

Cuba

The Cuban government systematically denies its citizens basic rights to free expression, association, assembly, movement, and a fair trial. A one-party state, Cuba restricts nearly all avenues of political dissent. Tactics for enforcing political conformity include police warnings, surveillance, short term-detentions, house arrests, travel restrictions, criminal prosecutions, and politically-motivated dismissals from employment.

In April 2003, authorities sentenced seventy-five dissidents to prison terms ranging from six to twenty-eight years, and all but thirteen—released in 2004 for humanitarian reasons—remain incarcerated at this writing. Raul Rivero, a poet and journalist, and Marta Beatriz Roque, a prominent independent economist—and the only woman sent to prison during the crackdown—were among the thirteen who were released.

Legal and Institutional Failings

Cuba's legal and institutional structures are at the root of rights violations. The rights to freedom of expression, association, assembly, movement, and the press are strictly limited under Cuban law. By criminalizing enemy propaganda, the spreading of "unauthorized news," and insult to patriotic symbols, the government curbs freedom of speech under the guise of protecting state security. The government also imprisons or orders the surveillance of individuals who have committed no illegal act, relying upon laws penalizing "dangerousness" (*estado peligroso*) and allowing for "official warning" (*advertencia oficial*).

The government-controlled courts undermine the right to fair trial by restricting the right to a defense, and frequently fail to observe the few due process rights available to defendants under domestic law.

Trials and Releases of Political Dissidents

The first major political trial since the 2003 crackdown was held in April 2004 in the central Cuban city of Ciego de Ávila. The trial involved ten defendants, among them Juan Carlos González Leiva, a blind lawyer who is the president of the Cuban Foundation for Human Rights (Fundación Cubana de Derechos Humanos). González Leiva was sentenced to four years of house arrest on charges of disrespect for authority, public disorder, disobedience, and resisting arrest. Several other defendants, including Virgilio Mantilla Arango, received prison sentences of up to seven years. The prosecution was based on a political protest that they held at a provincial hospital in March 2002.

In September 2004, Rene Montes de Oca Martija, the leader of Cuba's Pro Human Rights Party (Partido Pro Derechos Humanos de Cuba), was sentenced to eight months in prison for the crime of "contempt of authority."

Thirteen incarcerated dissidents were granted provisional release in 2004, ostensibly for humanitarian reasons. In addition to Raul Rivero, fifty-nine, and Marta Beatriz Roque, fifty-nine, they included librarian Roberto de Miranda, sixty-two, who suffered from serious health problems in prison, and independent journalist Manuel Vasquez Portal, fifty-two.

Prison Conditions

Prisoners are generally kept in abusive conditions, often in overcrowded cells. Prisoners typically lose weight during incarceration, and some receive inadequate medical care. Some also endure physical and sexual abuse, typically by other inmates with the acquiescence of guards. In October 2004, human rights advocate Luis Enrique Ferrer Garcia was reportedly stripped and beaten by police and prison officials in the Youth Prison of Santa Clara. The following month, dissident Juan Carlos Herrera Acosta was reportedly beaten to unconsciousness by prisoners who called him "traitor, worm, coward." Other incarcerated dissidents report receiving death threats and being subjected to other forms of harassment.

Political prisoners who denounce poor conditions of imprisonment or who otherwise fail to observe prison rules are frequently punished by long periods in punitive isolation cells, restrictions on visits, or denial of medical treatment. Dissident Oscar Elias Biscet was frequently punished in this fashion. These abusive conditions are particularly hard on older dissidents, some of whom are in their sixties and in poor health.

Death Penalty

Under Cuban law the death penalty is possible for a broad range of crimes. Because Cuba does not release information regarding its use of the penalty, it is difficult to ascertain the frequency with which it is employed. As far as is known, however, there have been no executions since April 2003.

Human Rights Defenders

Human rights monitoring is not recognized as a legitimate activity, but rather is stigmatized as a betrayal of Cuban sovereignty. No local human rights groups enjoy legal status. Instead, human rights defenders face systematic harassment, with the government placing heavy burdens on their ability to monitor human rights conditions. Nor are international human rights groups such as Human Rights Watch allowed to send fact-finding missions to Cuba. And Cuba remains one of the few countries in the world, and the only one in the Western Hemisphere, to deny the International Committee of the Red Cross access to its prisons.

Labor Rights

The government recognizes only one labor union, the Worker's Central of Cuba (Central de

Trabajadores de Cuba, CTC). Independent labor unions are denied formal status and their members are harassed. Workers employed in businesses backed by foreign investment remain under tight government control. Under restrictive labor laws, the authorities have a prominent role in the selection, payment, and dismissal of workers, effectively denying workers the right to bargain directly with employers over benefits, promotions, and wages.

Key International Actors

In mid-April 2004, the U.N. Commission on Human Rights voted twenty-two-to-twenty-one to adopt a resolution deploring the “actions which occurred last year in Cuba in respect to sentencing of political dissidents and journalists,” a reference to the heavy sentences meted out to dissidents in April 2003. A number of Latin American countries voted in favor of the resolution.

The U.N. Educational, Scientific and Cultural Organization (UNESCO) awarded independent journalist Raul Rivero its annual press freedom award in May. Rivero, sentenced to a twenty-year term of imprisonment during the 2003 crackdown, was honored for his “brave and longstanding commitment to independent reporting, the hallmark of professional journalism.”

The European Union continues to maintain its common position on Cuba, making improvement in economic and trade relations contingent on Cuba’s progress on human rights. In October 2004, however, Spain’s new ambassador to Cuba criticized E.U. policy toward the island and said that his government would work to thaw relations. A few days later, three European politicians—two Dutchmen and a Spaniard—who visited Cuba to meet with dissidents were arrested at Havana Airport, detained briefly, and expelled from the country.

The U.S. economic embargo on Cuba, in effect for more than four decades, continues to impose indiscriminate hardship on the Cuban people and to block Americans from traveling to the island. In early May 2004, President Bush announced new measures to tighten the embargo. The measures included stricter limits on cash remittances and on visits to family members. In October, for the thirteenth straight year, the U.N. General Assembly voted by an overwhelmingly margin to urge the U.S. to end the embargo.