I. INTRODUCTION

1. On June 13, 2013, the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission", "the Commission" or "IACHR") received a request for precautionary measures submitted by the “Cubalex Legal Information Center” (hereinafter “the petitioners”), seeking that the Republic of Cuba (hereinafter “Cuba” or “the State”) protect the life and physical integrity of the members of the organization “Ladies in White” (hereinafter “the proposed beneficiaries” or “the organization”). According to the request, due to a series of peaceful demonstrations that the proposed beneficiaries held for the purpose of exposing the situation of suspected political dissidents in Cuba, their members are subjected to threats, harassment and violence against them, in retaliation for their activities.

2. After requesting additional information from the petitioners, they provided information on September 17 and 26, 2013.

3. After analyzing the factual and legal arguments presented by the petitioners, the Commission considers that the information presented shows prima facie that the members of the “Ladies in White” organization are in a serious and urgent situation, as their lives and physical integrity are threatened and at severe risk. Consequently, in accordance with Article 25 of its Rules of Procedure, the Commission requests that the Government of Cuba: a) adopt the necessary measures to guarantee the life and physical integrity of the members of the “Ladies in White” organization; b) agree on the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the facts that gave rise to the precautionary measures, in order to prevent future incidents.

II. SUMMARY OF ALLEGATIONS BY THE PETITIONERS

4. According to the request and subsequent communications presented by the petitioners, the “Ladies in White” is an organization of women who hold peaceful gatherings, in order to protest and expose the human rights situation that their families are facing, as alleged political dissidents in Cuba. The petitioners claim that their members attend Mass every Sunday in different Catholic churches, dressed in white and usually carry pictures of their relatives and flowers. After church services, they march silently through various streets throughout various locations in Cuba. In the request for precautionary measures, the following allegations are made:

a) There is a context of violent repression against the “Ladies in White”. Specifically, they claim that the marches and rallies of the proposed beneficiaries are known as “counterrevolutionary demonstrations” by the State authorities, who make threats, and perpetrate acts of harassment and violence against them, in order to prevent them from executing their activities. According to the petitioners, the State authorities operate, together with civil society groups known as “repudiation meetings” and “Rapid Response Brigades” (hereinafter BRR). These groups are “formed institutionally, in centers of work, study and neighborhoods, through social organizations”, who have
the mission of "rejecting anti-revolutionary movements and disturbances using simple weapons: sticks, steel bars and cables." The petitioners point out that the State authorities presumably summon these groups outside the homes of the proposed beneficiaries, seeking to prevent them from attending Mass. The “Ladies in White” that manage to leave their homes and attend Mass, are detained afterwards, with an excessive use of force by State security officers and by the National Revolutionary Police.

b) The detentions are imposed for short periods –of between 4 and 12 hours on average. In the detention centers, “the officers use violence, insults and sexual offenses, as a means of repression.” According to the petitioners, “they are locked away in dungeons, in unsanitary conditions, […] even sharing cells with men.” In some situations, they are “forced to undress or are stripped naked, […] to squat in order to check if they have items hidden in their genitals”. They claim that, in some cases, objects were introduced into the vagina of one of the detainees, “under the justification of searching for recording devices”. They assert that, on several occasions, officers made several comments and jokes about their genitals and underwear, among other things. During detention, they state that they are not allowed to make phone calls, drink water or eat. After the detentions, the “Ladies in White” are released and “left miles away from their homes, in unpopulated areas and away from public transport”.

c) In the past months the repression against the “Ladies in White” has increased, mainly in the towns of Matanzas, Cardenas and Colón. On July 7, 2013, the parish priest of the Church of “San José”, in the town of Colón, prevented members of the BRR from attacking seven “Ladies in White”. On July 14, 2013, after Mass, “a meeting of repudiation” beat several members of the organization, including Mrs. Sonia Alvarez Campillo, who suffered from a fracture of her left arm. On July 21, 2013, after attending Mass at the Church of the “Sacred Heart”, Municipality of Cárdenas, 14 “Ladies in White” were allegedly violently repressed by State authorities: in particular, Leticia Ramos who was hit in her right eye and on her head, for which she was diagnosed with head trauma. On August 4, 2013, there were new detentions of the proposed beneficiaries in the provinces of Holguín, Pinar del Río, Havana and Guantánamo. On August 11, 2013, when leaving the Church of the “Holy Conception”, Municipality of Cárdenas, eleven “Ladies in White” were arrested and beaten. In the case of Elizabeth Pacheco Lamas, she was beaten and dragged, leaving her with "excoriation on her knees".

