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CUBA

STIFLING DISSENT IN THE MIDST OF CRISIS

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FOREWORD

This report provides an update on the human rights situation in Cuba. Again this last year, Human Rights Watch/Americas (formerly Americas Watch) has been handicapped in monitoring Cuba because of the regime's refusal to allow us to visit the country, to conduct inquiries and talk to victims, and to engage in a dialogue with the authorities. That is the methodology of human rights research that we are able to apply everywhere else in the hemisphere, but that the government of Fidel Castro refuses to allow. Monitoring human rights

in Cuba also became more difficult in 1993 because of the pressures felt by Cuban human rights monitors. Some of those pressures were related to the alarming decline in living standards that all Cubans are facing, but monitors additionally confronted a climate of hostility — described in detail in the following pages — that makes their work particularly hazardous.

Cuba is undergoing an economic crisis without precedent since the access to power of Fidel Castro in 1959. The causes, both ultimate and proximate, of that crisis are beyond the scope of this report. The crisis, however, and the consequent political turmoil and uncertainty, are undoubtedly the background for the extensive and grave human rights violations described in this report.

The United Nations Human Rights Commission should renew the mandate of the Special Rapporteur, Ambassador Carl-Johan Groth, whose reports have proven extremely useful in understanding the human rights situation in Cuba. This is particularly noteworthy given the absolute lack of cooperation with his task displayed by the Government of Cuba. Human Rights Watch/Americas calls on the Government of Cuba to cooperate with the Special Rapporteur, to provide him with access to the country, and to engage with him in a dialogue about his recommendations for improvements.

In his latest report, the U.N. Special Rapporteur has called on the United States to lift the embargo on Cuba, on the grounds that international opinion will be more effective in inducing the Cuban government to change its policies than external pressures.¹ Human Rights Watch/Americas has on many occasions opposed the embargo on the grounds that some of its measures are designed to and have the effect of impeding the free flow of ideas and human contacts between citizens of the United States and of Cuba. The implementation of the embargo has had a negative effect on the enjoyment of freedom of expression and of information. To the extent that the course of action proposed by the Special Rapporteur would address our concerns, we urge the international community to support his initiative.²

We urge the Government of Cuba to repeal criminal statutes which are, on their face, inconsistent with international standards of freedom of expression and of association. We especially request the Government to refrain from applying the norms against "enemy propaganda," "clandestine printings," and "defamation of public institutions" against those who attempt to exercise their right to free speech and association. We also call on the Government of Cuba to repeal the sections in the Criminal Code that allow preventive measures against persons who have committed no crimes but are deemed "dangerous." We believe those norms, to the extent that they still exist in some countries, are a relic of an authoritarian past and are inconsistent with modern concepts of justice. In Cuba, the problem is exacerbated by the fact that these provisions are now actively applied.

We hope that the Government of Cuba will take the initiative to address the human rights aspects of the current crisis in the island by engaging in a frank and honest dialogue about these

¹"Informe insta a levantar embargo a Cuba," *El Nuevo Herald*, February 17, 1994.

² Other aspects of the Cuban Democracy Act and of the embargo are related to trade and, as such, outside our mandate as a human rights organization.

matters with Cuban human rights monitors and with international intergovernmental and nongovernmental human rights organizations.

I. THE STATE OF HUMAN RIGHTS IN CUBA TODAY

In 1993, the Cuban government made several important human rights gestures. It released a number of political prisoners before the end of their terms, in advance of the World Human Rights Conference in Vienna in June. It also slightly relaxed the travel restrictions on some former political prisoners and other dissidents. At least two were allowed to travel to the U.S. and return to Cuba; others were permitted to leave permanently. Travel restrictions for the population as a whole also were reduced. There were fewer reports of mobs vandalizing the homes of dissidents in state-directed "acts of repudiation." And while government critics continued to be fired from their jobs, there were fewer reports of mass dismissals.

Still, the thirty-five-year-old government of Fidel Castro only modified some of its behavior without altering the laws that legalize and provide impunity for human rights violations. Those who continued openly to challenge the state and hold it accountable for abuses, in turn became targets of the state's ongoing abusive practices.

The authorities continued to take legal and extralegal reprisals against their opponents and critics, especially lesser-known human rights monitors and peaceful pro-democracy activists, and state security police continued to arrest, beat, harass, intimidate and prosecute those activists and their families. Many peaceful dissenters continue to languish in prison serving some of the stiffest prison sentences for thought crimes in the last ten years. And despite a loosening in limitations on travel, Cubans still must request permission from their government to leave their own country temporarily or permanently, a requirement that is inherently restrictive.

Cuba lacks the laws and institutions that would protect basic civil and political rights on a permanent basis. There is no free press. Only state-owned media may operate legally. Self-censorship by journalists is the norm. The Communist Party's Department of Revolutionary Orientation provides guidance on the limits of expression. Free speech is curbed by laws that prohibit and penalize "enemy propaganda," "clandestine printing," and "defamation of public institutions." Peaceful dissenters are imprisoned on charges as serious as "incitement" and "rebellion." For insulting President Fidel Castro, Cubans are imprisoned for up to three years. Foreign journalists who interview political dissidents are frequently harassed or expelled from the country.

There are no legally recognized civic or political organizations — such as labor unions or political parties — that are independent of the government or Communist Party. Independent pro-democracy organizations are repeatedly denied official recognition. Free association and assembly are punished under laws that prohibit "illegal association" and "public disorder." There are no free and fair presidential or legislative elections. Cuba has no independent judiciary. Under Cuban law, courts are subordinate to the executive, and Cuban judges are required to demonstrate their "active revolutionary integration." Due process is systematically flouted, and defendants, especially in political cases, are almost always convicted.

Prisons in Cuba are a microcosm of Cuban society, in which those who conform may benefit from free health care and education and those who diverge may be subject to persecution. Under the system of "re-education" — which includes political training — inmates who do as they are told might be rewarded with a reduction of sentence, conjugal visits or weekend stays at home.

However, prisoners who challenge the prison authorities by engaging in harmless forms of protest, such as staging hunger strikes or refusing to wear the prison uniform, are severely punished with frequent beatings and confinement in harsh isolation cells. The denial of medical attention, confinement in prisons far from family, inadequate diet and overcrowding were among the other abuses reported by prisoners in 1992.

Prison inmates — both political and common prisoners — reported that nonviolent protests in their cells, such as hunger strikes, spawned retaliation in the form of frequent beatings, confinement in harsh punishment or isolation cells, denial of medical attention and confinement in prisons far from their families. In recent years, the heightened economic hardship for the country as a whole has been magnified in the prisons where there were frequent complaints of insufficient food, and poor hygiene for lack of cleaning products. Overcrowding and insufficient (or complete deprivation of) time outdoors are also reported.

The violation of the right to privacy is systematic and pervasive. Tight political control in Cuba is maintained through extensive monitoring of Cubans' daily lives. The monitoring is conducted by state-security police who commonly coerce or blackmail people into becoming informants; and by government-sponsored "mass organizations" such as the Committees for the Defense of the Revolution, which operate in the neighborhood and workplace and are coordinated nationally by an army division general. The failure to report criminal activity, including political "crimes," is punishable under Cuban law.

Mass organizations, working together with state security police, stage protests by mobs that gather in front of the homes of supposed "counterrevolutionaries" in ostensibly spontaneous "acts of repudiation." The mobs typically yell insults, chant slogans and frequently assault the dissidents, and occasionally deface or destroy their homes. Rapid-action brigades, or government-organized gangs of vigilantes, are deployed to crush forcibly any signs of discontent.

The loss of trade and subsidies from the former Soviet Bloc has plunged Cuba into its most severe economic crisis since the 1959 revolution that brought Fidel Castro to power. Food rationing has been tightened; transportation has been drastically reduced by a severe fuel shortage; and electricity blackouts are a regular occurrence. In an effort to alleviate the crisis, in July 1993, the government announced several economic reforms including the legalization of the dollar and the decriminalization of certain economic activities, such as working for oneself in certain capacities.

II. DANGEROUSNESS

In recent months, extreme shortages and blackouts have given rise to unrest, including stone- or bottle-throwing anti-government protests, and increased crime. In response, the government has called on the population — including the brutal rapid-action brigades — to participate in an anti-crime campaign. According to an editorial in the Communist Party daily, *Granma*, "delinquents and anti-social elements who try to create disorder and an atmosphere of mistrust and impunity in our society will receive a crushing reply from the people."³

³ As reported by Reuter on September 8, 1993.

At the final session of the Fourth Congress of the Committees for the Defense of the Revolution in September 1993, Cuban state-run television reported, "the main topic of discussion was the Revolution does not hand over its weapons without a fight," and permanent vigilance at the block level to confront criminal and counterrevolutionary acts was discussed, as was the need to be implacable toward anyone who may try to sabotage the achievements of the Revolution."⁴

Human rights activists have reported the increased use of the "dangerousness" (*peligrosidad*) provision of the criminal code in the context of the anti-crime campaign. Articles 72-90 of the criminal code provide for the application of preventive measures against "dangerous" people who conduct themselves in a manner that contradicts "socialist morality." "Indications of dangerousness" include not only habitual drunkenness, alcoholism and drug addiction, but also "anti-social behavior." The last is defined as "the habitual disturbance of the rules of social coexistence through violent or provocative acts, violation of the rights of others," living like a "social parasite" from the labor of others, or "practicing socially reprehensible vices."

A person considered to be dangerous may receive a warning from the police, or in some cases, may be interned in an establishment specializing in work or study for one to four years, or may be put under surveillance by the police for one to four years. The "official warning," under Article 75, is a security measure authorized by the "dangerousness" section of the criminal code, that applies to those who are not found to be "dangerous" but who may be considered to have criminal tendencies because of their "ties or relations with people who are potentially dangerous to society, to other people, and to the social, economic and political order of the socialist State...in order to prevent socially dangerous or criminal activities." Hundreds of young people throughout the country are said to have been arrested in mass round-ups and sometimes beaten for being considered dangerous. In some cases, they have been picked up for engaging in "illegal economic activities," or for lacking jobs (*vínculo laboral*) and refusing to accept work in agriculture. In others, the youths were arrested for merely looking suspicious, like potential trouble-makers. According to human rights monitors, most were sentenced to prison terms and agricultural labor, while others were fined and released. Several anti-government activists were said also to have been arrested on this charge in mid-to late-1993. Human Rights Watch/Americas thinks that these provisions of the Criminal Code on their face violate internationally recognized standards of due process, including the universally recognized principle of legality, by which criminal behavior has to be explicitly defined by law before it can be the subject of penalties. In addition, as applied in Cuba today, these provisions violate freedom of expression and association.

III. DESPITE LOOSENED TRAVEL, RESTRICTIONS REMAIN

While the Cuban government has considerably reduced travel limitations for the population in general, significant restrictions that run contrary to international norms on freedom of movement remain. The extralegal harassment that once accompanied efforts to leave the country by those who were stigmatized as "disaffected," reportedly is minimal at this time. The growing number of *lancheros* or boat people who flee to the U.S., which reached over 2,000 in 1993 for the third straight year, is now due to the difficulty of obtaining U.S. visas. Still, Cubans are required

⁴ *Havana Televisión Rebelde* and *Cuba Visión Networks*, as reported in the *Foreign Broadcast Information Service*, hereinafter *FBIS*, September 27, 1993.

to seek permission from their government to leave and return to their country, and those who wish to travel must be age twenty and over. Cuban law barring "illegal exit" is contrary to international standards of freedom of movement. Leaving the country without the Cuban government's permission is punishable with one to three years in prison. Those caught attempting to leave the country in makeshift vessels could expect to be detained for a period of time by state security police. Repeat offenders are likely to serve one year in prison. At any time, at least several hundred Cubans are believed to be serving prison terms for "illegal exit."

