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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 41/2024**

Precautionary Measure No. 529-24  
Fray Pascual Claro Valladares regarding Cuba  
June 30, 2024  
Original: Spanish

**I. INTRODUCTION**

1. On May 6, 2024, 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 Cuban Observatory of Human Rights – OCDH (“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 Fray Pascual Claro Valladares (“the proposed beneficiary”). According to the request, he is being deprived of his liberty and does not have access to adequate medical attention as he is allegedly not receiving treatments for his health issues.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure, on May 15, 2024, the Commission requested information from the applicant, who responded on May 25, 2024. On June 12, 2024, the Commission requested information from Cuba. However, despite the expiration of the given deadline, the State has not submitted its response to date.

3. Upon analyzing the submissions of fact and law furnished by the applicants, the Commission considers 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, based on Article 25 of its Rules of Procedure, the Commission requests that Cuba: a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Fray Pascual Claro Valladares; b) implement the necessary measures to ensure that his detention conditions are compatible with applicable international standards. In particular, ensure that he is not subject to threats, intimidation, harassment, or violence. Furthermore, that the appropriate medical diagnoses be carried out, that his medical treatment be determined, and that such treatment is effectively provided; c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicant**

4. According to the request, between August 19 and 20, 2022, protests took place in Nuevitas, Camagüey, Cuba, due to frequent power outages in residential areas. The demonstrations were reportedly peaceful and sought an end to the power outages. Fray Claro Valladares was part of these protests in the “Pastelillo” neighborhood and used his social media accounts to report the police violence he witnessed during the event.

5. On August 24, 2022, the police arrived at the proposed beneficiary’s house to summon him, but only found his mother at the residence. His mother was told that if the proposed beneficiary did not go to the police station, the Police Sector Chief and a State Security officer would take him by force due to possible disobedience charges. They allegedly assured his mother that there was no reason to be concerned, and that

they would only advise the proposed beneficiary not to participate in further protests. Hours later, Fray Claro was detained upon his arrival at the station and the applicants question the grounds for this detention.

6. The applicants reported that the proposed beneficiary was detained and held in solitary confinement at the Nuevitas Police Unit until August 27, 2022. On that date, he was transferred to the “GARRIDO” Province Unit of Instruction and Investigation of the State Security in Camagüey. At this location, he was allegedly held in strict isolation conditions within a small and unsanitary cell, and was not provided with a mattress. During this time, he was also allegedly subjected to repeated interrogations to force him to incriminate himself. On August 30, 2022, a provisional detention decision was made, decreed by a prosecutor assigned to the case, whose identity was not provided. This suggests a violation of his right to legal complaint and petition.

7. On September 12 and 13, 2022, Fray Claro’s mother was arrested and taken to the State Security office in Nuevitas. She was reportedly forced to testify, under duress, that both her and her son participated in violent acts during the August 2022 protests. The interrogators insisted that the proposed beneficiary and his mother had thrown stones at public officers and that she had organized the protests from her home. Moreover, they claimed that Fray Claro promoted the protests on the internet and falsely presented incriminating statements from a witness, without allowing him access to the record or a witness confrontation proceeding. The proposed beneficiary was allegedly threatened with the imprisonment of his mother and with having his younger siblings sent to an orphanage if he did not plead guilty. The applicants reported that the proposed beneficiary continued to state that the allegations against him were false.

8. Since November 1, 2022, the proposed beneficiary has been repeatedly transferred between prisons, including the prison “Unidad 26”, where he allegedly faced intimidation and mistreatment from other inmates. In February 2023, he was transferred to the Kilo 9 prison in Camagüey, where he was allegedly beaten by prison guards and received injuries that were not documented by physicians. Regarding this assault, his mother stated that Fray Claro called her on February 24, 2023, saying: “help me, the chief of the prison and the second in command gave me a beating, they beat me hard, they handcuffed me, they hit me on the floor [...]” The beating was allegedly inflicted by the Prison Chief, the second in command and another prison officer, after the proposed beneficiary protested for having been violently pushed to the floor. The three of them beat him, tried to silence him with a chokehold, broke his mouth area and injured his foot by kicking him on the floor.

9. In March 2023, he was transferred to the Cerámica Roja prison, where he reportedly endured ongoing harassment and was subjected to interrogations until October 2023, when the criminal investigation concluded and the case was referred to the court. The detention conditions in the Cerámica Roja prison were reported as inadequate, as well as with insufficient food and sanitary/hygienic supplies. Given the lack of medicinal supplies in the prison, the proposed beneficiary’s mother reportedly had to deliver basic necessities, such as bedding, toiletries and food.

10. Fray Claro Valladares’ trial was held on January 18 and 19, 2024. On April 16, 2024, he was sentenced to ten years in prison for sedition. On April 27, 2024, the proposed beneficiary attempted to commit suicide in the Cerámica Roja prison. The attempt was made after he was notified of his sentence. Although Fray Claro was taken to the hospital for a brief medical evaluation, he was discharged in less than 24 hours, contrary to the standard protocol for suicide attempts in prison which requires at least 72 hours of psychiatric monitoring and care. It was alleged that the proposed beneficiary returned to the prison without having received adequate psychiatric care. He was allegedly relocated to an isolation cell as punishment for his suicide attempt. According to the request, he was not provided with the care and treatment necessary to address his emotional instability, and prison guards mocked his attempt, calling it a “little stunt.”

11. The proposed beneficiary's mother reported that it was not the first time he had attempted suicide, especially under a lot of stress. She also stated that her son had been medicated for anxiety and psychological disorders since he was a child, but this treatment has been reportedly paused since his imprisonment. She also alleged that her son suffers from chronic asthma, does not receive adequate treatment, and has only received one inhaler of salbutamol since his arrest. His current weight is reported to be approximately 47 kg, with continued weight loss. His assigned dietary regime was allegedly revoked months ago, as authorities argued that it was not necessary.

12. According to the applicants, the Cerámica Roja prison guards remind the proposed beneficiary almost daily that he is classified as a "CR" (counterrevolutionary) inmate. Therefore, his rights and benefits in prison are different from those of the other common prisoners, without complying with the Penal Execution Law and its regulations. The punishments and scope of disciplinary measures against him are determined by State Security orders. The prison guards regularly warn the proposed beneficiary to change his political views, to cooperate with the system, and to stop his mother from protesting against the political party and Cuban authorities.

13. Since April 24, 2024, the prison guards reportedly tell the proposed beneficiary that he will serve the full ten-year sentence if he and his mother continue to report his situation and the violations he experiences on social media. They also threaten to deny him parole, furlough, medical care, family visits, phone calls, medication, and food deliveries. In addition, he is allegedly told that he is "weak" and that he must "accept his imprisonment."

14. Fray Claro Valladares' mother reported that, every time she learns of the alleged violations, she requests meetings with the Prison Chief and the center's prosecutor to assess whether the penitentiary actions are legal and to avoid impunity. She issues the complaints orally and seeks answers from the prison authorities, but never receives a written statement. Most of her complaints are reportedly dismissed orally while others remain unanswered. The proposed beneficiary's mother allegedly does not have the financial resources to cover her son's needs while he is held in prison, which prevents her from hiring legal services, covering transportation, and meeting other costs.

15. Fray Claro Valladares' mother is constantly advised not to file complaints within Cuba, as the authorities reportedly do not investigate or seek justice in favor of the "counterrevolutionaries." She reportedly told the applicants the following:

"[The proposed beneficiary] is always very nervous, increasingly fearful and uneasy with each visit, his frail body trembles constantly. At the Cerámica prison, in Camagüey, he said that someday, when there aren't any guards close to him and if he is able to come out sane or alive, he will talk about the different forms of psychological torture he has been subjected to for him to plead guilty and/or change the attitude he has shown against the prison guards [...]. Fray has a lot to tell you, he fears for his life and mental health. He is a very unstable young man who could possibly attempt to commit suicide."

**B. Response from the State**

16. On June 12, 2024, the Commission requested information from Cuba. However, despite the expiration of the given deadline, the State has not submitted its response to date.

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

17. The precautionary measures mechanism is part of the Commission's function of 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, 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.

18. 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 nature, these measures seek to avoid irreparable harm and to 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, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.<sup>3</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their objective 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 allow 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, 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.

29. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be

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<sup>1</sup> I/A Court H.R., Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), Request for Provisional Measures submitted by the IACHR 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.

<sup>2</sup> 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; Matter 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.

<sup>3</sup> I/A Court H.R. Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5; Matter of Internado Judicial Capital El Rodeo I and El Rodeo II, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

<sup>4</sup> I/A Court H.R., Matter of El Rodeo I and El Rodeo II Capital Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19. <sup>5</sup>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 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19. <sup>5</sup> 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 August 23, 2018, considerandum 13; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of Fundação CASA, Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

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 determine any individual 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 analysis performed herein 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>

30. The Commission also considers the current context of Cuba when assessing the alleged facts. In its 2023 Annual Report, the IACHR once again categorized Cuba under Chapter IV.B.<sup>8</sup> In this context, the Commission highlighted the continued violations of rights such as freedom, security and personal integrity, protection against arbitrary detention, inviolability of the home, minimum judicial guarantees, and judicial protection. This particularly affects political dissidents, social leaders, activists, human rights defenders, and independent journalists.<sup>9</sup>

31. In its 2023 Annual Report, the Commission emphasized that persons who are arbitrarily detained for political reasons receive differentiated treatment, marked by violations of due process and judicial guarantees, accusations for the most serious crimes in the Penal Code, disproportionate sentences, physical abuse, psychological violence, and even torture during their detention.<sup>10</sup> Moreover, harassment and repression against persons deprived of their liberty were documented, both by the authorities and by other detainees who allegedly acted in complicity with the authorities of the penal centers and State Security.<sup>11</sup>

32. When analyzing the requirement of *seriousness*, the Commission considers that it has been met. In the context indicated above, the Commission takes into account that the current detention conditions that Mr. Claro Valadares faces are due to the fact that he is described as “counterrevolutionary” and because he protested against the current government of Cuba.

33. The Commission considers that he is currently in a particularly serious situation. To reach this determination, the Commission takes into account that he has been in state custody since August 2022 and convicted of sedition since April 2024. In that time frame, it has been alleged before this Commission that he faces the following risk factors:

- He has been subjected to inadequate conditions, characterized by severe conditions of isolation, intimidation, and physical aggression, including a physical assault in February 2023. These actions

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<sup>5</sup>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 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.<sup>5</sup> 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 August 23, 2018, considerandum 13; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of Fundação CASA, Provisional Measures regarding Brazil, Order 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; [Resolution 37/2021](#), Precautionary Measure No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<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: I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6; [Matter of Barrios Family Vs. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2.

<sup>8</sup>IACHR, 2023 Annual Report, [Ch. IV.B. Cuba](#), OEA/Ser.L/V/II. Doc. 386 rev. 1, approved on December 31, 2023, para. 43.

<sup>9</sup> *Ibidem*, para. 59.

<sup>10</sup> *Ibidem*, para. 65.

<sup>11</sup> *Ibidem*, para. 64.

have the reported aim of having the proposed beneficiary incriminate himself. It is also noted that isolation is being used as a method of punishment against him.

- Prison officers allegedly threatened the proposed beneficiary with depriving him of medical attention, family visits, phone calls, and delivery of medicines and food should he and his mother continue to report his case.
- The physical assaults were attributed to prison officers in response to the protest actions that the proposed beneficiary allegedly carried out. In addition to the foregoing, the applicants alleged that the assaults were not being recorded in his medical record, and there is therefore no formal record of them.
- With regard to his health, it was alleged that he was losing weight and currently only weighs 47 kg. It was also stated that his dietary regime has been revoked and that his chronic asthma is reportedly not being adequately treated.
- In April 2024, he reportedly attempted suicide. After a brief medical evaluation, he was allegedly taken back to the prison. To date, he has not received psychiatric care, despite previous suicide or self-harm attempts being reported. In this regard, the applicants indicated that the proposed beneficiary has not been receiving medical treatment for his “nervous disorder” since his incarceration.
- Following the constant acts of violence against him, and the most recent suicide attempt, it is noted that the mother reported that the proposed beneficiary could not speak freely in the penitentiary center and is very fearful and emotionally unstable.

34. Based on the available information, the Commission understands that the prison authorities are aware of the proposed beneficiary’s situation, both because he is in their custody and because of the verbal complaints made by the proposed beneficiary’s mother. In this regard, the applicants alleged that the mother’s complaints are orally dismissed or ignored, and she therefore does not have at her disposal a formal response from the competent authorities. It was also alleged that, initially, there was no information on the identity of the prosecutor handling the criminal process, which limited his ability to challenge the decisions. Furthermore, it was alleged that the proposed beneficiary’s mother does not have financial resources to hire private legal services, which further limits his possibilities of internal protection. Consequently, the information available reveals that, given the handling of the complaints issued by his mother and the existing limitations of being able to request protection in favor of the proposed beneficiary, he is currently in a situation of vulnerability and lack of protection due to the ongoing threatening events against him. These circumstances prevent timely intervention to mitigate these risks.

35. At the same time, the Commission observes that the prison officers’ response to the proposed beneficiary’s situation reveals that they have no intention of providing him with the necessary medical care. In this sense, the available information shows that these officials describe the suicide attempt as “a little stunt” and, instead of offering psychiatric care, they reportedly punished him in an isolation cell.

36. In view of the above allegations, the Commission regrets the lack of information from the State. Even though the foregoing is not enough per se to justify the granting of a precautionary measure, it does prevent the Commission from analyzing whether the submissions of the applicants may be disproved, or to learn of any actions that the authorities may be taking, as appropriate, to address the alleged situation presenting a risk. Especially in view of the fact that the threatening events were attributed to state officers,

emphasizing the special position as guarantor that the State has with respect to the rights of the proposed beneficiary, who is under its custody.

37. In these circumstances, the Commission considers, based on the applicable *prima facie* standard and in the context of the State of Cuba, that it is sufficiently proven that the rights to life, personal integrity, and health of Mr. Claro Valadares are at serious risk.

38. Regarding the *urgency* requirement, the Commission notes that it has been met, considering that the proposed beneficiary continues in State custody under the conditions described, which are likely to continue and worsen over time. Consequently, it is necessary to immediately adopt measures to safeguard his rights to life, personal integrity, and health. In this same sense, the Commission does not have specific information from the State to assess the actions that have been taken or that the situation has been duly mitigated or resolved.

39. Regarding the requirement of *irreparable harm*, the Commission observes that it has been met, insofar as the potential impact on the rights to life, personal integrity and health constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARY**

40. The Commission declares Fray Pascual Claro Valladares beneficiary of the precautionary measures, who is duly identified in this proceeding.

#### **V. DECISION**

41. 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 IACHR requests that Cuba:

- a) adopt the necessary measures to protect the rights to life, personal integrity, and health of Fray Pascual Claro Valladares;
- b) implement the necessary measures to ensure that his detention conditions are compatible with applicable international standards. In particular, ensure that he is not subject to threats, intimidation, harassment, or violence. Furthermore, that the appropriate medical diagnoses be carried out, that his medical treatment be determined, and that such treatment is effectively provided;
- c) consult and agree upon the measures to be adopted with the beneficiary and his representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent them from reoccurring.

42. The Commission requests that Cuba report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

43. 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

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prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

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

45. Approved on June 30, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

María Claudia Pulido  
Assistant Executive Secretary