

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 32/2025**

Precautionary Measure No. 334-25

Yevhenii Petrovich Trush regarding Venezuela

April 5, 2025

Original: Spanish

I. INTRODUCTION

1. On March 25, 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 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 Yevhenii Petrovich Trush, a citizen of Ukraine (“the proposed beneficiary”). According to the request, on October 20, 2024, the proposed beneficiary was detained at the immigration office on Simón Bolívar Bridge, and was taken by agents of the General Directorate of Military Counterintelligence (*Dirección General de Contrainteligencia Militar*, DGCIM) to a black vehicle and driven away without explanation. Since then, his whereabouts have been unknown.

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 March 27, 2025. To date, the IACHR has not received a response from Venezuela and the granted deadline has expired. The applicants provided additional information on March 28, 2025.

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 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. inform whether the beneficiary is in the custody of the State and if so, indicate the reason for his detention and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate; ii. specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he was charged with a crime, or indicate the reason why not, if he has not been brought before a court; iii. expressly indicate the court that reportedly hears 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; v. report whether the beneficiary has been provided with access to a translator or interpreter in order to gain accurate knowledge of his situation and exercise his rights; vi. immediately carry out a medical assessment of his health and guarantee access to necessary medical care; vii. report whether reasonable adjustments and specific support have been made for the exercise of his rights, including any adjustments that may be required due to the neurodivergence that the requesting party indicated that the beneficiary has; viii. allow the beneficiary to communicate with his country of nationality; 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, Yevhenii Petrovich Trush is a student of Ukrainian nationality. He is identified as neurodivergent, given that he is on the autistic spectrum as he has Asperger’s syndrome. On

October 20, 2024, while requesting information to obtain refuge at the immigration office on the Simón Bolívar Bridge, Venezuela, they allegedly took his passport and was sent with police officers to the immigration office on the Atanasio Girardot “Las Tienditas” binational bridge, under the pretext that they were going to interview him. At that location, he was taken to an office where they took his cell phone and powerbank. Subsequently, agents from the General Directorate of Military Counterintelligence (DGCIM) asked him questions such as his name, what he does for a living, and his profession. The proposed beneficiary was then separated from his girlfriend and his mother-in-law. The agents took their suitcases, identity documents, and other personal belongings. He was then put into a black vehicle and taken away without any explanation. Since then, his whereabouts have been unknown. The applicants consider that the detention is arbitrary and classifies it as an enforced disappearance.

5. On October 24, 2024, the proposed beneficiary’s mother-in-law received voice messages via *WhatsApp* from an individual who stated they were a public defender. This individual stated that the proposed beneficiary was being held at the DGCIM headquarters in Caracas and was to be transferred to another detention center. On October 25, 2024, the proposed beneficiary’s mother-in-law went to the DGCIM headquarters in Caracas to verify the information, but officials denied having him in custody and did not provide any data on his whereabouts.

6. The proposed beneficiary’s girlfriend and the mother-in-law attempted to locate him in various police agencies, the Prosecutor’s Office, and the Office of the Ombudsperson of the state of Táchira, but were unsuccessful. They stated that on October 21, 22, and 23, 2024, they went to the Migration Office of the Atanasio Girardot Binational Bridge, Táchira State; on October 23, 2024, they went to the Migration Office of the Simón Bolívar International Bridge / Interpol, Prosecutor’s Office and Ombudsperson’s Office of the state of Táchira (no response); on October 24, 2024, they went to the headquarters of the Scientific, Criminal and Forensic Investigation Corps (CICPC) in San Cristóbal in Táchira; on October 28, 2024, they went to the Ombudsperson’s Office of the Metropolitan Area of Caracas; on October 29, to the Consulate of Finland and the Consulates of Germany and Portugal (in the latter two they were not received); and on October 30, 2024, the International Committee of the Red Cross (ICRC) was notified. In addition, on March 19, 2025, the disappearance was reported to the United Nations Working Group on Enforced or Involuntary Disappearances. The requesting party indicated that they have gone to the DGCIM located in Boleíta (Caracas) every other day since November 2, 2024, and have been informed that he is not being held there.

7. Moreover, they have repeatedly gone to various detention centers to inquire if the proposed beneficiary is being held in one of these centers, and the answer has always been negative. For example: on February 4, 13, 25; March 2, 12, 18 and 27, 2025, she visited the DGCIM headquarters in Caracas; on February 6 and 8, 18, 2025, she visited the SEBIN headquarters in Caracas; and on February 8, 27; and March 6, 2025, there was a visit for family members of prisoners in the Rodeo I prison.

8. The request added that the proposed beneficiary’s detention violates his presumption of innocence, and that he is not assisted by his trusted attorneys. Furthermore, there is no information which clarifies if the proposed beneficiary has been given the possibility of an official translator or interpreter. The applicants mentioned that they face difficulties and impediments in obtaining written proof of the steps taken or requests made in order to ascertain the exact whereabouts of the disappeared persons. They point out that public officials refuse to receive writs such as *Habeas Corpus* and complaints, and that they do not issue formal responses, and only provide oral responses. The request also mentions that this situation affects the official record of the actions undertaken.

9. Lastly, the applicants clarified that Ukraine does not have an embassy in Venezuela, which increases the lack of protection of the proposed beneficiary in the absence of consular assistance. Due to the armed conflict between Ukraine and Russia and the absence of a Ukrainian consular representation in Venezuela, the applicants indicated that it has not been possible to obtain original medical certificates to

support his health issues. They warn that the proposed beneficiary is in poor health, as stomach problems are common in people with autism, and that his health or life could be seriously affected.

B. Response from the State

10. The Commission requested information from the State on March 27, 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

11. 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.

12. 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

¹ I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

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).

- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

13. 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.⁵ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁶ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without making any determinations on the merits.⁷

14. In the same sense, in analyzing the facts alleged by the requesting party, 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

15. Regarding 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.

16. 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

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.

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.

17. In addition to the above, within the framework of the precautionary measures mechanism, the Commission has identified that the State of Venezuela has previously detained foreign nationals in factual circumstances similar to those alleged in this matter under the current context in the country. For example, Alberto Trentini, an Italian national,¹⁴ Nahuel Agustín Gallo, an Argentinean national,¹⁵ Arley Danilo Espitia Lara, a Colombian national,¹⁶ Jan Darmovzal, a Czech national,¹⁷ and Lucas Jonas Hunter, a French and American national.¹⁸

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

19. In analyzing the *seriousness* requirement, the Commission notes that since October 20, 2024, Venezuelan State agents have deprived the proposed beneficiary of his liberty and, to date, his official whereabouts are unknown. According to the information available, the General Directorate of Military Counterintelligence Bolivarian National Guard detained the proposed beneficiary when he approached the immigration office at the Simón Bolívar Bridge, Venezuela. Despite the fact that he was collecting information to apply for refuge and explain his particular situation, Venezuelan state agents prevented him from completing this action, detained him, and transferred him to another location without a judicial review supporting their actions. The Commission understands that no explanation was offered to his girlfriend and mother-in-law who were with him at the time.

20. The matter at hand is a serious situation given that, according to the information provided, not only was the proposed beneficiary denied his right to be informed about the possibility of processing a request for asylum, but he was also left in a vulnerable situation, without access to legal assistance or guarantees for his safety. In this regard, the Commission acknowledges that the Venezuelan authorities have not clarified his legal situation. For instance, they have not disclosed his detention conditions; the specific crime for which he is being investigated; the competent court hearing the case; the criminal file number; whether there are judicial orders for his detention and transfer to a penitentiary; if he has undergone a medical evaluation since his detention; or the exact location where he is currently being held.

21. In addition to the above, no action has been taken to guarantee communication between the proposed beneficiary and his country of nationality. This situation is exacerbated by the fact that his country does not have an embassy in Venezuela, thus making it impossible for him to communicate with his relatives. Moreover, his partner's family and attorneys who are in Venezuela have been prevented from providing him with any form of support or assistance. It should be emphasized that the proposed beneficiary's first language is not Spanish, which means that without access to a translator or interpreter, he would face difficulties in communicating properly, gaining accurate knowledge of his situation, and exercising his rights. In this regard, it is important to assess that the proposed beneficiary is a neurodivergent person. In accordance with the social model of disability, this requires reasonable adjustments to guarantee his access and the exercise of his rights under conditions of equality.¹⁹

¹⁴ IACHR, [Resolution 2/25](#), Precautionary Measure No. 1438-24, Alberto Trentini regarding Venezuela, January 7, 2025.

¹⁵ IACHR, [Resolution 1/25](#) Precautionary Measures No. 1432-24, Nahuel Agustín Gallo regarding Venezuela, January 1, 2025.

¹⁶ IACHR, [Resolution 99/24](#), Precautionary Measure No. 1331-24, Arley Danilo Espitia Lara regarding Venezuela, December 16, 2024.

¹⁷ IACHR, [Resolution 80/24](#), Precautionary Measure No. 1150-24, Jan Darmovzal regarding Venezuela, October 31, 2024.

¹⁸ IACHR, [Resolution 27/25](#), Precautionary Measures No. 247-25, Lucas Jonas Hunter regarding Venezuela, March 22, 2025.

¹⁹ I/A Court H.R., [Case Guachalá Chimbo et al. v. Ecuador](#), Merits, Reparations, and Costs, Judgment of March 26, 2021, Series C No. 423., para. 85

22. To date, the Commission has no information that the proposed beneficiary is receiving medical care, or that he has been evaluated by specialists in state custody. In this sense, it is unknown whether the proposed beneficiary has the minimum guarantees necessary to protect his fundamental rights. The foregoing, considering that the applicants have alleged that he is in a fragile state of health. As indicated by the Inter-American Court of Human Rights, it is important to highlight that persons deprived of their liberty with disabilities face differentiated impacts, starting with physical, communicative, attitudinal and socioeconomic barriers that jeopardize their ability to access decent conditions of detention, specialized medical treatment, or other fundamental services, thus accentuating their vulnerability.²⁰

23. The Commission also observes that, in fact, there are no internal mechanisms in place to request protection for the proposed beneficiary, noting that when the proposed beneficiary sought information about refuge from the competent state entity, not only did he not receive a response, but he was also detained. After being detained, the Commission emphasizes that his family has no official information about his legal situation that would allow them to challenge the actions taken by state agents before the competent judicial authority. Similarly, attorneys have been denied the right to submit complaints, and there is no formal response to the requests made, given that they are all provided orally. The applicants have gone to various detention centers, repeatedly, with a view to determining the proposed beneficiary's whereabouts. Despite all the above actions, the Commission understands that the State has continued to refuse to give official information about the legal situation and the whereabouts of the proposed beneficiary.

24. In view of the above, and as long as the State does not provide an answer regarding the proposed beneficiary's situation, the Commission considers that he remains completely unprotected and in conditions that could imply an imminent threat to his life and personal integrity.

25. Upon requesting information from the State, the Commission regrets its lack of response. Although the foregoing is not enough per se to justify the granting of a precautionary measure, it prevents the Commission from being aware of the observations or measures taken by the State to address the alleged risk that the proposed beneficiary faces. Therefore, the Commission does not have elements that would allow it to dispute the facts alleged by the requesting party, nor to assess whether the risk that the proposed beneficiary faces has been addressed or mitigated. In this regard, the Commission expresses its particular concern given that State agents, who hold a special responsibility as guarantors of the proposed beneficiary's human rights, have been identified as being responsible for his detention, since they have him in their custody.

26. 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 20, 2024.

27. 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 emphasizes the lawyer and family member's inability to initiate internal measures to locate the proposed beneficiary. Therefore, the Commission considers it necessary to adopt immediate measures to safeguard his rights.

28. 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

²⁰ I/A Court H.R. [Case of Chinchilla Sandoval et al. v. Guatemala](#), Preliminary Objection, Merits, Reparations, and Costs, Judgment of February 29, 2016, Series C No. 312, para. 207.

29. The Commission declares Yevhenii Petrovich Trush as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

30. The Commission understands that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Venezuela:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of the beneficiary. In particular,
 - i. inform whether the beneficiary is in the custody of the State and if so, indicate the reason for his detention and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate;
 - ii. specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention if he was charged with a crime, or indicate the reason why not, if he has not been brought before a court;
 - iii. expressly indicate the court that reportedly hears 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;
 - v. report whether the beneficiary has been provided with access to a translator or interpreter in order to gain accurate knowledge of his situation and exercise his rights;
 - vi. immediately carry out a medical assessment of his health and guarantee access to necessary medical care;
 - vii. report whether reasonable adjustments and specific support have been made for the exercise of his rights, including any adjustments that may be required due to the neurodivergence that the requesting party indicated that the beneficiary has;
 - viii. allow the beneficiary to communicate with his country of nationality; 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.

31. The Commission requests that Venezuela report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

32. The Commission emphasizes that, pursuant to Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

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

34. Approved on April 5, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary