I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to issue this follow-up and modification resolution on this precautionary measure pursuant to Article 25 of its Rules of Procedure. The IACHR regrets the State’s lack of substantive responses to all requests made during the time the precautionary measures were in force. It further notes that the situation that places the beneficiary at risk continues to exist and has increased, given that his whereabouts have remained unknown since August 8, 2024, when he was reportedly arbitrarily detained by alleged State agents in the Plaza de Los Palos Grandes, in Caracas, Venezuela.

II. BACKGROUND INFORMATION

2. On September 6, 2017, the IACHR adopted precautionary measures in favor of Williams Dávila, in Venezuela. It was alleged that the beneficiary, then elected member of the National Assembly of the Bolivarian Republic of Venezuela for the state of Merida, faced serious risk due to a series of threats, harassment, and acts of violence against him. These acts are believed to have been committed by state authorities and third parties loyal to the regime. It was specifically mentioned that he received explicit death threats via social media and to his private phone. In some of the reported incidents, the alleged attackers threw blunt objects at his vehicle, and in August 2017, unidentified individuals fired shots at his residence.

3. Upon analyzing the submissions of fact and law, and taking into account the specific context, the Commission considered that the information submitted showed prima facie that the beneficiary was in a serious and urgent situation, given that his rights to life and personal integrity were at risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requested that Venezuela: a) adopt the necessary measures to guarantee the life and personal integrity of Mr. Williams Dávila; b) take the necessary measures to guarantee that Mr. Williams Dávila can carry out his activities as a member of the National Assembly without being subjected to threats, harassment, or acts of violence in the exercise of his functions; 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 led to the adoption of this resolution, so as to prevent them from reoccurring.¹

4. Raileen Hernández exerts representation before the Commission. In 2018, the organization Defiende Venezuela was incorporated.

III. SUMMARY OF THE INFORMATION PROVIDED DURING THE TIME THE PRECAUTIONARY MEASURES HAVE BEEN IN FORCE

5. During the time the precautionary measures have been in force, the Commission has followed up on the situation by requesting information from both parties. In this regard, communications from the parties and the IACHR have been documented on the following dates:

¹ Inter-American Commission on Human Rights (IACHR), Resolution 35/2017, Precautionary Measure No. 533-17, Williams Dávila regarding Venezuela, September 6, 2017.
<table>
<thead>
<tr>
<th>Year</th>
<th>State Representation</th>
<th>IACHR</th>
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<tbody>
<tr>
<td>2017</td>
<td>September 15</td>
<td>September 6</td>
</tr>
<tr>
<td>2018</td>
<td>No communications</td>
<td>September 6</td>
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<tr>
<td>2019</td>
<td>No communications</td>
<td>January 2</td>
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<tr>
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<td>2023</td>
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<td>January 2</td>
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<tr>
<td>2024</td>
<td>No communications</td>
<td>January 2</td>
</tr>
</tbody>
</table>

A. Information provided by the representation

6. In 2017, it was reported that, from January 5, 2016, until November 2017, the members of the National Assembly of Venezuela were victims of systematic persecution and siege. They alleged that 67 acts of aggression were perpetrated by officers of the Bolivarian National Guard (GNB) and the Bolivarian National Police (PNB). It was noted that the beneficiary did not have protection measures in his favor.

7. On February 7, 2017, the Metropolitan Office of the State of Mérida of Administrative Service for Identification, Migration and Immigration (SAIME) reportedly annulled the beneficiary's passport. On March 17, 2017, he requested a new one, but SAIME officials refused to issue the passport, stating that it could not be found. He therefore had to use Colombia's Special Stay Permit for the Promotion of Formalization (PEPFF), aimed at facilitating the migratory regularity of Venezuelan nationals in Colombian territory. The Colombian State also issued a travel permit which must be renewed every six months. Both permits only allow the holder to leave the country through the border to Colombia. On October 17, 2018, the Vice President of the Republic of Venezuela stated that the beneficiary was linked to the homicide of Representative Robert Serra that occurred in 2014. The representation reported that, on May 10, 2019, graffiti that read “William we're coming after you, we're watching you” was found written on the beneficiary's home.

8. On January 5, 2020, officials from the PNB and the Bolivarian Intelligence Service (SEBIN) raided the Paseo las Mercedes Hotel, where they harassed several opposing members of the National Assembly, including the beneficiary. They were subsequently beaten and pushed to prevent them from entering the Venezuelan Parliament. On January 7, 2020, GNB and PNB officers blocked the access to the National Parliament for a second time, once again resorting to pushing and beating the members who attempted to enter. According to a medical report, which noted a Grade IV L5-S1 disc herniation with radicular compression, the blows he received during these incidents are believed to have worsened the beneficiary's overall health. On February 11, 2020, the beneficiary and other representatives of the National Assembly were on their way to the International Airport “Simon Bolivar” in Maiquetia to receive Juan Guaidó, when they were prevented by PNB and GNB officers with tanks and barricades. The representatives decided to walk to the airport, which resulted in them being followed and physically assaulted by government sympathizers. These civilians were armed with sticks, stones, and bladed weapons. On that occasion, the beneficiary received a blow to his leg.

9. From May 8 to 13, 2020, patrols and several SEBIN officials were stationed in front of his residence in Caracas. The SEBIN officials alleged that they had “orders from superiors” to remain stationed at that location. The beneficiary publicly denounced his situation in an attempt to persuade the officials to withdraw.

10. In the first weeks of 2021, the new composition of the National Assembly, dominated by the ruling party, decided to form a special commission to investigate “the crimes” committed by its predecessors. On January 28, 2021, a representative approached the Public Prosecutor’s Office to request the issuance of a measure to prohibit some of his fellow representatives from travelling abroad. It was further announced that
several opposition members, the beneficiary included, were to be called to testify about the alleged negotiations to forgive the debt with the Paraguayan State. The Office of the Comptroller also required legislators elected in 2015 to submit their final sworn statement of net worth. They otherwise faced the risk of being disqualified from holding public office for up to twelve months or standing as candidates in future elections. Days later, during the opening ceremony of judicial activities for the year 2021, the president of the Supreme Tribunal of Justice indicated that he considered that the opposition majority of the National Assembly elected in 2015 should be sanctioned. On May 9, 2021, the beneficiary reported via his Twitter account that SEBIN agents were stationed next to his residence, waiting to follow him when he left.

11. On August 3, 2022, while the beneficiary was with his work team at the El Bohío service station, located on the Autopista Regional del Centro highway in the city of Valencia, Carabobo state, alleged officers in a green Toyota Tacoma pickup truck, which had tinted windows and no license plate, stopped and photographed him. This photo was then disseminated nationwide by Diosdado Cabello Rondón, member of the National Assembly, through his television program called “Con el Mazo Dando”, broadcast by the state-owned channel “Venezolana de Televisión (VTV)”. In this program, Representative Cabello referred to the politicians who launched their candidacies to the opposition presidential primaries for the presidential elections in a mocking and derogatory manner, among them, the beneficiary. The representative called him a “bicho” [derogatory term meaning wicked or malicious person]. On August 4, 2022, during events to celebrate the 85th anniversary of the GNB, the governor of the state of Mérida announced the filing of a formal complaint against the beneficiary for alleged complicity in the theft of public property. He also indicated that he was going to request the confiscation of the beneficiary’s bank accounts in Venezuela and abroad.

12. On August 9, 2024, the representation reported that the beneficiary is the current national leader of the opposition political party Acción Democrática in Venezuela. He was allegedly arrested by members of state security forces on August 8, 2024. The representation emphasized that the arrest was carried out without a warrant and occurred within the broader context of arrests targeting Venezuelan opposition leaders. The beneficiary was seen in the Los Palos Grandes square, in Caracas, after participating in the vigil calling for an end to the persecution and the release of all “political prisoners.” A video posted on social media shows when a group of men forced the beneficiary into a silver Roraima van with no license plates. Days before the arrest, the beneficiary issued a statement questioning the results of the presidential election announced by the National Electoral Council (CNE). In his message, the beneficiary stated that the legitimate president for the period 2025-2031 in Venezuela is Edmundo González. The representation expressed concern that he might be subjected to ill-treatment and torture. The representation also reported that the grounds for his detention have not been stated and he has not been allowed to communicate with his family or his lawyers.

13. Lastly, the representation indicated that, in November 2023, the beneficiary underwent a surgical operation and is under anticoagulant treatment.² It was reported that not continuing to receive proper treatment poses a significant risk to his health.

B. Response from the State

14. In 2017, the State requested that the precautionary measures be lifted, arguing that it had been denied the opportunity to present its observations on the request, as stipulated in Article 25.5 of the Commission’s Rules of Procedure. Between 2018 and 2024, the Commission received no response from the State to any of the requests for information. All deadlines are overdue.

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

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² Based on the medical report dated July 11, 2023, the beneficiary has severe aortic stenosis and obstructive coronary artery disease in the right coronary artery. Urgent surgical intervention is recommended, including transcatheter aortic valve replacement and transcatheter revascularization of the right coronary artery.
15. 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 functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of its Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

16. 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. Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted. Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, 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. 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.

17. With regard to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions “granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may comply with the requirements outlined in Article 25 of its

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3 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).


Rules of Procedure. In addition, through Resolution 2/2020, the Commission decided that it could adopt Follow-up Resolutions in certain matters.

18. 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. 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 entering into determinations on the merits.

19. In this matter, the Commission decides to issue this Follow-up and Modification Resolution considering the information available in the file, and in light of the current situation of the beneficiary in Venezuelan context after the July 2024 presidential elections.

- **Ongoing situation presenting a risk over time**

20. The Commission observes that the situation that places the beneficiary at risk, which was identified in 2017, is ongoing. The information presented by the representation reflects a continuity of being followed and receiving threats, intimidation, harassment, and aggressions against the beneficiary in a context of systematic persecution of the political opposition in Venezuela. During the time these precautionary measures have been in force, these events have been attributed to public officials and civilians, which are linked to the current Venezuelan government, and who act with the acquiescence of its officials. Moreover, the Commission expresses grave concern that the State has failed to implement any protective measures in favor of the beneficiary, resulting in his continued exposure to risk and vulnerability in the current national context.

21. The Commission regrets the lack of response from the State. In this sense, the Commission recalls that, according to the Inter-American Court, non-compliance with the State’s duty to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures, which seek to prevent irreparable harm to persons in serious and urgent situations. The duty to inform constitutes a dual obligation that requires, for its effective fulfillment, the formal presentation of a document on time, and the specific, true, current and detailed material references to the issues on which that obligation falls.

22. In light of the previous assessments, the Commission understands that it is necessary to modify the scope of the precautionary measures to protect the beneficiary in his role as an opposition leader in Venezuela, rather than only in his capacity as a member of the National Assembly, a position he no longer holds.

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9 In this regard, the I/A Court H.R. has indicated that "[i]t 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." See in this regard: I/A Court H.R., Matter of James et al. regarding Trinidad and Tobago, Provisional Measures, Order of August 29, 1998; Case of Barrios Family v. Venezuela, Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).
11 I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia, Provisional Measures, Order of February 7, 2006, considerandum 16; and Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV), Provisional Measures, Order of September 12, 2005, considerandum 17.
12 Ibidem
23. In view of the nature of the facts described by the applicants in their communication from August, 2024, 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, considers forced disappearance “[…] 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.” 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.”

24. Regarding the current post-electoral context, the Commission recalls that it has been monitoring the rule of law and human rights situation in Venezuela, and has included the country in Chapter IV, B of its Annual Report since 2005. It has also issued press releases, country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE. In its 2023 Annual Report, the Commission noted that temporary enforced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents. 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. In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.

25. 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. More recently, and in light of the events that took place on election day on July 28, 2024, the Commission condemned the serious human rights violations denounced during the repression of the post-election protests in Venezuela. The IACHR was also informed of at least 11 cases of enforced disappearance.

26. In light of the above context, the Commission considers the situation the beneficiary faces, which includes undetermined whereabouts since August 8, 2024, after being reportedly arrested by State officials while participating in a vigil calling for an end to the persecution of the opposition. Since this moment, there has been no information on his current location or health. The Commission understands that the beneficiary's current situation is part of a pattern of actions aimed at removing him from public discourse amid the current context in the country.

27. Despite the precautionary measures in his favor which are in force, the beneficiary's current location is unknown to date. As indicated, his relatives and lawyers are unable to contact him or to officially confirm his current situation. According to public information, a criminal complaint for “forced disappearance”
was filed with the Public Prosecutor’s Office, emphasizing his health concerns and recalling that he is 74 years old, and therefore requires the care appropriate for an older adult. Given that the State has not responded to any of the requests for information, the Commission has no elements to learn of any measures it may have adopted. The Commission also understands that, given the lack of information on any open criminal case or arrest warrant against the beneficiary, the family members and lawyers do not have basic official information on his legal situation, which would allow them to question the actions allegedly taken by State agents before the competent judicial authority.

28. Since there is no access to official information, and the State has not issued a response in this regard, the Commission considers that the beneficiary is in a situation of complete lack of protection regarding the situations he could currently be facing given that his whereabouts are unknown.

29. In these circumstances, from the prima facie standard applicable to the precautionary measures mechanism, the Commission concludes that the continuity and increase of a serious risk to the rights to life and personal integrity, including his right to health, of Williams Dávila has been sufficiently established. This is particularly relevant considering that the beneficiary’s whereabouts and fate have been unknown since August 8, 2024, and taking into consideration his deteriorating health.

IV. DECISION

30. Pursuant to Article 25 of its Rules of Procedure, the Commission requests that the State:

a) adopt the necessary measures to guarantee the life and personal integrity of Mr. Williams Dávila;

b) take the necessary measures to guarantee that Mr. Williams Dávila can carry out his activities as a member of the National Assembly without being subjected to threats, harassment, or acts of violence in the exercise of his functions;

c) report whether the beneficiary is in the custody of the State and his circumstances, or the measures to determine his whereabouts or fate;

d) consult and agree upon the measures to be implemented with the beneficiary and his representatives; and

e) report on the actions taken to investigate the alleged facts that led to the adoption of this resolution, so as to prevent them from reoccurring.

31. The Commission will continue to carry out the appropriate follow-up measures in accordance with Article 25.10 and other provisions of its Rules of Procedure.

32. 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.

33. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the extension 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.

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

35. Approved on August 14, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary