

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 88/2024**

Precautionary Measure No. 1237-24
Eduardo Emiro Labrador regarding Venezuela
November 25, 2024
Original: Spanish

I. INTRODUCTION

1. On November 7, 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 NGO Foro Penal (“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 to life and personal integrity of Eduardo Emiro Labrador (“the proposed beneficiary”) in Venezuela. According to the request, the proposed beneficiary identifies himself as a political opponent and deputy of the Legislative Council of the state of Zulia, and was detained on October 18, 2024, by agents of the Regional Police of Zulia and transferred to an unknown place. The requesting party characterized the situation as a “forced disappearance.”

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure and the Inter-American Convention on Forced Disappearance of Persons, the Commission requested information from the State on November 7, 2024. To date, the IACHR has not received a response from the State and the granted deadline has expired.

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 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 Eduardo Emiro Labrador. 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. The Commission deems it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention, if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, the State is requested to report on the status of the criminal file that has been opened against the beneficiary, and to allow access to family members and legal representatives. Likewise, it is required to specify whether the beneficiary has undergone a medical evaluation, and provide the corresponding documentary support; b) implement the necessary measures so that the beneficiary can carry out his activities, as a member of an opposition political party and a deputy of the Legislative Council of the state of Zulia, without being subjected to threats, harassment, or acts of violence; c) consult and agree upon the measures to be adopted with the beneficiary, his family, and his representatives; and d) report on the actions taken to investigate the alleged facts that led to 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. The requesting party reported that Eduardo Emiro Labrador has served as a university professor. He is currently a deputy of the Legislative Council of the state of Zulia and a member of the opposition political party “Zulia Humana.” As a background, it was indicated that he has been the subject of threats related to the performance of his functions as a regional legislator as he is critical of the government of Nicolás Maduro.

5. On October 18, 2024, he was reportedly detained in a police control by officers of the Regional Police of the state of Zulia. It was alleged that the proposed beneficiary was on the highway (at the height of the “Simón Bolívar” planetarium) in the municipality of Mara, while heading to Colombia to visit his daughter. It was stated that the detention was made without an arrest warrant or any explanation. They qualify the detention as arbitrary. They consider that the representatives of the Armed Forces and the Security Corps of Venezuela see him as an “enemy of the nation.”

6. The proposed beneficiary’s relatives stressed that he had been transferred to the headquarters of the Regional Police, located in the “Coromoto” urbanization of the municipality of San Francisco. That same day, his son went to that headquarters in order to obtain information about his detention. However, the authorities denied that he was in the place. Subsequently, he went to the Prosecutor’s Office and the headquarters of the Bolivarian National Intelligence Service (SEBIN), without obtaining clear answers about his whereabouts. In addition, they indicated that they have filed complaints with the Ombudsperson’s Office and the Public Ministry on October 23 and 24, 2024, respectively, as well as a writ of *habeas corpus* on October 24, 2024. They indicated that a complaint was also filed with the UN Working Group on Enforced and Involuntary Disappearances on October 24, 2024.

7. Lastly, the applicant points out that, to date, no official response has been received from the Venezuelan authorities on the whereabouts and situation of the proposed beneficiary, which has generated concern for his life, integrity, and security.

B. Response from the State

8. The IACHR requested information from the State on November 7, 2024. To date, the State has not sent a response, and the granted deadline has expired.

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

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

10. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹ Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.² To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.³ Regarding their precautionary

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

² I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional Measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional Measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5.

³ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁴ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

11. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁵ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁶ This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without making any determination on the merits.⁷

12. By the same token, 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, 1998,⁸ considers forced disappearance as the act “[...] perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.”⁹ Similarly, the Inter-American Commission highlights what was established by the United Nations Working Group on Enforced or Involuntary

⁴ I/A Court H.R., [Matter of the 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.

⁵ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

⁶ IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

⁷ In this regard, the Court has indicated 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.” See in this regard: 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.

⁸ [Inter-American Convention on Forced Disappearance of Persons](#), Belém do Pará, Brazil, June 9, 1994, [Signatories and current status of ratifications of the Inter-American Convention on Forced Disappearance of Persons](#).

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

Disappearances, in the sense that “there is no minimum time, however short, to consider that an enforced disappearance has occurred.”¹⁰

13. As regards the *context*, the Commission has been monitoring the rule of law and human rights situation in Venezuela since 2005, and has included the country in Chapter IV.B of its Annual Report.¹¹ The Commission has also issued press releases and country reports, and established the special follow-up mechanism for the country, known as MESEVE. In addition, in its 2021 Annual Report, the Commission stated that temporary forced disappearances have been systematically practiced in Venezuela, mainly against persons perceived as opponents.¹² 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.¹³ In various testimonies collected by the IACHR, there is the suggestion that temporary forced disappearances are a tool of political repression in Venezuela.¹⁴

14. 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 guarantees are upheld, including prompt presentation before an independent judicial authority, in order to prevent enforced disappearances, torture, and other cruel and inhumane treatment.¹⁵ 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.¹⁶ 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.¹⁷ Similarly, the Special Rapporteurship for Freedom of Expression of the IACHR (SRFoE, or RELE for its acronym in Spanish) has emphasized 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.¹⁸

15. On August 15, 2024, the IACHR and its SRFoE condemned practices of State terrorism in Venezuela, including violent repression, arbitrary detentions, and political persecution.¹⁹ It was stated that the current regime is using fear as a tool to silence citizens and maintain its authoritarian rule, and that Venezuela must immediately stop violating human rights and restore democratic order and the rule of law.²⁰ 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.”²¹

¹⁰ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 85; United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, August 10, 2015, A/HRC/30/38, para. 102.

