

Cuba
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Cuba has observed a de facto moratorium on the death penalty since its last recorded execution in 2003 and, according to the most recent reports, no one is currently under sentence of death.¹ Legislation still authorizes capital punishment, which can be applied for common crimes and broad categories of State-security-related offences. Cuba is defined as a retentionist country in that it retains the death penalty for ordinary crimes.² Cuba prohibits the death penalty for persons under twenty years of age and for women who committed the alleged offense while pregnant or who are pregnant at the time of sentencing.³ Cuba has implemented a new Penal Code which increases the number of crimes for which a person can be sentenced to death.⁴ Most capital crimes in the new Penal Code are related to state security.⁵

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

A12 Acceptance of international norms

Status of Implementation: Not Accepted, Not Implemented

2. In the third-cycle UPR, Cuba noted several recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2).⁶ Cuba has not ratified OP2. Cuba also noted recommendations to ratify the Optional Protocol to the Convention Against Torture (OPCAT).⁷ Cuba has neither signed nor ratified OPCAT.⁸

D23 Death penalty

Status of Implementation: Not Accepted; Not Implemented

3. In the third-cycle UPR, Cuba noted several recommendations to formally abolish the death penalty and to consider moving toward abolition.⁹ Cuba has not abolished the death penalty, and in fact the new Penal Code, implemented in December of 2022, authorizes the death penalty for 23 crimes.¹⁰ Other sources report that the number of capital crimes is 24.¹¹
4. Cuba's new Penal Code, which came into effect in December of 2022, retains the death penalty for a variety of crimes.¹² It has been reported that the new penal code increases the number of offenses that are punishable by death.¹³ The new Penal Code's expansion of the death penalty reportedly increases the government's ability to repress protests.¹⁴
5. Cuban law authorizes the death penalty for a variety of crimes, many of which do not rise to the level of "most serious," including: acts that threaten the independence or territorial integrity of the state,¹⁵ promotion of armed action against Cuba,¹⁶ espionage,¹⁷ sedition,¹⁸ usurpation of political or military command,¹⁹ sabotage,²⁰ hostile acts against a foreign state,²¹ genocide,²² mercenarianism,²³ other acts against the security of the state,²⁴ acts committed with weapons or explosive or deadly devices, chemical or biological agents or other means or substances,²⁵ executing an act against the life, bodily integrity, freedom or security of any person who, due to the nature of the activities carried out, enjoys relevant

recognition in society, or against their closest relatives,²⁶ hostage-taking,²⁷ acts against internationally protected persons,²⁸ serious injury or death as a result of acts against the security of civil aviation and the airports,²⁹ other acts that attempt against air and maritime security,³⁰ causing serious injury or death as a result of acts against the safety of fixed platforms located on the continental or island shelf,³¹ other acts of terrorism,³² offences related to illicit drugs or substances with their similar effects (if the acts referred to in the section are committed by public officials or employees, authorities or their agents or auxiliaries, or they facilitate their execution, taking advantage of that condition or using means or resources of the State),³³ and murder.³⁴

6. A major event preceded the release of Cuba's new penal code. On July 11, 2021, thousands of Cubans took to the streets to protest longstanding restrictions on rights.³⁵ Authorities arrested hundreds of protesters, including well-known critics and ordinary people.³⁶ Authorities reportedly subjected many protesters to violence, including gender-based violence, in detention, and they prosecuted dozens of protesters in trials that violated basic due process guarantees.³⁷ At least one protester died, and many remain in prison or under house arrest, including some children.³⁸ There are reports of widespread human rights violations in the wake of these protests, including arbitrary detentions, ill-treatment in detention, and lack of due process. These reports include 130 victims in 13 of Cuba's 15 provinces, as well as in Isle of Youth, a small Cuban island considered a "special municipality."³⁹
7. After the July 2021 crackdown, the Committee Against Torture made several recommendations relating to the government's response to these protests. The Committee urged Cuba to end harassment, arbitrary arrests, intimidation, imprisonment, and reprisals against human rights defenders.⁴⁰ The Committee also recommended that Cuba promptly and thoroughly investigate allegations of arbitrary detentions, excessive use of force, and ill-treatment, and punish all responsible parties.⁴¹ The Committee also called on Cuba to establish an independent mechanism to conduct regular unannounced visits to all places where people are deprived of their liberty.⁴²
8. Some new capital crimes did not exist in the 1987 version of the Penal Code. For instance, the crime of "other acts against the security of the state"⁴³ did not exist prior to 2022.⁴⁴ Most crimes that carry the death sentence in the new Penal Code relate to state security.⁴⁵ Importantly, the new Penal Code has many broadly-described offences that the state can use to criminalize peaceful protest against the government.⁴⁶ The new Penal Code authorizes the death penalty for vaguely defined crimes of "sedition" and "acts against the independence of the Cuban state,"—charges that authorities used against many of the July 11, 2021 demonstrators.⁴⁷
9. In the third-cycle UPR, Cuba noted recommendations to stop arresting people before, during, and after peaceful demonstrations and to release protesters, political activists, and human right defenders who have been arbitrarily detained.⁴⁸ Cuba has not implemented these recommendations.

II. RECOMMENDATIONS

10. The coauthors of this stakeholder report suggest the following recommendations for the Government of Cuba:

- Amend the Penal Code to prohibit imposition of the death penalty.
- Ratify OP2 and the OPCAT.
- In the meantime, reduce the number of offenses eligible for the death penalty by replacing the penalties for state-security related offences with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim, create a committee to review the new penal code as it relates to the death penalty and whether it complies with international human rights standards, and ensure that the committee publishes its findings no later than December 2024.
- In the interim, form a committee to examine the possibility of restricting applicability of the death penalty only to the most severe capital offences, such as first-degree murder, and publish the committee's findings no later than December 2024.
- Direct prosecutors to refrain from seeking the death penalty for any alleged offense arising out of protests against the government.
- Ensure that all persons suspected of committing or charged with capital offenses are provided with legal counsel free of charge, and ensure that they have access to counsel from the time of arrest or interrogation through trial and any appeals, including during any interrogations.
- Bar courts from considering any evidence obtained through torture, except with respect to evidence of the crime of torture itself, and create a mechanism by which defendants may raise the issue of inadmissibility before trial. Ensure that all judicial authorities receive adequate training and support to assess such allegations and have the capacity to bar consideration of such evidence.
- Take concrete measures to improve conditions in prisons for all persons, including any person under sentence of death, in accordance with the Nelson Mandela Rules, and enact a policy prohibiting the use of solitary confinement as the standard method of detention for persons who might be sentenced to death, consistent with Rule 45 of the Nelson Mandela Rules.
- Establish a system of regular unannounced visits to all places of detention by national and international monitors, including granting entry and access to all human rights non-governmental organizations.

¹ Committee Against Torture, *Third periodic report submitted by Cuba under article 19 of the Convention, due in 2016*, (Nov. 2, 2018), U.N. Doc. CAT/C/CUB/3, ¶ 38.

² Amnesty Intl., *Death Sentences and Executions in 2021*, (London: Amnesty International, May 24, 2022) ACT 50/5418/2022, p. 63.

³ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Chapter III, First Section, Article 33.2. Also available online at: <https://www.tsp.gob.cu/en/node/8362>

⁴ Amnesty Intl., News, *Cuba: New criminal code is a chilling prospect for 2023 and beyond*, Dec. 2, 2022. Available online at: <https://www.amnesty.org/en/latest/news/2022/12/cuba-el-nuevo-codigo-penal-presenta-un-panorama-aterrador-para-2023-y-anos-posteriores/>.

⁵ Havana Times, *Cuba's New Penal Code: Another Tool to Stifle Dissent*, Sep. 2, 2022. Available online at <https://havanatimes.org/features/cubas-new-penal-code-another-tool-to-stifle-dissent/>.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cuba*, (July 18, 2018), U.N. Doc. A/HRC/39/16, ¶ 24.10 Ratify the International Covenant on Civil and Political Rights and both its optional protocols (Estonia); ¶ 24.11 Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol (Lithuania); ¶ 24.27 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Liechtenstein) (Togo); Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty, as previously recommended (Uruguay); Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: Cuba*, (Sep. 18, 2018), U.N. Doc. A/HRC/39/16/Add.1. ¶ 8.

⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cuba*, (July 18, 2018), U.N. Doc. A/HRC/39/16, ¶ 24.4 Ratify the International Covenant on Civil and Political Rights and establish a legal and institutional framework that guarantee the free exercise of the rights enshrined in it, including the rights to freedom of expression, assembly and peaceful association, and sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Costa Rica); ¶ 24.17 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France) (Portugal); Consider acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, at the earliest convenience (Ghana); Ratify the main international instruments, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain); ¶ 24.23 Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Greece); ¶ 24.24 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Bosnia and Herzegovina); ¶ 24.25 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Estonia); ¶ 24.26 Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia); ¶ 24.59 Incorporate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into its domestic law (France); Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: Cuba*, (Sep. 18, 2018), U.N. Doc. A/HRC/39/16/Add.1. ¶ 8.

⁸ United Nations Human Rights Treaty Bodies. UN Treaty Body Database. Cuba. Also available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=44&Lang=EN

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cuba*, (July 18, 2018), U.N. Doc. A/HRC/39/16, ¶ 24.135 Formally abolish the death penalty (Australia); Abolish the death penalty for ordinary crimes as a first step towards the complete abolition of the death penalty (Belgium); Adopt the necessary measures for the abolition of the death penalty (Brazil); Legally abolish the death penalty (Cabo Verde); Give due consideration to the legal abolition of the death penalty (Liechtenstein); Abolish the death penalty (France) (Portugal); ¶ 24.136 Include enforced disappearance in domestic law as a stand-alone crime and make it a crime against humanity (Democratic Republic of the Congo); ¶ 24.137 Maintain the moratorium on executions and consider moving towards the abolition of death penalty (Italy); ¶ 24.138 Abolish the death penalty including through ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand); ¶ 24.139 Consider imposing a de facto moratorium on the use of the death penalty with a view to its total abolition (Rwanda); ¶ 24.140 Abolish the death penalty for all crimes (Switzerland); Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: Cuba*, (Sep. 18, 2018), U.N. Doc. A/HRC/39/16/Add.1. ¶ 8.

¹⁰ Amnesty Intl., News, *Cuba: New criminal code is a chilling prospect for 2023 and beyond*, Dec. 2, 2022. Available online at <https://www.amnesty.org/en/latest/news/2022/12/cuba-el-nuevo-codigo-penal-presenta-un-panorama-aterrador-para-2023-y-anos-posteriores/>.

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- ¹¹ Havana Times, *Cuba's New Penal Code: Another Tool to Stifle Dissent*, Sep. 2, 2022. Available online at <https://havanatimes.org/features/cubas-new-penal-code-another-tool-to-stifle-dissent/>.
- ¹² Amnesty Intl., News, *Cuba: New criminal code is a chilling prospect for 2023 and beyond*, Dec. 2, 2022. Available online at <https://www.amnesty.org/en/latest/news/2022/12/cuba-el-nuevo-codigo-penal-presenta-un-panorama-aterrador-para-2023-y-anos-posteriores/>.
- ¹³ Isabella Oliver and Mariakarla Nodarse Venancio, 5 Concerns About Cuba's New Penal Code, Advocacy for Human Rights in the Americas, Commentary, July 7, 2022. Available online at <https://www.wola.org/analysis/5-concerns-about-cuba-penal-code/>.
- ¹⁴ Havana Times, *Cuba's New Penal Code: Another Tool to Stifle Dissent*, Sep. 2, 2022. Available online at <https://havanatimes.org/features/cubas-new-penal-code-another-tool-to-stifle-dissent/>.
- ¹⁵ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter I, First Section, Article 112. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ¹⁶ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter I, Second Section, Article 113. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ¹⁷ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter I, Fifth Section, Article 116.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ¹⁸ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter II, Second Section, Article 121(a). Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ¹⁹ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter II, Third Section, Article 123(a). Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁰ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter II, Sixth Section, Article 126(a) and (b). Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²¹ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter III, Second Section, Article 128.2. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²² Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter III, Seventh Section, Article 134.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²³ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter III, Eighth Section, Article 135.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁴ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title I, Chapter V, Fourth Section, Article 142.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁵ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title II, Chapter II, Article 151.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁶ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title II, Chapter II, Article 154.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁷ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-093), Book II, Title II, Chapter III, Article 155.2. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.

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- ²⁸ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter IV, Article 156.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ²⁹ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter VI, Article 161. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³⁰ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter VII, Article 162. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³¹ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter VIII, Article 166.2. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³² Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter V, Fourth Section, Article 235.2(a). Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³³ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title II, Chapter XI, Articles 169.1 and 170.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³⁴ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title XII, Chapter II, Article 344. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ³⁵ Human Rights Watch, *Prison or Exile: Cuba's Systematic Repression of July 2021 Demonstrators*, (July 2022). Available online at https://www.hrw.org/sites/default/files/media_2022/07/cuba0722_web_0.pdf.
- ³⁶ Human Rights Watch, *Cuba: Peaceful Protesters Systematically Detained, Abused*, Oct. 19, 2021. Available at <https://www.hrw.org/news/2021/10/19/cuba-peaceful-protesters-systematically-detained-abused>.
- ³⁷ Human Rights Watch, *Cuba: Peaceful Protesters Systematically Detained, Abused*, Oct. 19, 2021. Available at <https://www.hrw.org/news/2021/10/19/cuba-peaceful-protesters-systematically-detained-abused>.
- ³⁸ Human Rights Watch, *Cuba: Peaceful Protesters Systematically Detained, Abused*, Oct. 19, 2021. Available at <https://www.hrw.org/news/2021/10/19/cuba-peaceful-protesters-systematically-detained-abused>.
- ³⁹ Human Rights Watch, *Cuba: Peaceful Protesters Systematically Detained, Abused*, Oct. 19, 2021. Available at <https://www.hrw.org/news/2021/10/19/cuba-peaceful-protesters-systematically-detained-abused>.
- ⁴⁰ Press Release, UN Committee against Torture, "UN Committee against Torture publishes findings on Cuba, Iceland, Iraq, Kenya, Montenegro and Uruguay," (May 13, 2022). Available online at <https://www.ohchr.org/en/press-releases/2022/05/un-committee-against-torture-publishes-findings-cuba-iceland-iraq-kenya>.
- ⁴¹ Press Release, UN Committee against Torture, "UN Committee against Torture publishes findings on Cuba, Iceland, Iraq, Kenya, Montenegro and Uruguay," (May 13, 2022). Available online at <https://www.ohchr.org/en/press-releases/2022/05/un-committee-against-torture-publishes-findings-cuba-iceland-iraq-kenya>.
- ⁴² Press Release, UN Committee against Torture, "UN Committee against Torture publishes findings on Cuba, Iceland, Iraq, Kenya, Montenegro and Uruguay," (May 13, 2022). Available online at <https://www.ohchr.org/en/press-releases/2022/05/un-committee-against-torture-publishes-findings-cuba-iceland-iraq-kenya>.
- ⁴³ Official Gazette of the Republic of Cuba. Ministry of Justice. Law 151/2022 "Criminal Code" (GOC-2022-861-O93), Book II, Title I, Chapter V, Article 142.1. Also available online at: <https://www.tsp.gob.cu/en/node/8362>.
- ⁴⁴ Havana Times, *Cuba's New Penal Code: Another Tool to Stifle Dissent*, Sep. 2, 2022. Available online at <https://havanatimes.org/features/cubas-new-penal-code-another-tool-to-stifle-dissent/>.
- ⁴⁵ Havana Times, *Cuba's New Penal Code: Another Tool to Stifle Dissent*, Sep. 2, 2022. Available online at <https://havanatimes.org/features/cubas-new-penal-code-another-tool-to-stifle-dissent/>.
- ⁴⁶ Human Rights Watch, *Cuba: Crackdown on Protests Creates Rights Crisis*, July 11, 2022. Available online at <https://www.hrw.org/news/2022/07/11/cuba-crackdown-protests-creates-rights-crisis>.

⁴⁷ Human Rights Watch, *Cuba: Crackdown on Protests Creates Rights Crisis*, July 11, 2022. Available online at <https://www.hrw.org/news/2022/07/11/cuba-crackdown-protests-creates-rights-crisis>.

⁴⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cuba*, (18 July 2018), U.N. Doc. A/HRC/39/16, ¶ 24.112 Stop arbitrarily arresting people, before, during and after peaceful demonstrations and release those who have been arbitrarily arrested (Iceland); End arbitrary detention of political activists (Australia); ¶ 24.117 End arbitrary detention and harassment of human rights defenders as well as media workers (Lithuania); ¶ 24.120 Take measures to put an end to arbitrary detentions by ensuring that persons under arrest have immediate access to a defence counsel and are promptly brought before an independent judge for a hearing (Netherlands); ¶ 24.167 Abstain from all forms of harassment, intimidation and repression against social activists, human rights defenders and journalists (Brazil); Guarantee freedom of expression, assembly and association and put an end to the harassment, intimidation, persecution and arbitrary detention of human rights activists, journalists and members of the opposition (France); Immediately stop arbitrary detention, imprisonment and harassment of activists who peacefully exercise their rights to freedom of expression, association or peaceful assembly (Germany); ¶ 24.171 Immediately eliminate harassment and intimidation of activists, including arbitrary short-term and pretrial detentions as well as house arrest (Canada); Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: Cuba*, (Sep. 18, 2018), U.N. Doc. A/HRC/39/16/Add.1. ¶ 8.