

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 50/2024**

Precautionary Measure No. 883-24

**Roland Oswaldo Carreño Gutiérrez regarding Venezuela**

August 17, 2024

Original: Spanish

**I. INTRODUCTION**

1. On August 14, 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 *Coalición por los Derechos Humanos y la Democracia*<sup>1</sup> (“the applicants”) urging the Commission to request that the State of Venezuela (“the State” or “Venezuela”) adopt the necessary measures to protect the rights to life and personal integrity of Roland Oswaldo Carreño Gutiérrez (“the proposed beneficiary”), national leader of the opposition party *Voluntad Popular* in Venezuela. According to the request, agents of the Bolivarian National Intelligence Service (SEBIN) arbitrarily detained the proposed beneficiary on August 2, 2024. Since that date, he has allegedly been in a situation of “forced disappearance” in Venezuela.

2. Pursuant to the provisions of Article 25 (5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the parties on August 15, 2024. The applicants submitted a response on August 16, 2024. For its part, the State has not submitted any information to date, and the deadline has since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his current location is unknown to date. Therefore, 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 Roland Oswaldo Carreño Gutiérrez. In particular, inform whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate, and b) report on the actions taken in order to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. The request indicated that Roland Oswaldo Carreño Gutiérrez is a journalist, political activist, and national leader of the opposition party *Voluntad Popular*. On the afternoon of August 2, 2024, in Caracas, he was allegedly detained by State agents from the Bolivarian National Intelligence Service (SEBIN). To date, the applicants state that his current location is unknown. The applicants believe that he is in a state of “forced disappearance.”

5. On August 3 and 4, 2024, the applicants reportedly attempted to file a writ of *habeas corpus* for forced disappearance and a complaint with the Public Prosecutor’s Office to initiate an investigation. However, both judicial and investigative bodies reportedly refused to file it. They also indicated that family members and lawyers have visited the various headquarters of the General Directorate of Military

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<sup>1</sup> The applicants stated that, since the proposed beneficiary’s whereabouts are unknown, his next of kin have given their consent to file the request for precautionary measures. The applicants reported that they represented the proposed beneficiary in the lawsuit that followed from 2020 to 2023.

Counterintelligence (DGCIM) and SEBIN, who have affirmed that they do not have Mr. Carreño Gutiérrez in their custody.

6. Lastly, as background information, the applicants indicated that the proposed beneficiary has experienced harassment, persecution, and imprisonment. In this regard, they reported that on October 26, 2020, while the proposed beneficiary was near his residence, he was intercepted by two vehicles without license plates. Officers from the Bolivarian National Police who were in this vehicle proceeded to arrest him. He was then transferred to the Directorate of Criminal Investigations (*Dirección de Investigaciones Penales, DIP*) located in the urbanization Maripérez in the city of Caracas. He was allegedly held there for several hours and then taken to a security force headquarters located in the El Helicoide building in Caracas. At this location, he was allegedly forced to record a video under duress in which he described his duties as leader of operations for the *Voluntad Popular* political party in Venezuela. The applicants allege that the proposed beneficiary has been deprived of liberty for three years, from that moment to present day. In a general manner, the applicants questioned the detention conditions the proposed beneficiary is being held in. They also added that he had alleged respiratory problems that required constant medical supervision.

### **B. Response from the State**

7. The IACHR requested information from the State on August 15, 2024. To date, and with the granted period having expired, no response has been received.

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

8. The mechanism of precautionary measures is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

9. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.<sup>2</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>3</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>4</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, in this way, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures

<sup>2</sup> 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).

<sup>3</sup> 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)

<sup>4</sup> 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).

allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.<sup>5</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

10. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>6</sup> 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.<sup>7</sup> This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.<sup>8</sup>

11. In this sense, in understanding the facts alleged by the applicants, the Commission observes that the Inter-American Convention on Forced Disappearance of Persons, to which the State of Venezuela has been annexed since its ratification on July 6, 1998,<sup>9</sup> considers forced disappearance “[...] 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.”<sup>10</sup> In addition, the Inter-American Commission also highlights what was established by the United Nations Working Group on Enforced or Involuntary Disappearances, in the sense that “there is no time limit, no matter how short, for an enforced disappearance to occur.”<sup>11</sup>

12. In this *context*, the Commission recalls that the situation regarding the rule of law and human rights in Venezuela has been monitored, as the country has been included in Chapter IV. B of its Annual Report

<sup>5</sup> 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).

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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).

<sup>9</sup> [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](#).

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

<sup>11</sup> 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.

since 2005.<sup>12</sup> The Commission has also created a special mechanism for monitoring the country situation, called MESEVE, and has issued press releases and country reports. In its 2021 Annual Report, the Commission noted that temporary forced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents.<sup>13</sup> 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.<sup>14</sup> In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.<sup>15</sup>

13. 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.<sup>16</sup> 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.<sup>17</sup> In addition, the Commission has noted the arbitrary detentions and forced disappearances that occurred between July 28 and August 13, 2024.<sup>18</sup> 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.<sup>19</sup>

14. Similarly, the Office of the Special Rapporteur for Freedom of Expression of the IACHR emphasizes that in Venezuela the right to freedom of expression continues to be severely limited. This is the result of a context of intimidation, harassment, repression, and stigmatization of journalists, human rights defenders, and other critical voices by the government.<sup>20</sup> In addition, there is still a hostile context for the exercise of journalistic work.<sup>21</sup> The Commission emphasizes that the proposed beneficiary's situation has been monitored by the Special Rapporteur for Freedom of Expression since his detention on October 26, 2020, for the alleged crimes of conspiracy, illicit trafficking of war weapons and ammunition, and financing terrorism.<sup>22</sup> In this regard, information was received regarding procedural irregularities such as unjustified postponement of hearings, deliberate disregard of requests made by the defense, among other acts.<sup>23</sup> The journalist was released along with other persons deprived of their liberty on October 18, 2023. This is part of an agreement signed in Barbados between the Democratic Unitary Platform (PUD) and the Government, toward the implementation of the electoral roadmap agreement.<sup>24</sup>

15. The Commission believes that the contextual monitoring of Venezuela and the follow-up carried out by the IACHR Office of the Special Rapporteur for Freedom of Expression are particularly relevant.

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

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

<sup>14</sup> *Ibidem*, para. 82.

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

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

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

<sup>18</sup> *Ibidem*.

<sup>19</sup> *Ibidem*.

<sup>20</sup> 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.

<sup>21</sup> 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. 1611.

<sup>22</sup> 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.

<sup>23</sup> 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. 1621.

<sup>24</sup> 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.

The foregoing, to the extent that they are consistent with the allegations presented by the applicants regarding the circumstances surrounding the situation that the proposed beneficiary faces.

16. In analyzing the requirement of *seriousness*, the Commission considers that it has been met. In reaching this determination, the Commission observes that the proposed beneficiary's current location has been unknown since August 2, 2024, and there is no official information on his fate or possible place of detention.<sup>25</sup> The Commission emphasizes that the situation that the proposed beneficiary is currently facing takes place within a context of systematic persecution against the opposition in Venezuela,<sup>26</sup> given that he worked not only as a journalist, but also as a national representative of the opposition party *Voluntad Popular*. The Commission also notes that he was allegedly released in October 2023, within the framework of an agreement in Barbados between the Democratic Unity Platform (PUD) and the Government, toward the implementation of the electoral roadmap agreement.

17. Given the proposed beneficiary's situation, the Commission recalls that, according to inter-American standards, the State is obligated to maintain an updated record of detentions, promptly provide information about the person's whereabouts and health, and, if the person is in State custody, present them before a competent judicial authority within legal timeframes while fully respecting judicial guarantees at all times.<sup>27</sup> The IACHR also highlights that every detained person has the right to maintain personal and direct contact, through periodic visits, with family members, legal representatives, and other persons.<sup>28</sup>

18. The Commission regrets the State of Venezuela's lack of response to the request made under Article 25 of its Rules of Procedure. This prevents the Commission from being aware of the observations or measures taken by the State to address the alleged risks that the proposed beneficiary faces. This is of particular concern insofar as the Commission has been informed that the proposed beneficiary was allegedly detained by State agents who have a special position of guarantor. Thus, the Commission does not have any information that would allow it to contest the allegations presented by the applicants, nor to challenge the information that is particularly serious in the current post-electoral context of Venezuela.

19. In addition to the above, the Commission understands that the proposed beneficiary's situation is public at the international level due to the coverage provided by various international human rights organizations.<sup>29</sup> At the national level, the Commission highlights that, despite attempts to file a writ of habeas corpus or report the disappearance of the proposed beneficiary, the applicants have informed that the authorities have not allowed these measures. In this regard, the Commission observes that, currently, lawyers and family members do not have the possibility of activating the internal institutional framework to request protection in favor of the proposed beneficiary. Additionally, the Commission notes that his lawyers and family members lack basic official information regarding any possible investigation leading to his detention or the existence of an arrest warrant. This information is essential for them to identify the competent judicial authority before which he should have been presented. Consequently, the Commission observes that, given the lack of response from the State, and taking into account the circumstances in which the proposed beneficiary

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<sup>25</sup> See also [in Spanish]: SNTP in X, [ÚLTIMA HORA Leader and political journalist Roland Carreño is detained this #02ag](#), August 8, 2024; PUBLIC SPACE, [The Popular Will party alerted this #2agust about the arrest of its national operational coordinator, the journalist Roland Carreño, whose whereabouts are unknown. Carreño was arbitrarily detained for almost three years in El Helicoide, Caracas, August 8, 2024](#); CRONICA. UNO, [One week after the arrest of journalist Roland Carreño the reason for his detention remains unknown](#), August 8, 2024.

<sup>26</sup> IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 162.

<sup>27</sup> IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 86.

<sup>28</sup> IACHR, [Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas](#), adopted by the Commission during the 131st regular period of sessions, held from March 3 to 14, 2008, Principle XVIII.

<sup>29</sup> See, Amnesty International Americas, [#Venezuela: We condemn the detention of Roland Carreño, journalist and member of the Voluntad Popular party. He was imprisoned for three years until his release in October 2023 and since #August 2, he has been arbitrarily detained again](#), August 8, 2024 (Available only in Spanish).

was arrested, he faces a situation of extreme vulnerability as his current location or whereabouts are unknown after being arrested by State agents.

20. The Commission also highlights its concern that the situation that places the proposed beneficiary at risk which is described above could be intended to intimidate and thereby silence him. This would hinder his ability to carry out his work, including his journalistic activities. This directly impacts his right to freedom of expression, which could, in turn, have a discouraging effect on other journalists' ability to express themselves freely in the current post-electoral context in Venezuela.

21. In summary, the Commission concludes that, based on the *prima facie* standard applicable to the precautionary measures mechanism, to date, there is a sufficient basis to establish the existence of a situation presenting a serious risk to the rights to life and personal integrity of Roland Oswaldo Carreño Gutiérrez, whose whereabouts are unknown on August 2, 2024, after he was allegedly detained by State agents.

22. With regard to the requirement of *urgency*, the Commission also notes that it has been fulfilled, given that the proposed beneficiary's current whereabouts are unknown, and given that the facts described suggest that the risk is likely to continue and to be exacerbated over time. Additionally, it also takes into account the authorities refusal to take action to determine his whereabouts. Therefore, the Commission considers it imperative to adopt measures to safeguard the rights of the proposed beneficiary.

23. 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**

24. The Commission declares Roland Oswaldo Carreño Gutiérrez as the beneficiary of the precautionary measures, who is duly identified in this proceeding.

#### **V. DECISION**

25. 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 Roland Oswaldo Carreño Gutiérrez. In particular, inform whether the beneficiary is in the custody of the State and his current circumstances, or provide information on the measures aimed at determining his whereabouts or fate, and
- b) report on the actions taken in order to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.

26. 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.

27. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment of any violation of the rights protected in the American Convention and other applicable instruments.

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

29. Approved on August 17, 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