

## AMNESTY INTERNATIONAL

Prepared by: Causa Justa, Legal Affairs, AMFA

### PRESENT

By means of communication dated April 12 of the year: 2022 the Mothers and Family Commission (AMFA), addresses to that prestigious organization: "Amnesty International" for being the worldwide movement of activists dedicated to promote all human rights enshrined in the Universal Declaration of Human Rights and other **international** standards. **To make the following denunciation:**

### BACKGROUND:

**FIRST:** the human rights situation in Cuba is "dramatic" we see with great regret: opposition prisoners in poor health, arbitrary arrests, cruelty and criminalization of protests calling for democratic change on the island, and worst of all are the summary trials, with sentences that can range from 15, 25 or even 30 years in prison. Our greatest concern is based on the thousands of young men and women detained and prosecuted for participating in last July's demonstrations in Cuba, AMFA calls on the Cuban government for their immediate release.

**SECOND:** A State that does not consider a substantial safeguard of human rights cannot speak of the **Rule of Law**. The protective shield of human dignity in society (**the Constitution**) establishes guarantees and safeguards against the exercise of criminal coercion in the use of state force.

**THIRD:** The Castro-Canel dictatorship has publicized through the pro-government media and social networks that defend the regime that there are 790 young people detained and subject to trials, many of them summary, without real guarantees of the right to defense, with lawyers who are beholden to the Castro-Canel Regime. What is intended is to criminalize a democratic act such as exercising: "Freedom of expression". The only thing that was intended is a democratic opening, in a Cuba plagued by daily repression.

**FOURTH:** The controversies that arise in society between the State and individuals or between two or more persons. They must be resolved in processes that are inspired by a series of guarantees that allow for fair and equitable decisions, as well as respect for the rights of the parties involved. It is the duty of States to protect and guarantee human rights to all persons, without discrimination of any kind. To this end, it must have the appropriate resources and mechanisms to make them effective, and for an effective protection and guarantee, it is obviously necessary the existence of norms that protect these rights, it requires a judicial system that acts consistently, both at the universal and regional level, the international instruments on human rights establish the basic principles that should govern the administration of justice. Everyone who claims from the State the provision of its jurisdictional service, or who is involved in a controversy brought before the instances that comprise it; must enjoy the "respect for their elementary human rights" that have been recognized as such in: **international human rights instruments, such as:**

- a) **American Declaration of the Rights and Duties of Man.**
- b) **International Covenant on Civil and Political Rights.**
- c) **American Convention on Human Rights.**
- d) **Universal Declaration of Human Rights.**

**BRIEF REVIEW: ON CURRENT INTERNATIONAL LEGISLATION DEALING WITH: "DUE PROCESS".**

Both **Article 2** of the **International Covenant on Civil and Political Rights** and **Article 1.1** of the **American Convention on Human Rights** contain principles of **due process of law**, among which they are of fundamental importance:

- The right to be tried by a competent, independent and impartial tribunal.
- The right to be judged with due guarantees of equality, fairness, presumption of innocence, etc.
- The right to an adequate defense.
- The right to be tried within a reasonable time and without undue delay.
- The right to respect the principle of legality and retroactivity of the most benign law.
- The right to appeal a conviction before a higher judge or court
- The right to an effective remedy, i.e., a useful and efficient judicial remedy.

In this order of idea, we see that the Legal Doctrine defines **Due Process as: "the principle from which each and every one of the principles of criminal procedural law derive. The set of guarantees that protects the citizen subjected to any process that assures him throughout the process a correct and compliant administration of justice that assures freedom and legal certainty, rationality and the basis of judicial decisions in accordance with the law".**

**THE CUBAN GOVERNMENT REPEATEDLY VIOLATES THE POLITICAL CONSTITUTION IMPOSED ON THE CUBAN PEOPLE IN 2019. HERE IS A SYNOPTIC TABLE THAT REFLECTS THIS:**

<p><b>These repeated violations of the Cuban Magna Carta by the "Cuban government". They turn the Constitution approved in 2019 into a dead letter, which only comes to life at the convenience of the Cuban government.</b></p>	
<p><b>Articles</b></p>	<p><b>Development of the Precepts</b></p>

<p><b>Article 16</b></p>	<p>The Republic of Cuba bases its international relations on the exercise of its sovereignty and anti-imperialist and internationalist principles, based on the interests of the people and, consequently:</p> <p>c) upholds its willingness to observe unrestrictedly the principles and rules that make up <b>the law International, ...</b></p> <p>g) defends and protects the enjoyment of <b>human rights</b> and...</p>
<p><b>Article 40</b></p>	<p><b>Human dignity</b> is the supreme value underlying the recognition and exercise of the rights and duties enshrined in the Constitution, treaties and laws.</p>
<p><b>Article 45</b></p>	<p>The exercise of the rights of individuals <b>is limited</b> only by the rights of others, collective security, general welfare, respect for <b>public order, the Constitution and the laws.</b></p>
<p><b>Article 46</b></p>	<p>All persons have the <b>right to life, physical integrity, liberty, justice,</b> security, peace, health, education, culture, recreation, sports and their integral development.</p>
<p><b>Article 94</b></p>	<p>Every person, as a guarantee of his <b>legal security,</b> enjoys <b>due process,</b> both in the judicial and administrative spheres, and consequently enjoys the following rights:</p> <p><b>a)</b> enjoy equal opportunities in all the processes in which it intervenes as a party;</p> <p><b>b)</b> receive legal assistance to exercise their rights in all proceedings in which they are involved;</p> <p><b>c)</b> provide the relevant evidence and request the exclusion of evidence that has been obtained in violation of what has been established;</p> <p><b>d) access to a competent, independent and impartial tribunal</b> in appropriate cases;</p>
	<p><b>e)</b> not be deprived of his or her rights except by a <b>well-founded resolution</b> of a competent authority or a <b>final court decision;</b></p> <p><b>f)</b> to file the <b>pertinent</b> appeals or <b>proceedings</b> against the corresponding judicial or administrative resolutions;</p> <p><b>g)</b> to have a <b>process without undue delay.</b></p>

<p><b>Article 95</b></p>	<p><b>In the criminal process</b>, individuals have, in addition, the following <b>guarantees</b>:</p> <p>a) not be deprived of liberty except by <b>competent authority</b> and for the <b>legally established period of time</b>;</p> <p>b) <b>legal assistance from the beginning of the process</b>.</p> <p>c) that he be <b>presumed innocent until a</b> final judgment is rendered against him;</p> <p>d) To be treated with <b>respect for her dignity</b> and physical, psychological and moral integrity, and not to be subjected to violence and coercion of any kind to force her to testify;</p> <p>e) not to <b>testify against herself</b>, her spouse, domestic partner or relatives up to the fourth degree of consanguinity and second degree of affinity;</p> <p>f) be <b>informed of the accusation</b> against him;</p> <p>g) be <b>tried by a pre-established court of law</b> and under laws that predate the crime;</p> <p>h) In the event of detention or arrest, to communicate with family members or relatives immediately; in the case of foreigners, consular notification is made,</p>
<p><b>Article 96</b></p>	<p>Whoever is <b>illegally deprived of liberty has the</b> right, by himself or through a third party, to establish <b>Habeas Corpus</b> proceedings before a competent court, in accordance with the requirements established by law.</p>

**AMFA'S CONCRETE REQUEST TO THE IACHR, we request:**

1. **AMFA** will send to this prestigious organization **AMNESTY INTERNATIONAL** the necessary data, included in **ANNEX 1** of the present document, so that the above-mentioned persons may be declared **PRISONERS OF CONSCIENCE**, and this will constitute a formal denunciation, for being persons who, without having used violence or advocated its use, are imprisoned and subjected to restrictions of their freedom because of their political beliefs.
2. That the **Office of the Attorney General of the Republic of Cuba** strictly complies with the legal mandate established in **Title VI, Constitutional, Structure of the State, Chapter VI, Article 156, which states**: it is the State body whose **fundamental mission** is to exercise **the control of criminal investigation** and the **exercise of public criminal action** on behalf of the State, as well as to **ensure strict compliance** with the Constitution, the laws and other legal provisions by the organs of the State, the entities and the citizens.

"These principles, procedural and constitutional guarantees apply to ordinary and summary criminal proceedings. The latter are provided for minor or less serious cases under the jurisdiction of the municipal courts in which speed distinguishes the actions of the operators during the processing of the inquiry and trial, without detriment to the rights of those involved".

3. We ask the IACHR to recommend to the **National Assembly of the Cuban People's Party**, the need to conduct a comprehensive study of the Cuban criminal justice system, and the need to continue improving the justice system, in favor of political prisoners and the population in general. In all its areas and structures, to consolidate legal security, "**due process**", the protection of human rights, institutionality and social discipline, so affected in Cuba today.
4. Finally, we ask the IACHR to promote, through diplomatic mechanisms, before the **Attorney General's Office of the Republic of Cuba, that independent lawyers promote before the competent Cuban courts, Habeas Corpus** proceedings, for the delays and abuses in the sentences, in accordance with the requirements established by law, according to Article 96 of the Constitution.

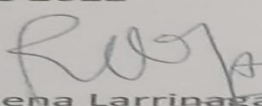
### **ANNEX No. 1**

<b>AMFA Listing: Signatories and prisoners they represent</b>		
1. Michel Álvarez Pérez: Enmanuel Robles Perez +5355147471	2. Isandra Argelina Toledano Liens	3. Luis Roberto Noguera Masdeu: Mailene Noguera Santiesteban
4. Zenaida Licea Rodríguez Manuel Velázquez Licea	5. Beatriz Carrera Díaz : Angel Castro Carrera	6. Elvis Yuneiky Garcia Coto: Toni Alberto Salazar Deulofeo

7. Yurisán Valdez Pedraza : Adrian Curuneaux Stevens	Juana Castillo Acosta : Oswaldo Rodriguez Acosta	9. Nada Cruz Giménez: John Miguel Pupo Areas
10. Maria Luisa Fleitas Bravo: Rolando Vázquez Fleitas +5358871386	11. Leisy Torres Gutiérrez: Eloy Bárbaro Cardoso +5352760162	12. Migdalia Gutierrez Padrón : Brusnelvis Cabrera Gutierrez +5353006261
13. Elizabeth Leon Martinez : Frandy González and Santiago Vazquez	14. Yaquelín Cruz García : Dariel Cruz Garcia +5353860249	15. Anyell Valdés Cruz:
16. Yarelmis Oliva Millo : Marlon Brandon Diaz Oliva	17. Juan Miguel Carvajal Reyes :	18. Dailene Voldez Monrabals : Humberto Monrabals Cans
19. Manuel Valentín Rivera Arturo Valentin Rivera	Beatriz Acosta Justi :	Isabel Castell Rodríguez:
22. Maite Llanes Hernández :	23. Yoandri Herrera Llanes :	24. Luis Roberto Noguera Masdeu : Mailene Noguera Santiesteban +5356216880
25. Annia Zamora Carmenate: Sissi Abasca I	26. Livia Antonia Pérez Méndez : Carlos Alberto Hernandez Perez +5359368067	27. Alcide Firdo Veranes: Jaime Alcide Firdó Rodríguez
28. Daniella Díaz Soria:		30. Juana Álvarez Elegy:
	29. Kirenia Wilhelm Benítez : Lázara Kirenia Gonzalez +17864740625	

<p>31. Maribel Isidra Hernandez : Roberto Ferrer and</p>	<p>Jessica Velez Hernandez +5354482182</p>	<p>Martha Domínguez Calero: Jorge Bello Domínguez +5354217569</p>
<p>33. Yuneisy Santana González : Samuel Pupo Martínez +5355728813</p>	<p>34. Luis Rodríguez Pérez:</p>	<p>35. Michel Valladares Calá: Mary Cristina/Angélica Garrido +5358832168</p>
<p>Lizandra Góngora</p>	<p>36. María Luis Fleitas Bravo +5358871386</p>	<p>37. Annia Zamora Sissi Abasca I +5352620956</p>
<p>38. Randy Artesga, 6 years sentence. Represented by: Misadsy Garcia Roman: Cell +53 5866 3379.</p>		

Y para que así conste, expido de 2022



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