



UNIVERSAL PERIODIC REVIEW
SUBMISSION FOR CUBA

NGO Submission

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ABOUT HRF

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding ideals of the human rights movement, those which are most purely enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights (ICCPR).

HRF's Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Cuba. In this submission, HRF evaluates Cuba's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including the ongoing curtailment of the freedoms of assembly, association, and expression, particularly among dissenters of the regime, as well as arbitrary arrests and detentions, and other violations of due process of the law.

FOLLOW-UP ON THE PREVIOUS REVIEW

1. The most recent UPR of Cuba by the United Nations (UN) Human Rights

Council took place from May 7-18, 2018.¹ The Human Rights Council considered and adopted the outcome of the country's review during its 39th Session, in September 2018.² A total of 339 recommendations were made to Cuba, with the government accepting 224 recommendations and noting 113.³

2. Although Cuba accepted the majority of recommendations which covered a range of issues, it has not made significant progress in implementing them.
3. As a Member State of the United Nations, Cuba has committed to protect, promote, and respect the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Notably, Cuba has also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of all Persons from Enforced Disappearance.⁴
4. Domestically, Cuba's Constitution of 2019 (Constitution) formally guarantees the protection of human rights (*see infra Cuba's National Framework for Protecting Human Rights*). However, despite these constitutional guarantees, in practice, activists and dissidents are systematically subjected to severe human rights violations.

CUBA'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

¹ Cuba: National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Thirtieth Session, UPR-INFO (May 2018)

https://www.upr-info.org/sites/default/files/documents/2018-04/a_hrc_wg.6_30_cub_1_en.pdf.

² Cuba: Outcome of the universal periodic review 39/113 – Thirty-ninth Session, Human Rights Council (Sept. 2018)

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/289/84/PDF/G1828984.pdf?OpenElement>.

³ Human Rights Council adopts Universal Periodic Review outcomes of Canada, Cuba and the Russian Federation, OHCHR (Sept. 21, 2018)

<https://www.ohchr.org/en/press-releases/2018/09/human-rights-council-adopts-universal-periodic-review-outcomes-canada-cuba>.

⁴ Status of Ratification Interaction Board, OHCHR, <https://indicators.ohchr.org/>.

⁵ Cuba Constitution, 2019, Const. Project, (2019),

https://www.constituteproject.org/constitution/Cuba_2019.pdf?lang=en.

5. Cuba's Constitution⁵ contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.
6. In relation to the equal protection of individuals under the law, Cuba's Constitution states in *Article 42*:

All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction injurious to human dignity.

All people have the right to enjoy the same public spaces and service facilities. Likewise, they receive equal salary for equal work, with no discrimination whatsoever. The violation of this principle is proscribed and is sanctioned by law.

7. In relation to the respect for human dignity and protection from inhuman treatment, Cuba's Constitution states in *Article 51*:

People may not be subject to forced disappearance, torture, or cruel, inhumane, or degrading treatment or punishment.

8. In relation to the freedom of expression, Cuba's Constitution states in *Article 54*:

The State recognizes, respects, and guarantees people freedom of thought, conscience, and expression.

A conscientious objection may not be invoked with the intention of evading compliance with the law or impeding another from the exercise of their rights.

9. In relation to the freedoms of assembly and association, Cuba's Constitution states in *Article 56*:

The rights of assembly, demonstration, and association for legal and peaceful purposes are recognized by the State whenever they are exercised with respect to public order and in compliance with the precepts established by the law.

⁵ Cuba Constitution, 2019, Const. Project, (2019), https://www.constituteproject.org/constitution/Cuba_2019.pdf?lang=en.

10. In relation to arbitrary detention, Cuba's Constitution states in *Article 96*:

Anyone illegally deprived of liberty, of their own account or by a third party, has the right to submit a writ of Habeas Corpus to a competent court, according to the requirements established by the law.

