
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 80/2024**

Precautionary Measure No. 1150-24
Jan Darmovzal regarding Venezuela
October 31, 2024
Original: Spanish

I. INTRODUCTION

1. On October 17, 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 the Casla Institute (“the applicants”) urging the Commission to request that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights of Jan Darmovzal (“the proposed beneficiary”), a Czech national. According to the request, the proposed beneficiary is an active reservist in his country’s army and was traveling in Venezuela for tourism. The proposed beneficiary was reportedly detained on September 5, 2024, by State security agents in the town of Atabapo, state of Amazonas. Since this date, his whereabouts have been unknown.

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 State on October 18, 2024. To date, Venezuela has not replied to the IACHR, and the granted deadline 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, to date, his current location is unknown. Consequently, 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 beneficiary. In particular, inform whether the beneficiary is in the custody of the State and the circumstances of his detention, or provide information on the measures aimed at determining his whereabouts or fate. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, it requests that the State specify whether the beneficiary has undergone a medical evaluation, and to provide the relevant documentary support and indicate whether communication has been maintained with his country of nationality; and b) report on the actions taken in order 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 applicant states that the proposed beneficiary, a Czech national, is an active reservist of the 43rd Parachute Regiment of the Czech Army. He was traveling in Venezuela when he was detained on September 5, 2024, in the town of Atabapo, state of Amazonas, by a Venezuelan police agency, either SEBIN (Venezuela’s National Intelligence Service) or DGCIM (General Directorate of Military Counterintelligence). He was then allegedly transferred to Carcas by plane. The applicant described the proposed beneficiary’s detention as arbitrary.

5. The request states that on September 14, 2024, the Venezuelan government denounced that 14 people were involved in an alleged plot to assassinate President Nicolás Maduro and other high-ranking government officials. Among those detained were six foreigners: three U.S. citizens, two Spaniards, and the proposed beneficiary. In a press conference, the Venezuelan Minister of Interior, Justice, and Peace displayed a photo of the proposed beneficiary wearing military attire in a helicopter alongside other officers, and alleged that he was part of an international mercenary group known as “AZ.” In this regard, the request clarified that he is a reserve member of a security body in his home country, with the acronym “AZ.” In addition, he was on several alleged official missions.

6. The request alleges that no arrest warrant was issued, nor was an investigation against him known. Since his detention, he allegedly has not been in contact with his family and attorney. The specific security agency where he is being held has not been disclosed, and his physical and psychological state has not been reported on either.

7. On September 18, 2024, according to the request, the government of the Czech Republic and its consular authorities requested explanations from the government of Venezuela regarding the proposed beneficiary’s detention. It was reported that the proposed beneficiary is an active reservist in the Czech Army. However, to date, the Venezuelan authorities have not given a formal response. On October 16, 2024, an attorney appointed by the proposed beneficiary’s family attempted to file a writ of *habeas corpus* (appeal for the protection of constitutional rights - *amparo*) with the Document Reception and Distribution Unit (*Unidad de Recepción y Distribución de Documentos*, URDD) in Caracas. However, for nearly four hours, until late afternoon, URDD officials refused to accept the document. While waiting, the officials allegedly took photos of the document and sent it to a recipient.

9. Lastly, the request reiterates that they do not have any information on the proposed beneficiary’s detention conditions and the charges against him. It is also unclear whether he has been brought before a court.

B. Response from the State

10. On October 18, 2024, the Commission requested information from the State. To date, and with the granted deadline expired, no response has been received.

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

11. 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.

12. 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

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).

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 As for 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.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.

13. 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 the Rules of Procedure, which can be resolved without making any determination on the merits.⁷

14. Likewise, 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

² [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Resolution of February 8, 2008, considerandum 8; [Matter 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.

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).

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).

bound since its ratification on July 6, 1998⁸ 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 guarantees.”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

15. Regarding 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.¹¹ The Commission has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE.

16. 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 Spanish acronym) 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

17. 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

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.

¹² IACHR, 2023 Annual Report, 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 184/2024, previously cited.

18. The Commission considers that the circumstances that preceded the detention of the proposed beneficiary, in addition to the contextual country monitoring carried out by the IACHR, are of particular importance. The foregoing, to the extent that they are consistent with the information provided by the applicant regarding the circumstances of the arrest and the subsequent lack of information about the proposed beneficiary's whereabouts.

19. In analyzing the *seriousness* requirement, the Commission observes that the proposed beneficiary has been detained by State agents on September 5, 2024, and, since then, his whereabouts have been unknown. Neither at the time of the detention nor to date has there been any knowledge of an existing criminal investigation, which would allow the identification of the prosecutor's office involved or the competent court handling the case. Public statements from the Executive Branch suggest that he was detained for allegedly being involved in a plot to assassinate high-ranking state officials. However, these statements do not provide details about an ongoing investigation, which could reveal the case number, the authorities involved in the justice system, or the location of his detention under judicial order. Given his foreign nationality, the Commission also notes the absence of any indications that the State has maintained communication with authorities from his country of origin. Notwithstanding, the Commission emphasizes that neither family members nor his attorney have had access to these details, which represent essential information that the State is obligated to provide. Despite the inability to access the case file, the attorney attempted to submit an appeal for protection of constitutional rights on behalf of the proposed beneficiary. However, the state agency involved refused to accept it.

20. 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 status, and, if the person is under custody of the State, bring them before a competent judicial authority within legal timeframes while fully respecting judicial guarantees at all times.¹⁹ 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.²⁰

21. Upon requesting information from the State, the Commission regrets its lack of response. Although the foregoing is not enough per se to justify the granting of a precautionary measure, it prevents 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 elements that would allow it to contest the facts alleged by the applicant, nor to assess whether the risk that the proposed beneficiary faces has been addressed or mitigated. In this regard, the Commission expresses its particular concern given that State agents, who hold a special responsibility as guarantors of human rights, have been identified as being responsible for the detention of the proposed beneficiary. On this point, the Commission reiterates its statements on the current post-electoral context in Venezuela, as well as the lack of response from the State, which prevents the Commission from having information that would allow it to contest the allegations made by the applicant.

22. The Commission also notes that there are no domestic means available to seek protection for the proposed beneficiary. Family members do not have minimal official information about his legal situation which would allow them to challenge the actions taken by state agents before the competent judicial authority. In this regard, the Commission observes that, to date, his attorney and family members do not have the possibility of activating the domestic remedies to request protection in favor of the proposed beneficiary. As long as this situation persists and the State fails to provide precise information, the Commission considers that the proposed beneficiary is completely vulnerable in relation to the current situations he may be facing.

¹⁹ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 86.

²⁰ 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.

23. In summary, the Commission concludes that, based on the applicable *prima facie standard*, there is sufficient evidence to establish that the proposed beneficiary's rights to life and personal integrity are at serious risk, as his whereabouts and fate remain unknown following his detention on September 5, 2024.

24. Regarding the requirement of *urgency*, the Commission finds that it has been fulfilled, given that 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 emphasizes the attorney's inability 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.

25. 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

26. The Commission declares Jan Darmovzal, who is duly identified in this proceeding, to be the beneficiary of the precautionary measures.

V. DECISION

27. 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 and personal integrity of the beneficiary. In particular, inform whether the beneficiary is in the custody of the State and the circumstances of his detention, or provide information on the measures aimed at determining his whereabouts or fate. The Commission considers it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, it requests that the State specify whether the beneficiary has undergone a medical evaluation, and to provide the relevant documentary support and indicate whether communication has been maintained with his country of nationality; and
- b) report on the actions taken in order to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

28. 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.

29. 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.

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

31. Approved on October 31, 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.

Tania Reneaum Panszi
Executive Secretary