

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 54/2025**

Precautionary Measure No. 799-20
Maikel Herrera Bones regarding Cuba
August 8, 2025
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Maikel Herrera Bones in Cuba. On December 8, 2024, the representatives reported that the beneficiary had died due to lack of adequate medical care. Consequently, the Commission expressed its regret over the occurrence, observing that the protection measures are ineffective in the absence of the person they were intended to safeguard. It has therefore decided to lift these measures.

II. BACKGROUND INFORMATION

2. On October 14, 2020, the Commission requested the adoption of precautionary measures under Article 25 of its Rules of Procedure, in order to prevent irreparable harm to the life and personal integrity of human rights defender Maikel Herrera Bones. It was alleged that he was at risk while being deprived of his liberty in Cuba given that he had HIV/AIDS and severe immunosuppression and was not receiving the medical treatment he required. Through its resolution, the Commission requested that the State: a) implement the necessary measures to protect the life, personal integrity and health of Mr. Maikel Herrera Bones, by adopting immediate measures that facilitate his access to adequate medical treatment, including the necessary medications in accordance with what has been prescribed by the corresponding health professionals, as well as the assessments and examinations that make it possible to regularly evaluate his state of health, in accordance with the applicable international standards; b) agree upon the measures to be implemented with the beneficiary and his representatives; and, c) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution with the aim of avoiding their repetition.¹

3. The Pan American Development Foundation (FDP) exerts representation before the Commission.

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

4. During the time the precautionary measures were in force, the Commission followed-up on the situation by requesting information from the parties. In this regard, communications have been recorded on the following dates:

	State	Communications by the representation	IACHR
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¹ Inter-American Commission on Human Rights (IACHR), [Resolution 69/2020, Precautionary Measures No. 799-20](#), Cuba, October 14, 2020.

2023	No communications	No communications	November 16
2024	No communications	December 8	November 25
2025	No communications	No communications	February 25

5. By communications dated November 16, 2023 and November 15, 2024, the Commission requested information from the representatives in order to evaluate keeping the precautionary measures in force. On December 8, 2024, the representatives submitted its response, which was forwarded to the State on February 25, 2025. During the time the precautionary measures were in force, the State did not respond to the Commission.

A. Information provided by the representation

6. On December 8, 2024, the representatives reported that the beneficiary had died that same day in Havana. They added that, in October 2024, his family requested a humanitarian visa to seek medical care abroad, given that the Institute of Tropical Medicine Pedro Kourí (IPK) was unable to stabilize his critical conditions. The beneficiary's cousin stated that he was incoherent and presented an evident neurological deterioration. The representatives believe that the beneficiary's death was a result of his deteriorating health and the lack of medical care caused by his affected human rights situation.

IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

7. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

8. 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 protective and precautionary.² Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁴ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by

² Inter-American Court of Human Rights (I/A Court H.R.), [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

³ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish).

⁴ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 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. 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.

9. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

10. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.⁵ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁶ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁷

11. In this matter, the Commission emphasizes that precautionary measures were granted in 2020 in favor of Maikel Herrera Bones due to the risks arising from his overall wellbeing, health conditions, and the potential consequences of not receiving adequate medical treatment while deprived of his liberty. The Commission warned that the risk that the beneficiary was facing could be exacerbated given his status as a human rights defender.

12. The Commission notes that, since the precautionary measures were granted, the State of Cuba had not provided information in response to the requests. In regard to the lack of response from the State, the Commission recalls that failure to comply with the state duty to report on all the measures adopted in the implementation of its decisions is particularly serious, given the legal nature of these measures that seek to prevent irreparable harm to persons in serious and urgent situations.⁸ The duty to report constitutes a dual

⁵ I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17 (Available only in Spanish).

⁶ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited.

⁷ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited.

⁸ I/A Court H.R., [Matter of Communities of Iguamiandó and Curvaradó regarding Colombia](#), Provisional Measures, Order of February 7, 2006, considerandum 16; Case of Luisiana Ríos et al. (Radio Caracas Televisión – RCTV), Provisional Measures, Order of September 12, 2005, considerandum 17.

obligation that requires, for its effective fulfilment, the formal presentation of a document in due time and the specific, true, current and detailed material reference to the matters related to such obligation.⁹

13. Notwithstanding the previous assessment, in 2024, the representatives reported the beneficiary's death, and added that the health care he was receiving was inadequate. The Commission regrets his death and considers the matter moot, given that the person under protection has passed away. Consequently, the requirements established in Article 25 of its Rules of Procedure are no longer met. If a petition is filed, the Commission may assess the State's possible international responsibility for the alleged facts.

14. Lastly, and in line with the Inter-American Court's position in various matters,¹⁰ the lifting of precautionary measures or the declaration of non-compliance does not constitute a decision on the merits of the case should it be submitted to the inter-American system through a petition, nor does it prejudice the determination of state responsibility for the alleged events. Nor does it imply that the State effectively complied with the IACHR request to protect the rights of the beneficiary.

V. DECISION

15. The Commission decides to lift the precautionary measures granted in favor of Maikel Herrera Bones, in Cuba.

16. The Commission instructs its Executive Secretariat to notify this resolution to the State of Cuba and the representatives.

17. Approved on August 8, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

⁹ I/A Court H.R., [Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia](#), previously cited.

¹⁰ I/A Court H.R., [Matter of Guerrero Larez, Provisional Measures regarding Venezuela](#), Order of August 19, 2013, considerandum 16; [Matter of Natera Balboa, Provisional Measures regarding Venezuela](#), Order of August 19, 2013, considerandum 16.