

FACTSHEET

TORTURE IN CUBA

FIRST COMPREHENSIVE STUDY

**MAY
2023**

**PRISONERS
DEFENDERS**

TRANSITION
Transition Promotion Program



VICTIMS OF COMMUNISM
MEMORIAL FOUNDATION

Quantitative, qualitative and statistically representative research on 181 cases as a sample of the 1,277 civilian political prisoners tortured in prisons in the last 12 months.

TORTURE IN CUBA AS OF JULY 11, 2021 (11J)

The Cuban State has a long history of human rights violations, which it commits systematically and in a generalized manner against various sectors of civil society, especially those who are recognized as dissidents or those who disagree with the system.

Although Cuba has signed and ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1995 and to date, its domestic criminal legislation has not been made compatible to the minimum degree necessary to punish conduct related to this scourge, in contravention of Article 4.1 of the Convention.

On July 11, 2021 and during subsequent days, a series of peaceful demonstrations took place across practically the entire Republic of Cuba, beginning in the municipality of San Antonio de los Baños at around 10:00 a.m. and quickly spread throughout the country.

As a result of these massive protests, known as "11J", Cuba has exhibited the highest rates of repression recorded in decades, with thousands of arbitrary arrests, hundreds of convictions for conscience, as well as hundreds of reports of torture, especially against activists, and opponents and their families, but also against civilian protesters who were prosecuted for peacefully exercising their freedom of expression, and against their families.





Acts constituting torture and other cruel, inhuman or degrading treatment or punishment are, therefore, a further reflection of the repression that is exercised, among other reasons, for political dissidence in Cuba. For the Cuban regime, torture is a means of obtaining fabricated and false confessions in order to keep activists in prison for long periods of time.

But it is also a license granted by the regime to jailers and police, military and counterintelligence officers, whose ranks are filled with extremists and people with excessive aggressiveness and mental and emotional problems, who do not hesitate to mistreat, humiliate, and torture human rights activists, homosexuals, transsexuals, and their families.

Torture and repression, without a doubt and as we shall see, goes far beyond the political objectives of the government. It is strongly rooted in prisons and among officials, and is exercised with total impunity and, many times, with no greater purpose than to harm the victim.



THE STUDY

- **181 CASES**
- **168 CASES TABULATED VIA A STANDARDIZED DECLARATION FORM**
- **4 CASES WITH DUAL NATIONALITY**
- **15 TYPES OF TORTURE**
- **80% SUBJECTED TO MORE THAN 5 TYPES OF TORTURE**

This study has been developed using a sample of 181 political prisoners, taking into account as the universe the people who have been on the political prisoner list for the last 12 months (1,277 political prisoners, April 2022 to March 2023).

The methodology combines quantitative methods (questionnaires with closed questions); and qualitative methods (open-ended questions, in-depth interviews and research) on the legal, physical and psychological status of the political prisoners studied, including information on acts of torture and inhuman and degrading treatment against the defendants.

First-hand sources in direct contact with the defendants, who have been direct witnesses of the situations, have been used to carry out this study. This study has made use of a variety of sources of information:

- Political prisoners who are recognized human rights activists who share a cell or prison compound with the cases examined.
- Blood relatives and first-level relatives of political prisoners.
- The political prisoners themselves, if they are in situations of restriction of freedom that do not involve internment in a penitentiary center.
- Political prisoners who have recently been released.
- Other first-level relatives who care for prisoners who do not have alternative family members.

Some of the cases have been reported and documented using a variety of the aforementioned sources.





RANDOM SAMPLE

Of the 181 cases, 168 were collected in a first phase through tabulated online declaration forms.

When taking statements, we did not solicit responses from specific cases in which we were previously aware of torture, but rather respondents were invited to offer their statements through networks, forums and groups. They were not able to see the questions to be filled out when they started the form.

It was, therefore, a blind test, where the responses largely reflect the situation for the entire universe of political prisoners.

The cases were also checked, verified and supplemented with other sources, and the identity of the declarants was verified.

This methodology is key in determining that the 168 cases are therefore a random sample and so representative (16% of the total) that it is appropriate to resemble a homogeneous sample, and therefore the results can be extrapolated to the 1,277 cases present in the Prisoners Defenders list of political prisoners, without expecting a significant statistical deviation.

This study has made it possible to produce statistics and extrapolate from these statistics, as well as to deliver an analytical result from these 168 statements, by which we have been able to document **15 patterns of ill-treatment and torture**.

*The sources in each case, the primary declarants, will not be revealed, except to international organizations and by means of a security protocol, since the repression is immediate against the declarants if their names are known.

15 PATTERNS OF TORTURE

1. Deprivation of medical care among political prisoners.

2. Forced labor and work that is not related to their status as a criminal defendant or convicted person.

3. Highly uncomfortable, harmful, degrading, and prolonged positions.

4. Prolonged solitary confinement

5. Use of temperature as a mechanism for torture.

6. Physical aggressions.

7. Abnormal driving to locations unknown to inmates and family members.

8. Intentional disorientation.

9. Deprivation of liquids and/or foods.

10. Intentional sleep deprivation.


11. Deprivation of communication with family, defense, and relatives.

12. Threats to them, their integrity, their safety and that of their loved ones

13. Deployment or threatening exhibition of weapons or elements of torture.

14. Intentional subjection to anguish, grief or uncertainty about the situation of a family member.

15. Humiliation, degradation and verbal abuse.



In addition to the 168 statements that have allowed the synthetic "x-ray" of 168 victims of torture, 13 additional cases have been studied through research, allowing a better description of the torture to which these civilians, including students, professionals, clergymen, journalists and human rights activists, have been subjected.

Despite the fact that the collection of the 168 random statements was limited to a series of general patterns, possibly not covering particular patterns that may have been particularly serious, the results are disheartening about the situation of political detainees and prisoners in Cuba and the situation of degrading, humiliating and torturing mistreatment to which they are generally subjected, both when detained and in prisons.

Among the 168 cases for which complainants have completed the tabulated form, 100% have suffered torture and ill-treatment mechanisms.

STATISTICS

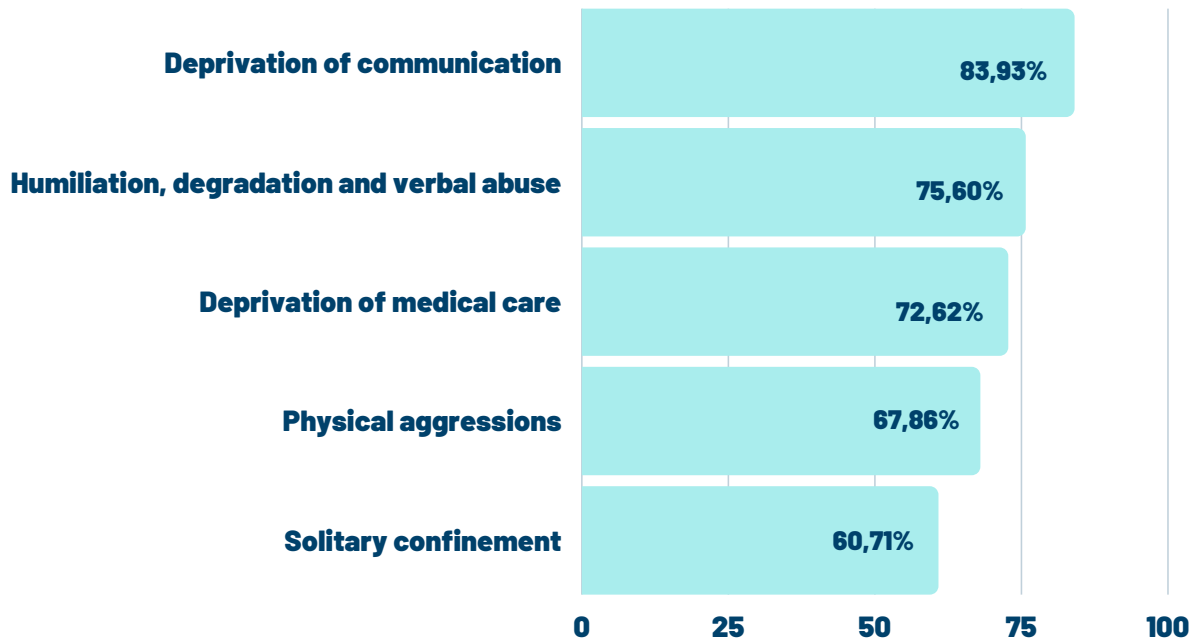
We show here the data obtained on the different patterns of mistreatment and torture in broad categories, analyzed in this study, in terms of the 168 victims whose statements were tabulated with the 38 questions, while the 13 other cases analyzed in detail through the second methodology were not included in these statistics.

