

# **ROUTINE REPRESSION**

POLITICAL SHORT-TERM  
DETENTIONS AND  
HARASSMENT IN CUBA

**AMNESTY  
INTERNATIONAL**



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## BACKGROUND

The Cuban government wages a permanent campaign of harassment and short-term detentions of political opponents to stop them from demanding respect for civil and political rights. Since Amnesty International's last report on the respect for the freedom of expression in Cuba, published in June 2010, (*Restrictions on freedom of expression in Cuba*, Index: AMR 25/005/2010) the situation has further deteriorated with a steady increase in the number of arbitrary detentions. Criticism of the government is not tolerated in Cuba and it is routinely punished with arbitrary and short-term detentions, "acts of repudiation" (demonstrations led by government supporters with the alleged participation of state security officials aimed at harassing and intimidating government critics), intimidation, harassment and politically motivated criminal prosecutions.

The authorities continue to deny those wanting political change in Cuba their right to express and share their ideas freely and without reprisal or retaliation. Repression is routine. Peaceful demonstrators, independent journalists and human rights activists are routinely detained for exercising their rights to freedom of expression, association, assembly and movement. Activists are often detained as a preventive measure to stop them from attending public demonstrations or private meetings.

In spite of the repression, the restrictions to the exercise of these rights are continuously challenged across Cuba resulting in thousands of detentions. Two organizations monitoring human rights in Cuba reported on a monthly basis hundreds of short-term detentions during 2011.

Most of those detained in these circumstances may be prisoners of conscience even if they are released after a short period of detention, often only after a few hours. Of those currently in detention, the organization has recently adopted four prisoners of conscience who have been detained solely for the peaceful exercise of fundamental freedoms. Amnesty International is once again calling on the Cuban government to immediately and unconditionally release all prisoners of conscience, whether or not they have been charged or tried.

In 2011, the release of dozens of political prisoners and the last remaining prisoners of conscience from the March 2003 crackdown did not herald a change in human rights policy. The vast majority of those released were forced into exile, while in Cuba the authorities were determined to contain the dissidence and government critics with new tactics. Intimidation, harassment, multiple detentions and restrictions on movement have been widely used against political opponents to stop them from carrying out their activities or as retaliation. Surveillance of government opponents is also commonplace. "Acts of repudiation" – demonstrations led by government supporters with the alleged participation of state security officials aimed at harassing and intimidating government critics – have become

commonplace. Members of the movement Ladies in White (*Damas de Blanco*) in particular were targeted in several locations in Cuba where the movement has representatives. Reports of ill-treatment and beatings during the acts of repudiation and detention have become a source of greater concern.

Cuba does not tolerate any criticism of the state outside the official mechanisms established under government control. Laws on “public disorder”, “contempt”, “disrespect”, “dangerousness” and “aggression”, are used to prosecute government opponents. No political or human rights organizations are allowed to obtain legal status. Trade unions and bar associations independent from those affiliated to the Cuban Communist Party are not permitted to operate legally and their members are subject to repressive measures. Any challenge to official policy invariably results in retaliatory action involving the violation of human rights.

To justify their arsenal of repressive laws and practices, Cuban officials continue to claim that political opponents act under the sponsorship or the influence of the United States government, and that their activities are a threat against national security, Cuba's integrity and the revolution. Draconian legislation which was purportedly aimed at protecting Cuban sovereignty was introduced following the tightening of the United States' economic embargo in the 1990s. Amnesty International has repeatedly called on the US government to lift its embargo, as it is highly detrimental to Cubans' enjoyment of a range of economic, social and cultural rights, such as the right to food, health and sanitation. However, Amnesty International believes the activities carried out by Cuban political opponents constitute legitimate exercise of freedom of expression, assembly and association. In Cuba these freedoms are severely limited in law and in practice. Furthermore, regardless of US foreign policy towards Cuba, the Cuban authorities are solely responsible for the violations of civil and political rights. They must guarantee the protection of these universally recognized rights. The government must also recognize and allow the peaceful and legitimate expressions of dissent in Cuba.