POLITICAL BACKGROUND

11. The Constitution codifies Cuba's one-party system, in which the Communist Party (PCC) is the only legal political party.⁶ The First Secretary of the PCC leads the party and is the highest-ranking political entity of the state by law, with power to set policies and make decisions that shape the direction of the country,⁷ while the position of president is largely ceremonial, representing the country in international affairs.

12. Fidel Castro was the ruler of Cuba for 49 years,⁸ having first risen to power in 1959 as head of a rebel army that overthrew Cuban dictator Fulgencio Batista. In 2006, as his health began to deteriorate, his brother, Raúl Castro, served as interim President for two years before being officially elected to the position in 2008.⁹ Fidel kept the position of First Secretary and led the PCC until 2011, when Raúl took over the party leadership as First Secretary. In 2011, Raúl introduced¹⁰ reforms, later codified, that included limitations on communist executive leader terms.¹¹

⁶ *Cuba Constitution*, Art. 5, 2019, Const. Project, (2019)

https://www.constituteproject.org/constitution/Cuba_2019?lang=es.

⁷ *Castro Era in Cuba to End as Raul Confirms His Retirement*, Al Jazeera (Nov. 9, 2021)

<https://www.aljazeera.com/economy/2021/4/16/raul-castro-to-step-down-as-head-of-cubas-communist-party>.

⁸ Anthony Boadle, *Cuba's Fidel Castro Steps Down After Half a Century*, Reuters (Feb. 19, 2008)

<https://www.reuters.com/article/us-cuba-castro/fidel-castro-steps-down-after-49-year-rule-idUSN1941945720080219>.

⁹ *Id.*

¹⁰ *Cuba Constitution*, Art. 126, Const. Project, (2019)

https://www.constituteproject.org/constitution/Cuba_2019.pdf?lang=en.

¹¹ Randal C. Archibold, *Cuban Leader Proposes Term Limits in Sign of New Era*, The New York Times (Apr. 16, 2011)

<https://www.nytimes.com/2011/04/17/world/americas/17cuba.html>.

13. The current president, Miguel Díaz-Canel, took office in 2018 and was the first person outside of the Castro family to hold the presidency in over 60 years.¹² The transition from Raúl Castro to Díaz-Canel as President of Cuba was a gradual and orchestrated process, shaped by the PCC and its leadership.¹³ Díaz-Canel had been a member of the PCC and a government official for more than 40 years¹⁴ and was deemed a safe choice to maintain the socialist system.
14. Raúl Castro maintained the position of First Secretary of the PCC¹⁵ until April 19, 2021, when Miguel Díaz-Canel replaced him as First Secretary of the PCC.¹⁶ Since then, Cubans have increasingly called for greater freedom of expression and political rights, amidst growing discontent with the government's handling of the economy, as well as frustration with the systemic repression of political dissent.

FREEDOMS OF ASSEMBLY, ASSOCIATION, AND EXPRESSION

15. The freedoms of expression, assembly, and association are all enshrined in Cuba's Constitution, but in practice, are restricted by the Cuban regime.
16. On August 17, 2021, the Cuban government published Decree-Law 35/2021, regulating the use of telecommunications.¹⁷ The stated purpose of the Decree is to "defend" the Cuban revolution, and it requires providers to interrupt, suspend,

¹² *Cuba: Freedom in the World 2019 Country Report*, Freedom House (2019)

<https://freedomhouse.org/country/cuba/freedom-world/2019>.

¹³ Azam Ahmed, *Cuba Se Prepara Para el Fin de la Dinastía Castro*, The New York Times (Apr. 19, 2018)

<https://www.nytimes.com/es/2018/04/18/espanol/america-latina/cuba-castro-diaz-canel.html>.

¹⁴ *Id.*

¹⁵ Patrick Oppmann, *Cuba's National Assembly Announces Miguel Diaz-Canel as New President*, CNN (Apr. 19, 2018)

<https://www.cnn.com/2018/04/18/americas/cuba-end-of-castro-era/index.html>.

¹⁶ *Cuba Leadership: Díaz-Canel Named Communist Party Chief*, BBC News, (Apr. 19, 2021)

<https://www.bbc.com/news/world-latin-america-56802129>.

¹⁷ *World Report 2022: Rights Trends in Cuba*, Human Rights Watch (Jan. 13, 2022) <https://www.hrw.org/world-report/2022/country-chapters/cuba>.

or terminate services when a user publishes information that is “fake”¹⁸ or affects “public morality” and “respect for public order.”¹⁹ A “cybersecurity” resolution²⁰ accompanying the Decree contains wide-ranging provisions that regulate publications that “slander [and] impact the prestige of the country,”²¹ “incite mobilizations,”²² and “promote social indiscipline,”²³ among others. The resolution classifies these purportedly wrongful acts as “incidents of cybersecurity” that officials are required to “prevent”²⁴ and “eradicate.”²⁵

17. Decree-Law 370/2018 prohibits the dissemination of information “contrary to the social interest, morals, good manners and integrity of people.”²⁶ Cuban officials regularly use it to interrogate and fine independent journalists and critics and confiscate their working materials. In 2022, six journalists were fined under this decree, including *Diario de Cuba* journalist Boris González Arenas and CatholicTV channel *ETWN* correspondent Adrián Martínez Cádiz.²⁷ Both were subjected to

¹⁸ Art. 15, e, “The user of public telecommunications/ICT services has the duty of preventing telecommunications/ICT services from being used to threaten the Security and Internal Order of the country, transmit false reports or news, or in actions aimed to cause harm to third parties and as a means to commit illegal acts.” p. 2530

<https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

¹⁹ Art. 15(f), “The user of public telecommunications/ICT services has the duty of not using the service to carry out actions or transmit information that is offensive or harmful to human dignity; with sexual, discriminatory content; that encourages harassment; that affects personal and family privacy or one’s own image and voice; the identity, integrity and honor of the person; collective security, general welfare, public morality and respect for public order.” p. 2530 <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²⁰ Resolution 105/2021 pp. 2575-2589 <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²¹ Resolution 105/2021. Annex II: Classification of Cybersecurity Incidents and Level of Danger. Category 1: Ethic and Social Damages. Subcategory 1: Media coverage of fake news. “Dissemination of fake news, offensive messages, defamation with an impact on the country’s prestige.” p. 2581.

<https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²² Resolution 105/2021. Annex II: Classification of Cybersecurity Incidents and Level of Danger. Category 1: Ethic and Social Damages. Subcategory 3: Harmful dissemination. “Dissemination through infrastructures, platforms or telecommunications/ICT services of contents that violate the constitutional, social and economic precepts of the State, incite mobilizations or other acts that disturb public order.” p. 2581.

<https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²³ Resolution 105/2021. Annex II: Classification of Cybersecurity Incidents and Level of Danger. Category 3: Incidents of Assault. Subcategory 3: Social subversion. “Intent to alter the public order and promote social indiscipline.” p. 2581.

<https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²⁴ Resolution 105/2021. Annex I: Actions to Be Carried Out at Different Stages Before a Cybersecurity Incident. Stage 1: Prevention and Protection. pp. 2579-2580. <https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²⁵ Resolution 105/2021. Annex I: Actions to Be Carried Out at Different Stages Before a Cybersecurity Incident. Stage 4: Mitigation and Recovery. 1. “To design and implement technological solutions for its eradication.” p. 2580.

<https://www.gacetaoficial.gob.cu/sites/default/files/goc-2021-o92.pdf>.

²⁶ Decree-Law 370/2018 Art. 68: i. p. 26.

https://www.mincom.gob.cu/sites/default/files/marcoregulatorio/dl_370-18_informatizacion_sociedad.pdf.

²⁷ *Seis Periodistas Cubanos Multados Por Decreto Ley 370 En 2022*, ICLEP (Dec. 14, 2022) <https://iclep.org/post/seis-periodistas-cubanos-multados-por-decreto-ley-370-en-2022>.

interrogations, threatened with imprisonment, and fined 3,000 Cuban pesos (approximately USD 125) for criticizing the government on social media.²⁸

18. The Cuban regime consistently uses tactics such as denying, without legal basis, activists and journalists who exercise the freedom of expression the right to return to their home country. For example, in March 2021, Cuban officials denied Karla Pérez, a Cuban journalist studying in Costa Rica, who criticizes the regime, the possibility of returning home; she was later granted refugee status in Costa Rica.²⁹ And again in 2022, Omara Ruiz Urquiola, a Cuban citizen critical of Cuba's dictatorship, was denied boarding to Cuba from Florida three times on instruction from the regime.³⁰ She had traveled to the United States to receive urgent medical treatment, and has been barred from returning to her elderly mother in Cuba.³¹

19. Individuals have reported being penalized with dismissal, demotion, or censorship for expressing dissenting opinions or affiliating with independent organizations. In September 2020, Alexander Raúl Pupo Casas was forced out of his neurosurgery residency program at the Ernesto Che Guevara Hospital³² after his supervisor, Ponce de León Noriega, saw comments he had posted on Facebook that were critical of the government, including a critique of low salaries for medical professionals.³³ Noriega publicly denounced Pupo Casas as a "counterrevolutionary" and began a campaign to expel him from the hospital.³⁴

20. Officials also restricted the activities of Archipiélago, a group composed of activists from across the political spectrum and civil society. Archipiélago served

²⁸ *Id.*

²⁹ Monica Rivero, *Costa Rica Welcomes Banished Cuban Journalist Karla Perez*, Havana Times (Mar. 19, 2021) <https://havanatimes.org/news/banished-cuban-journalist-gets-refugee-status/>.

³⁰ Jeanny Pena, *Niegan Entrada a Cuba a La Activista Omara Ruiz Urquiola Por Tercera Vez*, CiberCuba (Oct. 8, 2022) <https://www.cibercuba.com/noticias/2022-10-08-u199894-e199894-s27061-niegan-entrada-cuba-activista-omara-ruiz-urquiola>.

³¹ *Id.*

³² Tania Costa, *Expulsado y Desalojado De La Beca En Cuba El Médico Que Compartió En Internet Opiniones Políticas*, CiberCuba (Sep. 24, 2020) <https://www.cibercuba.com/noticias/2020-09-24-u1-e192519-s27061-expulsado-desalojado-beca-medico-compartio-internet-opiniones>.

³³ *Id.*

³⁴ *Id.*

as a platform for organizing large pro-democracy protests in November 2021,³⁵ but the group's request to hold the protests was denied by the Cuban government in October.³⁶ Members of the group also accused Cuba's state telecom provider of censoring texts containing the Spanish word for "archipelago" and the date of their planned protests.³⁷ Later that month, prosecutors warned Archipiélago's leaders not to proceed with their plans,³⁸ after accusing them of plotting a coup d'état financed by foreign powers.³⁹ On November 15, 2021, security forces were deployed to prevent the planned protests, and dozens of organizers and prominent government opponents were arbitrarily detained.⁴⁰ Playwright and Archipiélago leader Yúnior García Aguilera fled Cuba for Spain several days later, after having been harassed, threatened, and prevented from leaving his home.⁴¹

21. NGOs have documented dozens of "repudiation acts," whereby large groups of people verbally abuse, humiliate, and physically assault, or otherwise target, regime critics.⁴² On January 27, 2021, for instance, security forces prevented a large number of independent journalists from leaving their homes, and the Cuban state company that provides telecommunication services, ETECSA,⁴³ cut off their internet access to prevent them from reporting remotely.⁴⁴ One of these included daily independent newspaper *Diario de Cuba* journalist Jorge Enrique

³⁵ *Cuban Opposition Group Calls for More Protests, Denounces Arrests*, Al Jazeera (Nov. 17, 2021)

<https://www.aljazeera.com/news/2021/11/17/cuban-opposition-group-calls-for-more-protests-denounces-arrests>.

³⁶ *Cubabrief: Rejection of Request to Protest by Castro Regime Is Yet Another Example of Intolerance of Freedom of Expression. Protest Leader Say N15 Civic March Continues*, Center for a FREE Cuba (Oct. 23, 2021)

<https://www.cubacenter.org/archives/2021/10/22/cubabrief-rejection-of-request-to-protest-by-castro-regime-is-yet-another-example-of-intolerance-of-freedom-of-expression-protest-leader-say-n15-civic-march-continues>.

³⁷ Patrick Oppmann, *Cuba Is Cracking Down on Critics. This Unlikely Dissident Says He'll Protest Anyway*, CNN (Nov. 4, 2021) <https://www.cnn.com/2021/11/04/americas/cuba-protest-crackdown-intl-latam/index.html>.

³⁸ Nelson Acosta, *Cuban Prosecutor Warns Dissident Leaders against November Protests*, Reuters (Oct. 21, 2021)

<https://www.reuters.com/world/americas/cuban-prosecutor-warns-dissident-leaders-against-november-protests-2021-10-21/>.

³⁹ *Fiscalía advierte a ciudadanos que persisten en realizar marcha ilegal*, Granma (Oct. 22, 2021)

<https://www.granma.cu/cuba/2021-10-22/fiscalia-advierte-a-ciudadanos-que-persisten-en-realizar-marcha-ilegal>.

⁴⁰ *Cuban Opposition Group Calls for More Protests, Denounces Arrests*, Al Jazeera (Nov. 17, 2021)

<https://www.aljazeera.com/news/2021/11/17/cuban-opposition-group-calls-for-more-protests-denounces-arrests>.

⁴¹ *Cuban pro-Democracy Activist Who Fleed Promises to Return Home*, Al Jazeera (Nov. 18, 2021)

<https://www.aljazeera.com/news/2021/11/18/dissident-vows-return-to-cuba-after-landing-in-spain>.

⁴² *Realizan Acto de Repudio Frente a la Vivienda de la Activista Saily González*, Noticias CubaNet, YouTube (Nov. 15, 2021)

<https://www.youtube.com/watch?v=XuUYu-BnhUw>.

⁴³ Empresa de Telecomunicaciones de Cuba, S.A.

⁴⁴ <https://cpj.org/2021/01/cuban-internet-access-cut-amid-free-expression-protest-journalist-harassed/>.

Rodriguez, who has been detained on several occasions and received threats from officials with the aim of forcing him into exile.⁴⁵

ARBITRARY ARRESTS, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

22. Cubans who criticize the government risk criminal prosecution without due process, such as the right to fair and public hearings by a competent, independent, and impartial tribunal.
23. On July 11, 2021, Cuban citizens participated in the largest demonstrations in over 20 years, holding nationwide protests over economic difficulties, shortages of basic goods, the government's COVID-19 response, and a lack of fundamental freedoms.⁴⁶ President Díaz-Canel called on regime supporters to oppose the protests, saying in televised remarks that "the order to combat has been given."⁴⁷ Officials acted violently in order to disperse the protestors, deploying tear gas and pepper spray.⁴⁸ One person was killed,⁴⁹ and more than 1,400 people were arrested, with over 700 in detention to this day.⁵⁰
24. Luis Manuel Otero Alcántara, an internationally recognized artist and leader of the San Isidro Movement, one of Cuba's leading collectives of dissident artists, was also arrested during the July 11th protests. He had previously been arrested dozens of times and detained in jail or placed under house arrest.⁵¹ Alcántara

⁴⁵ José Luis Reyes, *La Policía Política Presiona Al Reportero De Diario De Cuba Jorge Enrique Rodríguez Para Que Abandone El País*, *Diario de Cuba* (Dec. 29, 2022) https://diariodecuba.com/derechos-humanos/1672339010_44310.html.

