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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 10/2021**

Precautionary Measure No. 516-20  
Maury Carolina Carrero Mendoza regarding Venezuela  
January 31, 2021  
Original: Spanish

**BACKGROUND**

1. On July 17, 2020, the Inter-American Commission on Human Rights (IACHR) decided to grant precautionary measures to Maury Carolina Carrero Mendoza, in Venezuela. According to the request, she was deprived of her liberty in April 2020 by state actors and her whereabouts or location were unknown. After considering compliance with the procedural requirements, the IACHR requested that the Bolivarian Republic of Venezuela: a) take the necessary measures to protect the rights to life and personal integrity of Ms. Maury Carolina Carrero Mendoza. In particular, report whether the beneficiary is in the custody of the State and the circumstances in which she is detained, or the measures aimed at determining her whereabouts or fate; and b) adopt the actions aimed at investigating the events that led to the granting of this precautionary measure, so as to prevent such events from reoccurring.<sup>1</sup>

**II. SUMMARY OF INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE**

2. Upon granting the precautionary measures, the IACHR followed up on the situation by requesting information from the parties. For instance, on November 3, 2020, the IACHR requested information from them. It particularly requested that they ruled on the public information that indicated that the beneficiary was at liberty. On December 9, 2020, the representatives reported that Maury Carrero “was released unconditionally on September 2.” They also sustained that “at present, a situation of serious and irreparable risk to the life and personal integrity of Ms. Maury Carrero does not exist and, therefore, we consider that the reasons to maintain the precautionary measures granted do not subsist.”

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

3. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in the Charter of the Organization of American States, and in the case of the Member States that have not yet ratified the American Convention, the Declaration of the Rights and Duties of Man. These general oversight functions are established in Article 18 of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

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<sup>1</sup> IACHR, Maury Carolina Carrero Mendoza regarding the Bolivarian Republic of Venezuela, July 17, 2020. Available at <http://www.oas.org/es/cidh/decisiones/pdf/2020/36-20MC516-20-VE.pdf>

4. The Inter-American Commission and the Inter-American Court of Human Rights have established repeatedly that precautionary and provisional measures have a dual nature, both precautionary and protective. As regards the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Regarding the process of decision making, and according to Article 25(2) of the 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.

5. With respect to the foregoing, Article 25.7 of the Commission’s Rules of Procedure establishes that “the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25.9 establishes that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission must assess whether the urgent and serious situation and the possible generation of irreparable harm, which led to the adoption of precautionary measures, persist. Moreover, the Commission should consider if new situations that might meet the requirements set forth in Article 25 of the Rules of Procedure have subsequently arisen.

6. Upon granting these precautionary measures and having requested information from the State on the measures adopted to implement these precautionary measures, the Commission notes that no response was received from the State. In this regard, the Commission recalls that the breach of State duty to report on all the measures adopted in compliance with its decisions is especially serious, given the legal nature of these measures seeking to prevent irreparable harm to persons in a serious and urgent situation.<sup>2</sup> The duty to report constitutes an obligation of a dual nature that requires for its effective fulfillment the formal filing of a document on time and the specific, true, current and detailed material reference to the issues on which that obligation falls.<sup>3</sup>

7. Having specified the foregoing, the Commission notes that the representatives reported that the beneficiary was released in September 2020 and held that “the reasons to maintain the precautionary measures granted do not subsist.” In view of this and taking into account that precautionary measures can be lifted “at the request of a party,” the Commission notes that the factual circumstances that motivated the initial granting of precautionary measures has changed significantly inasmuch as the whereabouts of the beneficiary are currently known after having been released. Given these new circumstances, the Commission deems that compliance with the procedural requirements established in

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<sup>2</sup> I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of February 7, 2006. Considerandum 16; and Case of Luisiana Ríos *et al.* (Radio Caracas Televisión - RCTV). Provisional Measures. Order of the Inter-American Court of Human Rights of September 12, 2005. Considerandum 17.

<sup>3</sup> *Ibid.*

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Article 25 of the Rules of Procedure is not evidenced, therefore it is appropriate to lift these precautionary measures.

#### **IV. DECISION**

8. The Commission decides to lift the precautionary measures in favor of Maury Carolina Carrero Mendoza.

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

10. Approved on January 31, 2021 by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice President; Flávia Piovesan, Second Vice President; Margarete May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana, and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido  
Acting Executive Secretary