
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 7/2021**

Precautionary measure No. 211-20

Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz
regarding Cuba
January 19, 2021
Original: Spanish

I. INTRODUCTION

1. On March 11, 2020, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission” or “the IACHR”), received a request for precautionary measures filed by the International Institute on Race, Equality and Human Rights¹, urging the IACHR to request that the State of Cuba (hereinafter “the State or Cuba”) protect the life and personal integrity of human rights defenders Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz,² members of the Citizens Committee for Racial Integration (CIR, for its Spanish acronym), who purportedly find themselves at risk as a result of exercising their work as activists. According to the request received, the proposed beneficiaries are at risk due to threats, harassment, surveillance, persecution, detentions and acts of violence by state actors and third parties, allegedly because of their work as human rights defenders in Cuba.

2. On December 7, 2020, in accordance with Article 25.5 of its Rules of Procedure, the IACHR requested information from the State and the applicants. To date, the State’s response has not been received. For their part, the applicants sent additional information on May 4, June 8 and 23, July 9, November 20 and 23, and December 15, 2020.

3. Upon analyzing the arguments of fact and law provided by the applicants, the Commission considers that the information presented shows *prima facie* that Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, in accordance with Article 25 of the IACHR Rules of Procedure, the Commission requests that Cuba: a) adopt the necessary measures to protect the rights to life and personal integrity of Juan Antonio Madrazo Luna, Marthadela Tamayo, and Oswaldo Navarro Veloz. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law; b) adopt the necessary measures so that Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz can carry out their activities as human rights defenders, without being subject to acts of violence, intimidation, and harassment in the exercise of their work. The above includes the adoption of measures to protect their right to freedom of expression; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged incidents that led to the adoption of this precautionary measure, so as to prevent such incidents from recurring.

II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE APPLICANTS

¹ By request of the organization concerned, the Commission has omitted the names of the applicants of the precautionary measures.

² The request was initially filed on behalf of several collaborators and members of the Citizens Committee for Racial Integration (CIR), including Neurelina Cardo Brito, Dunia Medina and her husband Alejandro Uranga Hernández, Richard Zamora Brito, Luis Oleidy Machado Reinoso. However, throughout the process, the largest and most detailed information was focused on the proposed beneficiaries Madrazo Luna, Tamayo, and Navarro Veloz.

4. The proposed beneficiaries, members of the Citizens Committee for Racial Integration (CIR), an organization that advocates for the rights of Afro-descendants and against racial discrimination, were allegedly detained for a few hours, subject to interrogations³ and warnings that they could be prosecuted for crimes against the state. The applicants indicated that the repressive actions and harassment by the State seek to prevent the circulation, assembly, and free expression of CIR members, further claiming the use of criminalizing actions that lead to them being identified as “traitors” or “opponents.” These alleged incidents place the proposed beneficiaries in a situation of vulnerability and risk, as they are reportedly threatened and intimidated with criminal proceedings and are repeatedly prevented from holding events or concerts.

5. Furthermore, these actions are reportedly directed particularly against Juan Tamayo, Marthadela Tamayo and Oswaldo Navarro Veloz, who on several occasions have been prevented from leaving the country, giving as examples the regularization processes⁴ that occurred in 2018, 2019 and 2020.⁵ They added that, on the occasions when the proposed beneficiaries have left the country, the Cuban authorities have *searched their things and confiscated their work material*, preventing the full development of their work as human rights defenders. It was further alleged that members of the foreign civil society who wish to travel to Cuba are conditioned to no communication with the proposed beneficiaries. Moreover, the applicants indicated that the actions carried out by State officers have sometimes prevented the proposed beneficiaries, through *de facto* house arrests,⁶ from attending press conferences, and academic or cultural activities.

6. Similarly, during 2020 other members of the CIR organization have been harassed and detained by state officers, who have reportedly sent intimidating messages to the proposed beneficiaries.⁷ As an example, Neurelina Cardo Brito was reportedly asked to step back from the CIR or else things would *get difficult for her*; Dunia Medina was allegedly threatened with prosecution for a crime, while Jacquelin Madrazo was purportedly informed that they were going to confront the CIR more harshly and that it was better for her to move away.⁸ Oswaldo Navarro’s house was allegedly searched, the people gathered there were asked to leave the house or they would be detained, while the officers had indicated to another of its members⁹ that they considered the CIR a counterrevolutionary element, and that they were not going to allow the dissemination of messages from artists against the government.

³ During an interrogation, an officer allegedly told Juan Antonio Madrazo that he should be *careful with the work he was doing* because it could be considered a crime against the State.

⁴ When a person is subjected to “regularization”, this means they cannot leave the country without the permission of the government, since it is considered that this person carries out work that is required in Cuba. Juan Tamayo was reportedly subjected to regularization 22 times, while Marthadela Tamayo 9 times.

⁵ In 2020 Juan Tamayo was also questioned about the financing of a forum and Marthadela Tamayo was summoned to a police delegation and informed that she would not be allowed to carry out activities on the international day of racial discrimination, being warned that she was under surveillance, like Juan Tamayo and Oswaldo Navarro.

⁶ *De facto* house arrests are described by the applicants as the presence of police officers outside their residences.

⁷ On June 19, 2020, Luis Oleidy Machado Reinososa was intercepted by two State security actors, who took him to a police unit, where they asked him about his links with some persons, in addition to questioning him about the meaning of the word CAPEL4, warning him that they had information about a course that they were going to take and assuring that Marthadela was involved, they also reported that *“although they hadn't bothered him for a long time, they could start to 'screw' him, they could get him into serious trouble and that they would have taken him there to clarify his situation.”* In addition, on June 21, 2020, a State Security officer arrived at the home of Dunia Medina Moreno and her husband Alejandro Uranga Hernández Piloto, both CIR activists, informing them that they were there to later transfer them to a Police Unit where they were interrogated and remained for approximately six hours. The officer in charge of the interrogation threatened them saying that “if they didn't understand, he was going to make them understand.” In addition, he asked them to give the same message to Juan Antonio Madrazo, specifying that the CIR “is not going to allow anything.”

⁸ On June 4, Jackeline Madrazo received a visit from a State officer who warned him that “the State in due course will settle accounts” for the provocations of the CIR, and that the opposition is over because the laws will be enforced, adding that: *“I am here to talk, because the only one who can save your brother is you. Now neither with him nor with Marthadela nor with Oswaldo you can talk. With them what comes is a process. I have the evidence to process them, because they receive funding and their opposition activity is over now.”*

⁹ Richard Zamora Brito had been summoned to a Unit in Matanzas where he was interrogated for an hour by state security officers about his relationship with the CIR, his participation with the Diverso cultural project, suggesting him to distance himself from Oswaldo Navarro.

7. On June 4, 2020, upon exiting their residence Oswaldo Madrazo and Marthadela Tamayo were required to accompany the police officers to the police station, saying “get in because you are a case of Section 21.”¹⁰ They purportedly remained there for several hours, and were interrogated by Major “Alejandro” who reportedly said that racism does not exist, that it is a discourse of the empire, a threat to national unity and that “*this is not the United States*”. Regarding Oswaldo’s artistic career, the mayor reportedly told him that “he would *no longer pick up a microphone even in the backyard of his house*,” while he allegedly told Marthadela that they would not give in to pressure from civil society on the issue of protection for women, and that she should not get involved in the LGBTI issue because a specialized center already exists. The State officer further stressed that none of the activities of the CIR financed from abroad would be carried out because “*they’ll be like a thorn in the flesh*.” The proposed beneficiaries were fined 30 pesos, accusing them of civil disobedience¹¹ and the officer told them that “*he had not left the scene, that he was aware of everything and that, although the country has adopted sanitary measures due to COVID-19, he will bounce back even stronger*.” Lastly, he warned them that next time they would initiate a process for disobedience, which would require them to sign in at the police station on a monthly basis.

8. On July 29, 2020, Juan Antonio Madrazo Luna was detained outside his home, without any reason for the arrest, and was transferred to a police unit, where he spent the night. The following day, he was interrogated by a state officer who advised the proposed beneficiary not to leave his home that day because he would not be allowed to protest and be part of the “rebellion” that civil society organizations had planned. He warned him that anyone who protested on July 30, 2020, would be arrested for spreading the epidemic. Later, Juan Antonio was escorted home by two police officers who told him that they would be guarding his house and that if he disobeyed, he would be criminally prosecuted.

9. On November 12, 2020, two State officers presented a search order from the Prosecutor's Office (*Fiscalía*) to enter the home of Juan Antonio Madrazo, they carried out the search and seized some assets that Mr. Madrazo Luna employs in his work as a human rights defender, such as two laptops, five video cameras, three hard drives, a projector, documents and cash from the organization, among others. He was then reportedly deprived of his liberty, kept inside a patrol vehicle, “*taken to various municipalities*,” and finally transferred to a cell. He was later questioned by an officer who allegedly told him that he was in charge of monitoring the activities of the CIR, informing him that that same day they had arrested Esber Rafael Ramirez Argota, whom he described as “*a criminal and problematic*” announcing that Marthadela Tamayo would be next for providing false information about gender. Moreover, the State officer indicated that he would prosecute Mr. Madrazo for having ties with foreign entities¹² as it is an attempt to “*subvert the order of the country*.” As reported in the request, the officer further told him he should be grateful for the revolution because, in the past, “*black people*” were not allowed to live in the area where he currently lives, and he made the suggestion that Mr. Madrazo should “*stop getting involved in government matters, such as the fight against racism*.” Lastly, the officer mentioned that his purpose is “*to bring the counterrevolution to zero*,” therefore he allegedly aims to “*dismantle*” the San Isidro Movement and the CIR and confront them “*all the time, even on social media*.” On November 19, 2020, Ms. Tamayo and Mr. Navarro were detained, questioned, and warned that “*they should stop getting involved in matters that are not of their business and stop ridiculing the president*,” after the CIR published some of the videos of its activists calling on the population and the government to put an end to racism in Cuba.

¹⁰ Diario de Cuba, *La Seguridad del Estado arresta y multa a Marthadela Tamayo y Oswaldo Navarro* (2020). Available at https://diariodecuba.com/derechos-humanos/1591313751_22789.html

¹¹ Marthadela Tamayo and Oswaldo Madrazo allegedly did not appear for two summonses in the month of 2020, indicating that the first was not delivered on time and there was no clear indication where to go, while the second was made at the time of COVID-19, when people were warned to stay at home to prevent the spread of the pandemic.

¹² The NED (National Endowment for Democracy – Fundación Nacional para la Democracia, Raza e Igualdad y el NDI (National Democratic Institute – Instituto Nacional Demócrata) were mentioned.

10. On November 20, 2020, the applicants requested the inclusion of Mr. Esber Rafael Ramírez Argota¹³ as proposed beneficiary, who is a collaborator of the CIR and activist of the Independent and Democratic Cuba party, noting that he had been detained on November 12, 2020 by a security officer, who warned him that if he continued with his “opposition” work with the CIR they would initiate a process for “misappropriation of public functions.” Furthermore, before releasing him, they asked him to send greetings to Ms. Marthadela Tamayo and Mr. Juan Antonio Madrazo Luna.

11. On November 22, 2020, during a public demonstration, Oswaldo Navarro, Juan Madrazo and Marthadela Tamayo were attacked by pro-government mobs, cornered, and detained by state security officers. Madrazo was violently handcuffed and mistreated amid the uproar. The officers reminded him aloud that he is “*ungrateful to the Revolution, a mercenary, and a traitor to the country.*” Tamayo González received blows to his face and nose, and her hair was pulled hard, then she was transferred to a police unit where she was detained for several hours. The proposed beneficiary Navarro Veloz was hit in the eye, back and arms. The proposed beneficiaries, in addition to the physical attacks, were reportedly insulted with “[negro] piece of shit..., this body was given to you by the revolution. Long live Fidel,” shouting at them several times “*get out of Cuba.*”¹⁴

12. On the same day, further incidents were reported in other provinces, including the arrest of several activists,¹⁵ while Juan Antonio Madrazo Luna and Oswaldo Navarro Veloz were transferred to police units, held incommunicado for approximately 40 minutes, and then questioned. The officer in charge of the interrogation of Juan Madrazo warned him that they “*are going to dismantle the San Isidro circus*” and threatened for him to stop his activism with the CIR, indicating that the CIR “*has ceased to be part of the academy to become a group that leads actions of disobedience*” and that for that reason “*they will not take their foot off.*” While he indicated to Navarro that they know that the CIR is financed by foreign and “terrorist” organizations.¹⁶

13. On December 10, 2020, the CIR headquarters, as well as Mr. Juan Antonio Madrazo Luna’s home, were under siege early in the day by State Security officers and the “*Avispas Negras,*” which prevented the mobility of the proposed beneficiary and lasted until the next day. On the same day, Marthadela Tamayo and Oswaldo Navarro were also warned by a State officer that they were prohibited from leaving their residence, which was under surveillance throughout the day.

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

14. The precautionary measures mechanism is part of the Commission’s function to 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 established in Article 41 (b) of the American Convention on Human Rights, “at its own initiative or at the request of a party.”

15. 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 precautionary and protective. Regarding the protective nature, precautionary measures seek to avoid irreparable harm and to protect the exercise of human

¹³ As a member of the CIR, Mr. Ramírez supports observation and documentation of cases of human rights violations in Antilla, Holguín province.

¹⁴ A female correspondent for a foreign media outlet tried to record the events, and was attacked by the “mob,” but the officers allegedly indicated that “*they should not beat her because the Minister of Foreign Affairs (Minrex) is going to receive her. If you want to spit her out, do it, but don’t touch her.*”

¹⁵ Esber Rafael Ramírez Argota, Leticia Ramos Herrería and Marisol Fernández Socorro (Ladies in White), Iván Hernández Carrillo, Lázaro Díaz Sánchez, Carlos Olivera Martínez and Francisco Rangel Manzano.

¹⁶ The same officer added that “*you won’t ever learn, you have already seen what happened at the CIR headquarters, we have already detained you, but you insist. Understand that the CIR is not going to do anything else.*”

rights. Regarding their precautionary nature, the measures have the purpose of preserving legal situations being considered by the IACHR. Regarding the process of decision making and, according to 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.

16. The Commission recalls 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.¹⁷

17. The Commission deems it relevant to clarify that, in this proceeding, it is not called upon to determine whether there have been violations of the rights of the proposed beneficiaries. The Commission is also not called upon to rule on the attribution of criminal or other liability to the persons involved in this matter. The analysis carried out herein by the Commission is exclusively related to the requirements of seriousness, urgency, and risk of irreparable harm established in Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits, which are specific to the petition and case system. Additionally, and despite the fact that the request included several collaborators and members of the CIR, the Commission notes that the analysis will focus on the proposed beneficiaries Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro, on whom more and more detailed information was provided.

18. Regarding the requirement of seriousness, the Commission takes into account that the situation of the proposed beneficiaries is framed in a context of intimidation, persecution and harassment of human rights defenders who think or express themselves in a manner contrary to the current regime from Cuba.¹⁸ The above, inasmuch as the proposed beneficiaries carry out activities to promote human rights and participate in public events denouncing acts of state repression, in clear opposition to the demands of state actors who have intimidated them into abandoning those activities under penalty of exposing themselves to criminal investigations. In this regard, the Commission stresses that this is a widespread practice in Cuba and has been maintained for several decades, added to the fact that criminalization in these cases not only constitutes a direct limitation to freedom of expression but can also be considered as an indirect method due to its inhibiting effect on the free dissemination of ideas on matters of public interest.¹⁹

19. The Commission notes that the importance of the work carried out by the proposed beneficiaries and their visibility in the current context of Cuba is evidenced by the fact that the State security authorities have repeatedly and constantly detained and interrogated the proposed beneficiaries, threatening them to initiate criminal proceedings, not allowing them to participate in activities related to their role as

¹⁷ For instance, in relation to provisional measures, the Inter-American Court has considered that this standard requires a minimum of detail and information that allow for the *prima facie* assessment of an extremely serious and urgent situation. IACHR, 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. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

¹⁸ IACHR, Special Report on the Situation of Freedom of Expression in Cuba, 2018, paragraph 126. Available at <http://www.oas.org/en/iachr/expression/docs/reports/Cuba-en.pdf>

¹⁹ Press Release No. 55/20. “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. <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1191&IID=1>

defenders, in addition to being accused of “mercenaries, counterrevolutionaries, being part of or receiving financing from the opposition” among other charges that criminalize their actions. This situation of permanent harassment has also affected other members of the CRI organization and family members, including some of them being prohibited from continuing to contact the beneficiaries (see *supra* para. 6).

20. Additionally, the Commission observes that the proposed beneficiaries have endured the constant siege, surveillance and search of their residences, state harassment that has also increased, in addition to summons and interrogations, and a recent direct attack in which the proposed beneficiaries were beaten and insulted by “pro-government mobs,” while State actors allegedly made them the subject of ill-treatment, while again detaining, questioning, and threatening them (see *supra* para. 11).²⁰

21. In view of the situation previously analyzed, the Commission regrets the lack of response from the State, after having asked for its observations on this request. Although the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information from it on the situation of the proposed beneficiary. Given the lack of response from the State, 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 another note, although it is not for the Commission to determine the authorship of the events of risk, or if they are attributable to state actors, at the time of assessing this request it does take into account the seriousness of the possible participation of State actors, according to the allegations presented, as this would place the proposed beneficiaries in a situation of greater vulnerability.

22. In view of the circumstances, the Commission considers that from the applicable *prima facie* standard, and in the current context of the State of Cuba, it is sufficiently accredited that the rights to life and personal integrity of Juan Antonio Madrazo Luna, Mathadela Tamayo and Oswaldo Navarro Veloz are at serious risk. Furthermore, taking into account the allegations according to which such threats are related to the exercise of freedom of expression, the Commission considers that this situation in a context such as the one faced by Cuba is likely to have an impact on the right to be informed of the Cuban society, which is essential for the effect of a democratic State. Special emphasis should be placed on the seizure of Juan Antonio Madrazo’s work and information equipment or on the fact that the proposed beneficiaries are constantly prevented from attending or participating in events that promote human rights, all of which points to the existence of a hostile context involving State actors, who continually harass and prevent the proposed beneficiaries from exercising freedom of expression.

23. Similarly, it should be remembered that the Commission takes into account, in order to assess the context of the situation of risk, the information gathered through the monitoring mechanisms of the Inter-American Human Rights System, including *in loco* visits, cases, resolutions, country and thematic reports, among others. These sources help to report on the potential situation of animosity and risk in which journalists find themselves in the different countries of the region.

24. Moreover, the Commission has indicated that “when Article IV of the Declaration proclaims that ‘everyone has the right to freedom of investigation, opinion and expression and dissemination of thought’ through any means, it is indicating that the expression and the diffusion of thought are indivisible, so that a restriction of the possibilities of disclosure represents directly, and to the same extent, a limit to the right to express oneself freely.”²¹ Indeed, according to the doctrine and jurisprudence of the inter-American system, freedom of expression has an individual dimension and a social dimension, which must

²⁰ IACHR, Towards a Comprehensive Policy to Protect Human Rights Defenders, 2017, para. 43. Available at <http://www.oas.org/es/cidh/informes/pdfs/Proteccion-Personas-Defensoras.pdf>

²¹ IACHR. Report No. 67/06. Case 12.476. Oscar Elías Biscet et al. (Cuba) October 21, 2006. Para. 198.

be fully guaranteed simultaneously to give effect to the right to freedom of expression.²² Freedom of expression requires, on the one hand, that no one be arbitrarily undermined or prevented from expressing their own thoughts and disseminating information of all kinds; but it also implies, on the other hand, a collective right to receive any information and to know the expression of other people's thoughts.²³

25. With regard to the requirement of urgency, the Commission considers that it is met, since the facts described suggest that the situation of risk is likely to continue and be exacerbated over time, in light of the repeated threats to being subject to criminal prosecution and the recent physical attacks on the proposed beneficiaries; so that in the face of the risk imminently coming to fruition it is necessary to immediately take measures to safeguard their rights to life and personal integrity.

26. 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 that the alleged situation has been properly mitigated or no longer exists.

27. As regards the requirement of irreparable harm, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitute the maximum situation of irreparability. The Commission emphasizes its concern in view of the fact that the described situation is reportedly aimed at intimidating and thereby silencing the proposed beneficiaries, hindering the exercise of their right to freedom of expression, as well as their defense activities, which in turn is allegedly having a frightening effect for other persons to express themselves freely in the current context.

28. Lastly, the Commission wishes to reiterate the importance of the work of human rights defenders in the region, with particular emphasis on the fact that acts of violence, criminalization, and other attacks against them not only impact the guarantees of every human being, but also undermine the fundamental role that defenders play in society and add in the defenselessness of all those for whom they work.²⁴

IV. BENEFICIARIES

29. The Commission declares that the beneficiaries of this precautionary measure are Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz, identified in the framework of this proceeding.

V. DECISION

30. The Commission considers that this 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 the State of Cuba:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Juan Antonio Madrazo Luna, Marthadela Tamayo, and Oswaldo Navarro Veloz. To this end, the State must both ensure that state actors respect the life and personal integrity of the beneficiaries, as well as

²² I/A Court H.R. Case of "The Last Temptation of Christ" (Olmedo-Bustos et al.) v. Chile. Chile. Merits, Reparations and Costs. Judgment of February 5, 2001. Para. 67; and Case of Granier et al. (Radio Caracas Televisión) v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 22, 2015. Para. 135.

²³ I/A Court H.R. Compulsory Licensing of Journalists (Arts. 13 and 29 ACHR). Advisory Opinion OC-5/85 of November 13, 1985. Para. 67; and Case of Granier et al. (Radio Caracas Televisión) v. Venezuela. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 22, 2015. Para. 136.

²⁴ IACHR. Towards a Comprehensive Policy to Protect Human Rights Defenders. OEA/Ser.L/V/II. Doc. 207/17. December 29, 2017. Para. 8; IACHR. Human Rights Situation in Cuba. OEA/Ser.L/V/II. Doc. 2. February 3, 2020. Para. 172.

protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;

- b) adopt the necessary measures so that Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz can carry out their activities as human rights defenders, without being subject to acts of violence, intimidation, and harassment in the exercise of their work. The above includes the adoption of measures to protect their right to freedom of expression;
- c) consult and 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 precautionary measure, so as to prevent such events from reoccurring.

31. The Commission also requests that the Government of Cuba kindly inform the Commission, within a period of 15 days, as from the date of this communication, regarding the adoption of the precautionary measures that have been agreed upon and to periodically update this information.

32. The Commission emphasizes that, pursuant to Article 25(8) of the Commission's Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

33. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Cuba and the applicants.

34. Approved on January 19, 2021, by: Joel Hernández García, President; Antonia Urrejola Noguera, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and Julissa Mantilla Falcón, members of the IACHR.

María Claudia Pulido
Acting Executive Secretary