



# Evolution of State Repression



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## Long-standing repression of opponents

### Fidel Castro (1959-2006)

- Repress all forms of dissent
  - Imprisonment, beatings, threats, surveillance, denial of basic rights, etc.
  - *“Periodic waves of heightened repression, marked by an increase in arbitrary arrests of dissenters”*

### Post-Fidel (since 2006)

- Fewer long-term prison sentences
- Increased use of short-term, arbitrary detentions & arrests; harassment & surveillance; “dangerousness”
- Repression intensifies on dates close to important political events or anniversaries related to human rights



# Stops & Searches by Security Forces



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## **Police have broad powers to search & arrest individuals**

- Although required by law, frequently fail to obtain a signed “act of detention”

## **Routinely stop & question citizens, ask for identification, & conduct searches and/or seizures**

- Especially in urban areas & at government checkpoints at entrances to provinces & municipalities

## **Self-employed individuals**

- Frequently targeted by police for alleged illegal activity
- At times, police arbitrarily & violently shut down businesses & confiscated goods



# Control of Self-Employment



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## **Non-state sector = highly regulated by the state**

- *Cuentapropistas*
- Must apply for a license & adhere to legal requirements
- List of permitted & barred activities

## **Subject to potential violations, penalties, fines, criminal charges, etc.**

- Inspections, called in to discuss irregularities, etc.
- Reliance on the black market
- Targeted by police for alleged illegal activity
- Allegations of political discrimination



# State Employment



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## Political discrimination in access to jobs

- Political clearance needed to work for the state
  - Check with state security, police, neighbors (CDRs), etc.
  - *“You aren’t trustworthy” or “unfit”*
- Criminal record = almost impossible to work for the state

## ***Expedientes laborales (labor files)***

- Government hold files on individuals from university through their entire working life in the state sector
- Reportedly contain information on political views





# State Employment



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## **Pressure to promote state ideology & participate in pro-government activities**

- Attend and/or participate in marches, PCC or official union activities, acts of repudiation, etc.
- Refusal = reportedly noted in labor files, can lead to job loss or denial, etc.

## **Discriminatory & politically motivated dismissals**

- Fired, demoted, or censured for expressing dissenting opinions or affiliating with independent groups
- Harassment, including until their only option is to leave their job
- May face further challenges in the non-state sector (harassment, obtaining a license, etc.)



# Academic Freedom & Access to Education



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## Denial of access to education

- *Expedientes escolares* (academic files)
- Political clearance is required for university admission
- Expulsion of students from schools

## Professors & researchers

- Fired, censored, demoted, harassed, prevented from traveling, etc. for political activities & views

## Parents

- Can be punished for not complying with rules which impose the state's ideological & political positions



# Arbitrary & Short-term Detentions & Arrests



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## Key tactic of repression - systematically & routinely used

### Targets

- human rights defenders, members of independent groups, journalists, etc.
- *Damas de Blanco, UNPACU, Somos Más, Frente Orlando Zapata Tamayo*

### Goals

- harassment
- prevention of participation in independent political activity



# Arbitrary & Short-term Detentions & Arrests



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## Modus operandi

- Typically, last 1 to 24 hours
- In detention centers or while on police patrols
- Often not informed of the charges against them
  - Requirement of a “report of detention” is routinely ignored
- May be combined with other forms of repression or harm
  - Home raids, fines, seizures of property, beatings, threats, etc.
  - Accused of committing a crime against agents during the detention
  - Held incommunicado
- Typically, fined & released
- Repeated detentions or arrests - can result in stigma & loss of employment



# Other Forms of Detention/Arrest

## Long-term, arbitrary detentions

- Political & non-political cases

## Incommunicado detentions & long-term disappearances

## House arrest

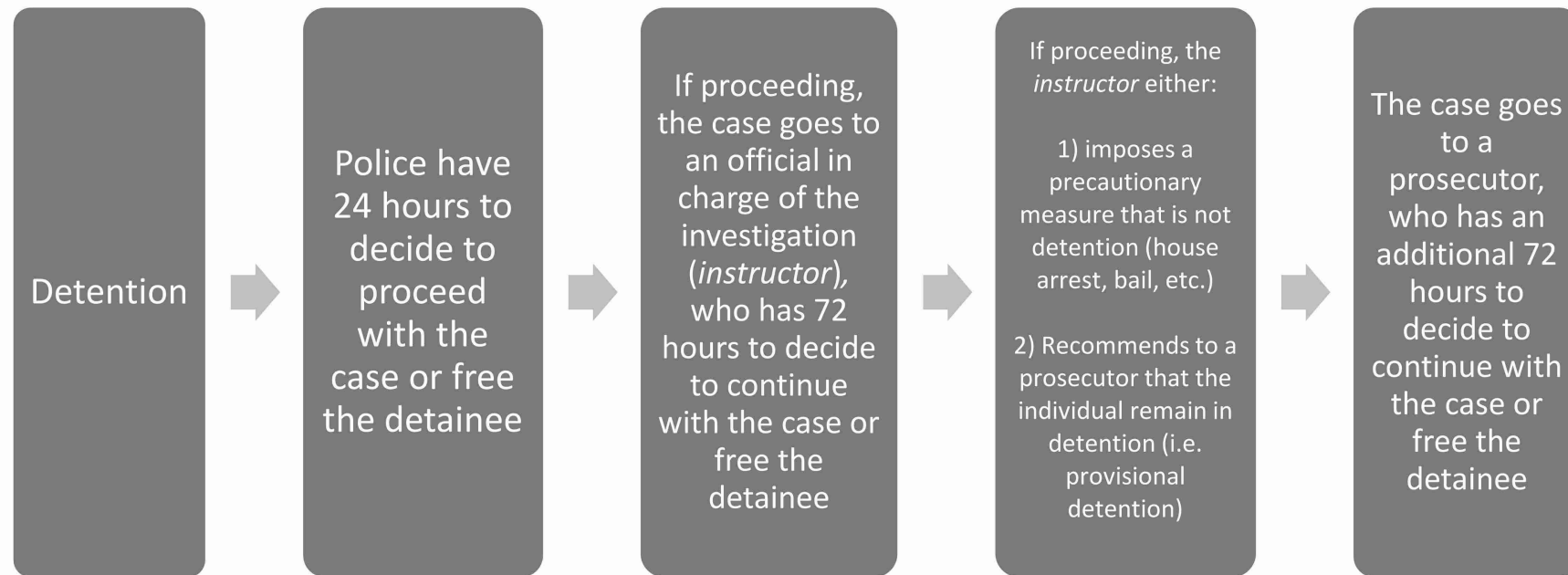
- *reclusión domiciliaria*
- As a condition of release & pending future trials
- Arrest people seeking to assemble upon leaving their homes



# Detention Procedures



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The detainee does not have access to an attorney during this time period



# Due Process Violations



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## **Legal procedures related to arrests are often ignored**

- Detained longer than mandated by law
- Provided little to no information about charges or reasons for detention
- Not promptly or properly notified of rights
- Not provided sufficient contact with family or legal representatives

## **Defense lawyers must belong to a body controlled by the state**

## **May be tried in summary or politically motivated trials**

## **May not be informed of their legal situation upon release**



# Prisons



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***“one of the highest per capita prison populations in the world”***

- Over 200 facilities
- 90,000 in prison; 37,000 in other forms of custody

## **Harsh & life-threatening conditions**

- Overcrowding
- Forced labor
- Insufficient food, water & medicine
- Inadequate medical care & outbreaks of disease
- Physical abuse & other forms of harm by officials & inmates (at the instigation or with permission of guards)
- Use of solitary confinement as a punishment





# Prisons



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## Political prisoners

- Estimates = usually more than 100
- Held with the general population, but receive fewer protections & are treated worse

## Hunger strikes & self-harm

- To protest conditions & lack of due process
- Leads to retaliation



# **Attacks & Mistreatment by Security Forces**



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**Violent attacks, including against protesters**

**Use of excessive force during raids & arrests**

**Abuse & mistreatment of detainees**

**Unlawful & arbitrary killings?**



# Criminalization



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**Independent activists face criminalization to disrupt, discourage, or stop their work**

**Examples of crimes:**

Assault	Contempt	Disobedience	Pre-criminal social dangerousness	Public disorder
Non-payment of fines	Resistance	Rebellion	Lack of respect	Aggression
Unlawful economic activity	Attempted commission	Spreading an epidemic	Enemy propaganda	Defamation of institutions & organizations of heroes & martyrs



## “Dangerousness” (*estado peligroso* or *peligrosidad*)



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***“a ‘dangerous state’ can be deduced from a special proclivity of the individual to commit criminal offenses, given the observed ‘manifest contradiction with the norms of socialist morality,’ which is demonstrated when any of the ‘indications of dangerousness,’ are present which are: habitual intoxication and dipsomania, narcomania, and antisocial conduct”***

**Penal code allows for the deprivation of liberty of an individual who has not committed a crime**

- May be charged with pre-criminal social dangerousness



# “Dangerousness” (*estado peligroso* or *peligrosidad*)



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## Vague & subjective terms

- Could cover almost any activity
- Allows for arbitrary application by authorities

## Proclivity to commit a crime

- No actual criminal act need to have occurred
- Suspicion that an individual might commit an offense in the future

## Associating with a “dangerous” person



## “Dangerousness” (*estado peligroso* or *peligrosidad*)



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### **Mostly used to control anti-social behaviors**

- prostitution; public drunkenness; substance abuse; unemployed & unable to find work; young people who refuse to report to work centers; repeat offenders of laws restricting change of domicile; people who attempt to leave the country, etc.

### **Also used against perceived political opponents & individuals who do not cooperate with the state**

- participate in protests or marches; hand out copies of the Universal Declaration of Human Rights; write critical news articles; try to organize independent unions; fail to attend pro-government rallies; fail to belong to official party organizations, etc.



# “Dangerousness” (*estado peligroso* or *peligrosidad*)



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## Punishments

- Official warnings
- “Therapy”
- Police surveillance (1 to 4 years)
- “Re-education” measures
  - Internment in a specialized work or study institution (1 to 4 years)
  - Internment is usually changed to imprisonment

## Stigmatization

- Can’t get a job because you are “dangerous”
- Considered “dangerous” because you don’t have a job



# Surveillance



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## Surveillance of dissidents = systematic

- Physical & virtual/online surveillance
- Government officials (uniformed & plainclothes security forces) & civilians (CDRs)
- Techniques:

Track movements	Security forces stationed permanently outside of homes	Tap phones	Listening devices	Clandestine searches
Informants	Film, observe, & photograph meetings	Monitor & hack email	Video surveillance outside of venues	Monitor social media & internet activity





# Techniques of Repression



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## Acts of repudiation

- “Supposedly spontaneous mob attacks” used to silence dissidents & other individuals
- Designed to humiliate, harass, & intimidate, but can become violent
- Allegedly dissatisfied citizens, but likely organized by the government
  - Security officials are often present to orchestrate, & may even participate in physical assaults

## Defamatory practices & smear campaigns



# Denial of access to information



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**The state owns virtually all traditional media**

**Independent press = illegal**

- Publications are deemed enemy propaganda

**Historic crackdowns on clandestine satellite dishes & decoders to get TV signals from the U.S.**

**Blocking & censorship of SMS & cell service**



# Denial of access to information



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## Internet access

- Historically = limited & obstructed
- In recent years = expanded access & use of social media to criticize & mobilize

## State response

- Online surveillance
- Denial & disruptions of service & access to the internet, websites, social media apps, etc.
  - More prominent during mobilizations, protests & other activities by independent activists
- Intimidation, arrests & imprisonment to censor information & silence critics
- Tighter controls on social media



# Techniques of Repression



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**Raids & seizure of property**

**Fines**

**Harassment, threats, intimidation, warnings, blackmail, etc.**

**Summonses & interrogations**





# Travel & Migration



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## Migratory & travel restrictions since the 1960s

- Illegal to leave the island or help someone leave without government permission (until Jan. 2013)
  - Exit permit, passport, & letter of invitation

## Defectors & illegal migrants

- Historically = viewed as “counter-revolutionaries”
- Lost rights & properties, may have been barred from returning, limitations on migration of family members for reunification, etc.



# History of Migration



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## Exodus of Migrants

- 1959/early 1960s: post-revolution exodus of the business elite (250,000)
- 1965-1973: Freedom Flights (300,000)
- 1980: Mariel boatlift (125,000)
- 1994-1995: *Balsero* crisis (over 32,000)

## 2013 Migration Reforms

- Elimination of the exit permit
- Contributes to surge in Cuban migration



# Travel Restrictions: International



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## **Most Cubans only need a passport & visa (if required) to travel internationally**

- Some individuals still need special authorization to travel
- Government has broad discretionary powers to restrict travel

## **Certain dissidents have been prevented from traveling internationally**

- Refuse to issue or confiscate passports
- Outbound migratory checks at airports
- Arrests & detentions to prevent people from leaving the country
- *Regulados*



# Travel Restrictions: Domestic



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## **Cubans need authorization to change their residence**

- Move to Havana without authorization = subject to fines; arrests; expulsion; limitations on social services; restrictions of food purchases to home neighborhoods; prosecution, etc.

**Internal exile = can legally bar individuals from or restrict them to certain parts of the country**

## **Dissidents**

- Prevented from leaving home provinces
- Deported from Havana to other provinces in the interior
- Detained or returned to their homes, even without formal or written restrictions





# Emigrants & Returnees



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## Defectors & illegal migrants (historical)

- Viewed as “counter-revolutionaries”, lost rights & properties, may have been barred, limitations on family reunification, etc.

## Defectors & illegal migrants (today)

- Limited information available on what happens to returnees who left illegally
- Limited information about what happens to deserters
  - Could face consequences if they deserted while on an official mission (doctors, athletes, members of the military, etc.)



# Emigrants & Returnees



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## Deportees from the U.S.

- Historic & continuing reluctance to take deportees from the U.S.
- Treatment = unclear

## Failed asylum-seekers = limited information & sources vary

- *“rights advocates and lawyers say they could face retaliation for claiming asylum, especially those who claimed they were being persecuted”*
- Treatment likely depends on what they did before they left
  - Good citizens = very little or nothing will be done
  - Wanted for a felony = likely arrested



# Emigrants & Returnees



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## **Family members of migrants = limited information**

- Little repercussions, unless other issues are involved (i.e. relatives were high-ranking officials or broke the law)
- Some allegedly have lost public benefits or were denied passports

## **Some sources suggest return may be at the discretion of state officials**

- Allegations of people being denied re-entry
- Individuals labeled as “terrorists” & “political enemies” may be excluded from repatriation & visits



# Emigrants & Returnees



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## **“Emigrants” can apply for repatriation (since 2013)**

- All emigrants are eligible to apply, unless they committed “hostile acts against the state”
- Have the same rights as other Cubans & regain access to social benefits
  - But unable to regain property confiscated by the state
- Reportedly no longer stigmatized or ideologically suspicious (unless they are anti-government activists)
- Not rare, but also not a mass phenomenon



## Rafters (*balseiros*)



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### Illegal exit via sea, usually in homemade vessels

- First-time rafters = up to three years in prison or a small fine
- Organize, promote, or incite an exit = up to five years in jail

### U.S.-Cuba migration accords (1994-1995)

- *“the government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters or from the Guantanamo U.S. Naval Station after attempting to emigrate illegally, assuming they had not committed a separate criminal offense”*



# Rafters (*balseiros*)



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## In practice, discretionary application of laws

- Most rafters - allegedly fined and/or briefly detained
- Punishments could be more severe for police or military defectors or those traveling with children

## Allegations of other forms of harm

- Loss of state jobs
- Harassment
- “Dangerousness”





# Family



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## Individuals may face reprisals due to their relatives' activities & views

### Relatives of activists or journalists

- Surveillance of homes; job loss or salary reductions; loss or denial of access to education; harassment; interrogations & summonses, etc.
- Threats - imprisonment, cooperate with state security, etc.
- Attempts to isolate them from their neighbors

### Relatives of state employees who defected or migrated

- Harassment; denial of passports; loss of access to employment, education & other public benefits, etc.



# Protests



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## Officially sanctioned, mass gatherings

- To celebrate specific dates & events
- Participants may receive preferential treatment (i.e. employment & education)

## Protests & anti-government demonstrations = very rare

- Public spaces are tightly controlled - unrest could be an excuse for U.S. intervention
- Unauthorized public gatherings = illegal
- Quickly & routinely broken up by security forces & government-backed assailants



# Notable Protests in Cuba



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***“Maleconazo”*** (Aug. 1994)

***Damas de Blanco*** (2003 – at least 2018)

**LGBTI community** (May 2019)

**Artists** (Nov. 2020)

**Anti-government protests** (Jul. 2021)

