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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 24/2024**

Precautionary Measure No. 352-23  
Aniette González García regarding Cuba  
April 26, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On May 4, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Observatorio Cubano de Derechos Humanos* (Cuban Observatory for Human Rights) (“the applicant” or “the requesting party”) urging the Commission to require that the State of Cuba (“the State” or “Cuba”) adopt the necessary measures to protect the rights to life and personal integrity of Aniette González García (“the proposed beneficiary”). According to the request, Aniette González García, a human rights defender, is deprived of her liberty, and is at risk due to the lack of adequate medical attention for her health problems in the conditions of detention in which she is allegedly being held.

2. In accordance with the provisions of Article 25(5) of the Rules of Procedure, the Commission requested additional information from the applicant on July 13, 2023, and received the response on August 1, 2023. The requesting party submitted additional information on January 30 and February 21, 2024. The Commission requested information from the parties on April 3, 2024. The requesting party submitted a response on April 10, 2024. The State of Cuba has not submitted any information to date, and the granted deadline has expired.

3. Upon analyzing the submissions of fact and law offered by the requesting party, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that her rights to life, personal integrity and health are at risk of irreparable harm. Therefore, based on Article 25 of its Rules of Procedure, the Commission requests that Cuba: a) adopt the necessary measures to protect the rights to life, personal integrity and health of Aniette González García, with a gender perspective, in accordance with applicable international standards and obligations; b) implement the necessary measures to bring her conditions of detention into line with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made and that her medical treatment is defined; c) consult and agree upon the measures to be adopted with the beneficiary and her representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicant**

4. The request states that the proposed beneficiary is a human rights activist and is deprived of liberty in the Kilo 5 prison, Camagüey. As part of her political activism, on March 22, 2023, she posted on her social networks personal photos wrapped in the Cuban flag, as a kind of performance, carrying out daily activities. The acts were part of her support for the campaign “*La Bandera es de Todos*” (“The Flag Belongs to Everyone”) promoted on social networks by Cuban activist and member of *Movimiento San Isidro* (San Isido Movement, hereinafter “MSI”) Héctor Luis Valdés Cocho in favor of the freedom of Luis Manuel Otero Alcántara, leader of MSI, who was convicted of the crime “insulting the national symbols.” The following day, the proposed beneficiary was arrested by nine agents who arrived at her home with a search warrant. They seized a flag and

three cell phones. Ms. Aniette was handcuffed and taken to the State Security Crimes Unit where she was interviewed.

5. Ultimately, in 2023, the Supreme People's Court of Cuba rejected a *habeas corpus* in favor of the proposed beneficiary. That same year, a request was made to change the measure of deprivation of liberty, which was also rejected. On January 29, 2024, the Municipal People's Court issued a sentence against the proposed beneficiary, imposing a 3-year prison sentence. The applicants question the arbitrariness of the decisions against them.

6. During her provisional detention, the proposed beneficiary was reportedly detained in the Instruction Unit of the State Security Forces in Camagüey. During this period, she was purportedly held in a cell covered with water coming from the pipes, with high humidity, scarce light, poor ventilation and insalubrity. This situation affected her mental and physical health, aggravating her allergies. The mattress was removed to prevent her from sleeping. For five days she was not allowed to change her prison uniform. She was offered little food, which was of poor quality, in poor condition, and fermented. An officer, identified as the Second Chief of the Unit, used verbal violence against her, calling her derogatorily or lewdly as "*muñecona*" ("doll"). The interrogations were carried out in an air-conditioned office at low temperatures and at any time of the day in order to make her emotionally unsettled.

7. It was indicated that the proposed beneficiary has been subjected to improper interrogations by officers of the State security corps. The interrogations allegedly sought to prevent her from denouncing any human rights violations by prison authorities. On July 11, 2023, the proposed beneficiary wanted to wear white in commemoration of the protests that took place on that date in 2021. However, the prison management reportedly prohibited her from wearing that color. According to the applicant, the situation of the proposed beneficiary demonstrates the objective of "exemplary political punishment" against her in order to "prevent new creations and initiatives of messages of political participation, change and reform through internet platforms."

8. As for the conditions of detention, it was indicated that Aniette would be classified as a "counterrevolutionary." She reportedly receives constant threats and gestures of contempt from State security agents, telling her that "she will serve jail time for any crime they manage to charge her with and that no Cuban court or international organization will save her." The agents reportedly told her that the sentence will serve so that "[she] will never again use the Internet as a platform for expression using the national flag." The detention center is of "maximum severity" so that the proposed beneficiary remains with people serving sentences for common crimes. There she is allegedly kept isolated as much as possible from the other inmates. Her rights are said to be controlled by a State Security officer from outside the prison administration, which is said to be evidence of different treatment for political reasons.

9. In relation to her health situation, it was reported that people close to the proposed beneficiary informed that Aniette is very thin and weak, and is apparently suffering from anemia due to frequent, abundant and unattended gynecological bleeding inside the prison. They added that no one knows the exact diagnosis, the causes and the preventive or curative treatment to be followed. Anemia can cause extreme fatigue and weakness, making it difficult to perform daily tasks. Lack of oxygen can affect the heart and nervous system and increase the risk of heart disease, causing dizziness or lightheadedness.

10. The applicant pointed out that the lack of knowledge of the causes of the bleeding has a negative impact on Aniette's mental stability, given that the causes could be diverse, including any type of cervical cancer, which, if diagnosed in time, would have a chance of being resolved. They added that the proposed beneficiary suffered from a dermatological infection and did not receive treatment, for which reason she does not know the type of infection, the possible sequelae and whether it has ended. In the absence of medications or supplies, such as sanitary pads, family and friends would send such supplies. The proposed

beneficiary allegedly does not receive a diet to treat her anemia and weight loss. It is difficult for Aniette's family members to access suitable food to bring or keep inside the prison due to the country's economic situation.

11. On April 10, 2024, it was reported that the proposed beneficiary had not yet been medically examined and that there was no certain diagnosis of the vaginal bleeding she had suffered and which had caused an anemic syndrome. They warned that if an episode of vaginal bleeding in captivity were to be repeated, the consequences for the life and integrity of the proposed beneficiary could be regrettable. Finally, the requesting party indicated that they have not submitted written official complaints about the situation of the proposed beneficiary because the internal prison and judicial justice system is neither independent nor effective.

**B. Response from the State**

12. The Commission requested information from the State on April 3, 2024. To date, and with the deadline having expired, no response has been received.

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

13. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, which is also reflected in Article 18(b) of the IACHR Statute, and the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. Pursuant to this Article, the Commission grants precautionary measures in serious and urgent situations, and in which such measures are necessary to prevent irreparable harm to persons.

14. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established 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 IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>3</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request 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 allow the State concerned to comply with the final decision and, if necessary, implement

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<sup>1</sup> Inter-American Court of Human Rights (I/A Court H.R.). Case of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Court of March 30, 2006, considerandum 5; I/A Court H.R. 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 the Court of February 8, 2008, considerandum 8; Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Court of November 23, 2017, considerandum 5.

<sup>3</sup> I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the I/A Court H.R. of November 23, 2017, considerandum 5; Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

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 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.

15. 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.<sup>5</sup> 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.<sup>6</sup> This is better suited to be addressed by the Petition and Case System. The analysis performed herein is exclusively related to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>7</sup>

16. Similarly, at the time of understanding the alleged facts, the Commission takes into account the context of Cuba. In 2022, the IACHR decided to include the country in Chapter IV.B of its Annual Report, given that the situation of the country falls within the provisions of Article 59, paragraphs 6(a)(i)<sup>8</sup> and 6(c)<sup>9</sup>, of its Rules of Procedure.<sup>10</sup> The Commission has been closely monitoring the human rights situation in Cuba, where the non-observance of the essential elements of representative democracy and the absence of conditions that provide guarantees for judicial independence continue to be structural aspects that have a profound impact on the enjoyment of human rights and fundamental freedoms in the country.<sup>11</sup> In its 2022 Annual Report, the Commission continued learning of various facts that hindered the enjoyment of the rights of persons under the jurisdiction of the Cuban State, such as arbitrary restrictions to the right to assembly and association, and to freedom of expression and dissemination of thought —particularly in the context of the various social protests that have occurred in the country since July 2021—. In this regard, the Commission recognized that these human rights violations have mainly affected human rights defenders.<sup>12</sup> The IACHR also

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<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 the Court of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<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 the Court of August 23, 2018, considerandum 13; I/A Court H.R. Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of Court of July 4, 2006, considerandum 23.

