

Human Rights Watch

Discrimination, Detention, and Deportation: Immigration & Refugees

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Human Rights Watch World Report 1998

CUBA

Human Rights Developments

Cuba voiced muffled support for human rights and representative democracy in the past year, as it moved toward greater economic engagement with Europe, Canada, Asia, and Latin America. But the government revealed an intransigent reliance on political oppression to crush internal opposition through its repressive measures against dissidents, failure to amnesty political prisoners, continuing blockage of human rights monitoring, creation of new laws restricting human rights, and refusal to dismantle oppressive legal structures.

In one of Cuba's strongest statements favoring human rights, President Fidel Castro Ruz signed the Via del Mar Declaration, endorsing support for democracy and respect for human rights, fundamental liberties, and the principles consecrated in the United Nations Charter, at the Sixth Iberoamerican Summit of leaders in Chile in November 1996. On January 9, 1997, however, Cuba flaunted its disdain for the agreement by arresting Hector Palacios Ruiz, the president of the Democratic Solidarity Party (Partido Solidaridad Democrática, PSD), charging him with contempt for the authority of President Castro and seizing his copies of the Via del Mar Declaration. Palacios Ruiz, whom the Cuban government sentenced to eighteen months' imprisonment on September 4, had challenged the government's willingness to comply with the declaration in an interview with a German journalist.

Palacios Ruiz's trial, and Cuba's refusal to amnesty political prisoners, highlighted the government's reliance on its prison system as the backbone of its repressive tactics. Once again, in the past year the government failed to reform a penal code that criminalized the exercise of fundamental rights under provisions such as "enemy propaganda," "contempt for authority," "illicit association," "dangerousness," and "illegal exit." Cuban courts routinely denied basic due process guarantees, including sufficient and timely access to lawyers, the right to present witnesses and evidence for the defense, and open courtrooms free of intimidation.

Among the dissidents prosecuted in the last year was Enrique Garca Morejn, a member of the Christian Liberation Movement (Movimiento Cristiano de Liberación, MCL), sentenced in February 1997 to four years in prison for enemy propaganda. The court alleged that he had distributed flyers saying "Down with Fidel," but reportedly the charge arose from his collecting signatures for the MCL's unsuccessful attempt to obtain legal status. In May 1997, Cuban authorities sentenced Ana Mara Agramonte Crespo, a member of the Nationalist Action Movement (Movimiento de Acción Nacionalista), to eighteen months for contempt for authority and resistance to authority. A Cuban court condemned Ricardo De Armas Hernández, a member of the PSD in Matanzas, to nine months for dangerousness in May. Confined in the harsh Agica prison, De Armas reportedly suffered beatings by prisoners held for common crimes in August. In August 1997, a court convicted Luis Mario Pared Estrada, a leader of the Thirtieth of November Party "Frank Pais" (Partido 30 de Noviembre "Frank Pais"), of dangerousness and sentenced him to one year. In September, a Havana court convicted his colleague, Maritza Lugo Fernández of bribery, for allegedly trying to pay a prison guard to bring a prisoner a tape recorder.

A Cuban court also convicted Nstor Rodríguez Lobaina, the president of Youth for Democracy (Jvenes por la Democracia), of contempt for authority and resisting arrest on April 10, 1997, sentencing him to eighteen months. In September, several prison guards beat him after he began a hunger strike to protest prison conditions. On June 17, 1997, a court sentenced Radames Garca de la Vega, a vice-president of Youth for Democracy, to eighteen months for contempt for authority. In late July, the government convicted Heriberto Leyva Rodríguez, a vice-president of the same group, of contempt for authority of the Santiago court, reportedly based on his testimony at Garci de la Vega's appeal hearing earlier that month.

The dissidents convicted of political crimes in 1997 joined over 800 additional political prisoners in Cuba's extensive prison system. Prison conditions remained poor for all inmates, and dissidents suffered particularly abusive treatment. Political prisoners often suffered dramatic weight loss due to meager food rations; serious, and sometimes life-threatening, health problems due to insufficient medical attention; and, in some cases, abuses at the hands of guards or common criminals, with whom they routinely were mixed. Prison authorities forced some imprisoned dissidents to spend periods in isolation cells, restricted their visits, or transferred them far from family members. The punitive and intimidatory measures against political prisoners that caused severe pain and suffering violated Cuba's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified in 1995. Once again, in the past year the government forbade access to its prisons by international human rights monitors and humanitarian groups, including the International Committee of the Red Cross (ICRC).

Guards at the Kilo 8 prison, which is known for its extremely harsh conditions, persisted in their abusive treatment of Jess Chamber Rodríguez. He suffered deteriorating health due to confinement in punishment cells, insufficient medical attention, poor nutrition, and denial of access to sunlight for weeks at a time. Chamber Rodríguez began serving a ten-year sentence for enemy propaganda in 1992, but Cuban authorities sentenced him to four more years in 1996 for contempt of authority, apparently based on his criticizing prison conditions and shouting "down with Fidel." Jorge Luis Garca Prez, known as Antnez, who began serving seventeen years for enemy propaganda, sabotage, and "evasion" in 1990, also received harsh treatment from prison authorities. Prison guards responded to Antnez's hunger strikes, in protest of prison conditions, by denying him family visits and medicine. In September, guards at the Guantanamo prison beat Antnez after he criticized the government.

Cuban failures to provide medical care left many political prisoners in critical condition. Omar Del Pozo Marrero, a doctor who received a fifteen-year sentence in 1992 and was held at the Combinado del Este prison, suffered severe hypertension and malnutrition in 1997, due to insufficient medical care, bars on his access to sunlight for several week periods, and restrictions on family visits. Prison authorities at Kilo 8 did not provide Eduardo Gmez Snchez, who was sentenced in 1994 to twenty years for illegal exit and rebellion, with appropriate treatment for a liver ailment that turned his skin yellow and caused vomiting, diarrhea, and weight loss.

Cuba's efforts to stifle criticism reached inside prison walls as well, where prisoners protesting inhumane treatment faced retaliatory measures, including beatings, isolation, and criminal prosecution. On January 21, 1997, a Cuban court convicted Vctor Reinaldo Infante Estrada, whom a Cuban military court sentenced to thirteen

years in prison in 1992, to one additional year for contempt of authority. The court based Infante Estrada's second sentence on his denouncing abuses at the Agica prison, where he was held. In May, when he demanded improved medical treatment, the prison authorities punished him again, by confining him to an isolation cell for over one month.

Security forces harassed and arbitrarily detained scores of nonviolent activists in the past year. Government repression touched broad sectors of civil society, including academics, human rights activists, labor organizers, religious leaders, youth groups, and unofficial political parties. Cuban authorities notified many dissidents that they were at risk of criminal prosecutions if they did not abandon their "counter-revolutionary" activities or leave the country. Activists fled Cuba in response to these warnings, including Miguel Angel Aldana, a leader of the Martiana Civic Association (Asociacin Civica Martiana), who left for the United States in April 1997, after Cuban authorities threatened him with a four-year sentence for dangerousness. Cuba employed diverse methods to control dissident groups: conducting unauthorized searches; firing employees; seizing fax machines and photocopiers; making unsupported allegations of links between activists and terrorists (specifically regarding the eleven bombs that targeted Cuban tourist destinations between April and September); and, denying dissident groups any legal recognition. The government also heightened harassment of homosexuals, raiding several nightclubs known to have gay clientele and allegedly beating and detaining dozens of patrons.

Official intent to silence dissenting voices was glaringly manifest in the July 15, 1997 detentions of four prominent, nonviolent leaders of the Internal Dissidents' Working Group (Grupo de Trabajo de la Disidencia Interna, GTDI): professor Flix Antonio Bonne Carcasses, economists Marta Beatriz Roque Cabello and Vladimiro Roca Antnez, and attorney Ren Gmez Manzano. On May 5, the group held a well-attended press conference encouraging a boycott of elections planned for late 1997. In June, the GTDI issued a statement titled *The Motherland Belongs to All (La Patria es de Todos)*, which challenged Cuba's exclusive recognition of one political party. Cuban authorities categorized the dissidents' peaceful protests as "counter-revolutionary crimes." At this writing, the four leaders remain in prison facing possible trial for enemy propaganda and revealing state secrets, reportedly about the Cuban electoral system.

Cuba continued to exercise strict control over labor rights during 1997, refusing to allow the formation of any independent unions. The Foreign Investment Law required all investors to hire employees through the government-controlled employment agency, which apparently selected some workers based on political viewpoints. Independent labor activists faced government harassment. State security agents interrogated Manuel Antonio Brito Lpez, the secretary general for the Union of Independent Workers (Unin de Trabajadores Independientes), in Havana on July 12, advising him to restrict his movement until August 6, the final day of the International World Festival of Youth and Students.

In preparation for the October 1997 Fifth Communist Party Congress, in late May the government released a position paper titled *The Party of Unity, Democracy, and Human Rights that We Defend*, which praised Cuba's allegedly spotless human rights record. Yet, the document called upon the "truly free" press to "guarantee the continuity of socialist, patriotic, and anti-imperialist ideas and values, and the Revolution itself..." Meanwhile, the government manifested its disdain for genuine press freedoms throughout the year. In July, Cuban authorities sentenced Lorenzo Paez Nez, a journalist with the Habana Press agency in Pinar del Ro, to eighteen months for contempt and defamation of the police, based on his having reported alleged police abuses.

Cuban authorities relied heavily on both short-and long-term detentions to intimidate journalists. Authorities detained Hector Peraza Linares, the co-director of Habana Press, in Pinar del Ro on June 23, only releasing him in September. Ral Rivero, the head of Cuba Press, was arrested on July 28 and August 12. Cuban authorities freed Cuba Press journalist Efrn Martnez Pulgarn in mid-September, without charges, following his August 13 detention. Cuba employed other dissuasive tactics as well. On February 26, the authorities harassed Tania Quintero and her colleague Ana Luisa Baeza, of Cuba Press, with "repudiation meetings" (*mtines de repudio*) in which groups of up to sixty government sympathizers gathered outside the women's homes, throwing objects and shouting criticisms. Following a February 21 arrest, Joaquin Torres Alvarez, the director of Habana Press, was beaten in May by several assailants whom he later identified as members of the State Security forces and representatives of his neighborhood's Communist Party office.

The government permitted a small number of permanent international news bureaus to operate in Cuba, including, as of March 19, the U.S.-based Cable News Network (CNN). While the U.S. government approved licenses for nine additional media to open Cuba bureaus, the Cuban government did not allow these companies to do so. In February 1997, new regulations granted Cuban authorities the right to reprimand or withdraw credentials from foreign reporters who had failed to demonstrate "objectivity," accurately represent the facts, or comply with journalistic ethics.

Additional Cuban legal initiatives further narrowed the exercise of free expression, association, and movement. In December 1996, Cuba passed the Law Reaffirming Cuban Dignity and Sovereignty (Ley de Reafirmacin de la Dignidad y Soberana Cubanas, also known as the Gag Law). A response to the Helms-Burton law, which tightened the U.S. embargo, the law created broad restrictions on free expression, criminalizing even the appearance of support for U.S. policies. Cuban authorities then insisted on public manifestations of support for the law. In early 1997, the government circulated a pro-law petition, the Declaration of the Mambises of the Twentieth Century (Declaracin de los Mambises del Siglo XX, the "mambises" fought for Cuban independence), to mass organizations, schools, universities, and workplaces. On April 7, Cuban authorities briefly detained Fidel Emilio Abel Tamayo, the father of one of several schoolchildren who had refused to sign the declaration in March.

In April, Cuba extended its control over citizens' movements with the passage of Decree 217, which directed all but "legal" residents to leave Havana. President Castro praised the initiative's potential for minimizing "indiscipline." By late April, the official Cuban press announced that the government had returned more than 1,600 "illegal residents" of Havana to their home provinces "using persuasive methods." Cuba also retained its prohibition on unapproved emigration and continued to prosecute for "illegal exit." In October 1996, Cuban authorities sentenced Abel Denis Ambroise Sanville to fourteen months for illegal exit.

Cuba attempted to weaken United Nations human rights mechanisms. As it had in 1996, Cuba pushed for a narrower mandate for the U.N. Working Group on Arbitrary Detentions, which previously had censured Cuba. At the Human Rights Commission's fifty-third session in Geneva in March and April 1997, Cuba successfully lobbied to restrict the Working Group's scope. Cuba also co-sponsored a resolution urging member states not to employ coercive economic or political measures against countries in response to negative human rights practices.

The Right to Monitor

The government barred international human rights groups' access to the country, as well as access by the ICRC and the U.N. Special Rapporteur. In September 1997 Human Rights Watch requested permission to conduct independent investigation in Cuba, having been denied access since 1995. In October, the request was denied.

Odilia Collazo Valds, the president of the Pro Human Rights Party (Partido Pro Derechos Humanos, PPDH), suffered repeated arrests during 1997, as did other PPDH members, including Mait Moya Gmez and Jorge Luis Rodrguez. On October 23, a Cuban court in Santa Clara convicted eleven members of the PPDH of "association to commit criminal acts" (asociacin para delinquir) and "disobedience," with sentences ranging from one year of house arrest (Mara Felicia Mata Machado) to one and one-half year in prison or at a prison work camp (Jos Antonio Alvarado Almeida, Ileana Pealver Duque, Roxana Alina Carpio Mata, Lilian Meneses Martnez, Arlis Fleites Mndez, Marlis Velzquez Aparicio, Ivn Lema Romero, Danilo Santos Mndez, Vicente Garca Ramos, and Jos Manuel Yera Meneses). The trial occurred after the activists held a hunger strike to protest the government's detention of another PPDH member, Daula Carpio Mata. The judge reportedly allowed the defense attorney less than ten minutes to present testimony from all of the defendants. On October 29, the court sentenced Carpio Mata to sixteen months internment in a work camp for assault, following her outspoken criticisms of an earlier trial.

Ren Gmez Manzano, an attorney with the Agromontista Current (Corriente Agromontista), a legal defense group, and leader of the Internal Dissidents' Working Group, remains in detention at this writing. After repeated prior denials, Cuba granted Elizardo Snchez Santacruz, the leader of the Cuban Commission for Human Rights and National Reconciliation (Comisin Cubana para los Derechos Humanos y la Reconciliacin Nacional) permission for international travel in early 1997 and did allow him to return to Cuba. On May 30, the Cuban government detained Snchez's colleague, Moiss Rodrguez Quezada, for seventy-two hours, warning him to abandon his work or leave Cuba.

The Role of the International Community

United Nations

In November 1996, the General Assembly again voted to condemn the U.S. embargo against Cuba. In April 1997, the fifty-third session of the U.N. Human Rights Commission again censured Cuban human rights practices. As in prior years, Cuba dismissed the resolution as slanderous. Cuba's efforts, described above, to weaken U.N. human rights mechanisms met with some success. The government refused to allow the Special Rapporteur on Cuba, Swedish diplomat Carl-Johan Groth, to conduct in-country research, but he nonetheless provided excellent coverage of Cuban human rights developments.

Organization of American States

In March, the Inter-American Commission on Human Rights issued a detailed report on Cuba's lack of compliance with the American Convention on Human Rights. Acknowledging that the Cuban government was excluded from the inter-American system in 1962, the commission nonetheless stressed that the Cuban state retained its obligations to uphold international human rights standards for its population.

European Union

On December 2, 1996, the European Union (E.U.) Council of Ministers adopted a new, stronger policy toward Cuba, known as the "common position," to "encourage a process of transition to pluralist democracy and respect for human rights and fundamental freedoms...." The policy made full economic cooperation conditional on human rights improvements, including penal code reform, the release of political prisoners, an end to harassment of dissidents, the ratification of international human rights conventions, and respect for the freedoms of speech and association. When its review of political and economic developments in Cuba revealed no notable progress, on June 26, the E.U. renewed the common position for an additional six months. Unfortunately, European investors in Cuba, as well as Canadians and others, failed to adopt effective strategies to ensure respect for labor rights in their Cuban workplaces, where government-dominated projects denied basic rights of free association and speech.

Canada

Canada's role as a leading foreign investor in Cuba provided it with important leverage for pressuring Cuba to make genuine human rights reforms during 1997. Yet, Canada's most significant human rights initiative, the January 1997 joint declaration between the Canadian and Cuban foreign ministries, included no concrete agenda for improvements in Cuban human rights practices. Relying on the principle of "effective influence," the accord, which also addressed foreign investment, taxation, banking, and other issues, provided that Cuba and Canada would cooperate on human rights issues by holding seminars, training judges, and "exchang[ing] experiences" relevant to Cuba's intent to support a citizen's complaint commission. Unfortunately, the Cuban government, which detained several dissidents during the negotiations, showed little sign of taking the accord seriously. A Cuban Foreign Ministry spokesman stated that "it is a blatant exaggeration to say that the inclusion of the issues of human rights in a broad and diverse joint declaration with Canada implies the existence of problems in this regard on the island." At this writing, the joint accord has resulted in informal bilateral talks on human rights in Havana early in the year, closed seminars on children's and women's rights in May and June, and preparatory meetings regarding legal reforms and a Cuban citizen complaint commission.

United States

In the past year, the U.S. government could not point to human rights gains in Cuba arising from its anachronistic thirty-year policy of isolation. President Clinton acknowledged that the policy had failed in April, when he noted that the embargo had not created "an appreciable change in the Cuban regime...." The embargo, which was solidified in 1996 with the passage of the Cuban Liberty and Democratic Solidarity Act (also known as the Helms-Burton law), continued to restrict the rights to free expression and association and the freedom to travel between the U.S. and Cuba, thus violating Article 19 of the International Covenant on Civil and Political Rights, a treaty ratified by the United States. The government's granting of ten licenses permitting U.S. media outlets to operate in Cuba was a positive step, but still reflected tight government control over communication between the two countries.

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