

10410

Human Rights in Cuba

Including reports from:

U.S. Department of State

Americas Watch

Amnesty International

Inter-American Commission on Human Rights

CUBAN AMERICAN NATIONAL FOUNDATION

The Cuban American National Foundation is an independent, non-profit institution devoted to the gathering and dissemination of data concerning the economic, political and social welfare of the Cuban people, both on the island and in exile. The Foundation supports the concept of a free and democratic Cuba.

The Foundation promotes an objective view of Cuba and Cubans, and an objective appraisal of the Cuban government and its policies.

The Foundation supports a general program to enlighten and clarify public opinion on problems of Cuban concern, to fight bigotry, protect human rights, and promote cultural interests and creative achievement.

“Encouraged by the changes in Eastern Europe and intoxicated by the swarming worms in Miami that are forecasting what they call the imminent fall of the Cuban revolution, small groups of local worms are attempting to join in the triumphalistic airs of the empire in an attempt to raise themselves above their crawl. Disguised by alleged humanitarian organizations, hiding and only showing their hairy ears, or crouching in the shadow of hypocrisy, some of those elements underestimate the power of the people and believe that they can have some luxuries.”

—Cuban Government commentary on
Havana Radio Rebelde Network, March 17, 1990

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Introduction

For over thirty years Fidel Castro has presided over a communist dictatorship in Cuba. This inglorious achievement has not been possible without violating human rights.

To maintain himself in power, Fidel Castro has relied on terror—through violence, an island-wide network of political police and informants, and every other method of repression that can be conceived in the depths of the human mind.

All freedoms disappeared from Cuba long ago, and in their stead came political prisons, concentration camps, torture centers, and firing squad walls for summary executions.

Over the years this situation has been denounced by international organizations, governments, politicians, intellectuals, and the international media. However, with the help of some governments represented in the United Nations Human Rights Commission, Fidel Castro was able to evade accountability for his crimes against the Cuban people and to create the impression that he respected human rights. Ironically, Cuba was active in the UNHRC in denouncing in other countries the very abuses occurring in Cuba. Castro had been coldly efficient in hiding the corpses and quieting the clamor of his victims.

This situation began to change two years ago when, following a United States initiative, the UNHRC agreed to send a delegation to Cuba to investigate human rights abuses on the island. The international community was represented on the team by Senegal, Nigeria, the Philippines, Ireland, Colombia, and Bulgaria.

The group spent eleven days on the island in September 1988, and in that short time gathered evidence on 137 cases of torture, seven political disappearances, and over two thousand violations of the liberties encoded in the U.N.'s Universal Declaration of Human Rights, such as religious persecution and political assassination.

The result of this investigation was made public in a 400-page official U.N. publication, the most extensive ever written by that organization. It shows, after all this time, that Cuba's very social structure systematically and flagrantly violates the internationally established norms of respect for human rights.

This report in hand, the UNHRC, meeting once again in Geneva this year, voted to pass a resolution with the support of 19 countries—including Hungary and Bulgaria and the co-sponsorship of Poland and Czechoslovakia—that places Cuba among those nations that violate human rights. It also requires Cuba to respond to allegations of human rights abuses before the UNHRC next year.

Without a doubt, this resolution is a tremendous victory in the struggle for human rights in Cuba and signals the end of the impunity the Castro dictatorship has enjoyed for over thirty years.

Now more than ever, there is no doubt that Cuban government violates human rights, including torturing and executing its political opponents. The United Nation's report confirms this. It is a condemnation without appeal.

Ambassador Armando Valladares
U.S. Representative to the U.N. Human Rights Commission



Commission on Human Rights

Situation of human rights in Cuba

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106, (E/CN. 4/1989/46 and Corr.1),

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the government of Cuba on the issues and questions contained in the report,

Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the government of Cuba on this matter,

Expressing appreciation to the Secretary-General for his efforts in support of respect for human rights and fundamental freedoms,

Concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the government of Cuba,

Aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting human rights and fundamental freedoms,

- 1. Calls upon the government of Cuba to honor its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever,*
- 2. Calls upon the government of Cuba to provide the Commission at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN. 4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report,*
- 3. Welcomes the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the government of Cuba, as expressed in his letter to the Chairman of 29 January 1990, and requests that he provide, under this agenda item, the results of these contacts to the forty-seventh session.*

YES		NO		ABSTAIN	
Bangladesh	Morocco	China	Iraq	Argentina	Pakistan
Belgium*	Panama*	Cuba	Mexico	Botswana	Peru
Bulgaria	Philippines	Cyprus	Sri Lanka	Brazil	Sao Tome
Canada	Portugal*	Ethiopia	Ukraine	Colombia	Somalia
France	Senegal	Ghana	USSR	Madagascar	Swaziland
Gambia	Spain	India	Yugoslavia	Nigeria	Venezuela
West Germany*	Sweden				
Hungary	United Kingdom*				
Italy	United States				
Japan*					

(* Co-sponsors of U.S. resolution. Other co-sponsors, but non-voting members of the Commission: Norway, Denmark, Poland, Czechoslovakia, Netherlands, Luxemburg, Ireland.)

**Statement by Ambassador Armando Valladares, U. S.
Representative to the United Nations Human Rights Commission
46th Session, February 27, 1990**

Last year when I addressed the Commission on the subject of Cuba, the State Department had just issued its annual report noting limited human rights improvements in my country of birth. We acknowledged the positive changes on the human rights front taking place in Cuba in hopes that they would be expanded. Unfortunately, just the opposite has happened. The Cuban Government's human rights abuses have increased markedly over the past year and, I might add, contrast sharply with positive developments elsewhere in the socialist world.

The Cuban Government has stepped up repression in contrast to the limited relaxation effected in 1988. Castro cracked down on human rights groups, executed General Arnaldo Ochoa and three other officers without a fair trial and denied internationally recognized human rights monitors permission to attend the trial of three human rights leaders. Reliable reports of prisoner abuse and beatings have risen as well. Amnesty International denounced in December the mistreatment of political prisoners. In one case, prison guards broke up a prison protest by beating and using electric prods on 11 Combinado del Este prisoners in December 1988. Two of the prisoners had to be treated for cranial fracture.

The most visible evidence of increased repression is Castro's crackdown on human rights activists. Since the Human Rights Commission's Working Group on Cuba visited Havana in September 1988, Cuban authorities have arrested or detained over

60 Cuban human rights activists. According to Amnesty International some were detained at the doors of the hotel where the United Nations Working Group were gathering. Some of the same activists had testified before the Working Group. Twenty-five of those activists arrested since the Working Group's visit remain imprisoned or detained without charges. One imprisoned activist, David Moya, was severely beaten in Cinco y Medio prison for organizing protests against prisoner mistreatment according to reports smuggled out of prison last August. Castro's crackdown continues today—two Cuban Human Rights Party members were arrested just two days before this session opened.

We would like to denounce the psychological torture suffered by the families of Dr. Guillermo Delmonte and Roger Vazquez. The Cuban Government will not allow them to leave. In the words of Isidoro Malmierca in a letter to their families: for "trying to shed an overcast" (*tratar de empañar*) on the Cuban revolution. In my words: for wanting liberty and family reunification.

I would like to tell you about two cases that show how the Cuban regime deals with human rights defenders. Elizardo Sánchez, a human rights leader, was arrested August 6 for "disseminating false news." Elizardo's real crime was talking to foreign journalists about the Ochoa trial. Elizardo was held in an isolation cell for 36 days and tried and sentenced in November to two years in

prison. He had testified before the Cuba Working Group during its September 1988 visit. Roberto Bahamonde, a Cuban Human Rights Party member, was arrested last April for planning to participate in a demonstration during Soviet President Gorbachev's trip to Havana. Roberto's real crime was running against the Communist party candidate in Havana's March 1989 municipal elections. He was tried without an attorney and convicted of "illegal association" and sentenced to three months in prison. While serving his three-month term, Roberto was sentenced to an additional year, ostensibly for working as a photographer without permission.

Internationally recognized human rights monitoring groups also recognize that the situation in Cuba has deteriorated. Amnesty International, in a December 1989 report, states "that since the end of 1988, the Cuban authorities have adopted a less tolerant attitude toward public dissent and there has been an increase in the number of reports of political imprisonment of human rights activists...."

I firmly believe that the Castro Government continues to be one of the worst violators of human rights in the world today. What we have here is the Ceausescu of the Caribbean; one of the last Stalinist dictators in the world today. Cubans, under Fidel Castro, do not possess equal protection under the law, the right to freely choose government representatives, freedom of expression, freedom of peaceful assembly and association, or freedom to travel abroad without

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restriction. They are subjected to constant surveillance by neighborhood watch groups, the Committees for the Defense of the Revolution, now directed by a well-known Stalinist general. They have no free press, no independent judiciary and no autonomous institutions.

The question before the Commission is what to do about the Cuban dictatorship's increasing human rights abuses. Castro is making a mockery of this Commission by jailing all but a handful of Cuba's human rights leaders, some of whom testified before the Cuba Working Group. This Commission was conceived to give a voice to those who have nowhere else to turn and to protect those who can find no protection in their homeland.

What is needed is to refocus international scrutiny on Cuba's human rights abuses. International pressure helped promote limited improvements in 1988 and it can work again in 1990. The time to act is now. Without international attention on Castro, the situation is likely to worsen. Castro is responding to change in Eastern Europe by cracking

down at home. He is even arresting Communist students at the University of Havana for advocating *glasnost* and *perestroika*-style reforms.

Castro has promised to allow the island to sink before allowing for an opening. He has promised to "perfect" Marxism-Leninism and the dictatorship of a one-party State. To say that he is going to "perfect" a totalitarian system is like South Africa saying that they will perfect "apartheid."

Madame Chairperson, no single speech can adequately assess the human rights situation throughout the world. No single statement can make mention of each and every human rights abuse. Although the suffering of a single child in the most remote village on the globe is not less worthy of comment than the suffering of thousands, we must bow to the constraints of our allotted time.

The State Department of the United States, however, is not constrained, either by time or by space, in its goal of setting down in writing an objective assessment of human rights around the world. This report,

which was submitted by our State Department last week to the Congress of the United States, and which we make available to this distinguished Commission [see page 11] , and to you Madame Chairperson, is the most complete report that exists on the subject of human rights. It is objective, impartial and apolitical. It applies the same universally recognized human rights standards to which we are all committed to each and every country. As a result, we speak frankly, and often critically, even of our most dear allies.

The United States believes that the Charter of the United Nations and the mandate of this Commission require this evenhanded treatment of human rights. It is the only principled approach. We call on all of the members of this Commission to contribute to the international discussion of human rights in the same spirit, both out of respect for those who suffer at the hands of unfair governments, and in order to ensure the integrity of the noble work we do here.



Castro is making a mockery of this Commission by jailing all but a handful of Cuba's human rights leaders, some of whom testified before the Cuba Working Group. This Commission was conceived to give a voice to those who have nowhere else to turn and to protect those who can find no protection in their homeland.

**Statement by Michael Lillis, Irish Ambassador to the U.N.
Human Rights Commission, on behalf of the European Community
46th Session, February 21, 1990**

The Twelve are seriously concerned at reports of reprisals carried out since our session last year against many of those citizens who, by their own account, in circumstances of difficulty, approached the representatives of the Commission while in Cuba.

A year ago the Twelve [states of the EC] looked hopefully to the results of the visit to Cuba of an inter-regional mission which was mandated by the Commission to report on the human rights situation in that country. We saw merit in the report of the visiting group which properly and carefully reflected the problems and the achievements of Cuba in the human rights area. It is noteworthy that many of the constitutional and legal problems in the area of human rights now being energetically addressed by Eastern European countries were raised in that report, along with many problems of administrative practice. For that reason and for the fact that it was the result of a co-operative effort between representatives of all the regional groups in this body, the report was an impressive example of the capacity of our Commission to address difficult issues, even in controversial cases, in a comprehensive way. Although we welcome this aspect of the exercise, we must

at all times, as I have suggested, remind ourselves that the first duty of the Commission is, not to itself, but to the people and especially those who have problems in the area of human rights. The Twelve are seriously concerned at reports of reprisals carried out since our session last year against many of those citizens who, by their own account, in circumstances of difficulty, approached the representatives of the Commission while in Cuba. We believe that these report must be investigated because the Commission must be seen to act to ensure that the guarantees against reprisals against witnesses received from Governments, no matter who or where they are, are fully respected. We also believe that there are aspects of the report, in particular certain unanswered questions put to the Cuban authorities by the representatives of the Commission, which remain to be clarified....

Madam Chairperson, the Twelve are convinced that we live in a world where the cause

of human rights has made major progress, not alone in the continent on which we live ourselves, but in many other regions. So many lamps which were in darkness for so long, are again beginning to illuminate their own regions and the wider world. Alas, many grave problems remain, as the few examples I have mentioned demonstrate. We are nevertheless disposed to be optimistic and we believe that the Commission must take the opportunity offered by the improvements we are witnessing to press steadily ahead. At all costs the Commission must at this time build on its existing credibility and avoid taking politically motivated or perverse decisions which would strike despair into the hearts of those very people who look to us for hope and for action. We are convinced that the people of the world today expect from this session a strong message which shows that the Commission is encouraged by the new improvements in human rights in many areas of the world to commit itself to greater efforts to attend to the just human rights needs of those who are still suffering from tyranny and oppression. There are several ways in which we can do this: through addressing those very problems more energetically, through strengthening the mechanisms and resources of the Commission itself and through renewing our commitment to achieving real lasting results through our co-operation in this body.

Let us not neglect this opportunity.

Statement by Zdenek Pagac, Czech representative to the U.N. Human Rights Commission, explaining his country's co-sponsorship of U.S. Resolution:

I would like to comment on the position of my government before the vote.

We could hear in this hall that the co-sponsorship of my country to the L.36 revision one, is a historic moment. Let it be called as it may—there is nothing surprising in it. This step is connected with the changing attitude of my government towards the human rights issues in general. We believe that these questions should always be considered free of ideological aspects.

The same may be said about the whole work of our Commission. We reiterate the support for United Nations coherent system in the field of human rights.

Please take this as an explanation of our position in this respect.

Thank you.



Statement by María Paz Martínez Nieto of the non-governmental organization Educators for Peace

Madame Chairperson,

There have been many changes in the world since I spoke before this Commission a year ago in the name of this organization, Educators For Peace. All human rights activists have seen with hope and dreams the coming of democracy and liberty for the East-bloc countries. This struggle for a free future encourages us to ask this Commission for its understanding and assistance regarding those countries still dominated by totalitarian regimes.

A year ago we thanked the group of Ambassadors who travelled to Cuba for their objectivity when they included in their report a number of denunciations by human rights organizations. We thought then that something would change in Cuba after the U.N. Working Group's visit. Unfortunately, our hope did not last long. Even before the 45th session ended we presented to the Commission a list of reprisals against Cuban citizens who met with the Working Group.

Since then, the denunciations have increased. Some of them have echoed in the international press and in the different human rights institutions.

It is surprising that this year Cuba is not on the Commission's agenda and that last year's report has been virtually ignored. It would seem almost as if Cuba were a democracy and that human rights violations on the island were merely a product of the imagination of isolated groups that insist in denouncing the Cuba situation.

Madame Chairperson, our organization has maintained close contact with the Secretariat, to whom we express our gratitude for their efforts in receiving and channeling testimonies and denunciations in the case of Cuba. We regret, however, that this work has been ignored by the Commission because invariably, year after year, politics has overshadowed the objective for which this Commission was created—the monitoring and protection of human rights around the world.

Non-governmental organizations are very close to human rights problems. We are responsible for ensuring that the denunciations we receive from victims reach this Commission. Our sensitivity is heightened when "for matters of procedure" problems are withheld and the suffering of people is prolonged. Those individuals who dared to testify before the Working Group that visited Cuba had put their fears aside because of promises made to the Group of Ambassadors that there would be no reprisals.

What can we say now to those who were beaten and threatened at the doors of the Hotel Comodoro where the U.N. Working Group held the meetings? What can we say to the human rights activists now in prison? What does the Commission intend to do about this?

We have heard the Cuban representative deny that there were reprisals against individuals who met with the U.N. Working Group. He stated that these individuals in prison had broken Cuban laws. In effect, those who disagree with the

regime or wish to participate in ecological, pacifist or human rights organizations in Cuba are considered criminals. By "coincidence" all these people had been in touch with the U.N. Working Group.

The Cuban representative also said that the U.N. Working Group visited as many jails as it wanted. But we know that when they asked to see Quivicán Prison, Cuban authorities said it was closed. This was denounced by Amnesty International and by prisoners in Quivicán, who sent their protests to human rights organizations.

In light of the responsibilities given to Secretary General Perez de Cuellar in Resolution 1989/113, we have sent him denunciations we received from inside Cuba. We were expecting that this Commission would ask him to report on his contacts with the Cuban government regarding questions left pending from last year's report.

For years we have heard in this Commission that there was no proof of human rights violations in Cuba. No one can say that now. Evidence was gathered, documented, and presented in the report.

We ask if the Ambassadors who visited the island have any doubts about the evidence. Does the Secretary General? Does this Commission? If that were the case, we would insist with greater strength to continue the investigation because, Madam Chairperson, the credibility of this Commission and of the United Nations will be maintained only if those who trust its authority do not feel betrayed.



We have heard the Cuban representative deny that there were reprisals against individuals who met with the U.N. Working Group. He stated that these individuals in prison had broken Cuban laws. In effect, those who disagree with the regime or wish to participate in ecological, pacifist or human rights organizations in Cuba are considered criminals. By "coincidence" all these people had been in touch with the U.N. Working Group.

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 3, 1990

President Fidel Castro
Havana, Cuba

Dear Mr. President:

In the course of the last year, revolutionary changes have been taking place around the world. The Berlin Wall has fallen. Lech Walesa's Solidarity has come to power in Poland, and throughout Eastern Europe old hard-line regimes are being replaced by democratic governments. In the Soviet Union, President Gorbachev has continued to press for *glasnost* and *perestroika*, and the Soviet Communist Party recently agreed to relinquish its constitutionally guaranteed leading role—opening the way to multi-party elections.

Now that the Cold War is coming to an end around the world, we believe it is time for a reconciliation to take place between our two countries that would end thirty years of mutual hostility and mistrust. We are writing you as Democrats and Republicans, liberals and conservatives, to tell you that we believe that a normalization of relations—which would respect Cuba's political independence and sovereignty and allow for a full restoration of economic and trade ties—can be achieved if your government would initiate a program of truly democratic reforms similar to those underway elsewhere in the Socialist world.

Specifically, we would strongly suggest that you recognize the necessity of allowing the Cuban people to decide their own political destiny by being able to vote in free and open elections held under international supervision. Towards this end, we urge your government to: 1) immediately release human rights activists and other political prisoners from detention, 2) permit the formation of independent opposition parties in Cuba, and 3) schedule free and open national elections to take place within the next year.

We hope that you will give our proposals very careful consideration and we respectfully request a meeting with you, at your earliest convenience, to discuss these proposals in greater detail.

Sincerely,

Edward J. Markey, M.C.

Gerald B. H. Solomon, M.C.

Signatories:

Democrats

Edward J. Markey
Bill Richardson
Timothy J. Penny
David R. Nagle
Barney Frank
Stephen L. Neal
Robert J. Mrazek
Tim Johnson
Gerry Sikorski
Glenn Poshard
Les AuCoin
Mary Rose Oakar
Robert A. Borski
Ike Skelton
Howard L. Berman
Nancy Pelosi
George Miller
Patricia Schroeder
Dan Glickman
Chester G. Atkins
Bill Nelson
Julian C. Dixon
Daniel K. Akaka

Claude Harris
Lawrence J. Smith
Ralph M. Hall
James H. Scheuer
Richard J. Durbin
Douglas H. Bosco
Howard Wolpe
George E. Brown, Jr.
Ron de Lugo
Michael R. McNulty
H. Martin Lancaster
Wayne Owens
James A. Traficant, Jr.
John Joseph Moakley
James L. Oberstar
Frank McCloskey
Joseph P. Kennedy
Matthew F. McHugh
Barbara Boxer
Rick Boucher
Albert G. Bustamante
Nita M. Lowey
Peter H. Kostmayer
Roy P. Dyson
Ronald D. Coleman

Harry Johnston
Terry L. Bruce
Jaime B. Fuster
Frank Pallone, Jr.
Donald M. Payne
John Bryant
Thomas R. Carper
Joseph E. Brennan
Peter A. Defazio
Vic Fazio
Jim Cooper
Ben Jones
Gary L. Ackerman
Ben Erdreich
Bernard J. Dwyer
Douglas Applegate
Walter E. Fauntroy
Jerry Huckaby

Republicans

Gerald B. Solomon
Matthew J. Rinaldo
Porter J. Goss
Cass Ballenger

Ron Machtley
James M. Inhofe
Frank R. Wolf
Dean A. Gallo
John Edward Porter
Toby Roth
Norman F. Lent
Edward R. Madigan
Dan Burton
Constance A. Morella
Claudine Schneider
Philip M. Crane
Chuck Douglas
John P. Hiler
Dick Arney
Elton Gallegly
Thomas E. Petri
Bill Lowery
Bill Grant
Lawrence Coughlin
Frank Horton
Doug Bereuter
Helen Delich Bentley
Newt Gingrich
Craig T. James

Barbara Vucanovich
Robert J. Lagomarsino
Larry E. Craig
Herbert H. Bateman
Curt Weldon
Jim Lightfoot
Wally Herger
Silvio O. Conte
Ron Packard
David Dreier
Denny Smith
Paul B. Henry
Bill Frenzel
Lynn M. Martin
Thomas J. Bliley, Jr.
Hank Brown
Christopher H. Smith
Bob Livingston
C.W. Bill Young
Fred Upton
Ben Nighthorse
Campbell
Henry J. Hyde
Jim Sensenbrenner, Jr.
John Miller

101ST CONGRESS
2ND SESSION

H. RES. 381

Relating to human rights abuses by the Government of Cuba and reprisals by the Cuban Government against those Cuban citizens who testified before the Cuba Working Group of the United Nations Human Rights Commission.

IN THE HOUSE OF REPRESENTATIVES

April 19, 1990

Mr. Smith of New Jersey (for himself, Mr. Fascell, Mr. Broomfield, Mr. Yatron, Mr. Bereuter, Mr. Crockett, Mr. Lagomarsino, Ms. Ros-Lehtinen, Mr. Goss, Mr. Owens of Utah, Mr. Burton of Indiana, Mr. Lantos, Mr. Gallegly, Mr. Solomon, Mr. Ackerman, Mr. Hyde, Mr. Bosco, Mr. Miller of Washington, Mr. Weiss, Mr. Gingrich, Mr. Dwyer of New Jersey, Mr. Armey, Mr. Frank, Mr. Lent, Mr. Mavroules, Mr. Weber, Mr. Dornan of California, Mr. Gallo, Mr. Sikorski, Mr. Rinaldo, Mr. Smith of New Hampshire, Mr. Walker, Mr. Wilson, and Mrs. Morella) submitted the following resolution; which was referred to the Committee on Foreign Affairs.

RESOLUTION

Relating to human rights abuses by the Government of Cuba and reprisals by the Cuban Government against those Cuban citizens who testified before the Cuba Working Group of the United Nations Human Rights Commission.

Whereas the United States Department of State Country Reports on Human Rights Practices for 1989 finds that the Government of Cuba engages in the systematic abuse of human rights;

Whereas the report indicates that human rights conditions in Cuba have worsened significantly in 1989;

Whereas, pursuant to United Nations Human Rights decision 1988/106 in March 1988, the commission undertook a review of Cuban human rights practices by the Cuba Working Group of the United Nations Human Rights Commission;

Whereas, in response to international pressure, the Government of Cuba invited a delegation of the United Nations Human Rights Commission to Cuba to investigate the status of human rights, offered to guarantee the Cuba Working Group representatives free and unhindered access to the people of Cuba, and promised that Cubans who presented testimony to the United Nations representatives would not be punished;

Whereas the Government of Cuba has since engaged in an effort to punish human rights defenders, a number of whom were interviewed by representatives of the Cuba Working Group of the United Nations Human Rights Commission;

Whereas more than 60 human rights activists have been arrested or detained since the Cuba Working Group concluded its investigation in September 1988;

Whereas Cuban human rights activists, including Enrique Acosta Ruiz, Tania Díaz Castro, Alfredo Samuel Martínez Lara, Elizardo Sánchez Santa Cruz, Hiram Abi Cobas, Javier Roberto Bahmonde Masot, and David Moya Alfonso have been arrested and forced to serve prison terms for their legitimate human rights activities;

Whereas the Government of Cuba has denied internationally-recognized human rights monitors access to the trial of a number of human rights leaders;

Whereas such arrests and imprisonments constitute a pattern of harassment and intimidation aimed at those Cuban human rights activists and Cuban citizens who cooperated with the Cuba Working Group;

Whereas, on March 6, 1990, the United Nations Human Rights Commission approved a resolution citing its concerns regarding the human rights situation in Cuba;

Whereas President Fidel Castro announced that the Government of Cuba refuses to comply with a single provision of the resolution;

Whereas, after adoption of the United Nations Human Rights Commission resolution, at least 11 human rights activists have been arrested and others have been harassed and threatened; and

Whereas it is in the interest of all parties to ensure that nations do not undermine the efforts of the United Nations Human Rights Commission: Now, therefore, be it

Resolved, That the House of Representatives—

- (1) commends the United Nations Human Rights Commission for extending the mandate of the Cuba Working Group with regard to the human rights situation in Cuba;
- (2) condemns the Government of Cuba for engaging in a consistent pattern of gross violations of internationally-recognized human rights against the Cuban people and deplores the continued systematic harassment of Cuban human rights activists;
- (3) calls upon the Government of Cuba to honor its repeated guarantees that individuals who testified before representatives of the Cuba Working Group of the United Nations Human Rights Commission would not be subject to reprisals, detentions, or negative consequences of any nature whatsoever;
- (4) urges the Government of Cuba to release all human rights activists and other political prisoners; and
- (5) calls upon the Government of Cuba to meet universally-recognized standards of human rights and fundamental freedoms.

PASSED 391 – 2

“Communist governments and dictatorships of all political persuasions are dying throughout the world. Apparently no one has told Mr. Castro. This resolution says to the Cuban people that the international community will continue to support their democratic aspirations so that their country can join the community of new democratic nations.”

—Gus Yatron (D-PA)

“This sense is not just that of Congress, it is a growing sense around the world. We are moving toward a more peaceful world that will not tolerate dictators like Castro.”

—Claudine Schneider (R-RI)

“Sadly, the changes bringing freedom and justice to oppressed nations have yet to bring an end to ongoing and egregious human rights abuses in Fidel Castro’s Cuba.

“As communism crumbles in nearly all corners of the world, Cuba’s Castro remains the last vestige of that failed philosophy in our hemisphere.

“With a changing world closing in on him, Castro remains like a relic of the past. Still waving his arms, still shaking his fist in the air, Castro rants and raves about the perceived glories of long ago yesterdays that are now clouded by harsh realities of the economic and sociological failure of totalitarian communism.”

—Porter Goss (R-FL)

"The systematic harassment of Cuban human rights activists is an indictment of the Castro regime. At a time when other formerly totalitarian countries have opted for greater openness and freedom in their societies, Fidel Castro is cracking down on precisely those elements of Cuban society which have called for Cuban-style glasnost and perestroika.

"Signatories to [my April 3] letter, both Democrats and Republicans, liberals and conservatives, were united in the conviction that things in Cuba have to change, and change soon. It signalled that after a decade of contentious national debate on Nicaragua, El Salvador and other Latin American issues, there is a consensus regarding Cuba."

—Edward Markey (D-MA)

"I know what it is to lose one's homeland to communism, and the whole world, especially Cuban exiles in the United States, rejoiced when the Soviet bloc nations rejected totalitarian regimes and embraced democracy. We want this resolution to bring about the same effect. We wish to give hope to those enslaved Cubans still suffering in Castro's gulag."

—Ileana Ros-Lehtinen (R-FL)

"Fidel Castro promised the Commission that he would cooperate with the investigation, that he would not retaliate against Cubans who talked to investigators. Fidel Castro lied. The U.N. Human Rights Commission resolution and the resolution before us today, provide a clear message that the government of Cuba is being held accountable for its human rights record, and that violations of those rights will not be ignored nor condoned."

—William Broomfield (R-MI)

"Cuba's reigning dictator, Fidel Castro, apparently hasn't woken up to the truth that his former Communist colleagues have learned. That is that fundamental freedoms and human rights can only be suppressed for so long. However, just like Eastern Europe and other Communist countries, democracy will one day come to Cuba."

—John Porter (R-IL)

"It is a great source of sorrow for me to think that a mere 90 miles from our shores, an entire people is still enslaved to the whims of a dictator. Our Cuban brothers and sisters have bravely weathered the past 30 years of misery and oppression. It is time to bring their nightmare to an end.

Armando Valladares wrote while he was languishing in one of Castro's jails:

'They have taken everything away from me—or almost everything. I still have my smile, the proud sense that I'm a free man, and an eternally flowering garden in my soul.'

"Those are the things which were put in every human being by God Almighty, and a million Fidel Castros cannot take them away."

—Dan Burton (R-IN)

"Those who testified and many other activists who simply have expressed a human right of the most basic kind, which is to point out the harassment and torture and other unpleasant actions against people who are expressing their belief about how their government should treat their own people, were jailed, tortured, and harassed. It is certainly very proper for the Congress of the United States, on behalf of the American people, to say we condemn those kinds of activities."

—Dante Fascell (D-FL)

“Castro’s totalitarian regime is virtually isolated now that democratic changes are sweeping through the world. His efforts to maintain his power and control over the people of Cuba are reaching ever more desperate proportions as witnessed by his feeble attempts with reprisals against Radio Martí and TV Martí.

“It is imperative that we in the Congress forcefully and convincingly condemn the orchestrated campaign of terror carried out by Castro against those who seek justice for those defending human rights in Cuba.”

—Robert Lagomarsino (R-CA)

“Fidel Castro is probably right now, along with a couple of others, one of the worst human rights violators in the world. I think this resolution deserves at least 400 votes from this body....”

—Bill Richardson (D-NM)

“For over 30 years the Cubans have had the boot of a single dictator. There has not been an election in Cuba in over 30 years. There has not been the freedom to do anything; own a newspaper, print the truth; own a radio station, tell the truth; own a TV station, show the truth. None of that can be done in Cuba.

“Is this the great society that Castro sold them a dream of in 1959 when they rose up against the dictator to take possession of their own country?

“It is not. It is a bitter, cruel truth, that just as in Nicaragua, the revolution was co-opted and stolen.... Castro has dungeoned, jailed, beaten, oppressed, tried, and murdered all of his political opponents.”

—Larry Smith (D-FL)

“The United States is a nation that was founded for liberty and human rights—for the freedom to speak and assemble and worship, each in our own way. This is our heritage—one that we must never abandon for the expediency of the moment. These are values for which we have stood for 200 years. These are the values that we seek from the Cuban government.”

—Cliff Stearns (R-FL)

“The House of Representatives today goes on record again to call on Castro to release all human rights activists and other political prisoners.

“It appears that the Castro regime is not impressed by the U.N.’s criticisms of its actions, nor is he impressed by the worldwide movement to promote basic human rights and democratization. While in other parts of the world former prisoners of war and opposition labor leaders are now in government and even performing as heads of states, witness Czechoslovakia, Castro continues to commit crimes against his own people.”

—Christopher Smith (R-NJ)

“Today, Fidel Castro stands alone as the only dictator in Latin America. In a year that has been marked by democratic openings around the world, the Cuban regime has clung to its singular hold on power, denying its citizens the right to change their government, to speak freely, to associate freely, to travel freely—in short, to enjoy basic human rights.”

—Edward Feighan (D-OH)

COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1989: CUBA

Cuba is a totalitarian state dominated by a single person, Fidel Castro, who is Chief of State, head of Government, leader of the Communist Party, and Commander-in-Chief of the Armed Forces. With support from a few long-time associates, President Castro exercises control over nearly all aspects of Cuban life through a network of directorates ultimately responsible to him through the Communist Party. The party is the only legal political entity and is headed by a self-perpetuating elite. All government positions, including judicial offices, are controlled by the party. Elections are held only to endorse party-approved candidates; there was one isolated exception in 1989 (see Section 3). Though not a formal requirement, party membership is a de facto prerequisite for high-level official positions and professional advancement in most areas.

The Ministry of Interior (MININT) is the principal organ of repression and of totalitarian control. It operates border and police forces, orchestrates public demonstrations, determines the legality of associations, investigates evidence of nonconformity, regulates migration, and maintains pervasive vigilance through a series of mass organizations and informers. The Ministry underwent structural reorganization in 1989 and is

now under de facto control of the Revolutionary Armed Forces (FAR). The mass organizations attempt to extend government and Communist Party control over each citizen's daily activities at home, work, and school. Citizens are exhorted to ensure ideological conformity and to report deviation.

The Cuban economy is highly centralized and managed by a group of advisors close to President Castro. The Government controls the means of production and is virtually the country's sole employer. In the late 1970's, Cuba began to use market mechanisms, but in 1986 the Government reversed course and began the ongoing "rectification of errors" campaign. It sought to stamp out an emerging informal private sector while promoting antimaterialist "socialist morality." The abandonment of the liberalization program in favor of more orthodox Communist policies has played a major role in the Cuban economy's recent stagnation. In 1989 this campaign of Marxist economic orthodoxy caused sharp conflicts with Cuba's reform-minded socialist trading partners.

Cubans do not possess equal protection under the law, the right to freely choose government representatives, freedom of expression, freedom of peaceful assembly and associa-

tion, or freedom to travel to and from Cuba without restriction. There is no independent judiciary, due process safeguards can be and are constitutionally circumvented, and defense attorneys face severe disadvantages under the judicial system. Aside from the churches, which themselves are monitored by the party, there is virtually no institutional autonomy in Cuban society. All media are Government-owned and remain under tight control, and the practice of religion continues to be discouraged. Government efforts to monopolize control over many aspects of life remain very intrusive.

The human rights situation in 1989 worsened significantly from the previous year. The Government stepped up repression in marked contrast to the limited relaxation effected in 1988. During the year the Government cracked down on human rights groups, executed four uniformed officers without a fair trial, and denied internationally recognized human rights monitors permission to attend a trial of three human rights leaders. Efforts by the United Nations Secretary General to implement a U.N. Human Rights Commission (UNHRC) resolution to follow up on reported abuses in Cuba had by year's end produced little response from the Cuban Government. The only positive carryovers

Cubans do not possess equal protection under the law, the right to freely choose government representatives, freedom of expression, freedom of peaceful assembly and association, or freedom to travel to and from Cuba without restriction.

from 1988 into 1989 included continued releases of political prisoners, permission for the International Committee of the Red Cross (ICRC) to again interview political prisoners, and the slight expansion of the 1988 exceptions granted to the churches.

RESPECT FOR HUMAN RIGHTS

Section 1: Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

FAR General Arnaldo Ochoa, MININT Colonel Antonio De la Guardia, MININT Major Amado Padrón, and FAR Captain Jorge Martínez were executed by firing squad on July 13 following a show trial (see Section 1.e.). Although the full story behind the Ochoa/De la Guardia case is still unclear, there are circumstantial indications that political motivation may have played a part in making Ochoa the key figure in the case and in sentencing him and three others to death.

Although not politically motivated, there have been some reports of police officers engaging in unjustified use of lethal force. In one such example, police investigating a petty theft killed a Havana youth, Elisco Canadá Coffiguez, in June and in another Julián Cela Cuéllar was reportedly shot to death in Havana on July 8, for allegedly verbally abusing an arresting officer who was breaking up a street fight.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reliable reports of prisoner

abuse and beatings rose in 1989, with a severity in some cases amounting to torture. There was no indication that Cuban authorities undertook investigations or disciplinary actions in response to charges of such abuse. Punishment cells remain in regular use for disciplining inmates, in violation of international norms. Rodolfo Frometa and Angel Donato Martínez, two "nuevos plantados" (new prisoners who refuse prison "reeducation"), reportedly were held incommunicado in punishment cells in Combinado del Este Penitentiary for more than one year from 1988 to 1989. In January there were multiple allegations that guards had beaten and placed in isolation cells several prisoners in Combinado del Este during a protest by the so-called *lancheros* (persons arrested for illegal attempts to leave the country).

Cuban Human Rights Party activist David Moya was severely beaten in a Pinar del Río prison for organizing protests against prisoner mistreatment, according to the Cuban Human Rights Party and his own reports smuggled out in August. The beating and use of electric prods on 11 Combinado del Este inmates in December 1988 reportedly resulted in two prisoners being treated for cranial fractures. The prisoners were protesting the removal of a political prisoner to a prison for common criminals. In March and August, dozens of Combinado del Este inmates engaged in hunger strikes and smuggled out written denunciations of the conditions of their confinement; these protests reportedly resulted in several severe beatings and frequent confinement in punishment cells.

Several charges of confinement of political prisoners in psychiatric hospitals were re-

ported in 1989. Four dissidents were confined in psychiatric hospitals, ostensibly for evaluation, for periods ranging from a few days to several weeks. None of the four reported mistreatment during their hospital stays. One, Julio Soto Angurel, leader of the José Martí Council of Independent Defenders of Human Rights and National Reconciliation, remained at year's end in the Havana Psychiatric Hospital, where he was confined after his arrest on October 8.

Following his release in 1989, Cuban Human Rights Committee member Jesús Leyva Guerra reported that security police detained him in July 1988 and then transferred him to the prison ward of the Gustavo Machín Psychiatric Hospital in Santiago de Cuba. Leyva said he was forced to undergo psychiatric "treatment" and, after he began a hunger strike, was subjected to electroshock six times.

With a sharp drop-off in the number of outside groups permitted to visit Cuban prisons in 1989, it was far more difficult to appraise current conditions. Physical improvements in prison conditions, such as in ventilation and sanitation, that were made in 1988 before visits by international human rights groups, apparently were largely maintained but not expanded during 1989. Local human rights monitors assert that punishment cells in provincial jails featured harsher conditions of confinement.

Political prisoners released in 1989 claimed that, while conditions remained the same for those incarcerated for political offenses, mistreatment of common prisoners increased during the year. There were reports of beatings of prisoners incarcerated for attempting to leave Cuba without government permission. These prisoners, who are treated as common

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criminals, were protesting the Government's refusal to recognize them as political prisoners. Reports smuggled out of the prisons indicate, however, that political reeducation of prisoners has become essentially voluntary since 1988; therefore, prisoner protests have largely centered on general prison conditions.

Local human rights monitors reported a notable rise in incidents of alleged police brutality by arresting officers, often in situations involving minor offenses. These included the shooting of Edel Guerrero Licea and Hidelberto Figuerado in Palma Soriano at a religious festival in December 1988, the August 16 shooting of Irán Sánchez Hernández (who was attempting an illegal departure from the island), and the shootings of a Havana youth for "resisting arrest," and a 16-year-old after a traffic infraction. In none of these cases has there been any indication that any police official was investigated or punished for such actions. Two other incidents ended in death (see Section 1.a.).

d. Arbitrary Arrest, Detention, or Exile

Article 245 of the Cuban Law of Penal Procedure requires police to file formal charges and either to release a detainee or place him at the disposition of a prosecutor within 96 hours. Authorities are also required to provide suspects with a defense attorney within 10 days of arrest. Despite some signs that authorities were more concerned to follow legal forms, Cuban procedural rights related to arrest continue to be widely denied. Article 61 of the Constitution permits denial of all recognized civil liberties in the case of anyone actively opposing the "decision of the Cuban people to build socialism." This article is implicitly

invoked by Cuban authorities who, in the past, justified lengthy detentions of dissidents by characterizing them as "counterrevolutionary elements."

Arbitrary arrests and prolonged detentions without trial of dissidents increased in late 1988 and continued through 1989. At least 18 such arrests, followed by prolonged detentions, of dissidents took place in the weeks following the September 1988 UNHRC visit. Since then, a total of approximately 50 dissidents have been subjected to punitive actions ranging from threats, harassment, and beatings to detentions and imprisonment. Cuban authorities used brief detentions ranging from several hours to several days to intimidate dissidents without formally charging them.

For example, seven members of the Free Art Association (APAL) were detained for months before being charged and brought to trial in September 1989. Lázaro Cabrera Puente, Pablo Pupo Sánchez, Juan García Cruz, Gilberto Plasencia, and Ramón Obregón had been detained since October 1988. Carlos Novoa and José Marí Becerra had been arrested in January. Amnesty International (AI) reported that Novoa had gone on a 59-day hunger strike beginning in May to demand that he be charged and brought to trial.

Elizardo Sánchez (President of the Cuban Commission for Human Rights and National Reconciliation), Hiram Abi Cobas (head of the Cuban Human Rights Party), and Hubert Jerez (head of the Martí Committee for Human Rights) were arrested on August 6 for "disseminating false information" concerning the trial of General Ochoa (see Section 1.e.). Following their arrests, the

human rights leaders were confined in the Villa Marista detention center for about 6 weeks before being transferred to Combinado del Este prison. According to Sánchez, while in Villa Marista they were each held in solitary confinement inside windowless 10-foot by 3-foot isolation cells that were brightly illuminated 24 hours a day for 36 days prior to their November 17 trial.

Orlando Polo, leader of the "Green Path" ecological-pacifist group, was arrested three times in August and September and held without being charged for one week in the Villa Marista detention center and for two weeks in the Havana Psychiatric Hospital. In Villa Marista, Polo was interrogated about unspecified charges without the benefit of an attorney.

Several more activists continued to be held at year's end without charges. Enrique Acosta Ruiz, Sergio de la Vega Gómez, and Lázaro Rosa Arbolez were arrested in April. Esteban González, Manuel Pozo and two other members of the Pro-Amnesty Committee, a group calling for the release of political prisoners, were arrested in September. Cuban Human Rights Party activist Edita Cruz was taken into custody in November. Altogether, over 25 arrested or detained activists were still imprisoned or held without being charged at year's end.

Reliable reports indicated that some prisons were filling up again in 1989 after the Government reportedly released over 8,000 criminal offenders in 1988 under the new penal code. In 1989, the authorities began a massive and sustained campaign to prosecute economic offenders, and this may be adding to the prison population. Reports from inside prisons indicate that the number of offenders incarcerated

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for attempted illegal departures increased in 1989 although prison sentences for the offense remained moderate by Cuban standards. In 1988, especially in the months leading up to the visit of the UNHRC's Cuba Working Group, many persons arrested for illegal departure attempts from the island were not jailed but were fined and released with a severe warning.

Precise numbers of political prisoners in Cuban jails are difficult to determine because of the release of hundreds of prisoners over the last two years, differences in definitions of political prisoners, and the Government's traditional secrecy about the prison population. Current estimates of the number of Cuban political prisoners range from Americas Watch's (AW) January 1989 estimate of "several score additional Cubans to possibly as many as a few hundred" to the Cuban human rights activist's claims of many more. In March 1988, the Government stated that there were 455 persons imprisoned for crimes against state security, a category which now does not include offenses such as illegal departure, contempt, and offenses related to the practice of a religion, such as conscientious objection. Another indication of the prisoner population came from the ICRC, which reported that its delegation in May visited 257 prisoners, including some convicted of illegal departure, in ten Cuban detention centers including the Havana Psychiatric Hospital.

During the year, Cuban authorities continued to release selected political prisoners, including some on the condition that they immediately emigrate to the United States. According to U.S. press reports, the Government notified the U.S. Catholic Conference in Novem-

ber 1988 that it would free 225 political prisoners, including 44 it had previously labeled as too dangerous to release. Cuban authorities subsequently did not release the entire group, although at least 8 of the 44 "dangerous" prisoners, including "*plantado histórico*" Alberto Grau, were freed in 1989. There are three remaining "*plantados históricos*" (long-term political prisoners who have refused "reeducation") still in prison. Alfredo Mustelier, one of these three who has served 20 years of his 25-year sentence, claims that he should be released under retroactive provisions of the 1988 Penal Code. He undertook two lengthy hunger strikes in 1989 to protest his continued incarceration and was gravely ill in December. The U.N. Secretary General, members of the U.S. Congress, and many non-governmental organizations have asked President Castro to review the cases of Mustelier and the other two "*plantados históricos*."

Many human rights activists were arrested on April 3 in order to forestall their planned demonstration at the Soviet Embassy during the visit of President Gorbachev. The demonstrators received sentences ranging from 3 to 9 months.

The Cuban Penal Code retains internal exile as a sanction against convicted offenders, but no instances of forced removal or resettlement were reported in 1989.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Cuban law and trial practices do not meet international standards for fair and impartial public trials. The Constitution terms the courts independent, yet it explicitly subordinates them to the National Assembly

and the Council of State (Article 122). Judges are elected by the rubberstamp National Assembly and its lower level counterparts. The independence of the judiciary is compromised by the de facto subordination of the courts to the Communist Party: there is no known case in which a Cuban court has successfully ruled against the Government on any political or security matter.

Civil courts exist at three levels—municipal, provincial, and the Supreme Court. All civil courts are presided over by panels composed of a mixture of professionally prepared judges and lay judges. There is also a system of military tribunals which tries certain counterrevolutionary activity cases. Defendants have a general right of appeal at the municipal level and a conditional right at the provincial level. Cases involving maximum prison terms or the death penalty are always open to appeal. The Law of Penal Procedure provides that an appeal must be presented within five days.

The revised Penal Code (Law No. 62) implemented in 1988 reduced the number of capital offenses and the length of sentences in some cases. The new code did not, however, significantly modify the previous definition of political offenses, the punishment meted out for them, or due process provisions for accused political offenders. Under provisions of the revised code, defense lawyers may be excluded until an investigation is completed, and attempted illegal departure from Cuba remains punishable by up to three years' imprisonment or a fine of up to approximately \$1,000.

