

IACHR adopts precautionary measures in favour of family of human rights defenders in Cuba

November 23, 2020

Washington, D.C.- On November 23, 2020, the Inter-American Commission on Human Rights (IACHR) adopted Resolution 90/20, in which it granted precautionary measures in favour of Maydolis Leyva Portelles, Ana Iris Miranda Leyva, Ada Iris Miranda Leyva, Fidel Manuel Batista Leyva, T.R.M., A.M.R.M. and María Casado Ureña, after considering that they find themselves in a situation of serious and urgent risk of irreparable damage to their rights in Cuba.

According to the request, the beneficiaries find themselves in a situation of risk given that they are allegedly being subjected to threats, harassment, detentions and acts of violence by state agents and third parties, purportedly as a result of their work as human rights defenders in the country. The Commission regrets not having received the State's observations, despite the fact that these were requested in accordance with Article 25.5 of its Rules of Procedure.

After analyzing the factual and legal allegations made by the applicants, the IACHR considered, from the applicable prima facie standard, that Maydolis Leyva Portelles, Ana Iris Miranda Leyva, Ada Iris Miranda Leyva, Fidel Manuel Batista Leyva, T.R.M., A.M.R.M. and María Casado Ureña are in a situation of gravity and urgency, given that their rights face a risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Cuba: a) implement the necessary measures to protect the rights to life and personal integrity of Maydolis Leyva Portelles, Ana Iris Miranda Leyva, Ada Iris Miranda Leyva, Fidel Manuel Batista Leyva, T.R.M., A.M.R.M. and María Casado Ureña, with the incorporation of a gender perspective. To this end, the State must ensure that its agents respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law; b) adopt the necessary measures so that Maydolis Leyva Portelles, Ana Iris Miranda Leyva, Ada Iris Miranda Leyva and Fidel Manuel Batista Leyva can carry out their activities as human rights defenders without being subjected to acts of violence and harassment in the course of their work; c) agree upon the measures to be implemented with the beneficiaries and their representatives; and, d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution with the aim of preventing their reoccurrence.

The granting of this precautionary measure and its adoption by the State does not constitute the prejudgment of any petition that may eventually be presented before the inter-American system alleging violations of the rights protected in the American Convention and other applicable instruments.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.