

An Analysis of the 11J Protests in Cuba from a Black Feminist Criminal Abolitionist Perspective

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Abstract: *Inspired by Black feminist practice, penal abolitionism means overthrowing all institutions that reproduce violence and oppression and abolishing the systems that have historically criminalized and controlled dissident, trans, and Black bodies. It also means eliminating all politics that consider some bodies worthy of living in freedom and not others, and to think of solutions outside the logic of oppressive regimes and prisons. Abolitionist or anti-prison feminists place the community at the center of transformative responses, claiming that alternatives to the criminal justice system must promptly address the historical traumas caused by colonialism and slavery.*

The international debate on punitivism has not yet reached Cuba. The strict dependence on punitive solutions is a reality in the archipelago. The best example, and also the most recent, are the trials and sentencing of participants in the social outburst that took place in the country on 11 and 12 July 2021.²

Cuba has a prison state. This encompasses laws, institutions, organizations, and the criminal justice system, as manifested in the state's punitive orientations and actions that criminalize poverty, Blackness, sexual and gender diversity, and political dissidence.

The concept of “carcerality” includes the multiple ways in which the state defines and organizes society through policies of control, surveillance, criminalization, and lack of freedoms. The prison system is not limited only to buildings, i.e. prisons, but encompasses the different ways in which prison logic, technologies, and practices are rooted in our social institutions, impeding the real liberation of those who have been historically marginalized by the state.

1 Translation from Spanish and of all original quotes by Julia Roth.

2 Hereinafter, we will refer to these events as 11J.

The Cuban Observatory for Human Rights [Observatorio Cubano de los Derechos Humanos] (n.d.) maintains that there are more than 200 prisons in the country. Although no up-to-date official statistics are available on the racial composition of the incarcerated, officials have indicated that the majority of them are Black and *mestizo* (González 2013).

Prisons, arbitrary detentions, house arrests, confiscation of property, and other tactics of confinement, surveillance, deportations, control, and subjugation are some of the strategies used to preserve and guarantee the reproduction of the status quo, White supremacy, cisheterosexism, and patriarchy in Cuba. The prison state operates through punitive responses to social problems such as poverty, racism, and marginalization, reinforcing and reproducing racial, class, gender, gender identity, religious, and regional inequalities, etc. Likewise, it applies punitive measures to political-ideological dissent, so that thinking differently makes you a criminal and stateless.

Black Feminist Contributions to Penal Abolitionism

Penal abolitionism is both a political vision and a social movement that seeks to eliminate incarceration and policing, pushing for the creation of new systems of care in our communities.

Throughout history, Black populations have led movements to abolish prisons and demand justice. Their struggle has nurtured the abolitionist discourse internationally, identifying not only the dangers of the prison system, but providing transformative models for developing responses and systems to redress the harm. In the long term, the primary goal of the penal abolitionist movement is to create the right conditions for all of us to live in a safe and oppression-free world.

Abolitionist thought has been nourished not only by anti-capitalist currents and critical analysis of “race”, but also by feminist thought. It is worth noting that Black feminism has made fundamental contributions to penal abolitionism.

Black feminist abolitionism proposes restorative justice programs, also called healing or restorative, which aim at restitution, community service, and the active participation of those directly involved in the resolution of the negative consequences of their acts. The process would also involve community networks, judicial institutions, and the family, etc. In short, abolitionist

or anti-prison feminists place the community at the center of transformative responses, which are also based on care.

Punitivism and the 11J Protests in Cuba

The social outburst of 11J, which took place in more than 60 localities around the country, constitutes an unprecedented event in post-1959 Cuba. These largest social protests in decades arose as an expression of protest against food and medicine shortages during the Covid-19 pandemic. Protestors also addressed the government's Covid measures, the precarious economic situation, and state authoritarianism and human rights abuses. In the context of a deep socioeconomic and health crisis, it has been recognized as the most important political-social-economic demonstration or protest that has taken place in the archipelago since the Cuban Revolution.

Only hours after thousands of people took to the streets, a wave of violent arrests took place with the use of armed military forces, riot gear, police dogs, etc. This display of violence was preceded by President Miguel Mario Díaz-Canel Bermúdez's call to the people to confront the demonstrators. According to the "Justice 11J" working group (n.d.), as a result 1,771 people were arrested within a few days, of which 758 are still in prison and 706 have been tried; 963 are in prison and convicted or pending trial.³

The government's response to the social outburst was characterized, roughly speaking, by the following:

- *Internet cuts*: The protests were followed by Internet cuts that made it impossible to immediately locate some of the demonstrators, as well as the conditions in which the arrests took place. Then, after hours and days, the networks were gradually flooded with photos, videos, and testimonies, both of the social outburst and of the repression and detention of the demonstrators.
- *Inhumane treatment, violence, brutality, and police impunity*⁴: police and special troops' actions in the various locations where the demonstrations took

3 The above figures are not official, but the product of a citizens' initiative to collect information, and therefore constitute an underreporting.

4 As an abolitionist, I start from the premise that every police act is violence, which is experienced on a daily basis in Cuba.

place, as well as during detentions, arrests, and inside prisons (cf. Herrera Fuentes 2021). The arrest of Abel González Lescay (2021), who was taken out of his home naked; as well as that of Joel Daniel Cárdenas Díaz, who was shot in the presence of his two-year-old children (García 2022b), are examples of such violence. The photos of the arrest of young Lázara Karenia González Fernández, which are circulating on the social networks, show the levels of brutality against women participants in the 11J protests. The young Afro-Cuban Diubis Laurencio Tejeda died from a shot fired from the service pistol of officer Yoennis Pelegrín Hernández, who also wounded five other people. As far as we know, the second lieutenant is the only officer who has been tried for his actions so far (Fernández Cuenca 2022).

- *Failure to inform families about the whereabouts of their arrested relatives and failure to notify detainees of the crime with which they have been charged* have been other practices associated with the arrests of the 11J protesters.
- *Lack of official public data.* On 25 January, 2022, six months after the outbreak of 11J, the portal of the Attorney General's Office published a report with disaggregated information, which was later withdrawn from the site. Later, on 13 June, 2022, another, much shorter report was to be published on the same site, which was also deleted, despite the fact that it was widely quoted by the official media.⁵ Thus, at present, it is impossible to access conclusive and official data on the number of detainees, how many people have been released, and how many are still under investigation or in correctional institutions. Nor is it possible to determine how many administrative proceedings have been opened and the exact number of persons who have been criminally prosecuted.
- *Prosecuting for the crime of sedition*⁶, which had not been applied in previous episodes of political demonstrations. In fact, during what was called “El Maleconazo”, which took place in 1994 and involved locations in the

5 However, it has been possible to retrieve some versions of that report. See the following thread, <https://twitter.com/justicia11j/status/1537276470657224705?s=21&t=z9uvCxevOK5lDHCnOjgpFg>, last access January 20, 2023.

6 “Sedition is a crime regulated in Article 100 of the Cuban Penal Code and establishes penalties of up to 20 years of imprisonment or death for those who ‘tumultuously and by express or tacit agreement [...] disturb the socialist order or the holding of elections or referendums, or prevent the fulfillment of any sentence, legal provision or measure issued by the government, or by a civil or military authority in the exercise of their respective functions, or refuse to obey them, or make demands, or resist the fulfillment of their duties.’” (Cañive 2021)

country's capital, convictions of no more than one year were made for the crime of public disorder. Dailfyn Sosa herself, magistrate of the Tribunal Supremo Popular (People's Supreme Court), recognizes the sparse use of this criminal offense in Cuba (Prensa Latina 2022).

- *Prosecuting for the crime of disrespect towards authorities*⁷, as documented in the article published in Oncuba, and signed by Julio César Guanche and Harold Bertot Triana (2022). The article explains, among other issues, that this type of criminal offense has been eliminated from the penal code in many countries of the region, as it violates freedom of expression and popular sovereignty.
- *Excessive and disproportionate fines, tax demands, and sanctions*. Fifteen years in prison for people accused of stoning real estate (mainly stores) without taking into account the original oppression experienced by the population when they have to buy in a currency in which they do not earn their salaries. Many of the people fined, detained, tried, and sentenced had no criminal record, they also come from the popular strata and are living the hardships of the economic crisis in Cuba day by day.
- *Civilians tried by military courts*, since part of the events included a network of stores in Cuba that belong to Grupo de Administración Empresarial S.A. GAESA, a military company of the Cuban government in charge of administering state-owned facilities such as stores, hotels, etc. Several people have been accused of acts of violence against these military facilities.
- *The number of persons under 18 years of age, a total of 55* (Fiscalía General de la República 2022), recognized by the United Nations as minors, who participated in the demonstrations and who have been charged with sedition or have had some type of measure taken against them.⁸ Some of these younger detainees have been placed in institutions called "centers for minors" belonging to the Ministry of the Interior to be "re-educated".⁹

7 The list of the 11J Justice Platform is systematically updated by its creators, Cuban women activists. It keeps a count of people who have been accused of civil disobedience and other crimes. It can be consulted at <https://www.justicia11j.org/>, last access 19 January, 2023.

8 The Attorney General's Office identifies 55 people between 16 and 18 years of age, of which 28 are kept in precautionary pre-trial detention. Other information speaks of 59 minors.

9 According to the report of the Attorney General's Office, ten minors were placed in comprehensive and behavioral training schools, and 17 are under personalized attention in their regular schools.

- *Conducting summary trials of mothers with infants or school-age children*, the best example being that of young Letis Aile Patterson Rodriguez, who at the time of the protest was 27 years old and in charge of her three infants. She was sentenced to one year in prison. In an interview by Katy Socorro (2022), journalist and activist Marta María Ramírez tells that one of the women of 11J was breastfeeding at the time of the arrest and had to interrupt it. The activist asks herself: “As unjust as it is, why aren’t there protocols so that this woman can continue breastfeeding? This is a very clear machista bias of violence”.
- *Denial of access to medicines or medical assistance* in cases of various serious pathologies such as psychiatric, arterial hypertension, diabetes mellitus, etc. Disregard for health conditions, such as disabilities or chronic diseases when establishing a sentence (García 2022a).
- *Criminalization of family and friends’ complaints*. As a result, several mothers, fathers, siblings, etc., have had police patrols placed in the vicinity of their homes, received summons to police units, suffered harassment by state security, been threatened, placed under police surveillance, and been prevented from exercising rights such as freedom of movement, access to social and medical services, etc.¹⁰
- *Criminalization of the press and independent activism*. To a large extent, the punitive response of the Cuban government to 11J has been made known through the work of independent journalists and activists who, like their relatives, have been criminalized for it. It is worth noting the silence of the official press about the events.
- *The criminalization and prosecution of everyday activities* such as taking photos, recording video, posting on social networks. One of the best-known cases is that of Yoan de la Cruz, who transmitted a live broadcast of the demonstration in San Antonio de los Baños and has been sentenced to six years in prison.
- *Families with several members in prison*. One of the best-known cases is that of the Taquechel family. The mother, Mayra Taquechel, and her two daughters Katherine Martin, 17 years old and Mariam Martin, 24 years old, who is serving a three-year prison sentence for disobedience, public disorder,

¹⁰ The case that received the most media attention has been that of Barbara Farrat, mother of (17-year-old) Jonathan Torres Farrat, who is systematically threatened, watched, and besieged, and prevented from leaving the house for daily activities, as Barbara is also a person living with HIV and has her son’s baby in her care.

and invitation to commit a crime. Mayra Taquechel, according to the Justice 11 platform (n.d.), was sentenced to eight months imprisonment for public disorder and was not released at the end of her sentence, but was again sentenced to six years imprisonment for the crime of assault.

- *Use of racist and classist profiles* to describe the behavior of protesters (Martínez Puerto 2021b).
- *Overrepresentation of people living in historically marginalized and criminalized neighborhoods among those investigated.* According to journalist Darci Borrero Batista (15 March 2022), in an article published in the independent media Tremenda Nota, 12 out of every 100 people accused reside in La Güinera, a Havana neighborhood in the municipality of Arroyo Naranjo, one of the most disadvantaged in the capital. To put it another way, of the 489 people in Havana on whom the Prosecutor's Office opened an investigation for participating in the social outburst, 161 reside in La Güinera, of whom 95 have been prosecuted under the crime of sedition (86 men, nine women and one non-binary person).

Community and Feminist Initiatives after the 11J Social Outburst

Community initiatives and feminist activism have played a fundamental role in supporting participants in the social outburst of 11J who have been detained, punished, or imprisoned.

Relatives of prisoners, especially wives and mothers and sisters, have provided important actions to support the accused, detained, and confined people, such as collecting money to pay for legal assistance, buying food, medicine, and hygiene items, with an emphasis on detainees from low-income families. Several campaigns have also been carried out in social networks to denounce the political nature of the trials and reaffirm the peaceful nature of the social outburst.

[...] [W]omen are playing a fundamental role in sustaining the struggle that began last July [...] It has been the women relatives of prisoners who have organized the most to demand the release of their sons, brothers, or husbands. And it is thousands of women who are now taking on additional tasks to guarantee the well-being of their families: filling plastic bags [*jabas*] with food or medicine for the prisoners; taking care of the chil-

dren of those who are in prison or who had to leave the country (Socorro 2022).

“Help the brave of 11J” is an initiative coordinated by the family of political prisoner and 11J participant Andy García Lorenzo, from the central province of Santa Clara (Gutiérrez Faife 2022). Since November 2021, the project has been raising funds to buy food for the prisoners and thus help their families. With fundamental support from the Cuban diaspora, the initiative began by buying food and supplying it to needy families so they could deliver it to the detainees during visits. At present, after a year of work, they provide financial support to families who actively denounce the situation of their imprisoned family members (Jonathan López 2022, Personal Communication, 17 December 2022). Yanet Rodríguez Sánchez, who supports 13 families in Santiago de Cuba and Holguín, is running a similar, albeit smaller-scale operation in the province of Holguín (El Toque 2022).

The case of Brenda Díaz has been one of the most striking, given that it is an expression of the violence against people of the LGBTQ+ collective. Díaz was one of the trans women and members of the LGBTQ+ collective who participated in the social outburst of 11J.

Brenda Díaz – who lives with HIV and suffers from chronic gastritis and kidney stones – was initially detained together with her brother Luis Manuel Díaz, who was 16 years old at the time. After 18 days, Luis Manuel was released on a provisional court order and with a fine of 1,000 Cuban pesos (Herrera 2022). Brenda is confined in a men’s prison, serving a 14-year sentence, accused of public disorder, sabotage of a continuing nature, assault, damage, and burglary with forced entry.

Brenda Díaz has experienced structural transphobia since the beginning of her detention, her gender identity has not been respected; the fact that she is in a men’s prison, that her head has been shaved, and that she does not receive the hormone treatment she needs is evidence of how sex-gender-dissident persons are treated in Cuban prisons. She has also received physical violence from one of the prison officials.¹¹

11 On 3 November 2022, the platform Yo Sí Te Creo en Cuba demanded the protection of Brenda Díaz and the conduct of an investigation based on the complaint of physical violence made by her mother. The link is available at https://twitter.com/YoSiTeCreoCuba/status/1588212515758133248?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1588212515758133248%7Ctwgr%5Edod44aac05e6c182f4b771b366677f9897ca15f1%7Ctwcon%5E51_&ref_url=https%3A%2F%2Fwww.radiotelevisionmart

Journalists, artists, feminist activists, and people from the LGBTQ+ collective have engaged in social network activity during 2022 to publicize the Brenda Díaz case – undoubtedly one of the most dramatic ones. Since June 2022, journalist and activist Kiana Anandra Pérez has coordinated support for Brenda through her mother Ana María García, collecting money, hygiene material, medicines, food, etc. (Kiana Anandra Pérez 2022, Personal Communication, 16 December 2022).

Another key initiative – initiated as a result of 11J, the working group or platform for the follow-up of the legal actions against the demonstrators – is “Justicia 11J” (Justice 11J, n.d.). It brought together journalists, activists, researchers, mostly feminists, and political dissidents: María Matienzo Puerto, Camila Rodríguez, Salomé García Bacallao, Kirenía Yalit Núñez Pérez, Eyllin Lombard, Darcy Borrero, Cynthia de la Cantera, Ivette Leyva and Laritza Diversent (Matienzo Puerto 2021a).

Justicia 11J has documented, to this day, the government’s response against the participants of the social outburst. At the same time, according to Camila Rodríguez (2021), one of its managers, it has functioned as a channel to support the relatives of the detained, imprisoned, and prosecuted. “The list” – as the project was initially popularized – emerged as a continuously updated excel database. At present, “Justicia 11J” is a working group whose results can be found on a website that features the list of detainees as well as reports, investigations, a list of repressors, and other relevant information.¹² Justicia 11J works in close collaboration with Cubalex, an organization specialized in law, founded by lawyer Laritza Diversent.

#LibertadParaLosNiñosDel11J (#FreedomForTheChildrenOf11J), more than a hashtag, was an intense campaign developed to draw attention to the minors who participated in the protests and who faced exorbitant sentence requests by prosecutors as well as actual sentences. The fundamental result of these actions, focused on social networks and in which the UN Committees against Torture and for the Rights of the Child participated, was that on 27 May, after appeal, they were released from prison with their sentences commuted to correctional work with and without internment, or with restrictions of liberty, under regular court supervision and police surveillance, and their sentences reduced to five years. Among the minors who were previously sentenced and

i.com%2Fa%2Fdenuncian-que-presa-polC3ADtica-trans-fue-atacada-en-la-cC3A1rce-l-de-hombres%2F341886.html

12 See <https://www.justicia11j.org/>.

who benefitted from the commutation are Kendry Miranda Cárdenas, previously sentenced to 19 years in prison, Rowland Jesús Castillo Castro, to 18 years, Lázaro Noel Urgelles Fajardo, to 14 years, and Brandon David Becerra Curbelo, to 13 years. (García 2022)

Conclusion

In general, the sentences requested by public prosecutors for the participants of the social outburst of 11 and 12 July 2021 have been based on factors such as age (in the case of minors or elderly people), profession, gender, etc., that is, appealing to respectability policies that make a difference between political and common prisoners. These policies define categories of people, establishing who deserves to go to jail and who does not. It is also important to note that very few, if any, voices have called attention to this issue. Generally speaking, in Cuban society, even among activists, there is a tacit consensus that people should not go to jail for political issues, but for common crimes. The issue becomes more complicated when the government does not recognize political motives for demonstrating and considers protesters as common criminals.

Penal abolitionism in Cuba implies going beyond freeing the political prisoners of 11J. It implies abolishing all the institutions that reproduce violence and oppression as well as the systems that have historically criminalized and controlled dissident, trans, and Black bodies. It also means eliminating all respectability politics that deem some bodies worthy of living in freedom and not others.

We need to think of solutions outside the logic of oppressive regimes and prisons that have failed to offer us real security. Exploring and investing in alternatives to the criminal justice system is a fundamental part of transformative and restorative justice. Such reparations must promptly address the historical traumas caused by colonialism and slavery, and propose different forms of economic, social, cultural, financial restitution, land redistribution, political self-determination, culturally relevant education programs, recovery of indigenous languages, and so on.

Embracing abolitionism means investing in vital community support systems and developing models that can represent how we want to live in the future. It also includes finding practical responses to remedy the harm which do not perpetuate systemic violence and that bring us progressively closer to that just society, without prisons, without violence.

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