
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 1/2025**

Precautionary Measure No. 1432-24

Nahuel Agustín Gallo regarding Venezuela

January 1, 2025

Original: Spanish

I. INTRODUCTION

1. On December 22, 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 the Executive Director of the CASLA Institute (“the requesting party”)¹ urging the Commission to require that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights of Nahuel Agustín Gallo, an Argentine national (“the proposed beneficiary”). According to the request, the proposed beneficiary is a First Corporal of the National Gendarmerie in Argentina, and was detained on December 8, 2024, at the Francisco de Paula Santander International Bridge, in Ureña, Venezuela. Since that date, his whereabouts have been unknown. He was entering the country to visit his Venezuelan wife and their two-year-old son.

2. Pursuant to the provisions of Article 25(5) its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the State on December 23, 2024. To date, the IACHR has not received a response from Venezuela and the deadline has since expired. The applicant provided additional information on December 30, 2024.

3. Upon analyzing the submissions of fact and law furnished by the requesting party, 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 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, i. inform whether the beneficiary is in the custody of the State and the circumstances of his detention; or the measures taken to determine his whereabouts or fate; ii. specify whether the beneficiary was brought before a competent court to review his detention if he has been charged with a crime; 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; and v. 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, Nahuel Agustín Gallo is a First Corporal of the National Gendarmerie in the province of Mendoza, Argentina. On December 8, 2024, he was detained in Venezuela while traveling to the country to visit his Venezuelan partner and their 2-year-old son. He was allegedly detained after completing the immigration process and having his exit from Colombia stamped at the border post of the Francisco de Paula Santander International Bridge, which connects the cities of Cúcuta and Ureña in Táchira state.

¹ The requesting party submitted an authorization signed by the proposed beneficiary’s partner dated December 22, 2024.

5. According to the request, Nahuel Gallo went to Venezuela to visit his partner and his 2-year-old son, for whom he was bringing Christmas presents. He entered Venezuela legally, complying with all the formalities to enter the country, paying the legal fees, and with a valid passport. In addition, he had a round-trip ticket scheduled for his departure from Venezuela on December 30, 2024. He planned to stay at his partner's residence during his stay.

6. It is reported that, at 8:40 a.m., the Venezuelan authorities routinely checked his documents and then took him aside for an "interview." They reportedly took away his phone, thereby leaving him incommunicado. At 10:57 a.m., the proposed beneficiary's wife allegedly received a call from him via the phone of a cab driver who had previously transported him. Nahuel Gallo reportedly stated that he was being transferred for a second "interview." The cab driver reportedly identified the individuals conducting the transfer as officers of the General Directorate of Military Counterintelligence (DGCIM) upon noting that the vehicle had the agency's initials. Since then, the proposed beneficiary's whereabouts have been unknown.

7. According to the request, on December 14, 2024, the Argentine government denounced the detention of an Argentine gendarme [military police officer] by Venezuelan security forces, describing it as a detention "without legitimate reason" and an "open violation of his fundamental rights." The applicant emphasized that in a press conference on December 16, 2024, the Venezuelan Minister of Interior and Justice, Diosdado Cabello, acknowledged that the proposed beneficiary was detained, but did not provide details on the grounds for his detention, the charges against him, where he is being held, nor any information on his physical state or health.

8. On December 17, 2024, attorneys in Venezuela representing the proposed beneficiary were summoned to the Prosecutor's Office, where they were expected to receive information about his whereabouts. Upon arriving at the appointment, they were notified that the report on his disappearance would not proceed and no information would be provided. The attorneys attempted to file the report at the central headquarters of the Office of the Attorney General in Caracas, but their submission was denied. On December 18, 2024, in his television program "Con el Mazo Dando", the Venezuelan Minister of Interior and Justice reportedly accused the proposed beneficiary of having a plan to remove the persons who are isolated in the Argentine Embassy. The applicant highlighted that the Venezuelan Minister stated the following: "apparently the pussy (guy) that was caught entering the border, the Argentine, is a special agent of the intelligence services from Argentina."

9. According to the request, the mother of the proposed beneficiary's partner went to the DGCIM headquarters in Boleíta, Caracas, to obtain information on his whereabouts. However, the officials stated that he was not being held at that location.

10. On December 27, 2024, the Attorney General of Venezuela, Tarek William Saab, issued a statement, mentioning that "Nahuel Gallo has been arrested for attempting to irregularly enter to the Bolivarian Republic of Venezuela hiding his real criminal plan under the guise of a personal visit, [...] [and] he is under investigation for his link to a group of people who attempted [...] to execute a series of destabilizing and terrorist actions." The communication indicates that the "accused is at the disposal of the judge." The applicant questions the authorities' failure to indicate the charges against the proposed beneficiary, the court or judge hearing the case, the type of legal assistance he is receiving, or the place of detention.