Political offenses, which prevent virtually any form of free expression, remained unchanged in the revised penal code, which retained the concept of "dangerousness" (Articles

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72-89) and vaguely defined it as "the special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of Socialist norms." If the police determine a person is exhibiting such behavior, the offender can be brought before a court which may apply police surveillance, reeducation, or therapy lasting for from one to four years. In 1989 as in 1988, the concept of "dangerousness" appears to have been invoked rarely, if at all.

Cuban evidentiary practices do not meet generally recognized international standards. A trial for political offenses ordinarily consists of evidence given by the prosecution's witnesses, who are generally employees of state security organs. In some cases, the only evidence is the defendant's confession, obtained without due process safeguards against self-incrimination or coercion. There are usually no defense witnesses, although testimony on behalf of the defendant from a member of a Committee for the Defense of the Revolution (see Section 1.f.) may be introduced and may contribute to a reduced sentence.

Cuban law provides an accused the right to a defense attorney, but the latter's impartiality and independence are compromised by the absence of a private bar association and by ideological controls exerted over members of the state-controlled lawyers' collectives, especially in defending persons accused of crimes against state security. When the legal collectives were reorganized in 1984, some 15 percent of then-active attorneys, including many active in political cases, were denied readmission and thus effectively disbarred. Government-appointed defense attorneys generally are poorly prepared and unsympathetic towards the defendant. In 1988, the visiting

New York City Bar Association delegation observed Cuban trials for common crimes and found the counsel ill-prepared and unaggressive. Typically, defendants and lawyers are afforded little time together; in some cases, former political prisoners have asserted, clients see their counsel only one hour before trial. Others are unable to meet at all with their attorneys.

Observers have noted a reluctance among attorneys to defend persons charged with political offenses. Lawyers are discouraged from taking political cases because of persecution suffered by those who do. Domingo Jorge Delgado, for example, was freed in 1988 and allowed to emigrate to the United States in 1989, after serving eight years in prison following his defense of a group of persons who had attempted to seek political asylum. Former political prisoners have alleged that state security officials apply pressure on all persons involved in the judicial process, and that those officials, not the courts, really decide the fate of the detainee.

Several prominent cases of dissidents illustrate how the Cuban judicial system works in practice:

Samuel Martínez Lara, Secretary General of the Cuban Human Rights Party, was sentenced on April 7 to nine months in prison. Martínez, David Moya, Roberto Bahamonde, and two other members of the Cuban Human Rights Party were arrested on April 3 for announcing a demonstration, which was to call for "glasnost" in Cuba, outside the Soviet Embassy during Soviet leader Gorbachev's visit. All were held incommunicado until their closed trial three days later where, without defense attorneys present, they were convicted of "illegal association."

Moya received a sentence of nine months and Bahamonde a sentence of three months in prison. In a June 1989 report, AI criticized the trials of Bahamonde, Martínez, Moya, and six other imprisoned members of the Cuban Human Rights Party, stating that they were punished because of their peaceful political and human rights activities and that procedures in their trials did not conform to international standards for fair trial.

Bahamonde's and Moya's sentences were subsequently extended without any semblance of due process. Two months into his prison sentence on June 9, Bahamonde was sentenced to an additional year for "illegal economic activities." According to a letter smuggled out of prison, Moya was found guilty of "contempt" at a courtroom set up in a prison dining room in September and sentenced to a further year in prison. Martínez was not released upon completion of his sentence on January 4, 1990.

General Ochoa and 14 other top military and security officials received few due process safeguards at their highly publicized trial in June and July. Drug trafficking and other serious charges were leveled against them first in the official press and then in two weeks of show trials. The proceedings were influenced by the publicly stated views of President Castro and the presentation before the military tribunal by Minister of Defense Raul Castro, as well as official media comments about the guilt of the accused. Defense lawyers for the accused had little time to prepare an adequate defense, received little court time compared to the prosecutor, and apparently at no time did other than to ask for clemency. The accused were sentenced on July 7, their appeal was quickly rejected on July 9, and the Council

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of State confirmed the death sentences of Ochoa and three other defendants, which were carried out later the same day. AI, AW, and the Inter-American Commission on Human Rights (IACHR) condemned the trial's procedures and its swift aftermath.

In mid-1989, defense lawyers in two prominent cases involving human rights activists described below were given greater pretrial access to their clients than was available in previous years. In neither instance, however, was the outcome of the case notably altered in favor of the defendants as a result of these opportunities for more extensive consultations.

Prior to the trial of seven APAL dissidents in September, some defendants, including Carlos Novoa and Pablo Pupo Sánchez, were released on bail and allowed regular consultations with their attorneys. After a trial heavily laden with political invective, according to eyewitnesses, the seven activists received harsh prison sentences ranging from nine to 21 months on charges of "continued illegal association," "failure to report a crime," and, in one case, "possession of a firearm." In the case of defendant Juan Enrique García, his attorney had excused himself one day prior to the September trial because the date allegedly conflicted with his vacation.

In November, Elizardo Sánchez and two other human rights leaders were tried publicly for "spreading false information" on the Ochoa affair; representatives of AW and AI were not permitted to enter Cuba to attend. Likewise, the Government did not allow two U.S. journalists to appear as witnesses for the defense. Two foreign diplomats were allowed to attend the proceedings. All three defendants were granted

the right to defense attorneys, but pretrial consultations were limited. At the trial, the accused were allowed to speak freely in their own defense. Although the prosecutor requested the maximum sentence (four years) for Sánchez, he was sentenced to two years and the other two defendants were given 18 months each.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Official intrusion into private and family affairs remains one of the most repressive and pervasive features of Cuban life. Government or Communist Party-directed mass organizations permeate Cuban society. The State has assumed a virtual right of interference, even for those who do not actively oppose the Government and its practices. Beyond promoting ideological conformity, many of these intrusions are ostensibly aimed at "improvement" of the citizenry.

The extensive apparatus of the MININT decides on the legality of all private and public associations, and utilizes an intricate system of informers, block wardens, and block committees (Committees for the Defense of the Revolution - CDR) to monitor and control public opinion. Police searches are at times carried out without warrants, as occurred in the homes of several human rights activists in 1989. Authorities were more careful than in the past to observe the appearance of respect for the rights of those suspected of dissent, but Cuban courts automatically issue warrants in security cases, thus rendering this procedural safeguard meaningless.

The authorities possess a wide range of social controls. For example, the educational system teaches that the State's interests

have precedence over all other ties and commitments. Teachers, selected in part for their ideological commitment, espouse Communist Party doctrine and can sanction students whose families question orthodox opinion. Teachers also evaluate the political and ideological character of their students, which is noted in records carried with each student throughout his or her education. Cubans are also pressured to join a variety of mass organizations, including the Union of Young Communists, despite the supposedly voluntary nature of these groups. Outstanding students or workers, according to reliable reports, often find themselves coerced into membership in such mass organizations.

CDR's are neighborhood surveillance/security committees tasked with closely monitoring the daily lives of individual residents. Participation in Cuba's 80,000 CDR's is in practice involuntary in urban areas. The Government in 1988 announced the elimination of one CDR report on the beliefs of citizens, but there is little evidence that this change significantly altered the role of the CDR's as guardians of social conformity. CDR's apparently continue to report suspicious activities, such as contact with foreigners, reception of foreign broadcasting in the home, conspicuous consumption, unauthorized meetings, and criticism of the Government. CDR activity, if anything, increased in 1989 as the Government undertook a massive campaign aimed at corruption and petty economic offenses.

Former political prisoners are often subjected to discriminatory treatment and are relegated to menial, intermittently available work, no matter what their education or experience. Their children may be harassed in

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schools and sometimes barred from higher or even technical education. There was evidence that this discrimination abated in recent years and that authorities were attempting to prevent the grosser forms of discrimination from being exercised against departing immigrants as well. Human rights activists report frequent incidents of threats and harassment by government officials. Cubans have no right to receive publications from abroad and can expect all correspondence with foreign countries to be carefully monitored.

Section 2: Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Cuban authorities continue to place very extensive checks and controls on freedom of expression. The Government does not allow direct criticism of the "Revolution," e.g. the basic policies and Marxist-Leninist orientation of the Government, party or leadership. Laws are enforced against antigovernment "propaganda," antigovernment graffiti, and slander or insults against government officials. Local CDR's monitor and report on expressions of dissent or criticism.

The electronic and print media are owned by the State or party-controlled organizations and operate according to party guidelines. No public forum exists for airing one's views apart from the government-controlled media. In 1989, as in previous years, the Government used the media as a vehicle to indoctrinate the population. Cuban media content reflected government views of events and stories tend to congratulate the Government for internal successes, primarily economic ones. By comparison, Cuban media coverage of Eastern European developments was

terse but straightforward.

In 1989, the Government moved to shut down new dissident efforts to publish independent newsletters. Thirteen members of the Cuban Human Rights Party were arrested for printing and distributing several issues of its new bulletin *Franqueza* (Openness). Manuel González, Manuel González, Sr., and Iris Pérez received prison sentences ranging from six months to one year for producing *Franqueza*. Copies of a second, unsigned dissident newsletter, *El Lente* (The Lens), appeared sporadically during the year.

Cuban censorship of foreign media in 1989 expanded to include reform-minded Soviet publications. In August, the Cuban party leadership announced it was removing two Soviet journals, *Sputnik* and *Moscow News*, from circulation. The Cuban Communist Party newspaper *Granma* justified the journal's ban from circulation by citing their "negative consequences" among the Cuban populace. Periodicals from non-Communist countries are not available to the general public, and foreign broadcasts, apart from U.S.-based Radio Martí, are not heard by significant numbers of people.

The Government extended its intimidation to the foreign press on several occasions in 1989. A group of U.S. journalists covering the July 26th celebrations reported being warned that foreign journalists who visit Cuban dissidents or who report about them could jeopardize their stay in Cuba and issuance of future visas. The *Reuters* correspondent in Havana was expelled from Cuba in July for publishing a report the Government found unacceptable.

Artistic and literary freedom are circumscribed by govern-

ment control. Party and government officials carefully scrutinize humor and irony in the arts. In 1989, one art exhibition containing pictures which unflatteringly portrayed President Castro was closed. A Vice Minister of Culture barred from public display a painting which depicted Castro speaking to a crowd whose faces were all identical to his.

Academic freedom is severely limited. Education is the exclusive prerogative of the State, and the school system follows Marxist-Leninist precepts as interpreted by government guidelines. Academics can write freely so long as their work does not conflict with any government or party policy.

b. Freedom of Peaceful Assembly and Association

The Constitution does not provide for freedom of assembly or association. Any assembly of more than three persons even in a private home is punishable by up to three months in prison and a fine. Organizers of "illicit or unrecognized groups" can receive a sentence of up to nine months (Article 240 of the Penal Code).

There was no known instance in 1989 of authorities approving any public meeting by a group not recognized by the Government. On the contrary, the Government continued its crackdown begun in October 1988 on dissidents seeking to hold meetings or to organize demonstrations. During Soviet leader Gorbachev's visit to Havana in April, at least 21 activists were arrested in connection with a planned demonstration. Four Cuban Human Rights Party members received sentences of from three to nine months for "planning an illegal gathering" (see Section 1.e.).

Article 208 of the Penal Code prohibits "illegal or unrecog-

Cuban authorities continue to place very extensive checks and controls on freedom of expression. The Government does not allow direct criticism of the "Revolution," e.g. the basic policies and Marxist-Leninist orientation of the Government, party or leadership. Laws are enforced against antigovernment "propaganda," antigovernment graffiti, and slander or insults against government officials.

nized groups." The Ministry of Justice, in consultation with the MININT, determines the legality of all organizations. Apart from "recognized" churches and one or two groups such as the Masonic Order which are carefully monitored by authorities, the small, unrecognized, and thus illegal human rights groups represent the only associations independent of the state and the party. The authorities continued to ignore the applications for legal recognition made by the Cuban Commission for Human Rights and National Reconciliation and the Cuban Human Rights Committee over the past three years.

Cuban citizens are expected to join party-controlled mass organizations, such as the CDR's, the Confederation of Cuban Workers, the Federation of Cuban Women, and the Union of Communist Youth. Resisting membership makes persons subject to a range of unofficial sanctions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government places restrictions on the practice of religion and discriminates against believers, despite the Constitution's recognition of the rights of citizens to profess and practice any religious belief. Religious believers are excluded from membership in the Communist Party and thus from almost all executive and leadership positions, including posts in the Government, the courts, and the teaching profession. Persons who publicly profess their religious beliefs may be subject to informal discrimination in the workplace and through social pressures on their children in school. Practicing Catholics, for instance, have a difficult time getting more desirable jobs or

being admitted into certain fields of study.

Fidel Castro and other Cuban officials have publicly admitted that religious discrimination exists, although they claimed it was not authorized. Indeed, there has been a perceived slight relaxation of official attitudes toward religion which contributed to modest increases in both church attendance and baptisms. Catholic Church officials noted in 1989 a growing number of youths willing publicly to profess their faith.

The Government and Communist Party continued to maintain restrictions and controls on the activities of organized churches. Churches and other religious groups must register with the Government and be "recognized." Recognized faiths customarily are permitted to hold religious activities only within specifically designated places of worship, but permission was granted for services in prisons and some health care institutions in 1989. Many Catholic and Protestant churches have closed, and new construction has been restricted since the Revolution. Four Protestant and two Catholic seminaries are allowed to operate, but no other formal religious training schools are permitted. Atheism is taught by youth organizations. Churches have no access to official mass media. The observance of religious holidays is difficult, and most traditional processions are prohibited. Christmas is a normal workday.

Since April, clergy have been allowed to visit prisoners who have requested their services. The Catholic Church established telex links among its diocesan offices and with church officials overseas as authorized by the Government in 1988. The Seventh-Day Adventist church held a national congress in

Cuba, and foreign Adventist officials were permitted to attend in their official capacity. The small Jewish community was again allowed to import religious materials, and kosher food and wine. Cuban authorities, while clamping down on other unauthorized publications in 1989, continued to permit limited circulation of an independent newsletter published by a Catholic layman. The Government allowed access to construction materials needed to rebuild some existing churches, but provincial and local officials have opposed certain restoration projects. In December 1988 in Palma Soriana, a parish priest, with the help of his congregation, succeeded in restoring and reopening a small chapel. Local party officials organized a mob to break up the inaugural service. When the priest managed to defuse the protest by leading the crowds outside the church in the national anthem, he was detained by police for "proselytizing and holding a service in public" and released hours later only after vigorous public protest.

Members of certain faiths have suffered active persecution. Human rights monitors reported several cases of Jehovah's Witnesses arrested for illegal meetings and possession of clandestine publications (i.e., Jehovah's Witnesses tracts) in 1989, including the cases of Ursulo Brito and Samuel Camacho Hernández (sentenced to six months in prison), and of Eloy Ramos González (sentenced to one year). In April, police reportedly infiltrated a Jehovah's Witnesses prayer meeting in Suri and staged a raid on the home of Felipe Bofill where prayers were being offered for Bofill's gravely ill son. Several persons were arrested, tried, and convicted of charges of "illegal meeting and

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possession of clandestine printing.”

Other religious groups also suffer such repression; in a raid in December 1988 reported by the Cuban Human Rights Committee, the home of Baptist pastor Eliejar Samado Cazavus of Granma was ransacked and religious literature confiscated. Samado subsequently lost his job and was forced to rely on small donations from his congregation to support his family.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on domestic travel, but Cuban citizens require permission both to leave and reenter Cuba. Opportunities for nonofficial foreign travel are severely restricted, limited generally to elderly pensioners, church officials, and special humanitarian cases for serious family illness or death.

