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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 99/2024**

Precautionary Measures No.1331-24  
**Arley Danilo Espitia Lara regarding Venezuela**  
December 16, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On November 22, 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 Fabián Arturo Sosa (“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 of Arley Danilo Espitia Lara, a citizen of Colombia (“the proposed beneficiary”). According to the request, the proposed beneficiary was detained by Venezuelan authorities at the Ureña Bridge border crossing on September 13, 2024 while attempting to enter Venezuela. From that moment on, his location has 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 November 25, 2024. To date, the IACHR has not received a response from Venezuela and the granted deadline has 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 his current location is unknown to date. Consequently, 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 the beneficiary. In particular, inform whether the beneficiary is in custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate. The Commission deems 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 detail 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. According to the applicant, the proposed beneficiary is a 24-year-old Colombian farmer. On September 13, 2024, he traveled by land from Cúcuta to Venezuela, accompanied by a Venezuelan woman. Once at the border at the Ureña bridge, the migration authorities asked for his documentation. The proposed beneficiary presented his passport and the Venezuelan authorities detained him. He was then taken to a vehicle and, from that moment on, his whereabouts have been unknown. The person he was traveling with was able to continue with the trip.

5. On October 17, 2024, Venezuelan Minister of the Interior Diosdado Cabello reportedly stated that several men of various nationalities had been arrested. Among them, the proposed beneficiary, who is allegedly accused of being part of an international operation to overthrow the government. The proposed beneficiary was allegedly accused of being a “command of the paramilitaries.” The statement was reported in several newspaper articles, such as the Venezuelan newspaper *Ultimas noticias*.

6. His family members sought information from the Venezuelan Embassy in Colombia regarding the proposed beneficiary’s situation. At the Embassy, they were reportedly told that he was guilty of the crimes of which he was accused. The Ministry of Foreign Affairs of Colombia reported that, between October 18 and 21, 2024, the Colombian Consulate General in Caracas conducted the following visits and searches to determine the whereabouts of the proposed beneficiary:

- Visit to the headquarters of the Criminal Courts of the Metropolitan Area of Caracas and Miranda State, specifically the Second Control Court with National Jurisdiction in Terrorism Matters. The Second Court of Control (49 of Ordinary Control) informed them that they had no knowledge of the cases.
- Visit to the General Directorate of Military Counterintelligence (DGCIM), Boleita Headquarters. At the site, an official confirmed that neither in that unit nor in any other DGCIM headquarters were the nationals mentioned by the Minister of the Interior, among them the proposed beneficiary, being deprived of their liberty. This response confirmed the information previously provided to the Consul during earlier consular visits.
- Visit to the Bolivarian National Intelligence Service (SEBIN), El Helicoide. The official in charge reported that during the previous visit they had already provided information on the case of the nationals. He stated that they were not detained there and that they did not have any foreigners.
- Visit to Criminal Courts of the Jurisdiction of the Capital District and Miranda State, File Receiving and Distribution Unit (*Unidad Receptora y Distribuidora de Expedientes*, URDDE), in charge of centralizing the information of the existing judicial processes. They were indicated that there is no record of the proposed beneficiary or the other nationals. For this reason, they understand that they have not been filed in court and, consequently, have no legal proceedings.

7. The Colombian Consulate warned that, due to the possibility of errors in internal communication, and after learning that the Second Court with National Jurisdiction in Matters of Terrorism was handling the case, it was decided to visit each of the four Control Courts specializing in Matters of Terrorism.<sup>1</sup> None of the courts were able to locate any case involving the proposed beneficiary. On October 22, 2024, the Colombian Embassy in Venezuela sent a Note Verbale to the Ministry of Popular Power for Foreign Affairs, requesting information about the proposed beneficiary. It was indicated that an official response is pending and that the Consulate would continue to work to provide information on the proposed beneficiary and allow the respective consular visit.

8. Given the lack of institutional response, the relatives contacted different media to publicize the proposed beneficiary’s disappearance.<sup>2</sup> A Senator of the Republic of Colombia, whom the relatives approached, submitted a request to the Ministry of Foreign Affairs of Colombia requesting for information

<sup>1</sup> Second Court with National Jurisdiction in Terrorism Matters (49 Ordinary), First Court (30 Ordinary), Third Court (52 Ordinary), and Fourth Court (13 Ordinary), all of which are Control Courts with National Jurisdiction in Terrorism Matters.

<sup>2</sup> Semana, “[A Colombian traveled to Venezuela for love and ended up arrested after being accused of 'paramilitary leader': his family is living a nightmare.](#)” November 2, 2024; RCN Radio, “[Boyacá farmer allegedly detained arbitrarily in Venezuela, accused of being a paramilitary.](#)” October 31, 2024; Noticias Caracol, “[A Colombian traveled to Venezuela for love and now Diosdado Cabello accuses him of being a 'paramilitary leader.'](#)” October 29, 2024; El Tiempo, “[A Colombian went on vacation to Venezuela and ended up captured by Nicolás Maduro's regime: accused of being a paramilitary.](#)” November 2, 2024; NTN24, “[A farmer, an industrial engineer, and a Colombian lawyer are accused by the Venezuelan regime of planning an attack against Nicolás Maduro.](#)” November 4, 2024.

regarding the proposed beneficiary's information. On November 14, 2024, the Colombian Foreign Ministry responded by reiterating that, after visits and searches, they had not located the proposed beneficiary. Additionally, the Ministry of Foreign Affairs of Colombia stated that it continued to collaborate with the Colombian diplomatic mission and Consulate in Caracas, Bolivarian Republic of Venezuela, to obtain reliable information, confirm the whereabouts of the proposed beneficiary, and provide him with the necessary assistance.

9. The applicant reported that the proposed beneficiary's family members hired the services of a Venezuelan lawyer, who told them that the proposed beneficiary was being held at the Baez military base in the state of Tachira. However, they indicated that this information has not been confirmed. They warned that they planned to hold a sit-in at the Ministry of Foreign Affairs in Bogotá on December 10, 2024, urging the Colombian government to address the situation of the proposed beneficiary, demand the protection of his rights through consular means, and take the appropriate measures.

10. Since his arrest, the proposed beneficiary's family has reportedly had no information about his whereabouts, and is unaware of his detention conditions, the charges against him, or whether he has been brought before any court.

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

11. The IACHR requested information from the State on November 25, 2024. However, despite the expiration of the given deadline, the State has not submitted its response to date.

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

12. The precautionary measures mechanism 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 Statute of the IACHR. 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.

13. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>3</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>4</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.<sup>5</sup> As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-

<sup>3</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>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 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>5</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).

American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits, and, thus, 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 enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>6</sup> In the process of reaching a decision, and according to Article 25(2) of the 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.

14. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>7</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>8</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 making any determination on the merits.<sup>9</sup>

15. By the same token, 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,<sup>10</sup> 1998, 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.”<sup>11</sup> In addition, the Inter-American Commission highlights what was established by the United Nations Working Group on Enforced or Involuntary

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<sup>6</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).

<sup>7</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>8</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>9</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>10</sup> [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](#).

<sup>11</sup> [Inter-American Convention on Enforced Disappearance of Persons](#), Belém do Pará, Brazil, June 9, 1994.

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Disappearances, in the sense that “there is no minimum time, however short, to consider that an enforced disappearance has occurred.”<sup>12</sup>

16. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005,<sup>13</sup> and has included the country in Chapter IV.B of its Annual Report. The Commission has also issued press releases and country reports, and established the special follow-up mechanism for the country, known as MESEVE.

17. 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>14</sup> The Commission has recently condemned the practices of institutional violence in the context of the electoral process in Venezuela, such as violent repression, arbitrary detentions, and political persecution.<sup>15</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>16</sup>

18. In particular, in the statement of August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) stated that the regime in power is sowing terror as a tool to silence the citizenry and perpetuate the ruling authoritarian regime in power, and that Venezuela must cease practices immediately that violate human rights and reestablish democratic order and the rule of law.<sup>17</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 “[t]he 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>18</sup>

19. The Commission considers that the circumstances in which the detention of the proposed beneficiary has taken place, together with the country contextual monitoring carried out by the IACHR, are relevant in the analysis of the procedural requirements.

20. In analyzing the requirement of *seriousness*, the Commission takes into consideration that, on September 13, 2024, the proposed beneficiary was detained by agents of the State of Venezuela and, to date, his location or whereabouts are unknown. According to the information available, judicial authorities of Venezuela have indicated that no criminal proceedings are registered against him. In addition, the Commission notes that a high-ranking Venezuelan state official stated that the proposed beneficiary was part of a paramilitary organization. However, no details were provided on the possible existence of a criminal proceeding or investigation against him, the judicial authority conducting the investigation or the place where he is being held in custody in Venezuela. In this regard, the Commission emphasizes that, despite the visits by Colombian consular authorities to courts handling terrorism and common crimes, as well as to the

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<sup>12</sup> 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.

<sup>13</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>14</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>15</sup> IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

<sup>16</sup> IACHR, Press Release 184/24, previously cited.

<sup>17</sup> IACHR, Press Release 184/24, previously cited.

<sup>18</sup> IACHR, Press Release 184/24, previously cited.

headquarters of the DGCIM and SEBIN, no official information has been obtained to date regarding the location or conditions the proposed beneficiary faces.

21. The absence of official communication regarding his whereabouts has persisted over the last three months, despite the efforts made by the family, including hiring a defense lawyer in Venezuela and submitting requests to both Venezuelan and Colombian authorities. Moreover, the Commission notes that, given the foreign nationality of the proposed beneficiary, the Commission has not been notified that the State of Venezuela has maintained communication with the country of his nationality. In any case, the Commission notes that the family members have confirmed that they have not had any communication with the proposed beneficiary since September 13, 2024.

22. 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 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 State agents, who hold a special responsibility as guarantors, have been identified as being responsible for the detention of the proposed beneficiary's human rights, since they have him in their custody.

23. The Commission also observes that there are no domestic avenues 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. As long as this situation persists and the State fails to provide precise answers, the Commission considers that the proposed beneficiary is completely vulnerable in relation to the current situations he may be currently facing.

24. 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 arrest on September 13, 2024.

25. 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 lawyer and family member'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.

26. 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**

27. The Commission declares Arley Danilo Espitia Lara as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

#### **V. DECISION**

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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 and personal integrity of the beneficiary. In particular, inform whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate. The Commission deems 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 detail whether communication has been maintained with his country of nationality; 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.

29. 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.

30. The Commission emphasizes that, pursuant to Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible 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 requesting party.

32. Approved on December 16, 2024 by Roberta Clarke; 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.

Maria Claudia Pulido  
Assistant Executive Secretary