



Testimony of Carlos Martínez de la Serna
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Chair Sires, Ranking Member Rooney, and other distinguished Members of the Subcommittee:

Thank you for the opportunity to testify on press freedom in Cuba. My name is Carlos Martínez de la Serna and I am CPJ’s program director. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide and defends the right of journalists to report the news safely and without fear of reprisal. CPJ protects the free flow of news and commentary by taking action wherever journalists are under threat.

CPJ employs roughly 55 experts around the world who research, track, and advocate on global press freedom violations. Press freedom is among the most fundamental of human rights, essential to democracy, accountability, and global security, and the U.S. plays a vital role in ensuring this right is protected.

In this testimony, I will highlight some of the most urgent press freedom issues in Cuba. Cuba is one of the Western Hemisphere’s most difficult environments for the press, with pervasive state control of media, entrenched censorship, and consistent repressive tactics used by state agents. In this testimony, I will also provide recommendations to the U.S. government on how to support Cuba’s journalists and to help improve conditions for independent media in Cuba. Unless otherwise specified, all data cited in this testimony is based on CPJ research. I ask that my full written testimony be admitted for the record.

Introduction

Even as Cuba has seen some points of tight state control over media and freedom of expression loosen over the last decade, the country continues to be one of the most repressive media environments in all of Latin America. Cuba is the only Latin American country that appears on CPJ’s list of the world’s [10 Most Censored Countries](#), alongside notable information black holes such as Eritrea and North Korea.

Independent and critical Cuban journalists constantly face the possibility of detention, having their homes or devices searched, their reporting equipment confiscated, and even criminal



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prosecution on anti-state charges, simply for reporting. Although the country does not experience the same rates of deadly violence as some of its regional neighbors, the persistent threat of state repression, surveillance, and control makes Cuba one of the most difficult countries in the Americas to work safely as a journalist. The slowly expanding influence of the internet has opened up new avenues for expression and journalistic work, but has also expanded the set of tools at Cuban officials' disposal to monitor, surveil, and censor journalists, media workers, and private citizens and restrict expression.

Over the last decade, in the midst of this established repressive infrastructure, a lively blogosphere and a number of new, ambitious websites and media outlets has sprung up on the island, offering new latitude for investigative reporting, news commentary, and independent reporters who increasingly pushed boundaries and tested the limits of (the admittedly still very restricted) space for free expression and ability to critique the regime.

This new media expansion began in earnest in 2011, when then-President Raúl Castro introduced market-style reforms, opening up economic space for the creation of a number of outlets that began as what were essentially personal blogs—and then grew into independent sites like *Periodismo del Barrio*, *Cuba Profunda* and *La Joven Cuba*.

Many of these outlets had (and still maintain) their base abroad and coordinate with correspondents within the country; however some do operate from the island itself. With the restoration of diplomatic relations between the United States and Cuba in 2014, the process accelerated and the number of blogs, magazines, and independent media proliferated to cover a variety of issues, from sports to education, and even some issues previously perceived as taboo. In fact, the change in the country's media landscape was so remarkable that in 2016, blogger Alejandro Rodríguez, who resigned from his job at a state media outlet to create a blog, told CPJ: "We are seeing opportunities that were inconceivable five years ago."

However, these opportunities had limits: despite the trailblazing and courageous efforts to open and diversify the country's media landscape, the energized press alone could not overturn the country's restrictive legal framework, which curbs freedom of speech under the pretense of protecting the "independence or territorial integrity of the state." Cuba's constitution has for decades banned private ownership of the press and all media—even those outlets operating entirely online—is legally controlled by the state. Although extended prison sentences are much less common than they were during the 2003 crackdown, known as the Black Spring—when CPJ documented nearly 30 journalists serving long terms in prison—short-term arrests are still one of the most common tools used by Cuban authorities to intimidate and control the press.

Life in Cuba for many reporters and activists is characterized by arbitrary privacy violations including search-and-seizure operations in homes and monitoring and censoring private communications. Freedom of expression is limited to expression that "conforms to the goals of socialist society," with strict censorship punishing even distribution of the Universal Declaration of Human Rights. The state maintains bans on the import of informational materials; strict



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control of all forms of media; restrictions on the internet, including severely limiting availability and site blocking; restrictions on academic freedom, including punishment for any deviation from the government line; criminalization of criticism of government leaders; and severe limitations on academic and cultural freedom.

Key Press Freedom Issues

Legislation/Legal Framework

In 2015, CPJ ranked Cuba 10th on its list of the world's most censored countries, stating at the time that it had the most restrictive laws on free speech and press freedom in the Americas. Unfortunately, little has changed since then—changes in top leadership have not translated to any meaningful alteration in legislation governing media freedom or freedom of expression. A national referendum vote in February of this year was a missed opportunity to roll back some of these restrictions—none of the constitutional reforms made any changes to the laws limiting freedom of the press and expression.

Article 53 of Cuba's [constitution](#) explicitly bans privately owned media, stating that “the press, radio, television, film and other mass media are state or social property.” Circulation of independent printed newspapers and magazines is still illegal and any “illicit” written materials may be confiscated, according to the [Inter-American Commission on Human Rights' 2018 annual report section on Cuba](#). Under [Resolution No. 81](#), passed by the Ministry of Culture in 1997, the National Registry of Serial Publications must approve any serial publication intended for circulation, print, or dissemination in Cuba.

The penal code sets out harsh penalties for false news and disturbing the peace—charges that can be (and have been) used against journalists and human rights activists. Acting against the “independence or territorial integrity of the state” carries a prison term of 10 to 20 years, or even the death penalty. Penalties are often more severe for journalists who engage with media in the United States. The 1997 Law on National Dignity set a penalty of 10 years in prison for collaborating with “the enemy’s media.”

[Law 88](#), passed in 1999 and also known as the Law for the Protection of the National Independence and Economy of Cuba, sets out harsh prison terms of up to 15 years for passing information to the U.S. government, using classified information to disrupt the internal order, or distributing subversive material in support of the U.S. embargo.

Independent or semi-independent outlets, even those that operate entirely online, are still subject to the state's tight control and oversight, which limits the topics they can cover and who they can interview. Journalists who break these rules may face severe repression, notably in the form of the tactics detailed in the following section, ranging from threats to their family to travel bans to detention. The tools for this supervision include [state telecoms agency ETECSA](#) and the Cuban Radio and TV Institute (ICRT), which oversees both the structure of media outlets and approves the content they publish.



As the office of the Special Rapporteur for Freedom of Expression at the Organization of American States (OAS) has [documented](#), state media outlets, which must follow the Cuban Communist Party's editorial policies and guidelines, have been used to support official rhetoric and attempt to undermine and delegitimize independent journalism. José Jasán Nieves, a news editor and radio host at the main radio station in Cienfuegos until 2014, [told CPJ](#) in 2016 that his supervisors at the radio station explicitly instructed him that his role was to “create consensus” around government policies, not to criticize them.

This system means that the media in Cuba is, to a great extent, unable to perform the essential functions that a free, independent media would fulfill within an open, democratic society: holding authorities and powerful figures accountable, combating corruption, and facilitating the free flow of ideas and information.

Because they do not belong to the official Cuban journalists' union ([UPEC](#)), do not publish in state media outlets, and often criticize government policies, many of Cuba's independent journalists find themselves in violation of the laws described here, as a result of what would simply be deemed critical journalism in other countries with less repressive legal frameworks.

Short-Term Detentions

As CPJ has documented, the most recent official reforms have done little to truly expand the media sphere, and many high-profile reporters still face harassment and censorship, a pattern that is on the rise again, after declining for a few years. Arrests of human rights defenders and other critical figures have fallen overall over the last two years, according to human rights monitoring organizations, but arbitrary short-term detentions remain a consistent threat and tool of intimidation and state reprisal against journalists.

In 2003, the Cuban government arrested at least 75 dissidents, including librarians, human rights activists, and at least 29 journalists; tried them in secrecy; and sentenced them to lengthy prison terms after summary trials. It was not until 2011, under pressure from the Spanish government, that Cuban authorities released the last of the journalists arrested during the crackdown, which came to be known as the “Black Spring.” During their imprisonment, CPJ advocated intensively for the journalists' release and documented their arrests, prosecutions, and their mistreatment in prison in dozens of reports, news alerts, and letters, including to President Fidel Castro. In April 2011, Cuba finally freed the last journalist jailed during the Black Spring. After their release, CPJ documented allegations of torture from journalists who were imprisoned.

While Cuban authorities have moved away from long-term imprisonment of journalists since 2011, Cuban human rights groups estimate that there are still dozens of political prisoners in the country. In recent years, various journalists have been imprisoned in direct reprisal for their work. Juliet Michelena Díaz, a contributor to a network of local citizen journalists, was



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[imprisoned for seven months](#) in 2014 on anti-state charges after photographing an incident between residents and police in Havana. She was later declared innocent and freed.

The July 2018 arrest of Roberto de Jesús Quiñones, an independent journalist and *Cubanet* correspondent, is just one example of this tactic. Police raided his house and confiscated several pieces of reporting equipment, then detained him and held him incommunicado for more than 50 hours. CPJ, along with Cuban freedom of expression organizations, have documented dozens of such cases of short-term detentions over the last few years. These generally follow the same pattern: state agents stop a journalist while he or she is working, or come to their home, search or confiscate reporting materials, take the reporter into custody for a few hours (or up to the whole weekend) or, sometimes, let them off with a clear warning. Even though the specifics of these incidents vary, the intended effect is the same: to make it clear to journalists what the consequences will be if they cross the line.

Cuban authorities have also sentenced critical journalists to house arrest. In July 2017, Sol García Basulto, a correspondent with *La Hora de Cuba*, was charged with “encroachment of legal capacity,” placed under house arrest and barred from leaving the country in relation to accusations that she was acting against the government by conducting certain interviews. The charge accused Basulto, along with her colleague Henry Constantín Ferreiro, of acting as a journalist without permission from the state for conducting interviews on the street and presenting and publishing news as journalists “without qualifications.”

Cuban authorities have allegedly engaged in torture of imprisoned journalists and human rights activists. Independent journalist Normando Hernández González alleged that, during his imprisonment between 2003 and 2010, he observed torture and denial of medical care so severe that a prisoner self-mutilated in order to get the attention of doctors. He said that he was beaten with a rubber cane and would often lose all sensation in his limbs as his hands and feet were handcuffed together behind his back. Oscar Espinosa Chepe, a journalist detained as part of the 2003 crackdowns, said that the water he received was “often contaminated with mud and larvae” and that at one detention facility the light was kept on 24 hours a day. Another journalist imprisoned as a result of the crackdown went to prison authorities and a jail doctor when he found a lump on his neck, but his concerns were dismissed. It was only after his release in 2010 that he was able to receive adequate care for what turned out to be cancer.

Harassment and Threats

In addition to short-term detentions, the Cuban government targets critical journalists and human rights activists through harassment, surveillance, and detentions. In its [2018 country report on Cuba](#), Human Rights Watch noted at least 3,700 reports of arbitrary detention between January and August 2017. Journalists who spoke to CPJ for our 2016 report [Connecting Cuba](#) reported numerous forms of harassment and retaliation, including near constant surveillance, threats,



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arrests, and beatings. Journalists said that their families are also frequently harassed and may face retaliation or loss of employment because of the reporter's work.

In the past five years, CPJ has documented numerous cases of journalists who have been imprisoned, detained, beaten, threatened, and prevented from leaving the country in retaliation for their reporting. October 2016, Cuban state security officers briefly detained Elaine Díaz Rodríguez, one of Cuba's most prominent independent journalists, along with five of her colleagues from *Periodismo de Barrio* (Neighborhood News) and two freelancers working with them, while the team attempted to report on storm damage caused by Hurricane Matthew in northeastern Cuba. Independent journalist Lázaro Yuri Valle Roca was beaten, handcuffed, and held in custody for five days in 2016 for trying to cover a protest by the Ladies in White, an opposition group founded by the wives of jailed dissidents; while no charges were filed, he was warned he could face legal action if arrested again

CPJ is dismayed to report that journalists in Cuba also see their movement restricted in other ways, notably through often-arbitrary orders banning them from traveling to certain regions or from leaving the country. In many cases, journalists arrive at the airport to board a flight to a conference or international event--only to be told their ticket is invalid because they are prohibited from leaving the country, though they have never received any prior notification of this status.

Restricted Internet Access and Online Censorship

In addition to the restrictive legal framework and repressive actions of state security agents, Cuba's independent journalists now have to contend with the limitations of online space in the country as well. Internet access in Cuba, where internet penetration in 2018 was less than 40 percent, according to Freedom House, remains out of reach to most citizens—including independent journalists struggling to keep their own projects connected and afloat. Those who do venture online face an increased risk of surveillance and censorship, as the Cuban state's control and power over this space has become more sophisticated.

Cuban officials have expressed an interest in strengthening and expanding national access to the internet and online platforms—as long as that access serves their political goals. In a [session before Cuba's National Assembly in December 2018](#), President Díaz-Canel expounded on the “informatization of Cuban society,” saying, “Our platforms should be oriented toward managing knowledge, so that people can raise up their spiritual and cultural values. We must be capable of generating online content in favor of the Revolution.”

As of December 2018, Cuba finally rolled out full internet access for its citizens on mobile phones, making it one of the last countries in the world to do so. While tourists, diplomats and other visitors have had access to the island's 3G networks for several years, it was less than a year ago that Cubans with adequate resources were able to join the network--following the authorization of home internet access in 2017. It is worth noting that, although these services are



officially available, they are financially out of reach for many Cubans, who cannot afford the costly data packages.

Despite increased mobile access, the Cuban government, mainly through ETECSA, maintains strict control over the internet and digital content within the country. A number of factors continue to limit online access and expression, including legal provisions, the general population's limited connectivity, blocking and censorship of critical media and news websites, and online surveillance. To that end, Cuba's expansion into cyberspace has essentially created a dual system: a national "intranet" available to the general population, subject to state censorship, blockages, and content filters; and the global internet, which is inaccessible to all but the most tech-savvy, sophisticated, and daring internet users on the island.

The Cuban state maintains a policy of blocking critical pages, either in perpetuity or during special events or sensitive moments. Cuba's [legal framework](#) grants government agencies the discretion to cancel or revoke registration of websites by "unapproved" individuals at any time, and also contains a general provision allowing for revoking the domain, without prior notice, in cases involving "serious moral and ethical violations, or others incompatible with the principles of our socialist society." Several independent news sites are still inaccessible via the island's internet, including critical pages like *14ymedio*, *Tremenda Nota*, *Cibercuba*, *Diario de Cuba*, and *Cubanet*.

While some media are permanently blocked, the Cuban state also takes advantage of its monopoly of online space to selectively increase digital censorship and control of information at strategic moments or during politically sensitive events. In February, [CPJ documented](#) how several critical sites were blocked on the island on the day of the national constitutional referendum vote, violating the right of Cuban citizens to access information about the very political process in which they were participating.

In practice, many journalists are unable to access the tools and resources necessary for their work, such as secure email or chat applications, without asking for authorization and thus inviting state surveillance. Cuban regulators also prohibit the use of encrypted systems to guarantee users' private communications, which means that journalists have almost no guarantee of secure communication with sources or other confidential contacts.

Despite the restrictions, the new technologies, and most of all the increasing connectivity available in Cuba, undoubtedly offer more opportunities for modern independent journalism and storytelling, beyond what has historically been permitted by state censors. In [one example documented by upstart information technology project Yucabyte](#), the online reaction to the deadly tornado that hit Havana on January 27, 2019, was unprecedented in Cuba: suddenly, regular citizens were using mobile data connections to document and react to events in real time, a process that would have been impossible with the previous system of public Wi-Fi hotspots.

Increased internet penetration, diversified access, and the proliferation of platforms such as Facebook (the most widely used social media platform among Cubans) and WhatsApp provide a



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new world of opportunities for reporters and Cuban citizens, who can access and share information in ways and at speeds that were impossible 10 or even five years ago. But these new spaces also offer even more opportunities for state surveillance, monitoring, threats, and interference: through hacking or account theft, identity theft in networks, smear campaigns, trolls attacks, digital harassment, and so on.

Cuban journalists, and their partners, must be very careful when navigating through these new spaces, and the international community and organizations have an obligation to help provide resources and information to help them do so and keep reporting in a safe manner, both in digital spaces as in the physical world.

Conclusion and Recommendations

In the last few years, Cuba—and independent Cuban journalists—have made some strides toward opening tiny cracks in the oppressive media landscape, including a 2013 legislative reform that allowed political opponents and independent journalists and bloggers to travel internationally for the first time in decades, followed by the 2014 launch of prominent blogger Yoani Sánchez's news website *14ymedio*, still one of the most critical independent outlets on the island nation. While its content is still inaccessible to most Cubans, its reporters have been able to work without the serious restrictions affecting many of their colleagues.

At the same time, the rollercoaster of U.S.-Cuba relations has coincided with ebbs and flows in state repression of journalists, activists, and other outspoken critics of the government. While it is difficult to draw any direct correlations between changes in U.S. policy toward Cuba and the regime's control of information, there is no doubt that the effects of policy decisions made here and in Havana are felt by the island's media workers.

While the restoration of diplomatic ties between Washington and Havana in December 2014 offered optimism to many journalists, human rights groups [documented](#) an uptick in state-sanctioned harassment and violence against journalists following President Obama's visit in March 2016. The Cuban Commission on Human Rights and National Reconciliation documented in 2016 the [highest monthly average of detentions in six years](#)--though overall detentions have [fallen since that peak](#), short-term detentions of journalists have not followed the same trend, as previously noted.

In April 2018, Miguel Díaz-Canel assumed the Cuban presidency, after 59 years of rule by Fidel Castro (1959-2008) and then his brother Raúl Castro (2008-2018). Díaz-Canel served as vice president under Raúl Castro from 2013 to 2018. There have been no indications to this point that the situation for the independent press will improve under the new president. In a speech to the state Union of Journalists in 2018, Díaz-Canel criticized independent journalists, calling them cynical "opportunists," and said the media in Cuba would remain public and under state control. The absence of any meaningful reforms to Cuba's media structure in the referendum earlier this



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year, as well as Díaz-Canel's public comments on the role of the press, are clear indications that major change will not come from the legislative side anytime soon.

And there is a long way to go in Cuba. In order to improve its record on free expression, Cuba must ratify and implement international human rights agreements to guarantee freedom of expression and information; end the use of detention, surveillance, and smear campaigns against independent journalists and bloggers; remove legal barriers to individual internet access and extend affordable access to the population at large; and dismantle a legal framework that punishes independent journalism.

None of this will happen overnight, and the contentious history between the U.S. and Cuba means the U.S. should tread carefully in its efforts to promote and support freedom of expression and independent media in Cuba. Any and all efforts to do so can—and likely will—be viewed by the Cuban state as a challenge to its sovereignty and attempt to intervene in its internal affairs.

However, the position of the Cuban government toward U.S. government actions should not prevent Congress from acting when and where it can make a difference for Cuba's threatened independent journalists, both on the island and beyond its borders.

Public statements drawing attention to the cases of detained journalists and calling for their release and supporting their right to work are especially important to combat the fear and self-censorship that these tactics aim to instill in Cuba's independent press. We urge congressional leaders to speak publicly about the journalists and outlets who are subject to detention, travel prohibitions, and other state-sponsored harassment; and to urge other U.S. officials to stand up for Cuba's beleaguered journalists both publicly and privately as well.

We urge Congress to support initiatives to expand affordable internet access in Cuba and access to platforms and tools that will allow Cubans to exercise their right to free expression online, without enforced surveillance or censorship.

The United States should consider Cuban journalists' work as a basis for a well-founded fear of persecution if and when they apply for asylum or refugee status. As noted above, independent Cuban journalists are routinely subjected to state violence, harassment and intimidation because of their work, which is often critical of the Cuban regime. The United States has historically been generous in its application of asylum law to Cuban asylum-seekers, and should continue to extend that same generosity to Cuban journalists seeking to escape persecution for their reporting. Additionally, the United States should not honor Cuban arrest warrants for journalists, should encourage other countries not to honor those warrants, and should treat journalists' travel documents as valid, even if Cuba has cancelled them.

While there are still many hurdles on the path to U.S.-Cuba normalization, the effect of greater communication between both countries could be positive for freedom of expression on the island. As a result, journalists will hopefully be able to do their jobs without the constant threat



of violence or imprisonment solely for reporting and expressing critical opinions, and with the prospect of internet access without filters, obstructions, or prohibitive costs.

Thank you for providing CPJ with the opportunity to address you about this important matter.