Cuban authorities strictly control emigration but in 1989 again permitted several thousand persons, including hundreds of former political prisoners, to leave the country permanently with no right of return. Draft-age males were generally not allowed to depart. During 1989 the Government continued to deny, without any explanation, exit permission to some persons and their immediate families who had already been accepted into immigration and refugee admissions programs of other countries. For example, the Government has repeatedly refused exit permission to Sebastián Arcos Cazabón, the son of human rights leader Sebastián Arcos Bergnes.

It is a crime to leave the country without authorization. Persons who attempt to flee on small boats or inner tubes face sanctions ranging from fines to three years' imprisonment. The

number of persons convicted of “illegal” departure reportedly rose sharply in 1989 (see Section 1.e.). Discrimination against intending legal emigrants lessened in 1989, although extricating a family from the web of state employment, housing, and education remains a complex and often frustrating process. Once emigration formalities are completed, all family possessions and property go to the State unless immediate relatives are able to take possession.

Cubans traveling as emigrants or refugees to other countries have no right to return for a visit or repatriation. The Government continued to restrict the number of persons of Cuban origin from the United States permitted to visit their families in Cuba to 50 persons per week under a worldwide quota of 5,000 per year. Persons who came to the United States in the Mariel boatlift were routinely denied repatriation and the Cuban Government allowed no more than 10 of them per week to visit Cuba. Entry into Cuba by Cuban Americans was suspended entirely for the last quarter of 1989. The Government reduced to \$250 per trip the amount of currency visiting expatriates can bring to family members in Cuba.

Section 3: Respect for Political Rights: The Right of Citizens to Change Their Government

Cuban citizens have no legal right to seek to change their government or even to advocate this right. The only political organization allowed in Cuba is the Communist Party. The overlapping party and state hierarchy has remained largely unchanged for 30 years. Members of the highest governing bodies, the Politburo and the Central Committee, are selected by a small group of party

leaders. Although direct elections are held to fill municipal offices, the provincial assemblies and the National Assembly are elected indirectly. Only the party and its affiliated mass organizations have the right to distribute political materials or to organize electoral meetings. All candidates must, in effect, be approved by the Communist Party. In March, dissident Roberto Bahamonde challenged the system and ran against the Communist Party candidate for a municipal assembly seat in Havana. Bahamonde lost and was imprisoned on other charges several weeks later (see Sections 1.d. and 1.e.).

In December 1988, 163 European and American intellectuals joined Cuban expatriates in signing an open letter calling for a plebiscite on Fidel Castro's rule, following the October 1988 example of Chile. One month earlier, the Cuban Human Rights Party had advocated a plebiscite on whether to repeal the Constitution and convoke a constituent assembly. Government officials rejected the call for a plebiscite and called the comparison with Chile “absurd.”

In 1989, Fidel Castro distanced Cuba from democratizing trends sweeping through the U.S.S.R. and Eastern Europe, rationalizing his continued unwillingness to allow greater opportunities for Cuban citizens to participate freely in the political system.

Section 4: Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitors are legally unrecognized and lead a precarious existence dependent upon the vagaries of government policy. The Government continued, in

In March, dissident Roberto Bahamonde challenged the system and ran against the Communist Party candidate for a municipal assembly seat in Havana. Bahamonde lost and was imprisoned on other charges several weeks later.

violation of its own statutes, to refuse to recognize the applications for legalization submitted in 1988 and 1989 by several such groups (see Section 2.b.). In its 1988/89 Annual Report, the IACHR called on the Government to recognize human rights associations and their right to engage in their activities freely. The three principal domestic human rights monitoring groups are the Cuban Human Rights Committee (CCPDH), the Cuban Human Rights Party (PPDHC) and the Cuban Commission for Human Rights and National Reconciliation (CCDHRN). There is a host of smaller human rights-related groups, most notably the Free Art Association (APAL) and the Martí Committee for Human Rights, which appeared in 1988. In February 1989, the PPDHC, CCDHRN, and Martí Committee for Human Rights banded together under an umbrella group, the Coordinator of Human Rights Organizations.

The Government's stepped-up crackdown on Cuba's human rights movement was the most significant development in the country's human rights situation in 1989. Official policy changed from increasing limited tolerance through mid-1988 to repression after the September 1988 visit of the UNHRC Cuba Working Group. Since then, the Government has taken or fabricated opportunities to harass, detain, or imprison approximately 50 activists and has, in effect, silenced many of its leading domestic critics. Some of the arrested activists had presented testimony to the UNHRC Cuba Working Group, although their arrests were officially for alleged actions unconnected with their testimony. The UNHRC delegation was assured by Cuban authorities that the witnesses would not suffer reprisals for their testimony.

About 25 of those activists arrested or detained, including the leaders of four of the five human rights groups named above, remained imprisoned or held without charge at year's end (see Section 1.d.).

The atmosphere of increased openness leading up to the UNHRC's visit led some human rights activists to attempt to exercise what they viewed as their right to peaceful assembly and speech. The Government responded with the pattern of arrests, swiftly staged trials, and misdemeanor convictions which began with the October 1988 arrest of six APAL activists and the November 1988 arrest of PPDHC leader Tania Díaz Castro.

In 1989, the Government further clamped down as activists continued to test the limits of its tolerance by circulating petitions and underground publications and, in one case, trying to organize a demonstration. Cuban authorities appeared to follow legal procedures more scrupulously, but imposed harsher punishments. Elizardo Sánchez's two year prison term was the harshest sentence meted out to a human rights activist in several years (see Section 1.e. for details on dissident trials). Extralegal harassment continued as well. Several human rights activists were beaten by thugs and at least eight others were arrested during a November 12 mass; incorrect rumors had circulated that prayers would be said at the mass to support hunger striking political prisoner Alfredo Mustelier. By the close of 1989, members of the human rights movement who were not in jail had reduced their public activities because of government repression.

The ICRC was the only monitoring group which visited Cuba in 1989. Cuban authorities

permitted the ICRC to make a second annual visit to prisons and to monitor conditions of inmates. The ICRC, whose findings are strictly confidential, did report that its delegation interviewed 257 prisoners in ten detention centers, including the Havana Psychiatric Hospital. The Government denied permission to representatives from AW and AI to attend the trial of human rights leader Elizardo Sánchez.

Following its September 1988 visit, the UNHRC Cuba Working Group submitted a 400-page report to its parent commission in February 1989. The report detailed extensive human rights abuses by Cuba and noted numerous outstanding questions posed by the Working Group which Cuban authorities had failed to answer. The UNHRC, at its 1989 session, passed a resolution charging the U.N. Secretary General to maintain a dialogue with the Cuban Government in order to follow up on outstanding issues in the Working Group's report. Cuban authorities (who, under international pressure in 1988, had invited the Working Group to visit) made it clear in their 1989 public statements that, notwithstanding the content of the report, they considered international attention to Cuban human rights practices to be a closed chapter.

Section 5: Discrimination Based on Race, Sex, Religion, Language, or Social Status

Cuba is a multiracial society with a large population of persons with mixed racial ancestry. The Constitution expressly forbids discrimination on the basis of race, sex, or national origin, and there were no known incidents of direct racial or sexual discrimination in 1989. The Family Code of 1975 equalized pay scales, eliminated

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sexual discrimination in promotions, provided generous maternity leave, and gave employed women preferential access to goods and services. Public or official expressions of racial discrimination are rare. The official women's organization, the Federation of Cuban Women, is used to mobilize women politically rather than to advocate women's rights exclusively.

There are no official data available on the incidence of violence against women. Neither the Government nor society condone such violence. Cuban law establishes strict penalties for sexual abuse or rape of women, including the death penalty for the rape of minors or serious injury to the victim. The Penal Code also provides lesser sanctions for sexual coercion of women by authorities or guardians. These statutes appear to be enforced with typical severity by the authorities, although sexual crimes are never reported in the press. Anecdotal evidence from human rights groups and other sources indicates that domestic violence such as wife beating is a problem, but a lack of statistical data makes it impossible to gauge its true extent. Due to societal traditions, many victims of abuse are reluctant to file a report or to press charges, so it is likely that cases of violence are significantly underreported. Women complain of verbal harassment in public and expected subordination at home.

Section 6: Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment; the decision and choices of workers are subordinate to the "demands of the economy and society" (Article 44). Strikes are not

permitted under the law. Established Cuban labor organizations are not trade unions in any real sense and do not act as a voice for workers' rights, including the right to strike. Labor is organized under the control of the State and party through one umbrella group, the Confederation of Cuban Workers (CTC). The CTC is affiliated with the Communist-controlled World Federation of Trade Unions and its regional organization, the Permanent Congress of Trade Union Unity of Latin America (CPUSTAL). The CTC serves primarily as an instrument of the State to enforce political and labor discipline, to encourage productivity, to hold down labor costs, and to save raw materials. Some CTC member labor organizations have served as debating forums for the consideration of a limited range of labor issues such as worker safety and local working conditions.

The right to form an independent union is prohibited and even discussion of such a step has been subject to punishment. Despite increased repression of many dissident groups in 1989, however, several embryonic labor organizing groups appeared and discussed the need for autonomous representation of workers' interests along the lines of the Solidarity movement in Poland. Two of these groups, the Independent Trade Union Movement and the Free Trade Union, claimed to have gathered membership in workplaces in the capital region. These tiny groups remain very much on the margins, and even the discussion of independent unions is a dangerous form of dissent, often characterized by authorities as a form of "industrial sabotage." In August, Havana ironworker Ricardo Figueira Castro, a member of the CCPDH, was arrested and

charged with enemy propaganda. Figueira had unsuccessfully sought a position in his factory's official union with the idea of making it more responsive to workers' needs. Nevertheless, he began to represent workers' interests informally with management and to speak out about the need for more independent representation with coworkers. Figueira's arrest soon followed.

In its 1989 report, the International Labor Organization (ILO) Committee of Experts (COE) again challenged the trade union monopoly granted to the CTC in violation of Convention 87 on Freedom of Association. The Committee asked the Government to report what steps it is taking to bring its legislation into conformance.

b. The Right to Organize and Bargain Collectively

Effective collective bargaining does not exist. The State Committee for Work and Social Security sets wages and salaries for the state sector. There are no known export processing zones in Cuba. Since the CTC is an instrument of the government policy, antiunion discrimination is not a relevant concept except as it applies to the Government's repression of independent union groups like those mentioned above.

c. Prohibition of Forced Compulsory Labor

The Constitution and the Labor Code do not contain prohibitions on forced labor. Workers do not have full freedom to change jobs without official approval. Every worker must present a work identification card in seeking a new job. This card contains information on performance of "voluntary" work, protection of socialist property, political consciousness, failure to meet production goals, and negligence. In practice, any job change remains

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under the control of the authorities who grade and evaluate employee records that form the basis of the work identity cards.

Special groups of workers on loan from other jobs known as “microbrigades” are employed on special construction projects, often working a 60- to 70-hour week of physical labor. Some human rights monitors allege that workers refusing to “volunteer” for such projects often find themselves victims of discrimination or even risk losing their jobs. “Microbrigade” workers, however, are reportedly rewarded with priority listing for apartments, a very powerful incentive for voluntary work.

Various ILO bodies have found that governmental restrictions on the freedom to choose or change employment are incompatible with ILO Conventions prohibiting forced labor. Most recently, the 1989 report of the ILO Committee of Experts, cited above, found provisions of the new labor code imposing “correctional labor,” and compulsory labor for damage due to negligence, to be incompatible with Convention 105 on forced labor.

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d. Minimum Age for Employment of Children

The legal minimum working age is 17; however, the labor code provides for exceptions for those aged 15 and 16 to obtain training or to fill labor shortages. There is no evidence that authorities deviated from these rules in 1989. However, all students above the age of 11 are expected to devote 30 to 45 days of their summer vacation to agricultural work up to a maximum of eight hours per day.

e. Acceptable Conditions of Work

During 1989, Cuba’s minimum wage remained at \$140 per month at the overvalued official exchange rate or about \$20 in terms of black-market buying power, plus a “social wage” consisting of free medical care and education, along with subsidized housing and rationed food. Even with the state subsidies, a worker needs to earn substantially more than the minimum wage to support a family. The value of the “social wage” in improving living standards is diminished

by the persistent shortages and tight rationing that have become standard features of the Cuban economy. For example, most newly married couples must live with relatives for years before obtaining their own housing and suppression of free farmers’ markets in 1986 (following a brief experiment with market incentives) exacerbated shortages of some foods, although caloric intake remains high.

Maximum hours of work are 44 regular hours per week, with shorter workdays for unusually demanding jobs such as underground mining. Overtime is limited by law and practice, although workers are pressured to engage in additional unpaid “voluntary” labor. Workers receive 30 calendar days of vacation regardless of seniority or age. Provisions for worker safety and control of pollution generally appear inadequate. There is a lack of effective control and enforcement mechanisms to ensure worker safety, and industrial accidents are apparently frequent.



CUBA: JAILING THE HUMAN RIGHTS MOVEMENT

August 1989 - March 1990

When the United Nations Commission on Human Rights sent a delegation to Cuba to conduct an investigation in September 1988, the human rights movement in Cuba was flourishing as it never had before, and no human rights monitors were in prison.¹ Today, at least 20 monitors—including the leaders of most of Cuba's small independent human rights organizations—are in prison serving sentences of up to two years for their peaceful monitoring activities.

As the U.N. Commission convenes for its current session, the Cuban government has once again demonstrated its contempt for human rights monitoring by its own citizens, in marked contrast with the increased tolerance for freedom of expression, association, and assembly which preceded the U.N. visit in September 1988. Fidel Castro's regime, now in its fourth decade in power, has clearly made a political decision to punish any form of dissent. By imprisoning those who attempt to hold their government accountable for violating basic civil and political rights, the Cuban government has tried to obscure its poor record and defend its practices as a strictly internal matter.² The United Nations' failure to sustain its earlier pressure has substantially aided the Cuban government in this effort.

The possibility of condemna-

tion by the U.N. in 1987 and 1988 unquestionably yielded some positive results. The Cuban government opened its prisons to inspections by international organizations, it released a few hundred political prisoners, and tolerated independent activity by its own citizens. The 1989 U.N. vote ending significant scrutiny has produced a reversion to Cuba's prior abusive and intolerant ways.

Cuba's human rights practices are sharply at odds with international standards. Cuban laws that curtail basic rights enumerated in the Universal Declaration of Human Rights—freedom of expression, association, assembly and movement, and the rights of privacy and due process—remain in force. There are no legal institutions independent of the government and the governing Communist Party that could ensure respect for such rights. There is no free press, no opposition political parties, no independent judiciary, no independent labor unions, and no legally recognized human rights organizations. All Cubans are affected by the absence of such institutions. Cuban prisons continue to hold several hundred political prisoners serving sentences for crimes such as attempting to leave the country illegally (although legal emigration is often delayed or denied on political

grounds) or attempting to stage a demonstration. Many recently arrested activists have been held for months without trial and several have been re-sentenced, for apparently political reasons, while in prison. In the last six months, the Cuban government has banned two Soviet publications, expelled a Czech journalist, and arrested dissidents from the Union of Communist Youths.

This newsletter is a follow-up to our January 1989 report "Human Rights in Cuba: The Need to Sustain the Pressure," and our July 1989 newsletter "Human Rights Activists Behind Bars in Cuba." The facts outlined below highlight the need for continuing U.N. pressure as the most effective means of curbing Cuban human rights violations. Americas Watch urges the United Nations Commission on Human Rights not to forget those human rights monitors and independent activists who were emboldened by the increased international attention they received in 1988 and who are now languishing in jail.

CONTINUING CRACK-DOWN ON HUMAN RIGHTS ACTIVISTS

Cuban Commission for Human Rights and National Reconciliation

Cuban Human Rights Party

Fidel Castro's regime, now in its fourth decade in power, has clearly made a political decision to punish any form of dissent. By imprisoning those who attempt to hold their government accountable for violating basic civil and political rights, the Cuban government has tried to obscure its poor record and defend its practices as a strictly internal matter.

Martí Committee for Human Rights

Cuban Committee for Human Rights

The leaders of three of Cuba's independent human rights groups—**Elizardo Sánchez Santa Cruz** of the Cuban Commission for Human Rights and National Reconciliation (CCDHRN), **Hiram Abi Cobas Núñez** of the Cuban Human Rights Party (PPDHC) and **Hubert Jerez Mariño** of the Martí Committee for Human Rights (CMDH)—were arrested by state security police on August 6, 1989, in an ongoing campaign against the human rights community in Cuba.

Searches of the homes of the three activists began shortly after 5:00 a.m. Approximately twenty state security officers searched the Sánchez home for four hours and confiscated, among other things, documents published by the United Nations, Amnesty International and Americas Watch; a photograph of Sánchez with U.S. Senator Edward Kennedy; two typewriters and a tape recorder. The area of the Sánchez home used by CCDHRN as an office was sealed. The state-security officers, headed by Major Tomás Martínez Rodríguez, reportedly had a search warrant. Relatives of Cobas and Jerez are said to have reported that similar searches were conducted in their homes.

The three activists were taken to Villa Marista, the state security headquarters in Havana, where they were held for almost six weeks. They received weekly visits from family members who reported that although the detainees were not being physically mistreated, they were being held in windowless isolation cells with the lights on 24 hours a day; they were not permitted sun or exercise; and they were denied

reading and writing materials. These conditions of confinement tend to have a disorienting effect on detainees. On September 13, the three were transferred to Combinado del Este prison in Havana.

Sánchez was permitted a brief visit with his father shortly before the father's death on September 2, and he was also permitted to attend the wake.

Sánchez, Cobas, and Jerez were accused of "disseminating false news against international peace" under Article 115 of the Cuban Penal Code, in connection with their reporting on the July 1989 trial and executions of Generals Arnaldo Ochoa Sánchez, Antonio de la Guardia, and others. This provision of the criminal code authorizes imprisonment for one to four years for "disseminating false news with the purpose of disturbing international peace, or placing in danger the prestige of the Cuban State or its good relations with another State." It is classified in the Penal Code as a crime against state security.

It appears that because these detainees are well known, the authorities took the unusual step for such cases of permitting them access to lawyers in pre-trial detention. This had not occurred for any of the other activists arrested since September 1988. Two of the lawyers selected by the defendants are independent—that is, they do not belong to the official law collectives, and as a result are not currently practicing—and are active in the human rights community. They were given access to the investigation records. While Americas Watch welcomes these steps toward respect for the procedural rights of these criminal defendants, we consider the charge and detention to be an improper infringement of free speech at a time when Cuba is not at war or

under a state of emergency.

Sánchez, Cobas and Jerez were tried in the Havana Provincial Court's special section for crimes against state security on November 17 and sentenced on November 24 to prison terms of two years in the case of Sánchez, and 18 months in the cases of Cobas and Jerez.

While in Combinado del Este, Sánchez and Jerez were held in an isolation section of the prison known by inmates as "los candados" (the padlocks). Sánchez spent some time in the prison hospital for attention to his gastro-intestinal condition. Sánchez and Jerez were subjected to psychiatric evaluations in the Havana Psychiatric Hospital on October 24 and 25. They were returned to Combinado del Este on October 26.

Cobas, who suffers from heart ailments, has spent much of his time in detention in the Carlos J. Finlay military hospital in Havana, where he was interned shortly after the three were transferred to Combinado del Este prison. Later he was moved to the Combinado del Este hospital. He reportedly looked very ill at his trial. His family fears that his health continues to deteriorate.

On December 22, Sánchez and Jerez were transferred to Aguica prison in Matanzas province, 200 kilometers from their homes in Havana. About one week later, Jerez was transferred from Aguica to Kilo-7 prison in Camagüey province, 500 kilometers from Havana. Cobas remained in Combinado del Este.

Sánchez was initially held in the "La Polaca" section of Aguica prison, which holds 17 isolation cells. His cell measured approximately 3 x 4 meters, with a hole in the floor for a toilet and tube several inches from the hole which provided water a few times a day. He was not permit-

...although the detainees were not being physically mistreated, they were being held in windowless isolation cells with the lights on 24 hours a day; they were not permitted sun or exercise; and they were denied reading and writing materials. These conditions of confinement tend to have a disorienting effect on detainees.

ted to have a container to hold drinking water. The ceiling in his cell had an opening that measured approximately one square meter and was covered by bars. During the day, sunlight and fresh air enter the cell, but there was concern that conditions would become unpleasant when it rained. There was no electricity in the cell, so that after sundown it became very dark. Sánchez was permitted three books at a time, but no writing materials. His meals were brought to him three times a day. He was not allowed out of his cell for exercise and had no contact with other prisoners. After approximately seven weeks in this cell, he was reportedly moved to the prison infirmary.

In Kilo-7, Jerez was held in a punishment cell during the last three weeks of February 1990, reportedly for collecting information on prison conditions and writing poems and short stories. Jerez's bed was reportedly removed from the punishment cell in the morning and replaced in the evening, leaving a bench to sit on during the day; there was no light and he was permitted no reading materials; and he received only a half ration of food. Jerez was allowed to attend the funeral of his mother, who died on February 24.

In addition to Sánchez, Cobas, and Jerez, several other members of their groups have been arrested in recent months. Cuban police (*Policía Nacional Revolucionaria*) arrested **Edita Cruz Rodríguez**, a member of PPDHC, on November 11 following a search of her home. Her arrest is believed to be in connection with a gathering planned by human rights activists for a Sunday mass at the Cathedral of Havana on November 12. About two hundred activists and sympathizers reportedly attended the mass in an

expression of concern for a long-term prisoner, Alfredo Mustelier Nuevo, who was on hunger strike in Combinado del Este prison.

After being held initially in a police station near Zapata and C Streets in Havana, Cruz was later transferred to the Havana women's prison (*Centro de Reeducación de Mujeres del Occidente*) where she served a three-month sentence imposed earlier in the year. Cruz had been arrested on April 4, 1989, for her attempt to participate in an illegal demonstration by human rights activists during Mikhail Gorbachev's visit to Havana. She was tried and sentenced to three months in prison, but the sentence was suspended because of medical problems. Cruz was released upon completion of her sentence on February 8, 1990.

Americas Watch received reports that at least three members of the Cuban Committee for Human Rights, **Rodolfo González González**, **Roberto Regalado** and **Angela Rey Miranda**, were verbally harassed and threatened by state security police who went to their homes on November 11 to warn them to stay away from the mass at the Cathedral of Havana the next day.

Yndamiro Restano, a leader of CCDHRN and the Association of Independent Journalists of Cuba, was summoned to the Villa Marista state security facility on November 15 and questioned for several hours about his human rights work.

State security police arrested **Juan José Moreno Reyes**, a CCDHRN member in Holguín province, following a search of his home in Moa on November 16. A number of CCDHRN documents were confiscated from him. Moreno was held in the state security facility in Holguín and released without

charge on November 21. He was warned against continuing his human rights activities.

Domingo Hernández Cepero, a leader of the PPDHC, and **Danilo Valdez**, another leading member of the group, were arrested on the street by state security police on January 27, 1990. Earlier in the day, state security police had searched their homes. Hernández, a 65-year-old retired employee of the Ministry of Education, and Valdez, an auto mechanic, were held in Villa Marista and released without charge after five days in detention.

On March 5, 1990, Committees for the Defense of the Revolution organized a mob to hold an "act of repudiation," (*acto de repudio*) against human rights monitors in Havana. Several hundred government supporters, including workers, housewives, teachers and school children were "mobilized" for the event and reportedly were transported in trucks to the home of a CCPDH leader, **Sebastián Arcos Bergnes**. The mob broke down the door of the house without entering, hurled insults and shouted revolutionary slogans from about 10:00 a.m. to about 8:00 p.m. Trapped inside were **Sebastián Arcos**, his brother **Gustavo Arcos Bergnes** and **Oscar Peña**, leaders of the CCPDH; **Samuel Martínez Lara** (see below) of the PPDHC; and **Domingo Hernández Cepero** and **Yndamiro Restano** (see above).

Life Naturist Association and the Sendero Verde

On August 21, Cuban police closed down the headquarters of the vegetarian society, Life Naturist Association, located on a farm outside the city of Havana. The farmhouse, which is also the home of the group's leaders, **Orlando Polo** and his wife **Mercedes Páez**, has been

Americas Watch received reports that at least three members of the Cuban Committee for Human Rights, Rodolfo González González, Roberto Regalado and Angela Rey Miranda, were verbally harassed and threatened by state security police who went to their homes on November 11 to warn them to stay away from the mass at the Cathedral of Havana the next day.

sealed. Polo and Páez were reportedly detained for a short time the same day. The *Asociación Naturista Vida*, or "Life Naturalist Association," which is said to have been originally founded in 1935 by Spanish anarchists, was operating as a legal, officially recognized organization of about 150 members. However, it fell into disfavor, probably because Polo and Páez are also active in environmental and peace issues. In April 1988, the Supreme Court ordered the organization dissolved, reportedly because the group was overstepping its mandate, but also because the government was interested in the farmland it occupied. No action was taken until August 1989.

Polo and Páez are also leaders of the independent "eco-pacifist movement," *Sendero Verde*, an anti-war and anti-nuclear group which, among other things, opposes Cuban involvement in Angola. Since 1985, Polo, sometimes with Páez, has made numerous walks from nearly one end of the island to the other, stopping in public places to speak to assembled crowds. Polo has been detained almost two dozen times during these walks.

Through their colleagues in the human rights community, Polo and Páez informed the international press and human rights community abroad of the closing of the farm. They also staged a hunger strike. On August 23, state security police arrested Polo. The police held him for one week in Villa Marista, releasing him without charge on August 29.

State security police again arrested Polo on September 22, holding him in Villa Marista until October 13 when he was again released without charge. Polo was reportedly summoned to Villa Marista for questioning in mid-November.

Cuban Pro Amnesty Group

Six state security officers searched the home of **Esteban González González**, head of the newly formed Cuban Pro Amnesty Group, between 10:00 p.m. September 23 and 3:00 a.m. September 24. González, a 59-year-old math teacher at the Conrado Benítez workers' night school, was detained and taken to Villa Marista. During the house search, for which the state security police had a warrant, they confiscated human rights documents, among other things. González was held in Villa Marista for three months until December 22 when he was transferred to Combinado del Este prison. He is in his fifth month of detention without charge.

Three others believed to be members of this group were also arrested and taken to Villa Marista following searches of their homes on September 24. They are **Mario Fernández Mora**, **Arturo Montané**, and **Manuel Pozo Montero**. Another member, **Edgardo Llompert**, was reportedly summoned to Villa Marista on September 25 and was detained there. Soon thereafter, state security police arrested González's son-in-law, **Manuel Regueiro**, and **Isidro Ledesma**. Both are said to be members of the group. All six were also transferred to Combinado del Este prison on December 22, where they remain without charge.

Héctor Fabián Moreno, who is not a member of the group, was swept up in the string of arrests. State security police searched his home and arrested him on September 24. He was reportedly released without charge after several weeks.

The Cuban Pro Amnesty Group has made efforts to become legally recognized by the Cuban government since

May 1989, when it petitioned the Ministry of Justice. As recently as September 18, González went to the Ministry of Justice to seek a response to his inquiries, but received none. The group calls for a general amnesty for political prisoners and abolition of the death penalty. Several members of this group, including Esteban González, have also formed the Movement for Democratic Integration, a group that seeks to promote democracy and respect for human rights, and supports non-violent activism to establish independent civic and political institutions in Cuba.

José Martí Association of Independent Defenders of Human Rights and National Reconciliation

On October 8, police officers of the PNR arrested **Julio Soto Angurel**, head of the José Martí Association of Independent Defenders of Human Rights and National Reconciliation, in Havana. He was initially held in a local police station; then transferred to the Psychiatric Hospital of Havana; finally, he was transferred to Combinado del Este prison. He is believed to be in the isolation cell section of "*los candados*."

Soto was reportedly charged at the end of January with "contempt" and possession of explosives, and faces up to four years in prison.

Formed in 1987, the José Martí Association is a small group that advocates policies of reform such as the Soviet Union's *perestroika* and *glasnost*, which have been rejected by President Castro. Soto served in the Cuban armed forces in Angola. In the early 1970s he was reportedly expelled from the national film institute for a disparaging comment about the cost of living in Cuba.

The mob broke down the door of the house without entering, hurled insults and shouted revolutionary slogans from about 10:00 a.m. to about 8:00 p.m.. Trapped inside were Sebastian Arcos, his brother Gustavo Arcos Bergnes and Oscar Peña, leaders of the CCPDH; Samuel Martínez Lara of the PPDHC; and Domingo Hernández Cepero and Yndamiro Restano.

Update: Association For Free Art

In October 1988, state security police detained five people believed to be affiliated with the Association for Free Art, a group founded in August 1988 that advocates freedom of expression and artistic creation. They were not charged until July 1989. They were held initially in Villa Marista, and then transferred to various prisons in February 1989. **Pablo Roberto Pupo Sánchez** and **Gilberto Plasencia Jiménez** were released on bond from Alamar prison in August 1989 pending trial. **Ramón Obregón Sarduy** and **Lázaro Cabrera Puentes** remained in Quivicán prison in Havana province. **Juan Enrique García** remained in Guanajay prison, also in Havana province.

The five were tried at the Provincial Court of Havana on September 15, 1989. They were permitted defense attorneys. Four were convicted and sentenced for illicit association and failing to comply with "the duty to denounce" the others in the case. Pupo, Cabrera, and García were each sentenced to 18 months in prison, and Obregón to nine months in prison. Pupo, Cabrera, and Plasencia were imprisoned in Combinado del Este prison; Obregón in Quivicán prison in Havana province; and García in Guanajay prison, also in Havana province.

Association For Free Art (APAL) members **Carlos Novoa Ponce** and **Jorge Luis Marí Becerra** were also implicated in the same case. Novoa and Marí were arrested at their homes on January 27 and 28, 1989, after they distributed a document announcing their plan to form a Christian Democratic Party committee. They were initially held in Villa Marista, and in March were transferred to

Quivicán prison in Havana province, where they were held with common prisoners. In early July, Novoa was transferred to the Guanajay prison hospital in Havana province to recover from a two-month hunger strike he staged to protest their detention without charge. Marí was reportedly held for a time in a punishment cell in Quivicán prison, apparently because he, too, participated in a hunger strike.

In July, they were charged with illicit association and failing to comply with the "duty to denounce" the others in the case. Novoa was reportedly released on bond in August; Marí was released on bond two days before the September 15 trial. The Provincial Court of Havana sentenced Novoa to 15 months in prison, and he is believed to be serving his term in Guanajay prison. Marí received a 21-month prison term and is believed to be held in Quivicán. Previously, Novoa had been briefly detained in September 1988 for his attempt to meet with the visiting delegation of the United Nations Commission on Human Rights.

Plasencia, Cabrera and Pupo were reportedly released in early February—Plasencia on completion of his sentence, and Cabrera and Pupo on having their conviction on charges of failing to comply with the "duty to denounce" overturned on appeal.

Rights monitors sentenced to additional terms while in prison

Americas Watch is alarmed by the Cuban government's practice of sentencing human rights activists to additional terms while they serve time in prison. This practice was believed to have largely ceased in recent years. However, there are indications that a pattern of pro-

longed confinement may be re-emerging.

Roberto Bahamonde Massot, a member of both the Human Rights Party and CCDHRN who, while he served three months in prison for attempting to participate in an illegal demonstration during Mikhail Gorbachev's April visit, received a sentence of an additional year in prison for his "illicit economic activities." An agronomist, Bahamonde had no prospects for a government job in his field since the mid-1970s when he was detained twice for writing a letter to Fidel Castro recommending reforms in the government's economic and agricultural policies. He had been making a living, without government permission, as a photographer since the early 1980s. Americas Watch believes the Cuban authorities have applied this law selectively against Bahamonde because of his independent activities. (See also Americas Watch's "Human Rights Activists Behind Bars in Cuba," July 1989, P. 3-4) Bahamonde is currently serving his additional one-year sentence in Combinado del Sur prison in Matanzas province.

David Moya, a member of the Human Rights Party who served nine months in prison for attempting to participate in an illegal demonstration during Mikhail Gorbachev's April visit, was re-sentenced to an additional prison term on charges of "contempt," reportedly in October 1989, six months into his first sentence. The reasons for this charge are unclear. Moya is currently serving his second sentence of 18 months in Cinco-medio prison in Pinar del Río province.

At the end of December, prison authorities told **Samuel Martínez Lara**, the leader of the Human Rights Party at the time of his arrest, who served nine

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months in prison for attempting to participate in an illegal demonstration during Mikhail Gorbachev's April visit, that he would not be released at the end of his sentence. He was accused of "contempt" of President Castro and making offensive comments with regard to Panama. Two common prisoners were reportedly encouraged to attack him and he is said to be faulted for the scuffle that ensued. Martínez was finally released from Aguica prison on February 22, 1990, one month late, reportedly with the "contempt" charge still pending.

Americas Watch received reports late in 1989 that **Vladimir García Alderete**, a member of the Association for Free Art who served a nine-month prison term on charges of "public disorder" for commemorating Cuban Culture Day on October 20, 1988 [see "Human Rights in Cuba" January 1989 Americas Watch report, p. 37-38], was reportedly sentenced to an additional three months in prison on charges of "contempt" (*desacato*). He was released from his second sentence in early November 1989.

Americas Watch is also concerned about the periods of prolonged detention without trial to which a number of human rights activists have been subjected. Apart from the seven members of the Association for Free Art who were confined in prisons for up to nine months before being charged and up to eleven months before being brought to trial, three other activists—**Enrique Acosta Ruiz**, **Lázaro Rosa Arbolay** and **Sergio de la Vega Gómez**—are currently in their tenth month of detention without charge in Combinado del Este prison.

REMAINING POLITICAL PRISONERS

There continue to be as many as several hundred other political prisoners in Cuba, many believed to be serving sentences for nonviolent offenses such as illegal attempts to leave the country, for refusing to perform obligatory military service, and for technically common crimes such as "contempt," "public disorder," or "clandestine printing."

Three long-term prisoners (*plantados*), **Mario Chanes de Armas**, **Ernesto Díaz Rodríguez** and **José Mustelier Nuevo**, remain in Combinado del Este prison. The *plantados*—believed to number 400 to 500 as recently as 1979—were arrested during the early years of the Castro regime for armed and unarmed opposition to the new government. In many cases, it appeared that nonviolent opposition to the government, especially by disaffected former supporters of the revolution, was considered to be as serious a crime as armed insurrection. They were held for long periods without trial and then tried before military courts, known as Revolutionary Tribunals, without any semblance of due process. They were sentenced to prison terms generally ranging from twenty to thirty years.

Because they considered themselves political prisoners, the *plantados* resisted "reeducation" by prison authorities by refusing to wear the common prisoners' uniforms; refusing to work; and maintaining a politically antagonistic attitude toward their jailers. Consequently, the *plantados* were denied benefits afforded others such as more food, visits, exercise, and better living condi-

tions. Instead, they spent their prison terms wearing underwear, pajamas, or nothing at all. They engaged in hunger strikes and other forms of nonviolent protest. And they were punished for their defiant behavior: visits, correspondence, books, and access to outdoors were suspended; their belongings were confiscated during countless and often violent "inspections" (*requisas*); they were moved to tiny, dark punishment cells, and held in isolation.

Mario Chanes de Armas has served 29 years of a 30-year sentence in prison. Ernesto Díaz Rodríguez has served 21 years of a 40-year sentence. And José Mustelier Nuevo has served 20 years of a 25-year prison term. To mark the end of his twentieth year in prison, Mustelier staged a hunger strike on October 27, 1989, and renounced liquids three days later. Americas Watch received reports that he was transferred to a punishment cell for several days for engaging in the hunger strike. In dangerously frail health in mid-November, Mustelier was transferred to the Carlos J. Finlay hospital and began to be force-fed intravenously. After considerable international attention was brought to Mustelier's condition, Cuban authorities are said to be reviewing his case.*

Alberto Grau Sierra, a *plantado* who was arrested on September 5, 1964, completed his 25-year sentence and was released on September 4, 1989.

Americas Watch received reports in February 1989 that as many as eighty prisoners in Combinado del Este prison convicted or awaiting trial on charges of attempting to leave the country illegally had staged a hunger strike beginning January 19, 1989. The *lancheros* (from

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* Mustelier was released from prison on March 21, 1990, but as of mid-June 1990 had yet to emigrate from Cuba.

the word *lancha* meaning small boat) were being held with common prisoners and attempted to assert their claim to be considered political prisoners, to demand better treatment and attention to their cases. Most Cubans are not free to leave their country, or to leave and return without a certain amount of harassment. Because applying for permission to emigrate is seen as a gesture of discontent with the revolution, many are inhibited by the prospect of extra-legal retaliation. Many who do apply to emigrate are often arbitrarily denied permission. For these reasons, several hundred Cubans are believed to attempt to leave the country illegally every year.

Their hunger strike was reportedly violently suppressed on January 26, when prison guards beat a number of them. Twelve were reportedly wounded, four of them seriously, and twelve or more were reportedly moved to punishment cells in Detachment 47, a separate prison building known as the "rectangle of death" by the prisoners, and to isolation cells in the regular prison buildings. A number of *lancheros* were still believed to be on hunger strike at the end of February. Some of them continued to be held in the punishment and isolation cells in early March. (For more on restrictions on freedom of movement and for a description of punishment cells, see Americas Watch's January 1989 report, "Human Rights in Cuba.")

Arrests of UJC dissidents

State security police arrested **Jorge Quintana** and **Carlos Ortega**, members of the Union of Communist Youths (UJC), the youth organization of the Communist Party, and took them to Villa Marista on January 4, 1990. Two other UJC

members, whose names are not known, were also said to have been arrested. Quintana, Ortega, and the other two were mathematics students at the University of Havana. They are believed to have been arrested in connection with a series of appeals they made to the leadership of the UJC for greater openness in discussing Cuban government and society. The arrest also appears to be connected with a letter from Quintana to the UJC leadership which declared that "the levels of democracy do not correspond with the development achieved by our society"; referred to the "personality cult in the person of Fidel"; and stated "Fidel is a traitor.... What you call a revolution is really Stalinism." Before their arrest, Quintana and Ortega were reportedly expelled from both the UJC and the university.

The students are not known to have had a history of conflict with the authorities and are said to have voiced their dissent solely within the ranks of the UJC. The fact that they were members of the UJC indicates that they were students with exemplary ideological and academic standing. These are the first arrests of UJC members that have been brought to the attention of Americas Watch. Quintana and Ortega are currently reported to be held without charge. The other two are believed to have been released.

OTHER PERSISTENT ABUSES

Reprisals against asylum seekers

Cuban authorities continue to take reprisals against family members of Cubans who have sought asylum outside Cuba. The reprisals are in the form of repeated denials of permission for family members to emigrate,

or extra-legal harassment by Cuban authorities.

José Alberto Menéndez Suárez, a former trainer for the Cuban national cycling team, who sought asylum in the U.S. Embassy in Panama in December 1987, has been seeking since then to be reunited with his 14-year-old son, Alexander. Alexander has not only been repeatedly denied permission to emigrate but also has been subjected to reprisals. His wife, who was herself subjected to a certain amount of harassment, was permitted to leave Cuba and emigrated to the U.S. to join Menéndez in September 1988. Alexander has a visa to enter the U.S.

In mid-December 1989, Alexander and his 68-year-old grandmother reportedly went to the U.S. Interests Section apparently on the advice of a Cuban immigration official, and were detained by the Cuban guards outside. They were reportedly taken to the Villa Marista state security facility and held there for several hours. Alexander was threatened with being sent to reform school.

A few weeks later, Major Armando Guirola of INDER, the national sports institute, reportedly went to Alexander's home in Matanzas to get him to sign a document that said that he would no longer seek to leave the country. Although he was threatened with being expelled from the *pioneros*—a mass organization for school children³—and, again, with being sent to reform school, Alexander refused to sign. Alexander was then expelled from the *pioneros*.

About one week later, in early January 1990, Ministry of Interior officers went to Alexander's home to tell him he had to present himself at a reform school for juvenile offenders in Jagüe Grande in

Their hunger strike was reportedly violently suppressed on January 26, when prison guards beat a number of them. Twelve were reportedly wounded, four of them seriously, and twelve or more were reportedly moved to punishment cells in Detachment 47, a separate prison building known as the "rectangle of death" by the prisoners, and to isolation cells in the regular prison buildings.

Matanzas. Alexander complied and was there for about one week before his grandmother brought him back home. He is now at home but has stayed away from school for fear of further harassment and reprisals there.

Roger Vásquez is also a former trainer for the Cuban national cycling team who sought asylum in Mexico in May 1988 and now lives in the U.S. His wife, **Rosa Miranda Díaz**, and 13-year-old daughter, **Lisette Vásquez** Miranda, have been repeatedly denied permission to leave the country. According to our information, Lisette was also expelled from the *pioneros* and has not returned to school for fear of reprisals.

Juana Hilda García Delmonte, the wife of Dr. Guillermo Delmonte, a physician who obtained asylum in Canada in 1980, and their two daughters, **Ana Victoria** and **Hilda Eneida**, have waited nine years for permission to leave Cuba to emigrate to Canada.

Recent attacks on the press

The Cuban government banned two Soviet publications, *Moscow News* and *Sputnik*, in August. The periodicals, published in Spanish for Cuban consumption, had provided a significant source of information on current events in the Soviet Union. The official explanation for the ban was published in the Communist Party newspaper, *Granma*, which accused the journals of "justifying bourgeois democracy as the highest form of popular participation and with a fascination for the American way of life"; and stated that by reading them "those who are not firmly convinced of the historical necessity and possibilities of socialism could doubt its viability and even lose hope."

A Czechoslovak radio correspondent was expelled by Cuban authorities on January 11, 1990, for reporting in a "completely distorted and almost provocative manner." Michal Cermak was the Latin America correspondent based in Havana for the official Czechoslovak news agency, CTK. Cermak is said to have reported on shortages of food and described the political situation in Cuba as "a calm before a storm, but of the Romanian type."

U.S. POLICY

The pressure exerted by the United States government at the U.N. Commission in recent years has had the positive effect of bringing attention to the human rights abuses that persist in Cuba, and while Cuba was under the spotlight, some of those abuses subsided. However, this success has been undermined to a significant extent by the unsupportable or exaggerated nature of Washington's past claims against Cuba.

In 1986-87, the State Department made the wholly unsupportable allegation that the Cuban government was then engaging in systematic torture, political killings, and disappearances. When, in the Country Reports on Human Rights Practices for 1988, the State Department correctly reported that no such cases could be found, it created the misleading impression that Cuba's rights practices had improved drastically, when in fact, all that had changed was the accuracy of State Department reporting. Indeed, respect for human rights in Cuba had in fact deteriorated by the time the State Department's report was issued. The U.N. report based on its September 1988 trip to Cuba also failed to find over-

whelming evidence that the Cuban government engaged in gross abuses such as political killings, disappearances, and systematic torture. In that light, the U.N. Commission decided to suspend its scrutiny of human rights conditions in Cuba, although at the time some twenty-two human rights activists were in prison serving terms up to one year or were being held in detention for some months without charge.

Americas Watch is encouraged by the greatly improved quality of the State Department country reports on Cuba. The report covering 1988, and the current report covering 1989 released in February 1990, are on the whole balanced and reliable. They can be depended on by the U.N. as a grounds for censuring Cuba. Accurate reporting, not propaganda, will be the U.S.'s greatest asset in its campaign to call attention to human rights violations in Cuba.

NOTES

¹ One activist, however, was being held against his will and without charge in the judicial ward of a psychiatric hospital in Santiago de Cuba. Jesús Leyva Guerra, who had been confined in Gustavo Machin hospital since July 14, 1988, was released from psychiatric detention on April 20, 1989, and was permitted to emigrate to the U.S. several months later.

² The Cuban government's current attitude towards human rights investigations was demonstrated recently in its response to a request by Americas Watch to attend the trial of three of Cuba's human rights leaders in November 1989. José Arbesú, Chief of the

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Cuban Interests Section in Washington, stated that his government considered the presence of Americas Watch in Cuba to be “unnecessary.” He added that the defendants enjoyed all procedural guarantees afforded by the Cuban judicial system and that their trial was a “strictly internal matter.”

At a conference on Cuba that took place in Halifax, Nova Scotia, in November

1989, Miguel Alfonso, formerly a representative of Cuba at the U.N. Commission on Human Rights reflected the same attitude when he asked, as a member of the panel on human rights, who “anointed” Americas Watch to inspect Cuban prisons.

³ According to *The Historical Dictionary of Cuba*, the *Organización de Pioneros José Martí* is “led, tutored and controlled by Communist

cadres who instill in children ‘a sense of honor, modesty, courage, comradeship, love of both physical and intellectual work, respect for workers, and love for our Revolutionary Armed Forces and the Ministry of the Interior.’” See Jaime Suchlicki, ed., *The Historical Dictionary of Cuba*, Scarecrow Press Inc., 1988.



Amnesty International Report for 1989: Cuba

At least two prisoners of conscience and about a dozen others who may have been prisoners of conscience were imprisoned throughout the year [1988]. However the majority of prisoners convicted of state security crimes, including nine known prisoners of conscience, were released. Several people, including three former political prisoners, were sent to prison on public order charges which may have been politically motivated. Some were alleged to have been assaulted at the time of their arrest. At least nine people were believed to be under sentence of death or facing charges carrying the death penalty but no executions were known to have been carried out.

The revised version of the 1979 penal code, which had been adopted in 1987 as part of a process of "rectification," came into effect in April [1988]. It reduced maximum sentences for some offences and increased the number of offences for which punishments other than imprisonment might be imposed. However the articles under which prosecution most often resulted in imprisonment of prisoners of conscience were not substantially amended. These included Article 103, covering "enemy propaganda," and Articles 216 and 217, relating to "illegal exit" from

and Articles 216 and 217, relating to "illegal exit" from Cuba. The number of capital offences was reduced but the death penalty continued to be an option in 23 articles.

