
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 28/2025**

Precautionary Measure No. 671-23
Mario Alberto Hernández Leyva regarding Cuba
March 27, 2025
Original: Spanish

I. INTRODUCTION

1. On August 23, 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 the *Centro de Denuncias de la Fundación para la Democracia Panamericana - FDP* (“the applicants”) 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 Mario Alberto Hernández Leyva (“the proposed beneficiary”), who serves as vice president of the Opposition Movement for a New Republic (MONR) and promoter of the citizen campaign *Cuba Decide*. According to the request, the proposed beneficiary is being held in 1580 Prison, where he has been subjected to violence, restrictions on his rights, and lack of medical care. Reports indicate a recurring pattern of detentions linked to political activism, accompanied by repeated incidents of violence and human rights abuses.

2. Pursuant to Article 25 (5) of the Rules of Procedure, the Commission requested additional information from the applicants on October 4, 2023; March 27 and December 4, 2024. On December 16, 2024, it requested information from both parties. The applicants responded on January 7, 2025. On February 26, 2025, the State was forwarded the information, and a request for additional information was sent to the representation. The State did not respond to the Commission, and the granted deadline has since 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 rights to life and personal integrity face a risk of irreparable harm. Therefore, pursuant to Article 25 of its Rules of Procedure, the Commission requires that Cuba: a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary; b) take the necessary measures so that his detention conditions comply with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made, as well as the definition of his medical treatment; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged events that gave rise to this resolution, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the requesting party

4. The proposed beneficiary is the vice-president of the Opposition Movement for a New Republic (MONR) and promoter of the citizen campaign *Cuba Decide*. On June 20, 2024, he was detained in Havana’s Central Park and transferred directly to 1580 Prison, a maximum security facility located in San Miguel del Padrón, Havana. On July 15, 2024, he was brought to trial at the People’s Court of Marianao, in the municipality of Havana, and sentenced to two years and six months in prison for the alleged crimes of “contempt and resistance.” On August 23, 2024, the judgment was declared final by the Municipal People’s Court of Playa. Since his detention, he has endured beatings, punitive measures, and severe restrictions on his rights, including the denial of visits, limitation of contact with the outside world, and loss of prison privileges. It is believed that this situation is in retaliation against him, as a result of which he is identified as a “political prisoner.”

5. According to the request, during the first 48 hours following his detention, his whereabouts were unknown until members of his organization saw him in person and confirmed that he had sustained multiple bruises and a wound on his forehead as a result of the beating he had received. On July 2, 2024, he suffered a second beating while his hands and feet were tied. Following this assault, the prison guards shaved his head and forced him to wear a common prisoner uniform.

6. Since his detention on June 20, 2024, the proposed beneficiary has been moved between multiple prisons, having passed through at least four correctional facilities. On August 7, 2024, he was transferred to Camp Toledo 2 in Boyeros, Havana. While in this prison, he was punished for refusing to perform “forced labor.” He has been denied rights, such as refusal of visits, limitation on contact with the outside world, and loss of prison benefits due to his firm opposition to the regime. His communication with the outside world is limited and restricted to one weekly call. In addition, he cannot directly receive food or basic necessities. In order to send him provisions, his relatives must hand them over to other inmates or to his family members, who then take them to the prison.

7. The proposed beneficiary was then transferred to 1580 Prison, where he was allegedly beaten by the prison authorities. Furthermore, he was punished on several occasions for refusing to follow the rules imposed by the prison regime, such as the obligatory roll call. In a communication sent on March 3, 2025, the applicant reported receiving testimonies from activists indicating that the proposed beneficiary has been held in a punishment cell for more than seven days. In this cell, he is allegedly subjected to “torture” as retaliation for expressing his discontent with the communist system within the prisons. It was added that the proposed beneficiary is coerced by state agents to renounce his identity as a human rights activist and to shout slogans in favor of the revolution in order to receive food. The applicant describes these facts as “psychological torture.”

8. In this prison, Mario Hernández continues to have limited access to phone calls and is only allowed to make one phone call a week. It was alleged that the State has repeatedly denied Mario access to family visits and to his legal representatives, which prevents the adequate monitoring of his legal and personal situation.

9. Regarding his health, the request indicated that the violence he receives has caused a serious deterioration in his physical and mental condition. It was added that he is in an advanced state of malnutrition, extremely thin, and that he has gone on hunger strikes to protest his detention conditions. Despite his current state, he has not received medical treatment or psychological care. According to testimonies from other inmates, he presents visible physical and mental deterioration, including episodes in which he has been observed “talking to himself”, which suggests a possible deterioration of his mental health. On March 3, 2025, the request responded to the Commission, stating that his health is in “critical” condition.

10. The request warned that the proposed beneficiary had already been detained in an allegedly arbitrary manner on other occasions due to his work as a political activist and human rights defender. On February 27, 2023, he was intercepted and beaten by State Security agents when leaving his house. He was subsequently transferred to the sixth unit of the National Revolutionary Police (PNR) in Marianao and charged with resistance. Upon being detained and mistreated, he was sent to the Vivac, a regime center in the Boyeros municipality, and then transferred to the Valle Grande prison, where he remained until his release on January 2, 2024, almost a year later. In this sense, it reports that his current situation is part of a systematic pattern of violence and reprisals against the proposed beneficiary, derived from his status as a political activist.

11. As for the internal procedures, since his detention on June 20, 2024, Mario Alberto Hernández Leyva’s attorneys filed a *habeas corpus* request, which was rejected on the grounds that his detention was legal. Two additional appeals were subsequently filed, including one with the Supreme Court, but both were dismissed. It was further stated that his detention has been reported as an arbitrary decision by State Security, as he has not committed any crime. His friends and family were informed that he reportedly has to serve his

sentence without the right to reductions or appeals. No judicial appeals or additional complaints have been filed, due to the restrictions and reprisals against him.

B. Response from the State

12. The Commission requested information from the State on December 16, 2024 and February 26, 2025. However, despite the expiration of the given deadline, the State has not submitted its response to date.

III. 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 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 irreparable harm to persons.

14. 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 As for their precautionary 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;

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.

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. (Available only in Spanish)

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).

⁴ 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 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 (Available only in Spanish).

- 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; rather, 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

16. Moreover, when assessing the alleged facts, and pursuant to Article 25 (6) of its Rules of Procedure, the Commission takes into account the context that Cuba is currently experiencing. When assessing the human rights situation in Cuba in 2023, the IACHR decided to include the country in Chapter IV-B of its Annual Report, given that it considers that the country’s situation falls within the scope of Article 59, paragraph 6.a.i of its Rules of Procedure.⁸ In its 2023 Annual Report, the Commission expressed its concern regarding the situation of human rights defenders in Cuba, who persistently face acts of harassment, arbitrary violations of the right to freedom of movement, freedom, safety, and personal integrity.⁹ The IACHR received information that, during the first half of 2023, at least 47 attacks against human rights defenders were recorded, including arbitrary detentions, house arrests in violation of due process, and restrictions on entering or leaving the country, among others.¹⁰ Similarly, Cuban state authorities are reportedly continuing to carry out arbitrary detentions of defenders to hinder their activities.¹¹

17. In 2024, the IACHR continued to record data on the constant siege carried out by state security agents against various activists or human rights organizations. In this regard, the IACHR highlighted the continued use of repressive tactics by the Cuban regime, especially against journalists, activists, human rights defenders, and political opponents. According to reports received, these practices include Internet shutdowns, house arrests, surveillance operations, arbitrary detentions, fines, summonses and interrogations.¹² On December 4, 2024, the Commission condemned the growing repression in Cuba against opposition figures and dissident voices in the midst of the serious social and economic crisis, and urged the State to put an end to

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 stated 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.” 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 (Available only in Spanish).

⁸ IACHR, 2023 Annual [Report, Ch. IV.B. Cuba, OEA/Ser.L/V/II. Doc. 386](#) rev. 1, December 31, 2023, para. 9.

⁹ IACHR, 2023 Annual [Report, Ch. IV.B. Cuba, OEA/Ser.L/V/II. Doc. 386](#) rev. 1, December 31, 2023, para. 45.

¹⁰ IACHR, 2023 Annual Report, previously cited, para. 46.

¹¹ IACHR, 2023 Annual Report, previously cited, para. 48.

¹² IACHR, Press Release 306/2024, [IACHR, SFROE, and REDESCA condemn repression of organizations and media in Cuba amid severe social and economic crisis](#), December 4, 2024.

intimidation practices and guarantee the full exercise of the rights to freedom of expression, peaceful assembly, association, and economic, social, cultural and environmental rights.¹³

18. These contextual elements are relevant to the extent that they show seriousness and consistency in the allegations presented regarding the proposed beneficiary.

19. In analyzing the requirement of *seriousness*, the Commission takes into account the situation faced by the proposed beneficiary in the framework of his political activities in Cuba. In this regard, the Commission finds that the proposed beneficiary is recognized as a political activist in Cuba, serving as vice president of the Opposition Movement for a New Republic (MONR) and promoter of the citizen campaign *Cuba Decide*. Since June 20, 2024, he has been detained in the Prison 1580, a maximum security prison, for the crimes of “contempt and resistance.”

20. In way of background, the Commission notes that the proposed beneficiary has been subject to repeated detentions since 2023, during which episodes of isolation, beatings, placement in punishment cells, and restrictions of rights and benefits, such as visits and contact with the outside world, have been reported. More recently, since June 20, 2024, the Commission observes that the proposed beneficiary has been subjected to the following by prison and state security authorities:

- i. Constant transfers to various penitentiary centers in Cuba. In every center he has been held in, the available information shows that he was the object of aggression, restriction of rights, and lack of medical assistance, which the applicant qualified as mistreatment and torture;
- ii. As a result of these attacks, a deterioration in his health has been reported, including signs of malnutrition and mental distress, with no access to medical or psychological care.
- iii. At certain times, the proposed beneficiary was punished for refusing to perform “forced labor” and to comply with imposed prison rules, such as the mandatory roll call;
- iv. Denial of visits, contact with the outside world, and prison benefits as retaliation for his political activism;
- v. Obstruction of the direct receipt of food or basic necessities;
- vi. Coercion to renounce his identity as a human rights activist and shout slogans in favor of the revolution in exchange for food;

21. The Commission has no record of any open investigation regarding the allegations presented by the applicant. This is despite the fact that the State is allegedly aware of these allegations, as indicated by the information request made and the attribution of the actions to the penitentiary authorities responsible for the proposed beneficiary’s custody. The Commission does not rule out the possibility that the described events are directly related to his advocacy for individuals referred to as “political prisoners” in Cuba, especially given the lack of response regarding the investigation of the reported incidents. On the matter, the Inter-American Court of Human Rights has reiterated in its case law that:

[...] in the face of indications or allegations that a certain fact against a human rights defender could have been motivated precisely by his work in defense and promotion of human rights, the investigating authorities must take into account the context of the facts and his activities to identify the interests that could have been affected in the exercise of the same, in order to establish and exhaust the lines of investigation that take into account his work, determine the hypothesis of the crime and identify the perpetrators.”¹⁴

22. Based on the information provided by the applicant, the Commission understands that the factors that place the proposed beneficiary at risk are attributable to the agents of the State that have him in

¹³ IACHR, [Press Release 306/2024](#), previously cited.

¹⁴ I/A Court H.R., [Matter of Escaleras Mejía et al. v. Honduras](#), Judgment of September 26, 2018, para. 47 (Available only in Spanish).

their custody. As a result, the lack of protection in favor of the proposed beneficiary is accentuated by the actions of the agents responsible for his safety and protection. This situation, in addition to the lack of adequate medical attention, and the effects on his mental health that he is already facing, show that he is unprotected against the events that have placed him at risk.

23. Upon requesting information from the State, the Commission regrets the lack of response from the State of Cuba. Although the foregoing is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from being aware of the observations or measures taken by the State to address the alleged situation of risk that the proposed beneficiary faces. Therefore, the Commission does not have information that would allow it to dispute the facts alleged by the applicants, nor to assess whether the risk that the proposed beneficiary faces has been addressed or mitigated. Moreover, although it is not for the Commission to determine the authorship of the risk events or whether they can be attributed to state agents, when analyzing the allegations in this request, the Commission does consider the seriousness of the potential involvement of state agents, given their role in ensuring and protecting rights.¹⁵

24. In these circumstances, the Commission understands that, based on the applicable *prima facie* standard and in the context of the State of Cuba, it is sufficiently proven that the rights to life, personal integrity, and health of the proposed beneficiary are at serious risk.

25. Regarding the *urgency* requirement, the Commission notes that it has been met, considering that the proposed beneficiary continues in State custody under the conditions described, which are likely to continue and worsen over time. Consequently, it is necessary to immediately adopt measures to safeguard his rights to life, personal integrity, and health. In this same sense, the Commission has not received a response from the State to assess the actions that have been taken or that the situation has been duly mitigated or resolved.

26. Regarding the requirement of *irreparable harm*, the Commission concludes 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

27. The Commission declares Mario Alberto Hernández Leyva as the beneficiary, who is duly identified in this proceeding.

V. DECISION

28. In view of the aforementioned background, The IACHR considers 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 IACHR requests that Cuba:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiary;
- b) take the necessary measures so that his detention conditions comply with applicable international standards. In particular, ensuring that the corresponding medical diagnoses are made, as well as the definition of his medical treatment;

¹⁵ IACHR, [Resolution 7/2024](#) (PM 95-24), Eddy Antonio Castillo Muñoz, Nelly Griselda López García, and Juan Carlos Baquedano regarding Nicaragua, March 1, 2024, para. 29; [Resolution 25/2023](#) (PM 61-23), Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil, April 24, 2023, para. 51.

- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged events that gave rise to this resolution, so as to prevent such events from reoccurring.

29. The Commission requests that Cuba 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.

30. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

31. The Commission instructs its Executive Secretariat to notify this resolution to the State of Cuba and the applicant.

32. Approved on March 27, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; and Roberta Clarke, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary