

URGENT ACTION

OPPOSITION ACTIVIST IN MAXIMUM SECURITY PRISON

After ending a reported 39-day hunger strike, Cuban opposition activist Jorge Cervantes, allegedly detained for contempt in May, was transferred to a maximum security prison. He is a prisoner of conscience and must be released immediately and unconditionally.

Jorge Cervantes García, a member of the political opposition group the Patriotic Union of Cuba (Unión Patriótica de Cuba, UNPACU), was detained on 23 May in Las Tunas, central-eastern Cuba. Weeks before, UNPACU published on its YouTube channel a video called "Horrors in jail" in which Jorge Cervantes interviewed a man who had allegedly been ill-treated in a Cuban prison, and a series of shorter videos which allege corruption by public officials in Cuba. According to Gretchen Alfonso Torres, his wife, on 22 May she and Jorge Cervantes filed a report with the military prosecutor (*fiscalía militar*) to denounce that members of the state security agency searched their home and took some of their belongings. The following day, Cuban authorities detained Jorge Cervantes.

Jorge Cervantes' family has not received any official documents setting out the charges against him, but were verbally informed that he is charged with contempt (*desacato*) and resistance (*resistencia*). Both provisions of the Criminal Code are frequently used in charges against human rights defenders and political activists in an attempt to stifle free speech, peaceful assembly and association in Cuba. According to his family, Jorge Cervantes was initially held in a police station and later moved to Potosi prison, north of Las Tunas. After refusing to wear the official prison uniform, his family say he was held for at least 20 days in solitary confinement without clothes, until being transferred to a hospital where he remained under detention.

Amnesty International was informed that on 1 July, Jorge Cervantes suspended a reported hunger strike after 39 days. On 3 July, doctors informed his wife that he had been transferred to the Combinado del Este prison, a maximum security prison on the outskirts of Havana, over 600km away from his family in Las Tunas. Authorities informed his family that he had been transferred because his kidneys were failing, and he would receive better medical attention in the Combinado del Este prison. Doctors have kept his family verbally informed of his health condition, but the family says that they have never received official medical documents.

Please write immediately in Spanish or your own language:

- Calling on the authorities to release Jorge Cervantes immediately and unconditionally, as he is a prisoner of conscience, imprisoned solely for peacefully exercising his right to freedom of expression;
- Urging them to provide Jorge Cervantes with access to qualified health professionals providing health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent;
- Calling on them to ensure Jorge Cervantes has effective access to his family and lawyer of his choice without delay and regularly thereafter.

PLEASE SEND APPEALS BEFORE 16 AUGUST 2017 TO:

President of the Republic

Raúl Castro Ruz
 Presidente de la República de Cuba
 La Habana, Cuba
 Fax: +41 22 758 9431 (Cuba Office in Geneva); +1 212 779 1697 (via Cuban Mission to UN)
 Email: cuba_onu@cubanmission.com
 (c/o Cuban Mission to UN)
 Twitter: @RaulCastroR
Salutation: Your Excellency

Attorney General

Dr. Darío Delgado Cura
 Fiscal General de la República
 Fiscalía General de la República
 Amistad 552, e/Monte y Estrella
 Centro Habana, La Habana, Cuba
 Email: relaciones@fgr.cu
 Twitter: @FGR_Cuba
Salutation: Dear Attorney General

Minister of Justice

María Esther Reus
 Ministerio de Justicia
 Calle O # 216 E/ 23 y 25 Vdo. Plaza de la Revolución
 La Habana, Cuba
 Twitter: @CubaMinjus
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Her Excellency **Teresita Vicente**, Embassy of the Republic of Cuba, 167 High Holborn WC1 6PA, 020 7240 2488, Fax 020 7836 2602, secembajador@uk.embacuba.cu, www.cubadiplomatica.cu

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Provisions of the Cuban Criminal Code, such as contempt of a public official (*desacato*), resistance to public officials carrying out their duties (*resistencia*) and public disorder (*desórdenes públicos*) are frequently used to stifle the rights to freedom of expression, peaceful assembly and association in Cuba.

Article 144 of the Cuban Penal Code defines the crime of contempt (*desacato*), making all forms of disrespect of state officials an offence and providing for longer prison terms where the disrespect is directed against government members or other top state officials.

Article 144 states: "1. Anyone who threatens, slanders, defames, insults, harms or in any way outrages or offends, orally or in writing, the dignity or honour of an authority, public official, or their agents or auxiliaries, in the exercise of their functions or on the occasion of or because of them will incur a penalty of between three months and one year's loss of liberty or a fine... or both. 2. If the deed established in the previous paragraph is directed against the President of the Council of State, the President of the National Assembly of Popular Power, the members of the Council of State and the Council of Ministers or the deputies at the National Assembly of Popular Power, the penalty will be between one and three years' loss of liberty."

Amnesty International believes that public officials should tolerate more criticism than private individuals. The use of criminal defamation laws with the purpose or effect of inhibiting legitimate criticism of government or public officials violates the right to freedom of expression. Amnesty International opposes laws prohibiting insult or 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). Amnesty International also opposes laws criminalizing defamation, whether of public figures or private individuals, which should be treated as a matter for civil litigation. Public officials should not receive state assistance or support in bringing civil actions for defamation.

Solitary confinement is the isolation of a prisoner or detainee from other inmates. Depending on its length and other conditions solitary confinement, or the reduced sensory stimulation which can result from solitary confinement, may amount to cruel, inhuman or degrading treatment. The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) prohibits the practice of prolonged solitary confinement, considered to be in excess of 15 consecutive days.

The Cuban Commission for Human Rights and National Reconciliation, a Cuban-based human rights NGO not recognized by the authorities, documented a monthly average of 827 politically motivated detentions in 2016, and 380 in June 2017.

Cuba is closed to Amnesty International and nearly all independent international human rights monitors.

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