

Calendar No. 24

117TH CONGRESS
1ST SESSION

S. RES. 37

Expressing solidarity with the San Isidro Movement in Cuba, condemning escalated attacks against artistic freedoms in Cuba, and calling for the repeal of laws that violate freedom of expression and the immediate release of arbitrarily detained artists, journalists, and activists.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. DURBIN, Mr. CARDIN, Mr. COONS, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 24, 2021

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Expressing solidarity with the San Isidro Movement in Cuba, condemning escalated attacks against artistic freedoms in Cuba, and calling for the repeal of laws that violate freedom of expression and the immediate release of arbitrarily detained artists, journalists, and activists.

~~Whereas artists, journalists, and activists in Cuba have faced increased censorship, persecution, and arbitrary detention~~

by the Government of Cuba as a result of Decrees 349 and 370, which seek to restrict artistic freedoms and silence independent media in Cuba;

Whereas, in December 2018, Decree 349 entered into force, requiring that artists and those who hire them receive prior approval from the Government of Cuba to operate in public or private spaces or otherwise be subject to confiscation of materials, fines, or sanctions without the right to an appeal;

Whereas, in July 2019, Decree 370 entered into force, regulating and imposing sanctions with respect to the free distribution of information through the internet and leading to increased repression, arbitrary detentions, and censorship by the Government of Cuba;

Whereas international human rights groups, including Human Rights Watch, Amnesty International, the United Nations Office of the High Commissioner for Human Rights, and the Inter-American Commission on Human Rights, have condemned Decrees 349 and 370 as violating fundamental freedoms and contradicting Article 54 of the 2019 Constitution of Cuba, which guarantees freedom of expression;

Whereas, in 2018, the San Isidro Movement (MSI), an organization of artists, activists, academics, and journalists, began to peacefully protest increased censorship and persecution in Cuba;

Whereas Denis Solís González, a musician and member of the San Isidro Movement, was detained on November 9, 2020, and sentenced to 8 months in prison on “contempt of authority” charges after sharing a live video online of a police officer entering his home without a warrant;

Whereas, on November 19, 2020, artists and activists from the San Isidro Movement launched a day of poetry and gathered at a private residence to discuss actions to protest the arbitrary detention of Denis Solís González, and during that peaceful activity, state police blocked access to the house, confiscating all food and humanitarian supplies;

Whereas, in response to the events of November 19, 2020, 17 independent artists and activists went on a 7-day hunger strike at the private residence, during which state authorities allegedly contaminated water sources in order to sicken the artists and activists;

Whereas, on November 26, 2020, state security agents forcibly entered the protest site to remove the 17 artists and activists, blocking internet connectivity and communications throughout Cuba during the raid;

Whereas, on November 27, 2020, approximately 300 people gathered outside the Ministry of Culture of Cuba to peacefully protest the lack of artistic freedom in Cuba and the arbitrary arrest of Denis Solís González and other artists and activists in an unprecedented demonstration against the Government of Cuba, and, despite the use of tear gas by state security forces, the protesters were undeterred;

Whereas, as a result of the protest on November 27, 2020, Cuban officials met with 30 artists and activists, including 5 leaders of the San Isidro Movement, and agreed to stop harassment of Cuban artists and initiate a dialogue between the San Isidro Movement, other activists, and the government;

Whereas, despite that commitment by Cuban officials, the Government of Cuba subsequently escalated its attacks against the artists and activists who participated in the meeting, including by surrounding and blocking access to their homes;

Whereas the Cuban regime used state-controlled media to label the acts of peaceful protest by the San Isidro Movement as treason, which, according to Article 4 of the 2019 Constitution of Cuba, is a crime subject to imprisonment and penalty of death;

Whereas, on December 4, 2020, the Government of Cuba unilaterally ended the dialogue process with Cuban artists and independent civil society and political activists;

Whereas, on January 27, 2021, officials of the Ministry of Culture, led by Minister Alpidio Alonso and Vice Ministers Fernando Rojas and Fernando León Jacomino, physically assaulted a group of 20 to 30 artists who had gathered outside the Ministry of Culture to restart a dialogue process with authorities and demand an end to the repression of the artistic community;

Whereas, following the assault on the group by Minister Alonso and Vice Ministers Rojas and Jacomino, Cuban state security forces violently detained protesters; and

Whereas, despite the suspension of the dialogue process by the Government of Cuba, artists, activists, and independent journalists continue to bravely advocate for fundamental freedoms and denounce human rights violations in Cuba. Now, therefore, be it

Whereas artists, journalists, and activists in Cuba have faced increased censorship, persecution, and arbitrary detention by the Government of Cuba as a result of Decrees 349 and

370, which seek to restrict artistic freedoms and silence independent media in Cuba;

Whereas, in December 2018, Decree 349 entered into force, requiring that artists and those who hire them receive prior approval from the Government of Cuba to operate in public or private spaces or otherwise be subject to confiscation of materials, fines, or sanctions without the right to an appeal;

Whereas, in July 2019, Decree 370 entered into force, regulating and imposing sanctions with respect to the free distribution of information through the internet and leading to increased repression, arbitrary detentions, and censorship by the Government of Cuba;

Whereas international human rights organizations, including Human Rights Watch, Amnesty International, the United Nations Office of the High Commissioner for Human Rights, and the Inter-American Commission on Human Rights, have condemned Decrees 349 and 370 as violating fundamental freedoms and contradicting Article 54 of the 2019 Constitution of Cuba, which guarantees freedom of expression;

Whereas, in 2018, the San Isidro Movement (MSI), an organization of artists, activists, academics, and journalists, began to peacefully protest increased censorship and persecution in Cuba;

Whereas Denis Solís González, a musician and member of the San Isidro Movement, was detained on November 9, 2020, and sentenced to 8 months in prison on “contempt of authority” charges after sharing a live video online of a police officer entering his home without a warrant;

Whereas, on November 19, 2020, artists and activists from the San Isidro Movement launched a day of poetry and gathered at a private residence to discuss actions to protest the arbitrary detention of Denis Solís González, and during that peaceful activity, state police blocked access to the house, confiscating all food and humanitarian supplies;

Whereas, in response to the events of November 19, 2020, 14 independent artists and activists went on a 7-day hunger strike at the private residence, during which state authorities allegedly contaminated water sources in order to sicken the artists, activists, and those supporting them through the strike;

Whereas, on November 26, 2020, state security agents forcibly entered the protest site to remove the 14 artists and activists and 6 others supporting them through the strike, blocking internet connectivity and communications throughout Cuba during the raid;

Whereas, on November 27, 2020, approximately 300 people gathered outside the Ministry of Culture of Cuba to peacefully protest the lack of artistic freedom in Cuba and the arbitrary arrest of Denis Solís González and other artists and activists in an unprecedented demonstration against the Government of Cuba, and, despite the use of tear gas by state security forces, the protesters were undeterred;

Whereas, as a result of the protest on November 27, 2020, Cuban officials met with 30 artists and activists, including 5 leaders of the San Isidro Movement, and agreed to stop harassment of Cuban artists and initiate a dialogue between the San Isidro Movement, other activists, and the government;

Whereas, despite that commitment by Cuban officials, the Government of Cuba subsequently escalated its attacks against the artists and activists who participated in the meeting, including by surrounding and blocking access to their homes;

Whereas the Cuban regime used state-controlled media to label the hunger strikers as committing acts of terrorism;

Whereas, on December 4, 2020, the Government of Cuba unilaterally ended the dialogue process with Cuban artists and independent civil society and political activists;

Whereas, on January 27, 2021, officials of the Ministry of Culture, led by Minister Alpidio Alonso and Vice Ministers Fernando Rojas and Fernando León Jacomino, physically assaulted a group of 20 to 30 artists who had gathered outside the Ministry of Culture to restart a dialogue process with authorities and demand an end to the repression of the artistic community;

Whereas, following the assault on the group by Minister Alonso and Vice Ministers Rojas and Jacomino, Cuban state security forces violently detained protesters; and

*Whereas, despite the suspension of the dialogue process by the Government of Cuba, artists, activists, and independent journalists continue to bravely advocate for fundamental freedoms and denounce human rights violations in Cuba:
Now, therefore, be it*

- 1 *Resolved, That the Senate—*
- 2 *(1) stands in solidarity with the members of the*
- 3 *San Isidro Movement and their efforts to advance*
- 4 *freedom of expression in Cuba;*

1 (2) calls on Cuban authorities to engage in a
2 meaningful dialogue process with the members of
3 the San Isidro Movement and other artists and ac-
4 tivists seeking to advance freedom of expression in
5 Cuba;

6 (3) calls on the Government of Cuba to imme-
7 diately release Denis Solís González and other arbi-
8 trarily imprisoned artists and journalists;

9 (4) urges the officials of the Ministry of Culture
10 of Cuba to refrain from physical violence and any
11 other acts of repression against Cuban artists and
12 journalists;

13 (5) calls for the immediate repeal of Decrees
14 349 and 370 and other laws in Cuba that violate
15 freedom of expression;

16 (6) urges democratic governments and legisla-
17 tures in Europe and Latin America to renew their
18 support for democratic activists in Cuba and speak
19 out against the repression of artists and journalists
20 in Cuba; and

21 (7) encourages the Secretary of State to con-
22 demn the persecution, threats, and intimidation of
23 Cuban artists and journalists.

24 *That the Senate—*

1 (1) expresses solidarity with the members of the
2 *San Isidro Movement* and their efforts to advance
3 *freedom of expression in Cuba;*

4 (2) calls on Cuban authorities to engage in a
5 *meaningful dialogue process with the members of the*
6 *San Isidro Movement and other artists and activists*
7 *seeking to advance freedom of expression in Cuba;*

8 (3) calls on the Government of Cuba to imme-
9 *diately release Denis Solís González and other arbi-*
10 *trarily imprisoned artists and journalists;*

11 (4) urges the officials of the Ministry of Culture
12 of Cuba to refrain from physical violence and any
13 other acts of repression against Cuban artists and
14 journalists;

15 (5) calls for the immediate repeal of Decrees 349
16 and 370 and other laws in Cuba that violate freedom
17 of expression;

18 (6) urges governments and legislatures in Europe
19 and Latin America to renew their support for demo-
20 cratic activists in Cuba and speak out against the re-
21 pression of artists and journalists in Cuba; and

22 (7) encourages the Secretary of State to condemn
23 the persecution, threats, and intimidation of Cuban
24 artists and journalists.

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Reported with an amendment and an amendment to the
preamble