



18 May 2023

OPEN LETTER TO PRESIDENT MIGUEL DÍAZ-CANEL BERMÚDEZ ON THE HUMAN RIGHTS OF PRISONERS OF CONSCIENCE IN CUBA

Mr President,

We are writing to you on the two-year anniversary of the arrest of activist and musician Maykel “Osorbo” Castillo Pérez. Maykel was detained on 18 May 2021 by the Cuban authorities for exercising his right to freedom of expression and criticizing the government; he was subsequently [sentenced](#) to nine years in prison. Maykel is a member of the San Isidro Movement, made up of activists, artists and intellectuals fighting for freedom of expression, art and culture in Cuba.

In August 2021, Amnesty International [named](#) Maykel Castillo, visual artist Luis Manuel Otero Alcántara, as well as the leader of the unofficial political opposition group “*Unión Patriótica de Cuba*”, José Daniel Ferrer García, among others, as prisoners of conscience in a symbolic gesture for the many detainees who deserve this designation. The three prisoners of conscience remain imprisoned solely as a result of exercising their human rights and because of their convictions and should be released immediately and unconditionally. Luis Manuel and José Daniel were arrested in their attempts to participate in the peaceful protests on 11 July 2021.

The trials of Luis Manuel, José Daniel and Maykel, which should never have taken place, were conducted behind closed doors, according to reports from human rights defenders in Cuba. Amnesty International has [requested](#) access to the country, and to the [trials](#) of prisoners of conscience but has received no response. Public access to any or all hearings in a criminal case must be guaranteed by the State and can only be restricted in a limited number of specific and clearly defined circumstances, which was not the case in these trials. Failing this, the judicial process is in violation of the essential guarantees of impartiality and independence.

The human rights situation in Cuba continues to deteriorate. According to the records of [Justice 11J](#) –a human rights group formed in response to the State repression of those who peacefully demonstrated in July 2021 to demand a change in living conditions in the country– 1,812 people have been arrested and 768 people remain in prison after participating in various individual and collective protests since 11 July 2021.

Amnesty International has also [warned](#) that the new Criminal Code, approved in May 2022 and in force since 1 December, risks further entrenching restrictions on freedom of expression and assembly, and presents a frightening prospect for independent journalists, activists and anyone critical of the authorities. Since January 2023, at least 10 activists have been detained for days or weeks on end within the operational and investigative facilities of

the Ministry of Interior in their provinces in Cuba. Amnesty International recently received [reports](#) of the arbitrary detention of five people who participated in spontaneous protests on 6 May 2023 in Caimarena, Guantánamo.

In this letter, we make four calls upon the Cuban authorities in order to guarantee the human rights of Maykel, Luis Manuel, José Daniel and hundreds of others who are being arbitrarily detained simply for exercising their human rights in the country.

1) Protect their physical and mental integrity

Maykel is being held in the *5 y Medio* Prison in Pinar del Río, a high-security detention centre far from his home in Havana, Cuba. According to information available to the organization, since mid-April 2023, he has been receiving threats of violence from detainees and there are fears for his safety and physical integrity. The information received states that these events began when the Cuban authorities moved him to another cell and installed a security camera to monitor him, thus restricting Maykel's right to privacy and that of the others sharing his cell.

In an [audio](#) released on 4 May 2023, Maykel indicated that he had informed the prison authorities of the threats of violence and harassment. However, they had reportedly not implemented any measures to protect him. Faced with this inaction, his support network began to publicly denounce the situation, including publishing the audio in which the artist expresses his fears of violence in prison. In the audio, Maykel repeats that he will not use violence against anyone to protect himself.

The family of José Daniel Ferrer has denounced the fact that the authorities are holding him in solitary confinement, half-naked in a punishment cell, in inhuman, cruel and degrading conditions, a victim of both physical and psychological torture and other ill-treatment.

In addition, Amnesty International has received reports that detainees expressing dissent have been subjected to harassment and ill-treatment at the hands of prison officers.

2) Ensure their health and well-being

According to his support network, Maykel has suffered repeated health problems over the past month, including regular bouts of fever, headache and joint pain, as well as significant weight loss. In addition, they note that, since the end of 2021, he has been experiencing skin lumps and swollen lymph nodes. This is of concern to his loved ones since failures in the lymphatic system can be a sign of serious infection.

Luis Manuel, who is being held in Guanajay prison, is in a declining state of health. The artist has a dislocated knee, is having problems with one of his eyes and has had circulatory problems. Like Maykel, he has lost a great deal of weight in recent months, according to information provided to the organization.

In addition, the latest information on José Daniel's state of health, received by his family in March 2023, notes that he was suffering from headaches, ringing in the ears, skin problems, tooth pain, gastritis, an ulcer and gradual loss of vision. José Daniel is also

experiencing cramps and momentary paralysis in his hands. His family reports that he has not received adequate dental care or medication in Mar Verde prison in Santiago de Cuba, where he is being held.

The United Nations Committee against Torture has already [expressed](#) its concern at the overcrowding, insalubrity and lack of ventilation, poor medical care, malnutrition, and insufficient provision of drinking water and medicines in Cuban prisons. Amnesty International has received reports of the deteriorating health of people detained in Cuba for their dissident views and participation in protests. The Cuban authorities must immediately address these situations and guarantee access to health and dignity for all those deprived of their liberty.

3) Ensure communication and family visits

According to his relatives, José Daniel has been in solitary confinement since 14 August 2021, isolated from other prisoners and in [incommunicado detention](#) since 17 March 2023.

Detention without access to the outside world –incommunicado detention– facilitates torture or other ill-treatment and enforced disappearances. In some circumstances, both prolonged solitary confinement and incommunicado detention may in themselves constitute forms of torture or cruel, inhuman or degrading treatment. A detained person may furthermore not be deprived of contact with their family as a disciplinary sanction or restrictive measure, nor may the means of family contact be restricted for an unlimited period of time.

The authorities must immediately end the incommunicado detention of José Daniel and all other detainees held in Cuba in this situation.

4) Respect their right to freedom of movement

Luis Manuel, Maykel and José Daniel are prisoners of conscience deprived of their freedom solely for exercising their human rights and should therefore be released immediately and unconditionally. The organization has received information that both Luis Manuel and Maykel wish to leave Cuba voluntarily, in exercise of their right to leave their own country.

According to the relatives of José Daniel Ferrer, who wishes to remain in Cuba, the Cuban authorities have offered him freedom in exchange for a commitment to leave the country, which would be an arbitrary punishment and a violation of his human rights.

Luis Manuel, José Daniel and Maykel, along with all other persons arbitrarily detained in the country solely for exercising their rights, including freedom of expression and peaceful assembly, must be guaranteed the right to leave their country, to remain in their country or to return voluntarily.

In this worrying and alarming context, we urgently call on you to comply with your international obligations and protect the human rights of all persons detained for exercising their freedom of expression in Cuba, including protecting their physical and mental integrity and health, guaranteeing communication with their families, and ensuring respect for their right to freedom of movement.

We hope that Maykel, Luis Manuel, José Daniel and all those unjustly imprisoned in Cuba can immediately regain their freedom and be treated with dignity and respect.

Yours sincerely,

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Amnesty International