# SHORT-TERM DETENTION, HARASSMENT AND INTIMIDATION OF POLITICAL OPPONENTS

Short-term detentions of political and human rights activists and independent journalists are becoming more and more frequent. This practice further undermines respect for international principles and standards regarding deprivation of liberty and freedom of expression, association and assembly in Cuba.

The number of short-term detentions has risen sharply over the past 24 months. The 'Hablemos Press' Information Centre (*Centro de Información Hablemos Press, CIHPRESS*), an unofficial news agency monitoring human rights abuses across Cuba has recorded a four fold increase in the number of reported arrests from 2009 to 2010 and a two-fold increase from 2010 to 2011. In 2011, the organization –which, like all groups deemed to be critical of the government, is denied official recognition – received reports of 3,835 detentions, varying monthly from 181 to 576 cases. Similarly, the Cuban Commission of Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN*), received reports of 2,784 incidents of human rights abuses from January to September 2011, mostly short-term and arbitrary detentions. For the year 2010, the CCDHRN documented 2,074 such incidents.

Although the increase in reported cases could be partially attributed to better monitoring capacity and easier exchange of information concerning human rights abuses (due to greater access to mobile telephones), it is nevertheless undeniable that the Cuban authorities have stepped up repression against political opponents. The authorities do not tolerate outspoken criticism of government policies or abuses of civil and political rights. Officers of the National Revolutionary Police (*Policía Nacional Revolucionaria, PNR*) and of the Department of State Security (*Departamento de Seguridad del Estado, DSE*) routinely detain activists staging peaceful demonstrations in public spaces under the presumption they are creating 'public disorder'. The use of excessive force by the authorities and beatings during the detention have been reported with increased frequency.

Detainees are normally held for a few hours or sometimes days in police stations or other detention centres, during which time they are often subjected to interrogations, intimidation, and threats. Beatings during detention have also been reported. Detainees are normally threatened with criminal charges or imprisonment if they do not cease their "counter-



revolutionary” activities. Some detainees have been held for weeks without knowing the exact charges against them.

Ivonne Malleza Galano, Ignacio Martínez Montejo, along with Isabel Haydee Álvarez, were detained for 52 days without charge, following their participation in a peaceful anti-government demonstration on 30 November 2011. The authorities held Ivonne Malleza Galano in incommunicado detention for 10 days, without contact with the outside world including her family and lawyers. Only on 10 December was she allowed a phone call to inform family and friends of her whereabouts, and relatives were allowed to visit her on 12 December. Amnesty International adopted them as prisoners of conscience, solely detained for exercising their right to freedom of expression and freedom of assembly. All three were released on 20 January 2012 without charge.

Reports of incommunicado detentions are becoming more frequent. For days at a time, the whereabouts of those detained are unknown to their relatives. The authorities fail to inform them of the reasons and the place of detention even if relatives go to different police stations enquiring about the whereabouts of those detained. Incommunicado detention violates the rights of the people deprived of their liberty and the Cuban authorities must stop holding detainees incommunicado. Individuals being held incommunicado may not be represented by a lawyer of their own choice. In addition, individuals held incommunicado do not have the right to communicate with a family member or other persons of their choice the fact and place of their detention and their families live in anxiety not knowing what has happened to them.

On 21 February 2012, former prisoner of conscience José Daniel Ferrer García was detained in Havana and held incommunicado, unable to inform his relatives or other persons of his choice of his whereabouts. He was transferred to a detention facility in the province of Camagüey the following day, and then on 24 February he was released without charge in his home province of Santiago de Cuba. While detained he was threatened with imprisonment if he continued his dissident activities as coordinator of the Patriotic Union of Cuba (*Unión Patriótica de Cuba*, UNPACU), an umbrella group of dissident organizations based in eastern Cuba.

In January 2012, Iris Tamara Pérez Aguilera was detained on four occasions in Placeta, Villa Clara, during demonstrations calling for the release of prisoners of conscience Ivonne Malleza Galano, Ignacio Martínez Montejo, and Isabel Haydee Álvarez. In February, she was again detained twice during demonstrations calling for the release of Yasmín Conyedo Riverón and her husband Yusmani Rafael Álvarez Esmori both prisoners of conscience detained since 8 January 2012.

On Sunday 19 February 2012, 25 Ladies in White were arrested in the province of Santiago de Cuba to prevent them from attending mass at the shrine of Our Lady of Charity in the town of El Cobre. The security of state and the police have set up tight controls around the shrine where Pope Benedict XVI is expected to celebrate mass at the end of March during a three-day visit to Cuba. The Ladies in White fear that they will not be allowed to attend the event as a reprisal for their constant mobilization and criticism towards the government.

## ACTS OF REPUDIATION

Amnesty International believes that official encouragement is being given to pro-government supporters who harass and intimidate with impunity those who have been advocating political change by peaceful means.

Acts of repudiation (*actos de repudio*) are government coordinated demonstrations, usually carried out in front of the homes of political opponents, attended by government supporters, state officials and law enforcement agencies aimed at harassing and intimidating opponents and are often used to prevent them from travelling to participate in activities. During an act of repudiation, political opponents and human rights activists are subjected to verbal and physical abuse by groups of people chanting pro-government slogans. Police are usually present but fail to intervene to stop the assaults. Such incidents frequently involve the Rapid Response Brigades (*Brigadas de Respuesta Rápida*), a structure set up in 1991 and composed of Communist Party volunteers whose task is to deal with any sign of 'counter-revolution'.

Local human rights activists and others believe these incidents are orchestrated by Cuba's security services to intimidate any opposition.

Acts of repudiation are normally followed by the arrest of those targeted. In January 2012, 40 political opponents were arrested following such events. Journalists reporting on the acts of repudiation and taking pictures have also been arrested. On 17 December, Eynor Díaz Allen, reporter for 'Hablemos Press' Information Centre in Guantánamo, was detained for 48 hours and had his camera seized by officials of the Department of Security of State. He was documenting an act of repudiation against Obayemi Grant Guerra, member of the Cuban Youth Movement for Democracy (*Movimiento Cubano de Jóvenes por la Democracia*)

# PRISONERS OF CONSCIENCE

At the time of this writing, Amnesty International has adopted four prisoners of conscience in Cuba: Antonio Michel Lima Cruz, Marcos Máiquel Lima Cruz, Yasmín Conyedo Riverón and her husband Yusmani Rafael Álvarez Esmori.

## PRISONERS OF CONSCIENCE ANTONIO MICHEL LIMA CRUZ AND MARCOS MÁIQUEL LIMA CRUZ

### Up to three years in prison for singing a protest song in the street

Brothers Antonio Michel Lima Cruz and Marcos Máiquel Lima Cruz have been imprisoned since Christmas Day 2010. Both are members of the Cuban Council of Human Rights Rapporteurs (Consejo de Relatores de Derechos Humanos de Cuba) – an island-wide umbrella group of organizations, and the Republican Youth Impact Movement (Movimiento Impacto Juvenil Republicano). They are both independent journalists, and were co-founders of the online newspaper Candonga, which was closed by the Cuban authorities in 2009.

The brothers were arrested in the early hours of 25 December 2010 as they were holding a Christmas celebration with a group of family and friends at their home in the city of Holguín, eastern Cuba. They were playing songs by a Cuban hip-hop group which criticize the lack of freedom of expression in the country, and were dancing whilst holding the Cuban flag on the street in front of their house. Shortly after midnight officials from the Department of State Security and police officers arrived, accompanied by about 40 government supporters. The police entered by force and arrested the brothers, while an act of repudiation was carried out against the others in the house. Later the same day, police returned and arrested their father and mother as well as several other friends who were at the family house at the time. They were detained for several days before being released without charge.

