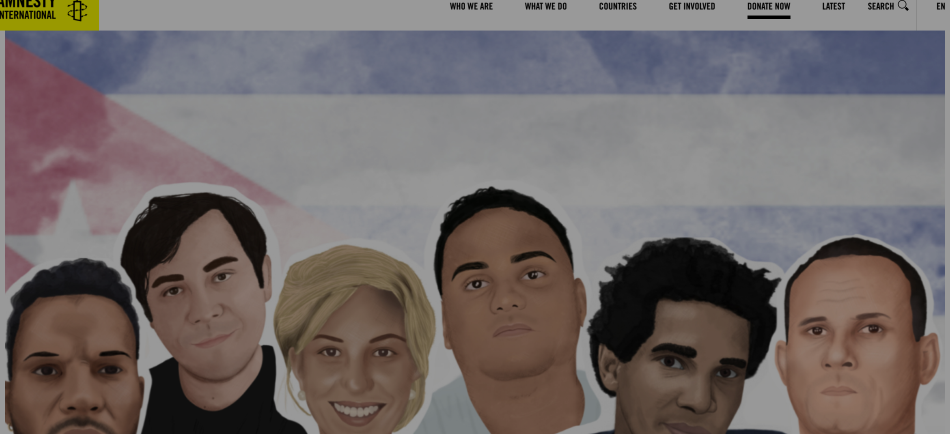
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August 19, 2021

Cuba: Amnesty International names prisoners of conscience amidst crackdown on protesters

In the wake of peaceful demonstrations across the nation, Cuban authorities under the leadership of President Díaz-Canel have scaled-up a decades-long policy of repression that criminalizes peaceful protest and imprisons and ill-treats Cubans from all walks of life simply for expressing their views, said Amnesty International today, upon naming six prisoners of conscience who were detained in recent months.

"In response to the protests of 11 July, the Cuban authorities have applied the same machinery of control that they have used to target alternative thinkers for decades, but now amped up to a scale we haven't seen in almost 20 years, and with new tactics including the use of internet interruptions and online censorship to control and cover up the grave human rights violations they have committed," said Erika Guevara-Rosas, Americas director at Amnesty International.

"We've named six people prisoners of conscience – in a symbolic gesture to the many hundreds more who likely deserve the designation – and call for their immediate and unconditional release. The pattern of human rights violations we've documented in recent weeks points to a heightened policy of repression designed to claw-back control and re-establish a culture of fear that was punctured on 11 July."

Thousands of people took to the streets on 11 July to peacefully protest over the economy, shortages of medicines, the government's response to COVID-19, and harsh restrictions on the rights to freedom of expression and peaceful assembly, in one of the largest demonstrations seen in decades. The authorities responded by detaining and criminalizing to different degrees nearly all those found to be protesting.

Amnesty International has **called for** the immediate and unconditional release of the hundreds of people who remain detained for protesting that day and has previously documented the authorities' **web of control** over freedom of expression and peaceful assembly, and how this has historically left many Cubans feeling that they have little choice but to leave the country. The organization has also tracked how the authorities have become increasingly sophisticated at censorship as the country has **begun to move online**.

Amnesty International has closely monitored the situation in Cuba, and between 15 July and 19 August interviewed more than 30 people, including relatives of those imprisoned, people who were detained and later released, NGOs, activists and other organizations following the situation. On 5 August, the organization **wrote publicly** to President Díaz-Canel and Cuba's Prosecutor General to ask how many people had been detained on 11 July, where they were detained, and what they were charged with, but as of the time of publication had received no response. Amnesty International's Crisis Evidence Lab also verified more than 60 pieces of audio-visual information in support of the research.

Amnesty International has documented the following **crimes under international law and grave human rights violations**:

Prisoners of conscience

The Cuban authorities arbitrarily detained hundreds of people for exercising their rights to freedom of expression and largely peaceful assembly in the context of the 11 July protests, according to a list developed by the **NGO Cubalex** and testimonies that Amnesty International has gathered. Most appear to be charged either with crimes historically used to silence dissent, such as "public disorder", or crimes inconsistent with international standards, such as "contempt," which targets anyone who is critical of the government.

The authorities' default approach has been to criminalize nearly all those who participated in the protests, including some children. As early as 14 July, representatives of the Prosecutor General's Office and the Ministry of the Interior said on **state television** that they were investigating individual responsibility for the organization of the protests and the "crimes" committed during the demonstrations, and a Colonel indicated their approach would be to find those who organized promoted or financed the protests.

