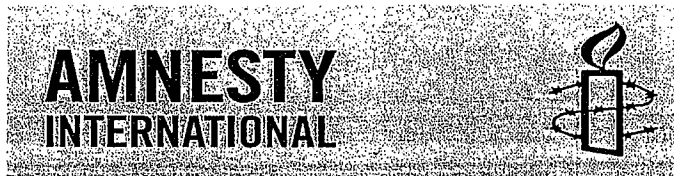


Andreea Florea



20 September 2013  
Check against delivery

UN Human Rights Council  
Twenty-fourth session, 9 – 27 September 2013

Item 6:  
Consideration of UPR reports

CUBA

Mr. President,

Amnesty International welcomes many of the recommendations made by states to Cuba. However, although a large number of states took part in the review, we are disappointed that, as during Cuba's first Universal Periodic Review, only a few of them expressed concerns about the continued denial of fundamental civil and political rights in the country.

Amnesty International regrets that Cuba has rejected those recommendations aimed at improving respect for the rights to freedom of expression, association and assembly.<sup>1</sup> We welcome reforms to the migration law which entered into force in January 2013 as a positive step which have facilitated travel abroad for Cubans, including human rights defenders and government critics. However, we share concerns, expressed during the review that peaceful demonstrators, independent journalists and human rights activists continue to be routinely harassed, detained and also sentenced for exercising their rights to freedom of expression, association and assembly. We refute assertions made by Cuba during the Working Group session that the Cuban judiciary is independent,<sup>2</sup> that freedom of the press is guaranteed in Cuba<sup>3</sup> and that arbitrary detention is not practised.<sup>4</sup> Our organization has documented many cases which would strongly challenge these assertions.

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review, A/HRC/24/16, 8 July 2013, paragraphs 170.171 (Hungary); 170.172 (Spain); 170.173. (Switzerland); 170.177 (France); 170.179 (Canada).

<sup>2</sup> Report of the Working Group on the Universal Periodic Review, A/HRC/24/16, 8 July 2013, paragraph 108.

<sup>3</sup> Ibid., paragraph 111.

<sup>4</sup> Ibid., paragraph 152.

We also regret the rejection of recommendations to repeal or amend legislation that criminalizes the legitimate exercise of freedom of expression, association and assembly, such as Article 72 of the Penal Code ("dangerousness") and other legal provisions which are in violation of international human rights law.<sup>5</sup> We are also disappointed that Cuba was unable to agree to release prisoners held in connection with exercising their freedom of expression assembly and association.<sup>6</sup>

Several other recommendations related to improved respect for civil and political rights fall within those recommendations which Cuba has "taken note of" and which the country feels are being addressed or will continue to be examined.<sup>7</sup> These include recommendations calling for full judicial guarantees and fair trials, in accordance with international human rights standards.<sup>8</sup> However, Cuba goes on to state it has institutionalized a system of independent courts and its legislation ensures fair and impartial hearings and full guarantees to the accused.<sup>9</sup> This is patently contradicted by the continuing use in Cuba of trials which do not meet international standards for fairness.

Amnesty International is disappointed that instruments, including the International Covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR) which were both signed by the country in March 2008.<sup>10</sup>

While these recommendations were not rejected, Amnesty International is concerned that four years on from its first review, Cuba continues to state that it still needs to carry out consultations and legal analyses before it can move to ratify key human rights instruments.<sup>11</sup> Similarly, regarding recommendations related to the invitation of UN Special Rapporteurs,<sup>12</sup> as in 2009 Cuba has stated its willingness to cooperate Cuba felt unable to accept a number of recommendations aimed at ratifying key human rights with UN human rights representatives.<sup>13</sup> Amnesty International urges Cuba to immediately act on this stated willingness by extending an open invitation to UN special procedures.

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<sup>5</sup> Ibid., paragraph 170.174 (United Kingdom of Great Britain and Northern Ireland); 170.175 (Ireland); 170.176 (United States of America)

<sup>6</sup> Ibid., 170.184 (Poland)

<sup>7</sup> Ibid.

<sup>8</sup> A/HRC/24/16, 170.159 (United Kingdom of Great Britain and Northern Ireland); 170.160 (Austria); paragraph 170.161 (Canada);

<sup>9</sup> A/HRC/24/16/Add.1, paragraph 6

<sup>10</sup> A/HRC/24/16, paragraphs 170.4 (Chile, Hungary, Estonia, Romania, Maldives, Australia, Germany, Poland, Slovakia, Japan, Slovenia, Montenegro, France, Tunisia, Canada, Austria, Switzerland, Czech Republic, Italy, Mexico, Norway, Hungary, Poland, Slovakia, Japan, Switzerland, Finland, Czech Republic); 170.5 (Sweden); Montenegro, Estonia; 170.8 Netherlands

<sup>11</sup> A/HRC/24/16/Add.1, paragraph 6

<sup>12</sup> A/HRC/24/16., paragraphs 170.5 (Sweden); 170.106 (Sierra Leone); 170.111 (Spain); 170.112 (Mexico); 170.113 (Chile).

<sup>13</sup> A/HRC/24/16/Add.1, paragraph 6

Amnesty International welcomes the fact that no death sentence has been carried out since 2003 and there has been no one on death row since the end of 2010. Therefore we are disappointed that Cuba remains unable to accept recommendations calling for the abolition of the death penalty. We urge Cuba to reconsider its decision and to join the global trend towards abolition.

We welcome the release of independent journalist and prisoner of conscience Calixto Ramón Martínez Arias who was released on 9 April after spending almost seven months in prison without charge. However, according to information available to Amnesty International, at least six prisoners of conscience are currently in detention, imprisoned solely for expressing their conscientiously held beliefs:

- Alexeis Vargas Martín and his 17 year-old twin brothers Diango and Vianco Vargas Martín, all members of the Patriotic Union of Cuba, were held without charge for nine months before being accused of the trumped up charge of "public disorder" at the end of August 2013.
- Emilio Planas Robert and Rafael Matos Montes de Oca were found guilty of *peligrosidad* (dangerousness, or "special proclivity to commit crimes") following summary trials in October 2012 and sentenced to three-and-a-half and two-and-a-half years' imprisonment, respectively.
- Iván Fernández Depestre, member of the *Movimiento Opositor Juventud Despierta* (Opposition Movement Awake Youth), was also found guilty of "dangerousness" and sentenced to three years' imprisonment following a summary trial in August 2013.

We urge Cuba to immediately and unconditionally release these individuals and others arrested solely for exercising their right to freedom of expression.

Thank you, Mr. President.