In April [1988] the President of the International Committee of the Red Cross (ICRC) visited Cuba; as a result for the first time the ICRC received permission to visit people detained for reasons of state security. In September [1988], a delegation from the United Nations Commission on Human Rights visited the country at the invitation of the Cuban Government. In March [1988] the Secretary General and two other staff members of Amnesty International visited Cuba at the invitation of Vice-President Carlos Rafael Rodríguez, and many other visiting delegations were given access to prisons and prisoners throughout the year.

In accordance with an agreement made in June 1987 between the Cuban Government and the United States Catholic Conference, a process began in January [1988] whereby over 300 political prisoners were to be released and permitted to go to the United States. They included prisoners of conscience as well as some of the so-called *plantados históricos*, historical *plantados*—political prisoners held since the 1960s and 1970s who had refused to obey certain

prison regulations—whose conditions of imprisonment had given cause for concern in the past. Other convicted political prisoners were released as a result of a review of cases carried out following the revision of the penal code, after completing their sentences, or after being granted parole.

In March [1988] the authorities told the Amnesty International visitors that they were still holding 455 prisoners (including eight regarded by Amnesty International as prisoners of conscience and 68 "*plantados históricos*") convicted of state security crimes, the only category of prisoners whom they acknowledged to be held for political reasons. However, in May [1988] President Fidel Castro told the Roman Catholic Archbishop of New York that all but 44 of these state security prisoners would be released. By the end of the year those still held reportedly numbered between 100 and 200, including about six "*plantados históricos*."

Ten prisoners of conscience were released during the year [1988], including Pablo Andrés Betancourt, Eduardo Crespo Govea, Dr. Domingo Jorge Delgado Fernández, Ariel Hidalgo Guillén, Andrés Solares Teseiro and Julio Vento Roberes. Gustavo Arcos Bergnes—a prisoner whose case Amnesty International was in-

The revised version of the 1979 penal code, which had been adopted in 1987 as part of a process of "rectification," came into effect in April [1988]. ...However the articles under which prosecution most often resulted in imprisonment of prisoners of conscience were not substantially amended. These included Article 103, covering "enemy propaganda," and Articles 216 and 217, relating to "illegal exit" from Cuba.

[This report covers the period January to December 1988.]

vestigating—was also released (see *Amnesty International Report 1988*).

In March [1988] the authorities told Amnesty International that 140 people were in prison after being convicted of trying to leave the country illegally. However, they provided no details and the identities of most of those held, who appeared likely to include prisoners of conscience, were not known.

Reports of Jehovah's Witnesses and Seventh Day Adventists being imprisoned for offences connected with the free exercise of their religious beliefs and of young men refusing to undertake compulsory military service for reasons of conscience were received but details were mostly impossible to obtain. It was also impossible to determine the numbers and identity of those held on charges that were not overtly political but may have had a political motivation, such as those applied to some prisoners held under the State of Dangerousness legislation (see *Amnesty International Report 1988*).

Two prisoners of conscience were still in prison at the end of the year. Amado Rodríguez Fernández was serving a sentence of 15 years, six months' imprisonment imposed in 1985 for rebellion, "enemy propaganda" and speculation. The charge of "enemy propaganda" was based on his possession of anti-government leaflets of a non-violent nature, which had not been distributed at the time of arrest, and there was reportedly no evidence at his trial to substantiate the charge of rebellion. He had previously served a long prison term after being sentenced in 1961 for "counter-revolutionary offences."

Fernando Villalón Moreira, the other prisoner of conscience

held at the end of 1988, had been arrested in October 1986 in Santiago de Cuba and sentenced to a three-year prison term for *desacato*—contempt for authority (not a state security crime)—for shouting insults against President Fidel Castro during local Popular Power elections. He had previously been arrested in 1980 and sentenced on a charge of "enemy propaganda" to three years' imprisonment. An additional year was later added, apparently without trial, on a charge of *desacato*.

Several new arrests took place between September and November [1988] which appeared to be politically motivated and to have resulted in the imprisonment of possible prisoners of conscience. The first of these occurred while a delegation from the UN Commission on Human Rights was visiting the country at the invitation of the Cuban Government. Several people were arrested while they were queuing to meet the delegates and some were reportedly beaten by security officials at the time of their arrest. Four, of whom three were former political prisoners, were charged with public order offences and sentenced to three to six months' imprisonment.

Five members of the unofficial *Asociación Pro-Arte Libre* (APAL), Association for Free Art, an offshoot of the unofficial Cuban Committee for Human Rights, were jailed on public order charges, and a sixth was placed under house arrest, after they were arrested in October [1988] as they were placing a wreath at a monument to José Martí, a national hero, and reading out a declaration. The five received sentences of between seven months' and one year's imprisonment. Five other APAL members were arrested separately at about the same time and taken to State Security

headquarters where, at the end of the year, they were reportedly still being held without charge or access to lawyers.

In November [1988] Tania Díaz Castro, President of the unofficial Cuban Human Rights Party, her son Guillermo Rivas, and his wife Aymé Lladó, were arrested outside Combinado del Este Prison, where they had gone to visit political prisoners, after being accused of getting into a fight with prison officials. They were reportedly arrested, tried and sentenced on the same day on charges of disorderly conduct and denied the opportunity to consult a defence lawyer. Tania Díaz and Guillermo Rivas were sentenced to one year's imprisonment, Aymé Lladó to three months.

In March [1988] representatives of Amnesty International visited Cuba for the first time in 11 years. They met Vice-President Carlos Rafael Rodríguez, the Minister of Justice and other officials, and visited two prisons. They also interviewed over 40 political prisoners in private and met representatives of the Cuban Committee for Human Rights and the Cuban Commission of Human Rights and National Reconciliation.

The authorities told Amnesty International that a review of all judicial procedures had been in progress since 1984 and that prison conditions were being improved in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.

New information was obtained from prisoners about conditions at both Combinado del Este and Boniato Prisons, where beatings of prisoners had been reported. One prisoner serving 20 years for espionage said he had been held virtually incommunicado in *Destacamento 47*, the maximum security area of Combinado del Este Prison, from 1981 to 1985.

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He had been left naked in a small, dark and poorly ventilated cell and had received little or no medical attention. When the Amnesty International visitors toured Combinado del Este Prison, it appeared that improvements were being made to lighting and ventilation. However, it was reported that in May some of the “*plantados históricos*” were beaten by prison guards.

The Amnesty International visitors also had access to State Security headquarters at Villa Marista in Havana, where allegations of ill-treatment had been reported. The director denied that prisoners had been abused and stated that torture or ill-treatment of detainees would not be tolerated.

Problems relating to fair trial were also raised by the Amnesty International visitors, in particular the frequent denial to prisoners of access to defence lawyers before their trial and the limited role of the latter, who often confined themselves to pleading for clemency rather than presenting a proper defence. Government officials said that steps were being taken to resolve such deficiencies, notably in the context of a review of the Law of Penal Procedure, but no news

of the progress of such a review had been received by the end of 1988.

Five prisoners were under sentence of death at the time of the Amnesty International visit and were awaiting a decision by the Council of State, which has the power to grant clemency. They included Arturo Suárez Ramos, who had been convicted on state security charges in connection with the attempted hi-jacking of an aircraft. Four others had been sentenced to death in the first instance and were awaiting the outcome of appeals to the People’s Supreme Court. The sentence on Arturo Suárez Ramos was later commuted to 30 years’ imprisonment by the Council of State but no news had been received of the other eight cases by the end of 1988. In November [1988] news was received of a death sentence passed on Evangelisto Almaguer Guillén for double murder and by the end of December it was believed to be pending a decision by the Council of State. No one was known to have been executed during 1988.

In March [1988] the Minister of Justice informed Amnesty International that 237 people had been sentenced to death

between 1959 and 1987, of whom 206 had been executed. Since 1984, 11 people convicted of criminal offences had been executed but there had been no executions of people convicted under state security legislation.

The findings of the Amnesty International visit in March were included in a document—*Recent Developments affecting the Situation of Political Prisoners and the Use of the Death Penalty*—published in September [1988]. Following the visit, Amnesty International continued to urge the government to release the remaining prisoners of conscience, to ensure that all prisoners were protected against ill-treatment and to commute all death sentences. Amnesty International also sought information from the authorities concerning an incident in Combinado del Este Prison in May [1988] when a number of “*plantados históricos*” were reportedly injured by prison guards, as well as about people imprisoned on public order charges later in the year. Little substantial response to any of the matters raised after the March [1988] visit had been received by the end of the year.



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Annual Report of the Inter-American Commission on Human Rights 1988 - 1989: Cuba

The Inter-American Commission on Human Rights continued to observe the human rights situation in Cuba during the period covered by the present Annual Report. What follows summarizes the most important developments noted during the period as a supplement to the information provided by the Commission in its seven special reports on this country and in the corresponding annual reports.

During this period there took place in Cuba a widely publicized trial that culminated in the death sentence and execution of four officers of the Revolutionary Armed Forces: General Arnaldo Ochoa, Colonel Antonio de la Guardia, Major Amado Padrón, and Captain Jorge Martínez. The executions were carried out on June 12, 1989, following sentencing by a military court for the crimes of drug trafficking and the commission of hostile acts against third countries. It was mentioned repeatedly during the proceedings that the officers had committed high treason, which under the Cuban Constitution carries the highest penalty. The decision of the military court was confirmed by the Supreme Court and the Council of State, presided over by Fidel Castro.

Diverse and serious objections have been raised to these executions. It has been pointed out, first of all, that the crimes

for which the sentence was imposed do not carry the death penalty in the Cuban Penal Code. Secondly, that the celerity with which the trials were conducted, the publicity they received, and the lack of outside observers at the trial raise well-founded doubts as to compliance with fundamental guarantees of due process. The manner in which the death sentence was carried out was aggravated by the failure of the authorities to turn over the remains of the victims to their families.

The Inter-American Commission on Human Rights as it reiterates its view against the death penalty, must point out that in this case, moreover, such a severe penalty was preceded by a trial which did not provide due process guarantee, and the manner of the execution and the subsequent procedures are offensive to elementary humanitarian sentiments.

During the period covered by the present Annual Report several events occurred in Cuba connected with the activities of organizations and persons dedicated to the defense of human rights. The Commission has received many reports that mark a retrogression from the improvements that the Commission had noted in earlier reports. Following is a summary of the information received.

It has been indicated that, despite the recognition accorded

to the right to freedom of association in the Cuban Constitution, the exercise of that right is truncated by the generic limitation of article 61, which subordinates the exercise of all constitutionally recognized rights to "the existence and aims of the Socialist State" and to "the decision of the Cuban people to build Socialism and Communism." This generic limitation is formalized by articles 208 and 209 of the Cuban Criminal Code, which punishes by one to three months and three months to one year of imprisonment, respectively, those who become members of unauthorized associations and those who head them. The same restrictions apply to the exercise of the right of assembly.

The limitations on the exercise of the right of association have been reflected in the lack of recognition by the Government of organizations for the defense and promotion of human rights, which had lately brought their activities into the open. At present, special attention has been given to the Cuban Commission on Human Rights and National Reconciliation, the Pro-Human Rights Party of Cuba, and the Martí Committee for the Rights of Man, the three organizations which comprised the Human Rights Organizations Coordinating Body (*Coordinadora de Organizaciones de Derechos Humanos*), though

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these are not the only independent organizations concerned with human rights matters. During the period covered by this Annual Report, the Commission requested that the Government of Cuba recognize these associations and their right to engage in their activities freely.

This lack of recognition has been used by the Government to arrest human rights activists who attempt to exercise the right of assembly and other internationally recognized rights. In the period covered by this Report the following persons who attempted the peaceful exercise of their human rights were arrested.

On March 29, 1989—a few days before the visit to Cuba of Soviet leader Mikhail Gorbachev—the following members of the Pro-Human Rights Party were arrested: David Moya Alfonso, María Elena Otero, Samuel Martínez Lara, Carlos Pablo Segrera Martín, Gloria Soto Díaz, Gila Stuart de Céspedes, Raúl Núñez de Céspedes, and María Ester de Céspedes, who were taken to a police station in Havana together with Audrey Miguel Stuart de Céspedes, a 10-year old child.

The four women and the minor were set free that night and the eight men were tried in a Municipal Court on March 30, 1989, without benefit of counsel—nor was any public defender provided—for under Cuban legislation no defense counsel is required in proceedings at the municipal level. The arresting officers seized a typewriter, carbon paper and other materials used to publish the periodical *Franqueza*, which is not licensed to circulate.

Weeks later, during Mikhail Gorbachev's visit to Cuba in April 1989, 21 human rights activists who had planned a peaceful demonstration in

Havana were taken into custody. Seven of these were placed under arrest: Samuel Martínez Lara, Ernesto Alfonso Rivas, Pedro Alvarez, Hiram Abi Cobas—who reportedly suffered a heart attack and was taken to a hospital—Evita Cruz Rodríguez and David Moya of the Pro-Human Rights Party, and Roberto Bahamonde, of the Cuban Commission on Human Rights and National Reconciliation. According to information received, these people were held incommunicado in Revolutionary National Police stations 5 and 15 without access to counsel.

On April 7, 1989, these detainees were given the following sentences in the Havana Municipal Court: Samuel Martínez Lara, nine months of imprisonment; David Moya, nine months of imprisonment; Roberto Bahamonde, three months; Hiram Abi Cobas, three months, suspended because of illness; and Evita Ester Cruz Rodríguez, three months of imprisonment, suspended because of illness. They were not notified of these sentences until the end of April, the trial was closed to the public and to members of their families, and no witnesses came forward on behalf of the accused.

The Commission is also informed that on April 15, 1989, when Professor Elizardo Sánchez, President of the Cuban Commission on Human Rights and National Reconciliation, was in the lobby of the Habana Libre hotel for an interview with a visitor from *CLAT*, he was arrested by agents of the Ministry of the Interior and set free that night. While under arrest Professor Sánchez was insulted and warned to leave Cuba. Because of the acts of the government agents, the interview with the trade union

official could not take place.

On August 6, 1989, at about 5 a.m., Prof. Elizardo Sánchez Santa Cruz was arrested in his own home by some twenty State Security officers, who seized various United Nations, Amnesty International, and Americas Watch publications. They also detained Hiram Abi Cobas, of the Pro-Human Rights Party, who suffers from a serious illness, as previously indicated, and Hubert Jerez Mariño, President of the Martí Human Rights Committee.

At this writing, these human rights activists have been held in the Villa Marista State Security Prison since August 6 without any formal charges having been filed against them in court. According to information supplied to the Commission, the three were being held in isolation cells with the lights on around the clock, unable to exercise and without access to reading material. The only official reference to their arrest has been an article in *Granma* linking it to statements made by them to journalists in connection with the trial of General Ochoa and his codefendants, which apparently prompted the charge against them of the crime of “spreading false reports against international peace.”

The Commission regards the harassment of human rights activists as a severe retrogression from the slight trend toward a degree of flexibility it had noted in the behavior of the Government of Cuba in the area of human rights. The Commission hopes that this behavior will be rectified and that the human rights organizations will be accorded all guarantees for the meritorious work they are doing.



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“Do not even dream that we are going to comply with a single comma of that resolution.”

—Fidel Castro, commenting on the United Nations resolution (Havana, March 7, 1990)

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**The Cuban American National Foundation
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Washington, D.C. 20007**