⁴⁶ Patrick Oppmann and Tatiana Arias, *Cubans Take to Streets in Rare Protests over Lack of Freedoms and Worsening Economy*, *CNN*, (July 13, 2021) <https://www.cnn.com/2021/07/11/americas/cuba-protests/index.html>.

⁴⁷ *Id.*

⁴⁸ Anthony Faiola, *Cubans Hold Biggest Anti-Government Protests in Decades; Biden says U.S. Stands with People*, *The Washington Post* (July 12, 2021) <https://www.washingtonpost.com/world/2021/07/11/cuba-protests/>.

⁴⁹ *Protestas En Cuba: El Gobierno Confirma Un Muerto En Nuevos Disturbios a Las Afueras De La Habana*, *BBC News Mundo* (July 13, 2021) <https://www.bbc.com/mundo/noticias-america-latina-57829694>.

⁵⁰ *Más De 1400 Arrestos, 488 Condenas y 700 Personas Aún En La Cárcel: A Un Año De Las Masivas Protestas Del 11j En Cuba*, *Infobae* (July 11, 2022) <https://www.infobae.com/america/america-latina/2022/07/11/mas-de-1400-arrestos-488-condenas-y-700-personas-aun-en-la-carcel-a-un-ano-de-las-masivas-protestas-del-11j-en-cuba/>.

⁵¹ Carlos Manuel Álvarez, *Cuba Arrested a Performance Artist Because He's Everything the Regime Can't Control*, *The Washington Post* (Mar. 11, 2020) <https://www.washingtonpost.com/opinions/2020/03/11/cuba-arrested-performance-artist-because-hes-everything-regime-cant-control/>.

remains held in the notorious maximum-security prison in Guanajay,⁵² where he is serving a five-year sentence on accusations of “public disorder,” “contempt,” and “chanting an offensive” song, *Patria y Vida*, the Grammy-winning protest anthem,⁵³ against the President.⁵⁴

25. Also on July 11th, police violently arrested Gabriela Zequeira Hernández, a 17-year old who encountered the protests while walking home from the hairdresser.⁵⁵ She was held *incommunicado* for 10 days in the Cien y Aldabó Prison, where officials forced her to remove her clothes and put a finger in her genitalia to verify she wasn’t hiding anything.⁵⁶ Officers kept interrupting her attempts to sleep, and one officer sexually taunted her and threatened her with sexual violence.⁵⁷ She was sentenced to eight months’ house arrest for “public disorder,” for allegedly participating in the demonstrations.⁵⁸

26. In February 2020, opposition leader José Daniel Ferrer was sentenced to four-and-a-half years of “limitations of freedom,” in the form of house arrest, for “assault.”⁵⁹ On July 11, 2021, Ferrer was arrested on his way to a demonstration.⁶⁰ Six days later, he was charged with “public disorder” for “deciding to join” the demonstrations and sent to pre-trial detention.⁶¹ On August 14, 2021, a Santiago

⁵² *Prison or Exile: Cuba’s Systematic Repression of July 2021 Demonstrators*, Human Rights Watch (July 11, 2022) <https://www.hrw.org/report/2022/07/11/prison-or-exile/cubas-systematic-repression-july-2021-demonstrators>.

⁵³ Oscar Lopez, ‘*Patria y Vida*’: How a Cuban Rap Song Became a Protest Anthem, *The New York Times* (Nov. 19, 2021) <https://www.nytimes.com/2021/11/18/arts/music/patria-y-vida-cuba-protest-song.html>.

⁵⁴ *Supra* note 52.

⁵⁵ Sarah Marsh, *One Month after Cuba Protests, Hundreds Remain behind Bars*, Reuters (Aug. 12, 2021) <https://www.reuters.com/world/americas/one-month-after-cuba-protests-hundreds-remain-behind-bars-2021-08-12/>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Claudia Montero, *Adolescente Condenada a Ocho Meses De Prisión Pasa a Régimen De Reclusión Domiciliaria*, CubaNet (July 26, 2021) <https://www.cubanet.org/noticias/adolescente-condenada-a-8-meses-de-prision-pasa-a-reclusion-domiciliaria/>.

⁵⁹ *Leading Cuban dissident Jose Daniel Ferrer ordered to server four year prison sentence*, NBC News (Aug. 18, 2022) <https://www.nbcnews.com/news/latino/leading-cuban-dissident-jose-daniel-ferrer-ordered-serve-four-year-prison-rcna1701>.

⁶⁰ *Cuba: Political Leader Held Incommunicado*, Amnesty International (July 13, 2022) <https://www.amnesty.org/en/documents/amr25/5863/2022/en/>.

⁶¹ *Cuba: Peaceful Protesters Systematically Detained, Abused*, Human Rights Watch (Oct. 19, 2021) <https://www.hrw.org/news/2021/10/19/cuba-peaceful-protesters-systematically-detained-abused#show-case-card-1167>.

de Cuba court sentenced Ferrer to four years and 14 days in prison, for having failed to “strictly respect the laws” and “observe the rules of socialist coexistence,” which are legal conditions for people sentenced to “limitations of freedom.”⁶²

27. On July 12, 2021, policemen arrested and beat sisters María Cristina Garrido Rodríguez and Angélica Garrido Rodríguez for participating in the July 11th protests in Quivicán.⁶³ That afternoon, police transferred them to the “del Sida” prison located in San José de las Lajas, where a female guard beat María Cristina.⁶⁴ Officials then placed her in a small cell in which she could not sit or lie down⁶⁵ and repeatedly forced her to shout: “Long live Fidel!”⁶⁶ Officials charged both sisters with public disorder, resistance, spreading an epidemic, and being protest organizers, despite having no evidence against them.⁶⁷ María Cristina was sentenced to seven years in prison, and Angélica to three.⁶⁸

28. NGOs reported that, as of February 2023, 742 of the 768 people who had been tried in connection with the July 2021 protests were convicted.⁶⁹ Most of them were sentenced via “summary” criminal trials that lacked basic due process measures, including the right to legal representation.⁷⁰ Protesters continue to be tried for vague crimes, such as “public disorder” and “contempt.”⁷¹ In some cases, officials have sought or imposed disproportionate prison sentences of up to 25 years for protesters accused of engaging in “violence,” such as throwing

⁶² *El Caso De José Daniel Ferrer: Así Viola El Régimen Cubano Sus Leyes Para Neutralizar a UN Líder Opositor*, Diario de Cuba (Sep. 24, 2021) https://diariodecuba.com/derechos-humanos/1632499304_34252.html.

⁶³ *Supra* note 52.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Esposo De Cubana Presa Por Protestas Del 11j: ‘La Golpearon y Obligaron a Gritar Viva Fidel*, CiberCuba (Dec. 17, 2021) <https://www.cibercuba.com/noticias/2021-08-11-u1-e208227-s27061-esposo-cubana-presa-protestas-11j-golpearon-obligaron-gritar>.

⁶⁷ *Supra* note 52.

⁶⁸ *Id.*

⁶⁹ *Detenciones Políticas En Cuba*, Justicia 11J (Feb. 8, 2023) <https://www.justicia11j.org/>.

⁷⁰ Santiago Pérez, *Cuban Protesters Get Prison Sentences, House Arrest in Summary Trials*, The Wall Street Journal (July 26, 2021) <https://www.wsj.com/articles/cuban-protesters-get-prison-sentences-house-arrest-in-summary-trials-11627334035>.

⁷¹ *Personas presas y condenadas desde 11J*, Justicia 11J (Dec. 18, 2022) <https://www.justicia11j.org/detenidas-y-condenadas-del-11j>.

rocks during protests.⁷²

29. Aside from the crackdown on July 11th protestors, Cuba has continued to arbitrarily detain members of activist groups. Members of Damas de Blanco (“Ladies in White”), a prominent association of female political activists, have repeatedly been arbitrarily detained when they have tried to meet.⁷³ On February 12, 2023, Berta Soler, the leader of Ladies in White, was arrested for the 39th consecutive Sunday;⁷⁴ each release has come with fines ranging from 30 to 2,000 Cuban pesos.⁷⁵ On December 4, 2022, Soler was among 11 members of Ladies in White arrested by paramilitary groups “at the service of State Security,” when leaving a meeting.⁷⁶ Soler and her husband Ángel Moya, a former political prisoner, had also previously been arrested on September 23, 2021, while attempting to deliver a petition in support of detained José Daniel Ferrer, leader of the opposition group “Patriotic Union of Cuba” (UNPACU).⁷⁷

RECOMMENDATIONS

30. HRF calls on Cuba’s government to:

- a. Protect, respect, and promote, without reservation, the rights of all individuals to the freedoms of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within Cuba, without fear of retribution in the form of censorship,

⁷² Cuba: Crackdown on Protests Creates Rights Crisis, Human Rights Watch (July 11, 2022)

<https://www.hrw.org/news/2022/07/11/cuba-crackdown-protests-creates-rights-crisis>.

⁷³ Idolidia Darias, *Vigilancia Permanente a Damas De Blanco: Una a La Cárcel y Todas Amenazadas*, Radio y Televisión Martí (Apr. 3, 2017) <https://www.radiotelevisionmarti.com/a/cuba-damas-de-blanco-represion-vigilancia/142228.html>.

⁷⁴ *Líder de opositoras cubanas Damas de Blanco denuncia un nuevo arresto*, Swissinfo (Feb. 13, 2023)

https://www.swissinfo.ch/spa/cuba-disidentes_l%C3%ADder-de-opositoras-cubanas-damas-de-blanco-denuncia-un-nuevo-arresto/48283410.

⁷⁵ *For the fourth consecutive Sunday, Berta Soler and Angel Moya are arrested in Cuba*. Translating Cuba. (Feb. 16, 2022)

<https://translatingcuba.com/for-the-fourth-consecutive-sunday-bertha-soler-and-angel-moya-are-arrested-in-cuba/>.

⁷⁶ *Detienen a Madres De Presos Del 11j Junto a Líder De Damas De Blanco*, Radio y Televisión Martí (Dec. 6, 2022)

[https://www.radiotelevisionmarti.com/a/detienen-a-madres-de-presos-del-11j-junto-a-l%C3%ADder-de-damas-de-blanco-\(video-fotos\)/344084.html](https://www.radiotelevisionmarti.com/a/detienen-a-madres-de-presos-del-11j-junto-a-l%C3%ADder-de-damas-de-blanco-(video-fotos)/344084.html).

⁷⁷ *La Dictadura Cubana Volvió a Detener a Berta Soler, Líder De Las Damas De Blanco y a Su Esposo, Ángel Moya*, Infobae (Sep. 23, 2021) <https://www.infobae.com/america/america-latina/2021/09/23/la-dictadura-cubana-volvio-a-detener-a-bertha-soler-lider-de-las-damas-de-blanco-y-a-su-esposo-angel-moya/>.

harassment, arbitrary arrest, and detention, among other types of punishment;

- b. Protect the due process rights of every accused person to a fair, speedy, and public trial and ensure that, absent compelling evidence of criminal conduct, individuals who have been arbitrarily detained, in violation of their rights to freedom of expression and association, are released, and that those in detention receive humane treatment;
- c. Commit to ratifying critical international human rights instruments, including but not limited to: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, and their Optional Protocols; the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- d. Harmonize the state's domestic laws to fully comply with all international human rights instruments it has signed or ratified;
- e. Cooperate with regional and international human rights mechanisms by allowing the special procedure mandate holders to carry out an independent assessment of the human rights situation in Cuba and advise the government accordingly; and
- f. Ensure that elections are free and fair and allow for other political parties to exist and participate in elections. The Cuban government must guarantee the independence of the electoral body, allow international and independent observers to participate in future electoral processes, and cease all forms of harassment and intimidation against political opponents, journalists, and members of civil society.