

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 79/2024**

Precautionary Measure No. 896-24

Leocenis Manuel García Osorio regarding Venezuela

October 28, 2024

Original: Spanish

I. INTRODUCTION

1. On August 19, 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 Leocenis Manuel García Osorio¹ and his sister (“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 to life and personal integrity of Leocenis Manuel García Osorio (“the proposed beneficiary”), in Venezuela. According to the request, the proposed beneficiary’s whereabouts are unknown following his arrest by state agents on September 11, 2024.

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 applicants on September 11, 2024. On October 8, 2024, it requested information from both parties. The applicants submitted a response on October 17, 2024. To date, the State has not replied to the IACHR, and the granted deadline has expired.

3. Upon analyzing the submissions of fact and law offered by the applicant, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity face a risk of irreparable harm. Consequently, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requests that Venezuela: a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary. In particular, among others, inform whether Leocenis Manuel García Osorio is under State custody and the circumstances of his detention; specify whether the beneficiary was brought before a competent court to review his detention after having been charged with crimes; or, otherwise, clarify the reasons why he has not been released to date; specify whether the beneficiary has undergone a medical evaluation and submit the corresponding documentary support; and guarantee the beneficiary’s contact with his family and trusted attorneys, and provide them with the minimum official information on his legal status; b) implement the necessary measures to ensure that Leocenis Manuel García Osorio can carry out his political activities without facing 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 applicant indicated that Leocenis Manuel García Osorio is a journalist and leader of the political party “ProCiudadanos” in Venezuela. In 2024, he allegedly tried to run in the presidential elections, but his political party was not validated by the electoral power.

¹ Initially, it was alleged that the proposed beneficiary was subjected to threats, intimidation, and acts of violence against him and his team (particularly his assistant). It was indicated that such events occurred because he is in opposition to the “Chavista regime.” Following the proposed beneficiary’s arrest on September 11, 2024, the proposed beneficiary’s sister continued to provide information.

5. According to information presented by his sister, on September 11, 2024, the proposed beneficiary was arrested by agents of Venezuela's National Intelligence Service (SEBIN, by its Spanish acronym) in "La Castellana," municipality of Chacao, metropolitan area of Caracas, Venezuela. As indicated, his arrest came after he published a video on his social media, in which he rejected the recent actions of the national government towards Venezuelans. Since then, the proposed beneficiary's family members have no official information about his whereabouts or health state. His relatives publicly denounced that he is reportedly being held incommunicado, and that he requires daily medication.

6. The proposed beneficiary's father allegedly tried to obtain official information about his whereabouts. However, he has received no response. The relatives were not able to file domestic remedies due to the absence of information from the state authorities. It was added that the lack of access to an attorney has complicated the situation, as there is difficulty in understanding the procedural situation and the specific charges against him.

7. The request mentioned that, through a human rights activist, the relatives received information that allegedly indicates that the proposed beneficiary is being held in the maximum security prison "Rodeo 1." They indicate that this center has been remodeled to house the so-called "political prisoners" after the 2024 presidential elections.

8. Lastly, as documentary support, a search warrant for the residence of the proposed beneficiary was appended. This search warrant was issued by the Third Court of First Instance which has controlling duties with competence in cases linked to crimes related to terrorism, with national jurisdiction and competence to know and decide on the derived crimes associated with corruption and organized crime. The document indicates that the search warrant is intended to locate documentation, telephones, cards, computers, computer equipment, firearms, ammunition or other things related to the investigation.

B. Response from the State

9. The Commission requested information from the State on October 8, 2024. However, despite the expiration of the given deadline, to date the State has not submitted its response.

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

10. 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 established 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 precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. 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.

11. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "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.² Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.³ To do this, the IACHR

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.

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.⁴ 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 objective 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 render moot or disprove 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.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.

12. 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*⁶ standard. 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 called upon to determine through this mechanism any violation of the 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 the Rules of Procedure, which can be resolved without making any determination on the merits.⁸

13. 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

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).

⁵ I/A Court H.R., [Matter of the 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.

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 indicated 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.

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](#).

legal remedies and procedural guarantees.”¹⁰ 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.”¹¹

14. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005,¹² and has included the country in Chapter IV. B of its Annual Report. The Commission has also issued press releases and country reports, and established the Special Follow-up Mechanism for the Country, known as MESEVE.

