



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Information received from Cuba regarding  
follow-up to the concluding observations on  
its third periodic report\***

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\* The present document is being issued without formal editing.



**Responses to the recommendations contained in paragraphs 29 (a) and (b), 41 (a) and 43 (a) of the concluding observations prepared by the Committee against Torture during the defence of the third periodic report submitted by Cuba in 2022 (CAT/C/CUB/CO/3)**

**Introduction**

1. The Government of the Republic of Cuba reaffirms its determination to maintain cooperation with United Nations human rights mechanisms and to comply with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. In this context, Cuba submits follow-up information on the recommendations made by the Committee in its concluding observations (CAT/C/CUB/CO/3), concerning the independent inspection of places of detention; the situation of alleged human rights defenders, journalists and artists; and the violent riots of 11 July 2021.<sup>1</sup>
3. We reaffirm that in Cuba there is not, and there never will be, any place for impunity or for laws or regulations that protect it. In our country, human dignity is the supreme value underpinning the recognition and exercise of human rights.
4. The Constitution of the Republic establishes that individuals may not be subjected to torture or cruel, inhuman or degrading treatment or punishment. The Criminal Code defines the crime of torture in accordance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
5. The Cuban legal system guarantees the necessary legal remedies to enable individuals to demand that the courts uphold their rights when they consider that these have been violated.

**Independent monitoring of places of detention**

6. All correctional facilities in Cuba are subject to a system of inspection that is independent of the authority responsible for administering such facilities. In all of them, we ensure strict compliance with the law and with the rights and guarantees of persons deprived of their liberty.
7. Under the Criminal Sentence Enforcement Act, judges (responsible for verifying the effective execution of sentences) and prosecutors have access to penitentiary establishments and other places of detention in order to verify compliance with the law and respect for the rights and guarantees of persons deprived of liberty. The Attorney General's Office plays the central role in ensuring compliance with the law in the enforcement of penalties and security measures in this process.
8. When violations of legality are detected, the prosecutor issues the relevant decisions and ensures that legality is established by putting a stop to the violation and the contributing circumstances, restoring the violated rights and applying the necessary measures in respect of those responsible. Where potentially criminal acts are detected, steps are taken in accordance with applicable law.
9. The Attorney General's Office has functional independence and is mandated under article 156 of the Constitution to supervise criminal investigations and to ensure strict compliance with the Constitution, laws and other legal provisions by the organs of the State, other entities and citizens.
10. Regarding ratification of the Optional Protocol to the Convention, supranational jurisdiction is not considered to be necessary in dealing with individual petitions. Moreover,

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<sup>1</sup> The Committee requested information on follow-up to the recommendations contained in paragraphs 29 (a) and (b), 41 (a) and 43 (a) of its concluding observations on the report of Cuba 2022.

international investigations are not needed to help ensure the full protection and enjoyment of the rights of all citizens in accordance with international obligations. The country has effective national resources to ensure the strict implementation of the Convention.

11. Through appropriate use of the remedies established in domestic law, it is possible to prevent and address in Cuba any violation of the provisions of the Convention or other international human rights instruments.

### **Alleged human rights defenders, journalists and artists**

12. We again reaffirm to the Committee that Cuba recognizes and guarantees to all citizens the inalienable, imprescriptible, indivisible, universal and interdependent enjoyment of and respect for human rights, in accordance with the principles of progressiveness, equality and non-discrimination.

13. There is no one in Cuba who is deprived of liberty for exercising their human rights or for their political opinions. There are also no arbitrary detentions, enforced disappearances, extrajudicial detentions or acts of harassment or intimidation against citizens.

14. It is unfortunate that people who threaten collective safety, welfare, public order, the Constitution and the law are portrayed as supposed defenders of human rights. Agents of regime change as part of an agenda of subversion financed from abroad should not be described as “human rights defenders”, “activists” or using similar terms.

15. Their activities, as well as the financial and logistical support they receive from abroad, violate articles 4 and 20 of the 1998 Declaration on Human Rights Defenders, as they attempt to violate the Cuban people’s right to self-determination, disregarding the purposes and principles of the Charter of the United Nations and international law.

16. The Constitution of the Republic establishes that all persons, as a guarantee of their legal security, enjoy due process in the judicial sphere and may not be deprived of liberty except by a competent authority and for the legally established period of time.

17. It is the law that establishes the procedures and circumstances that warrant detention, as well as the conditions determining whether the detainee should be subject to precautionary measures, criminal proceedings should be launched or the detainee should be released.

### **Violent riots of 11 July 2021**

18. Cuba reaffirms to the Committee against Torture that the incidents that occurred on 11 July 2021 in some parts of the country can in no way be described as “peaceful demonstrations”, but rather as disturbances, disorder, vandalism or violence.

19. They were conceived as part of an intense and well-structured political and media campaign, designed by the United States Government in an opportunistic manner, to exert the greatest possible pressure on our country and disrupt social stability in order to subvert the constitutional order in Cuba.

20. Violent and extremely serious acts were encouraged, which resulted in injury and endangered the collective safety and lives of citizens, officials and members of the forces of law and order. State property, assets and institutions, as well as private property, were deliberately damaged and destroyed.

21. These events took place under the policy of maximum pressure deliberately implemented by the United States at a time when the country was facing a complex epidemiological situation due to the coronavirus disease (COVID-19) pandemic; in addition to the brutal restrictions imposed by the tightening of the United States blockade.

22. In this context, an intense political and media campaign was unleashed, which included an attempt to manipulate the United Nations human rights machinery in order to politically single out the Cuban Government and legitimize subversive and destabilizing actions.

23. Allegations riddled with falsehoods and misrepresentations of fact were sent out, with the aim of imposing, including on the Committee against Torture, a framework of negative opinion regarding Cuba, which Cuba rejects.

24. In line with its constant determination to cooperate with the various United Nations human rights mechanisms, Cuba has replied to communications received in relation to alleged torture, ill-treatment and cruel, inhuman or degrading punishment, as well as regarding arbitrary detention and enforced disappearance allegedly related to the July 2021 vandalism and riots.

25. The trials of the persons who committed criminal acts under applicable Cuban criminal law in the course of those events were conducted in strict compliance with due process, respect for the rights of all citizens and the framework of legality and the current laws and Constitution.

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