

Recent Development

Ladies in White: The Peaceful March Against Repression in Cuba and Online

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I. INTRODUCTION

The Ladies in White, also known as “Las Damas de Blanco,” are a dissident group of women in Cuba who engage in forms of civil disobedience in opposition to Fidel and Raul Castro’s regime. The Ladies organized in 2003, after their loved ones were unjustly incarcerated for political dissidence. On March 17, 2010, one of their peaceful marches ended abruptly when Cuban government officials violently removed them from the streets of Havana. Agents and supporters of the government verbally and physically accosted the women.¹ Several women were pulled by their hair and limbs and forced onto buses.² Others were beaten because they resisted non-violently.³ Many of the women were taken to hospitals afterwards, where they were treated for various injuries resulting from the attack.⁴

March 17, 2010, however, was not the first time the Ladies in White were forced off the streets of Cuba, nor was it the first time they faced violence from the Cuban government. It was also not the first time Cuban dissidents were physically harmed for criticizing the Cuban government. During marches in 2008, several of the Ladies in White were visibly bruised when the police physically removed them from the streets.⁵ Thanks in large part to the Internet, by March of 2010, a larger audience watched as the women were accosted. The audience witnessed firsthand the violence in photographs, on television, and online. On December 9, 2010, one day

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1. Esteban Israel, *Cuban Police Haul Protesting ‘Ladies in White’ Away*, REUTERS, Mar. 17, 2010, <http://www.reuters.com/article/idUSTRE62G42O20100317>.

2. *Id.*

3. *Id.*

4. *Id.*

5. Tom Gjelten, *Bolder Tactics Divide Cuba’s ‘Ladies in White,’* NPR (May 16, 2008), <http://www.npr.org/templates/story/story.php?storyId=90506942>.

before the international Human Rights Day, videos posted on YouTube showed the Ladies being assaulted as they peacefully marched through the streets of Havana with pictures of their jailed loved ones and flowers in hand.⁶ While Internet access in Cuba remains quite restricted, users have managed to gain access to online content demonstrating the violence the Cuban government has employed against the Ladies in White.

On March 17, 2010, an onlooker on the streets of Havana filmed as the Ladies in White were assaulted. Within a few hours, the scene was posted online, and the video went viral. The international community was quick to respond. The Ladies' message spread widely, and within four months, the Cuban government began releasing the prisoners.⁷ While this Recent Development focuses on the violence the Ladies in White faced last March and their continued efforts and successes, it also provides a larger testament to the growing voice of dissident groups, who until recently were little-known outside the Island, and whose message has finally escaped the grasp of the Government's control of media through the Internet. The Cuban government has indeed attempted to restrain access to the Internet, and Cuba remains among the handful of countries known as the "Enemies of the Internet."⁸

According to U.S. authorities in a memo leaked in 2010, the Cuban Government continues its often unavailing attempts to further restrict Internet access, because its greatest fear of dissidence comes from now internationally popular Cuban dissident bloggers.⁹ The Government's fears are well founded — those bloggers document for the world the repressive actions of the Government, including its treatment of the Ladies in White.¹⁰ Through the Internet, the Ladies in White and other dissident groups in all parts of the world have begun to resist repression by allowing the international community to witness first hand accounts of repression and injustice.

Part II of this Recent Development provides background information on the Ladies in White, their organization, the individual women, and their mission. Part II also discusses Black Spring, the event that led to the Ladies' formation. It details the arrests of more than seventy-five political

6. *Damas de Blanco Vuelven a Manifestarse*, YOUTUBE, <http://www.youtube.com/watch?v=WQcP-vLIJrY&feature=fvst> (last visited Feb. 6, 2011); see also *Madres de Blanco Sufren Repudio en Cuba - Protesta en Miami Contra Lula da Silva*, YOUTUBE, <http://www.youtube.com/watch?v=KAuIZwuR8sM&feature=related> (last visited Feb. 6, 2011).

7. Fabiola Santiago, *In Exile, a Different Type of Survival Begins*, MIAMI HERALD, July 24, 2010, <http://www.miamiherald.com/2010/07/24/1745610/in-exile-different-type-of-survival.html>; see also *Cuba Agrees to Release 52 Political Prisoners*, BBC NEWS (July 8, 2010), <http://www.bbc.co.uk/news/10547660>.

8. *Web 2.0 Versus Control 2.0*, REPORTERS SANS FRONTIÈRES, Mar. 14, 2010, <http://en.rsf.org/web-2-0-versus-control-2-0-18-03-2010,36697>.

9. See Curt Hopkins, *Leaked: Cuban Government Fears Bloggers More Than Activists*, READWRITEWEB, Dec. 29, 2010, http://www.readwriteweb.com/archives/cuban_government_more_afraid_of_bloggers_than_acti.php.

10. See Yoani Sánchez, *A la espera de órdenes*, GENERACIÓN Y, <http://www.desdecuba.com/generaciony/?p=3709>.

dissidents and independent journalists and their subsequent “trials” and imprisonment. Part III discusses the events of March 17, 2010, and their aftermath. Part IV discusses the importance of an international audience in exercising rights to speech and expression. Part IV also describes Internet access in Cuba and the Internet’s role in creating a worldwide audience for the Ladies’ message. Part V concludes the analysis.

II. THE LADIES IN WHITE

The Ladies in White formed spontaneously in 2003, after a period that has become known in Cuban history as Black Spring (la “Primavera Negra”).¹¹ On March 18, 2003, the Cuban government cracked down on independent journalists and political dissidents on the Island and incarcerated nearly one hundred suspected dissidents.¹² Marta Beatriz Roque, the only woman arrested during Black Spring, believes Black Spring was launched by Fidel Castro in an attempt to negotiate an exchange with the United States for five Cuban spies, who had been recently detained, tried, and convicted for espionage.¹³ Roque postulates that officials were ordered to imprison seventy-five dissidents, fifteen for every Cuban agent in U.S. custody.¹⁴ Many of the arrested were at home with their families when out-of-uniform agents of the Cuban government with guns took them into custody for “committing acts aimed at ‘subverting the internal order of the nation.’”¹⁵ One of the Ladies in White remembers the agents ransacking her apartment for over eight hours, looking for proof of her husband’s alleged crimes.¹⁶ The wave of arrests throughout the Island lasted approximately three days.¹⁷

In early April of 2003, the prisoners were given summary pseudo trials.¹⁸ Closed to the public, the trials lasted only one day, and defendants were unable to present a defense or select a fair jury.¹⁹ The sentences ranged

11. *Las Damas de Blanco*, LAS DAMAS DE BLANCO, http://www.damasdeblanco.com/damas_blanco/damas_blanco.asp (last visited Feb. 6, 2011).

12. *La Primavera Negra del 2003*, LAS DAMAS DE BLANCO, <http://www.damasdeblanco.com/primavera/primavera2003.asp> (last visited Feb. 6, 2011).

13. In 2003, the United States tried and convicted five alleged Cuban spies in the state of Florida who had assumed fake identities to infiltrate Cuban-American dissident groups in Miami, Florida. See Duncan Campbell, *Convicted Cuban ‘spies’ to tell U.S. appeal court they were framed*, GUARDIAN, Apr. 7, 2003, <http://www.guardian.co.uk/world/2003/apr/07/cuba.duncancampbell>.

14. Tracey Eaton, *Black Spring Prisoners Released; Castro Makes an Appearance*, PULITZER CENTER, PULITZER CTR. ON CRISIS REPORTING (Jul. 24, 2010), <http://pulitzercenter.org/blog/untold-stories/black-spring-prisoners-release-castro-makes-appearance>.

15. Carlos Lauria et. al., *Cuba’s Long Black Spring*, COMM. TO PROTECT JOURNALISTS (Mar. 18, 2008), <http://cpj.org/reports/2008/03/cuba-press-crackdown.php>.

16. *Id.*

17. *Id.*

18. *Id.*

19. Marc Lacey, *Cuban Prisoner Releases Shift Focus to Dissidents*, N.Y. TIMES, July 11, 2010,

from six to twenty-eight years in prison.²⁰ While some appealed their sentences, the appeals were denied review by the Government.²¹ In 2004, Amnesty International categorized all those arrested during Black Spring as “prisoners of conscience” and demanded their immediate release.²² Those arrested were charged under either Article 91 of the Cuban Penal Code or Law 88.²³ Article 91 provides for sentences up to twenty years, or death, for anyone “who in the interest of a foreign state, commits an act with the objective of damaging the independence or territorial integrity of the Cuban State.”²⁴ Law 88 was passed in 1996, in response to the United States’ Helms-Burton Act, which tightened restrictions on Cuba.²⁵ Law 88, titled Law for the Protection of National Independence and Economy of Cuba, makes it a crime punishable with long prison sentences to “support United States policy against Cuba,” which includes providing information to the United States, owning, distributing, or reproducing “subversive materials,” and collaborating with media deemed to be assisting U.S. policy.²⁶ Despite Cuba’s overtly oppressive practices, Black Spring received relatively little media attention, “the rest of the world was focused on the invasion of Iraq.”²⁷

Prison conditions for dissidents in Cuba have been universally condemned as harsh and/or inhumane.²⁸ Many of the Black Spring prisoners are kept several miles away from their families, making visits less frequent and in some cases impossible.²⁹ A significant number have developed severe illnesses while in the prison due to poor sanitation, nutrition, and ventilation.³⁰ One prisoner sentenced to twenty years was finally released after

20. *Id.*

21. AMNESTY INT’L, CUBA: ONE YEAR TOO MANY: PRISONERS OF CONSCIENCE FROM THE MARCH 2003 CRACKDOWN 1 (2004), available at <http://www.amnesty.org/en/library/info/AMR25/005/2004>.

22. *Id.*

23. *Id.*

24. Código Penal del Cuba [CÓD. PEN.] art. 91 (1999) (“El que, en interés de un Estado extranjero, ejecute un hecho con el objeto de que sufra detrimento la independencia del Estado cubano o la integridad de su territorio, incurre en sanción de privación de libertad de diez a veinte años o muerte.”), available at <http://www.ruleoflawandcuba.fsu.edu/law-penal-code.cfm>.

25. AMNESTY INT’L, RESTRICTIONS ON FREEDOM OF EXPRESSION IN CUBA 15 (2010), available at <http://www.amnesty.org/en/library/asset/AMR25/005/2010/en/62b9caf8-8407-4a08-90bb-b5e8339634fe/amr250052010en.pdf>

26. Law 88, For the Protection of National Independence and the Economy of Cuba, published in the Official Gazette of the Republic of Cuba, Special Edition, Number 1, dated 15 March 1999. See AMNESTY INT’L, *supra* note 21.

27. Gry Whitner, *Las Damas de Blanco*, Trailer, available at <http://zoevaldes.net/2009/04/16/las-damas-de-blanco-documental-de-gry-whitner/>.

28. AMNESTY INT’L, *supra* note 21, at 2; HUMAN RIGHTS WATCH, NEW CASTRO, SAME CUBA, NOV. 18, 2009, available at <http://www.hrw.org/en/reports/2009/11/18/new-castro-same-cuba>; Jorge G. Castañeda, *Engaging Cuba on Human Rights*, WALL ST. J., Nov. 19, 2009, <http://online.wsj.com/article/SB10001424052748704204304574543731928423624.html?KEYWORDS=engaging+cuba+in+human+rights>.

29. HUMAN RIGHTS WATCH, *supra* note 28.

30. See María Salazar, *The Imprisoned*, COMM. TO PROTECT JOURNALISTS, Mar. 3, 2008, <http://cpj.org/reports/2008/03/prison-caps.php>.

spending a year in the hospital suffering from hypertension and diabetes.³¹ Others have suffered from malnutrition, chronic pneumonia, emphysema, severe allergies, digestive problems, and circulatory diseases, among other ailments.³² According to statements made by released prisoners, “the drinking water is contaminated with fecal matter and the food with worms.”³³ Those who complain are often placed in considerably smaller isolation cells.³⁴ Many of the prisoners have gone on hunger strikes to protest unfair treatment and prison conditions.³⁵ The hunger strikes have also brought international attention to Cuban dissidents’ cause.³⁶ Early in 2010, Orlando Zapata Tamayo, one of the arrested dissidents, died in a Cuban prison from the effects of a hunger strike and lack of appropriate medical attention.³⁷ There is, however, no official report on prison conditions, as the Cuban government refuses to allow members of the International Committee of the Red Cross to visit its prisons.³⁸

Before Black Spring, most of the mothers, sisters, wives, aunts, and grandmothers who make up the Ladies in White were not politically involved or engaged in opposition movements.³⁹ The women, for the most part, did not know each other.⁴⁰ The housewives, lawyers, nurses, teachers, and other professionals came together in the wake of Black Spring to peacefully denounce the unjust incarceration of their husbands, sons, fathers, brothers, and nephews.⁴¹ Every week since coming together, the Ladies in White, who range in age from late twenties to early eighties, attend mass at a local Catholic church and then march through the streets of Havana, dressed completely in white and carrying flowers and photographs of their imprisoned loved ones and the number of years to which they were sen-

31. M. Vicent, *El Gobierno Cubano Libera a La Disidente Marta Roque*, EL PAIS, Jul. 23, 2004, http://www.elpais.com/articulo/internacional/Gobierno/cubano/libera/disidente/Marta/Roque/elpepiint/20040723elpepiint_16/Tes.

32. María Salazar, *supra* note 30.

33. See Lauria et. al., *supra* note 15.

34. *Id.*

35. Marc Lacey, *Dissident's Death Ignites Protest Actions in Cuba*, N.Y. TIMES, Feb. 26, 2010, http://www.nytimes.com/2010/02/27/world/americas/27cuba.html?_r=1&scp=15&sq=cuban%20prisons&st=cse.

36. Jeff Franks, *Cuba Dissident Group Starts 'Black Spring' Protest*, REUTERS, Mar. 15, 2010, <http://www.reuters.com/article/2010/03/15/idUSN15244139>. (“The two [hunger strike] cases have brought calls for Cuba to release its estimated 200 political prisoners and renewed condemnation from the United States and Europe.”).

37. *Id.* Ironically, while the Cuban government did not release any information about Zapata’s death to the Cuban newspapers, it released an article in the *Granma* (the government supported newspaper of Cuba) of deplorable prison conditions in the United States the week of Zapata’s death.

38. Marc Lacey, *Cuban Prisoner Releases Shift Focus to Dissidents*, N.Y. TIMES, Jul. 11, 2010, <http://www.nytimes.com/2010/07/12/world/americas/12cuba.html>.

39. Laura García Freyre, *De La Iglesia A La Plaza: Las Damas De Blanco Y La Lucha Por El Espacio Público en la Habana* 286 (2008), <http://lanic.utexas.edu/project/asce/pdfs/volume18/pdfs/garciafreyre.pdf>.

40. *Id.*

41. *Fearsome Ladies: The Women Who Scare Castro*, WALL ST. J., Mar. 23, 2010, at A20, available at <http://online.wsj.com/article/SB10001424052748704207504575129970538972534.html>.

tenced to incarceration by the Cuban government.⁴² The purpose of the protest is to create a peaceful but powerful demand for the release of their loved ones and democratic change in Cuba.⁴³ The Ladies in White have received a considerable amount of recognition from across the globe, including being awarded the 2005 Sakharov Prize for Freedom of Thought.⁴⁴

III. MARCH 17, 2010

On March 17, 2010, the Ladies in White attended mass in Párraga, in the southern part of Havana, and began to march in memory of the fifty-three remaining incarcerated political prisoners from Black Spring and the recent death of Orlando Zapata.⁴⁵ The women marched to the Cuban Journalist Union (la “Unión de Periodistas de Cuba”), in what the leader of the Ladies in White, Laura Pollán, stated was an attempt to draw attention to their cause.⁴⁶ The thirty women were soon surrounded by an estimated crowd of over two hundred people, consisting of agents and supporters of the Cuban government.⁴⁷ While the Ladies in White shouted phrases such as “freedom” and “Zapata lives,” they were met with insults and chants of Cuban government officials and supporters, such as “worms, get out of here” and “these streets belong to Fidel.”⁴⁸ The march was violently interrupted, and the women were eventually all forced onto buses by Government officials and driven away from the scene.⁴⁹ Photos taken during the incident show two women being dragged by their hands and another being immobilized by her neck as a member of the Ministry of the Interior forces her onto one of the buses.⁵⁰ Several of the women, including the mother of the recently deceased Orlando Zapata, received medical attention at a hospital after the event.⁵¹ While none of the injuries appeared life-threatening, five women were x-rayed, several treated for minor injuries, and one referred to surgery for a possible contusion close to the brain.⁵² According to one of

42. *Actividades*, DAMASDEBLANCO.COM, <http://www.damasdeblanco.com/actividades/actividades.asp> (last visited Feb. 6, 2011).

43. *Id.*

44. *Ladies, Ibrahim and Reporters Joint Sakharov Prize Winners*, EUROPEAN PARLIAMENT, June 27, 2006, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+IM-PRESS+20051017FCS01528+0+DOC+XML+V0//en>. The Ladies shared the award, which recognizes achievements in human rights and development of democracy, among other things, with Nigerian human rights lawyer Hauwa Ibrahim, and with Reporters without Borders.

45. Juan O. Tamayo, *Brutal Atropello Contra Las Damas de Blanco*, EL NUEVO HERALD, Mar. 18, 2010, <http://www.elnuevoherald.com/2010/03/18/677260/damas-de-blanco-detenidas-por.html>.

46. *Nuevo Acto de Repudio Contra Las Damas*, EL NUEVO HERALD, Mar. 17, 2010, <http://www.elnuevoherald.com/2010/03/17/v-print/676845/nuevo-acto-de-repudio-contra-las.html#ixzz12UO1ra9x>.

47. Tamayo, *supra* note 45.

48. *Nuevo Acto de Repudio Contra Las Damas*, *supra* note 46.

49. Tamayo, *supra* note 45.

50. *Id.*

51. *Id.*

52. *Id.*

the Ladies, she and several other women were assaulted by Government Security Officers.⁵³ She also recalls that obscenities were shouted at her and the other Ladies in White as she was dragged onto the bus by her hair.⁵⁴ The buses chartered by Cuban police took the women back to Pollán's house, where they were dropped off and forced to discontinue their march.⁵⁵ Pollán called the forced bus ride equivalent to a kidnapping.⁵⁶

The Cuban government claimed it was simply keeping the peace that "mercenaries working for the United States and other enemies" threatened to disrupt.⁵⁷ After videos of the event made their way onto the Internet and reached the international community, the Cuban government released statements vowing to resist international pressure and refused to change its treatment of opponents.⁵⁸ In the midst of all the violence they encountered, the Ladies in White did not retaliate. Armed solely with their words and pleas for the release of their loved ones and freedom for the Cuban nation, they responded that they did not fear the continued attacks of the totalitarian regime and they would continue their peaceful demonstrations until circumstances in Cuba changed.⁵⁹

Many in the international community condemned the Cuban government's treatment of the Ladies in White. United States President Barack Obama, in his harshest criticism of the Castro regime, stated that Cuban officials had used "a clenched fist" against "those who dared to give voice to the desires of their fellow Cubans" and stated that he "join[ed] his voice with the brave individuals across Cuba . . . calling for an end to the repression [and] for the immediate, unconditional release of all political prisoners."⁶⁰ Amnesty International demanded that the Cuban government "stop repressing legitimate dissidents and harassing those who are only asking for justice and the right to exercise their freedom of expression."⁶¹ Twelve European rights organizations followed suit, demanding more freedom in Cuba and condemning the Government's treatment of the Ladies in White.⁶² Support for the Ladies in White was also visible across several cities in the United States, as women, men, children, and students dressed in white and marched throughout the country about a week after the Ladies

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. Israel, *supra* note 1.

58. *Id.*

59. Carlos Batista, *Damas de Blanco Finalizan Jornada de Protestas*, EL NUEVO HERALD, Mar. 22, 2010, <http://www.elnuevoherald.com/2010/03/22/v-print/679715/damas-de-blanco-finalizan-jornada.html#ixzz12UMve9bo>.

60. Juan O. Tamayo, *Obama Toughens His Stance Over Cuba's Crackdowns*, MIAMI HERALD, Mar. 24, 2010, <http://www.miamiherald.com/2010/03/24/1546031/obama-toughens-his-stance-over.html>.

61. Juan O. Tamayo, *No Backing Down for Ladies in White Protesters in Cuba*, MIAMI HERALD, Mar. 18, 2010, <http://www.miamiherald.com/2010/03/18/v-print/1536792/no-backing-down-for-ladies-in.html#ixzz12UGIQ0ES>.

62. *Id.*

were assaulted.⁶³ Marches took place in Los Angeles, New York, Miami, Washington D.C., and Cambridge, Massachusetts, and were led by prominent citizens and artists, such as Andy Garcia, Gloria Estefan, and George Lopez.⁶⁴ The marches received significant media coverage from both newspapers and local broadcast channels.⁶⁵

On March 18, 2010, just one day after being violently forced off the streets of Havana, the Ladies in White resumed their march, commemorating the seven year anniversary of Black Spring and demanding again the release of their loved ones along with the end of the tyrannous Government regime.⁶⁶ The women claimed they would not back down despite the Government's threats of violence towards them and their imprisoned loved ones.⁶⁷ While they again met with opposition from the Cuban government's agents and followers, there was no violence.⁶⁸ On Sunday, March 21, 2010, the Ladies in White culminated their weeklong protest.⁶⁹ Pollán publicly stated that she wished this would be the last anniversary they protested the incarceration of their loved ones, as she hoped they would be free by next year.⁷⁰

While the level of violence used against the Ladies during the events of March 17th has not been repeated, in April 2010, the Ladies in White were prevented for two consecutive weeks from marching.⁷¹ The women were surrounded by Government officials and activists, and after a three-hour

63. Deborah Belgum et. al., *Apoyo De Costa a Costa a Las Damas de Blanco*, EL NUEVO HERALD, Mar. 29, 2010, <http://www.elnuevoherald.com/2010/03/28/v-print/685081/damas.html#ixzz12UDp6YhR>. (describing protests taking place in Los Angeles, Miami, and New York. Other protests occurred at Harvard University in Cambridge, Massachusetts). See also Juan Carlos Chavez, *Miami Alza Su Voz Por Cuba*, EL NUEVO HERALD, Mar. 26, 2010, <http://www.elnuevoherald.com/2010/03/26/v-print/682702/una-marcha-por-la-libertad.html#ixzz12UFdqoLA>.

64. See Belgum et. al., *supra* note 63; see also Chavez, *supra* note 63.

65. See Belgum et. al., *supra* note 63; see also *Thousands March with Gloria Estefan on Calle Ocho for Ladies in White*, YOUTUBE, <http://www.youtube.com/watch?v=yFrEBbOOCuA> (last visited Feb. 22, 2010); see also *Andy Garcia Marched in Support of the Ladies in White Pro Cuba Los Angeles*, YOUTUBE, http://www.youtube.com/watch?v=MFID_b17pcw (last visited Feb. 22, 2010); see also *Thousands March to Support 'Ladies in White'*, LOCAL10.COM (Mar. 26, 2010), <http://www.local10.com/community/22951554/detail.html>; see also Elizabeth Llorente, *North Jersey Cuban Exiles Prepare for Weekend March*, NORTHJERSEY.COM (Apr. 19, 2010), http://www.northjersey.com/news/041910_North_Jersey_Cuban_exiles_prepares_for_weekend_march.html; see also *Thousands Rally in L.A., N.Y. to Support Cuba's 'Ladies in White'*, MIAMI HERALD, Mar. 28, 2010, <http://www.miamiherald.com/2010/03/28/1552743/a-show-of-unity.html>; see also Luisa Yanez et. al., *Led By Gloria Estefan, Thousands March in Miami to Support Cuba's Ladies in White*, SUN SENTINEL, Mar. 26, 2010, http://articles.sun-sentinel.com/2010-03-26/news/fl-estefan-rally-miami-20100325_1_gloria-estefan-dissidents-orlando-zapata-tamayo.

66. Tamayo, *No Backing Down*, *supra* note 61.

67. *Id.*

68. *Id.*

69. Carlos Batista, *Damas de Blanco Finalizan Jornada de Protestas*, EL NUEVO HERALD, Mar. 22, 2010, <http://www.elnuevoherald.com/2010/03/22/v-print/679715/damas-de-blanco-finalizan-jornada.html#ixzz12UMve9bo>.

70. *Id.*

71. Juan O. Tamayo, *Impiden Protesta de Damas de Blanco en Cuba*, EL NUEVO HERALD, Apr. 19, 2010, <http://www.elnuevoherald.com/2010/04/19/699657/impiden-protesta-de-damas-de-blanco.html#ixzz12U9AmasU>.

impasse, the Ladies were again forced to mount a bus that escorted them away from the streets they planned to march.⁷² Despite their struggles, the Ladies in White continue their efforts to free their loved ones and gain political freedom in Cuba,⁷³ and have recently met with significant success.⁷⁴

Recent efforts through the Catholic Church and the Vatican, coupled with the recent growth in media attention to the Ladies and their cause by human rights organizations around the world, have led to positive results.⁷⁵ After repeated conversations with Catholic Cardinal Jaime Ortega and pressures from the international community, the Cuban government agreed to release fifty-two political prisoners of the seventy-five originally incarcerated during Black Spring in 2010 and have continued to slowly release prisoners since.⁷⁶ However, the Government conditioned the prisoners' release on their exile to Spain.⁷⁷ A handful of prisoners refused to accept exile and remain imprisoned or under house arrest.⁷⁸

As one of the few, if not the only, non-governmental, independent, national organizations allowed by the regime to operate on the Island, the Catholic Church in Cuba has unique access to both dissident groups and governmental officials.⁷⁹ While some have praised the Church for opening a new space for political discourse, others have taken a more skeptical approach, voicing concern that the Government is simply using the Church as a propaganda tool to legitimize meager changes in an otherwise continuously repressive regime.⁸⁰ Indeed, even within the opposition there has

72. *Id.*

73. Juan Carlos Chavez, *Damas de Blanco Entregan Nueva Lista de 113 Presos*, EL NUEVO HERALD, Oct. 10, 2010, <http://www.elnuevoherald.com/2010/10/14/819635/damas-de-blanco-entregan-nueva.html#ixzz12U1a5rYc>.

74. *Cardenal Asegura a Las Damas Que Presos Serán Liberados*, EL NUEVO HERALD, Nov. 13, 2010, <http://www.elnuevoherald.com/2010/11/13/837263/cardenal-asegura-a-las-damas-que.html>.

75. *Id.*

76. *Id.*; see *At Church's Urging, Cuba Frees 7 More Dissidents*, N.Y. TIMES, Feb. 19, 2011, <http://www.nytimes.com/2011/02/20/world/americas/20cuba.html?scp=2&sq=cuba&st=cse>.

77. *Cardenal Asegura a Las Damas Que Presos Serán Liberados*, *supra* note 74.

78. *Id.*; Isabel Sánchez & Rigoberto Díaz, *En libertad otros dos opositores de los 75*, EL NUEVO HERALD, Feb. 13, 2011, <http://www.elnuevoherald.com/2011/02/12/885640/en-libertad-otros-dos-opositores.html>.

79. Juan O. Tamayo, *Is Raul Castro Taking in Church Talks?*, MIAMI HERALD, May 26, 2010, <http://www.miamiherald.com/2010/05/26/1648161/is-castro-taking-risk-in-church.html>; see also *Cuba: Laura Pollán, the Ladies in White — Freedom, Not Exile — English/Español*, YOUTUBE, <http://www.youtube.com/user/HumanRightsFdn> (last visited Feb. 6, 2011) (Laura Pollán asks: "If not the Catholic Church then who? The [Communist] youth? The [Communist] party? The [Communist] federation? The Committees for Defense of the Revolution?"); see also Bert Hoffman, *Civil Society 2.0?: How the Internet Changes State-Society Relations in Authoritarian Regimes: The Case of Cuba* 8 (2011), available at http://www.giga-hamburg.de/dl/download.php?d=/content/publikationen/pdf/wp156_hoffmann.pdf. The Catholic Church is one of the few organizations in Cuba outside of State controlled organizations that was allowed by the regime to maintain a national infrastructure and produce media for internal circulation.

80. Tamayo, *supra* note 79. See also Anolan Ponce, *Lo Que El 2010 Le Concedió a los Castro: ¡Piña, Mamey y Zapote!*, DIARIO LAS AMERICAS, Jan. 11, 2011, <http://www.diariolasamericas.com/noticia/114694/lo-que-el-2010-le-concedi%C3%B3-a-los-castro-api%C3%B1a-mamey-y-zapote> (discussing the role of the Cardinal Jaime Ortega in lobbying the European Union to change its position on relations with

been disagreement as to the Catholic Church's role. Laura Pollán, spokeswoman for the Ladies in White in Cuba and the wife of Hector Maseda Gutierrez, one of the prisoners who refused to accept exile to Spain, praised the Church's role in releasing political prisoners, stating that "in Cuba, there is no better mediator."⁸¹ But, in August of 2010, one hundred and sixty-five Cuban dissidents sent Pope Benedict XVI an open letter criticizing the "lamentable" and "embarrassing" role of the Catholic Church in working with the Cuban government to exile dissidents to Spain, calling for an immediate end to what they characterized as the Church's collusion with the Government.⁸²

Notwithstanding the polarized opinions among the dissident community regarding the Catholic Church's involvement, the Ladies in White continue to meet with officials in the Church and say they remain hopeful about the release of the remaining prisoners.⁸³ Due to their continued relentless efforts, peaceful methods of petitioning the Cuban government for human rights, and recent media attention they gained in Spring of 2010, the Ladies' movement has garnered international attention and support, most recently including a nomination in 2011 for the Nobel Peace Prize.⁸⁴

IV. OVERCOMING STATE CENSORSHIP THROUGH THE INTERNET

In the decade since the Internet's arrival in Cuba, it has become a haven for autonomous citizen action and robust public debate in a country where the government welcomes public forums only insofar as the speech supports the goals and aims of the Cuban Revolution.⁸⁵ The Internet allows citizens

Cuba known as the *Posición Común*, which has been in place since 1996, given Cuba's improvement with regard to human rights and democracy. Cuban representatives, including the Cardinal, have been unable to garner the unanimous vote of all member states necessary to change the policy, even after exiling several of the Black Spring prisoners to Spain); see also Anolan Ponce, *El Embargo, La Posición Común, y Cuatro Teorías Fútiles*, Oct. 7, 2010, <http://www.diariolasamericas.com/noticia/108726/el-embargo-la-posicion-comun-y-cuatro-teorias-futiles>.

81. *Cuban: Laura Pollán, the Ladies in White — Freedom, Not Exile — English/Español*, *supra* note 79.

82. Alberto de la Cruz, *Cuban Dissidents Write an Open Letter to the Pope*, BABALÚ (Aug. 22, 2010), <http://babalublog.com/2010/08/cuban-dissidents-write-an-open-letter-to-the-pope/>.

83. *Id.*

84. Ariel Hidalgo, *El Nobel de la Paz Para Las Damas de Blanco*, EL NUEVO HERALD, Apr. 9, 2010, <http://www.elnuevoherald.com/2010/04/09/v-print/692630/ariel-hidalgo-el-nobel-de-la-paz.html#ixzz12U9kkkxS>. The Nobel Peace Prize was created in 1895 by Alfred Nobel, a wealthy Swedish inventor, who left the largest share of his fortune in his last will and testament to create international prizes for excellence in chemistry, physics, medicine, literature, and peace. The Nobel Peace Prize has been awarded almost on a yearly basis since 1901 to "the person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses." Ninety-one prizes have been awarded since 1901. Recipients of the Nobel Peace Prize have included American Civil Rights leader Martin Luther King, Jr., Kofi Annan and the United Nations, and Chinese dissident Liu Xiaobo. See *Facts on the Nobel Peace Prize*, NOBELPRIZE.ORG, http://nobelprize.org/nobel_prizes/peace/shortfacts.html (last visited Feb. 26, 2011).

85. Hoffman, *supra* note 79, at 13–14; CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CUBA DE 1976 art. 39 ("The state orients, foments and promotes education, culture and science in all their manifestations. Its educational and cultural policy is based on the following principles: . . . d) there is

to escape the grip of the regime and create a new public sphere for uncensored debate.⁸⁶ Through the Internet, the Ladies in White's message is spread throughout the world by third-party users.

A) *International Protection for Freedom of Speech and Expression on the Internet*

The right to express, speak and spread a message is a right long recognized internationally.⁸⁷ Freedom of speech has often been interpreted as the right to be heard.⁸⁸ The Universal Declaration of Human Rights states, "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."⁸⁹

In recent years, international organizations have also recognized the need to extend the protections for freedom of opinion and expression to the Internet. United Nations Educational, Scientific and Cultural Organization ("UNESCO")⁹⁰ addressed the importance of extending guarantees of freedom of expression to the Internet in its 2003 "Recommendation Concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace."⁹¹ UNESCO called on member states to "recognize and support universal access to the Internet as an instrument for promoting the realization of the human rights."⁹² Emphasizing the Internet's growing

freedom of artistic creation as long as its content is not contrary to the Revolution. There is freedom of artistic expression."); CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CUBA DE 1976 art. 53 ("Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. Material conditions for the exercise of that right are provided by the fact that the press, radio, television, cinema, and other mass media are state or social property and can never be private property. This assures their use at exclusive service of the working people and in the interests of society.").

86. Hoffman, *supra* note 79, at 13–14; CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CUBA DE 1976 art. 39; CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CUBA DE 1976 art. 53.

87. UNESCO CONST., art. 10; U.S. CONST. amend. I; Resolution on the Right to Freedom of Opinion and Expression, G.A. Res. 12/16, ¶ 1, U.N. Doc. A/HRC/RES/12/16 (Oct. 12, 2009), available at <http://www.icj.org/IMG/G0916689.pdf>; AMNESTY INT'L, *supra* note 25, at 24 (2010).

88. See CHARLES FRIED, SAYING WHAT THE LAW IS 81 (2005); see also J. SCOTT HARR & KÄREN HESS, CONSTITUTIONAL LAW AND THE CRIMINAL JUSTICE SYSTEM 129 (2008).

89. Universal Declaration of Human Rights, G.A. Res. 217A, ¶ 19, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948), available at <http://www.un.org/en/documents/udhr/index.shtml>; see also *Member States of the United Nations*, UNITED NATIONS, <http://www.un.org/en/members/> (last visited Feb. 22, 2011). Cuba was a member state of the United Nations in 1948 when the declaration was adopted.

90. UNESCO CONST., art. 10 ("This Organization shall be brought into relation with the United Nations Organization, as soon as practicable, as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations."). The Preamble of the UNESCO Constitution affirms "that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern."

91. *Recommendation Concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace*, UNESCO, Oct. 15, 2003, available at http://portal.unesco.org/en/ev.php-URL_ID=17717&URL_DO=DO_TOPIC&URL_SECTION=201.html.

92. *Id.*

role in “empowering citizenship and civil society,” UNESCO called on its 193 member states to adopt policies that promote access to the Internet,⁹³ facilitate universal affordable access to the Internet,⁹⁴ and encourage the establishment of inter- and intranet networks.⁹⁵ Cuba, a member state of UNESCO since 1947,⁹⁶ is among the 182 UNESCO member states that maintain a permanent delegation in Paris, where the organization’s headquarters are located. It has also designated several state ministries within the Island to collaborate with UNESCO on the organization’s work.⁹⁷ However, in 2007, when UNESCO published the first report on member states’ implementation of the UNESCO recommendations, Cuba was not among the thirty-two states that submitted reports on improvements to universal Internet access.⁹⁸

The UN Human Rights Council has also been working to ensure freedom of speech on the Internet in recent years. In October 2009, Cuba was a member of the UN Human Rights Council, which adopted by consensus the “Resolution on the Right to Freedom of Opinion and Expression.”⁹⁹ The resolution reaffirmed the member countries’ commitment to ensuring for their citizens the rights contained in Article 19 of the International Covenant on Civil and Political Rights (“ICCPR”), which guarantees freedom of opinion¹⁰⁰ and expression.¹⁰¹ The 2009 Resolution deemed such freedoms an “important indicator of the level of protection of other human rights and freedoms.”¹⁰² More importantly, the resolution recognized the importance of the Internet, among other forms of media, “in the exercise, promotion and protection of the right to freedom of opinion and expres-

93. *Id.*

94. *Id.*

95. *Id.*

96. *Member States of UNESCO*, UNESCO, <http://erc.unesco.org/portal/UNESCOMemberStates.asp?language=en> (last visited Feb. 22, 2011).

97. *Education Ministries*, UNESCO, <http://erc.unesco.org/portal/Ministries.asp?region=2&language=en> (last visited Feb. 22, 2011) (Cuba has designated the Ministry of Exterior Relations, Ministry of Superior Education, Ministry of Education and Ministry of Culture as the designated ministries within Cuba to work with UNESCO in carrying out organization’s missions on the island.).

98. UNESCO, *First Consolidated Report to the General Conference on the Measures Taken by Member States for the Implementation of the Recommendation Concerning the Promotion and Use of the Multilingualism and Universal Access to Cyberspace* 2, 5 (Jul. 20, 2007), available at <http://unesdoc.unesco.org/images/0015/001519/151952e.pdf>. Originally, 23 states submitted reports.

99. Resolution on the Right to Freedom of Opinion and Expression, *supra* note 86; AMNESTY INT’L, *supra* note 86.

100. *Id.*; International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), ¶ 19(1) (“Everyone shall have the right to hold opinions without interference.”).

101. Resolution on the Right to Freedom of Opinion and Expression, *supra* note 86, at ¶ 1; International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) art. 19(2) (“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”). The ICCPR was adopted by the UN General Assembly on December 16, 1966. In 2008, Cuba signed the ICCPR. See AMNESTY INT’L, *supra* note 87, at 23.

102. Resolution on the Right to Freedom of Opinion and Expression, *supra* note 87, at ¶ 1.

sion.”¹⁰³ While Cuba never ratified the ICCPR, in 2008, it became a signatory, which requires it “not to defeat the object and purpose” of the ICCPR.¹⁰⁴

In the United States, the Obama administration identified Internet freedom as a foreign policy objective.¹⁰⁵ In a January 2010 speech, Secretary of State Hillary Clinton discussed the importance of freedom on the Internet and the Internet’s role in spreading information around the globe in real time.¹⁰⁶ Secretary Clinton affirmed, amidst growing censorship on the Internet, that the United States “stand[s] for a single internet where all of humanity has equal access to knowledge and ideas.”¹⁰⁷ More recently in 2011, Secretary Clinton confirmed the United States’ commitment to “help people in oppressive Internet environments get around filters, stay one step ahead of the censors, the hackers and the thugs who beat them up or imprison them for what they say online.”¹⁰⁸ In February 2011, the Obama administration announced a new policy on Internet freedom that would focus on helping dissidents circumvent government imposed barriers in cyberspace and make it harder for totalitarian governments to use those barriers to suppress dissent.¹⁰⁹ The United States also has a long tradition of reaffirming the First Amendment right to expression and speech. Public forum cases assert that citizens not only have the right to speak freely, but also the right to do so in forums traditionally dedicated to the public where public debate generally occurs, such that they may be heard.¹¹⁰ These forums have included public parks,¹¹¹ public streets,¹¹² mailboxes,¹¹³ and doorsteps.¹¹⁴ The U.S. Supreme Court has wisely recognized that speech without access to an audience is worthless.¹¹⁵

103. *Id.* at ¶ 2.

104. AMNESTY INT’L, *supra* note 25, at 24–25.

105. See *Internet Freedom*, AMERICA.GOV, <http://www.america.gov/internet-freedom.html> (last visited Feb. 7, 2011).

106. Hillary Rodham Clinton, Sec’y of State, US State Dep’t, Address at The Newseum on Internet Freedom (Jan. 21, 2010), available at <http://www.america.gov/st/texttrans-english/2010/January/20100121142618eafas0.6585352.html> (“The spread of information networks is forming a new nervous system for our planet.”) The United States is not alone in protecting freedom on the Internet. In 2009, Constitutional Council, France’s highest court, declared that Internet access was a fundamental human right when it struck down a “three-strikes and you’re out” anti-piracy law. See Charles Bremmer, *Top French Court Rips Heart Out of Sarkozy Internet Law*, TIMES, Jun. 11, 2009, http://technology.timesonline.co.uk/tol/news/tech_and_web/article6478542.ece.

107. Clinton, *supra* note 106.

108. Mark Landler & Brian Knowlton, *U.S. Policy to Address Internet Freedom*, N.Y. TIMES, Feb. 14, 2011, http://www.nytimes.com/2011/02/15/world/15clinton.html?_r=1&emc=eta1.

109. *Id.*

110. *Hague v. CIO*, 307 U.S. 496 (1939).

111. *Id.*

112. *Cox v. Louisiana*, 379 U.S. 536, 554 (1965).

113. *Lamont v. Postmaster General*, 381 U.S. 301 (1965).

114. *Watchtower Bible & Tract Society v. Stratton*, 536 U.S. 150 (2002); *Martin v. Struthers*, 319 U.S. 141 (1943).

115. See *First Nat’l Bank v. Bellotti*, 435 U.S. 765 (1978).

Recent events across the world have demonstrated the power of the Internet and online social media sites at promoting speech and providing a platform for citizens and dissidents reporting events or getting their message across. For instance, in Egypt and Tunisia, citizens used Twitter to organize protests throughout the country.¹¹⁶ Facebook groups have recently mobilized protesters in countries like Algeria, Bahrain, Morocco, and Syria.¹¹⁷ Other reports indicate that similar events have occurred in Haiti, Chile, and Iran.¹¹⁸ The government in Egypt, realizing the power of the mediums, responded by blocking Twitter, then Facebook, and eventually the Internet.¹¹⁹ While the Internet was restored a few days later,¹²⁰ it is evident the Egyptian government, like the Cuban government,¹²¹ came to witness first hand the power of the Internet in providing an audience to those the government wishes to silence.

B) Internet Access in Cuba

Cuba was the last country in Latin America to join the Internet community,¹²² and it was not until March 2008 that Raul Castro eased some restrictions on technology in Cuba and finally authorized the sale of computers and cellular service to civilians.¹²³ Despite being allowed to purchase these technologies, computers and cell phones remain out of reach for most Cuban citizens, who make an average monthly salary of eighteen U.S. dollars a month.¹²⁴ Furthermore, the Government, in response to the postings of some dissident bloggers, has severely restricted access to the Internet such that only government employees, researchers, and academics are allowed their own Internet accounts, with limited access to sites outside of the Island.¹²⁵ Cuban citizens are allowed to have an email account, which is accessible from various post office locations, but are denied access

116. Cara Parks, *What's Going On In Egypt?*, HUFFINGTON POST (Feb. 1, 2011), http://www.huffingtonpost.com/2011/01/28/whats-going-on-in-egypt_n_815734.html.

117. Jennifer Preston, *Facebook Officials Keep Quiet on Its Role in Revolts*, N.Y. TIMES, Feb. 14, 2011, <http://www.nytimes.com/2011/02/15/business/media/15facebook.html?emc=eta1>.

118. Anand Giridharadas, *Who Is Bearing Witness to the Revolution*, N.Y. TIMES, Feb. 11, 2011, <http://www.nytimes.com/2011/02/12/world/middleeast/12iht-currents12.html?ref=twitter>.

119. Parks, *supra* note 116.

120. *Egypt internet comes back online*, BBC NEWS (Feb. 2, 2011), <http://www.bbc.co.uk/news/technology-12346929>.

121. See Hopkins, *supra* note 9.

122. Hoffman, *supra* note 79, at 6. When the Internet did arrive in Cuba, it was only for use by official institutions and state companies.

123. Marc Lacey, *Cuba: Cell Phones for Anyone*, N.Y. TIMES, Mar. 29, 2008, http://www.nytimes.com/2008/03/29/world/americas/29briefs-CELLPHONESFO_BRF.html?scp=1&sq=Cuba%20cell%20phones&st=cse; Raul Castro, *Cubans Can Have Cell Phones*, CBS NEWS (Mar. 28, 2008), <http://www.cbsnews.com/stories/2008/03/28/world/main3977286.shtml>.

124. *Background Note: Cuba*, U.S. DEP'T STATE, <http://www.state.gov/r/pa/ei/bgn/2886.htm> (last visited Feb. 6, 2011).

125. Ray Sanchez, *Cuba Cutting Internet Access*, SUN SENTINEL, May 7, 2009, <http://www.sun-sentinel.com/news/nationworld/sfl-cuba-internet-cutoff-050709,0,4376220.story>.

to the Internet overall.¹²⁶ Tourists may access the Internet at hotels, but are still subject to restrictions.¹²⁷ In an attempt to capture dissident bloggers who used hotel Internet services, the Government enacted a new resolution barring Cuban civilians from using hotel Internet services in 2009.¹²⁸ Bloggers, therefore, do not have direct access to their blogs, and no blogs are hosted inside the country.¹²⁹ Furthermore, Internet access is prohibitively expensive, at five U.S. dollars for half an hour.¹³⁰ For a short period of time, in February 2011, the Cuban government unblocked many of these blogs and allowed access throughout the Island.¹³¹ The Government's easing coincides with an international computer science conference hosted in Cuba, and many expect access to end with the conference or shortly thereafter.¹³²

While only fourteen percent of the Cuban population has access to the Internet, the number has increased significantly since 2006, when less than two percent of the population had access.¹³³ In January 2010, Reporters sans Frontières ("RSF") reported that Cuba had increased its Internet connection capacity by ten percent through an improved satellite link, but that the Government had affirmed it would not continue to expand capacity.¹³⁴ RSF reported that "in reality, access is still reserved for a privileged few" and "the government's priority is still total control of information."¹³⁵ RSF further reported that posting content deemed by government officials to be "counterrevolutionary" is punishable by up to twenty years in prison, and connecting to the Internet illegally is punishable by up to five years in prison.¹³⁶ Recently, the Cuban government has responded to the loss of control over information outside the country by cracking down on some of the most popular Cuban independent journalists and bloggers.¹³⁷ Blogger

126. *Id.*

127. *Id.*; *Communications in Cuba*, CIA FACTBOOK, <https://www.cia.gov/library/publications/the-world-factbook/geos/cu.html> (last visited Feb. 6, 2011).

128. Sanchez, *supra* note 125.

129. *Internet Enemies — Cuba*, REPORTERS SANS FRONTIÈRES, <http://en.rsf.org/internet-enemies-cuba,36678.html> (last visited Feb. 6, 2011).

130. *Id.*

131. *Gobierno de la isla entre los 10 mayores opresores de internet*, EL NUEVO HERALD, May 3, 2011, <http://www.elnuevoherald.com/2011/05/02/933998/gobierno-de-la-isla--entre-los.html>; Nelson Acosta & Esteban Israel, *Cuba unblocks access to controversial blog*, REUTERS, Feb. 8, 2011, <http://www.reuters.com/article/2011/02/08/us-cuba-blogger-idUSTRE7175YG20110208>; Raúl Castro ordena desbloquear blogs, incluido el de Yoani Sánchez, EL ESPECTADOR.COM, Feb. 14, 2011, <http://www.elespectador.com/noticias/elmundo/articulo-250920-raul-castro-ordena-desbloquear-40-blogs-incluido-el-de-yoani-san>.

132. Acosta & Israel, *supra* note 131.

133. *Cuba*, INTERNET WORLD STATS, <http://www.internetworldstats.com/car/cu.htm> (last visited Feb 6, 2011).

134. *Internet Enemies — Cuba*, *supra* note 129.

135. *Id.*

136. *Id.*

137. *Internet Enemies — Cuba*, *supra* note 129; see also Hoffman, *supra* note 79, at 6 ("Since then, computer use and digital communication technologies have spread, but controlling and limiting access to the Internet and web-based media has been a crucial concern for state authorities."). See also Juan O.

Yoani Sánchez, writer of the “Generación Y” blog,¹³⁸ and winner of several human rights awards and Time magazine 2008’s 100 most influential people award, has been harassed, defamed, and her husband threatened as a result of her blogging activities.¹³⁹ RSF also reported the assault of blogger Orlando Luis Pardo and the house arrest of another blogger, Luis Felipe Rojas.¹⁴⁰

Despite holding a monopoly over media,¹⁴¹ the Cuban government has not been able to completely deny Internet access, as resourceful Cubans work their way around the restrictions.¹⁴² Passwords granting Internet access are readily available for purchase on the black market in Cuba for ten U.S. dollars a month, foreign friends buy Cuban citizens pre-paid Internet cards, and students at the Information Science University tasked with policing Internet traffic are just as likely to be surfing forbidden sites.¹⁴³ Blogger Yoani Sánchez runs her Germany-based blog “Generación Y”¹⁴⁴ from Cuba using inventive and illegal means to update.¹⁴⁵ Sánchez, whose blog was blocked on the Island, is at the helm of organizing and training new Cuban bloggers.¹⁴⁶ Independent citizen journalists¹⁴⁷ have established a website.¹⁴⁸ Artists, like *Escuadrón Patriota*, a free-style rapper whose lyrics decry the decadence, waste, and hopelessness of a generation of Cubans, work clandestinely with low-budget production companies to spread their message of defiance.¹⁴⁹ *Escuadrón Patriota*, whose music first reached listeners worldwide on YouTube,¹⁵⁰ now has full length CDs available on

Tamay, *Cuba Fears Internet, Secret Video Attest*, MIAMI HERALD, Feb. 5, 2011, <http://www.miamiherald.com/2011/02/04/2051703/cuba-fears-internet-secret-video.html#>.

138. GENERACIÓN Y, <http://www.desdecuba.com/generaciony/> (last visited Feb. 6, 2011).

139. *Internet Enemies — Cuba*, *supra* note 129; *see also* Hoffman, *supra* note 79, at 21.

140. *Internet Enemies — Cuba*, *supra* note 129.

141. Hoffman, *supra* note 79, at 7; CONSTITUCIÓN POLÍTICA DE LA REPÚBLICA DE CUBA DE 1976, *supra* note 85, art. 53 (“Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. Material conditions for the exercise of that right are provided by the fact that the press, radio, television, cinema, and other mass media are state or social property and can never be private property. This assures their use at exclusive service of the working people and in the interests of society.”).

142. Juan O. Tamayo, *Internet a ‘Bucking Bronco’ for Cuban Government*, CUBA OBSERVER, June 2009, http://ctp.iccas.miami.edu/CubaObserver_Web/CubaObserver_June2009.htm.

143. *Id.*

144. GENERACIÓN Y, <http://www.desdecuba.com/generaciony/> (last visited Feb. 6, 2011).

145. Tamayo, *Internet a ‘Bucking Bronco’*, *supra* note 142 (describing how some Cubans have home-built computers they use to connect to other Cubans using dial up telephone lines or satellites).

146. Hoffman, *supra* note 79, at 23, 26.

147. Hoffman, *supra* note 79, at 20.

148. *See* CUBANET, <http://www.cubanet.org> (last visited Feb. 6, 2011).

149. *Decadencia por Escuadrón Patriota*, YOUTUBE, <http://www.youtube.com/watch?v=K9TkWTDiK5o> (last visited Feb. 6, 2011); *Para Cuba Con Amor: Graffitero “Waset Wan” de Guatemala*, EMETRECE PRODUCTIONS, <http://emetreceprouductions.wordpress.com/page/2/> (last visited Feb. 6, 2011).

150. *See Escuadrón Patriota- Reconstrucción de los Hechos*, YOUTUBE, <http://www.youtube.com/watch?v=ofIGwbCe4qU&feature=related> (last visited Feb. 6, 2011); *see also Escuadrón Patriota- El Mundo Anda Mal*, YOUTUBE, <http://www.youtube.com/watch?v=1r1hiqwHgfE&feature=related> (last visited Feb. 6, 2011).

iTunes.¹⁵¹ Though officially blocked by the Government, many Cubans continue to figure out ways to access the Internet.¹⁵² For Cubans, the Internet remains the one place government censors cannot completely control.

C) *The Ladies in White's Message Finds a Global Audience on the Internet*

While the Ladies in White face highly restricted access to the Internet, one digital camera was all it took for their cause to reach worldwide audience. While two websites, one based in Miami¹⁵³ and the other in Spain,¹⁵⁴ are dedicated to the Ladies' work, it is the thousands of anonymous posters, bloggers, and supporters online that are key to spreading the Ladies' message to the world. On YouTube, a search for "Damas de Blanco" returns 1,440 results,¹⁵⁵ and a search for "Ladies in White" returns 5,410 results,¹⁵⁶ almost all of which are related to the Cuban Ladies in White. The videos on YouTube do not come from a single source, but from a myriad of official sources, such as the Miami Herald newspaper¹⁵⁷ and the AFP international press agency,¹⁵⁸ and independent sources posting under screen names like "cubanexilequarter"¹⁵⁹ and "elmayordeseo."¹⁶⁰ Several videos showing people with a digital cameras and cell phones filming the Ladies' assault are the best evidence of exactly how the message seeps out of Cuba.¹⁶¹ The Ladies' two websites pale in comparison to the 869,000 hits a Google search for "Damas de Blanco" returns. The sources recount the odyssey of the Ladies in various languages and from various angles. Supporters have also created websites like "Solidaridad Española con Cuba,"¹⁶² or Spanish Solidarity with Cuba, and CubaEncuentro,¹⁶³ or Cuba Reunion, expressing their solidarity with the Ladies and the larger Cuban opposition

151. *Escuadrón Patriota*, iTunes, <http://itunes.apple.com/us/artist/escuadron-patriota/id298219158> (last visited Feb. 6, 2011).

152. *Id.*

153. DAMAS DE BLANCO, www.damasdeblanco.com (last visited Feb. 6, 2011).

154. DAMAS DE BLANCO, www.damasdeblanco.org (last visited Feb. 6, 2011).

155. Damas de Blanco, YouTube, http://www.youtube.com/results?search_query=damas+de+blanco+aaq=f (last visited Feb. 26, 2011).

156. Damas de Blanco, YouTube, http://www.youtube.com/results?search_query=ladies+in+white (last visited Feb. 26, 2011).

157. *Olga Guillot Appears at the Ladies in White Demonstration in Miami*, YouTube, <http://www.youtube.com/watch?v=SytYpOUDTiE> (last visited Feb. 6, 2011); see also *Gloria Estefan Announces March Against Crackdown on Las Damas de Blanco*, YouTube, http://www.youtube.com/watch?v=ZojfeX_bCoM (last visited Feb. 6, 2011).

158. *Castro Supporters Heckle Cuba's 'Ladies in White'*, YouTube, http://www.youtube.com/watch?v=Z-t_8mUNsaE (last visited Feb. 6, 2011).

159. *Cuba's Ladies in White "Damas de Blanco" Walk On*, YouTube, <http://www.youtube.com/watch?v=sqkwlI5TjNs&feature=fvst> (last visited Feb. 6, 2011).

160. *Las Damas De Blanco*, YouTube, <http://www.youtube.com/watch?v=Szfq-PrOgaI> (last visited Feb. 6, 2011).

161. *Repression en Banes*, YouTube, <http://www.youtube.com/watch?v=t3PSTBF1EIw&feature=related> (last visited Feb. 6, 2011).

162. SOLIDARIDAD ESPAÑOLA CON CUBA, <http://www.solidaridadconcuba.com/> (last visited Feb. 6, 2011).

163. CUBAENCUENTRO, <http://www.cubaencuentro.com/> (last visited Feb. 6, 2011).

movement. Despite the Ladies in White's highly restricted access to the Internet on the Island, there are at least two Twitter feeds¹⁶⁴ dedicated to the Ladies in White, a Wikipedia page,¹⁶⁵ and a Facebook group¹⁶⁶ boasting 3,678 members as of February 2011, all dedicated to promoting the Ladies' work. The Ladies' presence online is evidence that one single message or posting on the Internet can spread to all corners of the globe, spreading awareness and eluding Government censors that aim to silence the Ladies' work in their homeland.

V. CONCLUSION

Yo acuso al silencio tejido en nombre de una revolución alrededor de una isla: mi país.

Yo acuso al cómplice e ignorante silencio de aquellos que teniendo libre acceso a la información contribuyeron a impedir que el mundo sepa de la humillación y del dolor del pueblo cubano.

*Yo acuso a la insensibilidad y a la desidia de los medios de comunicación internacionales.*¹⁶⁷

-Zoé Valdés

In her blog posts and journalistic articles, Cuban novelist and blogger Zoé Valdés attempts to dispel the fiction emitted by the Cuban government and state-owned media. According to Valdés, that fiction persists because dissidence is silenced.¹⁶⁸ The Government's monopoly on traditional media perpetuates that silence. Once the silencing of dissident groups on the Island is overcome, Valdés argues, the world will come to know the truth

164. *Damas de Blanco (Damas_deblanco)* on Twitter, TWITTER, http://twitter.com/damas_deblanco (last visited Feb. 6, 2011); *Damas de Blanco (Damasdblanc)* on Twitter, TWITTER, <http://twitter.com/damasdblanc> (last visited Feb. 6, 2011).

165. *Ladies in White*, WIKIPEDIA, http://en.wikipedia.org/wiki/Ladies_in_White (last visited Feb. 6, 2011).

166. *Ladies in White/ Damas en Blanco*, FACEBOOK, <http://www.facebook.com/pages/Ladies-in-White-Damas-en-Blanco/110213442324935> (last visited Feb. 6, 2011). While platforms like Facebook and YouTube may remain ambivalent about their use by dissidents in oppressive regimes, it is undeniable that they have played an instrumental role in getting the silenced message out. See Jennifer Preston, *supra* note 116.

167. ZOÉ VALDES, *LA FICCIÓN FIDEL 3* (2008) ("I accuse the silence sown in the name of a revolution around an island: my country. I accuse the complicit and ignorant silence of those whom having free access to information contributed to impeding the world from learning of the debasement and pain of the Cuban people. I accuse the insensitivity and lethargy of the international media outlets."). In the quote above, Valdés refers to traditional media outlets and not the Internet. The quote comes from a book written in 2008, before the Ladies in White gained widespread international popularity through the Internet. Valdés has since expressed hope that change from the current silence can emerge via the Internet and has observed that on occasion it already has. While she still maintains that the Cuban government has tried to preserve that silence online, she also sees the Internet as a new outlet that political dissidents and their supporters can use to overcome government censorship. See Zoé Valdés, *De totalitarismos y tecnología*, ZOEVALDES.NET (Mar. 10, 2010), <http://zoevaldes.net/2010/03/22/de-totalitarismo-y-tecnologia/>.

168. Valdés, *supra* note 167.

about the oppression suffered at the hands of a regime that does not allow dissent or the promotion of change in the country.¹⁶⁹ Those with access to what transpires in Cuba prevent the information from leaving the Island, keeping the world ignorant of the struggles of the average Cuban citizen. Traditional media has, to date, failed the people of Cuba, Valdés states, and the fiction persists.

With the rise of the Internet, however, dissident groups, like the Ladies in White, have found an international podium that does not depend on traditional media. Cubans have surpassed the challenge of getting their message to the Internet, but the question remains as to whether their message is reaching the nearly ten million Cubans on the Island who do not have regular, uncensored Internet access.¹⁷⁰ While state-owned traditional media made total control of dissident messages relatively easy, the Internet now limits the state to partial control and only within the territorial boundaries of the country.¹⁷¹ New technology has created an outlet completely outside official channels for Cubans.¹⁷² As in other authoritarian regimes, the Internet promotes discourse, but it alone is not likely to produce widespread political change.¹⁷³

In addition to serving as a forum for speech to dispel the fictitious description of events in Cuba, the Internet has also protected the Ladies in White and other dissident groups against retaliation from the Government. These women now have not only names and personal stories, but also faces known to millions around the globe. People form deeper connections and are more likely to be sympathetic when they view visual depictions of events, as YouTube videos and other online outlets permit, than when they read text.¹⁷⁴ If the Ladies in White are imprisoned or harmed, the international community will not be indifferent. People will likely respond, and this plays a crucial role in keeping the Cuban government's treatment of the Ladies in check, as the Government typically seeks to avoid international pressure and maintain its façade of justice. As one of the Ladies recognized in an upcoming documentary, "[w]ithout international support, the Government could have done anything with us, even taken us to prison too."¹⁷⁵

In 2010, the Ladies witnessed the power of both their borderless international reach and the international community's support. The Cuban government agreed to release the remaining fifty-two prisoners from Black

169. *Id.*

170. See Hoffman, *supra* note 79.

171. *Id.* at 6.

172. *Id.* at 16.

173. See Rebecca MacKinnon, *Flatter World and Thicker Walls? Blogs, Censorship and Civic Discourse in China*, 134 PUB. CHOICE 31 (2008).

174. See Caroline Costley et. al., *Presentation Medium and Spontaneous Imaging Effects on Consumer Memory*, 6 J. CONSUMER PSY. 211 (1997); see also Dona Schwartz, *If a Picture Is Worth a Thousand Words, Why Are You Reading This Essay?*, 70 SOC. PSY. Q. 319 (2007).

175. Gry Whitner, *supra* note 27.

Spring by the year's end.¹⁷⁶ The releases, according to a Cuban dissident, have been attributed to "the result of pressure from the international community and all the recent developments on the Island."¹⁷⁷ Those recent developments largely refer to the increased media attention the dissidents received as a result of the Ladies' efforts and the international response to March 17, 2010.

While the release of their husbands, sons, fathers, and nephews is undoubtedly a success for the Ladies in White, their mission has long since broadened to include protesting for deeper change on the Island. In a recent interview conducted after the Government announced its plans to release the prisoners from Black Spring, Ladies in White leader Laura Pollán stressed that there have been no real improvements, and the repression continues.¹⁷⁸ Pollán wished to send the following message to the international community that supported the Ladies and their mission:

The Government simply wants to give the world the impression that things are changing. But in reality, as long as the laws that put the dissidents in prison remain unchanged, we cannot talk about real changes. Yes, today the Government may release or exile, fifty or eighty prisoners, but tomorrow or next month they can refill their jails using the same set of laws. That's what we have to achieve; that they reform the laws so that citizens can express themselves freely without fear that they will be imprisoned, that the repression ceases, that human rights are respected.¹⁷⁹

Are Cuba's prisons emptying only to be filled again? The same question was posed in an open letter to the Pope criticizing the Catholic Church's involvement in the release of the prisoners conditioned upon their exile.¹⁸⁰ It does seem likely, given that another dissident in January 2011 was recently in police custody and threatened with imprisonment for his opposition to the regime.¹⁸¹ Facing the specter of persistent repression, the Ladies in White continue their peaceful protests and the international community will hopefully remain attentive.

176. Paul Haven, *Cuba frees political prisoner, another imminent*, MIAMI HERALD, Feb. 4, 2011, <http://www.miamiherald.com/2011/02/04/2050326/church-cuba-to-free-2-prominent.html>.

177. Juan Carlos Chaves, *Cuban dissident who refused exile released*, MIAMI HERALD, Feb. 5, 2011, <http://www.miamiherald.com/2011/02/05/2051670/dissident-who-refused-exile-released.html>.

178. *Cuba: Laura Pollán, the Ladies in White — Freedom, not Exile — English/Español*, *supra* note 79.
179. *Id.*

180. De la Cruz, *supra* note 82.

181. Paul Haven, *Cuban dissident detained, freed, detained again*, MIAMI HERALD, Jan. 28, 2011, <http://www.miamiherald.com/2011/01/28/2039021/cuban-dissident-held-for-second.html>.