In addition, the Cuban government continues occasionally to deny permission to travel to those with whom it may have a political quarrel. For example, Yara Silva Urquiza Bustamante, the thirteen-year-old daughter of Lissette Bustamante, a prominent journalist who defected to Spain in 1992, repeatedly has been refused permission to leave Cuba despite the fact that the government of Spain has granted her a residence permit to join her mother. In October 1993, prize-winning writer Norberto Fuentes was detained for three weeks for trying to leave the country illegally by boat after repeatedly being denied permission to travel.

Several shooting incidents involving people fleeing the country were reported in mid-1993. On July 1, Cuban Coast Guards shot and killed three Cubans at the coastal town of Cojimar after they boarded a speedboat that had come from southern Florida to collect them. This was one of at least three incidents in which Cuban exiles in the U.S. attempted to bring back family members in boats and were captured by Cuban authorities for entering Cuban waters illegally. **Gustavo Venta**, a former political prisoner residing in Florida, was captured by Cuban Coast Guards reportedly in international waters in March 1993 when he attempted to collect his wife and step-daughter. He is currently being held in Combinado del Este in Havana. Venta's wife, María Elena Pellón Venta, is being held in the Havana Women's prison. They continue to be held without trial.

In another incident in October 1993, at least one Cuban, **Luis Quevedo Remolino**, attempting to flee the island with several others, was killed by Cuban soldiers at the coastal town of Regla. Although there are conflicting accounts of the cause of his death, there is no dispute that he was killed by Cuban authorities for attempting to leave the country illegally and that his death reportedly touched off several days of unrest and repression by local police and rapid-action brigades in Regla.

Around mid-1993, the U.S. State Department denounced shooting and grenade-throwing by Cuban border guards against Cubans swimming to the Guantánamo U.S. Naval Base to seek asylum. According to the U.S. government, four Cubans were killed in two incidents at the end of June. In the first six months of 1993, 195 Cubans reportedly managed to swim to Guantánamo.

IV. POLITICAL PRISONERS RELEASED

In a welcome development, in 1993 the Cuban government released several well-known political prisoners prior to completion of their terms, including **María Elena Cruz Varela**, a prominent poet arrested in November 1991 after a mob staged an act of repudiation at her home, dragged her by the hair and beat her. On May 25, 1993, she was released from her two-year prison sentence on charges of "illegal association" and "defamation of state institutions." She remains in Cuba.

José Luis Pujol, a dissident who was arrested in March 1992 while a mob staged an act of repudiation at his home, was released at the end of May 1993, before the end of his prison term.

Pujol had been tried and sentenced in July 1992 to three years in prison on charges of "contempt" for offending the government. He is now in the U.S.

Marco Antonio Abad, a filmmaker, and **Jorge Crespo**, a lawyer and artist, who were arrested at the end of 1991, and tried and sentenced in October 1992 to two years in prison on charges of offending Fidel Castro, "contempt," and "enemy propaganda," were released before the completion of their terms, on May 27, 1993 and September 14, 1993, respectively. The charges were in connection with an independent film they made that was deemed by the authorities to be "damaging to the honor and dignity of our Head of State." They are now in the U.S.

Eduardo Vidal, **Jorge Vázquez** and **Rigoberto Carcelles**, three members of the pro-democracy group, *Liberación*, a Christian Democratic movement which advocates reform of the Cuban Constitution, were arrested in February 1992 in Santiago de Cuba. They were released early from prison terms of five and six years on charges of "enemy propaganda."

Bienvenida Cúcalo Santana of the Cuban Humanitarian Women's Movement, which seeks to provide assistance to families of political prisoners, was released after serving about half of her three-year term on charges of spreading "enemy propaganda." She was later permitted to leave the country.

There can be no lasting basis for the respect of human rights in Cuba as long as peaceful activities — criticizing high government officials, advocating democracy, and monitoring civil rights — are considered serious crimes, punishable by up to fifteen years in prison. The laws forbidding these activities should be abolished in order for Cuba to be in compliance with international human rights standards.

In addition, the Cuban government should refrain from punishing Cubans for peaceful expression and association; release all prisoners of conscience, including those convicted of attempting to leave the country illegally; allow press freedom and legalize independent civic organizations; refrain from policing every aspect of daily life; and permit free travel. As long as it holds political prisoners, the government should grant renewed access by the International Committee of the Red Cross to Cuban prisons and allow human rights monitoring by domestic and international observers. Sustained human rights progress, in turn, should be actively encouraged and, when appropriate, rewarded by the international community.

V. HUMAN RIGHTS MONITORING, ADVOCACY PROHIBITED

Human rights monitoring is illegal in Cuba. Despite numerous petitions for official recognition submitted to the Ministry of Justice by the various human rights monitoring groups currently attempting to function in Cuba, none has gained legal status. Laws restricting free expression and association, combined with near-constant surveillance by the state security police, ensure that human rights monitoring is frequently punished.

Cuban rights activists are routinely harassed, questioned, intimidated and threatened by the state security police, and frequently arrested. In the last five years, the Cuban authorities have made hundreds of arrests of human rights monitors and pro-human rights political activists. Dozens of rights monitors and political dissidents are currently believed to be serving prison terms of up to fifteen years for their peaceful advocacy.

Scores of others — including writers, artists, union leaders and university professors — have

been subjected to acts of repudiation and beatings by thugs working for the state security police. Many who are fired from their jobs and expelled from their professional associations for purely political reasons are later disparaged in official rhetoric for being "unemployed." State security police frequently search the homes of human rights monitors, confiscating possessions such as typewriters, tape recorders and documents. Many have been fired from their jobs. At various times they have been either prevented from or pressured into leaving the country. Members of human rights groups are officially denounced as "counterrevolutionaries."

A. Cuban Committee for Human Rights

On January 15, 1992, state security police arrested **Sebastián Arcos Bergnes**, along with his brother Gustavo Arcos Bergnes, and Jesús Yanes Pelletier, leaders of the Cuban Committee for Human Rights (CCPDH), one of Cuba's two main human rights groups. A mob held an act of repudiation at the Havana home of Gustavo Arcos shortly before his arrest. The protest was staged in an ostensibly spontaneous reaction to a televised segment being broadcast that evening on the trial of three exiles who had been caught at the end of December 1991 entering the country illegally with arms and explosives. In that segment, the defendants read the names and addresses of the three activists, whom they testified they were instructed to contact if they ran into trouble.

Gustavo Arcos and Jesús Yanes were released without charge approximately twenty-four hours later. Sebastián Arcos was kept in detention and tried in October on charges of spreading "enemy propaganda." Despite a vigorous defense by his lawyer, who was so energetic on his client's behalf that he himself was accused by the prosecution of being a dissident, Arcos was sentenced to four years and eight months in prison. He is currently being held with common prisoners in the prison of Ariza in Cienfuegos province, far from his family in Havana. The common prisoners in his cell reportedly have stolen food from him brought by his family, and medicines brought during family visits are not given to him. Arcos is receiving visits only once every two months.

On December 10, 1992, the anniversary of the Universal Declaration of Human Rights, **Rodolfo González González**, a leading member of the Cuban Committee for Human Rights, was targeted in a state security crackdown on human rights monitors that included arrests, severe beatings and the destruction of homes. He was arrested that day following a search of his home. As of January 1994 — more than one year after his arrest — González, who was the main reporter of violations for the Committee, remains in detention without trial. He is said to face seven years in prison on charges of spreading "enemy propaganda" and is currently being held in Guanajay prison in Havana.

CCPDH members **Rubén Hoyos Ruíz** and **Fidel Vila Linares** reportedly continue to be held in Alambradas de Manacas prison in Villa Clara province, where they are each serving six-year prison terms for spreading "enemy propaganda." They were arrested in March 1990. **Félix Rodríguez Ramírez**, convicted in the same case, was sentenced to four and a half years in prison. It is unclear where he is being held.

Fourteen activists affiliated with a group that was founded originally as an offshoot of CCPDH, the Cuban Human Rights Party, are reportedly serving two-to five-year sentences on charges of spreading "enemy propaganda." Twelve of the fourteen are believed to be imprisoned in Cinco-y-Medio prison in Pinar del Río. Two were sentenced to terms of house arrest (*prisión domiciliaria*). They are **Arnaldo Acevedo Blanco**, **Hermés Alfonso Rubio**, **Juan Luis Fuentes**

Valdés, Juan Graverán Piloto, Tomás Graverán Piloto, Juan Hernández Hernández, Omar Hernández Loaces, Andrés Lago Martínez, Bárbaro Licourt Medina, Justo Maragota Martín, Carlos Ramón Rivas Arredondo, José Ramón Rodríguez Benítez, Luis Rodríguez León, and José Trujillo Graverán. They are believed to have been arrested in early 1992.

B. Cuban Commission for Human Rights and National Reconciliation

Despite the fact that the head of the Cuban Commission for Human Rights and National Reconciliation was granted permission to travel outside Cuba in mid-1993, a welcome gesture of tolerance on the part of the government, CCDHRN remained under pressure by the authorities because of their peaceful activities.

René del Pozo Pozo, a leading member of CCDHRN, was attacked by a group of plainclothes assailants as he rode his bicycle through the Nuevo Vedado section of Havana. Pozo was deliberately beaten on the head and abdomen by the attackers who are believed to be state security police agents.

C. José Martí National Commission on Human Rights

Amador Blanco Hernández of the José Martí National Commission on Human Rights, an independent group in Caibarien, Villa Clara, was also arrested on December 10, 1992. Another member of the group, **Joel Mesa Morales**, was arrested at his home by state security police in Villa Clara in January 1993. They were detained in the Santa Clara state security facility before being transferred to the provincial prison. They were tried in September 1993 on charges of spreading "enemy propaganda" and were sentenced to prison terms of eight and seven years, respectively.

D. Association of Defenders of Political Rights

Luis Alberto Pita Santos of the Association of Defenders of Political Rights, who had been imprisoned since October 1991 for participating in a press conference organized by several dissident groups, was tried in March 1992 on charges of offending the head of state, "clandestine printing," and "illegal association." He was sentenced to five years in prison. After reportedly spending seven months in isolation in a punishment cell in Boniato prison in Santiago de Cuba, Pita is now being held in Kilo-7 prison in Camagüey province, where reportedly he has been beaten and, during the day, chained at the ankles for protesting his continued incarceration. He is reported to be confined in a punishment cell and is permitted no visits.

Three fellow members of ADEPO who were also arrested in October 1991 for participating in the same press conference continue to serve prison terms on charges of "illegal association," "clandestine printing," and "incitement to commit crime." **Reinaldo Betancourt Alvarez** and **Julián Jorge Reyes** are serving three years in prison, and **Aníbal Cruz Martínez** is serving two years and three months. They are all said to be held in Combinado del Sur prison in Matanzas province. In March 1992, Betancourt was reportedly being held in a dark isolation cell and was not permitted time outdoors.

E. Indio Feria Democratic Union

Aurea Feria Cao, of the independent association Indio Feria Democratic Union, was arrested on January 22, 1990. She continues to serve a five-year prison term on charges of spreading

"enemy propaganda." She is being held in a women's prison in Camagüey.

F. Cuban Humanitarian Women's Movement

Joel Dueñas Martínez, of the Cuban Humanitarian Women's Movement, was arrested in December 1991, tried and sentenced to a four-year prison term for spreading "enemy propaganda." He continues to serve his term in Cinco-y-Medio prison in Pinar del Río. His imprisonment is reportedly connected with a letter the group submitted to the Cuban Council of State calling for the release of political prisoners.

G. International Human Rights Monitoring Curtailed

International human rights monitoring has been severely curtailed since a brief opening in 1988. Despite repeated requests, Human Rights Watch/Americas has yet to receive permission from the Cuban government to conduct the kind of open investigation it undertakes routinely elsewhere in the region. Over the years, members of the Human Rights Watch/Americas board and staff have been allowed access to Cuba only under the auspices of other organizations.

The Cuban government refused to cooperate with the resolution adopted in March 1993 by the U.N. Commission on Human Rights, which extended the mandate of the special rapporteur for Cuba to investigate human rights conditions and report his findings to the next commission session. As detailed below, the government denied the special rapporteur permission to visit Cuba for the second consecutive year. The Cuban government's 1988 agreement with the International Committee of the Red Cross granting access to Cuban prisons and political prisoners remains suspended, having been broken by the Cuban government in 1990.

VI. ARRESTS AND IMPRISONMENT OF DEMOCRACY ACTIVISTS

A. Harmony Movement

Yndamiro Restano, head of the social-democratic, pro-democracy Harmony Movement (MAR), was arrested in Havana in December 1991 and tried in May 1992 along with **María Elena Aparicio**, another MAR member. They were convicted of rebellion for their peaceful advocacy of democracy, and sentenced to prison terms of ten and seven years, respectively. Restano, who is also a member of CCDHRN, is being held in Combinado del Sur prison in Matanzas. Aparicio was initially held in the Havana Women's prison, but was reportedly transferred early in 1993 to the Women's Prison in Villa Clara province.

B. Liberación

Members of the pro-democracy group Liberación, a Christian Democratic movement which advocates reform of the Cuban Constitution, were summoned to the Technical Department of Investigations (DTI) detention center on September 28, 1993 for ten hours of interrogation. **Dagoberto Capote Mesa, Alejandro Payá and Ramón Antúnez** were accused of "illegal association" and were prohibited from meeting in groups of three or more people.

C. National Commission of Independent Unions

Rafael Gutiérrez Santos, an independent labor activist, was arrested by state security police

on February 6, 1993, and detained in the Havana state security headquarters known as Villa Marista. He was accused of committing "crimes against the security of the state." His arrest followed an announcement of the formation of the unofficial National Commission of Independent Unions. Members of this group, including **Jorge Bonet, Lázaro Corp, Juan Guarino, Manuel Manrique, and Javier Troncoso**, reportedly received official warnings from the police not to pursue their activities. Gutiérrez was released from state security detention on August 23, 1993 without explanation.

Bonet and Corp were summoned for additional questioning by the police in September 1993. The two activists along with human rights monitor **Aída Valdez**, were summoned to Villa Marista state security headquarters on November 9, 1993. They were interrogated from 8:00 A.M. until 4:00 P.M. about a meeting they had had with a foreign visitor, a representative of the Regional Organization of Inter-American Workers (ORIT).

D. Socialist Democratic Current

Guillermo Fernández Donate, of the Socialist Democratic Current, was arrested by state security police, reportedly in mid-year, and accused of possessing "enemy propaganda." Over the last year, Fernández, who is also a member of the Cuban Committee for Human Rights, and his wife, Eurídice Sotolongo Losada, lost their jobs in a state architecture enterprise because of his dissident activities. He was also expelled from the University of Havana, where he was studying law. He is believed to be held in Ganuza prison in Havana.

Carlos Goicolea, a lawyer and Secretary General of a Communist Party nucleus in the Provincial Office of Housing, was expelled from the party and effectively disbarred on or around December 10. Two days earlier, Goicolea had held a small press conference with a few foreign correspondents in Havana at which he publicly announced his membership in the Cuban Socialist Democratic Current.

E. Cuban Civic Current

Rolando Roque Malherbe, of the pro-democracy group Cuban Civic Current, was summoned for questioning by the police and the local Committee for the Defense of the Revolution on September 23, 1993, the day before a party at his home to which he had invited several dissidents and diplomats. On September 24, plainclothes state security police and others recruited from various "mass organizations" surrounded Roque's home and impeded his guests from reaching it. Roque was held in state security detention until September 27.

Roque lost his job as a physicist in 1992 after signing an open letter to the participants in that year's Ibero-American Summit in Spain calling for the nations of Latin America, Spain and Portugal to press the Cuban government to respect human rights. He has been denied permission to travel outside Cuba. The Cuban Civic Current was recently formed by a group of those who were among the two dozen scientists and academics who had signed this statement and other similar appeals and were fired from their jobs as a result.

Félix Bonne Carcasés of the Cuban Civic Current was summoned to the police station at Río Verde in the Rancho Boyeros section of Havana on September 27, 1993 and then detained and taken to the Technical Department of Investigations (DTI) at 100 and Aldabó Streets. A day earlier, his home had been searched by state security police who confiscated dissident papers and documents. Bonne, an electrical engineer, had also lost his job after signing the letter to the

Ibero-American Summit.

F. Democratic Civic Party

Domiciano Torres, of this recently-formed independent pro-democracy group, was detained on August 13, 1993 by state security police who badly beat him at the time of his arrest. Torres, a professor of architecture at the Armando Mestre Technological Institute, lost his job in 1992 because of his dissident activities. Reportedly, he has been charged with spreading "enemy propaganda." After being held for forty-two days in the Villa Marista state security facility in Havana, he was transferred to the Havana Psychiatric Hospital known as Mazmorra, a form of harassment commonly inflicted on jailed dissidents. He is now believed to be held in El Pitirre prison in Havana.

G. National Civic Union

Pablo Reyes Martínez, a member of the nongovernmental group National Civic Union, was arrested in April 1992 in Havana and tried on charges of spreading "enemy propaganda" in October 1992. He was sentenced to eight years in prison for reporting on human rights abuses by phone for an exile radio station in the United States. He is said to be held in Quivicán prison where he has been subjected to periods of isolation in punishment cells.

National Civic Union activist **José Clemente García** was reportedly detained on September 7, 1993, following a house search by state security agents. He was held in the Picota police station in Old Havana. It is unclear whether he remains in detention.

Omar del Pozo, of the National Civic Union, was arrested on April 19, 1992, and tried in a military court in Havana on August 1, along with two others, **Carmen Arias Iglesias** and **Víctor Reinaldo Infante**, and a state security police officer, Julio César Alvarez. They were convicted of revealing state secrets reportedly because the state security officer told the others about state security investigations and infiltration of dissident groups. According to our information, Del Pozo, Arias, Infante and Alvarez were reportedly sentenced to fifteen, nine, thirteen and nineteen years in jail, respectively. At the trial, three state security informers who had infiltrated the group — Héctor Castañeda, José Antonio Fornaris and Fausto Adolfo Martí — were present to testify against the defendants.

Del Pozo is being held in Guanajay prison in Havana, where he is said to be treated harshly and locked in punishment cells. Arias is reportedly being held in the Havana Women's prison. Infante is believed to be held in La Condesa prison in Camagüey.

H. Cuban Democratic Coalition

On January 6, 1992, state security police reportedly arrested as many as eighteen members of the Cuban Democratic Coalition (CDC), a grouping of independent associations, at the home of CDC member Angela Herrera. They reportedly were detained overnight at a regular police station and then all but one, **Adriano González Marichal**, were released without charges. González reportedly has been charged with spreading "enemy propaganda." The charge stems from his reporting on human rights violations for the Voice of the Foundation, the radio station of the Cuban-American National Foundation, an exile lobbying group. He remains in detention.

Pablo Reyes Martínez of the National Civic Union, which at the time was affiliated with the

Cuban Democratic Coalition, was arrested on April 5, 1992 in Havana and tried on October 29 on charges of spreading "enemy propaganda," also for reporting on human rights for the Voice of the Foundation. He was sentenced in December to eight years in prison, and is currently being held in Quivican prison in Havana.

Reyes's wife and National Civic Union member **Vilma Fernández Batista** was arrested at her home by police and briefly detained in the Technical Investigations Department (DTI) on September 23, 1992.

I. Peaceful Protest Crushed

On May 1, 1993, May Day, after attending a Catholic mass at the Sacred Heart of Jesus church in Havana, some fifty human rights activists were attacked by scores of plainclothes state security police and "rapid response brigades" as they marched silently down Reina Street carrying a Cuban flag. The assailants beat the marchers with pipes and clubs. Two marchers, **César Guerra Pérez** and **Armando Sánchez**, and at least six others, were reported to have been bloodied in the attack.⁵ The night before the attack, police arrested two organizers of the march, **Paula Valiente** and **Juan Guarino**. On May 17, they were each sentenced to a one-year suspended sentence on charges of "inciting crime" for calling the demonstration. According to an account of the attack broadcast on state-run Radio Rebelde, "the participants were immediately neutralized by men and women who were celebrating International Workers Day and who, in this way, repudiated the effort of the small counterrevolutionary group."⁶

Valiente was reportedly rearrested briefly on July 8, 1993 for planning another peaceful procession. She was later permitted to leave the country.

Juan Guarino was arrested in September 1993 and administratively sentenced to four years in prison on charges of dangerousness for violating the terms of his suspended sentence by continuing his peaceful activities. He is currently serving his term in Taco Taco prison in Pinar del Río.

VII. SPREADING "ENEMY PROPAGANDA"

The charge of "enemy propaganda," Article 103 of the criminal code, may be brought against anyone who "incites against social order, international solidarity or the socialist State" by producing, distributing or possessing oral, written or other "propaganda." Those found guilty may be imprisoned for one to eight years. For "spreading false news or malicious predictions that tend to cause alarm or discontent or public disorder," they may be imprisoned for one to four years. If the mass media are used to carry out these offenses, one may be sentenced to seven to fifteen years. And anyone who permits the use of the mass media for these purposes may be sentenced to one to four years in prison. Human Rights Watch/Americas believes that the law against "enemy propaganda" constitutes an unjustified prohibition on freedom of speech and violates Cuba's obligation under international law.

⁵ *New York Daily News*, May 27, 1993.

⁶ *Havana Radio Rebelde*, May 17, 1993, as reported in the *FRS*, May 18, 1993.

In addition to a number of cases listed above, the following people, not known to be affiliated with any human rights or dissident group, are believed to be serving prison terms on charges of spreading "enemy propaganda."

Israel Marcelino González Leyva was convicted in 1992 and is serving a ten-year prison term. He is said to be held in the prison of Holguín province.

Santiago Medina Corzo, a physician in the area of Rancho Veloz and Corralillo in Villa Clara province, was tried in the Provincial Court of Santa Clara on May 8, 1992. He was sentenced to four years in prison. Medina reportedly was arrested for hanging a poster in his office commemorating the anniversary of the Universal Declaration of Human Rights and calling for the release of imprisoned poet María Elena Cruz Varela (see above) and all other political prisoners.

Wilfredo Llanes Márquez was arrested in 1990 and sentenced by the Provincial Court of Havana to three years in prison.

Mario Mesa Hernández is serving a five-year prison term on charges of "enemy propaganda" and attempting to leave the country illegally. As of April 1992, he was believed to be held in El Guayabo prison in Isla de la Juventud.

Sidney Aristides Oret Martínez, an architect, was reportedly arrested in July 1992 and sentenced to a 4-year prison term for enemy propaganda in February 1993. He is said to be serving his term in Sancti Spiritu prison.

Amado Rodríguez Rodríguez was arrested in 1991 and sentenced by the Provincial Court of Havana to four years in prison for spreading "enemy propaganda" in Pinar del Río province.

Human Rights Watch/Americas also remains concerned about four other political prisoners who continue to serve prison terms ranging from three to twelve years on charges of "enemy propaganda." **Esteban Bonilla Fuentes**, **Alexis Maestre Saborí**, and **Agustín Figueredo** are believed to be held in Las Mangas prison in Granma province; and **Juan Mayo Méndez** in Boniato prison in Santiago de Cuba.

VIII. PRISON CONDITIONS

Prison inmates — both political prisoners and prisoners convicted of common crimes — reported that minimal infractions or nonviolent protests in their cells, such as hunger strikes, spawned retaliation in the form of frequent beatings with rubber hoses and nightsticks, confinement in harsh punishment or isolation cells, violent, arbitrary searches and confiscation of belongings, denial of medical attention, suspension of visits and confinement in prisons far from their relatives. The latter sanction causes considerable hardship for families at a time when the country is coping with severe fuel and transportation shortages. There were frequent complaints of overcrowding, poor hygiene, sub-standard diet, and insufficient time outdoors.

The severe shortages that today affect all Cubans are worse in the prisons. Prisoners complained of the lack of medicines, soap, toothpaste and razor blades for shaving. Typical meals included lemonade or orangeade for breakfast; and small portions of broth with a little rice or casava, or just a few spoonfuls of plain white rice, for lunch and dinner. While relatives

are allowed to bring food to prisoners, visits are not frequent enough to compensate for the inadequate rations.

According to several reports from relatives of political prisoners, the frequency of visits seems to have been increased from once every three weeks to once every two weeks at least in certain cases. However, for at least one political prisoner, family visits have been greatly reduced to only once every two months (see Sebastián Arcos, above). There also continued to be complaints about humiliating body searches to which women visiting their husbands, fathers or sons were subjected.

Among the many prisoners who were reported to have been beaten by prison guards in 1993 are Cecilio Ruiz Jiménez and Yoel Alfonso Matos in Quivicán prison in Havana; Juan Carlos Antúnez Rodríguez, Manolo Jiménez Cabeza, Alexander Suárez Torres, Teodoro Silva Román and Julián Aguirre Pulido, who were reportedly beaten by Sgt. José Luis Menéndez in Combinado del Este prison in Havana. Israel Castillo Ramos was also beaten in the same prison. Regino Fernández Perdomo, Tomás Martínez Cobo and Daniel Sánchez Brunet were beaten in El Pitirre prison in Havana, the latter two apparently by Second Sgt. Descoriele. Tomás Córdova and Hibraín Odelín Hardín were beaten in Micro 4 prison in Alamar, Havana; Norberto Telles Medina was mistreated by two guards known as Joaquín and Socarrás in Ganuza prison in San José de las Lajas, Havana.

Gerardo Montes de Oca was reportedly beaten by four guards under the command of Sgt. Riquelme, who is in charge of the punishment cell detachment known as the "Rectangle of Death" in Combinado del Este prison. Montes de Oca was reportedly held in a punishment cell sealed to keep out light and ventilation (*celda tapiada*) for three days.

On March 25, Felipe Navarrete was reportedly transferred to the punishment cells in the "Rectangle of Death" solely for having requested medical attention. On September 5, Alfredo García Quesada, an inmate at El Típico prison in Pinar del Río province, was beaten by guards known as Manuel and Galvis also for asking for medical assistance.

Arturo Suárez Ramos has reportedly been held in punishment cells in Boniato prison in Santiago and Aguica prison in Matanzas for the last nineteen months.

IX. U.S. POLICY

The United States imposed a trade embargo against the government of Fidel Castro at the height of the Cold War, more than three decades ago. In 1992, three years after the demise of the Soviet Bloc, President Bush signed into law the "Cuban Democracy Act," which expanded the trade embargo against Cuba in an attempt to speed the collapse of the Castro government and establish democracy in Cuba. The explicit intent of the law is to foster democracy by punishing the Castro government while rewarding the Cuban people. The Cuban Democracy Act extends the current embargo by prohibiting foreign-based subsidiaries of U.S. companies from trading with Cuba. At the same time, it allows for food to be donated to nongovernmental organizations — such as the Catholic and Protestant churches — and individuals. Medicines and medical supplies might be exported if the Cuban government were to allow on-site inspection to ensure that the supplies "benefit ... the Cuban people" and are not sold for re-export. The law also allows the U.S. government to provide "assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba."

Human Rights Watch/Americas has objected to provisions of the embargo and the Cuban Democracy Act that impede human contacts by maintaining restrictions on travel by U.S. citizens and on telephone communications.

Under the 1975 Helsinki Final Act and successive accords reached by the Conference on Security and Cooperation in Europe (CSCE), the United States has vowed to lift restrictions limiting "human contacts," including bans on travel and telephone communications. The principles set forth in the instruments would clearly favor the removal of any barrier on such contacts raised by a CSCE government in its relations with other nations.

Although the embargo allows U.S. citizens to travel to Cuba, they are prohibited from spending any money there without the permission of the U.S. Treasury Department. If citizens defy this restriction, they can be prosecuted for "trading with the enemy," imprisoned for up to twelve years and fined up to \$500,000 for corporations and \$250,000 for individuals. Against violators of the Cuban Democracy Act, the Treasury Department may now impose a civil penalty of up to \$50,000.

Exceptions are made only for four categories of visitors to Cuba and then under a strict licensing requirement: U.S. or foreign government officials or officials of any intergovernmental organization of which the U.S. is a member; family members with relatives in Cuba; academics and researchers with Cuba-specific expertise; and news media personnel. Under the Cuban Democracy Act, "clearly defined educational or religious activities, or activities of recognized human rights organizations" are also exempt from penalties. All other Americans traveling to Cuba must be guests of the Cuban government.

The Clinton Administration has embraced the Cuban Democracy Act but has begun to interpret its provisions in a way that, despite the ongoing restrictions enshrined in the law, would allow a slight increase in "human contacts." Since 1988, Americans, who have been permitted to import "informational materials" from Cuba — books, films, records and, since April 1991, art, have been barred from traveling to Cuba to arrange for these materials to be sent to the United States. In 1993, the Clinton Administration allowed an American poster-art importer to spend money on travel to Cuba after years of repeated refusals to give him permission. However, it denied permission to a group of American mathematicians to participate in an internationally sponsored conference in Havana in September 1993.

The embargo also impedes telephone communications between Cubans and Americans by blocking payment of monies due to Cuba for completing calls that have been held in escrow for three decades. In 1993, the Cuban government announced that it was reducing the number of phone calls it would complete to and from the U.S. to 20,000 minutes a month, a tiny fraction of normal demand. This may have been an effort to force U.S. callers to connect with Cuba via Canada, where phone companies do pay Cuba their share of revenues. In response, the U.S. banned the re-selling of calls through Canada in July; at the same time, the Clinton Administration issued new guidelines that would significantly increase direct links to Cuba.

The administration lifted the limits on increasing the number of circuits between the U.S. and Cuba permitting U.S. long-distance companies to offer Cuba fifty percent of revenues for completing calls — most of which are billed in the U.S. — at a rate that would not exceed \$1.20 per minute. However, it has refused to allow Cuba to collect the approximately \$80 million owed to that country which remains in a blocked account. This remains a sticking point with the Cuban government, which also quarrelled with the \$1.20/minute rate, despite the fact that it is a

rate comparable to that charged in other countries in the Caribbean. In October 1993, the Cuban government rejected the U.S.'s offer.

The U.S. continues to fund TV Martí, the U.S. Information Agency's (USIA) television broadcast to Cuba, even though its transmissions have been successfully blocked by Havana and cannot be seen in Cuba. The Cuban government has retaliated by blocking the USIA's medium-wave radio broadcasts to Cuba, the widely-heard Radio Martí, which can now mostly be heard only on short-wave. In 1993, the U.S. House of Representatives voted to stop funding both to TV Martí and Radio Martí; the Senate voted to renew funding for both. As a result of the disagreement over continued funding, Congress appointed a panel to evaluate the USIA's program in Cuba. In the meantime, funding was provided to support day-to-day operations, but full funding will not be allocated until the panel's report — expected in March — is presented to Congress and the issue debated again.

To its credit, the State Department continues to produce reliable human rights reports on Cuba. The *Country Reports on Human Rights Practices for 1993*, issued by the Clinton Administration in January 1994, provides a detailed and balanced analysis of the broad range of human rights violations in Cuba.

The U.S. delegation again led the campaign to censure Cuba at the United Nations Human Rights Commission (UNHRC) meetings in Geneva in early 1993. The U.S. delegation balanced its initiative on Cuba with forceful efforts on other violator countries and avoided the ideologically-charged confrontations of past sessions.

The resolution on Cuba adopted in March 1993 by the UNHRC maintained the pressure by extending the mandate of the Special Rapporteur for another year. The U.S.-drafted resolution passed with a vote of 27 to 10, with 15 abstentions, and one commission member absent. Again, the Cuban government quickly announced that Cuba would not cooperate with the rapporteur.

Mr. Carl Johan Groth of Sweden had been named rapporteur by U.N. Secretary General Boutros Boutros-Ghali in 1992; as a result of the new vote, he accepted the post for another year. Despite the lack of cooperation from the Cuban government (Mr. Groth was denied permission to visit Cuba in 1992) the rapporteur presented a report to the Commission in February 1993 that reflected the broad range of concerns of Cuban human rights monitors while being informative, thorough and balanced. In conclusion, he stated: "There can be no doubt that the Cuban political system and Cuban society have special characteristics and, as a result, so do the human rights situation and the systematic violations committed. However, this in no way justifies such violations or makes them acceptable. One of the characteristics mentioned in the report which deserves special consideration is the fact that dissidence within the society is expressed in an entirely peaceful manner, in an attempt to avoid any confrontation or violence."

In his November 1993 interim report to the General Assembly, Mr. Groth provides an informative and even-handed analysis of the Cuban government's human rights practices. The rapporteur's recommendations should serve as a solid foundation for the United Nations Human Rights Commission to maintain pressure on Cuba to improve its human rights record.



This report was written by Human Rights Watch/Americas research associate Mary Jane Camejo. It is the tenth report on Cuba published by Human Rights Watch since 1986. Human

Rights Watch/Americas, which has never been allowed formally by the Cuban government to conduct the kind of fact-finding investigation it undertakes elsewhere in the region, is grateful to many individuals and organizations for their relentless determination to document human rights violations in Cuba under very difficult circumstances. We are indebted to the Cuba-based Cuban Commission for Human Rights and National Reconciliation and the Cuban Committee for Human Rights, among many others, as well as the U.S.-based Human Rights in Cuba, the Information Bureau of the Human Rights Movement in Cuba, and the Coordinator of Human Rights Organizations of Cuba. For additional information contact Juan E. Méndez (202)-371-6592 or Susan Osnos (212)-972-8400

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Human Rights Watch/Americas (formerly Americas Watch)

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