Homeland, Faith, Life:

a call for freedom in Cuba

February 2022

CSW everyone free to believe





Image: Giulio Paletta/CSW

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Introduction

2021 was characterised by peaceful public protest, widespread civic action and unrest unprecedented since 1959. In January the release of the song *Patria y Vida (Homeland and Life)* by a group of Cuban hip-hop artists immediately went viral on social media, becoming a protest anthem for many Cubans and reflecting a widespread desire for social and political change.

Months later, on 11 July, spontaneous protests spread across the island after livestreams and videos were shared widely on social media, showing a peaceful protest march in the town of San Antonio de los Baños. Within hours, thousands of citizens were marching in different towns and cities across the country, chanting 'Patria y Vida', 'Freedom' and 'We are not afraid'. The protests took place days after Hurricane Elsa passed over central Cuba and followed months of growing social tensions with major food shortages, rising prices of basic goods due to high inflation, and a spike in COVID-19 cases which put the health system at risk of collapse. The government responded with violent repression and arbitrary detentions on a massive scale.

On 15 November the government crushed attempts to organise another wave of peaceful protests. State Security agents interrogated and threatened civil society activists and religious leaders in the preceding weeks and put many under surveillance or house arrest. On 15 November government-backed mobs were deployed to surround the homes of activists and some religious leaders, while armed police and members of the military patrolled the streets.



Image: REUTERS/Ricardo Rojas

It is against this backdrop that CSW documented 272 cases involving 498 violations[1] of freedom of religion or belief (FoRB) in 2021, up from 203 cases in 2020 and 260 in 2019. Those involved reported that a law was mentioned or applied in only 142 of the cases, most commonly the Criminal Procedure Law (Law No. 5 of 13 August 1977) in 134 of those. The most frequently reported FoRB violation was being prevented from attending religious services, which was reported 115 times; this mostly affected civil society activists, the Ladies in White in particular. Violations involving harassment or threats were close behind at 107 and 101, respectively. There were 79 violations involving arbitrary detention linked in some way to FoRB. Most, but not all, of these involved short-term detention ranging from a number of hours to a few days, usually in order to prevent the targeted person from participating in religious services.

More generally, the year saw an increase in repression against independent civil society, particularly those who had been critical of the government's record on human rights. It started early in the year with targeted crackdowns on members of the San Isidro Movement[2] and Cuban artists who had participated in *Patria y Vida*, and escalated after the 11 July protests. In line with this, CSW documented an increase in repressive acts targeting religious leaders and individuals, especially those who had been critical of the government on its FoRB and human rights record in the past. The most common violations included harassment, arbitrary detention, and threats. It is clear that the Cuban government continues to view religious groups – which comprise the largest sector of independent civil society – with suspicion and fear, especially because of their potential to mobilise large groups of people.

Despite these negative developments, CSW noted that many religious leaders – from registered and unregistered groups alike – spoke out publicly against the wave of repression and in support of the right to peaceful freedom of expression following the 11 July protests. Religious groups issued public statements condemning the government's use of violence against peaceful protestors and calling on the authorities to listen to the demands of the protestors. This level of outspokenness, especially in a context of increased government hostility and violent repression, is unprecedented and should be considered a positive development in the potential for positive transition and reform in Cuba.

1 Many cases involve multiple types of violations.
2 The San Isidro Movement is a group of Cuban artists, journalists and academics formed in 2018 to protest government censorship of artistic expression in Cuba.

Legal framework

The Constitution of the Republic of Cuba sets out specific and basic guarantees regarding FoRB. However, these freedoms are limited by other provisions in the penal and administrative codes.

Article 15[3] and 57[4] of the 2019 constitution cover FoRB:

The State recognises, respects and guarantees Religious Freedom. The Cuban State is secular [laico]. In the Republic of Cuba the religious institutions and fraternal associations are separate from the State and all have the same rights and responsibilities. The different beliefs and religions enjoy equal treatment. (Article 15)[5]

Any person has the right to profess or not profess their religious beliefs, to change them, and to practice the religion of their choice with the required respect to other beliefs and in accordance with the law. (Article 57)

Article 42[6] also prohibits discrimination on the basis of religious belief:

All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction injurious to human dignity. All people have the right to enjoy the same public spaces and service facilities. Likewise, they receive equal salary for equal work, with no discrimination whatsoever. The violation of this principle is proscribed and is sanctioned by law.

In contrast to the 1992 constitution, freedom of conscience is now separated from FoRB and is covered in Article 54. It is worth noting that the clause making it illegal to invoke conscientious objection with the 'intention of evading compliance with the law' is problematic, especially as it applies to the principle of conscientious objection to obligatory military service:

The State recognizes, respects, and guarantees people freedom of thought, conscience, and expression. Conscientious objection may not be invoked with the intention of evading compliance with the law or impeding another from the exercise of their rights.

A clause in the penal code (Chapter IV, Article 206) limits the rights laid out in the constitution. The *Abuse of Freedom of Worship* clause allows the imprisonment for anywhere from three months to one year of anyone who, 'having abused the freedom of creed guaranteed to all by the Constitution, places religious beliefs in conflict with the aims of education, the duties of labour, defending the nation in arms, the reverence of its symbols or any other stipulations whatsoever contained in the Constitution...'[7]

Human Rights Watch notes that 'this provision, which is defined as a crime against public order, allows the state to penalize a broad range of religious activities that would not endanger public order.'[8] Other broadly defined crimes listed in the penal code, including those of 'disobedience' (Article 147) and 'disrespect' (Article 144), are also used to violate FoRB and to target religious leaders or FoRB defenders.

More generally in terms of human rights, the Cuban Criminal Procedure Code (Legal Decree No. 5, 1977) gives the government sweeping powers to arbitrarily summon, interrogate, detain, summarily try and convict Cuban citizens.[9] It is worth noting that this law was referenced or applied by the authorities in just under half (134) of the cases received by CSW in 2021, mostly involving summons by police or State Security, or arbitrary detention.

With regard to international law, Cuba is not party to the Inter-American Convention on Human Rights which provides strong protections for FoRB and freedom of conscience. Cuba has signed but not ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which also contain provisions to protect FoRB.

Legal developments

The government often uses indirect means, including vaguely worded laws, to target independent sectors of civil society and in 2021, CSW noted the increasing use of legal decrees to restrict freedom of expression. It was a year in which there were significant incidents of protest and civil unrest as Cuban citizens became more outspoken in critiquing the political status quo. FoRB, which intersects in many cases with freedom expression, was also affected.

3 *The State recognises, respects and guarantees Religious Freedom. The Cuban State is secular [laico]. In the Republic of Cuba the religious institutions and fraternal associations are separate from the State and all have the same rights and responsibilities. The different beliefs and religions enjoy equal treatment. (Article 15)*
4 *Any person has the right to profess or not profess their religious beliefs, to change them, and to practice the religion of their choice with the required respect to other beliefs and in accordance with the law. (Article 57)*
5 Human Rights Watch, 'Cuba's Repressive Machinery – Chapter III, Impediments to Human Rights in Cuban Law', 1999 www.hrw.org/legacy/reports/1999/cuba/index.htm#TopOfPageall
6 *All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction injurious to human dignity. All people have the right to enjoy the same public spaces and service facilities. Likewise, they receive equal salary for equal work, with no discrimination whatsoever. The violation of this principle is proscribed and is sanctioned by law. (Article 42)*
7 Gaceta Oficial, Ley No. 62, Código Penal (Spanish) www.gacetaoficial.gob.cu/es/ley-no-62-codigo-penal
8 Human Rights Watch, 'Cuba's Repressive Machinery – Chapter III, Impediments to Human Rights in Cuban Law', 1999 https://www.hrw.org/legacy/reports/1999/cuba/Cuba996-03.htm#P576_78223
9 Cuban Criminal Procedure Code, Legal Decree No. 5, 1977 (Spanish) http://legislacion.sld.cu/index.php?P=DownloadFile&Id=442

On 5 January 2015, Legal Decree 322 came into force. The government claimed that the law was established to regulate private properties and enforce zoning laws, however officials have since used it to seize church properties. The government's implementation of Legal Decree 322 has sometimes involved informal or verbal communications, which creates a disturbing lack of transparency and accountability.

CSW also noted an increase in cases where the right to FoRB was violated under Decree Law 370, adopted in July 2019. The law effectively curtails freedom of expression on the internet to guard against 'disseminating information contrary to the common good, morals, decency, and integrity through public data transmission networks.'[10] Since it came into force it has been used increasingly against independent journalists, including those reporting on FoRB and other human rights.

Most recently, Legal Decree 35 came into force on 17 August 2021. This new cybersecurity law criminalises any online criticism of the government, as well as incitement to 'public disturbances' which is the term the government uses to describe the peaceful protest marches that took place across the island on 11 July. According to Legal Decree 35, any dissemination of 'content that violates the constitutional, social and economic precepts of the State, that incites mobilizations or other acts that affect public order; that spreads messages that justify violence, accidents of any kind that affect the privacy and dignity of people' will now be considered cyberterrorism. This gives the government sweeping and subjective powers to crack down on freedom of expression and related rights like FoRB.

In 2020 and 2021, one of CSW's key concerns was that the global pandemic might be exploited by the government to 'legitimise crackdowns on human rights defenders (HRDs), arbitrary detentions or violations of the right to freedom of religion or belief…[or to] undermine transparency and accountability.'[11] This was unfortunately evidenced by arbitrary charges placed on churches for the crime of 'spreading diseases'[12] under the penal code, even when leaders and congregations were strictly adhering to public health social hygiene guidelines.

Legal recognition

Currently, religious groups and associations come under the oversight of the Office of Religious Affairs (ORA), which operates out of the Ministry of Justice but is a part of the Central Committee of the CCP. All requests for authorisation – from something as minor as making repairs to a building, to something as major as holding a public event – must be submitted to the ORA, an entity operating outside of any defined legal framework and offering no recourse for appeal. Directed by Caridad del Rosario Diego Bello[13] and her deputies Sonia García García and Robert Noa Frómeta[14], the ORA maintains a consistently antagonistic relationship with religious groups. The ORA habitually denies or simply fails to respond to the requests of religious leaders to, for example, make essential repairs to their buildings of worship or to hold special events. It awards permits, including for the right to invite visitors on a required religious visa, according to the inviting religious association's perceived level of support for or cooperation with the government.

All religious groups must be registered with the Ministry of Justice to operate legally; the ORA receives the request for the registration and the government then makes the decision. While there are some criteria for registration, for example that the association must have more than 30 members, decisions are made on an arbitrary basis in line with political considerations. Under Article 208 of the penal code, membership or association with an unregistered group is a crime, with penalties ranging from fines to imprisonment for one to three months. Leaders of such groups can receive sentences from three months to one year in prison. Although the government does not apply these penalties in a consistent manner, the leaders and members of unregistered groups are always at risk of being targeted.

Most religious groups that existed prior to the 1959 Revolution maintained their official registration and as such have legal recognition. However, the registered status of some groups, like the Jehovah's Witnesses and the Berean Baptists, was arbitrarily rescinded in the 1970s. They have not been permitted to re-register, thus making them illegal. Others, such as the Afro-Cuban Free Yoruba Association, are not registered because they wish to remain independent of government influence or control. Most groups that were not present prior to 1959 but have a growing presence on the island, notably churches affiliated with the Apostolic Movement, have been refused the right to register.[15] In another example, the Old Catholic Church *(Iglesia Vétero Católica)* based in Santa Clara, Villa Clara, has been requesting legal status since July 2007. Over 15 years later, the group is still waiting for a response from the government. While all religious groups experience FoRB violations, unregistered groups are most vulnerable and suffer some of the most egregious violations, as their unregistered status means that their very existence, as well as anything they attempt to do as a religious group, is illegal.

10 Gaceta Oficial, 'Sobre la Informatización de la Sociedad En Cuba', 2018 (Spanish) https://www.gacetaoficial.gob.cu/es/decreto-ley-370-de-2018-de-consejo-de-estado
11 CSW, 'CSW Statement on COVID-19', 21 April 2020 www.csw.org.uk/2020/04/21/feature/4619/article.htm
12 Cuban Penal Code, Article 187, Chapter V, 'Crimes against public health', Section 1, 'Spreading of epidemics', http://juriscuba.com/wp-content/uploads/2015/10/Ley-No.-062-Codigo-Penal1.pdf
13 Twitter, Caridad del Rosario Diego Bello @bello_caridad, February 2022 https://mobile.twitter.com/bello_caridad
14 Twitter, Robert Noa Frómeta @RoberNoaFrometa, February 2022 https://mobile.twitter.com/robernoafrometa
15 It should be noted that while their attempts to register in the past were rejected, some Apostolic Movement leaders now hold a position similar to that of the Free Yorubas and reject the concept of registration altogether.

Arbitrary detention

At the end of 2020, the Ladies in White returned to their weekly peaceful protest walks in cities all over Cuba, after months of halting their activities in respect for health restrictions imposed during the initial outbreak of the COVID-19 pandemic. Every week since the early 2000s, the Ladies in White have dressed in white, attended Mass and then walked in silence through main streets in their respective cities in towns, in protest of the wrongful imprisonment of their relatives who are being held as political prisoners. The government has responded by attempting to block them from attending Mass, in most cases by arbitrarily detaining them through the duration of religious services. Many have also reported being restricted from attending any religious services or activities at all, not just Sunday Mass.

In 2021, CSW received 32 cases of the Ladies in White being prevented from attending religious services; most commonly this took the form of being detained while on the way to Mass for prayer before their protest walk.[16] 14 cases involved Ladies in White leader Berta Soler Fernández. Ms Soler Fernández, a Havana resident, remains a key target of the State Security and is routinely harassed by the police. On one Sunday, 13 March, Ms Soler Fernandez and her husband Angel Moya attempted to leave their home four times to attend church together. Each time, they were prevented from doing so by a group of police officers. Finally, at 2pm a State Security agent warned them that if they tried to leave again, he would arrest them and they would spend the night in prison. He warned them that there would be no way that Berta and her husband would be permitted to attend Mass.

The aforementioned incident came four days after Berta and her husband were detained in front of a train terminal just a few blocks away from their church, Santa Rita de Cassia. They were forced into a car with a private number plate and were returned to their home. When Ms Soler Fernandez and Mr Moya protested that their right to FoRB was being violated, the couple were immediately forced back into separate police cars. Mr Moya was taken to the police unit in Cojimar. He was released at 6pm and was dropped off on a street close to his home by the police. Meanwhile Ms Soler Fernandez was taken to the Cotorro police unit, where she was held until 6.30pm. She was then driven out to a highway outside the city and dropped off. Ms Soler Fernandez reported that the State Security agents who arrested her were dressed in civilian clothes, and each held a pistol to her waist and threatened to kill her.


Image: REUTERS/Desmond Boylan

It is also common for the Ladies in White to experience harassment outside their prayer and worship activities related to the practice of their religion. On 5 April, the day after Easter, Lady in White Celia Osorio Claro was arbitrarily detained in Guantanamo along with her 13-year-old daughter, Maryelis Leyva Osorio. Ms Osorio Claro and her daughter were separated for questioning. Celia was told that State Security would not allow her to continue to attend church and was threatened with imprisonment if she continued to try to do so. The State Security agent in charge, who identified himself as Luis Angel, wrote Ms Osorio Claro an *'Acta de Advertencia'* – a legal document justifying their arrest and imprisonment in the case of potential future crimes. She and her daughter were finally released at 4.20pm.

A small majority of the cases of arbitrary detention received by CSW involved religious leaders not affiliated with the Ladies in White. One example involved Pastor Karel Parra Rosabal, the leader of the unregistered Fuego y Dinámica Apostolic Church in Jobabo, Las Tunas. As is common in Cuba, he earns a supplementary income by running a small business: a legally registered bicycle repair workshop out of his home. Pastor Parra Rosabal was at his home on 12 January when police arrived, claiming that they had a formal search warrant for the premises. Initially, he sent the officers away, noting that their warrants were not valid. That afternoon, the police returned a second time to search his home, this time with an official warrant. While searching the house, the officers informed Pastor Parra Rosabal that he was under arrest for the crime of 'hoarding' *(acaparamiento)* – supposedly because he had too many tools without proof of purchase. During their search of the house, the police requisitioned 50,000 pesos (approximately USD 1,890) worth of Pastor Parra Rosabal's repair equipment. FoRB defenders in Cuba told CSW that they believed that the pastor was targeted because of his

16 Many of these cases involved more than one woman.

Image: EPLS



leadership of a church affiliated with the unregistered Apostolic Movement.

Pastor Parra Rosabal was arbitrarily detained for ten days and released on 22 January following international attention on his case. Upon his release, he was ordered by the Jobabo Chief Prosecutor to attend a meeting on 25 January. After two and a half hours of interviews, the Jobabo Prosecutor's office confirmed that it would be dropping the charges against the pastor and would not pursue a legal case against him. Pastor Parra Rosabal was also finally allowed to present proof of purchase documents for his work tools, which had been confiscated during his arrest. However, the equipment was not returned to him.

In another example, in March, Pastor Maday Gonzalez Espinoza – a leader of the Viento Recio Apostolic Ministry, which like Pastor Parra Rosabal's church is affiliated with the Apostolic Movement – was arrested when she attempted to enter a grocery store in Las Tunas. She was taken to Police Sector 13 in Last Tunas and met by two State Security agents, who interrogated and threatened her if she did not halt her religious work in a 'church considered to be illegal' by the government. When she told them that she planned to continue in her church, she was threatened with deportation to Guáimaro, her previous place of residence. The case was shared widely in real time on social media, and a large crowd of individuals gathered outside the police station, including members of Apostolic Movement churches in the city and the pastor's neighbors. In what the pastor believes was a reaction to the public demonstration of solidarity, she was then released – but not before being warned that she would no longer be permitted to buy anything in CUC stores.[17]

In one of the most serious cases, in June, Reverend Ibrahim Figueredo Fonseca – a BCWC pastor in the community of El Gabriel in Güira de Melena, Artemisa Province and a missionary with the BCWC Missions Board – was attempting to follow the direction from ORA that an inability to pay extremely high utility bills after the rate hike would be dealt with on a case-by-case basis. He was on his way to the local office of the electricity company to explain that the church was unable to pay its electric bill when he was detained. Five days after his detention, Reverend Figueredo Fonseca was subjected to a summary trial and convicted of 'disrespect' *(desacato)*. He was sentenced to nine months in prison.

17 CUC stores were stores in which Cubans would pay for goods in Cuban Convertible Pesos (CUC), an old Cuban currency which is no longer in circulation following the implementation of monetary unification in Cuba from 1 January 2021. The CUC maintained the same value as the US dollar therefore 1 CUC=1 USD.

11 July protests

On 11 July, spontaneous and peaceful protests took place across Cuba in response to the island's ongoing and severe economic crisis and a record surge in coronavirus cases, before expanding to criticisms of the CCP's decades-long hold on power, crackdown on human rights and pro-democracy movement, and management of the COVID-19 pandemic.

President Miguel Díaz Canel made televised public calls for 'revolutionaries' to take to the streets to defend the Revolution in an 'order to combat'. Several reports emerged of violence against protesters, including one incident in which an Associated Press photographer was violently beaten by members of the police and Cuban State Security. One protester was also reportedly shot in the stomach.

While some activists participated in the protests, the majority of those who marched were everyday citizens, including people of different religions or beliefs or none. Several religious leaders present at the protests were detained. While most were released, some faced criminal charges including 'disrespect' and 'public disorder', as was the case with Reverend Lorenzo Rosales Fajardo of the independent Monte de Sion Independent Church in Palma Soriano, Santiago. Other pastors, such as Berean Baptist church leaders Yarian Sierra Madrigal and Yéremi Blanco Ramírez in Matanzas, were detained and held incommunicado for two weeks. Religious leaders who have spoken out against the arbitrary detention of these pastor, like Berean Baptist pastor Jatniel Perez Feria, also came under fire from the police authorities. Since July, Pastor Perez Feria has been under regular surveillance by State Security agents and has been prevented from leaving his home on multiple occasions.

In Jovellanos, Matanzas, Reverend Carlos Raul Macias Lopez and his oldest son joined the protests. As they walked along the road, they were cornered by a pro-government group who verbally and physically attacked them. The group attempted to hold Reverend Macias Lopez and his son so that they could be arrested and taken into custody, but the two managed to escape and return home. Military officers met him there and informed him that he was under house arrest. On 13 July he was summoned to the Jovellanos police station and threatened with imprisonment if he were to participate in any way in future protests of any kind.

CSW received confirmed reports of eight religious leaders who were arbitrarily detained in connection the protests, sometimes violently. Most of these leaders were later released but have faced ongoing harassment and threats of rearrest. Religious leaders who were detained on 11 July included Pastors Yéremi Blanco Ramírez and Yarian Sierra Madrigal. The two men were held incommunicado for two weeks in a State Security wing of the women's prison in Matanzas and in another State Security facility. While he was detained, the family of Pastor Sierra Madrigal was evicted from their home[18] after their landlord faced pressure to do so from State Security. The two men were released on 24 July but were fined and threatened with imprisonment if they were to engage in any activity perceived by the government as critical of the system. Both pastors, who live in Matanzas, were summoned by State Security on 21 October and forced to sign an *'Acta de Advertencia'*, regarding possible future crimes including participation in any other protests.

Father Castor José Álvarez Devesa, a Roman Catholic priest in Camaguey, was another religious leader detained during the protest. Father Álvarez Devesa was beaten and arrested as he attempted to assist a 14-year-old boy who was being beaten by the police during the peaceful protests. He received a heavy blow to the head, for which he required stitches, and approached the police to request medical assistance. The police took him into custody and provided him with medical treatment but then imprisoned him alongside other protestors. He was held for almost 24 hours before being released into the custody of his archbishop. However, he was later informed that he faced unspecified criminal offences and was banned from travelling abroad pending trial. In January 2022 the priest reported that he had received notification that charges would not be pursued and the travel ban was lifted.

The most severe case involving a religious leader in relation to the 11 July protest is that of Reverend Lorenzo Rosales Fajardo, the leader of the independent Monte de Sion Church in Palma Soriano. An eyewitness was able to photograph the moment Rev Rosales Fajardo was detained as the pastor was held in a chokehold by a uniformed member of the Black Berets – a Cuban paramilitary force responsible for serious human rights violations. He was held incommunicado in Versalles, a State Security facility in the city of Santiago de Cuba, until August when he was transferred to the Boniato Maximum Security Prison, located outside Santiago de Cuba. During his time in prison, the pastor has been subjected to severe beatings and inhumane treatment. He was charged with crimes including 'disrespect', 'public disorder', 'criminal incitement' and 'assault'. His lawyer has unsuccessfully filed one habeas corpus request and nine attempts to



18 CSW, 'Family of detained pastor evicted from their home', 19 July 2021 https://www.csw.org.uk/2021/07/19/press/5354/article.htm

appeal the 'cautionary measures' which define the terms of his imprisonment and allow him to be held in prison indefinitely pending trial.

On 22 October Reverend Rosales Fajardo's wife, Maridilegnis Carballo Castellano, was informed that the government is seeking to impose a ten-year prison sentence on Reverend Rosales Fajardo. At first, his family was informed on 3 December that his trial would take place on 7, 8 or 9 December.[19] However, on 6 December they were told that the trial had been suspended indefinitely.[20] His family were notified of the final date only days before the trial took place on 20 and 21 December. During the trial, government prosecutors accused the pastor, along with the other defendants, of inciting fellow civilians to violently attack police officials. According to reports[21] from independent journalist Yoel 'Yoe' Suárez Fernandez, the Public Prosecutor's office was permitted to call 17 witnesses to testify against the accused, while Pastor Rosales Fajardo's lawyer was able to bring only two witnesses, and only one family member was able to observe the proceedings. As of 10 February 2022, he is still awaiting sentencing.

His wife, Ms Maridilegnis Carballo, who was present, described the trial as a 'show' in which the prosecution failed to present any concrete evidence for the defendants' 'crimes'.

Rev Rosales Fajardo and his family have been a target of the Cuban government since 2009 when the authorities arbitrarily confiscated their home, which also acted as their church. Reverend Rosales Fajardo was labelled a counter-revolutionary by State Security officer Luis Noel Plutin Rodriguez, who was involved in the property confiscation. Officer Plutin Rodriguez is now the Ministry of the Interior (MININT) Delegate and was responsible for the decision to charge and imprison Rev Rosales Fajardo after his detention at the 11 July protests.

Reverend Rosales Fajardo's son, David Rosales Carballo, was 17 at the time and was also present at the protests with his father on 11 July. The young man – a minor at the time – was detained alongside his father but was eventually separated from him and transported, while handcuffed to another prisoner, in a blacked-out truck. The prisoner to whom he was handcuffed was beaten so badly after he demanded to know where they were being taken, that Mr Rosales Carballo felt the other prisoner's blood spatter on him. While he was detained, Mr Rosales Carballo was not given water, and said he and other prisoners survived by drinking a few drops each day from a leaking faucet.

After Reverend Rosales Fajardo and Mr Rosales Carballo were detained, Mrs Carballo went back and forth to police stations and MININT offices to try to ascertain their status and location. After a few days, she was finally told where her husband was being held, but the authorities claimed to have no knowledge of her son's whereabouts. He was considered disappeared for a week. Despite this, while the teenager was missing, his mother was forced to sign a document stating that he had been charged with 'disrespect' and 'public disorder' and had to pay a 2,000 peso fine on his behalf. On 18 July at 11pm, Mr Rosales Carballo returned home. His mother described him as physically unhurt but psychologically traumatised. She also told CSW that she has been threatened that there will be repercussions for her son if she continues to speak out about the detention of his father. Since his detention, Mr Rosales Carballo has been required to check in at the local police station on a weekly basis and has been subjected to harassment and threats by the authorities.

In the days after 11 July, protests continued in different forms. On 13 July in San Jose de las Lajas, Mayabeque, Enrique Fundora and other young couples from the Jehová Samah Apostolic Movement were tasked with handing out free water to protesters in an effort to calm the volatile situation and to help peaceful protestors avoid dehydration in the intense heat; funds for the water had been collected from churchgoers. In response, the political police surrounded the homes of Enrique Fundora and the other couples who participated, preventing them from distributing the water. Many members of the church also reported that they were confined to their homes even as pro-government mobs and paramilitary forces patrolled the streets.

Harassment of religious leaders

The highest number of the FoRB violations received by CSW in 2021 took the form of harassment, most commonly of religious leaders. Harassment can take various forms, including anonymous phone calls, warnings for failing to cooperate with police authorities and the State Security apparatus, and even death threats. At other times it can take the form of repeated summons to appear at police stations or State Security units, or fines.

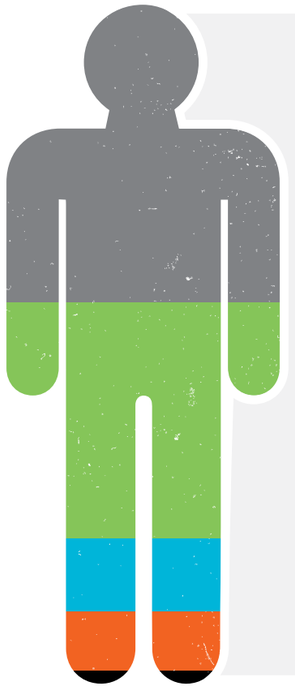
In spring 2021, Catholic nun Sister Ana Elena Fundora Lima reported[22] that the Catholic-run nursing home where she works in Havana was fined after being falsely accused of not following health and safety protocols. She specifically denounced a visit on 12 April from a government inspector who herself ignored and failed to follow COVID-19 protocols – even though the home was under lockdown because the elderly residents are high risk. According to Sister Fundora Lima, the inspector, who identified herself as Raida, issued a fine of 2,000 pesos (approximately USD 85)[23] for a series of minor infractions, including the lack of a manufacture date on bottles of chlorinated water and a failure to display posters with a written plan on how the nursing home planned to combat COVID-19.

Sister Fundora Lima went on to state that the nursing home had implemented strict rules to prevent the spread of COVID-19, including mandating that all those who work there do so on 14-day shifts without leaving the building. She pointed out that since the COVID-19 situation worsened in March, the nursing home had ensured that all staff are tested before they begin their shifts, but the government had delayed the return of the test results in all but one of the five occasions that testing had been carried out.

In another case, on the afternoon of June 7 2021, Pastor Yasser Caraballo Garcia – leader of the My King is Jesus International Ministry in Cabaiguan, Sancti Spiritus – received a police summons for the following morning at 9am. When he arrived at the police unit, a State Security officer, who identified himself as the Area 'Chief of Confrontation', met him but did not show any credentials and refused to give his name. During the 90-minute interrogation, Pastor Caraballo Garcia was threatened with imprisonment for having organised an illegal church. He was warned that he would not be permitted to reopen his church after the lifting of COVID-19 restrictions, and he would be strictly forbidden from continuing his work as a pastor.

The same month, Abu Duyanah Tamayo, head of the Cuban Association for the Dissemination of Islam, complained that his cell phone had been blocked for the second time. He attempted to file an official complaint with the office of the state run phone company ETECSA in his municipality. He was informed by an employee, who declined to identify herself, that the order to block his phone had not come from ETECSA but was from 'higher up'. Abu Duyanah Tamayo told CSW that as president of the CADI, access to the internet was vital in order to coordinate religious activities across the country and to carry out virtual religious meetings to observe important religious holidays. He believes that the blocking of his phone was an attempt by the government to hinder him and his faith community from celebrating Eid al-Adha. In September, the Muslim leader's phone services were cut once more. He was again told by ETECSA officials that orders had come from 'higher up'. He told CSW:

'They [the government] cut my internet service because they know that the internet is a vital communication channel and the only way to keep in touch with the brothers and sisters of the Islamic community throughout the country – because of the confinement due to COVID-19. I am responsible for coordinating the religious activities of our faith community and for being aware of the general situation of its members. They know that by cutting off my internet service, they are affecting our religious practice.'



Violations against Pastor Toledano

Harassment	44.68%
Threats	34.04%
Restricted travel	10.64%
Destruction or Confiscation of property	8.51%
Arbitrary detention	2.13%

19 CSW, 'Trial for detained pastor expected imminently', 6 December 2021 https://www.csw.org.uk/2021/12/06/press/5499/article.htm
20 CSW, 'Trial of detained pastor suspended until further notice', 7 December 2021 https://www.csw.org.uk/2021/12/07/press/5501/article.htm
21 Diario de Cuba, '"Mi esposo es inocente", dice la esposa del pastor Lorenzo Rosales, preso del 11J, tras finalizar su juicio', 22 December 2022 (Spanish) https://diariodecuba.com/derechos-humanos/1640200390_36372.html
22 CSW, 'Catholic nursing home harassed by government inspectors', 26 April 2021 https://www.csw.org.uk/2021/04/26/press/5239/article.htm
23 According to Exchange rate in April 2021.

Timeline of Pastor Alain Toledano's harassment



2007

1 November 2007
Destruction or Confiscation of Property.

2010

5 March 2010
Threats.

2012

June–July 2012
Harassment.

June–September 2012
Harassment.

2013

16 February 2013
Harassment.

2014

8 January 2014
Harassment.

2015

13 October 2015
Threats.

13 November 2015
Threats.

27 November 2015
Threats.

2016

5 February 2016
Destruction or Confiscation of Property.

24 February 2016
Threats.

1 November 2016
Threats.

2017

18 October 2017
Arbitrary Detention.

2019

28 August 2019
Threats.

30 August 2019
Destruction or Confiscation of Property.

6 September 2019
Harassment.

7 October 2019
Threats.

2020

8 March 2020
Harassment.

2021

10 February 2021
Harassment.

7 June 2021
Harassment.

30 September 2021
Arbitrary Detention.

4 October 2021
Harassment.

Harassment in the form of police summons and intimidation frustrated many religious leaders. In October, Baptist pastor Michel Penichet was summoned for questioning by the Cuban political police. Following his interrogation, he published the following on social media:

'Once more MININT and the rest of the competent authorities confuse our position and Christian principles and our desire, dedication and work, within the law, from the Church and according to our faith in Jesus for a 'Cuba for Christ', with false political motivations. They confuse Homeland with Ideology, when there is nothing further from reality as my motivations are always spiritual for the extension of the Kingdom in our country.'

Over the course of the year, the authorities continued to harass and threaten Apostle Alain Toledano Valiente, a prominent leader in the Apostolic Movement who leads the Emmanuel Church in Santiago de Cuba. In June, a Ministry of Public Health (MINSAP) inspector and State Security agent arrived unexpectedly at the church. They were met by Apostle Toledano Valiente, who made his way there after learning of their arrival. He informed them that no one had met at the church for over six months because of the pandemic. Despite this, the inspector said that he had an order to issue a 'Letter of Warning' to the owner of the property. Apostle Toledano Valiente protested, stating that this was religious harassment, and he refused to sign the document. However, the administrative measure was applied anyway.

The highest number of the FoRB violations received by CSW in 2021 took the form of harassment, most commonly of religious leaders.

Between late August and October, Apostle Toledano Valiente received five police summons related to holding church services illegally. The police claimed that he did not have the right permissions to hold services, even though the pastor had presented written permissions from the Ministry of Justice to the contrary. On 4 October police authorities falsely accused and threatened Apostle Toledano Valiente of the crime of 'spreading disease[24] linked to an Emmanuel Church service on Sunday 29 August. Pastor Toledano Valiente told CSW that his church has been maintaining social distancing measures and pointed out that the police who carried out the reconstruction did not follow required COVID-19 protocols.

On 1 September, Apostle Toledano Valiente was informed by officers in the Third Police Unit in Santiago that a formal criminal case had been opened against him under Article 187 of the Cuban penal code for the crime of 'spreading disease'[25] and that he must await trial under 'supervised liberty' with a precautionary measure which forbids him from leaving the province or the country. The pastor is also required to report twice a week at the police unit. On the morning of 4 October, two policemen and an investigator arrived at Emmanuel Church and informed Rudisvel Rivera Robert, the property owner, that they were there to 'reconstruct the facts' at the 'scene of the crime' in light of the pending criminal charges against the pastor. No warrant was presented, and although a 'reconstruction of the facts' is only supposed to be carried out in crimes of homicide and robbery and when the accused is present, and despite the protests of the property owner, the police entered the property and spent two hours measuring and making drawings. The police described Pastor Toledano Valiente to Mr Rivera Robert as a common criminal and said he was certain to be tried and convicted.

CSW also noted an increase in the reported number of 'acts of repudiation', where the authorities organise supposedly spontaneous mobs or rapid response brigades, who target religious leaders by surrounding their homes or places of worship, shouting abuse, vandalising property, physically intimidating and sometimes attacking their targets. On Easter Sunday, 4 April, Apostle Yoel Demetrio Asprón Morales, a church leader in the Apostolic Movement, and members of his church were subjected to one such 'act of repudiation'. On this occasion, the mob threw stones at the church while the congregation worshipped and celebrated Easter. This incident was one of several such attacks carried out against Apostle Asprón Morales' church in the months before, including in September and December 2020, and March 2021. The experiences of 2021 were the culmination of an escalating campaign of harassment targeting Apostle Asprón Morales, which began in 2010 when more than 300 police officers and government rapid response brigades[26] surrounded and evicted him and his family from their home at the time, which also acted as their church.[27] In 2019 he was so badly beaten by State Security agent Miguel Hernandez Nodales, that he required 15 stitches to two deep wounds on his face.

24 The charge of 'spreading diseases' was made under Article 187 of Law No. 62 of the Cuban penal code.
25 Ibid
26 'Rapid response brigades' are Cuban government-organized bands of civilian recruits. They were a new development in 1991, used to intimidate 'individuals with political and ideological problems,' according to a Human Rights Watch report in 1991. Human Rights Watch, 'Human Rights Watch World Report 1992 – Cuba', 1 January 1992, https://www.refworld.org/docid/467fca451e.html
27 Because of their unregistered status, groups like the Apostolic Movement are forced to congregate in homes and other buildings not permitted for religious use, making them constantly vulnerable to fines and government confiscation of the properties.



Image: EPLS

15 November protests

Nationwide protests organised by a group of young activists and artists called Archipiélago were scheduled to take place on 15 November, following the government crackdown against independent Cuban civil society which had been ongoing since the spontaneous protests of 11 July.[28] Unfortunately, mass protests did not take place as planned in Cuba following harsh government repression in the days preceding and throughout the day on 15 November.

In the weeks and days leading up to 15 November, CSW received over 30 reports of religious leaders and FoRB defenders across Cuba who were targeted by the government.[29] Some were issued with summons by police and State Security and were interrogated on their position regarding the protests. Some FoRB defenders were placed under house arrest in the weeks preceding the planned protests.

On 14 November, Roman Catholic priest Father Alberto Reyes reported that church officials had received a call from the government Office of Religious Affairs, warning that if he and two other priests participated in the protests, they would be arrested. In a video shared with CSW, the priest said:

[We have been told that], if we participate in the protest, we will be arrested. We are priests in order to preach the gospel. And the gospel of Jesus Christ speaks of freedom, it speaks of justice, it speaks of truth. This is what our people are asking for. If being arrested is the price of being true to the teachings of the gospel – so be it. God willing, tomorrow we will be there – accompanying our people, walking in our streets which are still not free.

Berean Baptist pastor Reverend Jatniel Pérez Feria, president of the William Carey Bible Institute, received a summons on 9 November to present himself at the 'Zapata y C' police station in Havana the following morning. When he arrived at the station, Reverend Pérez Feria said that he had a short and 'friendly' conversation with State Security, who told him that a mistake had been made and that he should not have been summoned. However, Reverend Pérez then received a second summons for 11 November, with which he complied, and was accused of failing to appear for the first summons. He was then prevented from leaving his home through 15 November.

On 6 November, as Apostolic Movement Pastor Bernardo de Quesada and another pastor were returning from Havana to their homes in Camagüey, they were intercepted by the police and detained. The two church

28 The group requested official permission to conduct 'a civic march for change' in September. Their request was rejected and the government launched a campaign to discredit the organisers, accusing them of being backed by the United States government.
29 CSW, 'Religious leaders targeted ahead of 15 November protests', 12 November 2021 https://www.csw.org.uk/2021/11/12/press/5480/article.htm





leaders were interrogated by State Security agents regarding their opinions about the 15 November protests. Apostolic Movement leaders in the cities of Santiago de Cuba and Las Tunas reported similar experiences.

On the morning of 15 November, an organised pro-government mob carried out an 'act of repudiation' in front of the Archdiocese of Camagüey. For hours, the mob shouted expletives and threats against the church and those inside. Human rights defenders and pro-democracy activists across the island reported similar experiences.

Despite the government's use of repressive tactics, small groups of priests, nuns and Roman Catholic lay leaders walked together through the streets in different parts of the island in support of the protests, including Havana and Bejucal in Mayabeque province, defying government threats of arrest and imprisonment.

Economic pressure

In January 2021 there was a significant rise in utility tariffs paid by churches and other non-state, non-residential entities. The tariff increases were extremely high[30], and pastors in the Baptist Convention of Western Cuba (BCWC) raised concerns that such increases in utility bills would 'asphyxiate churches'. BCWC pastors also asked the denominational leadership to raise the issue with the ORA. The pastors were informed by the leadership that, according to the ORA, the issue could not be addressed corporately and that if individual churches had difficulty paying their electricity bills, it would be dealt with on a case-by-case basis.

Religious leaders have informed CSW that while the new rates apply to all non-state entities, religious associations are the only group not to receive some form of subsidy from the government to help pay for the increase. The increase in the tariffs is so significant that all private, small businesses would also collapse if forced to pay these rates. In a meeting with CSW, religious leaders representing Catholic and Protestant denominations, as well as registered and unregistered churches, unanimously agreed that the policy has been devised specifically by the government to cripple religious associations by indirect means.

According to religious leaders, ORA officials have made verbal threats and 'offers' that, in exchange for increased cooperation and support for the government, subsidies may be available – but only to individual churches, not to entire denominations. This corroborates the experience of BCWC leaders earlier this year and appears to be part of a concerted effort by the Cuban government to make it difficult for churches to work together as members of one registered religious association. It also hinders any interdenominational attempts to protest and challenge these tactics, and is clearly a way to divide and pick off vulnerable church leaders.

In addition to the rate hike, the government found other ways to target religious leaders through the use of utilities. In April a National Electricity Union (UNE) inspector appeared at a religious leader's home in eastern Cuba, stating that he had been instructed by State Security to cut the church's electricity service because it is 'illegal'. The document supporting the action was signed by a UNE director, who stated that the leader had been stealing electricity to illegally supply his church. The leader in question explained that the congregation of his house church gathered in the yard of his home, and that he had always paid the electricity bill on time and was therefore not guilty of any crime. Despite this, the inspector cut the electrical service to the church and imposed a fine of 100,000 pesos (approximately USD 4,000) for the crime of 'improper use of electrical service'. The religious leader in question must pay in instalments of 8,000 pesos per month for one year, if he wishes to have his access to electricity restored.

In another case, on 11 June, UNE inspectors in Las Tunas tried to cut off the electricity supply by removing the electricity meter at Apostle Asprón Morales' church. A UNE official, identified as Rubén Pérez Pérez, tried to use the church's reduction in electricity consumption under pandemic social gathering restrictions as an excuse to withdraw the church's power supply altogether. The officer claimed that the church had defrauded the UNE by giving an inaccurate electricity meter reading. Mr Pérez Pérez then imposed a fine of 100,000 Cuban pesos (approximately USD 4,000). When the UNE official attempted to enter the church building, Apostle Asprón Morales refused and demanded that Mr Pérez Pérez first obtain a warrant. The police then stationed a security detail outside the pastor's house, preventing him and his family from leaving. After six hours, the police left after they were unable to find a prosecutor to draft a warrant.