¹¹ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, Doc. 386 rev. 1, approved on December 31, 2023, para.

¹² IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 82.

¹³ *Ibidem*, para. 82.

¹⁴ IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 84.

¹⁵ IACHR, [2023 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, Doc. 386 rev. 1, approved on December 31, 2023, Recommendation 8.

¹⁶ IACHR, Press Release 184/24, [IACHR and SRFoE condemn State terrorism practices in Venezuela](#), August 15, 2024.

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

¹⁸ 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.

¹⁹ IACHR, Press Release 184/24, [IACHR and SRFoE condemn State terrorism practices in Venezuela](#), August 15, 2024.

²⁰ IACHR, Press Release 184/24, previously cited.

²¹ IACHR, Press Release 184/24, previously cited.

16. The Commission believes that the current context in Venezuela is of crucial importance when analyzing the proposed beneficiary's situation as a deputy of the Legislative Council of the state of Zulia, who is critical of the country's current government, and as a member of an opposition political party. The Commission emphasizes that the allegations are consistent with the contextual elements identified in the current post-electoral situation in Venezuela.

17. In analyzing the requirement of *seriousness*, the Commission takes into consideration, in addition to the aforementioned context, the fact that, since October 18, 2014, when the proposed beneficiary was detained by agents of the Zulia Regional Police, his whereabouts have been unknown. To date there is no official information regarding his fate or possible place of detention. In this regard, the Commission highlights that, according to the requesting party, the detention was preceded by threats in the exercise of his duties as a deputy of the Legislative Council of the state of Zulia.

18. Upon requesting information from the State, the Commission regrets the lack of response from the State of Venezuela. Although this is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information that allows it to contrast the allegations made by the requesting party. Similarly, the Commission is unable to determine the actions that authorities may be taking to mitigate or address the situation that is purportedly placing the proposed beneficiary at risk.

19. Despite the internal complaints and the filing of a *Habeas Corpus* appeal, the family members do not have minimal official information about his legal situation, such as an arrest or search warrant, or the existence of any criminal record, which would allow them to challenge the actions taken by state agents before the competent judicial authority. Since there is no access to that information, and the State has not provided a response in this regard, the Commission considers that the proposed beneficiary is in a situation of complete lack of protection in relation to the situations he could be facing at present given that his whereabouts are unknown.

20. The actions of the State have sought to restrict the possibilities of taking action in favor of the proposed beneficiary. In this regard, according to the file, his son went to the headquarters of the Regional Police, the Prosecutor's Office, and the Bolivarian Intelligence Service (SEBIN). At all these locations, he was informed that the proposed beneficiary was not detained there. Therefore, the Commission understands that the proposed beneficiary is in a situation of extreme vulnerability given the lack of response from the State, and given the circumstances in which he was allegedly detained by State agents, in addition to the fact that his current location or whereabouts are unknown to date.

21. In summary, the Commission concludes that, based on the applicable *prima facie* standard and considering the current context in the country, the proposed beneficiary's political profile, and the recent events he has faced, it is sufficiently established that he is in a situation presenting a serious risk to his rights to life and personal integrity.

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. In addition to the above, the Commission emphasizes that, despite the internal actions filed in favor of the proposed beneficiary, there is no official information on his fate. Therefore, the Commission considers it necessary to adopt immediate 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.

24. The Commission reminds that, according to inter-American standards, the State is obligated to maintain an updated record of detentions, 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.²² 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.²³

IV. BENEFICIARY

25. The Commission declares Eduardo Emiro Labrador beneficiary of the precautionary measures, who is duly identified in this proceeding.

V. DECISION

26. 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 Eduardo Emiro Labrador. 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. The Commission deems it essential for the State to specify whether the beneficiary was brought before a court of competent jurisdiction to review his detention, if he had been charged with a crime. Otherwise, indicate the reasons why he has not been released to date. In any case, the State is requested to report on the status of the criminal file that has been opened against the beneficiary, and to allow access to family members and legal representatives. Likewise, it is required to specify whether the beneficiary has undergone a medical evaluation, and provide the corresponding documentary support;
- b) implement the necessary measures so that the beneficiary can carry out his activities, as a member of an opposition political party and a deputy of the Legislative Council of the state of Zulia, without being subjected to threats, harassment, or acts of violence;
- c) consult and agree upon the measures to be adopted with the beneficiary, his family, and his representatives; and
- d) report on the actions taken to investigate the alleged facts that led to this precautionary measure, so as to prevent such events from reoccurring.

27. 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.

28. The Commission emphasizes that, pursuant to Article 25(8) of the Commission's 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.

²² IACHR, [2021 Annual Report, Ch. IV.B. Venezuela](#), OEA/Ser.L/V/II, approved on May 26, 2022, para. 86

²³ IACHR, 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.

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

30. Approved on November 25, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary