

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**  
**RESOLUTION 10/2026**

Precautionary Measure No. 101-26

Gladys Orellana Martínez, Gustavo Domínguez Orellana, and Juan Diego Salvador  
Gómez Toral regarding Venezuela

February 16, 2026

Original: Spanish

**I. INTRODUCTION**

1. On January 16, 2026, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACtHR”) received a request for precautionary measures filed by the *Centro Ciudadano de Litigación Estratégica en Derechos Humanos* (“the applicants” or the “requesting party”), urging the Commission to request that the Bolivarian Republic of Venezuela (the “State” or “Venezuela”) adopt the necessary measures to protect the rights of Gladys Orellana Martínez, Gustavo Domínguez Orellana, and Juan Diego Salvador Gómez Toral (the “proposed beneficiaries”). According to the request, the proposed beneficiaries are Mexican nationals who travelled to Venezuela to purchase seafood and other marine species, but were detained upon arriving. Since November 11, 2025, they have been held incommunicado, are unable to contact their families or trusted defenders, and there has been no possibility of verifying their conditions of detention and health.

2. Pursuant to Article 25 (5) of its Rules of Procedure, the Commission requested information from both parties on January 23, 2026. The applicants responded on January 29, 2026. To date, the State has not responded, and the granted deadline has expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission recognizes that the beneficiaries are in a serious and urgent situation, given that their rights are at risk of irreparable harm. Therefore, 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, personal integrity, and health of Gladys Orellana Martínez, Gustavo Domínguez Orellana, and Juan Diego Salvador Gómez Toral; b) implement sufficient measures to ensure that the beneficiaries’ conditions of detention are compatible with applicable international standards. In particular, the following: i. officially indicate their legal status, whether they have been charged with crimes and whether they have been brought before a competent court to review their detention; if so, expressly mention the court that hears their criminal cases, or if they have not appeared before a court, clarify the reason why they have not done so; ii. facilitate communication between the beneficiaries and their family members, representatives, trusted lawyers, and consular authorities of the country of which they are nationals, giving them full access to their court records, if any; iii. immediately conduct a medical assessment of their health and ensure timely and specialized medical care and treatment, informing their family members and representatives of the results; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) 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, Gladys Orellana Martínez, her son, Gustavo Domínguez Orellana, and Juan Diego Salvador Gómez Toral are Mexican nationals who buy, sell, and market seafood and other marine species. On October 1, 2025, they arrived in the city of Porlamar, Venezuela, to finalize the purchase of seafood. However, on that day, officials from the Strategic Operations Group (GOES) allegedly detained them in an arbitrary manner. They were reportedly detained without a warrant, without information on the grounds for

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their detention, without immediate notification to family members or consular authorities, and without any known criminal investigation.

5. The applicants noted that, from October 1 to 7, 2025, none of the proposed beneficiaries' relatives had any official information about their whereabouts, health, or legal situation. The request characterized that initial circumstance as an "enforced disappearance."

6. On October 7, 2025, their family members obtained information regarding their whereabouts through the efforts of the Mexican Embassy in Venezuela. Subsequently, through the same diplomatic channels, it was reported that they were being held at the National Anti-Drug Command of the Bolivarian National Guard, located in Las Acacias, Caracas, on alleged charges related to terrorism and organized crime. The applicants emphasized that the facts and grounds for the detention have not been specified, no document has been provided to support these allegations, and they have not had direct access to official information about the criminal proceedings.

7. On November 11, 2025, the Consular Section visited the detention center and informed the families that the proposed beneficiaries "were doing well." However, the applicants state that the information was vague. They further assert that they were not given access to a copy of any court order, that no medical report was submitted, and that they were not allowed to perform an independent assessment of their physical or psychological condition. The request emphasized that this had been the only space for a consular visit since their detention, and therefore warned of the absence of effective consular protection. It also warned that Venezuelan authorities have not allowed any direct verification of the proposed beneficiaries' physical or psychological condition. From that date until now, the proposed beneficiaries have remained in a situation of complete isolation. They added that the State has not officially reported on the duration, legal basis, or judicial control of the incommunicado detention imposed.

8. The request specified that Gladys Orellana Martínez, a 58-year-old woman, has diabetes and high blood pressure, and therefore requires ongoing medical treatment, regular monitoring, and permanent access to medication. However, the applicants revealed that her current health is unknown, as is that of Gustavo Domínguez Orellana and Juan Diego Salvador Gómez Toral. The applicants further claimed that, according to unofficial details, the detention center where the proposed beneficiaries are allegedly being held has poor conditions, limited space, cells without access to sunlight or natural ventilation, and high levels of humidity. It was also indicated that they do not offer guarantees of adequate medical care.

9. In addition, the applicants stated that the circumstances are aggravated by the fact that the proposed beneficiaries are foreigners. The applicants argue that this places them in a situation of particular vulnerability in the current Venezuelan context, where there is a practice of stigmatizing foreigners, who are recognized as "enemies of the homeland." In this regard, the applicants expressed concern that the proposed beneficiaries may be subjected to torture or cruel, inhuman, or degrading treatment in the context of prolonged incommunicado detention and the total absence of external oversight.

10. Regarding the actions taken before the Venezuelan authorities, the applicants stated that their relatives reside in Mexico and mentioned that they have not traveled to Venezuela due to the context of lack of safety, mobility restrictions, and lack of guarantees. For these reasons, they appointed two private attorneys to represent the proposed beneficiaries in Venezuela. It was stated that, since October 2025, they have attempted to make verbal and written presentations before judicial and administrative bodies. However, their submissions were not received, and they thereby faced systematic obstruction of access to justice. In this regard, the following was noted:

- a. The court has repeatedly refused to allow the attorneys to be sworn in, allegedly without a formal decision or legal justification, thereby preventing the exercise of private legal defense.

- b. The judicial and administrative authorities refuse to receive writs, complaints, or requests for information, closing any legal means of action.
- c. Various state bodies have refused to admit proceedings, arguing that the lawyers lack standing to prosecute, because the only persons authorized to act are public defenders appointed by the state itself.

11. The request stated that the only information available regarding the criminal case was provided by the Mexican Embassy in Venezuela. They had informed the family members that on December 11, 2025, a public defender had been assigned to represent the proposed beneficiaries. However, the applicants stressed that the appointment of this public defender lacks real efficiency, given the following:

- a. There has been no direct or indirect communication with the proposed beneficiaries.
- b. The public defender has not responded to repeated attempts by family members to contact him.
- c. No information has been provided regarding specific charges, procedural actions, the competent court, or the procedural status of the case.

12. In this regard, the request alleged that the assigned public defender does not fulfill or guarantee the right to defense. In addition, they state that the public defender reportedly operates as a mechanism that hinders the exercise of private defense of trust. As a result, it was noted that trusted lawyers have been unable to file lawsuits, complaints, appeals, requests for protection, or formally access the case file. For this reason, the request stated that the failure to file complaints or request protective measures at the domestic level was not due to negligence or inaction on the part of family members or representation, but rather to obstacles imposed by the State. Faced with the foregoing, the applicants warned that the proposed beneficiaries remain in a situation of absolute defenselessness.

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

13. The Commission requested information from the State on January 23, 2026. To date, no response has been received, and the granted timeline has expired.

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

14. 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 IAC. 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.

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 nature, both protective and precautionary.<sup>1</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>2</sup> To do this, the IAC shall assess the

<sup>1</sup> Inter-American Court of Human Rights (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.

<sup>2</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,

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.<sup>3</sup> As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACtHR. 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.<sup>4</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 a 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; rather, the information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>5</sup> Similarly, the Commission recalls that, by its own mandate, it is not within its purview 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>6</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 making any determination on the merits.<sup>7</sup>

17. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005,<sup>8</sup> 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, Special Follow-up Mechanism for Venezuela, known as MESEVE for its acronym in Spanish.

considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

<sup>3</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).

<sup>4</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>5</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>6</sup> IACtHR, [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>7</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>8</sup> IACtHR, [2024 Annual Report. Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on March 26, 2025, para. 1.

18. On December 27, 2024, the IACtHR approved the report titled “Venezuela: Serious Human Rights Violations in Connection with the Elections” and reaffirmed that the State has been engaging in practices such as the arbitrary detention of opponents, human rights defenders, and social leaders, while using “terror as a tool of social control.”<sup>9</sup>

19. In 2025, the IACtHR condemned the situation of persons deprived of their liberty in Venezuela in the context of the country.<sup>10</sup> The IACtHR identified that relatives have not yet received a formal communication about the detention center where their loved ones are held.<sup>11</sup> In other cases, they have only been able to find out that they are alive and where they are being held through information shared by other inmates, or because officials from the Bolivarian National Intelligence Service call them to ask them to send medication or collect dirty laundry.<sup>12</sup> During its 192nd session, the Commission was able to obtain information on the situation of persons deprived of their liberty in the post-election context and received testimonies from relatives of victims and civil society on arbitrary detentions, torture, and serious conditions of detention.<sup>13</sup>

20. Within the above context, the Commission has identified, within the framework of the precautionary measures mechanism, that the State of Venezuela has previously detained foreign nationals in factual circumstances similar to those alleged in this matter. For example, Najam Islam Butt, a Pakistani national;<sup>14</sup> Zsuzsanna Bossanyi, a Hungarian national;<sup>15</sup> Willem Frederik de Rhodes, a Dutch national;<sup>16</sup> Angelique Brigitte Corneille, a Dutch national;<sup>17</sup> Miguel Moreno Dapena, a Spanish national;<sup>18</sup> Walter López Ogaldez, a Honduran national;<sup>19</sup> Willy Delano Bowman Webster, a Honduran national;<sup>20</sup> Hiubert Johonie Martínez Martínez, a Honduran national;<sup>21</sup> Olmedo Javier Núñez Peñalba, a Panamanian national;<sup>22</sup> Alireza Akbari, an Irish national;<sup>23</sup> Camilo Castro, a French national;<sup>24</sup> Sofía María Sahagún Ortiz, of Venezuelan and Spanish nationality;<sup>25</sup> Yevhenii Petrovich Trush, a Ukrainian national;<sup>26</sup> Lucas Jonas Hunter, of French and

<sup>9</sup> IACtHR, Venezuela: Serious Human Rights Violations in Connection with the Elections, previously cited, para. 5.

<sup>10</sup> IACtHR, [Press Release No. 72/25](#), IACtHR urges Venezuela to immediately release political prisoners and to end the practice of holding them incommunicado, April 11, 2025.

<sup>11</sup> IACtHR, Press Release No. 72/25, previously cited.

<sup>12</sup> IACtHR, [Press Release No. 50/25](#), IACtHR concludes 192nd Period of Sessions after holding 32 human rights hearings, March 7, 2025.

<sup>13</sup> IACtHR, [Press Release No. 50/25](#), IACtHR concludes 192nd Period of Sessions after holding 32 human rights hearings, March 7, 2025.

<sup>14</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, November 17, 2025.

<sup>15</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>16</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>17</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>18</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>19</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>20</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>21</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>22</sup> IACtHR, [Resolution No. 79/25](#), Precautionary Measures No. 1406-25 and 1414-25, Nine foreign persons deprived of their liberty regarding Venezuela, previously cited.

<sup>23</sup> IACtHR, [Resolution No. 72/25](#), Precautionary Measures No. 1282-25, Alireza Akbari regarding Venezuela, October 8, 2025.

<sup>24</sup> IACtHR, [Resolution No. 70/25](#), Precautionary Measures No. 1224-25, Camilo Castro regarding Venezuela, October 2, 2025.

<sup>25</sup> IACtHR, [Resolution No. 59/25](#), Precautionary Measures No. 680-25, Sofía María Sahagún Ortiz regarding Venezuela, August 18, 2025.

<sup>26</sup> IACtHR, [Resolution No. 32/25](#), Precautionary Measures No. 334-25, Yevhenii Petrovich Trush regarding Venezuela, April 5, 2025.

American nationality;<sup>27</sup> Alberto Trentini, an Italian national;<sup>28</sup> Nahuel Agustín Gallo, an Argentine national;<sup>29</sup> Arley Danilo Espitia Lara, a Colombian national;<sup>30</sup> and Jan Darmovzal, a Czech national.<sup>31</sup>

21. Based on the information presented in these matters, the Commission observes that there are consistent allegations that provide evidence of a pattern of state action when foreign nationals are detained. In particular, the whereabouts of individuals are reportedly unknown and the authorities refuse to provide information on their situation,<sup>32</sup> despite the fact that in some cases state officials publicly announced that they were in state custody and accuse them of working for foreign governments or entities.<sup>33</sup> There is no certainty about their legal situation, and judicial appeals have been rejected or prevented from being filed. They were also denied the opportunity to appoint private lawyers and access the case files.<sup>34</sup> Similarly, in these cases, the consular assistance to which they were entitled as detained foreign nationals was allegedly not guaranteed.<sup>35</sup> Taken as a whole, these elements reveal that these matters include serious difficulties in activating protective measures and maintain a state of legal and factual uncertainty surrounding the situation and whereabouts of foreign nationals detained in the current context of the country.

