

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

NEW YORK CITY BAR ASSOCIATION STATEMENT – FOR IMMEDIATE RELEASE

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**Cuban Government Must Refrain from Excessive Force
and Political Detentions of Protesters**
City Bar Urges Adherence to International and Domestic Legal Obligations

New York, July 28, 2021 – The New York City Bar Association Bar is gravely concerned by the reported use of excessive police force and arbitrary or politically motivated detentions by the Cuban government in response to peaceful demonstrations starting on July 11, 2021. The City Bar calls on the Cuban government to fully adhere to its international and domestic legal obligations, including Cuba’s commitment to respect its citizens’ freedoms of political speech and assembly, as well as their rights to due process of law.

Cuba is a party to the International Convention for the Protection of all Persons from Enforced Disappearance (the “ICPPED”), under which it is prohibited from subjecting its citizens to enforced disappearance.¹ “Enforced disappearance” for the purposes of the ICPPED includes detention by state actors followed by a refusal to acknowledge the deprivation of liberty.² Cuba is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and so is obligated to prevent “cruel, inhuman or degrading treatment or punishment” by public officials within its territory.³ Finally, Cuba is a signatory to the International Covenant on Civil and Political Rights (the “ICCPR”), pursuant to which member states have agreed that “[e]veryone shall have the right to hold opinions without interference and that “[e]veryone shall have the right to freedom of expression . . .”⁴ Although Cuba is not a

¹ Article 1, UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 3 August 2017, A/72/280, available at: <https://www.refworld.org/docid/59ad5e094.html>. (All websites cited in this statement were last visited on July 28, 2021.)

² Article 2, UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 3 August 2017, A/72/280, available at: <https://www.refworld.org/docid/59ad5e094.html>.

³ Article 16, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations, Treaty Series, vol. 1465, p. 85.

⁴ Article 19, International Covenant on Civil and Political Rights, the United Nations General Assembly. Treaty Series, vol. 999, Dec. 1966, p. 171.

party to the ICCPR, it has declared that all rights recognized in the ICCPR are already protected under Cuban domestic law.⁵

The actions of the Cuban government following the demonstrations that started on July 11 described in recent reports appear to be inconsistent with Cuba's treaty obligations and its own domestic law. It has been reported that many of the demonstrators were beaten by police⁶ and have been unlawfully detained without cause.⁷ It has also been reported that there have been summary trials of demonstrators⁸ and that the location of some demonstrators presumed to have been detained remains unknown.⁹ There have also been reports of attacks and police raids targeting independent journalists and foreign correspondents,¹⁰ and of restrictions to messaging and social media platforms.¹¹

Even if the detentions were lawful, the use of excessive force by the police and the authorities' unwillingness to provide timely and accurate information concerning the whereabouts of persons who were detained would constitute serious violations of international law. To the extent the reports indicate that the Cuban government has used violence, detention, and disappearance to deter and punish the free expression of political ideas, they are even more concerning.

⁵ See Cuba's Declarations and Reservations accessible at https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND#EndDec; United Nations, Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of the authentic Spanish text).

⁶ "Stunning video shows Cuban authorities firing on protesters," The New York Post, July 12, 2021, <https://nypost.com/2021/07/12/stunning-video-shows-cuban-authorities-firing-on-protestors/>.

⁷ "The Cuban government cracks down on protesters," The Economist, July 15, 2021, <https://www.economist.com/the-americas/2021/07/15/the-cuban-government-cracks-down-on-protesters>; "Video shows Cuban protester being shot by police in front of his family", The Independent, July 16, 2021, <https://www.independent.co.uk/news/world/americas/peaceful-protestor-shot-killed-cuba-b1884929.html>.

⁸ "Cuba starts handing out sentences following historic protests," NBC News, July 21, 2021, <https://www.nbcnews.com/news/latino/cuba-starts-handing-sentences-historic-protests-rcna1481>; "Authorities in Cuba begin to punish young protesters in summary trials," Miami Herald, July 21, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/cuba/article252929748.html>

⁹ "Cuba protests: one man killed and more than 100 missing in historic unrest," The Guardian, July 13, 2021, <https://www.theguardian.com/world/2021/jul/13/cuba-protests-activists-journalists-protesters-detained>; Cuba protests: latest information, Amnesty International, Updated July 17, 2021 <https://www.amnesty.org/en/latest/news/2021/07/cuba-protests-updates/>; "En Cuba hay personas desaparecidas y detenidas por manifestarse Ayúdanos a encontrarlos", CubaLex, July 13, 2021, <https://cubalex.org/2021/07/13/en-cuba-hay-personas-desaparecidas-y-detenidas-por-manifestarse-ayudanos-a-encontrarlos/>.

¹⁰ "Photos show photojournalist attacked, bloodied by Cuban police while covering protests," Business Insider July 12, 2021, <https://www.businessinsider.com/cuba-protests-ap-photojournalist-bloodied-police-photos-2021-7>; "Reporter detained in Cuba protests is placed under house arrest – ABC," Reuters, July 16, 2021, <https://www.reuters.com/world/americas/reporter-detained-cuba-protests-is-placed-under-house-arrest-abc-2021-07-16/>.

¹¹ "Social media restricted in Cuba amid widening anti-government protests," NetBlocks, July 12, 2021, <https://netblocks.org/reports/social-media-restricted-in-cuba-amid-widening-anti-government-protests-QAdrmwyl>; "Cuba's internet and journalism blackouts," Columbia Journalism Review, July 16, 2021, https://www.cjr.org/the_media_today/cuba_protests_press_freedom.php.

The New York City Bar calls upon the Cuban government to refrain from violence in its response to future peaceful demonstrations, to immediately identify the whereabouts of all persons taken into custody following the demonstrations that started on July 11, and to release any detainees currently being held in retaliation for the expression of their political views. The City Bar further calls upon the Cuban government to protect and guarantee the right to peaceful assembly and freedom of expression, without discrimination based on political views.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. www.nycbar.org