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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 37/2022**

Precautionary Measure No. 768-21  
Félix Navarro Rodríguez regarding Cuba  
July 28, 2022  
Original: Spanish

**I. INTRODUCTION**

1. On August 23, 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 Foundation for Pan American Democracy (FDP) *Fundación para la Democracia Panamericana*, FDP (“the applicants”), urging the Commission to require that the State of Cuba (“the State” or “Cuba”) adopt the necessary measures to protect the rights to life, personal integrity, and health of Félix Navarro Rodríguez. According to the request, the proposed beneficiary is at risk in the context of his deprivation of liberty, considering his conditions of detention and the lack of medical attention.

2. The IACHR requested information from both parties on September 24, 2021. The applicants submitted additional information on September 30, 2021. On December 1, 2021, the IACHR requested updated information from the applicants and received a response on December 15, 2021. On June 30, 2022, the IACHR once again requested updated information from the applicants. On July 7, 2022, the applicants requested an extension, which the IACHR granted. Subsequently, the applicants submitted additional information on July 17, 2022. To date, the State has not submitted any information and the granted deadlines have since expired.

3. Upon analyzing the submissions of fact and law furnished by the applicants within the context they take place, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that his rights to life, personal integrity, and health are at risk of irreparable harm. Consequently, it requests that Cuba: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Félix Navarro Rodríguez; b) ensure that the conditions of detention of the proposed beneficiary are compatible with applicable international standards on the matter. In particular, among other measures, (i) provide medical care as prescribed by medical specialists, (ii) allow regular visits by family members and legal representation, (iii) assess in light of the conditions of detention and health of the proposed beneficiary whether the application of any alternative measure to deprivation of liberty is permitted, (iv) verify the sanitation and cleanliness of the place of detention, and (v) ensure access to food and drinking water for the proposed beneficiary, considering his age and medical condition; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions undertaken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

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

**A. Information provided by the applicants**

4. According to the request, the proposed beneficiary is a 68-year-old man and resident of the province of Matanzas in Cuba. He is president of a political party called *Partido por la Democracia “Pedro Luis Boitel”* and promoter of the citizen campaign “*Cuba Decide*”. The applicants alleged that the proposed

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beneficiary has been deprived of liberty since July 12, 2021, and has not received access to adequate medical treatment. He is currently being held in the Agüica maximum security prison.

5. On July 12, 2021, the proposed beneficiary and his daughter were reportedly detained when they went to the Police Station of the municipality of Perico to obtain information about members of the *Partido por la Democracia "Pedro Luis Boitel"* after they were detained in protests held on July 11, 2021. On that occasion, his daughter was reportedly released a few hours later. However, the proposed beneficiary was transferred to the Combinado del Sur prison in the city of Matanzas. Subsequently, on July 24, 2021, the proposed beneficiary was reportedly able to briefly communicate with his daughter via a telephone call. He allegedly indicated that he had been diagnosed with COVID-19 while in the prison and was therefore going to be transferred to the "Mario Muñoz de Monroy" Military Hospital in the city of Matanzas. On August 1, 2021, the proposed beneficiary reportedly informed his daughter that he still had COVID-19.

6. The proposed beneficiary's daughter stated that he was reportedly diagnosed with diabetes mellitus in 2016. He must take three daily pills of the drug glibenclamide, according to his medical prescription. Furthermore, he also requires the medicine Excedrin to treat his migraines. It was indicated that on August 3, 2021, the judicial authorities had rejected the habeas corpus appeal filed in favor of the proposed beneficiary.

7. On August 17, 2021, they informed the proposed beneficiary's daughter that he had been diagnosed with pulmonary chronic inflammation while in the Military Hospital. It was determined that this affected a third of his lungs and was a result of having had COVID-19. He also received insulin injections due to his blood glucose indexes at the Military Hospital. The proposed beneficiary stated that he had never before received this treatment. After 23 days in the Military Hospital, the proposed beneficiary was transferred to the Combinado del Sur prison. Upon returning to prison, he reportedly no longer received medical treatment for his pulmonary condition.

8. The request expressed that the proposed beneficiary's relatives allegedly received inconsistent medical certificates, to the extent that the information regarding Mr. Félix Navarro's health differs. Therefore, his relatives expressed concern regarding his health. In September 2021, his relatives and his attorney indicated that they had no information on the proposed beneficiary's detention conditions or health. They highlight that they were not allowed to carry out face-to-face visits since his detention. On August 23, 2021, the proposed beneficiary allegedly began a hunger strike in the prison. According to information from the Bishop of the Diocese of Matanzas, who visited the proposed beneficiary on September 11, 2021, he was reportedly extremely thin. As of September 20, 2021, he reportedly only weighed 60 kilos [132 pounds] following a 28-day hunger strike. The applicants alleged that the proposed beneficiary's health is in a delicate state after being infected with COVID-19 as an older adult. This was reportedly aggravated by the chronic diseases he allegedly has, such as diabetes mellitus. In addition, the proposed beneficiary reportedly has pulmonary inflammation and is not receiving medical treatment in this regard.

9. On October 15, 2021, the proposed beneficiary was allegedly locked in a cell that was not his for 20 minutes. When he returned to his cell, the proposed beneficiary found his belongings scrambled and the first 18 sheets of his notebook had been torn off. On October 22, 2021, following the family visit to the prison, a prison officer allegedly threatened to assault the detainees. Subsequently, on November 30, 2021, during a search, he was reportedly forced to walk over 300 meters while carrying all his belongings. In addition, a letter from Bishops was allegedly taken from him. On December 10, 2021, before taking the proposed beneficiary for the visit, they allegedly carried out two body searches and had his denture removed.

10. On April 19, 2022, during the appeal trial, the proposed beneficiary's sentence was confirmed to nine years in prison and his daughter was sentenced to eight years, for the alleged crimes of public disorder, contempt, and attack. The proposed beneficiary was transferred to the Agüica maximum security prison. The applicants stated that, in recent months, the proposed beneficiary's health has deteriorated. In May 2022, he suffered from scabies, a contagious skin disease that prisoner get as a result of the prison's lack of hygiene. Moreover, towards the end of May and the beginning of June 2022, he had multiple chest infections. In this regard, the physician identified a "staphylococcal" infection, which required treatment with injectable antibiotics. On the other hand, during the first days of June 2022, he had otitis.

11. In this line, the applicants indicated that the medication the proposed beneficiary needed for his diabetes was in shortage during 15 days in the prison of Agüica. In addition, the substitute medication they reportedly administered caused diarrhea and vomiting. Moreover, after being released from the Military Hospital in August 2021, he reportedly was not ordered X-ray exams or any other medical care to date, despite the pains he allegedly experiences in his left lung as a result of the COVID-19 infection. The prison in Agüica allegedly lacks access to simple medicines and does not facilitate medical consultations with specialists.

12. On July 6, 2022, the proposed beneficiary's wife, Sonia Álvarez Campillo, was able to visit him in the prison. His wife therefore verified that the proposed beneficiary had high fevers, lack of appetite, and head colds, in addition to having lost a lot of body mass. However, he reportedly did not receive medical attention in this regard. Regarding his diabetes mellitus, the authorities were allegedly not carrying out the necessary diabetes controls and the state of the disease is reportedly unknown at present.

## **B. Response from the State**

13. On September 24, 2021, the IACHR requested information from the State regarding the proposed beneficiary's situation. To date, the State has not submitted a response and the granted deadlines have since expired.

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

14. The precautionary measures mechanism is part of the Commission's 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 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. 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 irreparable harm to persons.

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 protective and precautionary.<sup>1</sup> Regarding the protective

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<sup>1</sup> See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16. [only in Spanish].

nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>2</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>3</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>4</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- 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. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>5</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>6</sup> This is better suited to be addressed by the Petition and Case system. The following analysis

<sup>2</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>3</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>4</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>5</sup> See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>6</sup> IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14 [only in Spanish]; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33 [only in Spanish].

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relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>7</sup>

17. As a context, the Commission recalls that in its 2021 Annual Report it included Cuba's situation within Chapter IV.B. On that occasion, the Commission recalled the repercussions of the protests in Cuba on July 11, 2021. These have given rise to a situation of exacerbation of the repression of dissidence in the country and serious violations of human rights.<sup>8</sup> During these demonstrations, the IACHR received information regarding dozens of people who were injured as a result of the disproportionate use of force by the police, as well as threats, harassment and stigmatization directed at demonstrators.<sup>9</sup> The IACHR was informed of allegations of hundreds of arbitrary detentions and other violations of due process guarantees, ill-treatment, and deplorable detention conditions. In addition, a reinforced practice of surveillance and monitoring of the homes of activists was also reported.<sup>10</sup> In addition, civil society organizations denounced that, regarding the people who participated in the protests, legal proceedings that tend to criminalize them have been filed.<sup>11</sup> Furthermore, the Commission recalls that during the hearing on the "Human rights situation in the context of the protest in Cuba", held on October 21, 2021, civil society organizations denounced that, regarding the people who participated in the protests, judicial processes have been presented that tend to criminalize them and that would have resulted in the request for high sentences by the Prosecutor's Office.

18. On July 11, 2022, one year after the mass protests in Cuba, the Commission condemned the persistence of state repression against people who participated in or supported the social demonstrations.<sup>12</sup> The IACHR urged the State to put an end to all repressive actions and guarantee the human rights of those who were detained and accused.<sup>13</sup>

19. In view of the allegations presented in the request for precautionary measures, the Commission understands that it is part of the Cuban context that has been followed by the IACHR within the framework of its monitoring powers. In this regard, the applicants have alleged that the proposed beneficiary's current situation is related to the support that he reportedly provided to the members of the party that he chairs, *Partido por la Democracia "Pedro Luis Boitel"*, during the detentions that took place in the protests of July 11, 2021, in Cuba (see *supra* para. 5).

20. Taking into account the specific context in the State of Cuba, the Commission proceeds to analyze the regulatory requirements regarding Mr. Félix Navarro Rodríguez. In analyzing these requirements, the Commission also observes that the proposed beneficiary is deprived of his liberty with a confirmed criminal conviction in second instance (see *supra* para. 10). In this regard, the Commission recalls that, in relation to persons deprived of liberty in general, the State is in a special position of guarantor, inasmuch

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<sup>7</sup>In this regard, the Court has indicated that "[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons." See in this regard: I/A Court H.R. *Matter of James et al. regarding Trinidad and Tobago*. Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. *Case of Barrios Family v. Venezuela*. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>8</sup>IACHR. *Annual report of the Inter-American Commission on Human Rights 2021*. OAS/Ser.L/V/II.doc 64 rev. 1, May 26, 2022, Chapter IV.b Cuba, para. 4.

<sup>9</sup>IACHR. *Annual report of the Inter-American Commission on Human Rights 2021*. OAS/Ser.L/V/II.doc 64 rev. 1, May 26, 2022, Chapter IV.b Cuba, para. 35.

<sup>10</sup>IACHR. *Annual report of the Inter-American Commission on Human Rights 2021*. OAS/Ser.L/V/II.doc 64 rev. 1, May 26, 2022, Chapter IV.b Cuba, para. 37.

<sup>11</sup>IACHR. *Annual report of the Inter-American Commission on Human Rights 2021*. OAS/Ser.L/V/II.doc 64 rev. 1, May 26, 2022, Chapter IV.b Cuba, para. 39.

<sup>12</sup>IACHR, *One Year After Historic Protests, IACHR Condemns Persistent Repression of Demonstrators in Cuba*, July 11, 2022

<sup>13</sup>IACHR, *One Year After Historic Protests, IACHR Condemns Persistent Repression of Demonstrators in Cuba*, July 11, 2022

as the prison authorities exercise a strong control or command over the persons subject to their custody.<sup>14</sup> This is due to the unique relationship and interaction of subordination between the person deprived of liberty and the State, characterized by the particular intensity with which the State can regulate their rights and obligations, and by the very circumstances of imprisonment, where prisoners are prevented from satisfying on their own a series of basic needs that are essential for the development of a dignified life<sup>15</sup>. More specifically, the Commission recalls that, based on the principle of non-discrimination, the Inter-American Court has indicated that this duty implies the State's obligation to guarantee their physical and mental health, specifically through the provision of a regular medical review and, when required, of adequate, timely and, where appropriate, specialized medical treatment according to the special needs of care required by the detainees in question.<sup>16</sup>

21. With regard to the requirement of *seriousness*, the Commission considers that it has been met. In reaching this determination, the Commission takes into account the following elements:

- i. The proposed beneficiary is an older adult who is 68 years old. In addition, he has a number of medical conditions, such as diabetes mellitus and migraines.
- ii. After his detention on July 12, 2021, in the framework of the protests in Cuba, the proposed beneficiary was only able to communicate with his family after 12 days upon being transferred to the Combinado del Sur prison in Matanzas.
- iii. There are serious difficulties in obtaining information about his detention conditions, despite being in State custody. It was also alleged that, in September 2021, his family members and attorney were reportedly prevented from visiting him in person. The available information indicates that there is no periodicity for family visits. Subsequently, only three visits were reportedly carried out in the span of approximately one year: in October 2021, December 2021, and July 2022. In September 2021, he allegedly received a visit from a bishop.
- iv. Regarding his health, the available information indicates that the family members claim that the proposed beneficiary is not being provided adequate medical treatment, despite it being prescribed. They have received inconsistent medical information (see para. 8). In this regard, the following is noted:
  - a. There is no information as to whether the proposed beneficiary received his diabetes mellitus medication (see *supra* para. 6);
  - b. After being infected with COVID-19, the proposed beneficiary was diagnosed with "chronic inflammatory lesion" in August 2021, which allegedly affects one third of his lungs (see *supra* para. 7);
  - c. He is reportedly not receiving medical attention for his pulmonary condition (see *supra* para. 7);

<sup>14</sup>See in this regard: I/A Court H.R. *Case of Mendoza et al. v. Argentina*. Preliminary Objections, Merits and Reparations. Judgment of May 14, 2013. Series C No. 260, para. 188; IACHR. *Report on the Human Rights of Persons Deprived of Liberty in the Americas*. OEA/Ser.L/V/II., Doc. 64, December 31, 2011, para. 49.

<sup>15</sup>IACHR. *Report on the Human Rights of Persons Deprived of Liberty in the Americas*. OEA/Ser.L/V/II., Doc. 64, December 31, 2011, paras. 49-50.

<sup>16</sup>I / A Court HR. *Case of Chinchilla Sandoval et al. v. Guatemala*. Preliminary Exception, Fund, Reparations and Costs. Judgment of February 29, 2016. Series C No. 312, para. 171.

- d. The proposed beneficiary is reportedly being administered drug that he had never previously received for his medical condition, such as insulin injections in response to decompensated blood glucose levels (see *supra* para. 7);
- e. Despite his medical condition, in October 2021, the proposed beneficiary was allegedly forced to walk 300 meters with his belongings, which is particularly serious given the severe injuries to his lungs (see *supra* para. 9);
- f. In May 2022, he suffered from scabies due to the alleged lack of hygiene in the penitentiary. Moreover, towards the end of May and the beginning of June 2022, he had multiple chest infections (see *supra* para. 10);
- g. In the Agüica prison, the replacement for his diabetes medicine allegedly caused diarrhea and vomiting (see *supra* para. 11);
- h. In July 2022, it was indicated that X-ray examinations were still reportedly pending. It was also indicated that the prison in Agüica, where he is currently being held, allegedly does not have access to simple medicines nor medical consultations with specialists (see *supra* para. 11);
- i. In July 2022, the proposed beneficiary's wife verified that he had high fevers, lack of appetite, and head colds, in addition to having lost a lot of body mass (see *supra* para. 12).

22. In addition to the above, the Commission observes that the applicant's allegations are consistent with the information that has been received since the country's monitoring. In this regard, in 2020, concerning information was received on deplorable conditions of detention of persons deprived of liberty in Cuba, such as prison overcrowding; insufficient medicines, food, and drinking water; inadequate hygiene and sanitation; poor medical assistance; and wide margin of discretion available to its agents in guaranteeing order within prisons.<sup>17</sup> Consequently, in February 2022, the IACHR expressed concern about the people detained as a result of their participation in the protests of July 2021 in Cuba. They remain in detention with high levels of overcrowding, lack of access to drinking water and adequate food, negligent medical care, and under the use of isolation measures.<sup>18</sup>

23. In this matter, the Commission observes that the proposed beneficiary is an older adult who has been suffering from various medical conditions that have arisen and aggravated while he has been deprived of his liberty since July 2021. The Commission also notes with particular concern that, to date, the family members are not certain about the proposed beneficiary's actual medical situation, as they have been receiving inconsistent information. Similarly, the available information reveals that there are serious limitations on the family members and attorneys' ability to obtain information on his detention conditions. The scarce information that was obtained reveals that there is reportedly no adequate medical care. In addition, on one occasion he was forced to walk 300 meters despite the serious lung injury he has a result of his COVID-19 infection, which is especially concerning given the proposed beneficiary's age. Notwithstanding the appeals lodged, the Commission understands that no measures have been taken in favor of the proposed beneficiary.

24. After requesting information from the State under Article 25 of the Rules of Procedure, the Commission regrets Cuba's lack of response. Therefore, the Commission does not have information to

<sup>17</sup>IACHR. Human Rights Situation in Cuba. OEA/Ser.L/V/II., Doc. 2, February 3, 2020, par. 373

<sup>18</sup>. [IACHR Expresses Concern Over Ongoing Detention and Prosecution of People Who Took Part in Protests in Cuba](#) February 16, 2022

verify that the alleged situations that place the proposed beneficiary at risk have been mitigated or that measures have been taken to safeguard his rights. In this sense, the Commission does not have elements that distort the applicants' allegations, which are also consistent with the information received from the thematic and country monitoring. The Commission once again regrets the lack of response from the State, which prevents it from knowing its position on this matter. On the contrary, as narrated by the applicants, the described situation that placed the proposed beneficiary at risk reportedly arises from the action of State agents. This places the proposed beneficiary in a situation of vulnerability, as they are in the custody of these agents.

25. Given the above, the Commission considers, from the applicable *prima facie* standard, that it is sufficiently proven that the rights to life, personal integrity, and health of Félix Navarro Rodríguez are at serious risk.

26. With regard to the *urgency* requirement, the Commission considers that it has been met, insofar as the proposed beneficiary continues to be deprived of his liberty in the aforementioned circumstances and may become subject to further infringements of his rights, thus requiring immediate action. This is especially relevant when considering the proposed beneficiary's age and his medical conditions in the face of allegations of a lack of adequate medical care. In addition, the Commission does not have specific or sufficient information from the State to assess the actions that are being taken to address the alleged risk that the proposed beneficiary faces.

27. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, since the potential impact on the rights to life, personal integrity, and health constitutes, by its very nature, the maximum situation of irreparability.

#### **IV. BENEFICIARY**

28. The Commission declares Félix Navarro Rodríguez as the beneficiary of these precautionary measures. He is duly identified in this procedure.

#### **V. DECISION**

29. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, it requests that Cuba:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Félix Navarro Rodríguez;
- b) ensure that the conditions of detention of the proposed beneficiary are compatible with applicable international standards on the matter. In particular, among other measures, (i) provide medical care as prescribed by medical specialists, (ii) allow regular visits by family members and legal representation, (iii) assess in light of the conditions of detention and health of the proposed beneficiary whether the application of any alternative measure to deprivation of liberty is permitted, (iv) verify the sanitation and cleanliness of the place of detention, and (v) ensure access to food and drinking water for the proposed beneficiary, considering his age and medical condition;

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- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
  - d) report on the actions undertaken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

30. The Commission also requests that the State of Cuba report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

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

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

33. Approved on July 28, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary