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Restrictions to freedom of expression create climate of fear in Cuba

Cuba's repressive legal system has created a climate of fear among journalists, dissidents and activists, putting them at risk of arbitrary arrest and harassment by the authorities, Amnesty International said in a report released today.

The report "Restrictions on Freedom of Expression in Cuba" highlights provisions in the legal system and government practices that restrict information provided to the media and which have been used to detain and prosecute hundreds of critics of the government.

"The laws are so vague that almost any act of dissent can be deemed criminal in some way, making it very difficult for activists to speak out against the government. There is an urgent need for reform to make all human rights a reality for all Cubans," said Kerrie Howard, Deputy Americas Director at Amnesty International.

Yosvani Anzardo Hernández, the director of the Candonga online newspaper, is one of many Cuban independent journalists who have been arbitrarily arrested, interrogated and intimidated by the authorities.

In September 2009 he was arbitrarily detained for 14 days, before being released without charge. At the time, police also confiscated his computer, which hosted the website, and disconnected his telephone line.

Although Yosvani Anzardo is resigned to not continuing with the site, he still does not understand why it was closed. "We were hoping that the government understood that what we were doing was exercising a right, we didn't hurt anyone", said the journalist. "We tried very hard to give information about what was happening in the country. They [the authorities] considered this to be dangerous."

The Cuban state has a virtual monopoly on media while demanding that all journalists join the national journalists' association, which is in turn controlled by the Communist Party.

The authorities have also put in place filters restricting access to blogs that openly criticize the government and restrictions on fundamental freedoms.

The Cuban Constitution goes even further in curbing freedom of expression by stating that "[n]one of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and law, or contrary to the existence and objectives of the socialist state, or contrary to the decision of the Cuban people to build socialism and communism."

The Penal code specifies a range of vague criminal charges that can also be used to stifle dissent, such as "social dangerousness", "enemy propaganda", "contempt of authority", "resistance", "defamation of national

institutions” and “clandestine printing”.

Provisions of Law 88 on the Protection of National Independence and the Economy of Cuba have also been used to repress criticism and punish dissidents who work with foreign media.

With a judiciary that is neither independent, nor impartial, critics of the government find that an unlimited range of acts can be interpreted as criminal and end up facing trials that are often summary and unfair.

Cuban authorities deny the existence of political prisoners in the country but Amnesty International knows of at least fifty-three prisoners of conscience who remain incarcerated in the country for peacefully exercising their right to freedom of expression, association and assembly.

One of seventy-five dissidents arrested in the ‘Black Spring’ crackdown in 2003, independent journalist Pablo Pacheco Avila was sentenced to a 20-year jail term for writing articles for foreign and online newspapers, being interviewed by foreign radio stations, and publishing information via the internet.

Despite some prisoners of conscience being released on health grounds, including Ariel Sigler Amaya in June 2010, most of them, including Pablo Pacheco Avila, are still imprisoned.

The Cuban government has sought to justify its failure to protect human rights by pointing to the negative effects of the embargo imposed by the US.

“It is clear that the US embargo has had a negative impact on the country but it is frankly a lame excuse for violating the rights of the Cuban people”, said Kerrie Howard. “The government needs to find solutions to end human right violations, instead of excuses to perpetrate them.”

Amnesty International calls on the Cuban government to revoke or amend legal provisions that unlawfully limit freedom of expression, end harassment of dissidents, release all prisoners of conscience, and allow free exchange of information through the internet and other media.

“The release of all prisoners of conscience and the end of harassment of dissidents are measures that the Cuban government must take immediately and unconditionally”, said Kerrie Howard.

“However, to honour its commitment to human rights, Cuba must also dismantle the repressive machinery built up over decades, and implement the reforms needed to make human rights a reality for all Cubans.”