

@CHAPTER = CUBA

The Bush administration's human rights policy toward Cuba has been marked by internal contradiction. On the one hand, the administration, like the Reagan administration before it, has devoted considerable energy to documenting and denouncing Cuban rights practices. This had some positive impact, although unfortunately the benefits have often been temporary. On the other hand, the Bush administration, like its predecessor, has continued to take positions on ideological grounds which work at cross purposes with efforts to promote human rights in Cuba. The impression that emerges is of an administration that is interested in human rights in Cuba when it serves the purpose of discrediting Fidel Castro, but which quickly loses interest if there is an ideological price to pay. Although many at the State Department's Cuba desk in Washington and the U.S. interests section in Havana<\$FThere is no embassy because the United States has no diplomatic relations with Cuba.> have carefully monitored Cuban rights practices (including through trial observation) and have produced increasingly accurate reports, several senior administration officials seem to suffer from this policy contradiction.

After a brief period of relative openness in 1987 and the first half of 1988, Cuban rights practices deteriorated sharply in late 1988 and 1989. Much of the earlier improvement was due to a U.S.-led campaign before the U.N. Commission on Human Rights, which meets annually in Geneva. A resolution to highlight Cuban abuses narrowly failed in 1987, and in a compromise agreement in 1988, the Commission accepted a Cuban invitation to send a delegation to investigate human rights conditions. The delegation visited Cuba in September 1988.

Until that visit, the heightened international scrutiny and the threat of international condemnation helped create a narrow but significant space for independent activity in Cuba. The best evidence of this opening was the emergence of several small nongovernmental human rights organizations in Cuba. Though harassed, these activists managed to meet, to investigate human rights conditions, and to report on them publicly, without immediate imprisonment.

Unfortunately, in March 1989, the Commission sharply downgraded the level of scrutiny accorded Cuban rights practices. In the place of sending an investigative delegation, or even authorizing relations with independent human rights organizations in Cuba, the Commission simply welcomed "the willingness of the Government of Cuba to cooperate with the [U.N.] Secretary-General in maintaining direct contacts" on human rights issues.

Beginning several months before this vote, apparently in anticipation of it, the Cuban government moved to close the small space for independent activity that had opened while international attention was at its height. At the end of 1989, at least 27 independent activists were being held in Cuban prisons, including the heads of most of the major Cuban human rights organizations. These arrests began during and following the visit of the U.N. delegation in September 1988, continued with two sweeps at the time of the visit of Soviet General Secretary Mikhail Gorbachev in April 1989, and resumed in August 1989 with the arrest of the leaders of three human rights organizations. Many of these human rights monitors have been jailed for infractions of Cuban law such as producing a human rights newsletter and attempting to hold a peaceful demonstration; these are considered petty crimes, punishable by up to one year in prison, and are tried at the municipal-court level, where Cuban law deems defense attorneys "not indispensable." Others have been convicted of such felonies as spreading false information, and have received prison terms of up to two years.<\$F At the same time, Cuba stopped permitting visits from international human rights organizations. During the brief opening, representatives of such organizations, including Americas Watch, were

occasionally allowed to visit, although under the fiction that the organizations themselves were not being admitted.>

This crackdown on independent activity was made possible by the lack of legal protection for basic liberties, including the right of privacy, due process of law, and freedom of expression, association, assembly and movement. The earlier opening was entirely the product of a political decision by the Cuban government; because this greater tolerance was never codified in Cuban law, the government remained able to close this political space at any time.

Although the U.N. Human Rights Commission is an exceedingly political body, the political mix that led to an effective suspension of scrutiny of Cuban rights practices was in at least two respects a product of the continuing ideological strains in U.S. human rights policy toward Cuba. First, because the Commission's initial decision to review human rights in Cuba was due in large part to exaggerated U.S. charges of ongoing political executions, disappearances and torture, it became difficult to sustain that scrutiny when the U.N. delegation to Cuba found no evidence to support those allegations. Indeed, to the credit of those who drafted the State Department's accurate country report on Cuban rights practices issued in February 1989, those charges have also been omitted from the formal U.S. assessment of Cuban rights practices.

Second, U.S. credibility before the Commission was hurt by the perception that the administration's single-minded focus on Cuba was to the exclusion of comparable violators who happened to be U.S. friends. That perception was only reinforced by the Bush administration's decision to retain Ambassador Armando Valladares as the U.S. representative to the Commission. A former long-term political prisoner in exile, Valladares's understandable deep, personal antipathy for the Castro dictatorship appears to have left him with little interest in pursuing other violators, particularly of the non-Communist sort.

Accused of such selective attention during a September 20 hearing before the House Subcommittee on Western Hemisphere Affairs, Ambassador Valladares pointed to his work against rights violations in Afghanistan, Romania and South Africa to show that he had interests outside Cuba. But none of the three demonstrated an even-handed commitment to human rights -- Afghanistan and Romania because, like Cuba, they were Communist states, and South Africa because condemnation would be routine regardless of the U.S. position. Notably, Valladares made no mention of abusive governments where a strong U.S. stance against abuses would have made a difference before the Commission -- such U.S. friends as Iraq and Guatemala.

The administration's apparent aim of discrediting the Castro government, even to the point of undermining efforts to improve human rights in Cuba, has manifested itself outside the U.N. context as well. In testimony on August 2 before the House Subcommittee on Western Hemisphere Affairs, Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter concluded his description of Cuban rights abuses with the comment, "if [a] better tomorrow comes, it will not be under the rule of Fidel Castro." Whether or not this prediction turns out to be accurate, it is hardly a productive way to encourage Castro to curb rights abuses. Rather, it leaves the impression that the administration is using Cuban rights abuses simply to discredit the Castro government.

Although the Bush administration, following the lead of the February 1989 country report, has generally refrained from exaggerating Cuban abuses, there have been exceptions. For example, in August 2 testimony before the House Subcommittee on Western Hemisphere Affairs, Deputy Assistant Secretary of State for Inter-American Affairs Michael Kozak stated:

@QUONONINEND = Aryeh Neier of Americas Watch estimated last month that the number of prisoners held on political charges could range as high as 300, some of whom had been held in prison since shortly after Castro came to power. Other estimates, which include those jailed for religious beliefs or for attempting to leave the country without permission, range in the thousands. The Castro regime admitted in March of 1988 that 455 prisoners were being held for "crimes against state security," an acronym for loosely defined political crimes. This statement was deceptive in several respects. First, by referring to "[o]ther estimates, which include those jailed for religious beliefs or for attempting to leave the country without permission," it implied that the figure of 300 cited by Neier in the article referred to did not include those categories of prisoners, when in fact it clearly did; there was simply no basis for Kozak's allegation of "thousands" of political prisoners.<\$F See Aryeh Neier, "Cuba: The Human Rights Show," *The New York Review of Books*, June 15, 1989. After citing Cuban government figures on the number of political prisoners, Neier noted that those figures left out several categories of political prisoners, among them those charged with allegedly attempting to leave Cuba, *desacato* (disrespect or contempt) and clandestine printing -- the latter including Jehovah's Witnesses. He then explained that when prisoners convicted of these crimes are added to those listed by the Cuban government, the number of known political prisoners was "less than three hundred." Kozak thus was wrong in implying that Neier did not consider those imprisoned "for religious beliefs or for attempting to leave the country without permission." Although Neier went on to say that "[t]here may be some others whose names are not known, particularly among Jehovah's Witnesses held for clandestine printing and among conscientious objectors held in military prisons," there was nothing to support Kozak's estimate of "thousands" of political prisoners.> Second, while Kozak cited the figure of 455 political prisoners given by the Cuban government in March 1988, he omitted the more recent figure of 121 political prisoners -- cited in the same column of Neier's article -- which the government gave to the U.N. delegation after its September 1988 visit; that figure reflected the substantial numbers of prisoners released in anticipation of the U.N. visit. Finally, Kozak chose not to mention the most accurate source on numbers of prisoners (because it systematically visits all political prisoners with the exception of military offenders) -- the International Committee of the Red Cross; it counted 257 political prisoners as of May 1989. What emerged was a greater concern with discrediting Cuba than with accurately describing Cuban rights practices -- the same tendency which contributed in part to the ultimate failure of the U.S. effort on Cuba at the U.N.

In an apparently less calculated error, Ambassador Valladares testified on September 20 that Elizardo Sanchez, the head of the Cuban Commission for Human Rights and National Reconciliation, had been "sentenced to one year for spreading false propaganda." Although Sanchez had been arrested on August 6 and was sentenced to two years in prison for the charges cited on November 24, there was no basis for Valladares's statement at the time he made it. False reports are probably inevitable when monitoring as closed a country as Cuba, but it is to be hoped that Ambassador Valladares would take greater care in verifying his information before incorporating it into formal Congressional testimony, particularly when it was one of only two specific cases he detailed. Another important way in which the United States could have a significant impact on Cuban rights practices is through the prospect of improved relations with Cuba. Human Rights Watch takes no position on whether U.S. relations with Cuba should be upgraded and, if so, under what circumstances. We note, however, that the Bush administration has failed to use the prospect of improved

relations as an effective tool to promote human rights.

President Bush has stated that the current state of U.S.-Cuban relations is due, at least in part, to Cuban rights violations. But he has refrained from stating explicitly that relations would warm if Cuban respect for human rights improved. In his most explicit comments on the topic since taking office, a May 22 speech at the White House marking Cuban Independence Day, the President stated:

"I challenge Fidel Castro to take concrete and specific steps leading to free and fair elections and full democracy. A useful first step would be to accept a proposed plebiscite in Cuba. I also strongly believe that Cubans who wish to leave Cuba should be allowed to do so -- a fundamental human right guaranteed by free nations."

These were appropriate and useful comments. But the President went on to address the prospect of improved U.S relations with Cuba:

"And this I pledge -- unless Fidel Castro is willing to change his policies and behavior we will maintain our present policy toward Cuba -- knock off this wild speculation as just that -- some suggesting that our administration is going to unilaterally shift things with Fidel Castro -- I am not going to do that and I'm glad you're here to hear it directly from me."

These comments are notable for the manner in which President Bush carefully avoided saying that relations *would* improve if specified violations ceased. Instead, the President simply blamed those rights violations for the current state of U.S.-Cuban relations. The distinction is important because Cuban desires for improved relations with the United States, particularly in the economic sphere, could provide a powerful incentive for improvement in Cuban human rights practices, but only if the Cuban government is able to see a clear linkage between the two issues. So far, the Bush administration has been unwilling to make that linkage explicit.