15. 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 timely presentation before an independent judicial authority, in order to prevent enforced disappearances, torture, and other cruel and inhumane treatment.¹³ 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.¹⁴ 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.¹⁵ Similarly, the Special Rapporteurship for Freedom of Expression of the IACHR (SRFoE, or RELE for its Spanish acronym) 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 by the government of journalists, human rights defenders, and other critical voices.¹⁶

16. On August 15, 2024, the IACHR and its SRFoE condemned practices of state terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.¹⁷ 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.¹⁸ It was found that detainees were subjected to criminal proceedings for crimes defined in ambiguous and broad terms, without the opportunity to be represented by a defense counsel of their choice, as public defenders were imposed on them. The IACHR stressed that “[t]he practices of state terrorism perpetrated by the current regime and observed by the Commission are not only aimed at the persecution of specific sectors, but also generate a climate of fear and intimidation among the Venezuelan population” which “amount also to a denial of the right to political participation.”¹⁹

17. The Commission believes that the current context prevailing in Venezuela is of crucial importance when analyzing the proposed beneficiary’s situation as a leader of an opposition political party to the country’s current government. The Commission emphasizes that the alleged information is consistent with the contextual elements identified in the current post-electoral situation in Venezuela.

18. In analyzing the requirement of *seriousness*, the Commission considers that it has been met. In this regard, the Commission emphasizes, firstly, the political leadership exercised by the proposed beneficiary

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 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, 2023 Annual Report already cited, Recommendation 8.

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

¹⁵ IACHR, Press Release 184/24, previously cited.

¹⁶ 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.

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

¹⁸ IACHR, Press Release 184/24, previously cited.

¹⁹ IACHR, Press Release 184/24, previously cited.

as the political leader of the “ProCiudadanos” party in Venezuela, having sought to participate in the last presidential elections of July 2024. Secondly, the Commission stresses that his current situation appears to be closely linked to his activities as member of a political party critical to the current government of Venezuela. In this regard, it was alleged that his arrest could be related to his statements on social media, through which he rejected the recent actions of the government.

19. As a third element to be considered, the Commission emphasizes that, after his arrest on September 11, 2024, by officers assigned to the SEBIN, his family does not know his whereabouts or official destination. In this regard, the Commission notes that the competent authorities allegedly did not provide official information to the family. By other people, the family indicated that the proposed beneficiary could be in the “Rodeo 1” detention center; however, there is no official and formal confirmation from the State.

20. The lack of official information regarding the whereabouts of the proposed beneficiary or the authority that may have ordered his detention, if that is the case, remains unknown at this time. Consequently, the Commission understands that the family is prevented from exercising actions to guarantee the rights of the proposed beneficiary. The Commission also expresses its concern at the lack of information on the health status of the proposed beneficiary. The available documentary support indicates that the proposed beneficiary is being investigated for crimes associated with terrorism. However, there is no information on a possible arrest warrant for the proposed beneficiary, or elements that indicate that, if there were a court order, he was brought before a competent court to comply with the exercise of his rights. In summary, this Commission considers that, as there is no certainty about his location or legal status, the proposed beneficiary is deprived of the judicial protection that could be granted to him.

21. Considering the applicants’ allegations, the Commission regrets that the State of Venezuela has not provided an answer. Although this is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information that allows it to contrast the allegations presented by the applicants. Similarly, the Commission is unable to learn about the actions that authorities may be taking to mitigate or address the situation that places the proposed beneficiary at risk.

22. Lastly, the Commission notes that, in light of the previous assessments, within the post-electoral context in Venezuela, and considering the applicable *prima facie* standard, it has been demonstrated that the rights to life and personal integrity of Leocenis Manuel García Osorio are in serious risk, especially following his detention by SEBIN on September 11, 2024, and the current lack of official information regarding his whereabouts.

23. Regarding the requirement of *urgency*, the Commission considers that it has been fulfilled to the extent that Leocenis Manuel García Osorio’s whereabouts continue to be unknown, or that his incommunicado detention persist over time, which increases the possibility that his rights may be affected. The foregoing requires immediate action by the State to guarantee the rights of the proposed beneficiary.

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 Leocenis Manuel García Osorio as 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 the beneficiary. In particular, among others, inform whether Leocenis Manuel García Osorio is under State custody and the circumstances of his detention; specify whether the beneficiary was brought before a competent court to review his detention after having been charged with crimes; or, otherwise, clarify the reasons why he has not been released to date; specify whether the beneficiary has undergone a medical evaluation and submit the corresponding documentary support; and guarantee the beneficiary's contact with his family and trusted attorneys, and provide them with the minimum official information on his legal status;
- b) implement the necessary measures to ensure that Leocenis Manuel García Osorio can carry out his political activities without facing 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, pursuant to Article 25 (8) of the Commission's 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.

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

30. Approved on October 28, 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