<sup>6</sup> IACHR. Resolution 2/2015. Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. 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 indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent other than those which relate strictly to the extreme gravity, urgency, and necessity to avoid irreparable harm to persons.” See in this regard: I/A Court H.R. Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of the Court of August 29, 1998, considerandum 6; Case of Barrios Family v. Venezuela. Provisional Measures. Order of the Court of April 22, 2021, considerandum 2.

<sup>8</sup> A serious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including: i. there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority.

<sup>9</sup> The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

<sup>10</sup> IACHR. 2022 Annual Report. [Chap. IV.b. Cuba](#). April 1, 2023, paras. 7 and 8

<sup>11</sup> *Ibidem*

<sup>12</sup> *Ibidem*

identified that, consistently, human rights defenders in Cuba are often deprived of their liberty under certain criminal offenses —such as contempt, assault and public disorder—, being sometimes subjected to attacks, threats and ill-treatment inside prisons.<sup>13</sup>

17. In analyzing the *seriousness* requirement, the Commission takes into account, in addition to the context indicated, the situation faced by the proposed beneficiary Aniette González García as a woman deprived of her liberty. In this regard, the Commission finds that the proposed beneficiary is recognized as a political activist and that her detention occurred as a result of her support on social networks for the “*La Bandera es de Todos*” campaign in favor of other human rights activists such as Héctor Luis Valdés Cocho<sup>14</sup> and Luis Manuel Otero Alcántara,<sup>15</sup> who are also beneficiaries of precautionary measures by the Commission. In this regard, and without the purpose of making a merits assessment of the criminal proceeding, the Commission notes that the deprivation of liberty of the proposed beneficiary and her conviction for the crime of “insulting the national symbols” is directly related to the forms of repression faced by persons who defend human rights in Cuba.

18. Furthermore, the Commission has been informed that during her detention Aniette has been subjected by the State penitentiary and security authorities to the following:

- Confinement in a waterlogged cell, with humidity, poor lighting and ventilation;
- Impediments to rest through the removal of elements necessary for it;
- Control of the clothes she wears or prevention of wearing white clothes as a way to commemorate the 2021 protests;
- Little food, and the food received was in poor condition and fermented;
- Use of verbal violence by officials calling her a “doll,” “counterrevolutionary” or telling her that her conviction will serve to “never again use the Internet as a platform of expression using the national flag”;
- To be subjected to interrogation in an air-conditioned office at low temperatures, at any time of the day or night.

19. The Commission notes that the conditions of detention that Aniette González endures in a maximum security prison are monitored by State security agents and not by agents of the prison regime. This reflects that she is being subjected to differential treatment for being considered a “counterrevolutionary” and for having expressed herself through the Internet. In this regard, the proposed beneficiary indicated that she understands that they are trying to silence her complaints, prevent her from exercising her political activism and restrict her right to freedom of expression. Regarding the health issue, the Commission finds it particularly serious that the proposed beneficiary lacks access to medical services for the diagnosis of the vaginal bleeding she has suffered. In its Report on Women Deprived of Liberty, the Commission recalled that, according to its Principles and Best Practices, women deprived of liberty have the right to access specialized medical care in accordance with their physical and biological characteristics, and that adequately responds to their reproductive health needs.<sup>16</sup> In addition to the above, the Commission takes note of the mental distress to which the proposed beneficiary has been subjected due to the lack of knowledge of the etiology of the gynecological bleeding whose periodicity and persistence have caused Aniette to be very thin and weak, and to face a possible case of anemia. In this regard, there is information about the fear she is experiencing due to the

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<sup>13</sup>IACHR. 2022 Annual Report, Ch. IV.b. Cuba. April 1, 2023, para. 138.

<sup>14</sup>IACHR. Resolution 100/2021, Precautionary Measures No. 705-21 and 992-21 issued by the IACHR in favor of Héctor Luis Valdés Cocho and “X” regarding Cuba, December 1, 2021.

<sup>15</sup>IACHR. Resolution 14/2021, Precautionary Measures No. 1101-20 issued by the IACHR in favor of identified members of the San Isidro Movement (MSI) regarding Cuba, February 11, 2021.

<sup>16</sup>IACHR. Report on Women Deprived of Liberty in the Americas. OEA/Ser.L/V/II.doc.91/23, March 8, 2023, para. 147.

possibility that her symptoms are associated with cervical uterine cancer whose lack of timely attention can aggravate her already delicate health situation or make her condition irreversible. In this regard, the Commission recalls that it is the duty of States to adopt measures to ensure that health professionals specialized in women's pathologies are available in prisons for medical consultations on a sufficiently regular basis.<sup>17</sup>

20. On the other hand, the Commission notes that the proposed beneficiary's situation of vulnerability is not only linked to the lack of specialized medical care, but is aggravated by the insufficient food and supplies in accordance with her current health condition. In this regard, although the applicant informed that relatives and friends of the proposed beneficiary have provided her with some supplies, such initiatives do not replace the State's duty to provide the proposed beneficiary with the corresponding care. Consequently, the Commission recalls that the State cannot ignore the health condition of the proposed beneficiary or the heightened obligation to provide her with the medical care she requires based on her medical pathologies.<sup>18</sup> The Commission reminds the State that, according to the information available, the proposed beneficiary's health has deteriorated after she was deprived of her liberty, worsening over time. In view of the allegations analyzed, the Commission regrets the lack of response from the State, after having asked for its observations on the instant request. This prevents the Commission from obtaining information from the State on the current conditions of the proposed beneficiary. Therefore, in the absence of a response from the State, the Commission has no sufficient elements to disprove the applicant's submissions or identify information on measures effectively adopted by the State to mitigate the alleged risk faced by Aniette González García. On the other hand, although it is not up to the Commission to determine the perpetrators of the threatening events, nor whether they are attributable to State actors, at the time of analyzing the arguments in this request, the Commission does take into consideration the seriousness of the possible involvement of State actors, according to the allegations presented, since this would place the proposed beneficiary in a situation of greater vulnerability.

21. In these circumstances, the Commission considers, based on the applicable *prima facie* standard and in the context of the State of Cuba, that it is sufficiently proven that the rights to life, personal integrity and health of Aniette González García are at serious risk.

22. With respect to the *urgency* requirement, the Commission considers that it has been met since the nature of the facts described suggest that the situation of risk is likely to continue and exacerbate over time, in the context in which they are inserted, so that it is necessary to adopt measures to safeguard her rights to life, personal integrity and health immediately. In the same sense, the Commission does not have specific information provided by the State that would allow it to assess the actions it is taking to address the alleged risk. Nor does it have information that would indicate that the alleged situation has been duly mitigated or has disappeared.

23. Regarding the requirement of *irreparable harm*, the Commission observes 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. BENEFICIARY**

24. The Commission declares Aniette González García, who is duly identified in this proceeding, to be the beneficiary of the precautionary measures.

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<sup>17</sup> *Ibidem*

<sup>18</sup> I/A Court H.R. Advisory Opinion. OC-29/22 of May 30, 2022, requested by the Inter-American Commission on Human Rights Differentiated Approaches with respect to Certain Groups of Persons Deprived of Liberty (Interpretation and scope of Articles 1.1, 4.1, 5, 11.2, 12, 13, 17.1, 19, 24 and 26 of the American Convention on Human Rights and other instruments that concern the protection of human rights).

## V. DECISION

25. The Commission considers that the instant matter meets *prima facie* the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Cuba:

- a) adopt the necessary measures to protect the rights to life, personal integrity and health of Aniette González García, with a gender perspective, in accordance with applicable international standards and obligations;
- b) implement the necessary measures to bring her conditions of detention into line with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made and that her medical treatment is defined;
- c) consult and agree upon the measures to be adopted with the beneficiary and her representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

26. The Commission requests that Cuba provide details, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and to update this information on a regular basis.

27. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of these precautionary measures and their adoption by the State do not constitute a prejudgment of any violation of the rights protected in the American Convention and other applicable instruments.

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

29. Approved on April 26, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary