

URGENT ACTION (CUBA)

**EXTENSION OF THE CHARGE AGAINST THE
CUBAN GOVERNMENT FOR THE DETENTION
OF THE CUBAN BIOLOGIST ARIEL RUIZ
URQUIOLA.**

We, the **CUBAN WATCHDOG OF HUMAN RIGHTS**, organization with legal domicile in the city of Madrid, created and in force according to Spanish laws and registered in the Registry of Associations of Spain under number 598668, respectfully demand the extension of the charge posited against the **GOVERNMENT OF THE REPUBLIC OF CUBA**, for the violation of Human Rights and the arbitrary detention of Cuban citizen **Ariel Ruiz Urquiola**, based on the following assumptions:

FIRST: That on May 2, 2018, the citizen Ariel Ruiz Urquiola was on his own the agricultural property, when two people dressed in civilian clothes approached him apparently with the intent to carry out some diligence.

Mr. Ruiz Urquiola, who was somewhat surprised by the presence of these figures, identified himself verbally and asked the two figures to reciprocate in order to have a clear record of who they were and of which functionary body they belonged to; however this request should not have been necessary because the prior identification of an official is a part of the normal procedure in any administrative, police or judicial action.

The lack of procedural rigor of the alleged agents, led to an exchange of words between Mr. Ruiz Urquiola and the two figures, with Urquiola seeking to discover their identify, and during one of the agents replied uncooperatively: "you will have to find out".

That same night the two agents went again to the home of Mr. Ruiz Urquiola, this time delivering a summons for him to appear the next day at the police station, however in this document no reason or explanation was provided to justify the need for him to appear before the police, instead it simply stated that he should appear for "legal matters."

SECOND: The next day, May 3, 2018, Mr. Ruiz Urquiola appeared at the police station, where he was immediately arrested, without anyone having officially informed him about the reason or cause of the arrest. Due to some of the comments made by the police at this time, Urquiola was led to understand that the cause of the arrest was for the crime of "irreverence", but it was not indicated to him in what the facts leading to this detention actually were.

From that moment, Mr. Ruiz Urquiola has been held in the detention center, totally without means of communication, and not allowed to contact his family, until the night of May 7 (the pre-trial), in which he was allowed to talk to a family member by telephone; following Urquiola being on hunger strike. On that night, before the trial, he had still not been given access to a lawyer.

It was on the morning of the trial, on May 8, when the lawyer was allowed access to the proceedings, without being able to have any contact with Mr. Ruiz Urquiola until the very moment of the trial itself.

THIRD: The criminal proceeding was "summary", or lacking the usual legal formalities, which in the case of Cuban legislation, unlike other jurisdictions, implies a strict limitation of procedural guarantees for the accused, as happened in this case, although conducted in a more extreme manner.

After a trial described by the family as "rigged" and full of subjectivities on the part of the complainants, the Viñales

Municipal Court issued the verdict orally, sentencing him to one year (1) of prison for the crime of Contempt included in ARTICLE 144.1. of Law No. 62 of December 29, 1987. PENAL CODE.

The defence attorney submitted an appeal, but Ruiz Urquiola's family says that "unfortunately we do not have much hope that justice will be done". The appeal is in the appeal roll of the Provincial Court number 133 of 2018. It is the cause of Viñales 17 of 2018.

FOURTH: We must emphasize that "irreverence" is one of the labels of "crime" that the Government of Cuba, through its prosecutors and judges, often applies to dissidents and opponents. The courts usually make extensive interpretations of the rule, so that in what is technically known as "hypothesis" or "factual assumption", any response made to the authority can be interpreted as an offence.

If we take into account the previous cases that have already been submitted within this request for urgent action, it is easy to infer that in this case there is a marked political intention, manifested in the desire to repress a person who is openly dissenting towards the dictates of the Cuban government.

FIFTH: From Ruiz Urquiola's relatives, we have news that the conditions of the current detention are poor, regarding the place of confinement, meals, etc. No physical aggression or torture has occurred to date, that is, Mr. Ruiz Urquiola is in similar conditions to the rest of the prisoners in Cuba.

According to the testimony of his family: Dr. Ruiz Urquiola is in pitiful physical condition, "you can not see a muscle in his face, his skin is hanging to his bones. The food is rotten, and furthermore ... and they bring it without covering it and then they throw it in a yard that is full of rats. They give the prisoners two minutes to eat, and even if it's rotten he eats it, although he does not have enough time."

Added to this: "There are 30 men crammed into a space of less than 50m², with one shower and two toilets, from where the sunlight cannot be seen, and where there is no opportunity for exercising, or for going outside. He has not been assaulted, though he has seen other prisoners who have been assaulted 'for pleasure', for example by spraying a prisoner in the eyes for a common cause. He wants to emphasize that all the common prisoners who are there, are better human beings than the jailers ... "

Derived from this criminal procedure, it seems that another administrative file has been initiated, once again without written communication, which aims to annul the concession for the use of the land or agricultural exploitation that currently constitutes the family's livelihood.

SIXTH: Based on the study of the information gathered in documents (there is a statement of previous events sent by the victim itself) already contributed to this file-request to the Working Group and also based on the characteristics, development and result of the criminal proceeding, the **OCDH** concludes that the present case is found in at least 2 of the legal categories included in the Working Methods of the Working Group on Arbitrary Detention, specifically those included in subsections: B and C.

- **AS A RESULT OF THE EXERCISE OF RIGHTS:** First, we believe that we are dealing with a case of arbitrary detention as a result of the exercise of the right to free expression, set forth in Article 19 of the Universal Declaration of Human Rights: "Every individual has the right to the freedom of opinion and expression; this right includes the right not to be disturbed because of their opinions, to investigate and receive information and opinions, and to disseminate them, without limitation of borders, by any means of expression." We are looking at an act of revenge by the Cuban state against a person who, although not part of the opposition, is openly dissident.

In this sense, it is important to highlight that the reprimands for the exercise of Ruiz Orquiola's rights, date back to 2003, when he was expelled for the first time from the University of Havana for not signing the document of the Cuban intellectuals to the world to justify the execution of three young Cubans (this shooting was widely condemned internationally). The said expulsion, although ordered, was later cancelled.

However, in 2008 he was expelled by the direction of the UH Marine Research Center, which accused him of being "counter-revolutionary" because he disagreed with the fisheries policy of the Cuban Ministry of Fisheries and revealed information about the negative consequences of fishing of sea turtles in Cuba, for countries such as Mexico and Puerto Rico, at an International Congress held in Baja California (Mexico), which put the moral and integrity of the fishery policy at risk, which in consequence would bring economic damages to the country.

In any case, it was after what happened in 2003 that Mr. Ruiz Urquiola began to feel the consequences of his way of thinking and of exercising his right to free expression, especially of his scientific and political thought.

- **GUARANTEE OF CORRECTNESS IN LEGAL PROCEEDINGS:** On the other hand, we want to emphasize that, according to the data and testimonies gathered about the criminal process, it was lacking the due procedural guarantees; one example of this was the late access given to a defense lawyer, the lack of knowledge about the prosecution's accusation, the party's difficulties in accessing the file, the short time to prepare the defense upon decreeing trial and summary judgment, the absolute lack of evidence and the lack of characterization of the facts that have served to convict, all in a judicial

system controlled by the Cuban government itself, in the shape of agents of State Security (G2), who instruct the judges on how to act.

The way that the process has been conducted and the severity of the sentence, a year of deprivation of liberty, is evidence that the judges have not acted in an impartial manner, which sends a strong political message to the victim himself, but also to every person that disagrees with the government.

SEVENTH: We reiterate the requests presented in our main brief, including that the arrest of Ariel Ruiz Urquiola is declared arbitrary, and the Government of the Republic of Cuba is condemned for this repressive action. In addition, we insist that the corresponding compensation is awarded to Mr Ruiz Urquiola, for the damages that have been caused.

Madrid, May 24, 2018

Alejandro González Raga
Executive Director
OCDH