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In an article **published** in the pro-government newspaper Cubadebate, and also **tweeted** by the Prosecutor General, as of 4 August, 62 people had been tried so far for events related to the 11 July protests, mostly for the crime of "public disorder" and to a lesser extent for "resistance", "contempt", "incitement to commit a crime" and "damages".

Today Amnesty International is naming **six prisoners of conscience** – people imprisoned because of their political, religious or other beliefs who have not used or advocated violence. These emblematic cases represent only a tiny fraction of the total number of people who likely deserve the designation, but they serve to highlight some of the patterns of abuse being committed by Cuban authorities and the policy of repression that pre-dates the 11 July crackdown. Two of the six were detained on their way to protests that day; the other four were detained weeks earlier but are being held on similar criminal charges for freely exercising their right to freedom of expression and assembly.

Amnesty International's Prisoner of Conscience determination is based on the information available to Amnesty International regarding the circumstances leading to the person's detention. In naming a person as a Prisoner of Conscience, Amnesty International is affirming that this person must be immediately and unconditionally released but is not endorsing past or present views or conduct by them.

Luis Manuel Otero Alcántara is an artist and member of the San Isidro Movement, a group that mobilized initially in opposition to a law which stands to **censor artists**. He was detained on 11 July around 3pm in Havana, after **posting a video** saying he would join the protests. It is believed he is being held at Guanajay prison, but the charges against him are unclear. Amnesty International has named him a prisoner of conscience on **three prior** occasions.

José Daniel Ferrer García is an activist and leader of the unofficial political opposition group "Patriotic Union of Cuba". He has endured threats and harassment in the past and has been imprisoned solely for peacefully exercising his human rights, for which Amnesty International has previously recognized him as a prisoner of conscience. On 11 July, José Daniel tried to attend the demonstrations in Santiago de Cuba with his son. He left his house and walked past the state security officials who constantly monitor him, but other law enforcement officials stopped him a few meters ahead. His son was the last person to see him when they were both detained together. Since then, there has been no formal record of José Daniel's whereabouts, and the authorities have not allowed his family to see or communicate with him. Amnesty International believes that the concealment of his whereabouts amounts to an enforced disappearance for the purposes of Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, to which Cuba is a state party.

Esteban Rodríguez is an independent journalist for ADN Cuba, who was detained on Obispo street in Old Havana on 30 April along with some 12 other people for for peacefully protesting in support of Cuban artist Luis Manuel Otero Alcántara, who was on a hunger strike under severe police surveillance outside his home. After being diagnosed with COVID-19 in June, Esteban is now being held at Combinado del Este prison accused of "resistance" and "public disorder".

Thais Mailén Franco Benítez is a human rights activist who also participated in the peaceful protest on Obispo Street on 30 April and was also charged with "resistance" and "public disorder." After holding her under state custody in a hospital for a fall she sustained in prison, the authorities are now holding her at El Guatao prison, Havana, where her family fear she is not receiving adequate medical treatment.

Maykel Castillo Pérez,known by his stage name Maykel Osorbo, is a Cuban musician and human rights activist. He is one of the authors of "Patria y Vida", a song critical of the Cuban government that has been adopted as a protest anthem. On 4 April 2021, Maykel was walking in Havana when police officers questioned him and attempted to arrest him but desisted in the face of complaints from other passersby who considered the action unjust. On 18 May, security agents arrived at his home and arrested him. He is being held at the Pinar del Río Provincial Prison under charges of "assault", "resistance", "evasion of prisoners and detainees" and "public disorder."

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Hamlet Lavastida is agraphic artist who was returning to Cuba after finishing an artistic residency in Berlin. After placing him in mandatory quarantine under state custody, on 26 June authorities took him to the Villa Marista prison/detention centre, where he is charged with "instigation to commit a crime," allegedly for proposing an artistic performance in a private messaging conversation, that in the end, never took place.

Surveillance and house arrest

Physical surveillance is another tactic the Cuban authorities use to tightly control the movement of activists and independent journalists. This involves security officials being positioned permanently outside of a person's house and threatening them with arrest if they leave, which can amount to house arrest. It is a trend that Amnesty International **documented** in December last year, when following an unusual protest outside the Ministry of Culture on 27 November, almost a dozen members of the San Isidro Movement were placed under frightening levels of surveillance for two weeks and faced arrest if they left their houses.

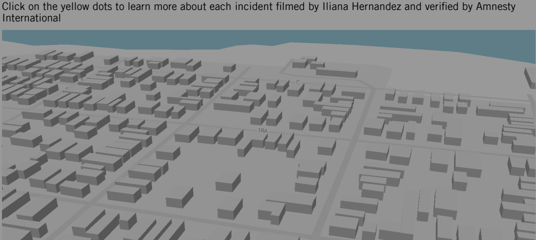
This practice has continued following the 11 July protests. Amnesty International's Evidence Lab and Digital Verification Corps sourced, verified and geolocated 54 videos showing the surveillance of four activists and independent journalists – including Héctor Luis Valdés Cocho, Luz Escobar, and Iliana Hernández – filmed between 11 July and the 12 of August. The videos show uniformed and plainclothes police stationed outside the activists' homes and sometimes engaging with them when challenged.

Héctor Luis Valdés Cocho told Amnesty International he had surveillance outside his home and was unable to leave for 16 days following the protests of 11 July. Independent journalist **Luz Escobar** said while she had surveillance stationed outside her home for approximately two weeks following the 11 July, she has generally had much more frequent surveillance since the November 2020 protests. "As a journalist it affects me hugely… the surveillance stops me leaving home" she explained. She says combined with internet cuts it makes it very hard to do her job as a journalist.

Like other independent journalists, **Iliana Hernández** could not leave her house on 11 July to participate in the protests. Analysis of the videos she filmed outside her home show police stationed on all road exits to her home between 11 July and 8 August.

Surveillance of Iliana Hernandez - July & Aug 2021 (Copy)

Click on the yellow dots to learn more about each incident filmed by Iliana Hernandez and verified by Amnesty International



Map: Amnesty International

Iliana told Amnesty International that since 11 July at least five officials have been stationed outside her home 24 hours a day. "If I go out, they kidnap me, they leave me inside a police car somewhere, they make a big show that they will charge me with something… then supposedly they withdraw the accusation, (and) they bring me home," she told Amnesty International. While Iliana has previously had various charges opened against her, she says there is no court order mandating her house arrest, making the detention and surveillance she faces if she leaves her home arbitrary.

Another tactic used by Cuban authorities to restrict movement has been to formally mandate house arrest. Following the island-wide protests of 11 July, many of those released from prisons told Amnesty International that state officials told them not to leave their homes as a condition of their discharge, without clear information about any pending trials. House arrest of this nature is a precautionary measure under the law of Cuba (described as "reclusión domiciliaria"), where the accused cannot leave their home unless they have court authorization, except to work or study or deal with a health matter, and sometimes determined by the Prosecutor General's office or court. Yet in these cases Amnesty International believes it will constitute an arbitrary detention if the person has been charged with crimes stemming from the exercise of their human rights and calls for their immediate release.

Even prior to 11 July, placing people under house arrest pending trial was a common tactic. As of 11 August, **Mary Karla Ares González** – among multiple activists detained for protesting on Obispo street in April – had been placed under house arrest as a condition of her release from prison for approximately 75 days and still had no trial date. While she has on occasion been able to visit a relative, she says she has completely changed her life and has stopped going out for exercise, or to do food shopping. "I feel just as imprisoned as when I was in prison, even more so" she told Amnesty International.

Violations of due process and incommunicado detention

Following the mass detentions of 11 July, relatives of those detained, and detainees who have since been released, have widely reported a range of violations of due process rights, and incommunicado detention. While Cuba's Prosecutor General's office **has denied** that detainees have lacked access to legal assistance, or been held incommunicado, the testimonies gathered by Amnesty International indicate otherwise.

Rolando Remedios,a 25-year-old student and human rights activist was detained for participating in the demonstrations in Old Havana, and charged with "public disorder," an offense which, as defined in the law of Cuba, does not meet international human rights law and standards because it is extremely vague. Photographs of his violent arrest in front of the historic Capitol building were published in media outlets around the world. Rolando was held in incommunicado detention until 23 July, after which his father was able to meet with him in the presence of law enforcement officials for about fifteen minutes and Rolando was able to communicate sporadically with his lawyer and family. He was released on 6 August. Days later, authorities explained to him that he must report to sign in on a weekly basis and that the charges had not been dropped

A woman, who asked not to be identified for fear of being detained again, told Amnesty International that she peacefully protested for the first time on 11 July because as a parent, receiving no support from the authorities, she was fed up with the system and not being listened to. She said she spent several days in a cell before being released on condition of paying a fine.

Another man, Pedro* who spent over two weeks in detention, told Amnesty International he was released on condition of paying a fine, approximately four times the average monthly salary in Cuba. He said he was detained by state officials dressed as civilians and wasn't granted access to a lawyer for more than a week.

Many people like Pedro* cannot understand why they were released when many more hundreds who protested on 11 July remain imprisoned, with their families receiving little to no information about the charges they face or the reasons for their detention.

Miriela Cruz Yanis was detained in the context of the protests on 11 July. She alleges that the authorities' hand-cuffed and beat her, denied her access to medicines for a chronic illness she lives with, and held her for seven days in prison. Her son, **Dayron Fanego Cruz**, 22, who she says has hypertension and asthma, remains imprisoned. Since his detention on 13 July, she has been able to speak to him briefly only twice, but authorities have not allowed her to visit him or provided written details of the charges against him. She thinks he may be charged with "contempt".

Under international human rights law, all detainees should have access to legal assistance from the very start of a criminal investigation. The UN's Special Rapporteur on torture has recommended this should happen no later than 24 hours after an arrest.

Despite this, multiple individuals who were released after being detained in connection with the July 11 protests, as well as relatives of others still detained, told Amnesty International they lacked access to legal representation. The authorities say defendants can – if they desire – be represented by lawyers. In practice, however, many who spoke to Amnesty International had little confidence in defence lawyers – who must belong to the National Organization of Collective Law Offices – a body closely controlled by the state.

Information gathered by Amnesty International also indicates that detainees and/or their legal representatives are not receiving sufficient information about the accusations, an additional barrier for a proper legal defence. Detainees are not promptly and properly notified of their rights, including the right to counsel, nor they are informed of the charges against them. In some cases, even upon release, those detained have not received information about their legal situation, making them fear that they could be rearrested at any moment, a clear contravention of international fair trial standards.

Detainees' rights to communicate with the outside world, to notify someone that they have been detained, and to receive visits are fundamental safeguards against human rights violations, including torture or other ill-treatment and enforced disappearance. Despite this, multiple families told Amnesty International that authorities have failed to confirm where their detained relatives were being held, especially in the first week following the mass detentions. Amnesty International reviewed multiple court decisions on habeas corpus petitions that confirm detentions but do not disclose the place of incarceration, leaving the families of detainees without this crucial information. As party to the International Convention for the Protection of All Persons from Enforced Disappearance, Cuba must guarantee that all detainees can communicate with their family, legal counsel or any other person of their choice, as well as keeping a complete and reliable record of arrests and detentions.

Amnesty international has also repeatedly received testimony that authorities are denying relatives visits due to COVID-19 restrictions. While cancelling contact might be acceptable in certain circumstances as a public health measure, this must be compensated by increasing other ways for detainees to contact the outside world, for example, by allowing access to phones, internet, emails or video calls and allowing families to provide food and other supplies, and there is no indication that the Cuban authorities are facilitating such measures.

Ill-treatment, including against women

The deployment of special forces known as "boinas negras", police, and state security officials to detain people in the context of the 11 July protests has resulted in widespread reports of ill-treatment, including against women.

In interviews, relatives of those detained, as well as people who had been detained and later released, told Amnesty International, mostly on the condition of anonymity, that in the aftermath of the protests, law enforcement officials targeted young people they suspected of having participated, dragging them from their beds, sometimes without shoes or clothes, and carting them off to prisons in police vehicles. Many complained that prison conditions were cramped, damp, unhygienic, that no social distancing or other COVID-19 prevention measures were taken, and that rarely were they allowed outside.

Iris Mariño, an actress and independent journalist from Camaguey, told Amnesty International she joined the protests peacefully to ask for democracy and plurality and was detained alone on 11 July by a male state security official, along with two other male police officers.

In the 10 days she was held, she was moved to multiple different cells. According to her testimony, her husband spent around 30 hours looking for her in police stations, after she could not reach him in the one call she was permitted to make. It was 96 hours before any authority informed her that she was charged with "public disorder" and told her she could have access to a lawyer. She says at one point she spent 50 hours alone in a filthy cell, where she said, "I couldn't even see the palms of my hands" – a practice which could amount to solitary confinement and ill-treatment.

Iris said she repeatedly informed officials of the bruising on her arms and knees that she had sustained at the hands of the state security official who detained her. But it was not until the tenth day of her detention that a prosecutor took note of her complaint of ill-treatment. Upon leaving prison, authorities verbally told her she was under house arrest until further notice, with some limited criteria for leaving her home, where, as of 15 August she remained.

Denial and internet interruptions

The Cuban authorities have developed a sophisticated narrative denying any human rights violations in the wake of the crackdown and placing the blame for the economic situation exclusively on the US economic embargo. While the US government should urgently lift the embargo, as Amnesty International has stated for years, responsibility for the policy of repression lies squarely with the most senior commanders in the Cuban administration.

Using their monopoly over state media, authorities have broadcast select footage of incidents of violence in the protests to mischaracterize them as violent overall. In **a letter** to the UN Secretary General, Cuban Ambassador Pedroso Cuesta denied any allegation of human rights violations by law enforcement bodies and described the protests as "violence and incitement to violence, vandalism, and other criminal activities…"

In a **press conference** on state television, the Prosecutor General and President of the Supreme Court sought to deny any procedural wrong-doing, or violation of international human rights law. The President of the Supreme Court insisted that the justice system and judges operate with independence and indicated that the media was publishing false information distributed by "enemies of institutional order and the Cuban Revolution."

> **Amnesty International calls on the government of Miguel Diaz-Canel to immediately and unconditionally release all those detained for exercising their human rights**
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Since 11 July, the authorities have frequently disrupted internet access, in violation of international human rights law. On 11 July, there were **countrywide internet outages** and then a decrease in traffic until 12 July, according to network measurements gathered by Kentic. **Since then,** the authorities have also regularly blocked instant messaging apps such as **Whatsapp**, **Telegram** and **Signal**. According to a representative from the Open Observatory of Network Interference (OONI), the technology used to carry out the blocking has become increasingly sophisticated, particularly since 2019, when the organization also noted **blocking of media sites** during the Constitutional Referendum.

This censorship by the Cuban authorities, who control the country's only telecommunication network, has impacted the ability of independent human rights observers, including Amnesty International, to document at a critical time. Curtailing communication during the COVID-19 pandemic could also have serious implications for economic, social and cultural rights, including the right to health.

"Amnesty International calls on the government of Miguel Diaz-Canel to immediately and unconditionally release all those detained for exercising their human rights. We reiterate our historical request for access to Cuba to monitor the human rights situation and the upcoming trials of hundreds of people who remain in detention," said Erika Guevara-Rosas, Americas director at Amnesty International.

Recommendations

Based on this initial research, Amnesty International makes the following recommendations:

1. The Cuban authorities must immediately and unconditionally release all those detained for the exercise of their freedom of expression and peaceful assembly
2. Cuba's most senior commanders must immediately end the policy of repression which violates human rights and is designed to maintain a culture of fear and quash all forms of dialogue
3. Cuba must immediately grant the UN Special Rapporteur for Freedom of Opinion and Expression and the UN Special Rapporteur on the Situation of Human Rights Defenders access to the country to document the human rights situation in the country
4. Cuba must immediately grant access to independent human rights organizations, including Amnesty International, to monitor and observe the upcoming trials of the hundreds of activists and ordinary Cubans who remain detained
5. Cuban authorities must ensure that the economic, social and cultural rights of the population are met, address their need for greater access to food and medicine, and provide an effective response to the COVID-19 pandemic
6. The international community must condemn the actions of the Cuban authorities in the strongest possible terms in all diplomatic meetings and international spaces
7. The US authorities must lift the decades-old economic embargo against Cuba as it contributes to violating economic rights

For more information or to arrange an interview, contact Amnesty International press office: press@amnesty.org

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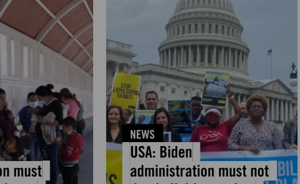
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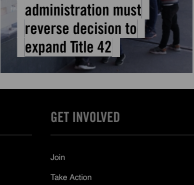
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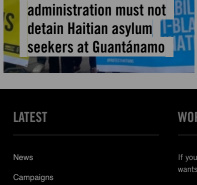
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