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Allegations The complainant organization alleges lack of recognition, and harassment and persecution of independent trade unionists, involving acts of aggression, assaults and dismissals of independent trade unionists, and other acts of anti-union discrimination and interference by the public authorities

214. The Committee last examined this case (presented in December 2016) at its October 2023 meeting, when it presented an interim report to the Governing Body [see 404th Report, approved by the Governing Body at its 349th Session (October–November 2023), paras 252–290].

215. The complainant submitted new allegations in communications dated 14 and 28 December 2023, 3, 16 and 29 January, 8 February, 3, 9 and 17 April, 15 May, 22 July, 29 October, 8 November 2024, 14 January, 16 April and 6 May 2025.

216. The Government sent its replies in communications dated 17 and 23 January, 1 and 2 April, 9 May, 23 October 2024, and 3 March 2025.

217. Cuba has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Workers' Representatives Convention, 1971 (No. 135).

A. Previous examination of the case

218. In its previous examination of the case in October 2023, the Committee made the following recommendations [see 440th Report, para. 290]:

(a) The Committee once again strongly urges the Government to ensure that the Independent Trade Union Association of Cuba (ASIC) is given recognition and that it can freely operate and carry out its trade union activities.

(b) The Committee requests the Government to provide information on the outcome of the investigations carried out and, if applicable, the relevant court rulings in respect of the following union members or officials: Mr Osvaldo Arcis Hernández, Mr Bárbaro Tejeda Sánchez, Mr Felipe Carrera Hernández, Mr Pavel Herrera Hernández, Mr Daniel Perea García, Mr Yisan Zamora Ricardo, Mr Willian Cruz Delgado, Mr Roque Iván Martínez Baldarraín, Mr Jefferson Ismael Polo Mezerene, Ms

Anairis Dania Mezerene, Mr Ulises Rafael Hernández López and Mr Leonardo Hernández Camejo.

(c) The Committee requests the Government to send a copy of the court ruling handed down against Mr Humberto Bello Laffita without further delay. The Committee requests the Government to ensure that no workers are arrested for their trade union activities.

(d) The Committee requests the Government to ensure that ASIC general secretary, Mr Iván Hernández Carrillo, is able to freely carry out his trade union activities without interference.

(e) The Committee strongly urges the Government to ensure that the right of ASIC officials and members to organize and freely carry out their trade union activities are not restricted, including when these activities are conducted outside the country, or when they involve participation in international online forums.

(f) The Committee firmly urges the Government to fully ensure that ASIC officials have the freedom of movement in the national territory to carry out their trade union activities, including participation in demonstrations to defend the interests of their members, without Government interference.

(g) The Committee requests the Government to provide a copy of the outcome of investigations into the dismissals of Mr Ismael Valentín Castro and Ms Dania Marité Noriega Castriz, and of Mr Kelvin Vega Rizo and Pavel Herrera Hernández.

(h) Given the lack of information in some instances and the lack of progress in others, the Committee invites the Government to accept a direct contacts mission to gather further information, facilitate dialogue between the parties and encourage the implementation of its recommendations.

B. The complainant's new allegations

219. In its communications, the complainant submits specific new allegations of violations of public freedoms of ASIC union officials and members.

220. The complainant alleges that: (i) on 6 November 2023, independent trade unionist Leonardo Hernández Camejo was summoned to present himself at the Centro Habana police unit, where he was interrogated by an official from the Department of State Security (DSE) and warned to give up his activism. He was interrogated again on 27 January 2024, alongside other independent trade unionists (Ulises González Moreno, Yaquelin Dalis Caballero, Emilio Alberto Gottardi Gottardi, Luis Orlando León Randich, Nora Noa, Dayán Ortiz); (ii) on 30 November 2023, Daniel Perea García, ASIC provincial secretary in Santiago de Cuba, was subjected to an interrogation with physical violence by two DSE officials; (iii) on 7 December 2023, independent trade unionist Alejandro Sánchez Zaldivar was summoned to the police unit in the village of Cabañas, in the Artemisa province, to tell him that he could not travel to Havana and that he should stay inside his house; (iv) on 8 December, independent trade unionist Alexis Rodríguez Martínez was arrested in the city of Holguín and taken to the police station in Pedernales until the 21st; (v) on 9 and 10 December, the homes of journalist and independent trade unionist Yunia Figueredo Cruz and of general secretary Iván Hernández Carrillo were besieged by agents of the political police – which included suspending the journalist's internet connection; and (vi) independent trade unionist Rodolfo Aparicio Alemán was arrested on 15 December and again on 12 January 2024 by agents of the National Revolutionary Police (PNR). He was released on 31 January and given a fine of 5,000 Cuban pesos.

221. The complainant also alleges that on Friday 29 March 2024, general secretary Iván Hernández Carrillo was arrested while attempting to travel to Havana for a medical check-up. Members of the patrol detained him and took him to the police unit in La Playa, where he was interrogated by the lieutenant colonel in charge of confrontations in the province and an instructor with the rank of second lieutenant. She (the instructor) issued him with a warning for the alleged offences of harming the constitutional order and of mercenary activity, which carry sentences of up to 15 years' imprisonment for the former, and death for the latter.

Immediately afterwards, agents warned him that, if he continued his trade union activities, next time he would be imprisoned on the aforementioned charges. The complainant goes on to allege that on 8 April, Iván Hernández Carrillo was visited at his home in the city of Colón, the province of Matanzas, by a first lieutenant of the DSE, who attempted to issue him a citation to present himself at the city's Police Training Department for interrogation.

222. The complainant alleges that there were other instances of acts of persecution towards ASIC activists, such as during the First of May celebrations in 2024 (affecting Liván Monteagudo Rivero, provincial secretary of Las Tunas, and Bárbaro de la Nuez Ramírez, general secretary in the province of Cienfuegos), and that these intensified with the approach of the third anniversary of the peaceful protests of 11 July 2021 (Consuelo Rodríguez Hernández, secretary of women workers of ASIC; Lázaro Roberto Aguiar Mendoza, activist in the municipality of Cruces, province of Cienfuegos; Bárbaro de la Nuez Ramírez; journalist Yunia Figueredo Cruz; Emilio Alberto Gottardi Gottardi, general secretary in the province of La Habana, Iván Hernández Carrillo, as well as independent trade unionists Ulises González Moreno and Yaquelín Dalis Caballero). The complainant further alleges that: (i) on two occasions, on 2 May and 23 October 2024, ASIC trade unionist Yoanys Olivera Vicente was detained at the police unit in Cruces, where she was interrogated and threatened with imprisonment if she did not leave the organization, as well as running the risk of losing her employment as a veterinarian in a State institution. In addition, she was asked to work as an informant for them within ASIC; (ii) independent trade unionist Lázaro Aguiar Menoza, an ASIC affiliate and a nurse working in the Integrated System of Emergency Medical Services (SIUM), was arbitrarily detained on 22 October 2024 in the province of Cienfuegos, for theft of equipment, and released apparently without charge on the same day; (iii) provincial secretary of Mayabeque, Ibán Guerra Hernández, was interrogated on 4 January 2025 at the police unit in the municipality of Santa Cruz del Norte, Mayabeque province, by a DSE lieutenant colonel who threatened the trade unionist with imprisonment for sharing information through social media, warning that the secret political police was spying on and monitoring ASIC's information and communication spaces; and (iv) independent trade unionist Emilio Gottardi Gottardi was also arrested on 10 January by two men in civilian clothes, identified as DSE agents, at the Centro Habana police unit, where he was subjected to constant questions and threats relating to his trade union work, warning that he risked serious consequences if he did not give up his commitment to ASIC. The complainant highlights that the persons concerned did not have the assistance of a lawyer, they were threatened without formal request or any grounds that the proceedings had any legal standing, which demonstrated that the regime was constantly monitoring ASIC's trade union activity.

223. The complainant highlights that the aforementioned facts demonstrate the systematic violence of the State against ASIC, which it intends to dismantle in order to silence its struggle to defend the rights of workers and to cover up its mission to report on the regime's frequent violations against the population. The complainant insists that all the complaints it has made to the ILO supervisory bodies strictly reflect the lived reality of independent trade union leaders, activists and workers, and that – although the Government of Cuba has not wanted to formally recognize ASIC as a trade union organization – it is recognized by workers and entrepreneurs, as it is a real option for social organization in the country. In its communication dated 17 April 2024, the complainant alleges that there are 1,035 political prisoners being held in sub-human conditions in the country's prisons, given summary judgements stemming from the peaceful demonstrations of 11 July 2021, many of whom are young workers whose only offence was to peacefully protest against the regime. The complainant expresses the wish for a direct contacts mission to be carried out.

C. The Government's reply

224. With regard to recommendation (a) in the Committee's previous report (recognition and free operation of ASIC), the Government once again states, in its communication dated 23 October 2024, that: (i) the members of the organization that calls itself ASIC are neither workers nor employers; they do not belong to any labour collective and therefore have not been elected or appointed by the members as trade union representatives; they do not have the objective of promoting or defending workers' interests, nor do they have the genuine support of the membership or any labour collective; and (ii) the complainants operate under the agendas of the International Group for Corporate Social Responsibility in Cuba (GIRSCC) and the National Endowment for Democracy (NED) to engage in political subversion that constitutes an affront to the purposes and principles of the Charter of the

United Nations and international law, particularly the principles of sovereignty, self-determination and non interference in internal affairs. The Government emphasizes that ASIC has maintained its allegations for years for the sole purpose of discrediting the Government, with the aim of keeping the case before the Committee open artificially.

225. With regard to recommendation (b) (carrying out investigations relating to specific trade union members or leaders), the Government indicates in its communication dated 23 October 2024 that: (i) the Government has coordinated the investigations or responses from different entities, using the necessary measures and established procedures, in order to verify each of the allegations against the individuals mentioned in the recommendation; and (ii) action taken included: searches in Ministry of the Interior automated records used for monitoring detained persons and other persons prosecuted in connection with alleged criminal acts; use of data intelligence procedures to establish the identity of persons; consultation of databases of bodies such as the Ministry of Justice; locating persons in places of residence; and interviews. While considering that sufficient information has been provided to refute the reported allegations of attacks, harassment, disrespect for freedoms and restrictions against these persons, the Government provides information with regard to the persons mentioned in recommendation (b):

(1) Osvaldo Arcis Hernández: He is unemployed. He was sanctioned with two years' detention in 2015 for the crime of antisocial behaviour. He has been given a warning for illegal economic activity and breach of the peace. His antisocial behaviour continues and he lacks support in his community. He was the subject of a criminal prosecution for causing public disorder on 11 July 2021, but this was subsequently overturned.

(2) Bárbaro Tejeda Sánchez: He displays appalling social behaviour and has been prosecuted on 12 occasions for the offences of theft, leaving the national territory illegally, public disorder, making threats, speculation, hoarding and handling stolen goods. He left the national territory for Nicaragua in 2019 and has not returned.

(3) Felipe Carrera Hernández: No police action has been taken against him. Since 2017, he has made five trips abroad, three to Panama and two to Colombia.

(4) Pavel Herrera Hernández: He has been living abroad since 2016 and has not returned to the country. He was previously prosecuted for the offence of theft and given a warning for a breach of the peace.

(5) Daniel Perea García: In August 2019 he was charged with the offence of handling stolen goods. In January 2023 he was summoned by the PNR for ongoing antisocial behaviour. In 2024, no police action has been taken against him. He does not currently have links with the organization that calls itself ASIC, but he spends his time spreading fake news.

(6) Yisan Zamora Ricardo: He was arrested in the province of Holguín on 25 July 2021, for the offence of public disorder. He was released on 28 July 2021, with no other charges against him. He was once again prosecuted for public disorder on 4 October 2022.

(7) Willian Cruz Delgado: He has an extensive criminal record, which has been previously reported to the Committee. Between 2004 and 2018 he was sanctioned for the offences of assault, making threats, contempt of court and public disorder. On 24 August 2019, he was fined for contravening the provisions of Decree Law No. 141/88. Between 2015 and 2021, he was reported on four occasions for injury, contempt and public disorder; he was also taken on nine occasions to a National Revolutionary Police station for engaging in the illicit sale of goods and foreign currency. It was ascertained that this person has never been prosecuted by the police for exercising his labour or trade union rights.

(8) Roque Iván Martínez Beldarraín: He has an extensive criminal record, with previous convictions for less serious injury, assault, violent robbery, forceful robbery and home invasion. He has received two violations for speculation and has been given an official warning by the PNR on two occasions. He does not currently have links to ASIC. He was dismissed from the Port of Cienfuegos due to repeated indiscipline associated with unjustified absences, lateness, mistreatment and disrespect towards co-workers and superiors.

(9) Jefferson Ismael Polo Mezerene and his mother Anairis Dania Mezerene: They have no links to ASIC. They were arrested and taken to the national police unit in Holguín on 11 July 2021 for a breach of public order during disturbances on that day. They were held there for 72 hours and subsequently released with an administrative fine. Since that date no other police action has been taken against them.

(10) Ulises Rafael Hernández López: He is a person who displays antisocial behaviour in the area around his residence. He was prosecuted for public disorder in May 2026 and December 2020.

(11) Leonardo Hernández Camejo: The Government has not provided information about him in relation to recommendation (b).

226. Regarding recommendation (c) (the court ruling handed down against Humberto Bello Laffita), the Government simply recalls that trials are public, oral and adversarial and in accordance with criminal procedural law, and final rulings are communicated to the public prosecutor and the accused person or his or her counsel, who are also provided with a copy.

227. With regard to recommendation (d) (ensuring that ASIC general secretary Iván Hernández Carrillo is able to freely carry out his trade union activities without interference), the Government reiterates that Mr Hernández Carrillo is not a trade union leader and that he has previous criminal convictions. He was sentenced to 25 years in prison in 2003, granted parole in February 2011 and continues to have limited rights, due to his legal situation. In addition, his record contains multiple breach of the peace violations and official warnings.

228. With regard to recommendation (e) (ensuring that the rights of ASIC officials and members to organize and freely carry out their trade union activities are not restricted, including when these activities are conducted outside the country or when they involve participation in international online forums), the Government once again states that: (i) the United States of America blockade limits the capacity of telecommunications companies to change the technology to enable improvements to be made to internet connection conditions; (ii) Cuban representatives continue to face numerous challenges to participation in virtual meetings and other events convened by United Nations system bodies, since Cuba has restricted access to several of the digital platforms used for those purposes; and (iii) the argument expressed in ASIC's allegations blaming the Government of Cuba for their inability to participate in a virtual forum using a platform prohibited in Cuba, without placing blame on the Government of the United States for these limitations, demonstrates the true objective and interests that the members of ASIC are defending.

229. With regard to recommendation (f) (ensuring that ASIC officials have the freedom of movement in the national territory to carry out their trade union activities), the Government again states that: (i) legislation does not limit freedom of movement in connection with the exercise of labour and/or trade union rights; and (ii) freedom of movement, including within the country, is legally restricted in the case of Cuban citizens who are defendants in criminal proceedings or respondents in civil proceedings; those who are completing a criminal sentence, whether custodial or non-custodial; and those who have been granted parole, a suspended sentence or conditional release by the court.

230. With regard to recommendation (g) (the outcome of investigations into alleged dismissals), the Government refers to its previous communications, according to which: (i) legally established disciplinary measures for labour discipline violations outlined in labour legislation were imposed on Mr Kelvin Vega Rizo and Mr Pavel Herrera Hernández in 2017; and (ii) with regard to the situation of Mr Ismael Valentín Castro and Ms Dania Noriega, this is not politically motivated in connection with their apparent "trade union activism" but rather related to violation of standards governing prices and tariffs.

231. In its subsequent communications, the Government rejects ASIC's new allegations, reaffirming that the complainants are not trade unionists and are not acting independently, and that they are alleging violations of workers' rights by the Government without providing any evidence. With regard to Mr Iván Hernández Carrillo, the Government reiterates that he is a Cuban citizen with no

employment relationship, who has made a steady stream of false accusations to the ILO in order to denigrate the country's record on labour and trade union rights.

232. The Government notes in particular that: (i) the allegations regarding the supposed 6 November 2023 summons issued to Mr Leonardo Hernández Camejo are false; (ii) it is not true that Mr Daniel Perea García was questioned for suspected trade union activity or that he was physically attacked or threatened with imprisonment; (iii) Mr Alexis Rodríguez Martínez was arrested on 8 December 2023 for committing the crime of propaganda against the constitutional order, and the investigations carried out have not found anything to suggest that the actions taken by the authorities violated the law; (iv) it is not true that Mr Alejandro Sánchez Saldívar was summoned to the police unit in the village of Cabañas to tell him that he could not travel to Havana and that he should stay inside his house on International Human Rights Day; (v) it is also not true that Mr Rodolfo Aparicio Alemán was arrested on 15 December 2023; (vi) neither Ms Yunia Figueredo Cruz, nor Mr Iván Hernández Carrillo have been subject to any police measures; (vii) Mr Leonardo Hernández Camejo, Mr Ulises González Moreno, Mr Emilio Alberto Gottardi Gottardi, Mr Luis Orlando León Randich, Mr Dayán Ortiz, Ms Yaquelín Dalis Caballero and Ms Nora Noa are not recorded in the Ministry of the Interior's automated systems for the alleged police citation of 27 January 2024 and it seems that they were not dealt with by the Office of the Public Prosecutor. In the cases of Ms Nora Noa and Mr Dayan Ortiz, their identities could not even be verified, insofar as there are several people with those names and surnames in the Unique Identification Number System; (viii) with regard to Mr Rodolfo Aparicio Alemán, on 12 January 2024 he was taken to the police unit in Cruces, Cienfuegos province, for not carrying all the documentation relating to the movement of the goods in his truck. At the police station, he behaved aggressively towards the police agent who had brought him in and maintained a provocative attitude, which led to a complaint for the offence of contempt, laid down in article 185 of the Criminal Code. As established in the law, he was brought before the Public Prosecutor, who placed him in provisional preventive detention on 15 January 2024, and he was moved to the corresponding penitentiary centre on 18 January. On 30 January the preventive measure was changed to cash bail; and ix) with regard to Mr Iván Hernández Carrillo, the Government reports that on 29 March 2024 he was found to be attempting to travel to the country's capital to carry out actions against the Government alongside other people, and so he was identified and taken to the PNR unit in Matanzas. In the police unit he was officially notified of the violation of his legal status (parole granted in 2011). No other actions were taken against him, as falsely alleged.

D. The Committee's conclusions

233. The Committee recalls that this complaint concerns several allegations of acts of aggression, harassment, persecution, arrests, assault and restrictions on the free movement of trade union officials and members while carrying out their functions by State security forces. The complainant also denounces its non-recognition by the Government.

234. As regards recommendation (a) (recognition and free operation of ASIC), the Committee notes that the Government once again states, in its communication dated 23 October 2024, that: (i) the members of the organization that calls itself ASIC are neither workers nor employers; they do not belong to any labour collective and have not been elected or appointed by the members as trade union representatives; they do not have the objective of promoting or defending workers' interests, nor do they have the genuine support of the membership or any labour collective; (ii) the complainants operate under the agendas of the International Group for Corporate Social Responsibility in Cuba (GIRSCC) and the National Endowment for Democracy (NED) to engage in political subversion that constitutes an affront to the purposes and principles of the Charter of the United Nations and international law, particularly the principles of sovereignty, self-determination and non-interference in internal affairs; and (iii) ASIC has maintained its allegations for years for the sole purpose of discrediting the Government, with the aim of keeping the case before the Committee open artificially.

235. The Committee recalls, once again, that for several decades, it has been examining allegations of non-recognition and interference by the Government in the free operation of trade union organizations not affiliated to the Confederation of Workers of Cuba [see Cases Nos 1198, 1628, 1805, 1961 and 2258 of the Committee on Freedom of Association]. The Committee is bound to

recall that the right to official recognition through legal registration is an essential facet of the right to organize since that is the first step that workers' or employers' organizations must take in order to be able to function efficiently, and represent their members adequately; and that a long registration procedure constitutes a serious obstacle to the establishment of organizations and amounts to a denial of the right of workers to establish organizations without previous authorization. In addition, it recalls once again that freedom of association implies the right of workers and employers to elect their representatives in full freedom and to organize their administration and activities without any interference by the public authorities [see Compilation of decisions of the Committee on Freedom of Association, sixth edition, 2018, paras 449, 463 and 666]. Recalling that, according to the information provided by the complainant, some trade union members and officials mentioned in the complaint were self-employed workers, and that others had been dismissed for anti-union reasons, the Committee once again recalls that the criterion for determining the persons covered by the right to organize is not based on the existence of an employment relationship. Workers who do not have employment contracts should have the right to form the organizations of their choosing if they so wish [see Compilation, para. 330]. The Committee reiterates that in its initial examination of this case, it had noted that ASIC, in its founding declaration of principles, advocates trade union autonomy in the framework of the rule of law, aims to promote full compliance with ILO international labour standards and proclaims that it will not compromise or associate itself with party-political activities. In its union constitution, ASIC states that its key objectives include grouping together independent trade unions and reporting violations of international labour standards. Moreover, ASIC members' duties as set out in the union constitution include defending workers' claims and benefits. It is in this context that the Committee observes that the elements of ASIC's declaration of principles and union constitution fall within the scope of action and definition of a workers' organization. With deep regret that there has been no progress since its last examination of this case, the Committee therefore once again refers to its previous conclusions and once more strongly urges the Government to ensure that ASIC is given recognition, and that it can freely operate and carry out its trade union activities.

236. With regard to recommendation (b) (carrying out investigations relating to specific trade union members or leaders), the Committee takes note that the Government, in its communication dated 23 October 2024, provides information about the members identified in the said recommendation, indicating or reiterating that the persons in question: (i) do not have or have not had trade union links (Osvaldo Arcis Hernández, Daniel Perea García, Roque Iván Martínez Baldarraín, Jefferson Ismael Polo Mezerene, Anairis Dania Mezerene); (ii) continue to engage in inappropriate social behaviour and/or have committed offences, including public order offences (Osvaldo Arcis Hernández, Bárbaro Tejeda Sánchez, Pavel Herrera Hernández, Daniel Perea García, Yisan Zamora Ricardo, Willian Cruz Delgado, Roque Iván Martínez Baldarraín, Jefferson Ismael Polo Mezerene, Anairis Dania Mezerene, Ulises Rafael Hernández López); (iii) have never been subject to police action (Felipe Carrera Hernández); and (iv) reside overseas (Bárbaro Tejeda Sánchez, Pavel Herrera Hernández).

237. While taking due note of the Government's reply, the Committee cannot fail to observe the numerous additional allegations made by the complainant regarding the commission of new acts of anti-union discrimination – in particular arbitrary arrests, threats of deprivation of liberty and various acts of harassment against ASIC members and officials – which, according to the complainant's allegations, demonstrate the systematic violence of the State against ASIC in order to silence its struggle to defend the rights of workers.

238. The Committee takes note in that regard the complainant's allegation that: (i) on 6 November 2023, trade unionist Leonardo Hernández Camejo was summoned to present himself at the Centro Habana police unit, where he was interrogated by an official from the DSE and warned to give up his activism. He was interrogated again on 27 January 2024, alongside other independent trade unionists (Ulises González Moreno, Yaquelín Dalis Caballero, Emilio Alberto Gottardi Gottardi, Luis Orlando León Randich, Nora Noa, Dayán Ortíz); (ii) on 30 November, Daniel Perea García, ASIC provincial secretary in Santiago de Cuba, was subjected to an interrogation with physical violence by two DSE officials; (iii) on 7 December, independent trade unionist Alejandro Sánchez Zaldívar was summoned to the police unit in the village of Cabañas, Artemisa province, to tell him that he could not travel to Havana on that date and that he should stay inside his house; (iv) on 8 December, independent trade unionist Alexis Rodríguez Martínez was arrested in the city of Holguín and taken to the police station in Pedernales until the 21st; (v) on 9 and 10 December, the homes of journalist and independent trade unionist Yunia Figueredo Cruz and of general secretary Iván Hernández

Carillo were besieged by agents of the political police; and (vi) independent trade unionist Rodolfo Aparicio Alemán was arrested on 15 December and again on 12 January 2024 by agents of the PNR. He was released on 31 January and given a fine of 5,000 Cuban pesos.

239. The Committee takes note that the complainant also alleges that: (i) on 29 March 2024, ASIC general secretary Iván Hernández Carrillo was arrested and taken to the police unit in La Playa, where he was interrogated and issued with a warning for the alleged offences of harming the constitutional order and of mercenary activity, which carry maximum sentences of up to 15 years imprisonment for the former, and death for the latter; and (ii) that he was warned that, if he continued his trade union activities, next time he would be imprisoned on the aforementioned charges.

240. The Committee takes note that the complainant also alleges that there were other instances of acts of persecution towards ASIC activists, to besiege, harass and prevent them from leaving their homes, such as during the First of May celebrations (affecting Liván Monteagudo Rivero, provincial secretary of Las Tunas, and Bárbaro de la Nuez Ramírez, general secretary in the province of Cienfuegos), and that these intensified with the approach of the third anniversary of the peaceful protests of 11 July 2021 (affecting Consuelo Rodríguez Hernández, secretary of women workers of ASIC; Lázaro Roberto Aguiar Mendoza, activist in the municipality of Cruces, province of Cienfuegos; Bárbaro de la Nuez Ramírez; union journalist Yunia Figueredo Cruz; Emilio Alberto Gottardi Gottardi, general secretary in the province of La Habana, Iván Hernández Carrillo, as well as independent trade unionists Ulises González Moreno and Yaquelin Dalis Caballero). The committee takes note that the complainant alleges that: (i) on two occasions, on 2 May and 23 October 2024, ASIC trade unionist Yoanys Olivera Vicente was detained at the police unit in Cruces, where she was interrogated and threatened with imprisonment if she did not leave the organization, as well as running the risk of losing her employment as a veterinarian in a State institution, and she was asked to work as an informant for them within ASIC; (ii) independent trade unionist Lázaro Aguiar Menoza was arbitrarily detained on 22 October 2024 in the province of Cienfuegos, for theft of equipment, and released apparently without charge on the same day; (iii) provincial secretary of Mayabeque, Ibán Guerra Hernández, was interrogated on 4 January 2025 at the police unit in the municipality of Santa Cruz del Norte, Mayabeque province, by a DSE lieutenant colonel who threatened the trade unionist with imprisonment for sharing information through social media, warning that the secret political police was spying on and monitoring ASIC's information and communication spaces; and (iv) independent trade unionist Emilio Gottardi Gottardi was also arrested on 10 January by two men in civilian clothes, identified as DSE agents, at the Centro Habana police unit, where he was subjected to constant questions and threats relating to his trade union work, warning that he risked serious consequences if he did not give up his commitment to ASIC. The Committee takes note that the complainant highlights that the persons concerned did not have the assistance of a lawyer, they were threatened without formal request or any grounds that the proceedings had any legal standing, which also demonstrated that the regime was constantly monitoring ASIC's trade union activity.

241. With regard to the persons specifically mentioned in the new allegations from ASIC, the Committee notes that the Government states that: (i) the allegations regarding the supposed 6 November 2023 summons issued to Mr Leonardo Hernández Camejo are false; (ii) it is not true that Mr Daniel Perea García was questioned for suspected trade union activity or that he was physically attacked or threatened with imprisonment; (iii) Mr Alexis Rodríguez Martínez was arrested on 8 December 2023 for committing the crime of propaganda against the constitutional order, and the investigations carried out have not found anything to suggest that the actions taken by the authorities violated the law; (iv) it is not true that Mr Alejandro Sánchez Saldívar was summoned to the police unit in the village of Cabañas to tell him that he could not travel to Havana and that he should stay inside his house on International Human Rights Day; (v) it is also not true that Mr Rodolfo Aparicio Alemán was arrested on 15 December 2023; (vi) neither Ms Yunia Figueredo Cruz, nor Mr Iván Hernández Carrillo have been subject to any police measures; (vii) Mr Leonardo Hernández Camejo, Mr Ulises González Moreno, Mr Emilio Alberto Gottardi Gottardi, Mr Luis Orlando León Randich, Mr Dayán Ortiz, Ms Yaquelin Dalis Caballero and Ms Nora Noa are not recorded in the Ministry of the Interior's automated systems for the alleged police citation of 27 January 2024 and it seems that they were not dealt with by the Office of the Public Prosecutor. In the cases of Ms Nora Noa and Mr Dayan Ortiz, their identities could not even be verified, insofar as there are several people with those names and surnames in the Unique Identification Number System; (viii) with regard to Mr Rodolfo Aparicio Alemán, on 12

January 2024 he was taken to the police unit in Cruces, Cienfuegos province, for not carrying all the documentation relating to the movement of the goods in his truck. At the police station, he behaved aggressively towards the police agent who had brought him in and maintained a provocative attitude, which led to complaint No. 433, dated that same day, for the offence of contempt, laid down in article 185 of the Criminal Code. As established in the law, he was brought before the Public Prosecutor, who placed him in provisional preventive detention on 15 January 2024, and he was moved to the corresponding penitentiary centre on 18 January. On 30 January the preventive measure was changed to cash bail; and (ix) with regard to Mr Iván Hernández Carrillo, the Government reports that on 29 March 2024 he was found to be attempting to travel to the country's capital to carry out actions against the Government alongside other people, and so he was identified and taken to the PNR unit in Matanzas. In the police unit he was officially notified by PNR representatives that he had violated his legal status (parole granted in 2011). No other actions were taken against him, as falsely alleged.

242. While taking note that the Government did not provide information regarding allegations relating to events taking place after April 2024 (see above, para. 27), the Committee cannot fail to once again note the diverging versions of events of the Government and the complainant and the fact that the Government continues to deny the alleged acts.

243. While the Government continues to list the offences or details of previous legal proceedings against various persons (including illicit economic activities, handling stolen goods, causing damage, public disorder, antisocial behaviour) mentioned both in recommendation (b) of the last report on the present case and in its reply to certain new allegations from ASIC, the Committee once again regrets to note that it has not provided information on the commission of such offences, nor has it annexed documents on the relevant investigations or copies of rulings, as the Committee noted in previous conclusions concerning the present case. The Committee is bound once again to recall that in cases where the complainants alleged that trade union leaders or workers had been arrested for trade union activities, and the governments' replies amounted to general denials of the allegation or were simply to the effect that the arrests were made for subversive activities, for reasons of internal security or for common law crimes, the Committee has always followed the rule that the governments concerned should be requested to submit further and as precise information as possible concerning the arrests, particularly in connection with the legal or judicial proceedings instituted as a result thereof and the result of such proceedings, in order to be able to make a proper examination of the allegations. In addition, in many cases, the Committee has asked the governments concerned to communicate the texts of any judgements that have been delivered together with the grounds adduced therefor [see Compilation, paras 178 and 179]. In these circumstances, in order to be able to examine the allegations in full knowledge of the facts, the Committee again requests the Government to provide the outcome of the investigations carried out and, if applicable, the court rulings concerning the union members or officials in respect of whom the Government states that they are engaged in inappropriate social behaviour and/or have committed offences, including public order offences, in particular: Osvaldo Arcis Hernández, Bárbaro Tejeda Sánchez, Pavel Herrera Hernández, Daniel Perea García, Yisan Zamora Ricardo, Willian Cruz Delgado, Roque Iván Martínez Baldarraín, Jefferson Ismael Polo Mezerene, Anairis Dania Mezerene, Ulises Rafael Hernández López, as well as Leonardo Hernández Camejo and Rodolfo Aparicio Alemán.

244. The Committee also requests the Government to provide information regarding the new allegations of repeated acts of persecution against the following ASIC members and leaders: Liván Monteagudo Rivero, Bárbaro de la Nuez Ramírez, Consuelo Rodríguez Hernández, Lázaro Roberto Aguiar Mendoza, Yunia Figueredo Cruz, Emilio Alberto Gottardi Gottardi, Iván Hernández Carrillo, Ulises Gonzáles Moreno, Yaquelin Dalis Caballero, Yoanys Olivera Vicente and Ibán Guerra Hernández. The Committee also requests the Government to provide its observations relating to the allegations contained in the communications from ASIC dated 16 April and 6 May 2025.

245. With regard to recommendation (c) (the court ruling handed down against Humberto Bello Laffita), the Committee deeply regrets, once again, that the Government still refuses to send a copy of the court ruling handed down against Mr Humberto Bello Laffita sentencing him to a one-year prison term. The Committee urges the Government to do so without further delay and to ensure that no workers are arrested for their trade union activities.

246. With regard to recommendation (d) (ensuring that ASIC general secretary Iván Hernández Carrillo is able to freely carry out his trade union activities without interference), the Committee takes note that the Government simply recalls that Iván Hernández Carrillo is currently serving the remainder of his sentence in freedom, meaning that under existing criminal legislation he must fulfil certain obligations. Noting both this information reiterated by the Government and the complainant's repeated allegations about the many restrictions and threats to which Mr Iván Hernández Carrillo is allegedly subject, the Committee urges the Government to ensure that Mr Hernández Carrillo is able to freely carry out his trade union activities without interference.

247. With regard to recommendation (e) (ensuring that the rights of ASIC officials and members to organize and freely carry out their trade union activities are not restricted, including when these activities are conducted outside the country or when they involve participation in international online forums), the Committee takes note that the Government stresses that these are false allegations and unfounded accusations, and that the restrictions on access to the internet and information technology are due to the blockade imposed on the country. In light of the new allegations regarding surveillance measures that were accompanied by a voluntary interruption of the internet in the case of the independent journalist and trade unionist Yunia Figueredo Cruz in December 2023, the Committee once again urges the Government to ensure that the right of ASIC officials and members to organize and freely carry out their trade union activities are not restricted, including when these activities are conducted outside the country, or when they involve participation in international online forums.

248. With regard to recommendation (f) (ensuring that ASIC officials have the freedom of movement in the national territory to carry out their trade union activities), the Committee takes note that the Government reiterates that freedom of movement, including within the country, is legally restricted only in the case of citizens who are defendants in criminal proceedings or respondents in civil proceedings; those who are completing a criminal sentence, whether custodial or non-custodial; and those who have been granted parole, a suspended sentence or conditional release by the court. While once again noting that the Government's and complainant's versions of events differ, the Committee observes that the complainant alleges new restrictions on freedom of movement, such as surveillance of the homes of trade unionists on certain occasions, for example the First of May celebrations or the commemoration of the third anniversary of the mass protests that shook the country on 11 July 2021. Recalling in this regard that the right to peaceful demonstration to defend the occupational interests of workers is a fundamental aspect of trade union rights, the Committee once again firmly urges the Government to fully ensure that ASIC officials have the freedom of movement in the national territory to carry out their trade union activities, including participation in demonstrations to defend the interests of their members, without Government interference.

249. With regard to recommendation (g) (alleged anti-union dismissals), the Committee regrets that the Government simply refers to its previous statements, according to which the dismissals of Mr Ismael Valentín Castro and Ms Dania Noriega were related to violations of labour discipline and were not politically motivated in connection with their apparent "trade union activism", without providing the requested copy of the outcome of the investigations carried out in this regard. The Committee deeply regrets that the Government has not provided the outcome of the corresponding investigations into the dismissals of Mr Kelvin Vega Rizo and Mr Pavel Herrera Hernández either. In these circumstances, the Committee again requests the Government to provide a copy of the outcome of the investigations into the dismissals of Mr Ismael Valentín Castro and Ms Dania Noriega, as well as that of Mr Kelvin Vega Rizo and Mr Pavel Herrera.

250. Lastly, nine years after receiving the first communication concerning the present case, the Committee expresses its deep concern that the situation has reached such a point that the complainant continues to submit new allegations and that the Government continues to systematically reject them without providing the additional information necessary (such as the outcome of the investigations carried out and, if applicable, the corresponding court rulings) for an informed examination by the Committee. In these circumstances, given the lack of information in some instances and the lack of progress in others, the Committee urges the Government to accept a direct contacts mission to gather further information, facilitate dialogue between the parties and encourage the application of its recommendations.

The Committee's recommendations

251. In the light of its foregoing interim conclusions, the Committee invites the Governing Body to approve the following recommendations:

- (a) The Committee strongly urges the Government to ensure that the Independent Trade Union Association of Cuba (ASIC) is given recognition, and that it can freely operate and carry out its trade union activities.
- (b) The Committee again requests the Government to provide the outcome of the investigations carried out and, if applicable, the court rulings concerning the union members or officials in respect of whom the Government states that they are engaged in inappropriate social behaviour and/or have committed offences, including public order offences, in particular: Osvaldo Arcis Hernández, Bárbaro Tejeda Sánchez, Pavel Herrera Hernández, Daniel Perea García, Yisan Zamora Ricardo, Willian Cruz Delgado, Roque Iván Martínez Baldarraín, Jefferson Ismael Polo Mezerene, Anairis Dania Mezerene, Ulises Rafael Hernández López, as well as Leonardo Hernández Camejo and Rodolfo Aparicio Alemán.
- (c) The Committee also requests the Government to provide information regarding the new allegations of repeated acts of persecution against the following ASIC members and leaders: Liván Monteagudo Rivero, Bárbaro de la Nuez Ramírez, Consuelo Rodríguez Hernández, Lázaro Roberto Aguiar Mendoza, Yunia Figueredo Cruz, Emilio Alberto Gottardi Gottardi, Iván Hernández Carrillo, Ulises Gonzáles Moreno, Yaquelín Dalis Caballero, Yoanys Olivera Vicente and Ibán Guerra Hernández. The Committee also requests the Government to provide its observations relating to the allegations contained in the communications from ASIC dated 16 April and 6 May 2025.
- (d) The Committee urges the Government to send the court ruling handed down against Mr Humberto Bello Laffita without further delay. The Committee urges the Government to ensure that no workers are arrested for their trade union activities.
- (e) The Committee urges the Government to ensure that Mr Hernández Carrillo is able to freely carry out his trade union activities without interference from the authorities.
- (f) The Committee once again urges the Government to ensure that the right of ASIC officials and members to organize and freely carry out their trade union activities are not restricted, including when these activities are conducted outside the country, or when they involve participation in international online forums.
- (g) The Committee once again firmly urges the Government to fully ensure that ASIC officials have the freedom of movement in the national territory to carry out their trade union activities, including participation in demonstrations to defend the interests of their members, without Government interference.
- (h) The Committee again requests the Government to provide a copy of the outcome of the investigations into the dismissals of Mr Ismael Valentín Castro and Ms Dania Noriega, as well as that of Mr Kelvin Vega Rizo and Mr Pavel Herrera.
- (i) The Committee urges the Government to accept a direct contacts mission to gather further information, facilitate dialogue between the parties and encourage the application of its recommendations.