General discrimination on the basis of religion

Members of religious groups routinely experience discrimination in various forms. These are most commonly seen in educational institutions and in places of employment. Individuals can be passed over for promotion, excluded from important meetings and activities, or demoted or transferred to undesirable locations because their religious affiliation makes them 'untrustworthy'.

On 8 April an individual was summoned for a meeting at their workplace in a city in eastern Cuba by the central director and the secretary of the CCP. When they arrived, an officer who identified himself as a 'Major' within State Security was waiting to interrogate them. The officer told the individual in question that they were considered to be 'counter-revolutionary' due to their membership of an 'illegal' church. As a result, the individual was informed that the Cuban government would no longer fulfil its obligations to them as a citizen, and as such they would be expelled from their workplace – without the right to be re-employed by companies linked to the State. During the meeting, the individual received abuse and threats for their Christian work and was also threatened with loss of custody of their two young children because they had corrupted them by taking them to church with 'ideologies counter to the revolutionary process'.

On 19 June professional baseball player Dariel Góngora received a warning from Mario Núñez – Director of the Provincial Sector of the National Institute of Sports, Physical Education and Recreation (INDER) of Camagüey – for having attended an illegal church whose pastor is considered a counter-revolutionary. Days later, in a meeting with the baseball commissioner of the province of Camagüey, Mr Góngora was officially informed that he would no longer be on the payroll of the local team, Lost Toros de Llanura, and was being dismissed because of his participation in an Apostolic Movement church. The INDER leadership made public statements on state media, including on television and in the official press, alleging that Mr Góngora was fired for 'indiscipline', and did not give him the opportunity to defend himself.

CSW also received reports of antisemitism. In March a Jewish family was preparing the Havdalah ceremony to close their observance of Shabbat when the father was physically attacked by a Communist Party activist. Neighbours intervened to stop the attack, and the activist shouted that 'Jews are worth nothing in Cuban society' and called for their eradication. The activist also threatened and insulted the man's wife and children. When the activist attempted to strike the father again, the neighbours physically removed him from the area.

CSW also received reports of local police authorities disrupting religious services in order to arbitrarily detain church leaders under the pretext of breaching public health COVID-19 protocols.

Earlier in the year, a Jewish person was verbally attacked at a work meeting at his place of employment. A Communist Party activist stood in the meeting and demanded that the Jewish person be expelled from the company, using vulgar and antisemitic language. When the company directors asked the Communist Party activist to return to the subject of the meeting, he continued to verbally attack the person, accusing him of foreign ties. The meeting was eventually suspended because of the disruption.

Pandemic-related discrimination

The effect of measures put in place by governments around the world to try to slow the spread of COVID-19, have in many cases placed necessary limits on freedom of assembly. Such limits are allowed under international human rights law as long as they are reasonable, applied consistently to all and temporary in nature. In 2021, Cuban officials implemented restrictions on an uneven and arbitrary basis – often appearing to use the restrictions to target religious leaders or groups that already held difficult relationships with the Cuban Communist Party and the government. In one such case, on 9 January, Pastor Yordanys Diaz Arteaga, who

30 According to FoRB defender Reverend Mario Felix Lleonart Barroso, the BCWC Seminary in Havana received an electric bill for the month of January 2021 for 20,490 CUP (about USD850), compared with an average of 500 CUP (about USD20) in previous months. A BCWC retreat centre in Matanzas received a bill for 24,000 CUP (about USD 1,000) also for the month of January. Both institutions were operating with a skeleton staff at the time.

is President of the Christian Reformed Churches in Cuba and has been the victim of government discrimination and harassment for years, received a written order from the Provincial Communist Party, informing him that the church and all public or household gatherings would have to close due to new COVID-19 outbreaks in the region. The order was endorsed by the Provincial Governments Office and the Office of Religious Affairs. Pastor Diaz Arteaga noted at the time that sectors such as tourism, leisure and cultural events, including entertainment venues, continued to operate their businesses without restrictions. The pastor and other church leaders in his denomination reported through the rest of the year that they continued to be harassed by the government authorities and discouraged from holding services.

Apostle Mario Jorge Travieso Medina, the leader of the House of Restoration Church, which is affiliated with the Apostolic Movement in Las Tunas, is another religious leader who has a long history of experiencing FoRB violations. Over the past year, he experienced many of the same types of FoRB violations as he had in previous years, however, in 2021 the government repeatedly cited pandemic related regulations to justify their harassment of the pastor and his church. In January police attempted to shut down his church even though the Provincial Director of the Ministry of Public Health (MINSAP) had ordered that no public or meetings spaces would be closed. When Apostle Travieso Medina reminded the police officer of the MINSAP order, the officer left and later returned with two patrol cars and a dozen State Security agents, who indicated that they planned to arrest the pastor for the crime of 'contempt'. He was also threatened with an additional criminal charge of 'spreading disease'. Apostle Travieso Medina remained firm in his stance that without an order from MINSAP, he would not close his church, and the police and State Security officers finally left, after one warned him that the government 'would end up shutting down once and for all that little illegal church' he leads.

The following month, the pastor was visited by MINSAP officials who ordered him to halt the church's morning prayer walks in the community. Apostle Travieso Medina pointed out that the prayer walks were carried out in small groups with individuals maintaining the required distance between them and wearing facemasks, and that they took place in the early morning when the streets were mostly empty. He compared this to the long and crowded queues in which Cubans were forced to wait to buy food, medicine and receive medical treatment. In apparent retaliation, the police arrested a young member of his congregation for wearing his mask incorrectly while walking down the side of the highway. Ironically, Apostle Travieso Medina pointed out that the three officers in the car into which the young man was taken, were not wearing masks at all.

CSW also received reports of local police authorities disrupting religious services in order to arbitrarily detain church leaders under the pretext of breaching public health COVID-19 protocols, even when the protocols were being followed. On 29 May a prayer service with the leaders of the Prophetic Restoration Ministry organised by Apostle Marco Antonio Perdomo Silva in Santiago de Cuba was interrupted when several police officers entered without a warrant to stop the meeting, calling it an 'unauthorized' gathering. The leaders present protested as the meeting was in compliance with official COVID-19 social hygiene protocols. In light of the leaders' refusal to end the service, the officers took Apostle Perdomo Silva to the police station, where he was held for an hour while he provided evidence to the police demonstrating that the church was adhering to government guidelines. The police stated that they had intervened in the meeting as they had received a complaint about the gathering, but eventually concluded that they would not open a criminal case against Pastor Perdomo for the crime of 'spreading disease'.

The government also continued to deny religious leaders and lay people the opportunity to visit individuals in their community and administer last rites or provide spiritual support, even while allowing other types of visits to take place. On 3 October, Father Jorge Luis Pérez reported that he had visited the Hermanos Almejeiras Hospital in Havana to deliver the final sacrament to a Roman Catholic lay woman. According to the priest, the chief doctor of the hospital's medical services blocked Father Pérez's entry, arguing that it was in breach of COVID-19 public health guidelines. However, Father Pérez noted that, while he waited, many other people were allowed to enter for various reasons, including visits. The hospital official refused to let him explain his purpose and why he should be allowed to visit the woman, forcing him to leave the premises immediately.

Confiscation of goods and property

Chronic shortages of all kinds of goods, alongside byzantine regulations around the ability to import or buy and sell goods, puts most Cubans in the position of having to interact in some way with the black market. This means that individuals are always vulnerable to government charges of illegal activity, and government officials often use this as a tactic to pressure or punish those viewed as unsupportive of the government. Even when Cubans attempt to obtain goods through legal means, they can still find themselves targeted by the government. This can be seen in the experience of Pastor Parra Rosabal, whose case is detailed earlier in the report, and who never had his confiscated bicycle repair tools returned to him, despite the fact that he provided receipts and the charges against him were dropped.

In another case, on 6 April, pastors Juan Carlos Garcia Morales and Doraidis Rodriguez Feria of the Santidad Pentecostal church in the town of San Germán, Holguin,


Image: Giulio Paletta/CSW

received table fans, donated by one of their friends, for use in their church. Shortly after the fans were received, police officers arrived at the church and claimed that they had received a complaint regarding the illegal sale of fuel and insisted upon searching the parsonage and church. As they carried out the search, the police officers threatened to confiscate the church's funds from tithes and offerings – around 10,000 Cuban pesos (approximately USD 415). Instead, the officers confiscated the new fans, claiming that their purchase constituted a crime of 'hoarding' *(acaparamiento)*. The pastors presented statements on three occasions to prove their innocence, and on the final occasion they were informed that the fans were being held by the provincial government – the same office that issued the complaint. The pastors filed a complaint with the municipal communist party but were told that since it was the municipal police who had issued the complaint, they were unable to help.