11. In the same communication, as well as in a subsequent communication submitted later that day, the Prosecutor criticized the Argentine government and a judicial ruling by the Federal Chamber of Mendoza, accusing them of "complicity with the authorities of that nation in subversive plans aimed at attacking the Venezuelan State and its legitimate institutions by any means." The request indicated that the aforementioned judicial resolution of the Federal Chamber of Mendoza requests that the State of Venezuela provide information the following: location where the proposed beneficiary is being held, the grounds for his detention, the authority before which he had been presented, his physical conditions, as well as the access to receive visits from attorneys and consular assistance.

12. Lastly, the applicant states that the Venezuelan State has refused to respond and provide information on Nahuel Gallo's whereabouts, the conditions in which he is being held, and his physical and psychological health, and therefore categorizes the situation as an "enforced disappearance."

B. Response from the State

13. The Commission requested information from the State on December 23, 2024. 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

14. The precautionary measures mechanism is part of the Commission's functions 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 this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons.

15. 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 character, both protective and precautionary.² Regarding the protective character, the 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 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 a legal situation while under study by 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 allow 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, and according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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).

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).

- 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.

16. 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 making any determination on the merits.⁸

17. In this sense, in analyzing the facts alleged by the applicant, the Commission observes that the Inter-American Convention on Forced Disappearance of Persons, to which the State of Venezuela has been annexed since its ratification on July 6, 1998,⁹ 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.”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

18. 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.

19. 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

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

guarantees are upheld, including prompt 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, such as 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

20. In particular, in the statement of August 15, 2024, the IACHR and its Office of the Special Rapporteur for Freedom of Expression (SRFOE, or RELE in Spanish) stated that the regime in power is sowing terror as a tool to silence the citizenry and perpetuate the ruling authoritarian regime in power, and that Venezuela must cease practices immediately that violate human rights and reestablish democratic order and the rule of law.¹⁶ 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.”¹⁷

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

22. In analyzing the *seriousness* requirement, the Commission notes that since December 8, 2024, agents of the State of Venezuela have deprived the proposed beneficiary of his liberty and, to date, his official whereabouts are unknown. According to available information, the Minister of the Interior and Justice and the Attorney General of Venezuela publicly confirmed that the proposed beneficiary is in custody. However, their official statements clearly indicate that minimal information has been provided regarding the proposed beneficiary’s legal situation. For instance, they have not disclosed 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.

23. Furthermore, the Commission observes that there are no domestic avenues available to seek protection in favor of the proposed beneficiary. For example, family members do not have minimal official information about their legal situation which would allow them to challenge the actions taken by state agents before the competent judicial authority. Similarly, his attorneys were not allowed to submit a missing person’s report on December 17, 2024. Given that he was arrested by the DGCIM on December 8, 2024, the mother of the proposed beneficiary’s partner went to DGCIM headquarters to inquire about him. However, she was denied any confirmation of his detention there. Lastly, as revealed by the communications and statements from high-ranking Venezuelan authorities, no actions have been taken to ensure communication between the proposed beneficiary and his home country. As long as the State fails to provide a clear response, the Commission believes that the proposed beneficiary remains in a state of complete vulnerability regarding the situations he may currently be facing.

24. Upon requesting information from the State, the Commission regrets its lack of response. Although the foregoing is not enough per se to justify the granting of a precautionary measure, it prevents the

¹³ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, 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, Press Release 184/24, previously cited.

¹⁷ IACHR, Press Release 184/24, previously cited.

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 situation placing the proposed beneficiary at risk 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.

25. Taking into account the foregoing, the Commission finds that, from the applicable *prima facie* standard, it is sufficiently proven that the rights to life and personal integrity of the proposed beneficiary face a situation of serious risk, since his whereabouts or fate are unknown to date after his detention on December 8, 2024.

26. Regarding the requirement of urgency, the Commission finds 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 emphasizes the attorney 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 the rights of the proposed beneficiary.

27. 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

28. The Commission declares Nahuel Agustín Gallo as the beneficiary of these precautionary measures, who is duly identified in this proceeding.

V. DECISION

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

- a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary. In particular,
 - i. inform whether the beneficiary is in the custody of the State and the circumstances of his detention; or the measures taken to determine his whereabouts or fate;
 - ii. specify whether the beneficiary was brought before a competent court to review his detention if he has been charged with a crime;
 - 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; and
 - v. 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.

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

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

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

33. Approved on January 1, 2025, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Gloria Monique de Mees, members of the IACHR.

Patricia Colchero
Chief of Staff

By authorization of the Executive Secretary