22. In addition, on March 18, 2025, Marta Valiñas, the Chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 58th session of the United Nations Human Rights Council, stated that in February 2025, Nicolás Maduro announced that the authorities had detained more than 150 foreigners, describing them as “mercenaries.”<sup>36</sup> The Chair of the Mission contextualized the events following the presidential elections of July 28, 2024, observing an intensification of the premeditated and systematic use of arbitrary detentions and unfounded accusations, directed against both Venezuelan citizens and foreigners.<sup>37</sup> The Mission found that the authorities had justified these actions against foreign nationals by labeling them as “terrorists” and “international conspirators,” “financed by foreign governments and transnational actors.”<sup>38</sup> The Chair of the Mission also mentioned that, in most of these cases, foreign detainees have not been granted access to communicate with a consular office or diplomatic mission of their home country. She noted that the authorities have ignored requests for information from consulates and diplomatic missions and that, in some cases, families have also been unable to contact these detainees for several months.<sup>39</sup>

23. On September 8, 2025, during the 60th Session of the United Nations Human Rights Council, the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela reaffirmed its concern about the state’s practice of solitary confinement and incommunicado detention, which, it noted, often

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

<sup>28</sup> IACHR, [Resolution No. 2/25](#), Precautionary Measures No. 1438-24, Alberto Trentini regarding Venezuela, January 7, 2025.

<sup>29</sup> IACHR, [Resolution No. 1/25](#), Precautionary Measures No. 1432-24, Nahuel Agustín Gallo regarding Venezuela, January 1, 2025.

<sup>30</sup> IACHR, [Resolution No. 99/24](#), Precautionary Measures No. 1331-24, Arley Danilo Espitia Lara regarding Venezuela, December 16, 2024.

<sup>31</sup> IACHR, [Resolution No. 80/24](#), Precautionary Measures No. 1150-24, Jan Darmovzal regarding Venezuela, October 31, 2024.

<sup>32</sup> IACHR, [Resolution No. 59/25](#), previously cited; IACHR, [Resolution No. 27/25](#), previously cited; IACHR, [Resolution No. 2/25](#), previously cited.

<sup>33</sup> IACHR, [Resolution No. 99/24](#), previously cited; IACHR, [Resolution No. 1/25](#), previously cited; IACHR, [Resolution No. 80/24](#), previously cited.

<sup>34</sup> IACHR, [Resolution No. 80/24](#), previously cited; IACHR, [Resolution No. 99/24](#); IACHR, [Resolution No. 1/25](#); IACHR, [Resolution No. 2/25](#), previously cited; IACHR, [Resolution No. 27/25](#), previously cited; IACHR, [Resolution No. 32/25](#), previously cited; IACHR, [Resolution No. 59-25](#), previously cited.

<sup>35</sup> IACHR, [Resolution No. 80/24](#), previously cited; IACHR, [Resolution No. 99/24](#); IACHR, [Resolution No. 1/25](#); IACHR, [Resolution No. 2/25](#), previously cited; IACHR, [Resolution No. 27/25](#), previously cited; IACHR, [Resolution No. 32/25](#), previously cited; IACHR, [Resolution No. 59/25](#), previously cited.

<sup>36</sup> Office of the High Commissioner for Human Rights, [Statement by Marta Valiñas, Chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 58th session of the Human Rights Council](#), March 18, 2025.

<sup>37</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), September 8, 2025, A/HRC/60/CRP.4, para. 142.

<sup>38</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 142

<sup>39</sup> Office of the High Commissioner for Human Rights, [Declaration of Marta Valiñas, Chair of the Independent International Mission of Determination on the Bolivarian Republic of Venezuela, at the 58th session of the Human Rights Council](#), previously cited.

amounts to enforced disappearances, as well as the widespread lack of effective judicial protection.<sup>40</sup> It stated that, for the most part, the search processes undertaken by family members, human rights organizations, and private lawyers began immediately after the detention.<sup>41</sup> However, in most cases, the consulted authorities denied having the detainees in their custody, even though they were in fact detained under their authority.<sup>42</sup>

24. In addition, the Mission noted that it has identified a pattern in cases involving the detention of foreign nationals characterized by a lack of transparency in proceedings, violations of basic due process guarantees, denial of access to consular protection, almost total isolation from the outside world, including with family members, lawyers, and consular or diplomatic agents from the detainees' countries of nationality, as well as almost no official information regarding the legal situation of the detained persons.<sup>43</sup> The Mission noted that foreign nationals who had been detained had been held in strict incommunicado detention for months, from the moment they were detained and throughout their imprisonment.<sup>44</sup> In this regard, it emphasized that individuals have not had the opportunity to communicate with their families or to be advised by lawyers of their choice.<sup>45</sup> Even the consular authorities of their respective countries were reportedly not authorized to communicate with these persons, to provide the protection afforded under international law,<sup>46</sup> or to access information about their health or legal situation.<sup>47</sup>

25. Consequently, the Commission understands that the circumstances surrounding the foreign proposed beneficiaries' detention, along with the monitoring of the country's context by the IACtHR and other international human rights organizations, are relevant to the analysis of the procedural requirements.

26. With regard to the requirement of *seriousness*, the Commission considers that it has been met. Upon analyzing the situation of the proposed beneficiaries, the Commission identifies the following:

- a. As stated, the proposed beneficiaries, who are Mexican nationals, were detained on October 1, 2025. This was allegedly executed without a warrant, without information on the grounds for their detention, without immediate notification to family members or consular authorities, and without any known criminal investigation.
- b. It is particularly serious that, between October 1 and 7, 2025, the proposed beneficiaries' relatives reportedly have not received any information on their whereabouts.
- c. The Commission notes that on November 11, 2025, a consular visit was conducted at the detention center where the proposed beneficiaries are currently being held. However, the request further alleged that, since that date and to date, the proposed beneficiaries remain in incommunicado detention, without contact with their families or trusted lawyers, and without any further consular visits.

<sup>40</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), September 8, 2025, A/HRC/60/CRP.4, para. 103.

<sup>41</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 267.

<sup>42</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 267.

<sup>43</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 144.

<sup>44</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 161.

<sup>45</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 161.

<sup>46</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 161.

<sup>47</sup> United Nations Human Rights Council, [Detailed conclusions of the independent international fact-finding mission on the Bolivarian Republic of Venezuela](#), previously cited, para. 166.

- d. Therefore, the Commission recalls that the Court has established that holding a detained person incommunicado could constitute treatment contrary to human dignity, given that it can cause extreme psychological and moral suffering for the person deprived of liberty.<sup>48</sup> It has also considered that prolonged isolation and incommunicado detention constitute, in themselves, forms of cruel and inhuman treatment.<sup>49</sup> Along these lines, the Court has also established that the incommunicado detention "not only makes it impossible to verify the current situation of the proposed beneficiaries, their conditions of detention, and their health, but also it implies a curtailment of the procedural guarantees of all detainees."<sup>50</sup> For this reason, the Court has also highlighted that States must ensure that persons deprived of their liberty are able to contact their relatives.<sup>51</sup> Similarly, the IACtHR notes 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>52</sup>
- e. In this regard, the Commission notes that, due to the alleged lack of communication and the lack of further visits, family members and the representatives were reportedly unable to verify the proposed beneficiaries' conditions of detention or health.
- f. Of particular concern is the situation of Gladys Orellana Martínez, who, as mentioned above, is a 58-year-old woman who has diabetes and high blood pressure. These health issues require ongoing medical treatment, regular monitoring, and permanent access to medication. However, to date, there is no information regarding her current health, whether she was evaluated upon being detained, or whether she is receiving adequate medical care.
- g. The Commission notes that, since October 2025, the proposed beneficiaries' trusted lawyers have attempted to make verbal and written submissions to Venezuelan judicial and administrative bodies. However, it was reported that the authorities refused to allow the private lawyers to formally join the case, arguing that only public defenders appointed by the State would be authorized to act in the case. The Commission also notes that the family members reside in Mexico and have been unable to travel to Venezuela to take action in defense of the proposed beneficiaries for safety reasons, which is consistent with the contextual situation in the country monitored by the Commission. It was noted that, according to information transmitted by the Mexican Embassy in Venezuela, a public defender had been appointed for the proposed beneficiaries in December 2025. However, the request indicated that the public defender has not communicated with the proposed beneficiaries or their relatives, despite repeated attempts to establish contact, nor has he provided information regarding the specific charges, the status of the criminal proceedings, or any procedural steps taken on their behalf.