Travel restrictions

In 2021, due to the pandemic travel restrictions, CSW has documented only two new cases of religious leaders and FoRB activists being prevented from travelling abroad in 2021, in contrast to five in 2020.

Typically, the Cuban government will sometimes restrict the freedom of movement of civil society activists and human rights defenders who have been outspoken critics of its actions. On 24 March 2020, Cuban Prime Minister Manuel Marrero Cruz announced that all Cubans would be *regulados* or under travel ban – with the government being able to 'decide who travelled and who did not, as a preventative measure to the spread of the new coronavirus.'[31] Since then, due to government lockdowns and restrictions, the movements of all Cuban citizens have been significantly restricted and, by default, all civil society activists have been banned from international travel. The Patmos Institute, an NGO dedicated to monitoring FoRB in Cuba, has not added any new civil society activists to its list of *regulados* since 2020.

In the case of Protestant religious leaders, a few remain under travel ban, including Pastor Sandy Cancino Pérez, who was stopped from travelling to the US on 13 March, where he was going to lead religious services in Miami and Houston. Apostolic Movement Pastor Jorge Travieso Medina remains under travel ban and was denied permission to renew his passport on 23 March 2020. Apostolic Movement Pastor Alain Toledano Valiente also remains under travel ban.

Independent journalist Yoe Suárez has been under travel ban since February 2020, when he was summoned to Siboney Police Station in Havana and interrogated for three hours by a State Security agent, who threatened reprisals against his family because of his work. He was also informed that he has been subjected to an indefinite travel ban 'by order of the Leadership [of the Cuban Department of State Security].' FoRB defender Ricardo Fernandez Izaguirre has been under travel ban since November 2019, when he was blocked from boarding a flight to Europe.

Roman Catholic priest Father Castor Alvarez Devesa was also put under a travel ban following his arrest on 11 July 2021. On 16 September, Father Castor presented himself at the Camagüey immigration offices to enquire about the status of the ban, as he had been invited to the US

31 Blog del Instituto Patmos, '#Cuba Todos los cubanos "#Regulados": entre las pandemias del #totalitarismo y la del #Covid19', 31 March 2020 (Spanish) https://institutopatmosonline.org/category/regulados/

to officiate a Mass and to attend a spiritual retreat. The previous day, he had been notified that precautionary measures for having participated in the events of 11 July were being withdrawn. However, he remained under a travel ban pending trial for unspecified charges related to 11 July until January 2022.

Regarding visits from foreign visitors, religious groups in Cuba are required to apply to the government for a religious visa on behalf of any potential visitors. In 2021, CSW received one case in which a religious group was denied a religious visa. In September 2020, Pastor Yordanys Díaz Arteaga, President of the Reformed Church of Cuba, requested a visa extension for a missionary from Mexico from the Office of Religious Affairs; the missionary had been working in Cuba for two years as a youth leader in his church. On 19 January 2021 their request was denied, and the missionary was required to return to their country. Pastor Díaz Arteaga believes that the denial of the visa was in retaliation for his denomination's decision to formally leave the Cuban Council of Churches.[32]

Use of informants

The Cuban government continues to use informants to infiltrate religious organisations in order to report on internal activities and content of teaching, as well as on people within the religious groups. Religious leaders report that there is usually a mix of overt informers who attend services and activities, and others who operate undercover. Undercover agents are also encouraged to attempt to disrupt and cause division within religious groups.

This government strategy has been ongoing since the 1960s and is illustrated in the case of Yoandry Cruzata, a leader in the Emmanuel Church led by Apostle Toledano Valiente in Santiago de Cuba. In February, in the early hours of the morning, Mr Cruzata was in a line to receive government rations for his family, but when it was his turn, he was blocked from entering the building by a State Security agent. He was then immediately taken into custody by police, who took him to the La Motorizada police unit. His belongings were taken away and he was held in solitary confinement in a cell until 11pm. At that point he was taken to an interrogation room where was met by a State Security agent, who told Mr Cruzata that his detention was a lesson but that he could make things better for himself by acting as an informant in the Emmanuel Church. When Mr Cruzata refused, the State Security agent threatened to open a criminal case against him for the crime of 'spreading disease' and to imprison him for three years. Mr Cruzata refused again and was returned to his cell, where he stayed until his release the following morning.

Targeting of civil society activists

In Cuba, individuals who are publicly critical of the government and its policies frequently receive official summons signed by local law enforcement authorities, such as the National Revolutionary Police or the Public Prosecutors office. However, the order to target these individuals typically originates from the State Security Counterintelligence team. The interrogations themselves are commonly conducted with a State Security agent present.

On 29 June, Carolina Sansón and Leonardo Fernández Otaño were summoned by State Security agents for interrogation. Ms Sansón – who works for the Father Félix Varela Cultural Centre, a Catholic institution – was arrested and interrogated at the Aguilera police station in Havana. Mr Fernández Otaño is a Catholic historian who works for the Ignacio de Loyola Centre and was summoned at 7pm in the evening. According to the independent news outlet La Hora de Cuba,[33] both Ms Sansón and Mr Fernández Otaño had participated in various Catholic civic actions and pastoral letters in recent years. Ms Sanson was interrogated for two hours, during which she was told that she is a 'good girl who shouldn't hang around with such people [i.e. activists]'.[34] During their interrogation, both individuals were accused of keeping the company of 'mercenaries'. After their release, both Ms Sanson and Mr Fernandez Otaño had their homes surrounded by State Security surveillance operations. Their access to data and internet via their phones was also cut off for the next five days.

The ongoing campaign of harassment against Cuban independent journalist Yoel 'Yoe' Suárez Fernandez, who frequently reports on FoRB violations, and his family continued when he received a summons to present himself at the Miramar Police Station on 12 March. The interrogation at the Miramar police station in Havana lasted 35 minutes and was conducted by a new sector head, who identified himself as Captain Pinheiro. During the interrogation, Mr Suárez was asked detailed questions about his family and work, as well as his previous interactions with State Security counterintelligence officials.

Captain Pinheiro repeatedly warned Mr Suárez Fernandez that his work could bring negative consequences, which would affect his family. He also explained that the police intervene to issue official summons to 'control the citizens' based on the information they receive from

32 The Cuban Council of Churches is an ecumenical umbrella group which has historically maintained good relations with the government. Although it only represents a very small number of Protestant Christians in terms of membership, it is often presented by the government as speaking for the wider Protestant Church in Cuba, and its leadership has made repeated claims over past decades that there are no FoRB violations in Cuba.
33 La Hora de Cuba, 'Jóvenes Católicos Citados A Interrogatorios Tras Solidarizarse Con Hamlet Lavastida', 29 June 2021 (Spanish) http://lahoradecuba.com/2021/06/29/jovenes-catolicos-citados-a-interrogatorios-tras-solidarizarse-con-hamlet-lavastida/
34 Diario de Cuba, 'Dos católicos cubanos solidarios con Hamlet Lavastida sufren interrogatorios de la Seguridad del Estado', 1 July 2021 (Spanish) https://diariodecuba.com/derechos-humanos/1625134929_32325.html



Image: EPLS

other state 'entities' within the Ministry of Interior, such as the Department of State Security, which carries out surveillance on human rights defenders who criticize the government.

The summons and interrogation on 12 March mark the second time Mr Suárez Fernandez was targeted in this way in less than two months. It came after his wife, Maria Antonieta Colunga Olivera, was summoned and interrogated on 1 March because of her husband's work.[35]

Positive developments

While some individual religious leaders, especially those from unregistered religious groups, have a long history of speaking out against violations of human rights, the majority of religious groups have historically taken a quieter approach, raising issues, when they chose to do so, discreetly with government officials. This began to change in 2018 during the process of drafting and adopting a new constitution, as religious leaders responded to the government's call for public consultation. However, most public statements were carefully worded to focus specifically on the wording of the draft constitution and avoid any direct criticism of the government and the political system.

One of the most significant developments in Cuba in 2021 was the increased willingness of religious leaders to speak out publicly regarding violations of human rights. This is particularly noteworthy given that the number of public statements – including some issued by entire religious groups – increased in the midst of the post-11 July and pre-15 November crackdowns, and in an atmosphere of growing repression and intimidation. Groups including the Catholic Bishops Conference[36] and some of the largest Protestant denominations on the island – including the Assemblies of God of Cuba,[37] the Methodist Church of Cuba,[38] and the Evangelical League[39] – published multiple statements condemning the government's use of violence and affirming the right of all Cubans to express themselves peacefully, including through protest marches. Statements from some of the Protestant groups also called for the release of all of those detained for having participated in the peaceful marches.

Declarations were also made on the local level. In one example, an interdenominational group of Protestant

35 CSW, 'Wife of Cuban journalist summoned and interrogated', 2 March 2021 https://www.csw.org.uk/2021/03/02/press/5159/article.htm
36 Conferencia de Obispos Católicos de Cuba, 'Mensaje de los Obispos Católicos de Cuba', 11 November 2021 (Spanish) https://iglesiacubana.org/cocc/assets/uploads/docs/MENSAJE_DE_LOS_OBISPOS_CATOLICOS_DE_CUBA_111121.pdf
37 Facebook, Asambleas de Dios de Cuba @AsambleasDeDiosCuba, 18 July 2021 https://www.facebook.com/AsambleasDeDiosCuba/posts/844630419760233
38 Facebook, Iglesia Metodista en Cuba @metodistaencuba, 18 July 2021 https://www.facebook.com/metodistaencuba/posts/3031650953733346
39 Facebook, Liga Evangélica de Cuba @iglecuba, 14 July 2021 https://www.facebook.com/iglecuba/posts/4118223134913938

pastors in Holguín published a video[40] on social media, articulating similar positions. Coalitions of religious groups, including Catholics and Protestants from a spectrum of denominations, also jointly convened multiple days of prayer and fasting for Cuba through the second half of the year. In a promotional video[41] for one event, they made explicit calls to pray for freedom. It is worth noting that ecumenical unity efforts continued to develop following the creation of the Cuban Evangelical Alliance in 2019, with the 2021 launches of groups like Cuban Christians in Communion[42] and the Alliance of Unregistered Cuban Churches[43] – both of which issued a series of posts on social media, written statements and videos, addressing ongoing human rights violations including FoRB violations.

These efforts at unity were also reflected at a grassroots level. In May six young Protestant Christians from different denominations travelled together to visit and pray for Luis Manuel Otero Alcántara, an artist and activist who had been on hunger strike for six days at that point. Upon reaching the corner of Otero Alcántara's block, the group was intercepted by State Security and the National Revolutionary Police. Their identity cards were taken and they were told they would not be allowed to visit Mr Otero Alcántara; they were directed to pray in a nearby park instead. Later, another State Security agent arrived and returned their identity cards – threatening them if they spoke out about the incident:

'The order I have is that you can pray there in the church park and then leave. Now, here is the other order: no filming is to take place here because I say so. Here are all your cards because I don't want any media reports saying that at 12pm "a group from the church was praying in this person's home," because [if you say anything, the authorities] are going to look for you, one by one, because we have all of your information… I'm telling you, now.'

Members of the group immediately denounced the government's actions on social media,[44] in spite of the threats.

Individual religious leaders acted as intermediaries between victims of human rights violations and international advocacy organisations. Some did so quietly and confidentially, but others have taken a more public route, publishing information and updates on specific cases – including some of those listed in this briefing – on social media. Apostle Alain Toledano Valiente assisted Maridilegnis Carballo following the disappearance of her husband (Rev Rosales Fajardo) and son (David Rosales Carballo) on 11 July, making enquiries, together with a group of local pastors, at police stations and State Security facilities in Santiago de Cuba, where it was believed the two had been taken after they were detained. Apostle Toledano made a series of posts with updates on the case on social media and was finally able to confirm that Rev Rosales Fajardo was being held at the State Security facility in the Versalles neighbourhood of the city.

Reverend Jatniel Pérez Feria, president of the William Carey Biblical Seminary and pastor of the Independent Evangelical Church of Holguin, posted updates on the detentions of Pastors Yarian Sierra Madrigal and Yéremi Blanco Ramírez in the days after 11 July. In response, the government temporarily put his home under 24-hour surveillance, with a State Security vehicle blocking his door – effectively putting him under house arrest. He received multiple anonymous phone calls threatening him if he continued to speak out. Reverend Pérez Feria responded with another post on social media:

> 'Today I received several calls trying to scare me into stopping publishing information about Pastors Yéremi Blanco Ramírez and Yarian Sierra [Madrigal].
>
> They have called some of our pastors, trying to intimidate them.
>
> In case any of you at State Security have doubts about who I am:
>
> I am Jatniel Pérez Feria. National President of the William Carey Biblical Seminary in Cuba and pastor of the Independent Evangelical Church in Velasco, Holguín.
>
> I am responsible for all the pastors and brothers who study in our seminary.
>
> If it bothers [you] that I am saying these things, then you know very well where I live.
>
> If I have to suffer for defending pastors and churches, then here I am, like Paul I am willing to go to prison for defending the cause of the Gospel.
>
> I am not afraid of going anywhere.
>
> You can do what you want with my body but my soul you cannot kill.
>
> I prefer to obey God rather than men…
>
> I love my country. And I love my flag, where God placed me. And I will always defend the Church that Christ bought with His blood.
>
> Grace and peace.'

40 Facebook, Iglesias de Holguín @iglesiasdeholguin, 18 July 2021 https://fb.watch/6WAAY6HtkP/
41 Facebook, Primera Iglesia Bautista de Bejucal @pibbejucal, 21 July 2021 https://fb.watch/v/1TmqCDNQR/
42 Facebook, Cristianos Cubanos en Comunión https://www.facebook.com/Cristianos-Cubanos-en-Comunión-250077306910542/?ref=page_internal
43 Facebook, Aicnor. Alianza de Iglesias Cubanas No Registradas https://www.facebook.com/Aicnor-Alianza-de-Iglesias-Cubanas-No-Registradas-104154622104973
44 Ciber Cuba, 'Jóvenes cristianos intentan llegar a la casa de Luis Manuel Otero', 5 January 2021 https://www.cibercuba.com/noticias/2021-05-01-u1-e207959-s27061-jovenes-cristianos-intentan-llegar-casa-luis-manuel-otero

Conclusion

2021 concluded with a flurry of summary trials of many of those who had been arrested in connection with the 11 July protests and held in detention since then. The government of President Miguel Díaz Canel made it clear that there would be no opening and no reforms, and that it is just as prepared to hand down lengthy prison sentences to Cubans, who up until 11 July had had no involvement in pro-democracy or human rights movements, as it was to do the same to activists in the Black Spring of 2003.

There is no expectation that anything will change in regard to the government's approach to fundamental human rights. Rather, a crackdown that was already ongoing in the early part of 2021 only grew more intense following 11 July. Violations of human rights occurred regularly and systematically and, in line with this, so did violations of FoRB. Religious leaders, who the government has always viewed with suspicion, were particularly vulnerable. Ordinary members of different faith groups were also targeted as the government attempted to demonstrate, through force and intimidation, its total control of the island and its people.

Despite all of this, there are reasons for hope. This is illustrated, for example, in the increased willingness of religious leaders and religious associations to speak out publicly regarding violations of human rights, and in support of FoRB and associated rights like freedom of expression and freedom of assembly. This is one key way in which the scenario differs significantly from 2003.

It would be naïve to assume that the government is not keenly aware of this, and increased pressure on religious leaders should be expected. As noted in this report, religious associations are the only groups within Cuban independent civil society that regularly assemble significant numbers of people, and religious leaders hold a unique type of moral authority, which can be at odds with Communist Party ideology. Those who are not viewed as supportive of the government, including religious leaders, are likely to experience more harassment in the form of surveillance, repeated summons, interrogations, threats and other types of harassment. Those who continue to speak out will be on the front lines.

Going forward, it will be vital that independent civil society in Cuba, including religious groups, continue to receive support from the international community. It must be made clear to the Cuban government that it must make long-overdue reforms to ensure that the fundamental rights of all are protected and upheld – and there must be consequences if it does not. After over 60 years of one-party authoritarian rule, it appears that the Cuban people are ready for change. Democracies around the world should be actively exploring innovative ways to support them to ensure that any transition is peaceful and moves to a more representative, inclusive and open democratic society.

CSW everyone free to believe

CSW is a human rights organisation advocating for freedom of religion or belief, and as Christians we stand with everyone facing injustice because of their religion or belief.

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