
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 64/2024**

Precautionary Measure No. 941-24

Nelida del Rosario Sánchez Oropeza regarding Venezuela

September 6, 2024

Original: Spanish

I. INTRODUCTION

1. On August 30, 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 *Coalición por los Derechos Humanos y la Democracia*¹ (“the applicants”) urging the Commission to require that the State of Venezuela (“the State” or “Venezuela”) adopt the necessary measures to protect the rights to life, personal integrity, and freedom of expression of Nelida del Rosario Sánchez Oropeza (“the proposed beneficiary”). According to the request, the proposed beneficiary is the national training coordinator for the non-governmental organization *Súmate* in Venezuela and was detained on August 26, 2024, by agents of the Bolivarian National Intelligence Service (SEBIN). On August 28, 2024, she was transported to an unknown location. The applicants characterized the situation as a “forced disappearance.”

2. Pursuant to the provisions of Article 25 (5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the parties on August 30, 2024. The applicants submitted a response on August 31, 2024. To date, no response has been received from the State, and the granted period has expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that her current location is unknown to date. Therefore, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requires that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of Nelida del Rosario Sánchez Oropeza. In particular, inform whether the beneficiary is in the custody of the State and her current circumstances, or provide information on the measures aimed at determining her whereabouts or fate. The Commission deems it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review her detention if she had been charged with a crime. Otherwise, provide a detailed explanation for the reasons why the beneficiary has not yet been released. In any case, the State is requested to specify whether the beneficiary has undergone a medical evaluation and to provide the corresponding documentation; b) implement the necessary measures to ensure that the beneficiary can carry out her human rights defense activities without being subjected to threats, harassment, or acts of violence; and c) 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 applicants

4. The applicants reported that the proposed beneficiary is the national training coordinator for the non-governmental organization *Súmate* in Venezuela. In particular, she works in the defense of suffrage and has made complaints in demand of transparent and independent electoral processes. According to information provided by her family members, on August 26, 2024, she was allegedly arbitrarily deprived of her

¹ The applicants indicated that the proposed beneficiary’s relatives have given their consent to present the request for precautionary measures given that her whereabouts are unknown.

liberty by agents of the SEBIN. It was alleged that the proposed beneficiary was intercepted by two vehicles while on her way to a medical center with her mother. They were visiting the proposed beneficiary's partner, who had allegedly suffered a heart attack. One of the vehicles had the SEBIN acronym on it, and the other had no identifying marks. The proposed beneficiary and her mother were taken to the SEBIN delegation in "Los Teques", located in the "La Macarena" sector. On August 28, 2024, her mother was released and the proposed beneficiary was allegedly transferred to the headquarters of SEBIN, in Helicoide, Caracas.

5. On August 29, 2024, the proposed beneficiary's family members went to the headquarters to obtain information. However, the officials reportedly indicated that she was not being held there and that they could not provide information about her place of detention. It was alleged that the proposed beneficiary's representation attempted to file a complaint of enforced disappearance with the Office of the Attorney General and the Ombudsperson's Office, but that the complaints were not received.

6. The request added that the proposed beneficiary has cardiac arrhythmia due to peripheral venous insufficiency and reportedly requires special medical care.

B. Response from the State

7. The Commission requested information from the State on August 30, 2024. To date, and with the granted period having expired, no response has been received.

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

8. 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 an irreparable harm to persons.

9. 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.² Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.³ 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.⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on

² 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).

³ 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)

⁴ 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).

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.⁵ 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.

10. 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.⁶ 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.⁷ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.⁸

11. In this sense, 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, 1998,⁹ 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.”¹⁰ In addition, the Inter-American Commission also highlights what was established by the United Nations Working Group on Enforced or Involuntary Disappearances, in the sense that “there is no time limit, no matter how short, for an enforced disappearance to occur.”¹¹

⁵ 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).

⁶ 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.

⁷ 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.

⁸ 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).

⁹ [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](#).

¹⁰ [Inter-American Convention on Enforced Disappearance of Persons](#), Belém do Pará, Brazil, June 9, 1994.

¹¹ 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.

12. In this *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005 and has included the country in Chapter IV. B of its Annual Report since 2005.¹² The Commission has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE. In addition, in its 2021 Annual Report, the Commission stated that temporary forced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents.¹³ These occur mostly due to the deliberate reluctance of the authorities to report the whereabouts of detained persons, as well as not bringing persons before the courts within the legal 48-hour period after detention.¹⁴ In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.¹⁵

13. Furthermore, in its 2023 Annual Report, the Commission 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 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.¹⁶ 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.¹⁷ In addition, the Commission has noted the arbitrary detentions and forced disappearances that occurred between July 28 and August 13, 2024.¹⁸ 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.¹⁹ Similarly, the Office of the Special Rapporteur for Freedom of Expression of the IACHR 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.²⁰

14. On August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (RELE) condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions and political persecution.²¹ 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.²² In this context, the Commission has received reports of arbitrary detentions and short-term forced disappearances, during which acts of sexual violence against women and other actions potentially amounting to torture were allegedly committed. These reports indicate selective deprivation of liberty targeting electoral volunteers and those perceived as opponents of the regime, including journalists, opposition leaders, human rights defenders, and university students.²³ Additionally, it was found that detained individuals 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

¹² IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 1.

¹³ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 82.

¹⁴ *Ibidem*, para. 82.

¹⁵ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 84.

¹⁶ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

¹⁷ IACHR, Press Release 184/24, [IACHR and SRFOE condemn State terrorism practices in Venezuela](#), August 15, 2024.

¹⁸ *Ibidem*.

¹⁹ *Ibidem*.

²⁰ 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.

²¹ IACHR, Press Release 184/24, [IACHR and RELES Condemn State Terrorism Practices in Venezuela](#), August 15, 2024.

²² *Ibidem*.

²³ *Ibidem*.

also generate a climate of fear and intimidation among the Venezuelan population,” which “amount also to a denial of the right to political participation.”²⁴

15. In addition, on August 23, 2024, the SRFOE, or RELE for its acronym in Spanish, published a press release alerting the international community to the criminalization of dissent in Venezuela.²⁵ Regarding detentions, the Rapporteur highlighted that it has received reports about the difficulties faced by the families of detained individuals, such as challenges in locating them, excessive requirements for visits, and extortion by officials.²⁶

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

17. In analyzing the requirement of *seriousness*, the Commission takes into account, in addition to the aforementioned context, the fact that the proposed beneficiary’s whereabouts have been unknown since August 28, 2024, when she was transferred from the SEBIN delegation in “Los Teques,” Venezuela. In addition, to date, there is no official information regarding her fate or possible place of detention. The Commission observes that the proposed beneficiary is the national coordinator of the non-governmental organization *Súmate*, in Venezuela, where she carries out activities in defense of suffrage and has voiced the demand for transparent and independent electoral processes in Venezuela. In this regard, the Commission recalls that election monitors play a role in defending the integrity of the electoral process and serve as guarantors of the rule of law. In this regard, they were recognized as human rights defenders in Resolution 1/24, adopted by the IACHR on April 30, 2024.²⁷

18. Given the proposed beneficiary’s situation, 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, and, if the person is in State custody, present them before a competent judicial authority within legal timeframes while fully respecting judicial guarantees at all times.²⁸ 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.²⁹

19. 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 does prevent 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 information 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. In this regard, 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

²⁴ *Ibidem*.

²⁵ IACHR, [Press Release R190/24](#). The SRFOE Alerts the International Community about Arbitrary Detention of Journalists and Criminalization of Dissent in Venezuela, August 23, 2024.

²⁶ *Ibidem*.

²⁷ IACHR, Resolution 1/24, [Election Monitors as Human Rights Defenders](#), Doc. 23, April 20, 2024 (Available only in Spanish).

²⁸ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 86.

²⁹ 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.

contrast the allegations made by the applicants. For example, it has not been reported whether the proposed beneficiary can be visited by her family members or trusted lawyers.

20. The Commission also notes that there are no domestic avenues available to seek protection in favor of the proposed beneficiary. Family members do not have minimal official information about their legal situation which would allow them to challenge the actions possibly taken by state agents before the competent judicial authority. In addition to this, the complaint of enforced disappearance was not received by the competent authorities. In this regard, the Commission observes that, currently, lawyers or family members do not have the possibility of activating the internal institutional framework 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 she may be facing given that her whereabouts are unknown.

21. In this regard, according to the available information, the proposed beneficiary's family members undertook search efforts, as they went to the SEBIN headquarters at Helicoide in Caracas to seek information about the beneficiary's whereabouts. Despite these efforts, officials did not provide any information. The Commission considers it concerning that there is additional information indicating that the proposed beneficiary has health issues that require special care and that, at present, there is no information on her health or whether she is receiving appropriate medical attention.

22. In summary, the Commission concludes that, based on the applicable *prima facie* standard, it is sufficiently established that the proposed beneficiary's rights to life and personal integrity are at serious risk, given that her whereabouts, location, or fate remain unknown to date since she was transferred from the SEBIN delegation in "Los Teques," Venezuela, on August 28, 2024. The Commission stresses its concern that the situation that places the proposed beneficiary at risk described above could be intended to intimidate and thereby silence the proposed beneficiary. This hinders her ability to carry out her work, including her work defending human rights.

23. With regard to the requirement of *urgency*, the Commission also notes 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 highlights the inability of the family members to initiate internal measures to locate the proposed beneficiary. Therefore, the Commission considers it necessary to adopt measures to protect the proposed beneficiary's rights.

24. 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

25. The Commission declares Nelida del Rosario Sánchez Oropeza as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

26. 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 Nelida del Rosario Sánchez Oropeza. In particular, inform whether the beneficiary is in the custody of the State and her current circumstances, or provide information on the measures aimed at determining her whereabouts or fate. The Commission deems it necessary for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review her detention if she had been charged with a crime. Otherwise, provide a detailed explanation for the reasons why the beneficiary has not yet been released. In any case, the State is requested to specify whether the beneficiary has undergone a medical evaluation and to provide the corresponding documentation;
- b) implement the necessary measures to ensure that the beneficiary can carry out her human rights defense activities without being subjected to threats, harassment, or acts of violence; and
- c) 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.

27. 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.

28. 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.

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

30. Approved on September 6, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary