



Red Latinoamericana
de Jóvenes por la
Democracia



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Fundación para la Democracia Panamericana (FDP) en colaboración con
Red Latinoamericana de Jóvenes por la Democracia y Civil Rights Defenders (CRD).

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AUTHORS

Foundation for Pan American Democracy (FDP)
Latin American Youth Network for Democracy
Civil Rights Defenders (CRD).



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Foundation for Pan American Democracy (FDP) was established in 2015 with the objective of defending and promoting democracy in Cuba and the rest of the Americas.
<https://fundaciondemocraciapanamericana.org>

Latin American Youth Network for Democracy is present in 20 countries in the region and focuses on defending democratic institutions and the rule of law.
<https://juventudlac.org>

Civil Rights Defenders (CRD) is a Swedish NGO that is responsible for supporting actions and organizations in defense of civil and political rights on 4 continents.
<https://crd.org/>

Report: Foundation for Pan American Democracy (FDP)
denuncias@cubadecide.com

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Executive Summary

Although the Cuban people have never stopped rebelling against the injustices of the system imposed by the State, citizen mobilization and peaceful pro-democracy protests have intensified and become more frequent since the end of 2020. According to information obtained by the FDP Incidents Report Center, harassment and intimidation against human rights defenders and citizens in general has intensified. This generalization and intensification of political repression and violence exercised by the State has marked the reality on the Island, especially since the massive protests that began on July 11, 2021. State Security and the police aggressively restrict freedom of expression, assembly, and demonstration of citizens, regardless of their participation in the opposition or civic organizations, with the objectives of 1) silencing any dissenting voice in the community and 2) instilling sobering panic in the population. In addition to State terrorism, the government has plunged the Cuban people into a deep economic crisis, marked by the failure of essential systems, galloping inflation, shortages, and hunger. The Economist¹ estimated that, in 2021, Cuba had the highest number of deaths from COVID-19 per capita in the entire hemisphere (550 deaths per 100,000 inhabitants) while the authorities refused to accept the vaccines offered through the COVAX mechanism.² From 2018 to date, the Foundation for Pan American Democracy (FDP) and its Incidents Report Center collaborate with international organizations to raise awareness and protect victims of repression in Cuba.

1. Covid-19 has damaged the reputation of Cuban health care, The Economist, 2022.

2. Arrival of COVID-19 vaccines to the Americas through COVAX, OPS. (<https://www.paho.org/es/covax-americas>)



This report documents systematic patterns of Human Rights violations maintained by the Cuban government and their consequences for regional stability, despite the recommendations made by the United Nations Human Rights Council and the Office of the United Nations High Commissioner for Human Rights.

1.

Migration Crisis

From November 2021 to December 2022, at least 367,000 Cubans were registered crossing the southern border of the United States³ in what constitutes the largest migration crisis generated by the Cuban Communist Party government since 1959. An operation fabricated by the governments of Cuba and Nicaragua that began in November 2021, when the latter agreed to remove the visa restriction for Cuban citizens, opening the possibility for current extortion and human trafficking schemes from the Managua airport to the border of the United States.

Hundreds of thousands of Cubans took this path to escape repression and misery in Cuba, falling victim to human traffickers, subjected to harassment and danger. Men and women who have been used by the Cuban government as a political



3. Nationwide Encounters, U.S. Border Protection. (<https://www.cbp.gov/newsroom/stats/nationwide-encounters>)

weapon to destabilize and obtain concessions from the US government. The generation of migratory crises is a pattern repeated cyclically by the Cuban government when social unrest and demands for democratic change on the Island increase.

Forced migration is another repressive pattern identified. This Center has documented multiple cases of activists and promoters of Human Rights who have been pressured by State Security to leave the country this way. In most cases, forced to exile under blackmailing threats of being sent to prison if they remain on the Island. Several political prisoners have been transferred from the prison compound to the airport and forced to leave the country under the threat of continuing in prison.

2.

Cuba leads russian narrative about the invasion of Ukraine

The Communist Party of Cuba and the Russian State have a long history of deep economic and military collaboration over the past 63 years. The updating and strengthening of the strategic military agreement between Russia and Cuba was announced during the visits in Havana by Vyacheslav Volodin, Chairman of the Russian Duma, on the day of the invasion of Ukraine (February 24, 2022), Nikolay

Patrushev, Secretary of the Russian Security Council (March 1, 2023), and the visit of Miguel Díaz-Canel to Moscow (November 22, 2022). The Cuban State has deepened its collaboration with Russia during the war in Ukraine.



Russia had increased support for Cuba under the concept of "humanitarian aid" between December 2021 and January 2022, with the aim of strengthening the relationship between the two States and demonstrating Russia's support for Cuba. In addition, Cuba participated in the Russian International Military Exercises in 2022 that were held in Venezuela and Iran.⁴

Through the multiple press agencies under its control or influence, the Cuban government disseminates Russian propaganda both nationally and internationally to defend Putin's invasion, echoing Moscow's views. Cuban citizens who move away from this official line on the island have been arrested.⁵ The Cuban propaganda machine also employs disinformation to promote the Russian narrative about the war in Ukraine. During and after the run-up to the invasion of Ukraine, Cuban state media have repeated Russian propaganda in support of Putin's actions, as well as Russian allegations of "genocide perpetrated by the Ukrainian government".⁶ At the same time, the Cuban State has made intensive use of its intelligence apparatus and diplomatic corps to interfere in international forums with the aim of preventing Russia from being sanctioned and condemned for the aggression perpetrated.

4. Defending Europe: "Global Britain" Western Front and the Future Against Putin: of European Russia's Latin Geopolitics American Proxies, Peter Young (2022).

5. Díaz-Canel is in Moscow with Putin ratifying Havana's support for the Russian invasion of Ukraine (2022).

6. Despite Cuba's important history solidarity with Ukraine, Russia remains key ally, WP. (2022).

3.

Arbitrary detentions and political prisoners

The Cuban government continues to use arbitrary detentions to harass and intimidate critics, independent activists, political opponents, and citizens in general.

State Security officials almost never present warrants to justify the detention of people critical of the government system. In some cases, detainees are released after receiving official warnings, which prosecutors can use during subsequent criminal proceedings to prove an alleged pattern of criminal conduct.



State agents often make arrests or threaten to do so to prevent people from exercising their freedom of expression, assembly, and demonstration. It is common for detainees to suffer beatings, receive threats and remain incommunicado for hours or even days.

Police and State Security agents have intensified the harassment, mistreatment, and arrests of members of independent civil society.

The Incidents Report Center of the Foundation for Pan American Democracy (FDP) received during 2022, complaints of harassment, persecution and arbitrary detentions against pro-democracy activists, political opponents, artists, communicators, and other people. The following correspond only to the cases that the Center has been able to document and represent only a portion of the countless violations committed by the authorities of the Cuban State against its citizens:

- Total incidents 2022: 955 cases.
- Total victims of the year: 957 people (Men: 513 - Women: 444).
- Total arbitrary detentions: 500.

Many arbitrary arrests lead to prison sentences or imprisonment without trial. Cuban and international organizations have documented the cases of more than 1,000 human rights defenders and/or peaceful protesters who are currently being held in political prison.

4.

Civil and political rights

The different systematic patterns applied by the Cuban government (registered and documented by the Incidents Report Center of the Foundation for Pan American Democracy) since 2018, demonstrate a sustained growth that led to arbitrary arrests of leaders and relatives, imposition of fines, raids, and prohibition of mobility both inside and outside the Island. However, despite the execution of these patterns, there are others that are applied intensively by the government, such as expatriations and forced disappearances.

During 2020, the State used the argument of the COVID-19 pandemic to deprive of liberty, forcibly disappear for long periods of time, and besiege the main dissident leaders, activists, and defenders of Human Rights. This behavior of the State Security forces, and the police constitutes a breach of the recommendations made by the Universal System for the Protection of Human Rights. “Adoption of all the necessary measures to guarantee all the fundamental legal safeguards to persons deprived of liberty from the first moment of their detention.”

Among the cases registered by the FDP Incidents Report Center in the last period, is the Navarro family. In July 2021, Félix Navarro, 68, president of the "Pedro Luis Boitel" Party for Democracy and promoter of "Cuba Decide", was arbitrarily detained along with his daughter, SaylÍ Navarro, when they went to the police station in Matanzas to obtain information on the citizens, who had been detained on July 11 in the peaceful demonstrations in their town. Mr. Navarro was sentenced to 9 years in prison and his daughter SaylÍ was sentenced to 8 years by a court that did not comply with any of the minimum guarantees of independence and impartiality.



FÉLIX NAVARRO



SAYLI NAVARRO

The Inter-American Commission on Human Rights issued Resolution 37/22 on July 28, 2022, through which it granted precautionary protection measures in his favor, after considering that he is currently deprived of liberty in a serious and urgent situation of risk of irreparable damage to their rights in the country. The Cuban State has not taken any action to repair this damage.

In contrast, the refusal of the Cuban State to create an independent mechanism to carry out periodic visits to all places of detention persists, preventing it from guaranteeing that all persons deprived of liberty are treated in accordance with the United Nations minimum rules for the treatment of prisoners; the administration of justice, including the fight against impunity; and the rule of law.

The action and behavior of law enforcement agents and State Security make clear the breach of due process, the inaction of the judiciary and the absence of necessary measures to guarantee the independence and impartiality of the judiciary. This has been a pattern sustained for decades on the Island that has intensified in the last 3 years.



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Additionally, in 2013 the Secretary General of the UN, Ban Ki-Moon, received and circulated a petition to create an international committee to carry out an independent investigation into the murder of opposition leader Oswaldo Payá and young Harold Cepero in Cuba in 2012. The Human Rights Council has yet to act on this petition, while the Inter-American Commission on Human Rights (IACHR) will publish a final report on the case in the coming weeks.



OSWALDO PAYÁ



HAROLD CEPERO

5.

Political participation

The constitutional reform process of 2019 in Cuba was flawed from its origin because it did not respect that "the will of the people is the basis of the authority of the public power", but rather it was originated and directed by a commission made up of the Communist Party of Cuba⁷ and led by Raúl Castro, whose members were not nominated or elected by the citizens in free, fair and transparent elections.

In turn, the constitutional text explicitly violates Article 21 of the Declaration of Universal Human Rights and the international commitments that the Cuban State assumed when adopting the Vienna Declaration of 1993, when it establishes that the "superior leading political force of society and of the State" is the Communist Party and not the people. In addition, in Art. 4 the new constitution declares that "socialist system" "irrevocable" and makes it perpetual in Art. 229, where it prohibits the people and all generations to come from using any reform mechanism to change "the pronouncements on the irrevocability of the socialist system".

7. Universal Declaration of Human Rights, Art. 21.

This directly violates all opponents and citizen promoters of the Cuba Decide initiative, which precisely proposes the holding of a binding plebiscite so that citizens can, through their vote, decide to change to a democratic and pluralistic system. Article 4 grants as a "citizen's right" the power to "fight by all means, including armed struggle (...) against anyone who tries to overthrow the established political (communist single party), social and economic order".

On February 24, 2019, the constitutional text was finally imposed in a process that did not have an independent and impartial electoral body that counted all the votes in a precise, fair, equal, and transparent manner. The Cuban State always violated the freedom to campaign on equal terms for the supporters of the rejection; equal access to the census, the electorate and the state media; and prevented the presence of independent national and international observers at all stages of the process.



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6.

Recommendations

We urge the Member States of the United Nations (UN) Human Rights Council and especially the working group that will analyze the situation in Cuba to:

1. Establish a period of no more than 6 months for the Cuban State to implement the following recommendations:
 - a. Immediately proceed to the unconditional release of all political prisoners, including those deprived of their liberty for peacefully demonstrating in public spaces or in digital media and social networks, put an end to political repression; suspend any decree, law or practice that prevents the exercise of freedom of expression, association, public assembly, press, movement, and demonstration.



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- b. Proceed to take all the necessary measures so that the people can express themselves and decide sovereignly about the change to a democratic system through a Binding Plebiscite that leads to free, fair and multiparty elections.

Establish specific measures such as guaranteeing equal access to the census, the electorate, and the media; the independence and impartiality of the electoral body, so that all votes are counted accurately, fairly, equally and transparently; and the presence of national and international observers at all stages of the process.

- c. Cease all attempts to democratically destabilize other States, including the empowerment of migratory crises.
- d. Cease support for the Russian invasion of Ukraine, including the spread of disinformation and fake news.
- e. Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention against Torture.
- f. Invite the Working Group on Arbitrary Detention, the Working Group on Forced or Involuntary Disappearances, and the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment to visit the Island, investigate, and rule on the situation of their respective areas in Cuba.



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- g. Invite the Special Rapporteur on the right to freedom of peaceful assembly and association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders to visit the Island, investigate and pronounce on the situation of their respective areas in Cuba.
 - h. Implement all the recommendations that the Inter-American Commission on Human Rights dictates in its report on the case of "Oswaldo Payá Sardiñas et al".
2. Begin the process of suspending Cuba from the United Nations Human Rights Council if it does not comply with the previous recommendations within the established period.

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Foundation for Pan American Democracy.
P.O Box 441716, 33144-1716.
Miami, FL - Estados Unidos.

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