

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2010

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The Misuse of Dialogue and Cooperation with Rights Abusers

Protecting Students, Teachers, and Schools from Attack

The Changing Media Landscape and NGOs

Cuba remains the only country in Latin America that represses virtually all forms of political dissent. In 2010 the government continued to enforce political conformity using criminal prosecutions, beatings, harassment, denial of employment, and travel restrictions. Since inheriting control of the government from his brother Fidel Castro in 2006, Raul Castro has kept Cuba's repressive legal and institutional structures firmly in place. While Cuban law includes broad statements affirming fundamental rights, it also grants officials extraordinary authority to penalize individuals who try to exercise them. Following the death of a political prisoner on hunger strike in February 2010 and the subsequent hunger strike of a prominent dissident, Cuba's government has released more than 40 political prisoners, forcing most into exile. Many more journalists, human rights defenders, and dissidents remain behind bars, while the government increasingly relies on short-term, arbitrary detentions to punish its critics. Political Prisoners, Arbitrary Detentions, and "Dangerousness" Cubans who dare to criticize the government are subject to criminal and "pre-criminal" charges. They are exempt from due process guarantees, such as the right to a defense, and denied meaningful judicial protection because courts are "subordinated" to the executive and legislative branches. In February 2010 political prisoner Orlando Zapata Tamayo died following an 85-day hunger strike. Zapata who was jailed during a 2003 crackdown on more than 75 human rights defenders, journalists, and dissidents initiated his hunger strike to protest the inhumane conditions in which he was being held and to demand medical treatment. Following Zapata's death, dissident Guillermo Fariás initiated a hunger strike to demand medical attention for political prisoners with serious health problems. In July Fariás ended his hunger strike after 135 days when the Catholic Church announced it had reached an agreement with the Cuban government to release the 52 political prisoners still behind bars from the 2003 crackdown. By mid-November, 39 of the 52 prisoners had been released on the condition that they accept forced exile to Spain, while 12 prisoners, who refused to leave Cuba, remained in prison. One prisoner had been granted provisional freedom and allowed to stay on the island. Scores of political prisoners remain in Cuban prisons. In October 2010 the Women in White a respected human rights group comprised of wives, mothers, and daughters of political prisoners issued a list of 113 prisoners whom it said were incarcerated for political reasons. According to the Damas, there are likely many more prisoners whose cases they cannot document because Cuba's government does not allow international monitors or national groups to access its prisons. The government continued to rely on arbitrary detention to harass and intimidate individuals exercising their fundamental rights. The Cuban Commission for Human Rights and National Reconciliation documented 325 arbitrary detentions by security forces in 2007; from January to September of 2010, it registered more than 1,220. The detentions are often used to prevent individuals participating in meetings or events viewed as critical of the government. Security officers often offer no charge to justify the detentions a clear violation of due process rights but warn detainees of longer arrests if they continue participating in activities deemed critical of the government. For example, from February 23 to 25, more than 100 people were arbitrarily detained across Cuba or placed under house arrest to prevent them participating in memorial services for Orlando Zapata Tamayo. Raul Castro's government has increasingly relied on a "dangerousness" (estado peligroso) provision of the criminal code that allows the state to imprison individuals before they have committed a crime, on the suspicion that they might commit an offense in the future. Scores of individuals have been sentenced to between one and four years for "dangerous" activities including handing out copies of the Universal Declaration of Human Rights, staging peaceful marches, writing critical news articles, and trying to organize independent unions. Freedom of Expression The

government maintains a media monopoly on the island, ensuring that freedom of expression is virtually nonexistent. Although a small number of independent journalists manage to write articles for foreign websites or maintain independent blogs, they must publish their work through back channels writing from home computers, saving information on memory sticks, and uploading articles and posts through illegal internet connections. Others dictate articles to contacts abroad. The risks associated with these activities are considerable. For example, blogger Luis Felipe Rojas of Holguin has repeatedly been arbitrarily detained, interrogated, and threatened by authorities for his work. In May 2010, soldiers and police surrounded his house for six days. He was arrested in September along with five human rights defenders when he traveled to attend a pro-democracy meeting, and again in October. The government controls all media outlets in Cuba and access to outside information is highly restricted. Only a tiny fraction of Cubans have the chance to read independently published articles and blogs because of the high cost of, and limited access to, the internet: an hour of internet use costs one-third of Cubans' monthly wages and is only available in a few government-run centers. Human Rights Defenders Refusing to recognize human rights monitoring as a legitimate activity, the Cuban government denies legal status to local human rights groups. The government also employs harassment, beatings, and imprisonment to punish human rights defenders who attempt to document abuses. For example, in October 2010 two members of the Women in White were detained as they marched in Havana holding a banner that read: Down with racism and long live human rights. Police transferred them to a police station and beat them, fracturing one woman's nose and the other's wrist, and held them without access to communications for seven hours. Travel Restrictions and Family Separation The Cuban government forbids the country's citizens from leaving or returning to Cuba without first obtaining official permission, which is often denied. For example, internationally acclaimed blogger Yoani Sanchez has been denied the right to leave the island to accept awards and participate in conferences eight times in the past three years. Widespread fear of forced family separation gives the Cuban government a powerful tool for punishing defectors and silencing critics. The government frequently bars citizens engaged in authorized travel from taking their children with them overseas, essentially holding children hostage to guarantee their parents' return. The government restricts the movement of citizens within Cuba by enforcing a 1997 law known as Decree 217. Designed to limit migration to Havana, the decree requires Cubans to obtain government permission before moving to the country's capital. It is often used to prevent dissidents traveling to Havana to attend meetings, and to harass dissidents from other parts of Cuba who live in the capital. For example, in January 2010 authorities repeatedly threatened to remove human rights defenders Juan Carlos Gonzalez and Tania Maceda Guerra from Havana. Security officers visited their home, called them "counterrevolutionaries," and warned they would be forcibly returned to their native province under Decree 217 if they did not leave Havana voluntarily. Prison Conditions Conditions for prisoners are overcrowded, unhygienic, and unhealthy, leading to extensive malnutrition and illness. Political prisoners who criticize the government, refuse to participate in ideological "reeducation," or engage in hunger strikes and other forms of protest are routinely subjected to extended solitary confinement, beatings, visit restrictions, and denial of medical care. Prisoners have no effective complaint mechanism to seek redress, giving prison authorities total impunity. Key International Actors In October 2010 the European Union renewed its "Common Position" on Cuba, adopted in 1996, which conditions full economic cooperation with Cuba on the country's transition to a pluralist democracy and respect for human rights. At the same time the EU dispatched its top foreign policy official, Catherine Ashton, to initiate a dialogue with Cuba's government on how to improve relations. The United States' economic embargo on Cuba, in place for more than half a century, continues to impose indiscriminate hardship on the Cuban people, and has done nothing to improve human rights in Cuba. At the United Nations General Assembly in October, 187 of the 192 member countries voted for a resolution condemning the US embargo; only the United States and Israel voted against it. In April 2009 the US government eliminated all limits on travel and remittances by Cuban Americans to Cuba. Legislation introduced in the US House of Representatives in February 2010 would restore the right to travel to Cuba for all Americans and remove obstacles to sales of US agricultural commodities to Cuba. It has not yet been brought to a vote. As of October 2010 Cuba's government had yet to ratify the core international human rights treaties: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights which it signed in February 2008. Cuba is currently serving a three-year term on the UN Human Rights Council, having been reelected in May 2009.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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