**There are types of torture that only apply to a part of the total (e.g., medical attention only applies to those who require it, especially when many are very young prisoners) and, therefore, the high percentage of denial or application of patterns of torture of this type allows us to infer without room for error that practically all of them suffer such denial of medical attention.*

THE MOST COMMON AND WIDESPREAD TORTURES



Of obvious concern is the fact that among the most frequently reported types of torture executed against these prisoners are:



These values are consistent with our experience over the years of dealing with hundreds of families with relatives in prison in Cuba.

All these forms of torture are applied in a generalized and systematic way, without any limitation, except (we can intuit) the conscientious objection of some commanders or guards who do not act in the same way as others.

It is, in fact, alarming that all of the most common tortures are, if we analyze them, a set of simple and direct tools, which do not require an excessive need for control, to degrade the psyche and the body of the rebels who dare to express a different opinion with the logical purpose of breaking them and leaving lasting scars that limit them, furthermore, in case they are released from prison one day.

TORTURE OF MINORS, YOUTHS, AND WOMEN



MINORS

Of the 181 victims of torture and ill-treatment studied, four were minors at the time of arrest and when the torture occurred: Jonathan Torres Farrat, Gabriela Zequeira Hernández, Brandon David Becerra Curbelo and Cristian Enrique Salgado Vivar; 20 of them (11%) were 21 years old or younger at the time of arrest and when the torture occurred.

The victim who suffered the highest number of types of torture is a 17-year-old minor, Jonathan Torres Farrat; the other three minors reported 14 types of torture (Gabriela Zequeira Hernández) and 8 types of torture (Brandon David Becerra Curbelo and Cristian Enrique Salgado Vivar).

TORTURE OF MINORS IN THE STUDY (< 18 years old)

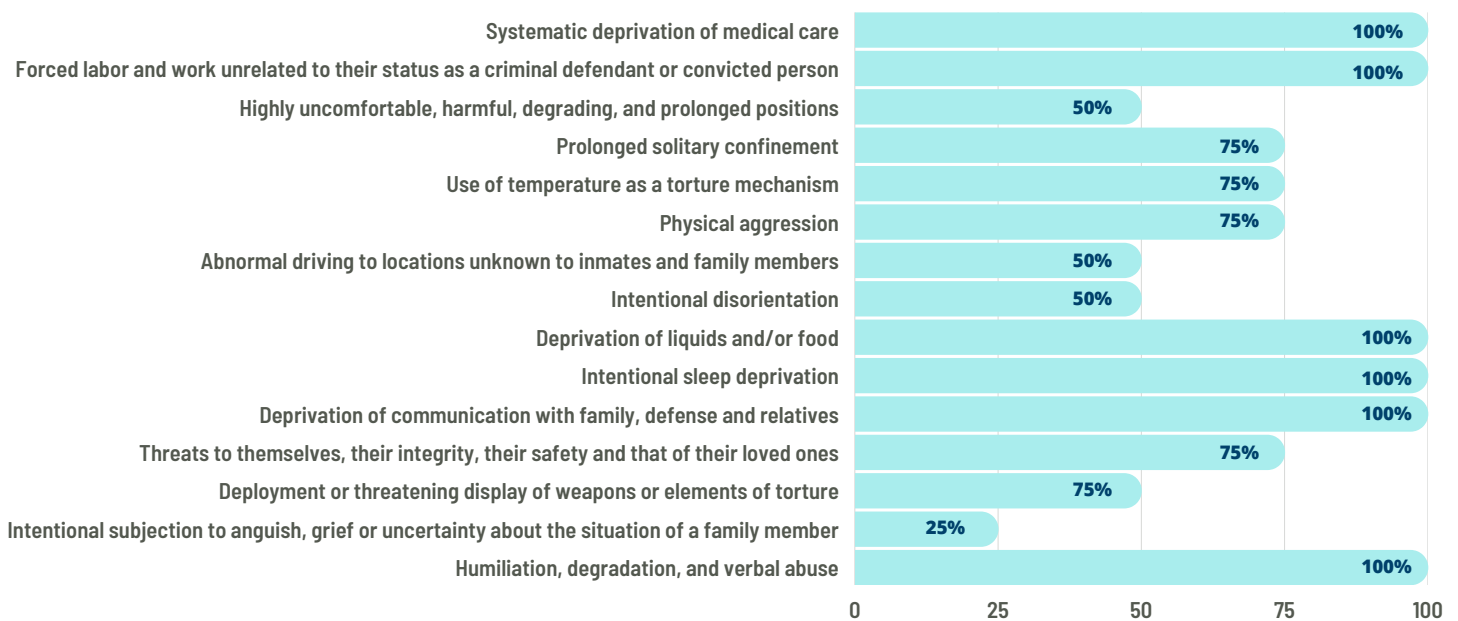


"Hypertensive, hypertrophy of the left ventricle of the heart. No medical attention."

Case of Jonathan Torres Farrat



"They called him a 'fucking nigger'"
Case of Cristian Enrique Salgado Vivar



*Results obtained from the statements of tortured persons who were detained as minors.

"They stuck their finger in her vagina while squatting, almost raped her, she had to cough before squatting, too many things that happened to her that she didn't and won't get over."

Case of Gabriela Zequeira Hernández



"They locked him up, beat him and insulted him and called him stone throwers, mocking him."

Case of Jonathan Torres Farrat

YOUTH

Of the 181 victims of torture and ill-treatment studied, 22 were youths (12%) aged 21 or younger at the time of arrest and during the torture.

The table below shows the results obtained from the statements of the 22 tortured youths who were detained and tortured when they were 21 years old or younger.



TORTURE OF YOUTHS IN THE STUDY (< 21 years old)

“ He had been handcuffed for several hours with his hands behind his back. When he was in the criminal proceedings, they handcuffed him by one foot and one hand for several hours and beat him several times while handcuffed and in the prison where he is currently being held. He was handcuffed and thrown against some power lines”.

Case of William Manuel Leyva Pupo

“Cigarette burns on arms and beaten by an instructor.”

Case of Marcos Antonio Alfonso Breto



*Results obtained from the statements of the 22 tortured youths who were detained and tortured when they were 21 years old or younger.

“From the maximum security Guanajay prison, they transferred him to a prison in El Cotorro and put him with the common prisoners for a month and it was not known where he was because he had supposedly been transferred to Havana to a hospital, where he never was.”

Case of Julián Manuel Mazola Beltrán

“He hasn't spoken to his mother, brother and family on the phone for 3 years, he's been banned from communication.”

Case of Leandro Cerezo Sirut

WOMEN

Of the 181 victims of torture and ill-treatment studied, 17 are women (9%), including one trans woman. Of these, 2 are youths (under 21 years of age) and one was under 18 years of age at the time of arrest and torture.

