposed beneficiary is in a state of forced disappearance.

12. It was reported that the proposed beneficiary's family members face institutional obstacles in the country. In this regard, it was indicated that the judicial and investigative bodies have refused to receive the writ of *habeas corpus* in the form of forced disappearance and the complaint for the initiation of a criminal investigation. The proposed beneficiary has been assigned a public defender. The justice and criminal investigation system has not allowed his family to access the case file to understand the charges against him.

B. Response from the State

13. The IACHR requested information from the State on October 3, 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 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.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.² 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.³ 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

¹ 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).

² 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)

³ 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).

reparations.⁴ 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.

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.⁵ 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.⁶ 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.⁷

17. In this sense, in understanding the facts alleged by the applicant, 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, 1998,⁸ 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 legal remedies and procedural guarantee.”⁹ In addition, 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.”¹⁰

18. 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.¹¹ The Commission

⁴ 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).

⁵ 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.

⁶ 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.

⁷ 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).

⁸ [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](#).

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

¹⁰ 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.

¹¹ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 1.

has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE.

19. 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.¹² 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.¹³ 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.¹⁴ 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.¹⁵

20. On August 15, 2024, the IACHR and its SRFOE condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.¹⁶ 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.¹⁷ 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.”¹⁸

21. The Commission believes that the current context in Venezuela is of crucial importance when analyzing the situation of the three proposed beneficiaries.

22. In analyzing the requirement of *seriousness*, the Commission considers that it has been met. In reaching this determination, the Commission understands the following:

- i. State agents deprived the three proposed beneficiaries of their liberty on July 30, 2024.
- ii. There is no information on the existence of an arrest warrant, and whether it has been subject to judicial review to date, for Israel Moisés Crespo Sulbarán, and Gustavo Adolfo Torres Zambrano.
- iii. The official whereabouts of Israel Moisés Crespo Sulbarán, and Gustavo Adolfo Torres Zambrano are currently unknown and have been since being transferred to other detention centers in August 2024. Family members have no official information on the status of the criminal proceedings initiated against them, nor do they have any information on the official place of their arrest.

¹² IACHR, previously cited, Recommendation 8.

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

¹⁴ IACHR, Press Release 184/24, previously cited.

¹⁵ 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.

¹⁶ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹⁷ IACHR, Press Release 184/24, previously cited.

¹⁸ IACHR, Press Release 184/24, previously cited.

- iv. In the case of J.D.C.C., it is noted that is 14 years old and is allegedly deprived of his liberty in the ‘El Manzano’ detention center. He is allegedly being held in inadequate detention conditions after having been subjected to violent acts. He is also reportedly being prosecuted under jurisdiction related to terrorism, and the public defense attorney that has been appointed to him is not specialized in children’s rights and has not initiated any protective actions on his behalf. It was also alleged that he has a release order in his favor, but is still detained without explanation to family members.
- v. Family members have been prevented from filing domestic remedies to protect the rights of Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano. In this regard, the Commission also has no information on any internal action initiated by the public defender imposed on Gustavo Adolfo Torres Zambrano.
- vi. Lastly, Israel Moises Crespo’s wife is reportedly being threatened by law enforcement officials due to the actions she has been taking to determine her husband’s whereabouts and to visit detention centers and courts in the country.

23. Consequently, the Commission believes that, given that the allegations are consistent with the identified context in the country, the proposed beneficiaries face a situation of special vulnerability following their deprivation of liberty, and considering his current circumstances. In the particular case of J.D.C.C., the Commission recalls that, given the special and reinforced protection that he deserves as a child, the State must guarantee the corresponding treatment according to his age, and the medical attention that his health requires. In this regard, the Commission recalls that on September 12, 2024, the Commission condemned the context of arbitrary detentions of children and adolescents in Venezuela who participated in social protests following the electoral process.¹⁹

24. In view of the allegations presented by the applicant, the Commission regrets the lack of response from the State of Venezuela. 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 challenge the allegations presented by the applicant. Similarly, the Commission is unable to determine the actions that authorities may be taking to mitigate or address the situation that place the proposed beneficiaries at risk.

25. In summary, the Commission considers, based on the applicable *prima facie* standard and taking into account the current context, that it has been shown that the three beneficiaries face a serious risk to their rights to life and personal integrity. Additionally, the Commission believes that Israel Moises Crespo’s wife is at risk due to the reprisals she faces in the search for her husband’s current location.

26. Regarding the requirement of *urgency*, the Commission considers that, given the continuity of the alleged situation, there is a situation of imminent risk. The whereabouts of two proposed beneficiaries remain unknown after being deprived of their liberty by state security agents, while the proposed beneficiary who is a child continues to be held in inadequate detention conditions. These situations require immediate State action with a view to their protection.

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. BENEFICIARIES

¹⁹ IACHR, Press Release 212/2024, IACHR condemns arbitrary detentions of children and adolescents in Venezuela in the post-electoral context, September 12, 2024.

28. The Commission declares as the beneficiaries of these precautionary measures Israel Moisés Crespo Sulbarán, J.D.C.C., and Gustavo Adolfo Torres Zambrano, who are duly identified in this proceeding. In addition, the Commission determines that Israel Moisés Crespo's wife is also a beneficiary.

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:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the proposed beneficiaries. In particular, inform whether Israel Moisés Crespo Sulbarán and Gustavo Adolfo Torres Zambrano are in the custody of the State and the circumstances of their detention, or provide information on the measures aimed at determining their whereabouts or fate. The Commission considers it necessary for the State to specify whether the beneficiaries were brought before a court of competent jurisdiction to review their detention if they had been charged with crimes. Otherwise, specify the reasons why they have not been released to date;
- b) ensure the corresponding measures so that the wife of Israel Moisés Crespo can continue to denounce her partner's situation without being subjected to threats, harassment, intimidation or acts of violence;
- c) implement the necessary measures to ensure that the beneficiaries' detention conditions are compatible with applicable international standards on the matter, including:
 - i) guarantee that they are not subjected to violence, threats, intimidation, and aggression inside the prison;
 - ii) provide access to adequate and specialized medical care and to the necessary medical care;
 - iii) guarantee regular contact and access to their families and lawyers; and
 - iv) in the case of J.D.C.C., take the corresponding measures in accordance with his best interests; 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.

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 applicant.

33. Approved on October 28, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Jorge Meza Flores
Assistant Executive Secretary