

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 39/2025**

Precautionary Measure No. 492-25

Jonathan Guillermo Torres Duque regarding Venezuela

May 5, 2025

Original: Spanish

I. INTRODUCTION

1. On April 22, 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 the NGO *Foro Penal* (“the requesting party” or “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 Jonathan Guillermo Torres Duque (“the proposed beneficiary”). According to the request, agents of the Bolivarian National Guard (GNB) detained the proposed beneficiary at the Peracal checkpoint in San Antonio, Táchira state on October 27, 2024. He was attempting to enter Venezuela after living in the United States for 10 years. State agents indicated that his immigration status was under investigation. The proposed beneficiary was then taken away in a vehicle to an unknown destination, and his whereabouts have been unknown since then.

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 April 24, 2025. 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 requires that Venezuela: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiary. In particular, i. report whether the beneficiary is in the custody of the State and, if so, indicate the reason and circumstances of his detention; or the measures taken to determine his whereabouts or fate; ii. specify whether he has been brought before a competent court to review his detention if he has been charged with a crime, or clarify the reason why he has not done so, if he has not appeared before a court; iii. expressly indicate the court that would know his criminal case, if any, or the reasons why he has not been released to date; iv. allow the beneficiary to communicate with his family and trusted legal representatives, giving them full access to his criminal file, if any; and v. immediately carry out a medical assessment of his health and guarantee access to necessary medical care; 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.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

4. According to the request, Jonathan Guillermo Torres Duque is a Venezuelan national and a visual artist. It was added that the proposed beneficiary left Venezuela with his family in 2015 and remained in the United States for 10 years. His mother and siblings returned to Venezuela two years ago and the proposed beneficiary also decided to return to his country as he expressed feeling lonely and depressed. Upon returning, the proposed beneficiary’s identity card and passport were expired.

5. On October 27, 2024, the proposed beneficiary took several flights to Cúcuta, Colombia, and then crossed the border into Venezuela in a taxi to San Cristóbal, Táchira state, where he was planning to reunite with his mother. Upon seeing that her son did not arrive at the agreed location, his mother went to the Peracal checkpoint in San Antonio, Táchira state, Venezuela. The guards reportedly told her that the proposed beneficiary was not Venezuelan, but rather a young American given that he spoke English very well and had expired documents. His mother explained that the proposed beneficiary had studied in the United States for ten years. She clarified that her son is a Venezuelan citizen and presented his birth certificate.

6. A GNB official allowed her to see her son for a few minutes. The proposed beneficiary was isolated. His mother was then removed from the scene, and half an hour later, the proposed beneficiary was put into a blue vehicle by four men dressed in plain clothes. At that time, she confirmed that the proposed beneficiary had been detained by immigration authorities and the GNB, who were investigating him for his immigration status. However, hours later, they informed her that he was being investigated by the General Directorate of Military Counterintelligence (DGCIM). From that moment on, his fate, whereabouts, and the grounds for his detention have remained unknown. No communication has been allowed with his family members or attorneys.

7. That same day, his mother went to GNB Detachment 212. On October 28, 2024, she also went to the two DGCIM headquarters located in San Cristóbal and to various state security agencies and courts in that city. She was unable to obtain any information in these locations, but it appears that the proposed beneficiary is being held in La Boleíta. However, it has not been possible to verify this information as they could not see the proposed beneficiary.

8. On November 2, 2024, a missing person report was filed with the Public Prosecutor's Office. Since November 2, 2024, the proposed beneficiary's mother has gone to the DGCIM, located in Boleíta (Caracas) every other day. At this location, she was told that her son had been previously held there, but that he was no longer there. However, they did not inform her of his current whereabouts. On December 20 and 21, 2024, an attempt was made to file a *writ of habeas corpus*, which was not accepted in court. On December 23, 2024, a missing person report was filed with the Ombudsperson's Office. On April 10, 2025, another attempt was made to file a *writ of habeas corpus*. Even though the writ was not accepted, the receipt was not signed or stamped, and the proposed beneficiary's mother was told to return "after Easter" (after April 21, 2025) to find out whether or not it would be accepted. None of these complaints have been answered.

9. The applicant reported having carried out various search actions with visits to the DGCIM headquarters in Caracas on February 4, 13 and 25, and March 2, 12, 18, 25 and 27, 2025; to the SEBIN headquarters in Caracas on February 6 and 18, 2025; and to the Rodeo I prison (Miranda) with family members of prisoners on February 8 and 27, and on March 6 and 22, 2025. In all these locations, the authorities denied the presence of the proposed beneficiary. The applicant noted that there is currently a state policy in Venezuela not to respond to requests or inquiries related to detained persons. Actions of this type brought before the various public authorities are not responded to in a timely manner or are simply not received. Nor is it permitted to record the filing or attempted filing of any of these actions, which leaves detainees in a vulnerable and defenseless situation, in addition to hindering the exercise of actions before international bodies.

10. On January 27 and March 10, 2025, the proposed beneficiary's mother submitted communications addressed to the Attorney General of the Republic, the President of the Republic, the Ombudsperson's Office, and the National Assembly of the Republic requesting that the proposed beneficiary be granted his freedom. She explained that her son has depression and is receiving medical treatment. In addition, she reported that there is a history of suicide in their family, and she therefore fears for her son's life.

B. Response from the State

11. The Commission requested information from the State on April 24, 2025. 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.¹ Regarding the protective nature, these measures seek 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.

14. 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

¹ Inter-American Court of Human Rights (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.

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).

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 within its purview 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 carried out without making any determinations on the merits.⁷

15. In the same sense, in analyzing 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 interprets 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

16. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005,¹¹ 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.

17. 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,¹² while using “terror as a tool of social control.”¹³ In the framework of its 191st Period of Sessions between November 4 and 15, 2024, the IACHR held a hearing and a press conference where it addressed the generalized situation of human rights violations in Venezuela in the post-electoral context. The IACHR emphatically called on the current regime to put an end to the repression and release those identified as political prisoners.

18. In 2025, the IACHR condemned the situation of persons deprived of their liberty in Venezuela in the context of the country.¹⁴ The IACHR identified that relatives have not yet received a formal

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.

¹² IACHR, Venezuela: Serious Human Rights Violations in the Electoral Context, OEA/Ser.L/V/II Doc. 253/24, December 27, 2024, para. 3.

¹³ IACHR, Venezuela: Serious Human Rights Violations in the Electoral Context, previously cited, para. 5.

¹⁴ IACHR, [Press Release 72/25](#), IACHR urges Venezuela to immediately release political prisoners and to end the practice of holding them incommunicado, April 11, 2025.

communication about the detention center where their loved ones are held.¹⁵ In other cases, they have only been able to find out that they are alive and where they are being held through information shared by other inmates, or because officials from the Bolivarian National Intelligence Service call them to ask them to bring medicine or collect dirty clothes for washing.¹⁶

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

20. In reviewing the requirement of *seriousness*, the Commission takes into consideration that the proposed beneficiary's whereabouts have been unknown since October 27, 2024 after he was deprived of his liberty by GNB agents. The information provided indicates that the proposed beneficiary was detained when attempting to enter his country through the Peracal checkpoint in San Antonio, Táchira state, after having lived in the United States for nearly ten years. The GNB agents considered that the proposed beneficiary is not Venezuelan, despite the explanations and documentary support provided. After his detention and subsequent transfer to an unidentified location, to date, his family does not know the reasons for being detained, his legal status, or his fate.

21. The Commission observes that, according to the applicant, state agents considered that the proposed beneficiary is a foreign national and that this had led to his detention. In this regard, the Commission recalls that, within the framework of the precautionary measures mechanism and in the current context of the country, the IACHR has established that the detention of foreign nationals by the State of Venezuela in factual circumstances similar to those alleged in this matter is inadmissible. For example, citizens of Italian,¹⁷ Argentine,¹⁸ Colombian,¹⁹ Czech,²⁰ French and US,²¹ as well as Ukrainian²² nationality have been detained by state agents without any official information to date about their detention conditions or their whereabouts.

22. The Commission also notes that, approximately six months after the proposed beneficiary was detained, and following internal judicial proceedings and search efforts by his family members and the applicant, the Venezuelan authorities have not provided official information on any of the following: the legal situation of the proposed beneficiary; his place of detention; the file number or the criminal offense for which he is being investigated; the judicial authority that ordered his detention; or the competent court that hears the case, among other minimum aspects that a detained person, or his family members, have a right to know. In this sense, family members and attorneys do not have any information on whether he has been assessed or received medical attention to determine his health. In particular, if he still has depression or if he is undergoing any treatment. The above assessment is relevant to the extent that the applicant has alerted of a history of suicide in his family due to mental health conditions.

23. The Commission highlights the impossibility faced by the family and defense attorneys to demand protection of the proposed beneficiary's rights. In this regard, the Commission has been informed that, despite having filed complaints of disappearance and writs of *habeas corpus* with various government agencies, no response to these requests has been received to date, nor is any effective action known to have been taken. In summary, the Commission notes that the State's refusal to provide an official response regarding the legal situation and whereabouts of the proposed beneficiary remains unchanged despite the efforts made by his family members.

¹⁵ IACHR, Press Release 72/25, previously cited.

¹⁶ IACHR, Press Release 72/25, previously cited.

¹⁷ IACHR, [Resolution 2/25](#), Precautionary Measure No. 1438-24, Alberto Trentini regarding Venezuela, January 7, 2025.

¹⁸ IACHR, [Resolution 1/25](#), Precautionary Measures No. 1432-24, Nahuel Agustín Gallo regarding Venezuela, January 1, 2025.

¹⁹ IACHR, [Resolution 99/24](#), Precautionary Measure No. 1331-24, Arley Danilo Espitia Lara regarding Venezuela, December 16,

2024.

²⁰ IACHR, [Resolution 80/24](#), Precautionary Measure No. 1150-24, Jan Darmovzal regarding Venezuela, October 31, 2024.

²¹ IACHR, [Resolution 27/25](#), Precautionary Measures No. 247-25, Lucas Jonas Hunter regarding Venezuela, March 22, 2025.

²² IACHR, [Resolution 32/25](#), Precautionary Measure No. 334-25, Yevhenii Petrovich Trush regarding Venezuela, April 5, 2025.

24. 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 if 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 has no grounds to refute the facts alleged by the applicant or to assess whether the risk that the proposed beneficiary faces has been addressed or mitigated. In this context, 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. Until the State provides a response regarding the situation of the proposed beneficiary, the Commission concludes that he remains in a state of complete vulnerability.

25. Taking into account the foregoing, the Commission finds that, from the applicable *prima facie standard*, it is sufficiently proven that the rights to life, personal integrity, and health of the proposed beneficiary face a situation of serious risk, since his whereabouts or fate are unknown to date after his detention on October 27, 2024.

26. Regarding the requirement of *urgency*, the Commission finds that it has been fulfilled to the extent that the proposed beneficiary's whereabouts remain unknown. Over time, the likelihood of violations of his rights increases. In addition to the above, the Commission highlights the impossibility of his family members and attorneys to obtain official information on the legal situation of the proposed beneficiary, despite various internal actions to locate him and address any mental health conditions. Therefore, the Commission considers it necessary to adopt immediate measures to safeguard his rights.

27. Regarding the requirement of *irreparable harm*, the Commission maintains that it has been met, since the potential impact on the rights to life, personal integrity, and health constitutes the maximum situation of irreparability.

IV. BENEFICIARY

28. The Commission declares Jonathan Guillermo Torres Duque as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

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 requests that Venezuela:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiary. In particular,
 - i. report whether the beneficiary is in the custody of the State and, if so, indicate the reason and circumstances of his detention; or the measures taken to determine his whereabouts or fate;
 - ii. specify whether he has been brought before a competent court to review his detention if he has been charged with a crime, or clarify the reason why he has not done so, if he has not appeared before a court;
 - iii. expressly indicate the court that would know his criminal case, if any, or the reasons why he has not been released to date;
 - iv. allow the beneficiary to communicate with his family and trusted legal representatives, giving them full access to his criminal file, if any; and

v. immediately carry out a medical assessment of his health and guarantee access to necessary medical care; 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.

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, 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.

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

33. Approved on May 5, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; Carlos Bernal Pulido; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary