

6 March 2020

Cuba: Criminalisation and ill-treatment of human rights defender Luis Manuel Otero Alcántara

On 1 March 2020, **Luis Manuel Otero Alcántara** was arrested when leaving his house to attend a peaceful protest organised by the LGTBIQ community to call for freedom of expression. During the arrest, his girlfriend Claudia Genlui was violently beaten, and both had their phones confiscated. Since the entry into force of Decree 349, artists have been protesting against government control over cultural productions, resulting in a number of arbitrary arrests.

[Luis Manuel Otero Alcántara](#) is a visual artist and human rights defender from Cuba. He is the general coordinator of the **San Isidro Collective**, a group of artists formed in 2018 to promote freedom of expression and cultural rights in light of the restrictions introduced by the Decree 349. Over the past years, he has been using art and cultural expressions to contest violations of freedom of expression by the Cuban government.

On 1 March 2020, at 2:30 pm, Luis Manuel Otero Alcántara was arrested on fabricated charges of property damage, as he was leaving his house to join a protest organised by the LGTBIQ community in front of the Cuban Institute of Radio and Television (Instituto Cubano de Radio y Televisión). The defender was ill-treated during the arrest. When his girlfriend Claudia Genlui tried to film the incident, she was violently beaten and thrown to the ground by an officer of the National Revolutionary Police. Both had their phones confiscated, and were denied documents to prove that.

The next day, members of the San Isidro Collective went to the Directorate General of the National Revolutionary Police (Dirección General de la Policía Nacional Revolucionaria) to request information about Luis Manuel Otero Alcántara. They were told that he would remain detained in a detention centre known as “el Vivac” awaiting an “abbreviated summary trial” (*juicio sumario abreviado*), an obscure procedure whereby the accused is sentenced within ten days. The grounds for the charges brought against the human rights defender were not disclosed. He might be facing up to 5 years’ imprisonment.

In late 2018, Decree 349, which gives control over cultural and artistic productions to the Cuban government and provides a list of prohibited subjects, was met with protests and contestations by the Cuban artistic community. Since then, public demonstrations have commonly resulted in arbitrary detentions lasting for several days. Luis Manuel Otero Alcántara has been arrested 24 times since then. Each time, the authorities denied him any proof of detention.

Luis Manuel Otero Alcántara has been previously charged with aggravated contempt toward state leadership and desecration of national symbols. Neither of these offences is punishable with imprisonment. Local human rights defenders believe that the additional charge of property damage has been brought against Luis Manuel Otero Alcántara to accumulate charges and allow for his sentencing to prison.

Front Line Defenders is concerned about the arbitrary arrest, criminalisation and ill-treatment of Luis Manuel Otero Alcántara, as well as the ill-treatment of his girlfriend Claudia Genlui. These acts are believed to be solely motivated by his peaceful activities promoting freedom of expression and cultural rights, and may constitute a chilling message to Cuban defenders and the artistic community promoting

freedom of expression. Front Line Defenders is further concerned about the recurrent use of the state security apparatus to repress human rights defenders who promote freedom of expression.

Front Line Defenders urges the authorities in Cuba to:

1. Immediately and unconditionally release Luis Manuel Otero Alcántara and drop all charges against him, as Front Line Defenders believes that his criminalisation is solely motivated by his peaceful and legitimate work in defence of human rights;
2. Carry out an immediate, thorough and impartial investigation into the ill-treatment of Luis Manuel Otero Alcántara and Claudia Genlui, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Ensure that the treatment of Luis Manuel Otero Alcántara, while in detention, adheres to the conditions set out in the *'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment'*, adopted by UN General Assembly resolution 43/173 of 9 December 1988;
4. Take all necessary measures to guarantee the physical and psychological integrity and security of Claudia Genlui as well as of members of the San Isidro Collective, in consultation with them;
5. Guarantee in all circumstances that all human rights defenders in Cuba, in particular those defending freedom of expression in the context of Decree 349, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

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