<sup>48</sup> I/A Court H.R. [Case of Espinoza Gonzales v. Peru](#), Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 20, 2014, para. 186; [Case J. v. Peru](#), Judgment of November 27, 2013, considerandum 376 (Available only in Spanish); [Case of Cantoral-Benavides v. Peru](#), Fondo, Serie C No. 69, para. 82 (Available only in Spanish); [Case of Suárez Rosero v. Ecuador](#), Judgment of November 12, 1997, Series C No. 35, considerandum 90 (Available only in Spanish); [Matter of Guanipa Villalobos](#), Provisional Measures regarding Venezuela, Order of October 15, 2025, para. 41 (Available only in Spanish).

<sup>49</sup> I/A Court H.R. [Case of Maritza Urrutia v. Guatemala](#), Merits, Reparations, and Costs, Series C No. 103, para. 87; Matter of Guanipa Villalobos, Provisional Measures regarding Venezuela, previously cited.

<sup>50</sup> I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Provisional Measures, Order of June 24, 2021, paragraph 36, (Available only in Spanish).

<sup>51</sup> I/A Court H.R., Case J. v. Peru, previously cited; and Case of Espinoza Gonzales v. Peru, previously cited; Matter of Guanipa Villalobos, Provisional Measures regarding Venezuela, already cited; IACtHR Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the Commission during the 131st regular session, held from March 3 to 14, 2008, Principle XVIII.

<sup>52</sup> IACtHR, [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), adopted by the Commission during the 131st regular session, held from March 3 to 14, 2008, Principle XVIII.

- h. Under the circumstances described above, the Commission finds that the relatives lack possibilities to activate domestic actions in favor of the proposed beneficiaries, which places them in a state of absolute defenselessness. Therefore, while this situation persists, the Commission considers that they are completely unprotected against the risks they may be facing in Venezuela.

27. 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 situation that places the proposed beneficiaries at risk. Therefore, the Commission does not have elements that would allow it to dispute the facts described by the applicants, nor to assess whether the risk has been addressed or mitigated.

28. Taking into account the current context of the country, and the previous assessments, the Commission observes that, from the applicable *prima facie* standard, it is sufficiently shown that the proposed beneficiaries face a situation presenting a serious risk to their rights to life, personal integrity, and health in Venezuela.

29. As for the requirement of *urgency*, the Commission considers it to be met, given their status as persons deprived of liberty, the lack of communication with their families and trusted lawyers, the impossibility of verifying their conditions of detention and health, in addition to the alleged situation of defenselessness, there is a possibility that the risk could materialize at any time. In addition, the Commission does not have any information from the State to assess the actions that are being taken to address and mitigate the alleged risk faced by the proposed beneficiaries. Therefore, it is necessary to immediately adopt measures to safeguard their rights to life, personal integrity, and health.

30. Regarding the requirement of *irreparable harm*, the Commission maintains that it has been met, insofar as the potential impact on the rights to life, personal integrity, and health constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARIES**

31. The Commission declares as the beneficiaries of the precautionary measures Gladys Orellana Martínez, Gustavo Domínguez Orellana, and Juan Diego Salvador Gómez Toral, who are duly identified in this proceeding.

#### **V. DECISION**

32. 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, it requests that Venezuela:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Gladys Orellana Martínez, Gustavo Domínguez Orellana, and Juan Diego Salvador Gómez Toral;
- b) implement sufficient measures to ensure that the beneficiaries' conditions of detention are compatible with applicable international standards. In particular, the following:
  - i. officially indicate their legal status, whether they have been charged with crimes and whether they have been brought before a competent court to review their detention; if so, expressly mention the court that hears their criminal cases, or if they have not appeared before a court, clarify the reason why they have not done so;

- ii. facilitate communication between the beneficiaries and their family members, representatives, trusted lawyers, and consular authorities of the country of which they are nationals, giving them full access to their court records, if any;
- iii. immediately conduct a medical assessment of their health and ensure timely and specialized medical care and treatment, informing their family members and representatives of the results;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d) 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.

33. 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.

34. 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.

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

36. Approved on February 16, 2026, by Andrea Pochak, First Vice-President; Edgar Stuardo Ralón Orellana, Second Vice-President; Gloria Monique de Mees; Riyad Insanally; Marion Bethel; and Rosa María Payá Acevedo, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary