

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 10/2025**

Precautionary Measure No. 27-25

Jesús Gabriel Useche Moncada regarding Venezuela

January 30, 2025

Original: Spanish

I. INTRODUCTION

1. On January 13, 2025, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Coalición por los Derechos Humanos y la Democracia* (“the requesting party”) urging the Commission to request that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights of Jesús Gabriel Useche Moncada (“the proposed beneficiary”). The proposed beneficiary, a 19-year-old with an intellectual disability, was detained on January 9, 2025, during the protests in Venezuela. To date, he remains isolated and incommunicado, and there is no available information on his detention conditions or his current health.

2. Pursuant to Article 25(5) of the Rules of Procedure, the Commission requested information from the State on January 14, 2025. To date, the IACHR has not received a response from Venezuela and the granted deadline has expired. The applicant provided additional information on January 15, 2025.

3. Upon analyzing the submissions of fact and law furnished by the applicant, the Commission recognizes that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health face a risk of irreparable harm in Venezuela. Consequently, pursuant to Article 25 of its Rules of Procedure, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Jesús Gabriel Useche Moncada; b) promote the necessary measures to ensure that the conditions of detention of the beneficiary are compatible with the applicable international standards on the matter, particularly taking into account his disability, inter alia: i. guarantee regular contact with and access to his family members, trusted lawyers, and representatives; ii. provide official information about the legal situation of the beneficiary in the framework of the criminal proceedings in which he is allegedly involved, such as the reasons for which he has not been released to date, and whether he has been brought before a court for the review of his detention; iii. immediately carry out a medical assessment of his health situation and guarantee access to necessary medical care; c) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

4. The request mentions that Jesús Gabriel Useche Moncada, 19 years old, is originally from the state of Lara in Venezuela and has an intellectual disability based on moderate cognitive impairment and hyperactivity. On January 9, 2025, at 2:30 p.m., agents of the Bolivarian National Guard (GNB) allegedly detained him in an arbitrary manner. It is reported that this incident took place in the La Montaña sector, near a medical center, while the proposed beneficiary was observing the protests in the area. The demonstrations were aimed at demanding guarantees from the National Armed Forces for the swearing-in of Edmundo González Urrutia.

5. He was initially sent to the headquarters of detachment 125, in the Palavecino municipality of the state of Lara. The proposed beneficiary was subsequently transferred to the Aragua State Judicial Confinement Center, where he has remained in solitary confinement since January 9, 2024. The applicant emphasized that the detention facility where Jesús Gabriel Useche Moncada is being held is overcrowded and lacks essential conditions, including access to drinking water, clean air, sunlight, and an adequate diet for persons deprived of their liberty.

6. In addition to the above, the applicant warned that the proposed beneficiary is not receiving the necessary medical care for his condition. It was further noted that Mr. Useche Moncada has a high-risk condition, and the lack of proper medical check-ups, care, and treatment could result in a “collapse of the patient and ultimately his death.” According to the proposed beneficiary’s psychological evaluations carried out in August 2024, he is unable to independently carry out his self-care routines and requires support in making decisions. The report indicates that his condition requires psychological monitoring, an up-to-date neurological evaluation, as well as proper control of his medications and that he take them at the appropriate time. In addition, the report stresses the importance of having continuous family support, being kept in safe spaces, maintaining nutritional monitoring, and ensuring psychotherapy sessions and complementary therapies, such as occupational therapy. In view of the above, the applicant warned that the proposed beneficiary had not been taken to a medical center since his arrest and that “the circumstances of prolonged isolation and coercive communication to which the proposed beneficiary is subjected are facts that affect his right to physical, mental and moral integrity, as they are forms of cruel treatment.”

7. Lastly, the applicant reported that the proposed beneficiary’s relatives were prevented from taking legal action before the judicial authorities. It was also noted that a public defender was appointed, despite the objections of the proposed beneficiary’s relatives. This defender is allegedly not carrying out the relevant procedures in favor of the proposed beneficiary, including the evaluation of his possible condition as not criminally responsible. Thus, it was alleged that the proposed beneficiary is currently immersed in a criminal proceeding regarding which the reasons and charges imposed are unknown.

B. Response from the State

8. The Commission requested information from the State on January 14, 2025. To date, no information has been received, and the granted timeline has expired.

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

9. 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.

10. 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.¹ Regarding the protective nature, these measures seek

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).

to avoid irreparable harm and to protect 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, and how vulnerable the proposed 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. Their precautionary nature aims at safeguarding 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, 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.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.

11. 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*.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 making any determination on the merits.⁷

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).

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).

12. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005,⁸ 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 a special follow-up mechanism for the country, known as MESEVE.

13. 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.⁹ 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.¹⁰ 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.¹¹

14. In particular, in the press release 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.¹² It was found that detainees were subjected to criminal proceedings for crimes defined in ambiguous and broad terms, and are refused 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.”¹³

15. On December 27, 2024, the IACHR approved the report titled “Venezuela: Serious Human Rights Violations in the Electoral Context” and reaffirmed that the State has been engaging in practices such as the arbitrary detention of opponents, human rights defenders, and social leaders,¹⁴ while using “terror as a tool of social control.”¹⁵

16. On January 9, 2025, the Commission learned of arbitrary detentions and forced disappearances, carried out days before the peaceful protests called by the opposition. These acts represent a new wave of the repressive pattern.¹⁶ Furthermore, it urged the State of Venezuela to immediately cease the persecution of opponents, human rights defenders, and journalists, and to promptly release all individuals detained for political reasons.¹⁷

17. The Commission understands that the circumstances in which the proposed beneficiary was arrested, along with the country contextual monitoring carried out by the IACHR, are relevant in the analysis of the procedural requirements.

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

⁹ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), previously cited, Recommendation 8.

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

¹¹ IACHR, Press Release 184/24, previously cited.

¹² IACHR, Press Release 184/24, previously cited.

¹³ IACHR, Press Release 184/24, previously cited.

¹⁴ IACHR, Venezuela: Serious Human Rights Violations in the Electoral Context, OEA/Ser.L/V/II Doc. 253/24, December 27, 2024, para. 3.

¹⁵ IACHR, Venezuela: Serious Human Rights Violations in the Electoral Context, previously cited, para. 5.

¹⁶ IACHR, Press Release 09/25, [The IACHR condemns the ongoing practices of state terrorism in Venezuela and recalls that María Corina Machado is a beneficiary of precautionary measures](#), January 9, 2025.

¹⁷ IACHR, Press Release 09/25, previously cited.

18. Regarding the requirement of *seriousness*, the Commission considers that it is met, given that Jesús Gabriel Useche Moncada is a young adult with an intellectual disability who has been diagnosed with moderate cognitive impairment and hyperactivity, and that he has been deprived of his liberty since January 9, 2025 in an alleged in a state of isolation, incommunicado, and without any information about his health and detention conditions.

19. According to the applicant, the Judicial Institution of the state of Aragua, where the proposed beneficiary is reportedly being held, lacks adequate detention conditions. The facility is reportedly overcrowded, has poor ventilation, limited access to sunlight, as well as a shortage of drinking water and adequate food. In this regard, the IACHR observes that these conditions pose risks to the health, life, and personal integrity of persons deprived of liberty. However, these risks are further exacerbated in the case of the proposed beneficiary due to his specific health concerns. In this regard, the psychological report indicates that Jesús Gabriel Useche Moncada requires support to carry out self-care activities; is not independent in decision-making; requires interdisciplinary follow-up; must have continuous family support; must be kept in safe spaces; and must have proper control of his medications and the time they are taken, among other requirements.

20. Considering the alleged detention conditions at the facility where the proposed beneficiary is allegedly held, the IACHR emphasizes that the extreme change in routine, removal from his familiar and safe environment, and lack of information about his recommended medical treatment create a situation of serious risk for Jesús Gabriel Useche Moncada, given his heightened vulnerability due to his health issues. To date, the Commission has no information to show that the proposed beneficiary is receiving medical care, that he has been evaluated by specialists in state custody, or that he continues to receive his prescribed medical treatment. In this sense, it is unknown whether the proposed beneficiary has the minimum guarantees necessary to protect his fundamental rights.

21. As indicated by the Inter-American Court of Human Rights, it is important to note that persons deprived of their liberty with disabilities face differentiated impacts, starting with physical, communicative, attitudinal and socioeconomic barriers that jeopardize their ability to access decent conditions of detention, specialized medical treatment, or other fundamental services, thus accentuating their vulnerability.¹⁸ The Court has therefore underlined the obligation of States to ensure detention conditions that are compatible with human dignity and to adopt positive measures that respond to the protection needs of persons with disabilities. In particular, it has stated that the right to life of persons deprived of liberty also implies the obligation of the State to guarantee their physical and mental health, specifically through the provision of regular medical check-ups and, when required, adequate, timely, and, where appropriate, specialized medical treatment according to the special care needs required by the detained persons in question.¹⁹

22. In light of the aforementioned criteria for the protection of the rights to personal integrity and life of persons deprived of liberty, the Court reiterates that, “when the health pathology is incompatible with deprivation of liberty, or when incarceration cannot provide an appropriate mechanism for the exercise of basic human rights, it is necessary to try to ensure that prison reduces and mitigates the harm caused to the person and provides the most humane treatment possible according to international standards.”²⁰ Thus, “when the punishment gravely endangers his life and integrity or is physically impossible to fulfil in the absence of physical and human resources within the prison center to address that situation, then the application of an alternative to a custodial sentence (for example, house arrest, change of security measures, early release, deferred sentence) can be justified as an exceptional measure.”²¹ This decision, in addition to being grounded

¹⁸ I/A Court H.R. [Case of Chinchilla Sandoval et al. v. Guatemala](#), Preliminary Objection, Merits, Reparations, and Costs, Judgment of February 29, 2016, Series C No. 312, para. 207.

¹⁹ I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala, previously cited, para. 271.

²⁰ I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala, previously cited, para. 244.

²¹ I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala, previously cited, para. 244.

in principles of dignity and humanity, would mitigate institutional risks associated with the deterioration of health or the potential risk of death for the individual under such conditions within the prison.²²

23. In this context, the IACHR recalls the position of special guarantor in which the State finds itself in relation to persons deprived of liberty. The above, due to the unique interaction of subordination between the person deprived of liberty and the State. This is characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of being deprived of one's liberty, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life in such terms as may be possible under the circumstances.²³

24. In light of the factual framework presented within the context of the country, the Commission also considers the obstacles to seeking protection for the proposed beneficiary at the domestic level, as well as his inability to communicate with his family members or trusted lawyers. The Commission observes that his family members are reportedly unable to activate internal actions in his favor either, because they do not have access to the judicial files or to the information corresponding to his case. In addition, the applicant alleged that a public defender was appointed against his family members' will. This defender allegedly did not take the necessary steps to protect the rights of the proposed beneficiary, including considering him as unattributable. Given these circumstances, the Commission believes that Jesús Useche is in a state of complete vulnerability against the situations he may currently be facing as a prisoner in the identified context.

25. 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 risk that the proposed beneficiary faces. Therefore, the Commission does not have elements that would allow it to dispute the facts alleged by the requesting party, 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 the proposed beneficiary's human rights, have been identified as being responsible for his detention, since they have him in their custody.

26. In summary, the Commission concludes that, based on the *prima facie standard*, it is sufficiently established that the rights to life, personal integrity, and health of the proposed beneficiary are at serious risk. This is particularly concerning given that he has an intellectual disability, has been held incommunicado since his detention on January 9, 2025, and, to date, the detention conditions and his current health remain unknown. Given this context, the Commission gives special seriousness to the passage of time, which suggests a tendency to aggravate the risk that the proposed beneficiary faces.

27. With regard to the requirement of *urgency*, the Commission considers that it has been met given that, should the proposed beneficiary continue to face the situation described, he is likely to be imminently exposed to a greater impact on his rights. Thus, the Commission warns that, given that he is a person with an intellectual disability who is deprived of his liberty, in addition to the isolation he is subjected to, lack of communication with his family members, inability to appoint a trusted lawyer, and the absence of internal legal actions to protect his rights, as well as given the lack of official information regarding his detention and health, there is an imminent risk of harm materializing within the current context of the country. Therefore, it is necessary to immediately adopt measures to safeguard his rights to life, personal integrity, and health.

²² I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala, previously cited, para. 246.

²³ I/A Court H.R. Case of Chinchilla Sandoval et al. v. Guatemala, previously cited, para. 168.

28. 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

29. The Commission declares Jesús Gabriel Useche Moncada as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

30. 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 Jesús Gabriel Useche Moncada;
- b) promote the necessary measures to ensure that the conditions of detention of the beneficiary are compatible with the applicable international standards on the matter, particularly taking into account his disability, *inter alia*:
 - i. guarantee regular contact with and access to his family members, trusted lawyers, and representatives;
 - ii. provide official information about the legal situation of the beneficiary in the framework of the criminal proceedings in which he is allegedly involved, such as the reasons for which he has not been released to date, and whether he has been brought before a court for the review of his detention;
 - iii. immediately carry out a medical assessment of his health situation and guarantee access to necessary medical care;
- c) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

31. 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.

32. 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.

33. The Commission instructs its Executive Secretariat to notify this resolution to the Bolivarian Republic of Venezuela and the requesting party.

34. Approved on January 30, 2025, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary