

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 75/2025**

Precautionary Measure No. 218-11

Yris Tamara Pérez Aguilera regarding Cuba

November 8, 2025

Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of Yris Tamara Pérez Aguilera in Cuba. Despite several requests for information, the IACHR has not received a response from the representation since 2013. The State did not respond to the requests. Upon not identifying compliance with the requirements set forth in Article 25 of its Rules of Procedure, and given that 12 years have elapsed without information from the beneficiary, the IACHR has decided to lift these precautionary measures.

II. BACKGROUND INFORMATION

2. On July 6, 2011, the IACHR granted precautionary measures in favor of Yris Tamara Pérez Aguilera, in Cuba. In the request, it was alleged that Yris Tamara Pérez Aguilera, then leader of the Rosa Parks Feminist Movement and a political dissident, was the victim of physical assaults, harassment, and threats at the hands of state agents. It was reported that, following an assault on May 25, 2011, she experienced cervical trauma, memory loss, and headaches, and did not receive the medical treatment she required. The Commission requested that the State of Cuba adopt the necessary measures to guarantee her life and physical integrity; consult and agree upon the measures to be adopted with her and her representatives; and report on the actions taken to investigate the facts that led to the adoption of precautionary measures.¹

3. *Directorio Democrático Cubano* 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
2013	No communications	April 8, April 18, May 17	No communications
2023	No communications	No communications	January 19, November 28
2024	No communications	No communications	June 4
2025	No communications	No communications	August 1

5. During the time the precautionary measures were in force, the State has not responded despite the requests for information. Even though repeated requests for information were submitted, the Commission has not received any communications from the representation regarding the beneficiary's situation since May 2013. In recent communications from the IACHR, the representation was informed that

¹ IACHR, [2011 Annual Report](#), Chapter III, OEA/Ser.L/V/II, Doc. 69, December 30, 2011, para. 44.

updated information was required to assess whether it remained relevant to keep the precautionary measures in force.

Information provided by the representatives

6. In 2011, the representation reported that the beneficiary had been subjected to harassment, assault, and deprivation of liberty, particularly when she participated in marches in the city. On September 26, 2011, while protesting against the detention of several colleagues in front of a police station, the beneficiary and others were beaten by police officers. On November 14, 2011, the beneficiary's health worsened after a blow to the neck inflicted by a police officer weeks earlier.

7. In 2012, State Security agents detained the beneficiary to reportedly prevent her from going to the hospital to seek medical attention for the aftereffects of the beating she had received on May 25, 2011. The representation indicated that the beneficiary was once again detained after participating in protests on January 12 and 18, February 6, and March 1, 13, and 15. On June 10, within the framework of a march, the beneficiary was detained and separated from the rest of her colleagues and husband. Once transferred to the unit, the representation reported that the beneficiary was beaten, causing her to vomit and lose consciousness.

8. In 2013, authorities reportedly detained and beat the beneficiary and other members of the Rosa Parks movement, and subsequently left them in inhospitable and isolated locations. On March 7, the beneficiary was beaten by the authorities during a march. On March 12, she was referred to Arnaldo Milián Hospital, and a medical diagnosis recommended that she be admitted for a neurological examination. On March 25, she went to Placetas General Hospital, where a neurosurgeon determined that she needed to be hospitalized but cautioned that he could not admit her due to external pressures. The following day, a physician at the Sancti Spíritus Provincial Hospital examined the beneficiary and referred her to a neurosurgeon. The representation emphasized that State Security agents were present during all hospital visits and spoke with physicians and specialists. Moreover, it was noted that on March 11, 2013, the beneficiary's relatives took formal steps to report the assault and request urgent medical attention. The letters were delivered to the municipal headquarters of various institutions, but the authorities did not issue any response.

9. Since 2013, the Commission has received no further communications from the representation, despite requests for information regarding her situation.

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

10. 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.

11. 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 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.

12. 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.

13. 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

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).

⁵ I/A Court H.R., [Case of Fernández 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 Fernández Ortega et al.](#), previously cited.

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

14. In this matter, the Commission recalls that the precautionary measures were granted in 2011 in favor of Yris Tamara Pérez Aguilera due to the risk she faced as a result of the physical assaults she experienced in the context of the mobilizations she carried out as leader of the Rosa Parks Feminist Movement in Cuba. In its follow-up on this matter, the Commission observed that the events that placed her at risk were ongoing. However, it should be noted that, since 2013, the representation has not submitted any response, despite requests for information.

15. The Commission observes that, since the precautionary measures were granted, the State of Cuba has not provided a response to the requests for information. In this regard, the Commission recalls, following the Inter-American Court, that failure to comply with the State duty to report on all the measures adopted in compliance with its decisions is particularly serious, given the legal nature of these measures, which seek to prevent irreparable damage to persons in situations of gravity and urgency.⁸ The obligation to report is twofold, which, for effective compliance, requires the formal submission of a document within the specified time limit and the specific, updated, detailed and factual information on the issues to which this obligation refers.⁹

16. With regard to the representatives, the Commission recalls their procedural activity in the framework of this proceeding is necessary in order to timely analyze the relevant observations and, in general, provide specific and detailed information to evaluate whether the precautionary measures should remain in force taking into account their considerations.¹⁰ Otherwise, the Commission does not have sufficient elements to analyze whether the precautionary measures should remain in force. As the I/A Court H.R. has indicated, if the beneficiaries' representation wishes to keep these measures in force, they must present proof of reasons for this end.¹¹

17. After more than 12 years without receiving information from the representation, the Commission considers that it lacks concrete and up-to-date information enabling it to determine whether the beneficiary is currently facing a serious and urgent risk of irreparable harm to her rights, as required under Article 25 of the Rules of Procedure. Given that there are no elements to support the requirements of seriousness, urgency, and risk of irreparable harm, and bearing in mind the temporary and exceptional nature of the precautionary measures,¹² the Commission decides to proceed with the lifting of this matter.

18. Lastly, and in line with the Inter-American Court's position in various matters,¹³ 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 complied with the IACHR request to protect the rights of the beneficiary.

V. DECISION

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

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

¹⁰ I/A Court H.R., [Case of Coc Max et al. Guatemala](#), Provisional Measures, Order of February 6, 2019, Considerandum 12 (Available only in Spanish).

¹¹ I/A Court H.R., [Matter of Luisiana Ríos et al. regarding Venezuela](#), Provisional Measures, Order of August 22, 2018, considerandum 3 (Available only in Spanish).

¹² I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.

¹³ 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.

19. The Commission decides to lift the precautionary measures granted in favor of Yris Tamara Pérez Aguilera, in Cuba.

20. The Commission recalls that the lifting of the measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of its Rules of Procedure.

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

22. Approved on November 8, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary