

URGENT ACTION

ARTIST OPPOSING CENSORSHIP ARRESTED

On 1 March, Cuban authorities detained artist Luis Manuel Otero Alcántara, a key figure in the movement opposing Decree 349, a dystopian law which stands to censor artists. Amnesty International considers that Luis Manuel Otero Alcántara is a prisoner of conscience, imprisoned solely because of his consciously held beliefs. We demand his immediate and unconditional release.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Alpidio Alonso Grau
Minister of Culture
And Mr. Fernando Rojas
Vice-minister of Culture
Ministry of Culture
Calle 2 No. 258 e/ 11 y 13,
C.P. 10400, El Vedado, La Habana, Cuba
Emails: ministro@min.cult.cu and fernandor@min.cult.cu
Twitter: @AlpidioAlonsoG and @FernandoRojas_6

Dear Minister and Vice-minister,

I write to you to condemn the detention on March 01 of Cuban artist Luis Manuel Otero Alcántara, a key leader in the movement opposing Decree 349, a dystopian law which stands to censor artists.

Prior to his detention, he had announced on Facebook that he planned to participate in a protest convened by LGBTI activists after alleged state censorship of a movie featuring two men kissing.

Luis Manuel has been detained more than 20 times in the past 30 months, according to NGO Cubalex. He is now held in Valle Grande prison and allegedly charged with “insults to symbols of the homeland”, a crime inconsistent with international human rights standards, and “damage” to property.

Luis Manuel Otero is a prisoner of conscience, detained solely for peacefully expressing his ideas. I therefore urge you to secure his immediate and unconditional release.

Yours sincerely,

ADDITIONAL INFORMATION

Luis Manuel Otero Alcántara has become a leading voice of opposition against Decree 349 in Cuba.

Under the decree, all artists, including collectives, musicians and performers, are prohibited from operating in public or private spaces without prior approval by the Ministry of Culture. Individuals or businesses that hire artists without the authorization can be sanctioned, and artists that work without prior approval can have their materials confiscated or be substantially fined. Under the decree, the authorities also have the power to immediately suspend a performance and to propose the cancellation of the authorization granted to carry out the artistic activity. Such decisions can only be appealed before the same Ministry of Culture (Article 10); the decree does not provide an effective remedy to appeal such a decision before an independent body, including through the courts.

The decree contains vague and overly broad restrictions on artistic expression. For example, it prohibits audiovisual materials that contain, among other things: “use of patriotic symbols that contravene current legislation” (Article 3a), “sexist, vulgar or obscene language” (Article 3d), and “any other (content) that violates the legal provisions that regulate the normal development of our society in cultural matters” (Article 3g). Furthermore, it makes it an offence to “commercialize books with content harmful to ethical and cultural values” (Article 4f).

International human rights law and standards require that any restriction to the right to freedom of expression, including through art, must be provided by law and formulated with sufficient precision to avoid overly broad or arbitrary interpretation or application, and in a manner that is accessible to the public and that clearly outlines what conduct is or is not prohibited.

As signatory to the International Covenant on Civil and Political Rights (ICCPR), Cuba is required to refrain from acts that would defeat the object and purpose of the treaty. Article 19 of the ICCPR specifically protects the right to freedom of expression, which includes the “freedom to seek, receive and impart information and ideas of all kinds...” including “in the form of art”.

Amnesty International has previously [expressed concern that Decree 349](#) is likely to have a general chilling effect on artists in Cuba, preventing them from carrying out their legitimate work for fear of reprisals.

Article 203 of the Penal Code, one of the provisions under which Luis Manuel appears to be charged, is inconsistent with international standards as its effect is to limit freedom of expression. Amnesty International opposes laws prohibiting disrespect of heads of state or public figures, the military or other public institutions, or flags or symbols (such as lèse majesté and desacato laws).

His trial was originally expected on 11 March 2020 but was delayed.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish. You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 April 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Luis Manuel Otero Alcántara (he/his)

LINK TO PREVIOUS UA: N/A