TORTURE OF WOMEN IN THE STUDY



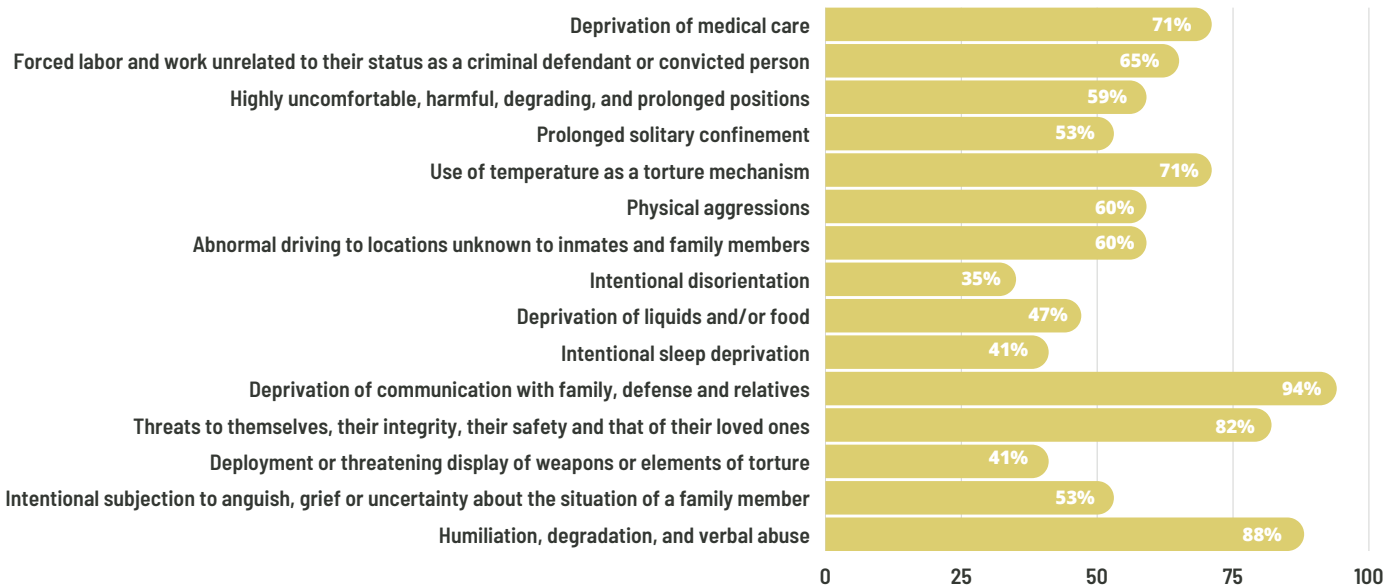
“They forced her to dress and shave her hair like a man despite her trans status. They threw her down the stairs in handcuffs. She was beaten and put in a punishment cell for 15 days without water to bathe and barely enough to drink.”

Case of Brenda Díaz García



“The only thing missing was the bag over their heads. Yes, they were being taken to an undisclosed whereabouts and they were disoriented so that they thought they were going to disappear, in panic they were in total uncertainty as they were being taken away.”

Case of Elizabeth Arias García



*Results obtained from the statements of the 17 women who were tortured (all of them).

“On two occasions she has been forced to undress, the first of which was the most aggressive and humiliating. That day she was kidnapped in the public street, at the police station she was taken to a room where two women, one dressed as a civilian and the other as a military officer, ordered her to undress with the indirect threat that, if she refused, they would do it by force”.

Case of Camila Acosta Rodríguez



“After 7 days, her mother received a call from the prison telling her to go and bring her clothes and toiletries... It was all a hoax to get her mother in prison too. The lady was exposed to an aggressive interrogation which caused her several convulsions since she was operated on for a brain tumor, regardless of her condition they also put her in a prison cell, she was released only after 8 days”

Case of Lázara Karenia González Fernández



JOSÉ DANIEL FERRER, TOP TARGET OF THE REGIME'S REPRESSION AND TORTURE

The victim with the highest intensity of torture is José Daniel Ferrer García, 51 years old, leader of UNPACU, who has been receiving constant sonic attacks since he entered the Mar Verde prison in 2021, in addition to chemical poisoning in his water and food. He remains locked up in isolation in a punishment cell that is technologically prepared to inflict this kind of torture.

His physical and psychomotor degradation is gradual due to this constant torture aimed at slowly killing him. However, his words of encouragement and strength are reminiscent of martyrs with very obvious parallels to figures of the collective imagination such as Gandhi or Jesus Christ.



