

## Cuba

Cuba remains a Latin American anomaly: an undemocratic government that represses nearly all forms of political dissent. President Fidel Castro, now in his forty-seventh year in power, shows no willingness to consider even minor reforms. Instead, his government continues to enforce political conformity using criminal prosecutions, long- and short-term detentions, mob harassment, police warnings, surveillance, house arrests, travel restrictions, and politically-motivated dismissals from employment. The end result is that Cubans are systematically denied basic rights to free expression, association, assembly, privacy, movement, and due process of law.

### ***Legal and Institutional Failings***

Cuba's legal and institutional structures are at the root of rights violations. Although in theory the different branches of government have separate and defined areas of authority, in practice the executive retains clear control over all levers of power. The courts, which lack independence, undermine the right to fair trial by severely restricting the right to a defense.

Cuba's Criminal Code provides the legal basis for repression of dissent. Laws criminalizing enemy propaganda, the spreading of "unauthorized news," and insult to patriotic symbols are used to restrict freedom of speech under the guise of protecting state security. The government also imprisons or orders the surveillance of individuals who have committed no illegal act, relying upon provisions that penalize "dangerousness" (*estado peligroso*) and allow for "official warning" (*advertencia oficial*).

### ***Political Imprisonment***

In early July 2005 the Cuban Commission for Human Rights and National Reconciliation, a respected local human rights group, issued a list of 306 prisoners who it said were incarcerated for political reasons. The list included the names of thirteen peaceful dissidents who had been arrested and detained in the first half of 2005, of whom eleven were being held on charges of "dangerousness."

Of seventy-five political dissidents, independent journalists, and human rights advocates who were summarily tried in April 2003, sixty-one remain imprisoned. Serving sentences that average nearly twenty years, the incarcerated dissidents endure poor conditions and punitive treatment in prison. Although several of them suffer from serious health problems, the Cuban government had not, as of November 2005, granted any of them humanitarian release from prison.

On July 13, 2005, protestors commemorated the deadly 1994 sinking of a tugboat that was packed with people seeking to flee Cuba. The protestors marched to the Malecón, along Havana's coastline, and

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threw flowers into the sea. More than two dozen people were arrested. Less than two weeks later, on July 22, another thirty people were arrested during a rally in front of the French Embassy in Havana. While the majority of those arrested during the two demonstrations have since been released, at least ten of them remain incarcerated at this writing.

### ***Travel Restrictions and Family Separations***

The Cuban government forbids the country's citizens from leaving or returning to Cuba without first obtaining official permission, which is often denied. Unauthorized travel can result in criminal prosecution. The government also frequently bars citizens engaged in authorized travel from taking their children with them overseas, essentially holding the children hostage to guarantee the parents' return. Given the widespread fear of forced family separation, these travel restrictions provide the Cuban government with a powerful tool for punishing defectors and silencing critics.

### ***Freedom of Assembly***

Freedom of assembly is severely restricted in Cuba, and political dissidents are generally prohibited from meeting in large groups. In late May 2005, however, nearly two hundred dissidents attended a rare mass meeting in Havana. Its organizers deemed the meeting a success, even though some prominent dissidents refused to take part in it because of disagreements over strategy and positions. While barring some foreign observers from attending, police allowed the two-day event to take place without major hindrance. The participants passed a resolution calling for the immediate and unconditional release of all political prisoners.

### ***Prison Conditions***

Prisoners are generally kept in poor and abusive conditions, often in overcrowded cells. They typically lose weight during incarceration, and some receive inadequate medical care. Some also endure physical and sexual abuse, typically by other inmates with the acquiescence of guards.

Political prisoners who denounce poor conditions of imprisonment or who otherwise fail to observe prison rules are frequently punished by long periods in punitive isolation cells, restrictions on visits, or denial of medical treatment. Some political prisoners carried out long hunger strikes to protest abusive conditions and mistreatment by guards.

### ***Death Penalty***

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

### ***Human Rights Defenders***

Refusing to recognize human rights monitoring as a legitimate activity, the government denies legal status to local human rights groups. Individuals who belong to these groups face systematic harassment,

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with the government putting up obstacles to impede them from documenting human rights conditions. In addition, international human rights groups such as Human Rights Watch and Amnesty International are barred from sending fact-finding missions to Cuba. It remains one of the few countries in the world to deny the International Committee of the Red Cross access to its prisons.

### ***Key International Actors***

At its sixty-first session in April, the U.N. Commission on Human Rights voted twenty-one to seventeen (with fifteen abstentions) to adopt a blandly-worded resolution on the situation of human rights in Cuba. The resolution, put forward by the United States and co-sponsored by the European Union, simply extended for another year the mandate of the U.N. expert on Cuba. The Cuban government continues to bar the U.N. expert from visiting the country, even though her 2005 report on Cuba's human rights conditions was inexplicably and unjustifiably mild.

The U.S. economic embargo on Cuba, in effect for more than four decades, continues to impose indiscriminate hardship on the Cuban people and to block travel to the island. An exception to the embargo that allows food sales to Cuba on a cash-only basis, however, has led to substantial trade between the two countries. Indeed, in November 2005, the head of Cuba's food importing agency confirmed that the U.S. was Cuba's biggest food supplier. That same month the U.N. General Assembly voted to urge the U.S. to end the embargo.

In an effort to deprive the Cuban government of funding, the U.S. government enacted new restrictions on family-related travel to Cuba in June 2004. Under these rules, individuals are allowed to visit relatives in Cuba only once every three years, and only if the relatives fit the government's narrow definition of family—a definition that excludes aunts, uncles, cousins, and other next-of-kin who are often integral members of Cuban families. Justified as a means of promoting freedom in Cuba, the new travel policies undermine the freedom of movement of hundreds of thousands of Cubans and Cuban Americans, and inflict profound harm on Cuban families.

Countries within the E.U. continue to disagree regarding the best approach toward Cuba. In January 2005, the E.U. decided temporarily to suspend the diplomatic sanctions that it had adopted in the wake of the Cuban government's 2003 crackdown against dissidents, and in June it extended the sanctions' suspension for another year. Dissidents criticized the E.U.'s revised position, which Spain had advocated, and which the Czech Republic, most notably, had resisted.

Ladies in White (Damas de Blanco), a group of wives and mothers of imprisoned dissidents, were among three winners of the prestigious Sakharov Prize for Freedom of Thought for 2005. The prize is granted annually by the European Parliament in recognition of a recipient's work in protecting human rights, promoting democracy and international cooperation, and upholding the rule of law. As of this writing, it was not clear whether the Cuban government would allow representatives of Ladies in White to travel to France in December 2005 to receive the prize.

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Relations between Cuba and the Czech Republic continue to be strained. In May 2005, Cuba summarily expelled Czech senator Karel Schwarzenberg, who was visiting Havana to attend the dissidents' two-day meeting. On October 28, on the eighty-seventh anniversary of the establishment of independent Czechoslovakia, the Cuban authorities banned a reception that the Czech Embassy was planning to hold in Havana, calling it a "counter-revolutionary action." The Cubans were reportedly angered by the embassy's decision to invite representatives of Ladies in White to attend the function.

Venezuela remains Cuba's closest ally in Latin America. President Castro and Venezuelan President Hugo Chavez enjoy warm relations, and Venezuela provides Cuba with oil subsidies and other forms of assistance.