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U.S. Department of State

Cuba Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

CUBA

Cuba is a totalitarian state controlled by President Fidel Castro, who is Chief of State, Head of Government, First Secretary of the Communist Party, and commander in chief of the armed forces. President Castro exercises control over all aspects of Cuban life through the Communist Party and its affiliated mass organizations, the government bureaucracy, and the state security apparatus. The Communist Party is the only legal political entity, and President Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies already decided by the Government. The Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal organ of state security and totalitarian control. Officers of the Revolutionary Armed Forces (FAR), which are led by President Castro's brother Raul, have been assigned to the majority of key positions in the Ministry of Interior in recent years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigates and actively suppresses opposition and dissent. It maintains a pervasive system of vigilance through undercover agents, informers, the rapid response brigades, and the Committees for the Defense of the Revolution (CDR's). While the Government traditionally used the CDR's to mobilize citizens against dissenters, impose ideological conformity, and root out "counter-revolutionary" behavior, severe economic problems have reduced the Government's ability to reward participation in the CDR's and hence the

willingness of citizens to participate in them, thereby lessening the CDR's effectiveness. Other mass organizations also inject government and Communist Party control into citizens' daily activities at home, work, and school. Members of the security forces committed serious human rights abuses.

The Government continued to control all significant means of production and remained the predominant employer, despite permitting some carefully controlled foreign investment in joint ventures with the Government. In most cases, foreign employers are allowed to contract workers only through state agencies, which receive large hard currency payments for the workers' labor but in turn pay the workers a small fraction of this, usually 5 percent, in local currency. In May the Government continued its retractions of changes that had led to the rise of legal nongovernmental business activity when it further tightened restrictions on the self-employed sector by reducing the number of categories allowed and by exacting relatively high taxes on self-employed persons. According to the Government's official press, the number of self-employed persons dropped by almost one-fourth to less than 150,000. The Government admits that the economic growth rate fell to about 1 percent, despite forecasts that it would be some 2.5 to 3.5 percent. The economy remained depressed due to the inefficiencies of the centrally controlled economic system; the collapse of trade with the former Soviet bloc; the loss of billions of dollars of annual Soviet subsidies; the ongoing deterioration of plant, equipment, and the transportation system; and the continued poor performance of the important sugar sector. The 1997-98 sugar harvest appears to have been the worst in more than 50 years. For the eighth straight year, the Government continued its austerity measures known euphemistically as the "special period in peacetime." Agricultural markets, legalized in 1994, gave consumers wider access to meat and produce, although at prices beyond the reach of most citizens living on peso-only incomes or pensions. Given these conditions, the flow of hundreds of millions of dollars in remittances from the exile community significantly helps those who receive dollars to survive. Tourism remained a key source of revenue for the Government. The system of "tourist apartheid" continued, with foreign visitors who pay in hard currency receiving preference over citizens for food, consumer products, and medical services. Citizens remain barred from tourist hotels, beaches, and resorts.

The Government's human rights record remained poor. It continued systematically to violate fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. There were several credible reports of death due to excessive use of force by the police. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed such abuses. Prison conditions remained harsh. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons, and political prisoners were offered the choice of exile or continued imprisonment. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' rights to privacy. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news to selected party faithful and maintained strict censorship of news and information to the public. The Government restricts some religious activities but permits others. It allowed a visit by Pope John Paul II, permitted some public processions on feast days, and reinstated Christmas as an official holiday, but has not responded to the Papal appeal that the Church be allowed to play a greater role in Cuban society. In November the Government allowed some new priests and religious workers to enter the country, but the applications of many other priests and religious workers remained pending. The Government kept tight restrictions on freedom of movement, including foreign travel. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and sought to discourage and thwart foreign contacts with human rights activists. Racial discrimination often occurs. The Government severely restricted worker

rights, including the right to form independent unions. The Government employs forced labor, including that by children.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings. However, there were several credible reports of deaths due to the excessive use of force by the national police; government sanctions against perpetrators were nonexistent or light.

On March 30, police detained Wilfredo Martinez Perez, a member of a human rights organization, for disorderly conduct at a public festival near his home in Havana. Martinez's body was delivered to a funeral home in Guines the next day where his family and other witnesses claimed that his body showed contusions and bruises, which suggested that he died as a result of a beating while in police custody. Human rights groups did not attach a political motive to the death, but as of year's end there were no reports of an investigation into the matter.

