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NEWS

Artists Arrested in Cuba for Protesting Decree Censoring the Arts

Cuban artists were arrested after planning a sit-in at the Cuban Ministry of Culture to protest Decree 349, which puts in place unprecedented censorship of the arts and will take effect December 7.

Jasmine Weber December 5, 2018



Cuban artists and activists organizing in opposition to the decree (image courtesy Yanelyz Nuñez Leyva)

Since July, Cuban artists and activists have tirelessly organized in opposition to [Decree 349](#), a [new regulation pertaining to artistic freedom and institutional censorship in the Republic](#). The vague parameters of the decree, set to take action on December 7, regulate any artistic and cultural activity in Cuba, leaving them subject to government censorship. The artist-activists opposed to the statute have hosted frequent protests, performances, and events, resulting in multiple arrests in the process. They have also undertaken legal measures calling for a meeting with Abel Prieto, the Minister of Culture, to no avail.

The decree, signed by newly instated President Miguel Díaz-Canel in April and published in the *Gaceta Oficial de la República de Cuba* on July 10, essentially grants the Cuban Republic complete control over independent artistic production in the private sector. Banned content includes:

a) use of national symbols that contravene current legislation; b) pornography; c) violence; d) sexist, vulgar and obscene language; e) discrimination due to skin color, gender, sexual orientation, disability and any other harm to human dignity; f) that attempts against the development of childhood and adolescence; g) any other that violates the legal provisions that regulate the normal development of our society in cultural matters.

Decree 349 allows government officials to shut down concerts, performances, galleries, and art and book sales if they do not comply with the strict list of prohibited subject matter. It also restricts artists from commercializing their work without government approval.

Yanelys Núñez Leyva, a curator and art critic, tells Hyperallergic that she and her colleagues formulated a legal demand against the decree with the help of Laritza Diverset, a lawyer and founder of human rights organization Cubalex. The activists also published a [petition](#), which they invite supporters to sign, accompanied by a letter (written in Spanish and English) signed by Tania Bruguera, Laritza Diversent, Coco Fusco, Yanelys Nuñez Leyva, and Enrique Risco. They explain:

Decree 349 empowers the Ministry of Culture to designate supervisors and inspectors who can censor and suspend artistic presentations, impose fines and confiscate instruments, equipment, the permit that allows artists to be self-employed, and even an artist's home. To us, this is an excessive measure that, in addition to generating an antagonistic relationship between artists and the institutions that should serve their needs. It also lays the groundwork for administrative corruption.



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On Monday, December 3, just days before Decree 349 will be officially instated, several artist-activists in Cuba planned a sit-in at the Ministry of Culture, but were arrested. According to [PEN America](#), 11 people have been detained since then, including [Tania Bruguera](#), [Amaury Pacheco OmniPoeta](#), [Michel Matos](#), [Luis Manuel Otero Alcántara](#), and [Yanelys Nuñez Leyva](#).

Cuban artist and academic [Coco Fusco](#) tells [Hyperallergic](#), “[The artist-activists] perceived that this was going to be an attack on the poorest artists, the most autodidact, the most political, and the people that don’t want to work with the government. And so they’ve been fighting this in a number of different ways since July.” She says this group “had exhausted all of the legal means in Cuba to get the government to sit down with the art community, and they weren’t getting an answer. They submitted forms to every political entity in the country, and they got no answer.”

The activists say they were under state surveillance leading up to the planned sit-in, with patrol vehicles parked outside their homes. Fusco tells [Hyperallergic](#) that artist [Amaury Pacheco OmniPoeta](#) was detained on Saturday by police, and his neighbors were interrogated about his relationship with his children in hopes of revealing domestic abuse or incompetence. [Luis Trapaga](#) was told not to leave his house by security agents, and on Sunday, [Nonardo Perea](#) received a written warning and was ordered to report to state security.

On Monday, December 3, before the sit-in, [Bruguera](#) was arrested in her home in Old Havana and [Matos](#) and [Pacheco](#) were arrested outside of the Ministry of Culture in Havana. [Luis Manuel Otero Alcántara](#) and [Yanelys Nuñez Leyva](#) were also arrested.

Bruguera was released later that night but returned to the ministry, where she was arrested again. The next night, December 4, Pacheco, Matos, and Bruguera were all released. This morning, December 5, Bruguera returned to the Ministry of Culture for the sit-in and will carry out a hunger strike. Amaury Pacheco and Michel Matos will also participate in hunger strikes in their homes.

Luis Manuel Otero Alcantara and Yanelys Nuñez Leyva remain in detention and have been unable to communicate with their colleagues.



Tania Bruguera (courtesy of Tate Modern)

Tania Bruguera is currently organizing a community-driven exhibition at Tate Modern, [10,143,210](#). The ongoing installation is a series of interventions responding to the international refugee crisis, including an intervention in [solidarity with recently released photographer Shahidul Alam](#).

Frances Morris, director of Tate Modern, published a statement in solidarity with the detained Cuban activists on [Twitter](#), writing: “The ongoing arrests in Cuba today, including Tania Bruguera and many fellow

artists, are a stark reminder of the threats that artists face around the world. Everyone here at Tate Modern, including the Tate Neighbours group that Tania brought together, are deeply concerned about these artists’ freedoms — and their whereabouts — and we passionately support their right to express their ideas freely.”

As part of [10,143,210](#), Bruguera founded the Tate Neighbors, a group of 21 community members working or living in South Bank, London, “to consider what institutional accountability would look

like from a community perspective.” Their manifesto is: “We the Tate Neighbours affirm our belief that in times of crisis words are not enough and action must be our common language.”

This morning, December 5, the Tate Neighbors, staffers at Tate, and UK activists held an [action in solidarity](#) with Bruguera and in opposition to Decree 349.

At the action, participating activists read from their joint statement:

The decree does not include anything new to the current practice of the Cuban government in the management of social engineering of its population, however it offers a legal cover to a reactionary, ancient and regressive practice even in the field of those who consider themselves progressive. Nobody can deny the extraordinary achievement of Cuba in terms of providing basic necessities to its citizens, particularly provisions of health and education; this in spite of a setback of over fifty years, resulting from a political and economic embargo from the world’s most powerful nation. Under these conditions, creatives in Cuba were not only free to practice art but were actively promoted by the State and became a symbol of a global solidarity.

... Freedom of creation, a basic human expression, is becoming a “problematic” issue for many governments in the world. A degradation of fundamental rights is evident not only in the unfair detention of internationally recognised creatives, but, mainly, in attacking the fundamental rights of every single creator. Their strategy, based on the construction of a legal framework, constrains basic fundamental human rights that are inalienable such as the freedom of speech. This problem occurs today on a global scale and should concern us all.

The Tate Neighbors wrote in a statement opposing the decree:

Following the recent detention of Bangladeshi photographer Shahidul Alam along with the recent murder of journalist Jamal Khashoggi, there is a global acceleration of censorship and repression of artists, journalists, intellectuals and academics. During these intrinsically linked turbulent times, we must join together to defend our right to debate, communicate and support one another.

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In solidarity with Tania Bruguera [@Immigrantmove](https://twitter.com/Immigrantmove)
[#NoAlDecreto349](https://twitter.com/NoAlDecreto349) pic.twitter.com/IK1aEP8uSg

— Tate Exchange (@TateExchange) [December 5, 2018](#)

In August, Luis Manuel Otero Alcántara told Hyperallergic, “For government systems, it is impossible to control art, because it is capable of being born of the most unexpected places and situations. In these moments of such fragility and therefore repression, art is a very powerful weapon and the system knows it.”

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