

REQUEST FOR PRECAUTIONARY MEASURE



fdp	DESCRIPTION OF THE VICTIM:
fdp	Maikel Herrera Bones (Pictured)
fdp	Cuban Citizen
fdp	43 years old (August 30, 1976)
fdp	Resident of Havana
fdp	Diagnosed with HIV/AIDS
fdp	Currently on hunger strike
fdp	Detained since April 16 without being given a trial
fdp	Accused of "attack"

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Background:

Maikel Herrera Bones, 43, activist of the Patriotic Union of Cuba (UNPACU),¹ and promoter of the citizens' campaign Cuba Decide,² **was arrested** alongside his uncle, the activist, Rodolfo Bones, on **April 16 in their homes** in the Guardiola area, in San Miguel del Padrón, Havana, for a crime the pair had supposedly committed the day before (according to the authorities) when they held a **discussion in the street with a person who claimed to be a police officer, after demonstrating publicly and peacefully against the Cuban regime, due to frequent power outages that are made in his area of residence.**

From the moment of the arrest, he was transferred to the Oncena Police Unit in the municipality of San Miguel del Padrón, where he stayed for a few hours, and was later moved to the El Vivac Classification Unit, where he was told that he was to be put on trial in the municipal court of **Arroyo Naranjo in Havana.**

He was initially accused by the police of **"contempt"**, however, **the trial was adjourned, and has not yet been held to date of the submission of this request;** also, the charge was changed to **"attacking"** which, according to the Cuban Penal Code, the accused could be sentenced to 3-8 years in prison.

Within days of the temporary suspension of his trial, he had to be admitted to the hospital of the police unit known as 100 and Aldabó, due to the deterioration of his health.

Maikel Herrera, is **diagnosed with HIV/AIDS**, and needs proper medical treatment given his condition.

On 5 May 2020, his defense filed a request to amend his pre-trial detainment so that he could await the decision of the trial in freedom, however, it was rejected. The refusal of the resolution was signed by prosecutor Juan Lázaro Ramos, who is in charge of the case.

¹ **Patriotic Union of Cuba (UNPACU)**, is Cuba's largest and most active nonviolent political activism organization. Learn more at www.unpacu.org

² **Cuba Decide**, is a citizen's initiative to change the political and economic system in Cuba by provoking a peaceful process of transition to democracy. Learn more at www.cubadecide.org

After his arrest, the organization **Cuban Prisoners Defenders** ³ decided to include him on their list of political **prisoners**, which also features other members of the Patriotic Union of Cuba and promoters of Cuba Decide.

Today he is imprisoned in the prison of Goines municipality, in the province of Mayabeque, 57 kilometers from his residence in Havana.

At the beginning of this past May, he began a hunger strike which he had to suspend after pressure and advanced deterioration in his health, according to medical information at the time.

Daniel Herrera Fragueta, 15 years old, son of the political prisoner Maikel Herrera Bones, is "in serious condition" after being stabbed on August 1, in Havana, by another young man in circumstances that have not yet been clarified. He was admitted to the emergency room Pediatric Hospital of Centro Habana. This incident may be associated with his father's arrest, but has not been investigated by law enforcement authorities to date.

Herrera Bones, initiated a hunger strike on August 13, which continues to date of the submission of this request. As a result of the aforementioned measurement, his health has been in a declining state, endangering his life. The **reason for the hunger strike is to demand his transfer to the IPK Hospital in Havana, where there are HIV-AIDS specialists, who could treat him properly.**

Through a phone call, the activist reported that he has over 30 boils and rashes on his body, further demonstrating that he is not receiving adequate medical care that is needed considering his status as an HIV patient and despite the fact that the prison in the which is being held is for HIV-AIDS carriers.

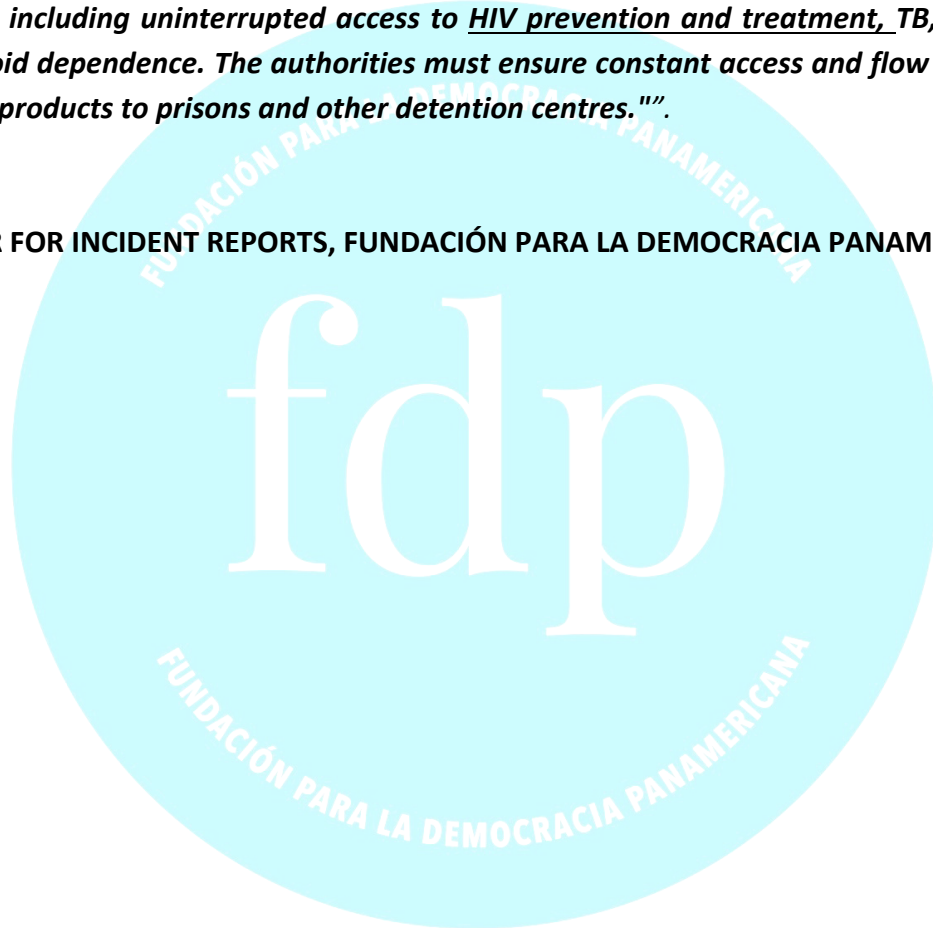
The activist has been in custody for 125 days, without trial, and without access to adequate medical treatment for HIV

WE CALL FOR THE IMMEDIATE AND COMPLETE RELEASE OF MAIKEL HERRERA BONES, GUARANTEES OF NON-REPETITION, ACCESS TO MEDICAL TREATMENT, AND FOLLOW THE RECOMMENDATIONS THAT INTERNATIONAL AGENCIES HAVE REFERRED TO IN THE PREVENTION, DIAGNOSIS AND TREATMENT OF THE HEALTH CRISIS.

³ **Prisoners Defenders**, is a pro-democratic legal action and advocacy institution that began in September 2018. More information on www.prisonersdefenders.org

It is necessary to recall the joint statement by UNODC, WHO, UNAIDS and OHCHR on COVID-19 in prisons and other detention centers⁴ in May 2020, that states that *"to ensure that the benefits of treatments started before or during incarceration are not lost, action should be taken, in close cooperation with public health authorities, in order to allow people to continue their treatment uninterrupted in all **phases of detention and after release**."* In the same statement, it even mentions that *"it is therefore necessary to strengthen prevention and control measures in closed environments, as well as to increase access to quality health services, including uninterrupted access to **HIV prevention and treatment, TB, hepatitis and opioid dependence**. The authorities must ensure constant access and flow of quality medical products to prisons and other detention centres."*

CENTER FOR INCIDENT REPORTS, FUNDACIÓN PARA LA DEMOCRACIA PANAMERICANA



⁴ Joint statement by UNODC, WHO, UNAIDS and OHCHR on COVID-19 in prisons and other detention centres.

https://www.unaids.org/es/resources/presscentre/pressreleaseandstatementarchive/2020/may/20200513_joint-statement-covid19-prisons

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"Suspend summary trial against UNPACU hunger strike activist. After announcing a summary trial against the opposition Maykel Herrera Bones, the regime not only did not hold the hearing but modified the crime used to prosecute it," Cubanet. Friday, April 24, 2020.

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"The health of Maikel Herrera Bones, UNPACU's activist imprisoned in Goines, is worsening. The HIV-carrying activist suffers from an increase in the viral load in his body from the 14-day hunger strike," CubaNet. Tuesday, May 19, 2020.

<https://www.cubanet.org/noticias/cuba-se-debilita-la-salud-del-activista-de-unpacu-maikel-herrera-bones/>

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The event occurs just as the young man's father is imprisoned in the prison of the municipality of Goines, in the province of Mayabeque", CubaNet. Monday, August 3, 2020.

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