d) During September 2013, the risk faced by the members of the “Ladies in White” increased and there were further detentions. On September 22, 2013, one detention in the province of Pinar del Río, five in Havana, two in Mayabeque, 19 in Matanzas, five in Villa Clara and three in Guantánamo were reported. On September 23, 2013, 13 arrests took place in Havana to prevent them from participating in the “literary tea” (book club) at the organization headquarters. On September 24, 2013, there were reports of two new arrests in Havana, in order to prevent them from participating in the commemoration of the “Las Mercedes Day”. Among the testimonies presented, the following may be highlighted: i) Katyuska Rodriguez Rivas, who was arrested on September 22, 2013, after Mass by members of the BRR, who beat her with an umbrella, while officials grabbed her by her arms; ii) Marielis Diaz Torres, when leaving her home at 8:00 am on September 22, 2013, to head to Mass at the Church of the "Cathedral", was intercepted by a security officer from the State. This person presumably detained her in an official woodwork shop until 11:00 am. They claim that the officer that held her reportedly warned her “that every Sunday would be the same.”

e) The petitioners allege that despite the acts of violence against them, the State ensures impunity for the perpetrators. In the words of the petitioners, “the personal safety and physical integrity of the group ‘Ladies in White’ is at risk and their lives are in danger, due to the acts of violence unleashed on them by […] State officials […], in order to prevent them from exercising their religious freedom, freedom of speech, association, assembly and expression.”

III. ANALYSIS OF THE ELEMENTS OF GRAVITY, URGENCY AND IRREPARABILITY

5. 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 Charter of the Organization of American States. 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. The mechanism of precautionary measures is set out 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.

6. The Inter-American Commission and the Inter-American Court of Human Rights have repeatedly established that precautionary and provisional measures have a dual nature, precautionary and protective. Regarding their protective nature, the measures seek to avoid irreparable harm and preserve the exercise of human rights. Regarding their precautionary nature, the measures have the purpose of preserving a legal situation being considered by the IACHR. Their precautionary nature aims to preserve those rights at risk until the petition in the Inter-American system is resolved. Its 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 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 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.

7. In the present situation, the Commission considers that the requirement of gravity is met, in view of the allegations of threats, acts of intimidation, and violence and a series of short-term detentions –including episodes in which they were allegedly forced, inter alia, to undress and undergo genital checks– against the “Ladies in White”. Specifically, the information suggests that the situation arises as a form of retaliation and intimidation against them, due to their peaceful protests in relation to the situation of their families, as political dissidents in Cuba.

8. In the context of the analysis of this requirement, the Commission notes that the information provided by the petitioners is consistent with the general information that the Commission has received on the hostile environment against members of the said organization, which manifests itself in constant physical attacks against them and a number of arbitrary short-term detentions. These circumstances have led the Commission to express concern in different Annual Reports from several years. In this regard, in Chapter IV of the Annual Report of 2012, about Cuba, the Commission noted an apparent exacerbation of the situation of the “Ladies in White”, in the context of the visit of Pope Benedict XVI to Cuba. In particular, concerning the constant harassment and detention against them, as a mechanism to limit or restrict their right of assembly or to self expression.

9. Similarly, the United Nations System has been continuously monitoring the situation of the “Ladies in White”, through different mechanisms and special procedures. In this regard, during 2012, the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression; on the rights to freedom of peaceful assembly and of association; on the freedom of religion or belief; and Special Rapporteur on Human Rights Defenders, provided particular follow-up to information received on the arbitrary detention, harassment and violation of the right of assembly of the members of the “Ladies in White”. In particular, the Rapporteurs

---

2 See: IACHR. Chapter IV – Cuba in the IACHR 2012 Annual Report; Chapter IV - Cuba in the IACHR 2011 Annual Report; Chapter IV – Cuba in the IACHR 2010 Annual Report; Chapter IV – Cuba in the IACHR 2009 Annual Report; Chapter IV – Cuba in the IACHR 2008 Annual Report; among others.

3 See: UN. Communications sent, in the framework of the Special Procedures of the Human Rights Council, by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of association and pacific assembly; Special Rapporteur on freedom of religion or creed; and Special Rapporteur on the situation of human rights defenders,” dated March 21, 2012 and October 9, 2012.
mentioned that they had “urge[d] the Government [...] to take all necessary measures to protect the rights and freedoms of members of the ‘Ladies in White’ organization and investigate, prosecute and impose appropriate sanctions on any person responsible for the violations against them.”

10. Taking into consideration the above-mentioned background and characteristics of the present situation, the Commission considers prima facie that the right to life and physical integrity of the members of the “Ladies in White” are at risk, due to their activities.

11. Regarding the requirement of urgency, the Commission considers that it is satisfied, as the alleged acts of violence and presumably repeated detentions have consistently increased over time, without protective measures being made available on behalf of the “Ladies in White”. In these circumstances, the Commission considers that various factors converge - the status of a specific group of female human rights defenders, who are constantly under the State’s custody in the context of short-term detentions. The situation requires the immediate adoption of special protection measures, in order to avert the various risk scenarios to which they are constantly exposed and allow them to carry out their activities safely.

12. On 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 physical integrity embodies the highest situation of irreparability.

13. Under Article 25.5, the Commission normally requests information from the State before taking a decision on request for precautionary measures, except in matters as in the present situation where the immediacy of the potential harm does not allow delays.

14. The Commission wishes to reaffirm the importance of the work of human rights defenders in the region. In this regard, the Commission has consistently indicated the importance of the work carried out by persons engaged in the promotion, monitoring and advocacy of human rights and the organizations to which many of them are affiliated. In this regard, the OAS General Assembly in its resolution AG/RES 2579 (XL-0/10) recognized the work that female human rights defenders are doing within the region and resolved to recognize that, in view of their gender-specific role and their needs and the particular risks they face by virtue of the discrimination they have traditionally suffered, women human rights defenders should be accorded special attention to ensure that they are fully protected and are effective in carrying out their important activities. In these circumstances, the Commission considers that acts of violence and other attacks against human rights defenders not only affect the guarantees of any human being, but they undermine their fundamental role in society and render all those that they represent, helpless.

IV. BENEFICIARIES

15. The request was submitted on behalf of the members of the “Ladies in White”, who represent approximately 237 persons, fully identified in the lists submitted by the petitioners and who may be identifiable due to their affiliation with the organization.

V. DECISION

16. In view of the above-mentioned information, the Commission considers that this matter prima facie meets the requirements of gravity, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that the Government of Cuba:

   a) adopt all necessary measures to protect the life and physical integrity of the members of the “Ladies in White” organization;

---

4 Ibid.
b) agree on the measures to be adopted with the beneficiaries and their representatives; and,

c) report on the actions taken to investigate the facts that gave rise to the precautionary measures, in order to prevent future incidents.

17. The Commission also requests the Government of Cuba to inform, within 15 days from the date of the issuance of this resolution, on the adoption of the required precautionary measures and to update said information on an ongoing basis.

18. 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 pre-judgment on any possible violation of the rights protected in the American Declaration and other applicable instruments.

19. The Commission orders the Secretariat of the Inter-American Commission to notify the State of Cuba and the applicants of this resolution.

20. Approved on the 28th day of October, 2013, by: José Orozco, President; Tracy Robinson, First Vice President; Rosa María Ortiz, Second Vice President; Commissioners Felipe González, Dinah Shelton and Rodrigo Escobar Gil.