

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 26/2014**

PRECAUTIONARY MEASURE No. 206-13  
Matter of Ángel Lázaro Santiesteban Prats concerning the Republic of Cuba  
September 26, 2014

**I. INTRODUCTION**

1. On June 13, 2014, the Commission on Human Rights (hereinafter "the Inter-American Commission," "Commission" or "IACHR ") received a request for precautionary measures submitted by "Elisa Tabakman" (hereinafter "the applicant") asking the Commission to require the Republic of Cuba ("Cuba" or "the State") to protect the life and personal integrity of Ángel Lázaro Santiesteban Prats (hereinafter "the proposed beneficiary"), a writer and alleged member of the opposition against the current Cuban government. According to the request for precautionary measures, the life of Mr. Ángel Lázaro Santiesteban Prats is at risk, since he is facing a number of alleged physical attacks, threats and alleged intimidating acts by State agents as a result of his work as a writer and his critical stance against the current government.

2. After analyzing the arguments of fact and law presented by the applicant, the Commission considers that the information presented demonstrates *prima facie* that Mr. Ángel Lázaro Santiesteban and his son<sup>1</sup> are in a serious and urgent situation because their life and personal integrity are threatened and at serious risk. In consequence, in accordance with Article 25 of the Rules of Procedure of the Commission, the Commission requires the State of Cuba to: a) take the necessary measures to guarantee the life and personal integrity of Ángel Lázaro Santiesteban and his son, b) agree with the beneficiary or his representative on the measures to be adopted; and c) report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so that their repetition can be prevented.

**II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE APPLICANT**

3. According to the initial request and subsequent information submitted by the applicant, there is currently a context of alleged physical attacks, intimidation and threats against Ángel Lázaro Santiesteban as a result of his work as writer and his critical stance against the current government of Cuba, particularly shown in his writings published on his blog "[t]he sons and daughters nobody wanted," where he had started "to openly express his ideas against the regime to the public." The information provided by the applicant is summarized as follows<sup>2</sup>:

a) In 2009, the proposed beneficiary had decided to take off his "mask" of writer and citizen who accepted the conditions of the alleged "totalitarian regime" in Cuba. In this sense, in his quality of "an award-winning writer, who had contacts with universities and international book fairs, he decide[d] to abandon everything, for the urgent need to express [his] views on social and political cultural events in [his ] country, and elsewhere, in [his] blog 'the sons and daughters nobody wanted'." In this blog, the

---

<sup>1</sup> The identity of the child is reserved under request of the applicant of these precautionary measures. However, he is fully identified in the documents submitted.

<sup>2</sup> In the context of this case and in view of the difficulties of the applicant to receive information, the Commission has made three requests for information to the applicant on August 12, 2013; January 22, 2014; and July 1, 2014. The applicant has provided information on June 13, 2013; June 29, 2013; August 22, 2013; February 5, 2014; July 14 and 21, 2014; and August 11, 2014.

proposed beneficiary expressed criticism against the Cuban government. As a result of these activities, the Ministry of Culture had reportedly suspended his e-mail address, which was the only means of international communication of the proposed beneficiary. Additionally, it is also stated that another reason to motivate the alleged censorship was based on the participation of Santiesteban Prats in the "Union of Writers and Artists of Cuba." The applicant stated that the Cuban government "feared that the presence of Angel and his ideas within the official intellectual sphere in Cuba could end up infecting other members."

b) Public authorities had allegedly "warned [the proposed beneficiary] to abandon that path, [the authorities had ordered the proposed beneficiaries'] colleagues to persuade him to stop using the blog, [the proposed beneficiary had] suffer[ed] violent arrests, constant harassment [and] beatings." It is also reported that "in November 2012, when he accompanied other [governmental] opponents to a Police Station in Havana in order to request the release of an opposition lawyer [,] detained without charges, [the proposed beneficiary] was arrested, savagely beaten and threatened to death: an official of the political police, [...] had pointed a gun at the [proposed beneficiary's] head and threatened to kill him, then [the official had] told him, but he later told [the proposed beneficiary] he would not [kill] there, that when [the proposed beneficiary] was out, they would kill him and they would make it look like an accident. He (the officer had) also said, 'are the 5 years of prison we are going to give you as a sanction not enough for you?'"

c) The applicant stated that "once (t)he attempts [to persuade the proposed beneficiary to abandon his initiative], failed 'in the good way', and taking advantage of the sorrow of [the proposed beneficiary's] ex-wife and mother of the child," State authorities were manipulating their families to file complaints against the proposed beneficiary. In 2010, "mysterious accusations began to appear" against the proposed beneficiary. Specifically, [the proposed beneficiary] had been accused of "'running over a child and running away '(fortunately, no victim or signs were found, which proved that his car had been involved in an accident), 'rape' (no injured lady appeared and hence the corresponding DNA analysis was not carried out), 'attempted murder '(the same way), 'attack, harassment, robbery with force, trespassing, personal injuries,' "among others.

d) During the judicial proceedings at domestic level, the proposed beneficiary had allegedly suffered beatings. In particular, it is indicated that: i) on November 8, 2012, he was beaten "savagely" and taken "on patrol cars to places outside the city," where he was allegedly struck again; ii) a police officer warned him that he would be sentenced to five years in prison; iii) one month before the court judgment, the same officer had threatened him with a gun pointed at his head, as if he was going to shoot at him, then [the officer had said he would not kill him because they would wait until [the proposed beneficiary] was out in the streets and that they would hit him with a hammer on the head so that his death looked like a street assault; iv) the next morning, four soldiers had transferred the proposed beneficiary to another cell and he had allegedly been beaten until he fainted.

e) On February 28, 2013, as a result of "the allegations of trespassing and violence," the proposed beneficiary had been sentenced to 5 years in prison, despite the alleged "created crime" only deserved a fine. In this regard, the applicant claims that the judicial proceeding had been "manipulated and was full of irregularities." The same day, Angel Lázaro Santiesteban Prat had entered the "Valle Grande" (Big Valley) prison and, within a few hours, he had been transferred to the prison of La Lima settlement. The applicant stated that the proposed beneficiary emphasized that "[he] has not asked for his release [,] he only wants a fair trial, which would allow him to demonstrate [his] innocence."

f) Applicant alleges that, after his arrest, the proposed beneficiary had been transferred to several detention centers in Cuba. In particular, the applicant stated that on "February 28, [2013] he was locked in the prison of "Valle Grande," a Cuban prison [...] in which human rights of the inmates are violated." Days later, he was transferred to Internment Camp "The Lima," outside "Guanabacoa," a facility supposedly intended to guard prisoners convicted of minor offenses. On April 8, 2013, the proposed beneficiary had been transferred, presumably by force, to prison "1580," known as "The Pitirre" in San Miguel del Padrón. The applicant claimed that the State authorities had taken this decision in view that the proposed beneficiary had refused to be "hospitalized" and State authorities sought to prevent him from being reached by foreign journalists who would visit the "La Lima" prison. According to the communications, the proposed beneficiary and other opponents of the current Cuban government were facing "all sorts of acts of harassment and threats." Similarly, it was indicated that they would be "repressed, threatened and blackmailed." The proposed beneficiary had spent "16 days in solitary confinement, without food." In this prison, the proposed beneficiary had received a visit from a "Captain named Cruz," prison officer, who had suggested the proposed beneficiary "to commit suicide with a blanket." The proposed beneficiary had also been "assaulted by guards command" who had held the proposed beneficiary "with handcuffs on his feet and hands, and [they] would force [the proposed beneficiary] to eat" foods. The applicant claimed that an official had told the proposed beneficiary that he would "not leave that place alive."

g) On August 2, 2013, the proposed beneficiary had been transferred to a detention center "whose name is unknown," where he was not entitled to telephone calls [,] or visits. "

h) Since the proposed beneficiary had been included in the list of "Reporters without Borders as one of the 100 Heroes of the information," surveillance and alleged harassment against the proposed beneficiary had escalated. The applicant especially indicated that some time before the "Summit of CELAC" (January 28 and 29, 2014), senior military commanders had searched among the belongings of the proposed beneficiary and had taken some writings and texts on human rights from the proposed beneficiary. The applicant claimed that the military were carrying out certain actions pursuant to the detriment of the prison population - including the reduction of food rations, reduced time for phone calls to talk to their families, so that other inmates became enemies of the proposed beneficiary. According to the applicant, such actions had the purpose of making other inmates require the proposed beneficiary to be "re-educated" and that, in turn, benefits would be restored. In these alleged circumstances, it is indicated that an inmate had told the proposed beneficiary that the authorities had tried to convince him to watch over [the proposed beneficiary] or assault him. The purpose of this situation was to make it all look like everything had occurred in the context of a fight between inmates.

i) In July 2014, the applicant indicated that the proposed beneficiary had allegedly been irregularly transferred from the "Lawton" prison to an unknown location. The applicant expressed concerns about not knowing the proposed beneficiary's whereabouts, a situation which has occurred in other opportunities.

j) The applicant indicated that the son of the proposed beneficiary, a 16-years old [boy], had chosen to "tell the truth about what had happened and how he was manipulated by his mom and State Security authorities [...] to testify against his dad." In this regard, the applicant stressed that she would be "concerned about the future of the child, because it was known from experience of Angel [in the past], that no excuses had been observed to harass and imprison minors." In this regard, the applicant requested precautionary measures for this person.

k) On 11 August 2014, the applicant submitted information indicating that "Angel Santisteban was still in the police station "Acosta and October 10." Similarly, it is allegedly [indicated] that he would soon be sent to a "border guard" post. Such information had been provided by the daughter of Santiesteban, who had seen him briefly at that police station in the presence of an officer.

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

4. The mechanism of precautionary measures is a part of the Commission's function of overseeing Member State compliance with the human rights obligations set forth in Article 106 of the Organization of American States Charter. These general oversight functions are set forth in Article 41 (b) of the American Convention on Human Rights, and Article 18 of the Commission's Statute and, the mechanism of precautionary measures is detailed in Article 25 of the Commission's Rules of Procedure. According to this Article, the Commission issues precautionary measures in situations that are serious and urgent, and where such measures are necessary to prevent irreparable harm to persons.

5. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter "the Court" or "the Tribunal") have repeatedly established that precautionary and provisional measures have a dual nature: precautionary and protective. Regarding the protective nature, the measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding the precautionary nature, the measures have the purpose of preserving a legal situation being considered by the IACHR. The precautionary nature aims to preserve those rights at risk until the petition in the inter-American system is resolved. Its object and purpose is to ensure the integrity and effectiveness of the decision on the merits and, thus, avoid infringement of the rights at issue, a situation that may adversely affect the useful purpose (*effet utile*) of the final decision. In this regard, precautionary measures or provisional measures thus enable the State concerned to fulfill the final decision and, if necessary, to comply with the reparations ordered. As such, for the purposes of making a decision, and in accordance with article 25.2 of its Rules of Procedures, 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 an injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

6. The Commission considers that in the present situation the requirement of seriousness is met, in view of the alleged acts of harassment, threats and physical attacks that Mr. Ángel Lázaro Santiesteban Prats is facing. Particularly, the information provided suggests that the alleged acts of violence faced by Mr. señor Ángel Lázaro Santiesteban Prats would be a retaliation and a way of intimidation for his multiple activities as a member of the opposition, including his publications in the blog "the son and daughters that nobody wanted." In this scenario, the facts alleged by the applicant regarding a series of continuous prison transfers of Mr. Santiesteban Prats to different detention centers are of particular relevance. In this regard, the information provided suggests that, allegedly, on several occasions, his family had not learned about his whereabouts, which had made it difficult to monitor his security conditions. Additionally, the last information submitted by the applicant includes allegations regarding the possible situation [of risk] that the proposed beneficiary's son, of 16 years old, would face as a result of his conviction for cooperating in legal proceedings relating to the situation of his father.

7. Within the context of analysis of this requirement, the Commission takes note that the information provided by the applicant is consistent with general information which the Commission has received through public hearings<sup>3</sup> and the monitoring of Chapter IV of the Annual Report of the Commission<sup>4</sup> on the situation that journalists and political dissidents face in Cuba. Information has been provided in the context of alleged political repression, threats, and other forms of harassment against them. In particular, in its report of 2013, the Special Rapporteur on Freedom of Expression of the IACHR referred to the situation of Mr. Santiesteban Prats as follows: “Ángel Santiesteban Prats, a writer and author of a blog critical of the government called “Los hijos que nadie quiso” has reportedly been imprisoned since February 28, 2013, after a Havana provincial court sentenced him in early 2012 to five years in prison for the alleged crimes of ‘trespassing and battery.’ On January 28, 2013, the People’s Supreme Court reportedly denied his appeal and confirmed his conviction. Santiesteban maintained that the charges against him had been trumped up and were politically motivated.”

8. Taking into consideration the information provided and the particular context in which it is presented, the Commission considers that it has been established *prima facie* that the rights to life and personal integrity of Ángel Lázaro Santiesteban Prats are at stake. The characteristics of the present situation, in the context of possible reprisals for collaboration of Mr. Ángel Lázaro Santiesteban Prats' son included in the abovementioned [domestic] legal proceedings, suggest that this person shares the same risk factors [that his father].

9. Regarding the requirement of urgency, the Commission believes that it is satisfied, to the extent that the alleged acts of violence have continually increased with time and that Mr. Ángel Lázaro Santiesteban Prats has no measures to protect his rights. In this respect, the alleged absence of measures to address the alleged situation of risk, the escalation of the alleged situation of risk and the constant jail transfer where the proposed beneficiary would be deprived of his liberty, suggest that Ángel Lázaro Santiesteban Prats is in a situation of vulnerability.

10. Regarding the requirement of irreparability, the Commission believes that it has been met, to the extent that the possible risk to the right to life and personal integrity presents the highest condition of irreparability.

11. Under article 25 of the IACHR's Rules of Procedures, the IACHR, as a rule, requests information from the State prior to the adoption of precautionary measures, except in situations where the immediacy of the threatened harm admits no delay.

#### **IV. BENEFICIARIES**

12. The request for precautionary measures has been submitted in favor of Ángel Lázaro Santiesteban Prats, who is fully individualized in the documents submitted in this proceeding. Additionally, the identity of the son of Mr. Ángel Lázaro Santiesteban Prats, a 16-year old boy, is fully identified in the documents received.

---

<sup>3</sup> See: IACHR. Public Hearings of the Commission: "Human rights situation of journalists in Cuba" (150th period of session); "Situation of the right to freedom of expression in Cuba" (147th period of session); and "Situation of Freedom of Expression in Cuba" (119th period of session). Available at: <http://www.oas.org/es/cidh/audiencias/advanced.aspx?lang=es>

<sup>4</sup> See: IACHR. Annual Reports of the Commission for the years 2013, 2012, 2011, 2010, among others. Available in: <http://www.oas.org/es/cidh/informes/anuales.asp>

## V. DECISION

13. In view of the above mentioned information, the Commission considers that this matter *prima facie* meets the requirements of seriousness, urgency and irreparability contained in Article 25 of its Rules of Procedures. Accordingly, the Commission requests the Government of Cuba to:

- a) take the necessary measures to guarantee the life and personal integrity of Ángel Lázaro Santiesteban Prats and his son;
- b) agree on the measures to be adopted with the beneficiaries or their representative; and
- c) report on the actions taken to investigate the facts that led to the adoption of this precautionary measure, so that their repetition can be prevented.

14. The Commission also requests the Government of Cuba to inform the IACHR, within 15 days from the date of this resolution, on the adoption of the precautionary measures requested and update such information regularly.

15. The Commission emphasizes that, according to Article 25 (8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State shall not constitute a prejudgment on any possible violation of the rights protected in the American Declaration or other applicable instruments.

16. The Commission orders the Executive Secretariat of the Inter-American Commission to notify the Government of Cuba and the applicants of this resolution.

17. Approved on September 26, 2014 by: Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice President; Felipe González, Second Vice President; Commissioners, José de Jesús Orozco, James Cavallaro and Paulo Vannucchi.