
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 34/2021**

Precautionary Measure No. 241-21
Yoel Suárez Fernández and his family regarding Cuba
April 22, 2021
Original: Spanish

I. INTRODUCTION

1. On March 19, 2021, 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 Asociación Pro Libertad de Prensa (“Pro Press Freedom Association” – APLP) and the Global Liberty Alliance organization (“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 Yoel Suárez Fernández (“the proposed beneficiary”) and his family.¹ According to the request, the proposed beneficiary is being threatened, harassed, intimidated and detained by state officers, presumably as a result of his work as an independent journalist and writer.

2. Under the terms of Article 25(5) of its Rules of Procedure, the IACHR requested information from the State and the applicants on March 29, 2021. To date, the State’s response has not been received. For their part, the applicants submitted additional information on March 26 and on April 1, 2 and 3, 2021.

3. Upon analyzing the submissions of fact and law presented by the applicants, the Commission considers that the information submitted demonstrates prima facie that Yoel Suárez finds himself in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR’s Rules of Procedure, the Commission requests that Cuba: a) implement the necessary measures to protect the rights to life and personal integrity of Mr. Yoel Suárez Fernández and his family. 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 international human rights law standards; b) adopt the necessary measures to ensure that Mr. Yoel Suárez Fernández can carry out his activities as an independent journalist without being subjected to acts of violence, intimidation, harassment and detention in the exercise of his work. The foregoing includes the adoption of measures so that he can exercise his right to freedom of expression; c) agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged events that led to the adoption of this resolution with the aim of preventing their reoccurrence.

II. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided by the applicants

4. Yoel Suárez Fernández identifies himself as an independent journalist and writer.² The request alleges that the proposed beneficiary has been constantly threatened, intimidated, interrogated and

¹ María Antonieta Colunga Olivera (wife), Teresa Fernández Figueredo (mother) and son.

² According to the request, Mr. Yoel Suárez Fernández is an independent journalist, collaborator of the Diario de Cuba. He is also a writer, author of the non-fiction books *La Otra Isla* (Finalist Michael Jacobs Fellowship 2016 and Book Latino Award 2019), *En Esta Rivera mi Cuerpo* (Mención Premio Casa de las Américas 2018) and *El Soplo del Demonio, Violencia y Pandillerismo en la*

detained for his work as a journalist. This situation has seriously impacted his and his family members' psychological health, as they live under constant tension and anxiety of being attacked by state officers.

5. On February 2, 2018, customs officers seized the copies of "*Espectros*" ("Specters") –a book written by the proposed beneficiary– sent to Cuba days before for a presentation during the 2018 Havana International Book Fair in the fortress "La Cabaña." On that day, the officers went to the locale of the Sevillian publishing house Guantanamera with a list of between 5 and 7 titles out of the 115 that they had brought, for confiscation. There were no explanations given to the representatives of the publishing house.

6. Subsequently, in November of the same year, Yoel Suárez Fernández was detained at the Havana International Airport and interrogated by an agent of the Department of State Security (DSE), after returning from a work trip with *Diario de Cuba*. This happened again in February 2019.

7. Then, in August 2019, the proposed beneficiary was detained by DSE agents and the National Revolutionary Police in the city of Guantánamo, while on his way to conduct an interview with the then recently convicted Roberto de Jesús Quiñones, also a journalist.³ Mr. Suárez Fernández was taken by patrol to the provincial headquarters of the Ministry of the Interior, where he was interrogated and threatened with prison if he returned to that city. A head officer filed a report for alleged counterrevolutionary activity, his phone was confiscated, he was handcuffed and deported from the city. He was taken by car to Santiago de Cuba. In September, he was detained again at the Havana International Airport and interrogated by a DSE agent.⁴

8. Subsequently, on February 5, 2020, the proposed beneficiary and his mother, Teresa Fernández Figueredo, were summoned to the Siboney police station via a legal document. According to the request, Mr. Suárez Fernández was interrogated for three hours and threatened with "consequences" for his family if he continued doing journalistic work and was also forbidden from leaving Cuba.⁵ On March 27, he was again summoned to the same police station where he was interrogated and threatened with imprisonment and "consequences" for his family.⁶ Then, on April 2, his mother was interrogated in an office of the Transtur company, a place near the home of the proposed beneficiary, pressuring her to make her son leave his job as a journalist. The following day, the proposed beneficiary and his mother were again interrogated at the Siboney police station. Mr. Suárez Fernández was threatened with prosecution for the crime of "mercenarism" which would lead to 10 to 20 years in prison. The officer urged the proposed beneficiary to "cooperate" with the DSE and, upon refusal, threatened to make him look like a "cooperator" to the eyes of his fellow journalists by using infiltrators in the media outlets that he works with.

9. On April 22, 2020, police officers went to the residence of the proposed beneficiary and took him and his wife, María Antonieta Colunga, to the office of Transtur. There, they showed them a copy of Decree Law 370 and the section of the Penal Code referring to "enemy propaganda" which would lead to 7-15 years in prison. Subsequently, they asked if they could "have access to their journalistic articles

Habana (2018), among others. He was a correspondent for the US channel CBN News in Cuba. Reporting Award from Editorial Hypermedia (USA) in 2017 and 2018. He was awarded the Gabo Scholarship in Cultural Journalism 2018 (Colombia).

³ See in this regard: IACHR. [Resolution 24/2021. Precautionary Measure No. 374-20. Roberto de Jesús Quiñones Haces regarding Cuba](#) March 9, 2021.

⁴ Pro Press Freedom Association. [Monthly. Attacks on journalists in Cuba \(August 2019\)](#). September 12, 2019. (Available in Spanish).

⁵ Pro Press Freedom Association. [Monthly. Journalists attacked in Cuba \(February 2020\)](#). March 9, 2020. (Available in Spanish).

⁶ IACHR. [Annual Report 2020. Chapter IV.B Cuba](#). February 2021. Para. 45; Pro Press Freedom Association. [Monthly. Attacks on journalists in Cuba \(March 2020\)](#). Date: April 14, 2020.

before they are published,” which Mr. Suárez Fernández declined. The agents assured that they would summon him again.⁷ On May 2, he was summoned to the police station and interrogated for half an hour due to alleged neighborhood complaints regarding construction materials of “dubious origin,” possibly a product of “stockpiling” at his home. A few days later, on May 6, the proposed beneficiary was invited to Directas, a weekly report organized by the Institute of Activism Hannah Arendt (INSTAR), but a “complaint” with unknown origin resulted in the cancellation of the digital discussion which meant to discuss the restrictions on freedom of expression imposed by Decree Law 370 and the harassment that the proposed beneficiary had suffered in previous months due to his work.

10. Later, on May 11, 2020, he was detained in the Nautical District of the Playa municipality and transferred by car, blindfolded, to a “safe house” presumably in the La Coronela District of the La Lisa municipality. He was interrogated by DSE agents for an hour.⁸ The request also indicates that, in August 2020, *Diario de Cuba* was classified as a subversive platform by the state authorities.

11. On January 26, 2021, the proposed beneficiary was summoned to the Siboney police station, where he was interrogated by three police officers for over an hour regarding the publications he made on social media. They informed him that as long as he continued to write for *Diario de Cuba*, he would remain forbidden from leaving the country. They also threatened to prosecute him for “mercenarism”.⁹

12. On March 1, Ms. María Antonieta Colunga was summoned before the Immigration Department office in Nuevo Vedado. There, she met two officers who began to interrogate her about her husband’s profession. According to the request, she was advised to convince the proposed beneficiary to leave journalism as it could affect her work for a humanitarian aid institution. They also asked for reasons behind their change of residence in Camagüey, as well as the health of their relatives and their job security.

13. Two weeks later, on March 11, 2021, Mr. Suárez Fernández was summoned by two agents of the National Revolutionary Police who came to his house. The following day, he went to the Miramar police station where he was interrogated about his work and whether the people in his family “are integrated into society.” When he answered that he was a journalist and writer, the captain assigned him to the group of “pre-criminal risk or social danger, as he does not work with the State and for being a CR or counterrevolutionary.” In addition, the captain threatened the proposed beneficiary by telling him that “he should think twice before posting on social media” and recommending that he “be careful with the consequences that these posts could have for his life and that of his family.”¹⁰

14. On the other hand, the request indicates that, on August 21, 2020, a complaint was filed with the Military Prosecutor’s Office (*Fiscalía Militar*) of the Republic of Cuba. However, to date, he has not received any response.

2. Information provided by the State

15. The Commission requested information from the State on March 29, 2021. There has been no response to this date.

⁷ Pro Press Freedom Association. [Monthly. Journalists attacked in Cuba \(April 2020\)](#). May 11, 2020. (Available in Spanish).

⁸ Pro Press Freedom Association. [Monthly. Journalists attacked in Cuba \(May 2020\)](#). June 10, 2020; Bridge in sight. “[Civility tires: Chronicle of an arrest](#)”. 12 May 2020. (Available in Spanish).

⁹ Pro Press Freedom Association. [Monthly. Journalists attacked in Cuba \(January 2021\)](#). February 4, 2021. (Available in Spanish).

¹⁰ Pro Press Freedom Association. [Monthly. Journalists attacked in Cuba \(March 2021\)](#). April 3, 2021. (Available in Spanish).

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

16. Precautionary measures are one of the mechanisms of the Commission for the exercise of its function of overseeing compliance with human rights obligations, as established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18 (b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

17. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both precautionary and protective. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while they are being considered by the IACHR. Their precautionary nature aims at safeguarding the rights at risk until the request pending before the Inter-American System is resolved. The object and purpose are 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 or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. For purposes of decision making, and in accordance with Article 25(2) of the 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.

18. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹¹

19. In addition, for the present matter, the Commission observes that the alleged risk to the proposed beneficiary is framed in the specific context related to independent journalists in Cuba. Moreover, as a contextual element, the Commission and its Special Rapporteurship for Freedom of Expression (OSRFE) have been emphatic in indicating that repression of independent journalists in Cuba constitutes a systematic and long practice.¹² The forms of repression consist of the requirement to have an affiliation to practice journalism; threats, summons and interrogations for intimidating purposes; illegal and/or arbitrary detentions; raids and confiscation of journalistic equipment or other property;

¹¹ See in this regard: I/A Court H.R. [Matter of Inhabitants of the communities of the Miskitu indigenous people of the North Caribbean Coast Region of Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018. Considerandum 13 (Available in Spanish); I/A Court H.R. [Matter of Children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23. (Available in Spanish).

¹² IACHR. [Special Report on the Situation of Freedom of Expression in Cuba](#). OEA/Ser.L/V/II. IACHR/OSRFE/INF.21/18. December 31, 2018. Paras. 83-85.

layoffs and loss of authorizations to exercise profession or economic activities; pressure and threats to families, social environment and defamatory practices; impediments to leaving the country and other arbitrary restrictions on freedom of movement; and the improper use of criminal law or criminalization.¹³

20. Recently, the IACHR and OSRFE have expressed their deep concern over the escalation of criminalization and harassment of independent journalists in Cuba, indicating that state authorities have used the severe crisis generated by the COVID-19 pandemic to systematically intimidate and harass journalists working for independent media outlets.¹⁴ They have referred especially to the limitations and obstacles to the right to freedom of expression, including the criminalization of criticism, censorship and blocking of information, surveillance, as well as multiple acts of harassment and threats to intimidate those who express critical ideas against the government.¹⁵ Moreover, the Commission and its Rapporteurship have pointed out that there is a selective use of the aforementioned Decree Law 370 on the informatization of civil society, in order to persecute and criminalize a significant number of people for critical expressions.¹⁶ In this line, as noted by the IACHR and OSRFE, the threats used to repress independent journalism are frequently reflected in a selective persecution that involves the opening of criminal proceedings under the criminal offense of “usurpation of functions and of legal capacity.”¹⁷

21. Considering the special risk faced by independent journalists in Cuba’s current context, the IACHR has granted several precautionary measures.¹⁸

22. Taking into account this particular context, the Commission will proceed to analyze the procedural requirements regarding the proposed beneficiary.

23. As for the requirement of seriousness, the Commission considers that it has been met. When assessing this requirement, the Commission identifies that the situation placing the proposed beneficiary at risk is directly related to his work as an independent journalist. Indeed, the Commission notes that Mr. Suárez Fernández has been intimidated, threatened, harassed, and detained several times in recent years. Thus, it is noted that the proposed beneficiary has been detained for various lengths of time on at least 6 occasions as of November 2018. The Commission notes that in August 2019, Mr. Suárez Fernández was expelled from the city of Guantánamo, after being detained and threatened with imprisonment if he returned to the city. Moreover, during his detention on May 11, 2020, he was blindfolded and taken by car to be interrogated by DSE agents, which in itself can be seen as another act of intimidation. Although it is not up to the IACHR to rule on the compatibility of such detentions in light of the American Declaration of the Rights and Duties of Man (“American Declaration”), it does take into account the seriousness of the circumstances under which the proposed beneficiary is repeatedly

¹³ IACHR. [Special Report on the Situation of Freedom of Expression in Cuba](#). OEA/Ser.L/V/II. IACHR/OSRFE/INF.21/18. December 31, 2018. Para. 85.

¹⁴ IACHR. [Annual Report 2020. Chapter IV.B Cuba](#). February 2021. Para. 44; IACHR. Press Release No. R280/20. [The IACHR and its Office of the Special Rapporteur express grave concern over the increase in criminalization and harassment of activists, artists, and independent journalists in Cuba](#). November 23, 2020.

¹⁵ IACHR. Press Release No. R280/20. [The IACHR and its Special Rapporteurship express their deep concern over the escalation of criminalization and harassment of independent activists, artists, and journalists in Cuba](#). November 23, 2020.

¹⁶ IACHR. Press Release No. R280/20. [The IACHR and its Special Rapporteurship express their deep concern over the escalation of criminalization and harassment of independent activists, artists, and journalists in Cuba](#). November 23, 2020.

¹⁷ IACHR. [Special Report on the Situation of Freedom of Expression in Cuba](#). OEA/Ser.L/V/II. IACHR/OSRFE/INF.21/18. December 31, 2018. Para. 11; See also: IACHR. [Annual Report 2020. Chapter IV.B Cuba](#). February 2021. Paras. 43-62.

¹⁸ See in this regard: IACHR. [Resolution 26/2021. Precautionary Measure No. 552-20. María de los Ángeles Matienzo Puerto and Kirenia Yalit Núñez Pérez regarding Cuba](#). March 14, 2021; IACHR. [Resolution 24/2021. Precautionary Measure No. 374-20. Roberto de Jesús Quiñones Haces regarding Cuba](#). March 9, 2021; IACHR. [Resolution 14/2021. Precautionary Measure No. 1101-20. 20 identified members of the San Isidro Movement \(MSI\) regarding Cuba](#). February 11, 2021; IACHR. [Resolution 96/2020. Precautionary Measure No. 1043-20. Niober García Fournier and his family regarding Cuba](#). December 18, 2020.

deprived of liberty, since they are likely to foster a climate of animosity against him in which the intensity with which his rights to life and personal integrity are affected may increase.

24. Furthermore, the proposed beneficiary has been summoned to police stations on at least 6 occasions as of February 2020. During these summons, Mr. Suárez Fernández has been consistently questioned about his journalistic work and threatened with imprisonment and “consequences” for him and his family if he continues with that work. The Commission also notes that the proposed beneficiary’s wife, María Antonieta Colunga, was detained with him on April 22, 2020, and subsequently summoned and interrogated by State agents about Yoel Suárez Fernández’s work on March 1, 2021. In this sense, the proposed beneficiary’s mother, Teresa Fernández Figueredo, has been summoned and questioned by state agents on at least 2 occasions since February 2020. The Commission notes that, despite a complaint having been filed with the competent authorities in the country, this situation has allegedly persisted over time.

25. For the Commission, the events described above reflect that the proposed beneficiary has severe limitations in his ability to freely exercise his work as an independent journalist in Cuba. The events to which he has been exposed also indicate that there is a special fixation of state actors towards him with the aim of keeping him under strict surveillance and control over time. The Commission particularly takes into account that many of these acts of harassment, intimidation, persecution and threats have involved the proposed beneficiary’s relatives and have allegedly affected them psychologically.

26. In view of the previously analyzed situation, the Commission regrets the lack of response from the State, after having requested its observations on this request. While the foregoing is not sufficient *per se* to justify the granting of precautionary measures, it does prevent the Commission from obtaining information on the situation of the proposed beneficiary. Given the State’s lack of response, the Commission does not have elements sufficient to disprove the applicants’ allegations or identify information on measures effectively adopted by the State to mitigate the alleged risk faced by the proposed beneficiary. On the other hand, although it is not up to the Commission to determine the perpetrators of the risk events, nor whether they are attributable to State actors, at the time of assessing the request at hand, it does take into account 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 vulnerability.

27. In view of the foregoing, the Commission concludes that the information provided by the applicants, assessed in the context previously indicated, is sufficient to consider from a *prima facie* standard that Yoel Suárez Fernández’s rights to life and personal integrity are at serious risk. The Commission emphasizes its concern in view that the situation of risk described is allegedly intended to intimidate and thereby silence the proposed beneficiary, affecting the exercise of his right to freedom of expression, which in turn allegedly has a deterrent effect on the ability of other journalists to express themselves freely in the current context of the country.

28. As for the requirement of urgency, the Commission considers that it has been met, in view of the ongoing harassment, threats and aggressions allegedly received by the proposed beneficiary, and that the risk is related to his work as an independent journalist. The Commission emphasizes that these acts are likely to be repeated in the near future, thus requiring the adoption of immediate measures to protect his rights. According to the applicants, although the proposed beneficiary’s situation has been reported to the Military Prosecutor’s Office of the Republic of Cuba, there is no information on the status of the complaint, which indicates that the domestic protection mechanisms have been activated or that the corresponding investigations have been carried out.

29. In this regard, as indicated above, the Commission does not have specific information provided by the State sufficient to assess the actions that have been taken to address the alleged risk. There is also no information available to indicate whether the alleged situation has been properly mitigated or no longer exists.

30. Regarding the requirement of irreparable harm, the Commission considers that it has been met, insofar as the potential impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

31. The Commission declares that the beneficiaries are Mr. Yoel Suárez Fernández and his family, composed of María Antonieta Colunga Olivera (wife), Teresa Fernández Figueredo (mother) and son, who are duly identified in these proceedings.

V. DECISION

32. The Inter-American Commission on Human Rights considers that the matter at hand meets prima facie the requirements of seriousness, urgency and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Cuba:

- a) implement the necessary measures to protect the rights to life and personal integrity of Mr. Yoel Suárez Fernández and his family. 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 international human rights law standards;
- b) adopt the necessary measures to ensure that Mr. Yoel Suárez Fernández can carry out his activities as an independent journalist without being subjected to acts of violence, intimidation, harassment and detention in the exercise of his work. The foregoing includes the adoption of measures so that he can exercise his right to freedom of expression;
- c) agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged events that led to the adoption of this resolution with the aim of preventing their reoccurrence.

33. The Commission requests that the State of Cuba report on the adoption of the precautionary measures requested within 15 days as from the date of this resolution and to update that information periodically.

34. 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 on any violation of the rights protected in the applicable instruments.

35. The Commission instructs its Executive Secretariat to notify the State of Cuba and the applicants of the present Resolution.

36. Approved on April 22, 2021 by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarete May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary