



SUBMITTING AN UPDATE BY THE STATE DEPARTMENT ON HUMAN RIGHTS IN CUBA (Senate - April 17, 1989)

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Mr. BRADLEY. Mr. President, I ask that I may insert in the **Record** an important update by the State Department on human rights in Cuba. This report, delivered to all Senators earlier this month, outlines the problems that persist with the human rights record in Cuba. The 30th anniversary of the Cuban Revolution in January, reminds us of the continued need for the world to respond to Cuba's violations of universally recognized human rights. I urge all of my colleagues to read the State Department's assessment.

The update follows:

U.S. Department of State, January 1989

[U.S. DEPARTMENT OF STATE, JANUARY 1989]

Human Rights in Cuba: An Update

INTRODUCTION

Since he came to power in 1959, Fidel Castro has sought to subordinate all aspects of Cuban life to the ideals and aims of the revolution. President Castro set the tone in 1961 when he said `within the revolution, everything; against the revolution, nothing.' The current constitution states that civil liberties may not be exercised `contrary to the decision of the Cuban people to build socialism and communism.' Though the Cuban Government pays lip service to civil liberties and human rights, it subordinates these `rights' to its own aims and has become one of the worst human rights violators in the Western Hemisphere today.

In the face of heightened international scrutiny initiated by the UN Human Rights Commission (UNHRC) at its session last year, Cuba has taken steps to demonstrate an improved human rights record. These include permitting visits by international human rights monitors and releasing many political prisoners. Fidel Castro himself denies there is a problem of human rights in Cuba and its officials have lauded their government's record of human rights observance. The international community must ensure that these statements are matched by deeds. The facts speak for themselves.

RECENT IMPROVEMENTS

There has been positive change in Cuba on the human rights front. In the face of international pressure, as well as reformist tendencies elsewhere in the socialist bloc, the Cuban Government in the past year has undertaken a number of limited, perhaps temporary, reforms. About 250 political prisoners have been released and allowed to emigrate. Prison conditions have improved. Reform of the Penal Code decriminalized many petty offenses, although it made no significant change with regard to 'political crimes.' Cuban authorities, at least for the moment, grudgingly tolerate the existence of domestic human rights groups.

In 1988, the Cuban Government permitted inspection visits to Cuba by outside observers, including representatives of Amnesty International and the Bar Association of the City of New York. Cuba accepted inspection visits by representatives of the International Committee of the Red Cross (ICRC), as well as an extraordinary visit by a team from the UNHRC. ICRC observers were allowed to visit prisoners in Cuban jails and, through consultations with the authorities, to seek to insure adherence to international norms. Another ICRC inspection is now being planned for early 1989.

The extraordinary September 1988 visit to Cuba by the UNHRC's 'Cuba Working Group' took place after President Castro earlier that year extended an invitation to the UNHRC to send observers. Despite promises, Cuban authorities dragged their feet on making advance public announcements regarding the group's intended visit. Following its own agenda during the 10-day trip, the six-person team held detailed discussions with a range of Cuban officials and was able to meet with nearly 90 of the 1,500 private individuals who sought to bring human rights complaints to the group's attention. Cuban authorities sought to discourage contact between the group and private citizens through police intimidation around the group's hotel but gave assurances that no punitive measures would be taken against those who did appear before the delegation.

NEW REPRESSION

Despite these assurances, there have been credible reports of repressive measures directed against human rights activists in Cuba following the working group's visit. About 30 activists, many of whom were seeking to exercise freedom of speech or peaceful assembly, have been subjected to punitive actions ranging from harassment and beatings to detentions and imprisonment:

Gustavo Venta, Lazaro Linares, Francisco Benitez Ferrer, and Alejandro Benitez Ferrer were arrested in conjunction with the September 20, 1988, demonstration outside the Hotel Comodoro during the Cuba Working Group's visit. All were sentenced to 3-6 months in prison. Venta was reportedly beaten on September 22, 1988, by state security agents after his arrest.

Pablo Pupo Sanchez and Juan Garcia Cruz--the President and Vice President of the Free Art Association (APAL) who testified before the Cuba Working Group--were arrested on October 18, 1988, at a meeting in a private home and are reportedly being held in the Villa Marista detention center.

APAL members Armando Araya Garcia, Rita Fleitas Fernandez, Octavio Garcia Alderete, Secundino

Hernandez Castro, David Hornedo Garcia, and Aida Valdes Santana were arrested on October 20, 1988, during a peaceful wreathlaying ceremony at the Jose Marti monument in Havana. They were charged with disorderly conduct for inciting riots and received sentences ranging from 7 to 12 months in prison.

Tania Diaz Castro, Secretary General of the Cuban Human Rights Party, was involved in a November 29, 1988, altercation with prison guards at Combinado del Este prison, reportedly beaten and sentenced hours later on the same day to 1 year in prison on charges of disturbing the peace.

CUBA TODAY

These developments bear out critics' charges that the improvements noted above do not indicate any basic change in the fundamental repressive nature of the Cuban system under Fidel Castro. Cuban authorities could negate recent gains, particularly if international pressure for continued improvements should slacken.

One-Party System. The Communist Party is the only party permitted by law in Cuba. Its leadership completely controls the political process.

Freedom of Assembly or Association. Cuba's constitution contains no guarantees of freedom of assembly or association. The government determines the legality of associations and has not acted on letters applying for recognition from the Cuban Human Rights Committee and the Cuban Commission for Human Rights and National Reconciliation. Membership in party-controlled mass organizations, such as the Union of Communist Youth, is almost a necessity.

Right to Privacy. The Cuban State monitors private citizens' activities through an elaborate system of informers, block wardens, and 80,000 block committees called 'Committees for the Defense of the Revolution.' Telephones are tapped, and mail is opened.

Freedom to Travel or Emigrate. Internal travel is not restricted, but government permission to travel abroad is required. Attempting to leave the country illegally can result in fines or jail sentences of up to 3 years. Emigration is strictly controlled and even those who apply to emigrate often are dismissed from work, evicted from their housing, and denied access to consumer goods.

Freedom of Speech. No criticism of the party or its leadership is permitted. Those who do dissent may be severely punished. Andres Jose Solares Teseiro was arrested in 1981 on grounds that he was thinking of organizing a political party and had drafted letters about this to foreigners asking for their opinions. Solares was convicted of 'enemy propaganda' and sentenced to 8 years imprisonment, even though the letters were never sent.

Freedom of the Press. Media are controlled by the state, owned by the government or party-controlled organizations, and operate strictly according to party guidelines. Writers must have government approval and support for their work. Acceptance of a manuscript is based on the political background of

the author as well as suitability of contents.

Academic Freedom. Education is the exclusive prerogative of the state. There is no alternative to government-run schools; religious or private schools and universities are prohibited. The state school system follows and preaches the guidelines of Marxism-Leninism, as interpreted by the party.

Artistic Freedom. Art is completely under government control. In February 1988, authorities confiscated the paintings of Raul Montesino, an independent artist not affiliated with state-controlled artists' cooperatives.

Freedom to Worship. Although the constitution guarantees the right to religious belief, Cubans who practice their religion face serious discrimination and, in the case of Jehovah's Witnesses and some other fundamentalist religions, legal penalties. Churchgoers are excluded from Community Party membership and thus are barred from holding high-level positions in the government and most professions. Church-state relations are directly controlled by the party. In 1988, Cuban authorities made limited concessions to religious denominations, such as permitting the Catholic Church to purchase a printing press and Protestant churches to import bibles.

Political Killings and Executions. In the early years of the revolution, summary execution of opponents was a frequent practice. As late as 1982, 29 people were executed for 'plotting against Castro.' Although the death penalty remains an optional punishment for 'crimes against the state,' no credible reports of political executions have been received in the past year.

Arbitrary Arrest and Detention. Under Article 61 of the constitution, the state may arrest anyone it considers harmful to the 'decision of the Cuban people to build socialism and communism.' Arrests can be made secretly and without warrants. Arrest frequently is followed by detention in the offices of the security forces, who often conduct lengthy interrogations without an attorney present. Preventive detention may take the form of house arrest, imprisonment, or involuntary psychiatric treatment. There are numerous credible reports of detainees held for long periods, frequently incommunicado, and without judicial hearings or information as to the charges against them, in direct violation of Cuban law. Elizardo Sanchez, head of the unofficial Cuban Commission for Human Rights and National Reconciliation, was held without charges for 5 months in 1986-87, after he gave an interview to foreign journalists.

Fair Trial. Cuban courts in practice are totally subordinate to the Communist Party. Five-member panels of judges preside over all civil courts. Of these judges, three are professionally qualified; the other two are 'worker's representatives' charged to see that the 'interests of the revolution' are protected. Political trials, usually held in secret, typically take less than 1 day, even in cases where long prison terms are at stake.

Adequate Defense. Government-appointed attorneys are available to all defendants. However, these defenders--government officials--are often ill prepared and unsympathetic toward the defendant. In

addition, defense attorneys frequently are not informed of the trial until the day it begins. Attorneys have been themselves imprisoned for defending persons charged with political offences. Cuban rules of evidence do not meet international standards.

Prison Conditions. Numerous reports characterize the Cuban prison system as harsh, with generally inadequate diet, housing, sanitary facilities, and medical care. General prison conditions, including cell conditions and food, have improved over the past year, but it remains to be seen if these are permanent changes. Harsh punishment cells--although somewhat improved in 1988 to prepare for international visitors--continue to exist. No formal, effective mechanism exists for the protection of prisoners' rights/ Physical abuse is common, and credible reports of use of torture in the past exist.

Access to Prisons. Until late 1987, the Cuban Government refused permission for international human rights organizations to visit Cuban prisons. The 1988 visits of the ICRC and others are described above. When foreign delegations visit Cuban prisons, prisoners have testified that the visits are carefully organized to show the positive aspects of Cuban prisons--areas that have been cleaned, cell blocks that have been painted, etc. Once the visitors leave, they say, conditions return to their previous state. Relatives and friends of prisoners are given only limited access to prisoners.

Political Prisoners. Amnesty International's 1988 report notes that political prisoners in Cuba continue to be held for long periods in 'prison conditions amounting to inhuman or degrading treatment.' Former political prisoners describe systematic forms of abuse: beatings by prison officials; inadequate diet; denial of medical care, fresh air, and exercise; denial of family visits and mail, sometimes for years; and extended periods of solitary confinement or incarceration in inhumane punishment cells. There are persistent reports of political prisoners sent to psychiatric facilities instead of prisons.

There are no precise figures on the number of political prisoners in Cuba, or on Cuba's prison population as a whole. Amnesty International's report for 1987 estimated some 300-400 political prisoners in Cuba at that time, of whom 69 were *plantados historicos*. (The *plantados* or 'steadfast ones' are prisoners, many of whom were arrested more than 20 years ago who refused to accept political reeducation). Other estimates--which include persons jailed for their religious beliefs, for trying to leave Cuba 'illegally,' for being conscientious objectors, and for other reasons--are in the thousands.

In 1988, President Castro--responding to petitions from the U.S. Catholic Conference and a direct request from Archbishop O'Connor--released some 250 political prisoners, including 65 *plantados historicos*. The Cuban Government at the end of 1988 announced it would also release the four remaining *plantados historicos* and 40 other prisoners. Released prisoners report, however, that 'new *plantados*' are replacing those released. Although it is difficult to estimate their numbers, these new prisoners, who refuse to accept ideological reorientation, are housed in Combinado del Este prison.

Economy. The government controls the means of production and is basically the sole employer in the country.

Rationing. National rationing began in 1962, and rationing of meat and fresh vegetables continues today. Added to the food shortage is, for the average citizen, the scarcity of consumer goods and the very low average per capita income. A standard pair of shoes, for example, can cost about 90% of an average monthly wage. Due to shortages of consumer goods, most Cubans must spend many weary hours standing in lines when they can afford to buy such items.

Health Care. Although the Cuban Government claims to have made significant advances in health care since the revolution, problems still remain. Unavailability of drugs, overcrowding, and unsanitary conditions are typical at many Cuban hospitals. A confidential 1987 report by the Communist Party, based on a public opinion survey in Holguin Province, details the poor state of health care and concludes that 'the people are not satisfied with the medical care.'

Housing: Housing, another area in which President Castro has claimed great strides, also remains deficient. Out of 10 million people, nearly one-quarter reportedly live in substandard housing.

The New Elite. In Cuba, contrary to Marxist theory, ownership of the means of production does not mean that the upper class of privileged elites has been eliminated. On the contrary: since the revolution a new class structure has evolved. The political and military leadership lives very comfortably, with access to automobiles, luxury goods, better housing, and special resorts, while the majority of Cubans must cope with severe scarcity and poor quality of housing, food items, and basic consumer products.

Rights of Business. For ideological reasons, a 'private sector' economy is virtually nonexistent. Collectivization has eliminated almost all private farming from the economy. The 1968 'revolutionary offensive' nationalized 56,000 small food and handicrafts shops, repair shops, and even street stands.

The Right of Labor. The Cuban constitution places 'the demands of the economy and society' over individual choice in employment. The party exercises absolute control of organized labor through the umbrella 'Confederation of Cuban Workers.' The right to strike is prohibited and punishable by imprisonment. Collective bargaining does not exist. Workers cannot change jobs without permission from the Minister of Labor. Independent unions are prohibited, and, in the past, workers who have tried to organize independent unions have been sentenced to long prison terms.

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CONCLUSION

The Cuban revolution celebrated its 30th anniversary in January 1989. As described above, the revolution has failed to guarantee basic civil and political rights to the Cuban people or to provide for their economic and social well-being. Recent welcome improvements in human rights observance have come about because of international pressure. The Castro regime continues to exercise broad repression and to deny political and civil liberties. Cuban authorities' recent actions against the Cuban human rights community is clear evidence that Fidel Castro will not tolerate an independent voice or any form of

public criticism to exist within Cuba. Given Cuba's current human rights situation, the sole recourse of the international community must be a continuation of close scrutiny of the Cuban Government's human rights practices. Inside Cuba, Fidel Castro and the Communist Party are the law, but the rest of the world can and must continue to watch closely and judge Cuban authorities' behavior on behalf of the people of Cuba who have no such opportunity.

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