



April 16, 2020

Dr. Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights

Cc: Protection Unit; Rapporteurship on the Rights of Women

Re: Violations Against Female Political Prisoners in Cuba During the Coronavirus Pandemic

Dear Dr. Abrão,

The International Institute on Race, Equality and Human Rights (Race and Equality) respectfully writes to the Honorable Inter-American Commission on Human Rights to express deep concern over the situation of female political prisoners in Cuba amid the COVID-19 pandemic. We are particularly concerned about **Ms. Martha Sanchez Gonzalez** and **Ms. Aymara Nieto Muñoz**, two members of the Ladies in White and beneficiaries of **Precautionary Measure 264-13**, who have both faced increased repression in the past few days.

Ms. Martha Sanchez Gonzalez is a Lady in White who was convicted of “contempt” and “resistance” after protesting corruption in Cuban elections. She has been detained since March 11, 2018 and is serving a four-year, six-month sentence in the El Guatao Provincial Women’s Prison. She is a political prisoner because she was detained in violation of her right to freedom of expression under the American Declaration and was convicted after a trial that did not respect her right to due process. She has been seeking revision of her conviction since January, but has not received a response. Additionally, she has reported that many women are being released from the prison because of the COVID-19 pandemic, and she feels that she is being excluded because of her political beliefs. Her family is unable to bring her food because transportation has been shut down in the country and prison authorities are severely limiting the entry of food into prisons, but the food they provide to prisoners is of extremely poor quality. Yesterday, April 15, 2020, Ms. Sanchez Gonzalez declared that she is going on **hunger strike**. We are extremely concerned about her health and well-being, noting that as a person deprived of liberty she is particularly at risk of contracting COVID-19.

Ms. Aymara Nieto Muñoz is also a Lady in White. She was convicted of “assault of an authority” and “damages” and is currently in the El Manati women’s prison in Las Tunas, serving a four-year sentence. She has been in detention since May 6, 2018, when she was arrested while participating in a protest to release political prisoners. She was later convicted of crimes she did not commit in order to prevent her from participating in political protest, in violation of her right to freedom of

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expression, and is therefore a political prisoner. Until last month, Ms. Nieto Muñoz was serving her sentence in the El Guatao Prison, located near her family who was able to visit her every month. Last month, however, she was transferred to El Manati Prison, which is located over 600 kilometers from her family. She believes this was an effort to keep her spouse from visiting her, who was also a political prisoner but was released at the end of March. This week, her family took great strides to get a basket of food and personal items to her, reaching out to activists in Las Tunas because they were unable to travel there under conditions of the COVID-19 pandemic. However, the basket was confiscated from the activists, who were told that it could not be given to Ms. Nieto Muñoz because it was paid for by “imperialist money” and would instead be donated to a nursing home. While we respect the need to take measures to limit the spread of COVID-19 in prisons, the confiscation of Ms. Nieto Muñoz’s items was clearly politically motivated. Even under conditions of the pandemic, Cuba is still obligated to provide inmates with quality food, and Ms. Nieto Muñoz is not receiving the nutrition she needs to protect her health.

Noting the Honorable Commission’s recent statement on the need for States to take measures to protect persons deprived of liberty to prevent the spread of COVID-19,¹ and the particularly dangerous risk that female political prisoners are currently facing, Race and Equality respectfully asks the Commission to publicly request that the State of Cuba release all of its female political prisoners. These women are not criminals and are not violent and should not be in prison at any time, but especially not during the COVID-19 pandemic.

Respectfully,



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Encl: Race and Equality press release

¹ Inter-American Commission on Human Rights, *The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic*, Press Release No. 066/20, March 31, 2020, available at http://www.oas.org/en/iachr/media_center/PReleases/2020/066.asp.

Political Prisoner on Hunger Strike: Race and Equality Calls on the Cuban Government to Immediately Free Female Political Prisoners Amid the COVID-19 Crisis

Washington, D.C. April 16, 2020. With the arrival of the coronavirus in Cuba and in conjunction with the #CubanasLibresYa Campaign, the International Institute on Race, Equality and Human Rights (Race and Equality) urges the Cuban Government to release all female political prisoners. As of April 15, 766 cases of infection and 21 deaths due to COVID-19 have been reported in Cuba.¹ The virus is rapidly spreading on the island and the government is putting in place social distancing measures to help protect Cubans.² However, persons deprived of liberty in prisons in Cuba are unable to socially distance and face extreme risk. The deplorable conditions these women currently face has caused [Martha Sánchez González](#), a political prisoner in El Guatao Provincial Women's Prison, to go on hunger strike.

As Race and Equality has documented in our report, [Premeditated Convictions: Analysis of the Situation of the Administration of Justice in Cuba](#), Cuban prisons are notorious for their inhumane conditions, including overcrowding, poor air circulation, and lack of access to fresh air.³ These conditions have been reported to cause bronchitis and other respiratory infections,⁴ creating a perfect environment for COVID-19 to spread and cause severe illness. While Cuban officials recently announced that outside visitors will no longer be permitted in prisons,⁵ prisoners are still at risk of contracting the virus from prison guards, who still circulate in the community. In the United States, this has caused widespread infection of inmates in prisons with devastating effects.⁶

Recognizing the extreme risk faced by persons deprived of liberty, the UN High Commissioner for Human Rights Michelle Bachelet has called on governments to take measures to protect inmates, including by reducing the number of people in detention.⁷ Similarly, the Inter-American Commission on Human Rights has recognized that prisoners in the region have “a greater risk of

¹ World Health Organization, *Coronavirus disease 2019 (COVID-19) Situation Report – 86*, April 15, 2020, available at https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200415-sitrep-86-covid-19.pdf?sfvrsn=c615ea20_6.

² *Nota Informativa No. 1 del Estado Mayor Nacional de la Defensa Civil [Informative Note No. 1 of the National General Staff of Civil Defense]*, GRANMA, April 9, 2020, available at <http://www.granma.cu/cuba-covid-19/2020-04-09/medidas-a-adoptar-para-el-cumplimiento-de-la-cuarentena-covid-19-en-nuestro-pais-09-04-2020-00-04-25>.

³ International Institute on Race, Equality and Human Rights, *Premeditated Convictions: Analysis of the Situation of the Administration of Justice in Cuba*, June 2019, available at <https://raceandequality.org/publications/>.

⁴ See Inter-American Commission on Human Rights, *Medida Cautelar No. 39-18, Resolución 16/2018, Eduardo Cardet Concepción respecto de Cuba [Precautionary Measure No. 39-18, Resolution 16/2018, Eduardo Cardet Concepción regarding Cuba]*, February 24, 2018, ¶ 5, available at <http://www.oas.org/es/cidh/decisiones/pdf/2018/16-18MC39-18-CU.pdf>.

⁵ *El MININT suspende las visitas familiares y limita la entrada de alimentos a los prisioneros [The Ministry of the Interior suspends family visits and limits the entry of food to prisoners]*, DIARIO DE CUBA, April 10, 2020, available at https://diariodecuba.com/derechos-humanos/1586529498_16105.html.

⁶ Timothy Williams and Danielle Ivory, *Chicago's Jail is Top U.S. Hot Spot as Virus Spreads Behind Bars*, New York Times, April 8, 2020, available at <https://www.nytimes.com/2020/04/08/us/coronavirus-cook-county-jail-chicago.html>.

⁷ United Nations Office of the High Commissioner on Human Rights, *Urgent action needed to prevent COVID-19 'rampaging through places of detention' – Bachelet*, March 25, 2020, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>.

the advance of COVID-19”⁸ and has urged States to “reduce overcrowding in detention centers as a measure to contain the pandemic.”⁹

The risk to female political prisoners presented by COVID-19 is especially concerning given that Cuba authorities have denied medical attention to political prisoners in the past or provided inadequate care. For example, Xiomara Cruz Miranda, a Lady in White who was convicted of making threats, became gravely ill in prison. She was eventually transferred to a hospital, but her condition worsened as Cuban doctors withheld information about her illness from her family members and were unable to provide an effective treatment. She later left the country in order to seek medical care in the United States.¹⁰ Given this poor precedent in handling the medical needs of political prisoners, it is doubtful that the Cuban government will provide sufficient care to political prisoners who contract COVID-19.

Cuban prison officials have also been refusing to allow prisoners to receive food from their families as a means to stop the spread of COVID-19. However, they have not provided a replacement for this food, which prisoners rely on to survive given that the food provided by the prison is often rotting and lacking nutrition. According to the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), “every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”¹¹ This week, both Martha Sanchez Gonzalez and Aymara Nieto Muñoz were denied food that their family members worked hard to get to them, which is especially difficult because these women are located in detention centers far away from their homes and transportation in the country has been severely limited due to the virus. Aymara Nieto’s family was told that the food was rejected not because of the coronavirus crisis, but because it was paid for by “imperialist money.” Martha Sanchez Gonzalez has announced that she is going on hunger strike in protest of the horrible conditions she is facing.

Given the extreme danger faced by inmates, Race and Equality calls on the Cuban State to release all female political prisoners in its territory, including Melkis Faure Hechavarria, Maite Hernandez Guerra, Aymara Nieto Muñoz, and Martha Sanchez Gonzalez. These women were convicted of crimes they did not commit after peacefully protesting against the Cuban government. They are not criminals, they are not violent, and they should not be behind bars at any time, but especially not during the crisis caused by the COVID-19 pandemic.

Keeping these women in prison is a continuous violation of Cuba’s international human rights obligations, and Cuba must free these women now. Race and Equality asks the international community to continue to monitor the situation in Cuba and urge respect and protection for the

⁸ Inter-American Commission on Human Rights, *The IACHR urges States to guarantee the health and integrity of persons deprived of liberty and their families in the face of the COVID-19 pandemic*, Press Release No. 066/20, March 31, 2020, available at http://www.oas.org/en/iachr/media_center/PReleases/2020/066.asp.

⁹ *Id.*

¹⁰ Boris Gonzalez Arenas, *Xiomara Cruz Miranda y el peligro de defender los derechos humanos en una dictadura [Xiomara Cruz Miranda and the danger of defending human rights in a dictatorship]*, DIARIO DE CUBA, Dec. 30, 2019, available at https://diariodecuba.com/derechos-humanos/1577729153_8490.html.

¹¹ United Nations General Assembly, Resolution 70/175, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, A/RES/70/175, Jan. 8, 2016, Rule 22.1, available at https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

human rights of female political prisoners. We invite the public to join our campaign, *#CubanasLibresYa* to protect the right to life and health of female political prisoners. View the campaign website [here](#).

Presa política en huelga de hambre: Raza e Igualdad exige al Gobierno cubano que libere de inmediato a las mujeres presas políticas en medio de la crisis del COVID-19

Washington, D.C. 16 abril 2020. Con la llegada del coronavirus a Cuba, y en el marco de la campaña #CubanasLibresYa, el Instituto Internacional sobre Raza, Igualdad y Derechos Humanos (Raza e Igualdad) insta al Gobierno cubano a liberar a todas las mujeres presas políticas. Hasta el 15 de abril, 766 casos de infecciones y 21 muertes por COVID-19 han sido reportadas en Cuba¹. El virus se está extendiendo rápidamente en la isla y el gobierno está implementando medidas de distanciamiento social para proteger a los cubanos.² Sin embargo, las personas privadas de libertad en las prisiones en Cuba no pueden distanciarse socialmente y enfrentan riesgos extremos. Las condiciones deplorables que estas mujeres están enfrentando actualmente han causado que [Martha Sánchez González](#), una presa política en la Prisión Provincial para Mujeres El Guatao, se declare en huelga de hambre.

Como Raza e Igualdad documentó en su informe [Condenas premeditadas: Análisis de la Situación de la Administración de Justicia en Cuba](#), las prisiones en Cuba son conocidas por sus condiciones inhumanas, tales como el hacinamiento, mala circulación de aire y falta de acceso al aire fresco.³ Se ha reportado que estas condiciones han causado bronquitis y otras infecciones respiratorias⁴, creando el entorno perfecto para que el COVID-19 se propague y agrave la enfermedad. Aunque el Gobierno cubano recientemente anunció que en las prisiones ya no se recibirán más visitantes⁵, los prisioneros y las prisioneras todavía enfrentan el riesgo de contagiarse de las autoridades penitenciarias, quienes todavía circulan en la comunidad. En los Estados Unidos, esto ha causado la propagación del virus en los reclusos de las cárceles y prisiones con efectos devastadores⁶.

En reconocimiento del riesgo extremo que enfrentan las personas privadas de libertad, la Alta Comisionada para los Derechos Humanos de las Naciones Unidas Michelle Bachelet hizo un llamado a los gobiernos a tomar medidas para proteger a los reclusos, entre ellos la reducción del número de las personas en detención⁷. Asimismo, la Comisión Interamericana de Derechos

¹ World Health Organization, *Coronavirus disease 2019 (COVID-19) Situation Report – 86*, 15 abril 2020, disponible en https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200415-sitrep-86-covid-19.pdf?sfvrsn=c615ea20_6

² *Nota Informativa No. 1 del Estado Mayor Nacional de la Defensa Civil*, GRANMA, 9 abril 2020, available at <http://www.granma.cu/cuba-covid-19/2020-04-09/medidas-a-adoptar-para-el-cumplimiento-de-la-cuarentena-covid-19-en-nuestro-pais-09-04-2020-00-04-25>.

³ Instituto Internacional sobre Raza, Igualdad y Derechos Humanos, *Condenas Premeditadas: Analisis de la Situación de la Administración de Justicia en Cuba*, junio 2019, disponible en <https://raceandequality.org/publications/>.

⁴ Ver Comisión Interamericana de Derechos Humanos, *Medida Cautelar No. 39-18, Resolución 16/2018, Eduardo Cardet Concepción respecto de Cuba*, 24 febrero 2018, párr. 5, disponible en <http://www.oas.org/es/cidh/decisiones/pdf/2018/16-18MC39-18-CU.pdf>.

⁵ *El MININT suspende las visitas familiares y limita la entrada de alimentos a los prisioneros*, DIARIO DE CUBA, 10 abril 2020, disponible en https://diariodecuba.com/derechos-humanos/1586529498_16105.html.

⁶ Timothy Williams y Danielle Ivory, *Chicago's Jail is Top U.S. Hot Spot as Virus Spreads Behind Bars*, New York Times, 8 abril 2020, available at <https://www.nytimes.com/2020/04/08/us/coronavirus-cook-county-jail-chicago.html>.

⁷ Oficina de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos, *Hay que tomar medidas urgentes para evitar que el COVID-19 'cause estragos en las prisiones'*, 25 marzo 2020, disponible en <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=S>.

Humanos ha reconocido la “gravísima situación de las personas privadas de la libertad en la región... frente a los efectos de la pandemia del COVID-19”⁸ y ha instado a los Estados a “reducir la sobrepoblación en los centros de detención como una medida de contención de la pandemia”⁹.

El riesgo que el COVID-19 plantea a las mujeres presas políticas es especialmente preocupante dado que las autoridades cubanas han negado atención médica a las presas políticas en el pasado o han brindado atención inadecuada. Por ejemplo, Xiomara Cruz Miranda, una Dama de Blanco condenada por “amenazas”, se enfermó gravemente en la prisión. Finalmente, fue trasladada a un hospital, pero su condición empeoró mientras los médicos cubanos ocultaron información a sus familiares y no pudieron proporcionar un tratamiento efectivo. Más tarde, Xiomara se fue del país para buscar atención médica en los Estados Unidos¹⁰. Dado este mal precedente en el manejo de las necesidades médicas de las presas políticas, es dudoso que el Gobierno brinde la atención suficiente a las presas políticas que contraigan el COVID-19.

Las autoridades penitenciarias en Cuba también dejaron de permitir a los familiares de los presos llevar comida, como una manera de detener la propagación del COVID-19. Sin embargo, no han proporcionado un reemplazo para esta comida, de la cual dependen los prisioneros para sobrevivir dado que la comida provista por la prisión a menudo se pudre y carece de nutrientes. De acuerdo con las Reglas Mínimas de las Naciones Unidas para el Tratamiento de los Reclusos (Reglas Nelson Mandela), “todo recluso recibirá de la administración del establecimiento penitenciario, a las horas acostumbradas, una alimentación de buena calidad, bien preparada y servida, cuyo valor nutritivo sea suficiente para el mantenimiento de su salud y de sus fuerzas”¹¹. Esta semana, a Martha Sánchez González y Aymara Nieto Muñoz se les negó la entrada de comida que con mucho trabajo sus familiares les hicieron llegar, lo cual es especialmente difícil porque estas mujeres se encuentran en centros de detención alejados de sus hogares y el transporte en el país ha sido drásticamente limitado debido al virus. A la familia de Aymara Nieto Muñoz le dijeron que la comida fue rechazada no por la crisis del coronavirus, sino porque fue pagada con “dinero del imperio”.

Dado el riesgo extremo que los reclusos enfrentan, Raza e Igualdad hace un llamado al Estado cubano para que libere a todas las presas políticas en su territorio, incluidas Melkis Faure Hechavarría, Maite Hernández Guerra, Aymara Nieto Muñoz y Martha Sánchez González. Estas mujeres fueron condenadas por delitos que no cometieron después de protestar pacíficamente contra el gobierno cubano. No son delincuentes, no son violentas y no deberían estar tras las rejas en ningún momento, pero especialmente durante la crisis causada por la pandemia de COVID-19.

Mantener a estas mujeres en prisión es una violación continua de las obligaciones internacionales de derechos humanos de Cuba, por lo que Cuba debe liberar a estas mujeres inmediatamente. Raza

⁸ Comisión Interamericana de Derechos Humanos, *La CIDH urge a los Estados a garantizar la salud y la integridad de las personas privadas de libertad y sus familias frente a la pandemia del COVID-19*, Nota de Prensa No. 066/20, 31 marzo 2020, available at <http://www.oas.org/es/cidh/prensa/comunicados/2020/066.asp>.

⁹ *Ibid.*

¹⁰ Boris Gonzalez Arenas, *Xiomara Cruz Miranda y el peligro de defender los derechos humanos en una dictadura*, DIARIO DE CUBA, Dec. 30, 2019, available at https://diariodecuba.com/derechos-humanos/1577729153_8490.html.

¹¹ Asamblea General de las Naciones Unidas, Resolución 70/175, *Reglas Mínimas de las Naciones Unidas para el Tratamiento de los Reclusos (Reglas Nelson Mandela)*, A/RES/70/175, 8 enero 2016, Regla 22.1, disponible en https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-S-ebook.pdf.

e Igualdad pide a la comunidad internacional que continúe monitoreando la situación en Cuba y exigiendo el respeto y la protección de los derechos humanos de las mujeres presas políticas. Invitamos al público a unirse a nuestra campaña *#CubanasLibresYa*, para proteger el derecho a la vida y la salud de las mujeres presas políticas. Conozca la campaña [aquí](#).