Following a summary trial, Antonio Michel and Marcos Máiquel were sentenced to two and three years imprisonment respectively in May 2011 for “insulting symbols of the homeland” (*ultraje a los símbolos de la patria*) and “public disorder” (*desórdenes públicos*). They are currently both being held at the La Ladrillera prison in Holguín Province. Antonio Michel is suffering from prostrate problems and is reportedly not receiving sufficient medical treatment. He is also eligible for conditional release having served over half of his sentence, but the authorities have refused to respond to petitions from his family and lawyer. Their mother, Adisnidia Cruz Segredo, who is a member of the Ladies in White has repeatedly faced harassment from the authorities when attempting to travel to church on Sundays. She was detained for several hours by police on the morning of Sunday 26 February 2012, preventing her from attending mass with the other Ladies in White from Holguín Province.

Amnesty International believes Antonio Michel and Marcos Máiquel’s sentences to be politically motivated, relating to their peaceful exercise of freedom of expression, and disproportionate to the alleged offences. The organization has adopted them as prisoners of conscience and is calling for their immediate and unconditional release.

## **PRISONERS OF CONSCIENCE YASMÍN CONYEDO RIVERÓN AND YUSMANI RAFAEL ÁLVAREZ ESMORI**

24 year-old Yasmín Conyedo Riverón and her 23 year-old husband, Yusmani Rafael Álvarez Esmori have been detained since 8 January 2012 on charges of using “violence or intimidation” against a state official (“atentado”), which carries a prison sentence of up to five years. Yasmín is the representative of the Ladies in White in the province of Villa Clara and also an independent journalist. Yusmani is a member of the Las Villas Democratic Youth League.

They were arrested on the morning of Sunday 8 January 2012 at their home in the city of Santa Clara, in the province of Villa Clara, central Cuba. Government supporters carried out an act of repudiation in front of their house, apparently to prevent Yasmín from attending mass with other Ladies in White. Yasmín and Yusmani were both arrested and held at local police stations, along with seven other Ladies in White until 4pm the same day. A neighbour who is a local official from the Cuban Communist Party (*Partido Comunista de Cuba* - PCC) accosted Yasmín as she was about to enter her home following her release. She insulted Yasmín and slapped her in the face. Yasmín’s aunt, who had emerged from Yasmín’s house, retaliated by slapping the PCC official in the face. Two police officers then proceeded to arrest Yasmín and Yusmani who had also just returned following his release from detention. Yasmín’s aunt has twice informed local authorities that it had been her who had slapped the PCC official, but they have refused to respond. The PCC official has herself asked the local public prosecutor to drop the charges against Yasmín and Yusmani.

Yasmín and Yusmani were also detained for several hours on 25 December 2011 as they tried to attend Christmas mass. Yasmín has a six year-old daughter. Amnesty International believes their detention and possible sentencing is in response to their peaceful dissident activities and is intended to send a message of intimidation to other government critics. The organization has therefore adopted them as prisoners of conscience and is calling for their immediate and unconditional release.

## **52 DAYS OF DETENTION FOR PROTESTING AGAINST POVERTY**

**Prisoners of conscience Ivonne Malleza Galano, Ignacio Martínez Montejo and Isabel Haydee Álvarez were held for 52 days without charge, following their participation in a peaceful anti-government demonstration.**

On 30 November 2011, Ivonne Malleza Galano, a member of the Ladies in White (Damas de Blanco), and her husband Ignacio Martínez Montejo were arrested by police officers while they were staging a peaceful demonstration in Fraternity Park (Parque de la Fraternidad) in Havana. The protest was against hunger and poverty, and they were holding a banner with the slogan “stop hunger, misery and poverty in Cuba”.

Ivonne Malleza Galano was handcuffed and pushed into a police vehicle. Two police officers arrived, tried to confiscate the banner and detained her, along with Ignacio Martínez Montejo. Video footage posted on the internet shows Ivonne Malleza Galano being arrested by the police officers at Fraternity Park while the crowd gathered round her and asked the officers to release her. Isabel Haydee Álvarez, an onlooker watching the demonstration, was detained after protesting that the authorities should let the couple go.

Ivonne Malleza Galano, Isabel Haydee Álvarez and Ignacio Martínez Montejo were released without charge on 20 January. On their release, they were told by state security officials that they would face “harsh sentences” (“condenas severas”) if they continued their dissident activities. Amnesty International had adopted them as prisoners of conscience, as they were detained solely for exercising their right to freedom of expression and freedom of assembly, and had called for their immediate and unconditional release.

## DEATH IN CUSTODY

Prisoner of conscience Wilman Villar Mendoza died on 20 January 2012 in Juan Bruno Zayas Hospital in the city of Santiago de Cuba where he had been transferred from prison due to health problems arising during a hunger strike in protest at his unfair trial and imprisonment. He was 31 years old.

A member of the Patriotic Union of Cuba (*Unión Patriótica de Cuba* - UNPACU), he was arrested on 14 November 2011 for participating in a public demonstration against the Cuban government, in Contramaestre, Santiago de Cuba Province. Eight other members of UNPACU were also arrested during the demonstration.

During his detention, state security officers reportedly threatened to “disappear” him and pressured Wilman Villar Mendoza to stop his public protests and rescind his membership of the dissident group. They told him he would otherwise be brought to trial for contempt (“*desacato*”), resistance (“*resistencia*”) and violence or intimidation against a state official (“*atentado*”); all charges relating to a previous arrest in September 2011. Wilman Villar Mendoza was released on 17 November and then summoned to the Contramaestre Municipal Tribunal on 24 November, where he was tried in private. The judges did not accept his wife’s statement or that of any other witness called in his defence. Wilman Villar Mendoza’s wife was only allowed in the courtroom at the end of the trial.

Wilman Villar Mendoza was sentenced to four years in prison. He was transferred from Contramaestre Municipal Tribunal directly to Aguaderas Prison, in Santiago de Cuba. The same day, he started a hunger strike to protest his imprisonment and sentence. He stopped the hunger strike on 23 December and then resumed it six days later. Amnesty International had adopted Wilman Villar Mendoza as a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression.

## THE LADIES IN WHITE – *DAMAS DE BLANCO*

The Cuban government is waging a campaign of harassment and intimidation against the Ladies in White. The women's organization was formed by a group of female relatives of the 75 prisoners of conscience who were imprisoned in March 2003 for their peaceful expression of critical opinions of the government. The group would attend mass every Sunday in the capital, Havana, dressed in white, to pray for the release of their relatives. Afterwards they would take part in a procession from the church to a nearby park, carrying white flowers.

A solidarity group called the Ladies in Support (Damas de Apoyo) subsequently emerged to support and participate in activities organized by the Ladies in White. In early 2012 the two groups merged and all members are now considered to be Ladies in White. After the release of all the prisoners of conscience from the March 2003 crackdown, the Ladies in White have been campaigning for the release of political prisoners and for the lifting of restrictions on fundamental civil and political freedoms in Cuba.

The Ladies in White have repeatedly suffered harassment and intimidation as they have attempted to carry out their peaceful activities. They are frequently subject to acts of repudiation by government supporters and members of the security forces, and also to short-term arbitrary detentions in order to disrupt their activities.

The authorities have continually prevented the Ladies in White from attending activities at the organization's headquarters in central Havana. An event held there on 23 February 2012 to commemorate the second anniversary of the death on hunger strike of prisoner of conscience Orlando Zapata Tamayo was severely repressed. No one was allowed to enter the building since the morning before the event. The authorities diverted traffic from passing in front of the headquarters and stationed police officers to check the identification cards of all pedestrians passing through the area. On the afternoon of 23 February scores of government supporters massed for several hours in front of the building to carry out an act of repudiation, and shouted insults at the 40 Ladies in White already assembled inside. Many of them had travelled across the island and were afraid that if they attempted to leave they would be arrested, forcing them to remain inside until the following day. An event to celebrate Human Rights Day on 10 December 2011 was similarly repressed. In the days preceding Human Rights Day, 32 Ladies in White were detained and threatened with further arrest if they left their homes on 10 December to take part in activities. On Sunday 11 December, 48 Ladies in White were arrested during their weekly march on 5th Avenue, in Havana City, after they had attended mass at Santa Rita de Casia Church.

Since mid-2011, the Ladies in White have increased their activities in the eastern provinces of Cuba and have been subject to the increasing crackdown from the authorities on dissidence there, particularly in the province of Santiago de Cuba. This repression has been particularly focussed on preventing the Ladies in White from travelling to attend Church services on Sundays, after which they usually carry out a silent march. The Ladies in White have been continually prevented from attending Sunday mass in the Cathedral of the city of Santiago de Cuba and in the nearby town of El Cobre. On the morning of Sunday 21 August, the home of Aimée Garcés Leyva in Palma Soriano, Santiago de Cuba province, was surrounded for several hours by approximately a hundred people, including police officers and government supporters. When Aimée Garcés Leyva and ten other Ladies in White tried to leave to travel to mass, police pushed them and pulled their hair before forcing them into buses. They were driven a few kilometres, then taken in police cars and dropped in their hometowns in the provinces of Santiago de Cuba and Holguín, often several kilometres from their houses. Similar repression against Ladies in White has been replicated in the neighbouring provinces of Holguín, Granma and Guantánamo, with short-term detentions and repudiation acts being used to stop them attending mass and to celebrate events such as Human Rights Day.

In 2005, the Ladies in White were awarded the Sakharov Prize for Freedom of Thought by the European Parliament. However, representatives who were invited to attend the award ceremony in Strasbourg, France were refused permission to leave Cuba by the authorities. Authorization for Cuban citizens to travel outside the country is highly restricted and virtually impossible for those deemed to be critics of the government.

# INDEPENDENT JOURNALISTS

Independent journalists in Cuba work constantly under threat of arbitrary detentions, intimidation and harassment by the authorities. As a result of restrictions on freedom of expression, independent journalists are unable to share independent information without facing direct repression from the authorities. Amnesty International is concerned at the detention of more than 65 independent journalists since March 2011 according to 'Hablemos Press' Information Centre. Some have been detained on several occasions.

José Alberto Álvarez Bravo, from Havana City, was detained 15 times between April and October 2011. On 12 July, State Security officials detained him at his house and confiscated his computer, USB flash drives, a digital camera, books and documents. He remained in detention for more than 72 hours. From 15 to 19 April during the VI Congress of the Cuban Communist Party, state security officials forbade him from leaving his home and prevented him from carrying on with his reporting on demonstrations organized by various dissident groups. He has been frequently detained on his way to Santa Rita de Casia Church, in Miramar, Havana City, where the Ladies in White congregate each Sunday.

Cuban independent journalists report on events or issues normally not covered by the state-run media such as reports on the repression and human rights abuses, testimonies from prisoners and prison conditions, economic and social conditions affecting the Cuban population. Independent journalists play a key role in investigating and exposing human rights violations committed by the Cuban security forces, and as such, they are the targets of continuous repression by the Cuban authorities.

In recent years, independent reporting from Cuba has flourished although the Cuban public has very limited access to that information. The state owns and controls all media outlets in Cuba and all means of distributing information. Independent journalists do not have access to state-run media and the internet is accessible to very few Cubans. Limited and restricted access to internet, mobile phones and off-line networks for sharing information such as distribution of USB flash drives or CDs with their reports, are some of the means used to distribute information and circumvent government controls.



## **CARIDAD CABALLERO BATISTA**

**More than 17 detentions since July 2011 for reporting on demonstrations and human rights abuses.**

Caridad Caballero Batista is an independent journalist based in Holguín, eastern Cuba, a member of the unofficial Eastern Democratic Alliance (*Alianza Democrática Oriental*) and of the Ladies in White. Since 2006, Caridad Caballero Batista has been reporting on human rights abuses and living conditions in Cuba. Caridad Caballero Batista told Amnesty International that for years, the authorities have been subjecting her to constant harassment, intimidation and surveillance. Her phone, essential to carry out her work as journalist, is repeatedly disconnected as a way of putting extra pressure on her and preventing her from sending her reports.

Caridad Caballero Batista has been arbitrarily detained on several occasions due to her journalist activities and her involvement with the Ladies in White. She told Amnesty International that since the beginning of 2012, she has been detained 9 times, the latest on Sunday 4 March, on her way to church in Holguín. Her husband was detained with her and were both brought to Pedernales Detention Centre. They were released three hours later without charge. The intention was to prevent them from attending mass along with other Ladies in White.

On 24 May 2011, Caridad Caballero Batista was detained by state security officials at her home preventing her from attending the trial of Antonio Michel Lima Cruz and Marcos Máiquel Lima Cruz in Holguín. On several occasions she was detained on her way to Santiago de Cuba to attend mass with other Ladies in White. She told Amnesty International that she has been beaten and ill-treated by state security officials and government supporters during her detentions and has been threatened with charges under Law 88, the Law for the Protection of the National Independence and Economy of Cuba (*Ley de Protección de la Independencia Nacional y la Economía de Cuba*), the law under which most of the 75 prisoners of conscience from the March 2003 crackdown were sentenced. Despite being detained on numerous occasions, Caridad Caballero Batista has never been brought to trial. She has always been released after a few hours or a few days - the longest detention lasted 80 hours.

# RECOMMENDATIONS

Amnesty International makes the following recommendations to the Cuban government aimed at ensuring greater respect for the rights to freedom of expression, association, assembly and movement. Important political decisions need to be made by the government in light of the violations detailed above, to secure protection of basic human rights and avoid any repetition of these violations. The rule of law must apply to all citizens, whatever their views, and the government must protect those involved in monitoring human rights violations, including members of human rights organizations, family members, witnesses, lawyers and journalists.

## **Amnesty International is calling on the Cuban authorities to:**

- Immediately and unconditionally release all prisoners of conscience who have been imprisoned solely for exercising their right to freedom of expression.
- Cease the harassment, intimidation and persecution of human rights activists, independent journalists and government critics who peacefully exercise their rights to freedom of expression, assembly and association.
- Ensure that no one is detained or imprisoned solely for the peaceful exercise of the right to freedom of opinion and expression, association and assembly. Anyone so detained should be released immediately and unconditionally.
- Allow independent media outlets and journalists to operate freely, without fear of reprisal, unlawful restrictions and arbitrary prosecutions.
- Ensure that everyone is informed, at the time of detention, of the specific reasons for their arrest.
- End the practice of incommunicado detention as it violates the rights of people deprived of their liberty.
- In accordance with international standards, all detainees should be permitted access to a lawyer of their choice immediately upon arrest and throughout the period of pre-trial detention, as well as to their family and, if necessary, a doctor.
- Ensure that interrogation of detainees takes place in the presence of a defence counsel to ensure that statements taken in evidence from a detainee are given freely and not as a result of coercion.

- Instruct the Rapid Response Brigades to immediately cease all repudiation and other acts of intimidation, harassment and attacks against those expressing views contrary to the government, their relatives and their homes. The Brigades' activities should be strictly regulated by law.
- Ensure that an independent and impartial inquiry is held into all allegations of ill-treatment by police, state security officials, members of the Rapid Response Brigades and that those involved in these allegations are sanctioned accordingly.
- Withdraw or amend legislation which unduly restricts the rights to freedom of expression, association, assembly, and movement to permit open public debate about human rights and government policies. In particular, Amnesty International is calling on the authorities to:
  - Review articles 53 and 62 of the Constitution and other legal provisions which unlawfully limit the right to freedom of expression with the aim of bringing them into line with international standards.
  - Amend provisions of the Penal Code, such as article 91, that are so vague that they lend themselves to abuse by state officials to restrict freedom of expression.
  - Revoke law 88 for the Protection of National Independence and the Economy of Cuba, which facilitates the imprisonment of prisoners of conscience by unlawfully restricting the exercise of fundamental freedoms.
  - Ensure that legal restrictions on the formation and operation of political parties, NGOs and trade unions are lifted.
- Ratify immediately and without limiting reservations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- Extend an invitation to visit the country to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the UN Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, and allow them unfettered access to all individuals and groups of civil society.



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