PRE-TRIAL DETENTION

100% of the political prisoners examined in this complaint were deprived of their liberty since the time of their arrest and for many months by a pre-trial detention order issued by a prosecutor without the intervention of a judge, which constitutes per se an arbitrary detention, in violation of international law, as the Working Group on Arbitrary Detention decreed in its Opinion No. 63/2021 (Cuba), adopted on November 17, 2021 for the case of Maykel Castillo Perez (Maykel Osorbo, author of Patria y Vida) in the following statement:

"The Working Group insists, as it has previously stated, that the Office of the Prosecutor cannot be considered an independent and impartial judicial authority for the purposes of article 10 of the Universal Declaration. This body fulfils the investigative and prosecutorial function, essential to justice, but incompatible with the power to decide independently and impartially on the legal merits of deprivation of liberty. In view of these circumstances, the Working Group refers the case to the Special Rapporteur on the independence of judges, prosecutors, and lawyers".



NATIONALITY OF THE VICTIMS

Of the 168 victims in the set of randomly selected cases, 164 (98%) cases have only Cuban citizenship, while the remaining 4 (2%) have - in addition to Cuban citizenship - Canadian, Spanish, U.S. and German citizenship.

THE COMPLAINT

A total of 181 cases of torture/maltreatment have been studied and documented. From 168 of them, tabulated statements have been obtained through a form with 38 response fields, which has allowed for the generation of statistics and the extrapolation from these statistics, as well as the delivery of analytical results from these 168 statements. Herein, the interested parties have been able to document at least 15 patterns of ill-treatment and torture.

This complaint has been forwarded to international human rights bodies to whom the information herein may be of use or who are mandated to undertake human rights advocacy ex officio and/or under the complaint procedure in light of the evidence presented: United Nations Human Rights Council; United Nations Committee against Torture (CAT); United Nations Committee on the Rights of the Child (CRC); Special Representative of the Secretary-General on the situation of human rights defenders; the Special Rapporteurs on the situation of human rights defenders, on the rights to

freedom of peaceful assembly and of association, on the promotion and protection of the right to freedom of opinion and expression, on the Rights of Persons Deprived of Liberty (IACHR), on Freedom of Expression (IACHR), on the Rights of the Child (IACHR), on Human Rights Defenders (IACHR); Commissioner for Cuba (IACHR); Human Rights Watch, Amnesty International and dozens of regional and Cuban NGOs; Embassies and representatives from more than 50 democratic governments; political representatives from all ideological spheres; the media and relatives of political prisoners, activists and Cuban and Latin American civil society.



DOCUMENTING TORTURE IN CUBA

The lack of reporting mechanisms by the authorities and the prohibition of international human rights NGOs on the island - and even the United Nations human rights rapporteurs - has made it difficult to formalize this complaint.

Added to this adverse context is a generalized lack of knowledge about human rights and what the population identifies as 'torture'. Accustomed to the constant violations and cruel and inhuman treatment that the authorities practice with impunity, the population has normalized a certain degree of repression which would be unthinkable in democratic countries. The population is often unable to identify when their rights are being seriously violated according to international law.

Lawyers on the island also receive instructions and admonitions (leading to self-censorship as well) not to release documents to relatives of convicts of conscience, which complicates the prosecution of cases.

This improper conduct of "defenders" in Cuba is due to the fact that the practice of law in Cuba is economically and hierarchically dependent on the State, as documented by the United Nations WGAD in its Opinion No. 63/2021 (Cuba) adopted on November 17, 2021. They are not independent, and therefore their work does not depend on nor is reported to the client. In that opinion, the WGAD wrote in a very thoughtful way, and not the first time, that lawyers in Cuba "belong to a Collective Law Firm, dependent on the Ministry of Justice and controlled by the Government, through the National Organization of Collective Law Firms, so they cannot be considered as independent legal counsel."

To date, there is no registry or observatory specializing in torture; Prisoners Defenders has conducted an investigation on the matter, taking as a sample only the very recent cases of torture on the island, many of which are still ongoing.

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