

CUBA URBAN ARTIST AT RISK

After being arbitrarily detained on 17 August, Yulier Pérez, a graffiti artist known for painting dilapidated walls in Havana, is at risk of being imprisoned again, after months of intimidation and harassment from authorities.

State officials arbitrarily detained Yulier Rodríguez Pérez, or Yulier P., known for his art work on the ruined walls of Havana, the capital, on 17 August in Central Havana. He told Amnesty International that he was released on the evening of 18 August on the condition that he remove all his artwork from the walls of Havana by 25 August.

Amnesty International has followed the case of Yulier Pérez since early 2017, when he told the organization he had been forced out of his art studio. His international profile has increasingly grown. In 2016, he told newspaper 14 y medio, "My pictures are like fables, a portrait of people's experiences... They are like souls, because at some point we stop being people and now we are souls in a purgatory called Cuba."

In April 2017, police summoned and questioned him about his interviews with the international press and his opinions about his art. Yulier Pérez said that state security officials threatened to charge him with "dangerousness" (peligrosidad), or a range of other provisions of the Penal Code. In July, Yulier Pérez travelled to the USA to participate in an art exhibition. On his return, police summoned him again. Subsequently, he hand-delivered letters to the Minister of Culture and Minister of External Relations, asking for their intervention in the frequent police harassment.

Decree No. 272 (20 February 2001) establishes administrative penalties for infringements on public adornments and monuments. It also establishes that any alteration of walls or external parts of buildings is an offence which could incur a fine. Such an offence is not contemplated in the Penal Code. Yulier Pérez is at risk of being criminally charged with "dangerousness" solely for the exercise of his right to freedom of expression. Cuban authorities have frequently used this vague and overly broad provision against human rights defenders and any others who appear to contradict the "norms of socialist morals". Provisions foreseeing the punishment of individuals not because of their actions or attitudes, but because of the likelihood of potential, future and uncertain actions breach the principle of legality.

Please send a fax, email, tweet or letter without delay. (Postage is \$2.50.)

* Urge the authorities to ensure that law enforcement officials do not arbitrarily detain Yulier Rodríguez Pérez as an attempt to restrict the peaceful exercise of his right to freedom of expression.

* Call on them to make sure that free artistic expression is adequately protected, and to repeal all legislation which unduly limits the right to freedom of expression.

* Call on them to amend provisions of the Penal Code, such as the provision on “peligrosidad”, that are so vague that they lend themselves to abuse by state officials to restrict freedom of expression.

Here is the contact information you need:

President of the Republic

Raúl Castro Ruz

Presidente de la República de Cuba

La Habana, Cuba

Fax: 011 41 22 758 9431 (Cuba Office in Geneva)

Or 1 212 779 1697 (via Cuban Mission to UN)

Email: cuba_onu@cubanmission.com (via Cuban mission to UN)

Twitter: @RaulCastroR

Salutation: Your Excellency

Attorney General

Dr. Dario Delgado Cura

Fiscal General de la República

Fiscalía General de la República

Amistad 552, e/ Monte y Estrella

Centro Habana

La Habana, Cuba

Email: relaciones@fgr.cu

Twitter: @FGR_Cuba

Salutation: Dear Attorney General / Estimado Fiscal General

Please send a copy to

His Excellency Julio Antonio Garmendía Peña

Ambassador for Cuba

388 Main Street

Ottawa, Ontario K1S 1E3

Fax: (613) 563-0068

E-mail: embacuba@embacubacanada.net

Additional information

Amnesty International has documented harassment, intimidation, and arbitrary arrests of artists in Cuba for decades. In the late 1980s, members of artistic organizations were detained in their homes and charged with “illegal association”.

Cuban authorities have previously arbitrarily detained graffiti artists for exercising their right to freedom of expression. In 2015, Danilo Maldonado Machado (also known as ‘El Sexto’) spent almost 10 months in prison without trial following accusations of “aggravated contempt” after being arrested on 25 December 2014 for transporting two pigs with the names “Raúl” and “Fidel” painted on them, which he intended to release in an art show in Havana’s Central Park. He was never formally charged nor brought before a court during the almost 10 months he spent in detention. Danilo Maldonado Machado was again arrested at his home in Havana the morning of 26 November 2016, hours after the announcement of Fidel Castro’s death. That same day, Cuba-based newspaper 14 y medio reported that he had graffitied the words “He’s gone” (Se fue) on a wall in Havana. He was detained for almost two months, according to his family, without formal charges.

Article 75.1 of the Penal Code provides that any police officer can issue a warning (acta de advertencia) for “dangerousness”. A warning can also be issued for associating with a “dangerous person.” Municipal tribunals have the authority to declare someone to be in a dangerous pre-criminal state. They can do so summarily within pre-set timeframes which are so short – less than 11 days from charge to sentence – that they effectively “deprive the accused of the possibility of mounting an adequate legal defence”.

Security measures are imposed on those found to have a “dangerous disposition” by a municipal tribunal. These measures may include therapy, police surveillance or “re-education”. The latter may consist of internment in a specialized work or study establishment for a period of between one and four years. In most cases, internment is changed to imprisonment, even though in the Penal Code “dangerousness” is not punishable by imprisonment.