

URGENT ACTION

ARTIST OPPOSING CENSORSHIP AT RISK

Cuban authorities imprisoned artist Luis Manuel Otero Alcántara for 13 days for opposing a dystopian law which stands to censor artists. He was a prisoner of conscience. Now released and awaiting trial, he remains at risk of further detention. If Luis Manuel Otero Alcántara is sent back to prison, he would revert to be a prisoner of conscience as the charges against him stem solely from the peaceful exercise of his right to freedom of expression.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Alpidio Alonso Grau
Minister of Culture
And Mr. Oscar Silvera Martínez
Minister of Justice

Ministry of Culture
Calle 2 No. 258 e/ 11 y 13,
C.P. 10400, El Vedado, La Habana, Cuba
Emails: ministro@min.cult.cu, fernandor@min.cult.cu, apoblacion@minjus.gob.cu
Twitter: @AlpidioAlonsoG and @OscarCubaMinjus

Dear Ministers,

I write to you to express my deep concern regarding the detention and charges against Cuban artist Luis Manuel Otero Alcántara, a key leader in the movement opposing Decree 349, a dystopian law which stands to censor artists.

Luis Manuel was detained on 1 March and charged with “insults to symbols of the homeland”, a crime inconsistent with international human rights standards, and “damage” to property.

He was released 13 days later, but his trial for those same charges is pending. He is at risk of arbitrary detention for as long as the criminal process is open.

Luis Manuel Otero is being targeted solely for peacefully expressing his ideas. I therefore urge you to drop all the charges against him immediately and ensure that the process against him is closed.

Yours sincerely,

ADDITIONAL INFORMATION

Luis Manuel Otero Alcántara has become a leading voice of opposition against Decree 349 in Cuba.

Under the Decree, all artists, including collectives, musicians and performers, are prohibited from operating in public or private spaces without prior approval by the Ministry of Culture. Individuals or businesses that hire artists without the authorization can be sanctioned, and artists that work without prior approval can have their materials confiscated or be substantially fined. Under the decree, the authorities also have the power to immediately suspend a performance and to propose the cancellation of the authorization granted to carry out the artistic activity. Such decisions can only be appealed before the same Ministry of Culture (Article 10); the decree does not provide an effective remedy to appeal such a decision before an independent body, including through the courts.

The decree contains vague and overly broad restrictions on artistic expression. For example, it prohibits audio-visual materials that contain, among other things: “use of patriotic symbols that contravene current legislation” (Article 3a), “sexist, vulgar or obscene language” (Article 3d), and “any other (content) that violates the legal provisions that regulate the normal development of our society in cultural matters” (Article 3g). Furthermore, it makes it an offence to “commercialize books with content harmful to ethical and cultural values” (Article 4f).

International human rights law and standards require that any restriction to the right to freedom of expression, including through art, must be provided by law and formulated with sufficient precision to avoid overly broad or arbitrary interpretation or application, and in a manner that is accessible to the public and that clearly outlines what conduct is or is not prohibited.

As signatory to the International Covenant on Civil and Political Rights (ICCPR), Cuba is required to refrain from acts that would defeat the object and purpose of the treaty. Article 19 of the ICCPR specifically protects the right to freedom of expression, which includes the “freedom to seek, receive and impart information and ideas of all kinds...” including “in the form of art”.

Amnesty International has previously [expressed concern that Decree 349](#) is likely to have a general chilling effect on artists in Cuba, preventing them from carrying out their legitimate work for fear of reprisals.

Article 203 of the Penal Code, one of the provisions under which Luis Manuel appears to be charged, is inconsistent with international standards as its effect is to limit the right to freedom of expression. Amnesty International opposes laws prohibiting disrespect of heads of state or public figures, the military or other public institutions, or flags or symbols (such as lèse majesté and desacato laws).

Luis Manuel Otero was [named a prisoner of conscience](#) following his detention of 1 March. Although he was released on 14 March, the criminal procedure against him remains open, and he remains at risk of further detention. If Luis Manuel Otero Alcántara is sent back to prison, he would revert to be a prisoner of conscience as all the charges against him stem solely from the peaceful exercise of his right to freedom of expression.

His trial was originally scheduled for 11 March 2020 but was delayed until further notice.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish. You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 04 May 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Luis Manuel Otero Alcántara (he/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr25/1985/2020/en/>