On May 26, police engaged in a foot chase of a suspect entered the home of Yuset Ochotereno in Havana and mistakenly shot and killed him. At his funeral 2 days later in central Havana's Plaza of the Revolution, over 1,000 persons participated in a spontaneous demonstration against police excesses. At year's end, there were no reports that the shooting had been investigated properly.

Human Rights Watch reported that on June 30 Havana police arrested Reinery Marrera Toledo on a charge of accessory to illegal sacrifice of livestock. On July 9, the authorities told his family that he had committed suicide by hanging himself with a sheet. However, a family member who viewed the body noted heavy bruising, raising questions about the police account of Marrera's death.

In October 1996, the Inter-American Commission on Human Rights (IACHR) issued its final report on the Government's July 13, 1994, sinking of the "13th of March" tugboat, which killed 41 persons, including women and children. The IACHR concluded that the Government violated the American Declaration on the Rights and Duties of Man and found the Government legally obligated to indemnify the survivors and the relatives of the victims for the damages caused. At year's end, the Government had not done so. The Government actively sought to intimidate family members and human rights activists to prevent them from commemorating the killings (see Section 2.b.).

There were no developments in the case of El Salvadoran citizen Raul Ernesto Cruz Leon, who was arrested in September 1997 and charged with being the "material author" of the killing of an Italian tourist that month with a bomb, one of a series of explosions in Havana. Four other suspects remained in custody; no trials had been scheduled as of year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits abusive treatment of detainees and prisoners; however, there were instances

in which members of the security forces beat and otherwise abused human rights advocates, detainees, and prisoners. There have been numerous reports of disproportionate police harassment of black youths (see Section 5).

In April guards reportedly beat Fidel Basulto Garcia, a prisoner at the Combinado del Este prison outside Havana, because he refused to give them a ring he was wearing. In the same month, inmates convicted of common crimes at a prison in Sancti Spiritus beat political prisoner Adiane Jordan Contreras, reportedly at the instigation of prison officials who had been unable to force Jordan to shout progovernment slogans.

On April 16, a prison guard and one of the prison's state security officers beat independent journalist Bernardo Arevalo Padron, who was jailed at Ariza prison in Cienfuegos. Although the authorities reportedly forced the prison guard to retire, they only transferred the state security officer to similar duties at another prison after a brief suspension.

On June 5, authorities at Combinado de Guantanamo prison severely beat political prisoner Nestor Rodriguez Lobaina, president of the Youth for Democracy movement. The authorities then aggressively harassed Rolando Mazo Perez, an inmate who witnessed the beating, to intimidate Mazo and prevent him from providing testimony about the incident. Human rights monitors reported that the pressure on Mazo caused him to attempt suicide on June 25. A month later, a large group of prison guards again reportedly beat Rodriguez and another prisoner, Francisco Diaz, who tried to help Rodriguez. In November the authorities released Rodriguez from prison; in December he requested an exit permit to attend a ceremony in Paris but they ignored his request (see Section 2.d.). When Rodriguez attempted to stage a hunger strike outside the Foreign Ministry, the authorities detained him and his father, who was accompanying him. They forcibly returned Rodriguez to Santiago de Cuba under guard and warned him not to return to Havana.

State security officials on two separate occasions told the elderly, pensioned mother of political prisoner Jesus Chamber Ramirez to travel 700 miles from her home in Santiago de Cuba to Havana because, they claimed, her son was being taken to a diplomatic mission to process his departure from the country. Chamber was not brought to Havana; the ploy was a state security ruse to bring pressure on Chamber by making his mother undertake the expensive and arduous journey. Chamber, who was sentenced to 10 years in prison for "enemy propaganda" and "disrespect for government authority," regularly was denied family visits because of his insistence on treatment as a political rather than a common prisoner. Chamber held numerous hunger strikes of short duration to protest poor prison conditions. Human rights activists reported that while in prison, he continued to be beaten and punished for demanding better treatment. On November 20, the authorities released Chamber and another political prisoner at the request of the Spanish Foreign Minister, on the condition that both men leave the country for Spain (see Section 1.d.).

According to eyewitnesses, on November 27 special brigade riot police repeatedly punched and kicked a number of prodemocracy advocates, including Milagros Cruz, who is blind. Those assaulted were participating in a demonstration outside Havana's provincial courthouse in support of independent journalist Mario Viera. Viera was scheduled to go on trial that day for allegedly defaming a government official (see Section 2.a.). Police moved against the dissidents after a group of about 100 progovernment rapid response brigade members appeared on the scene and began to taunt, shove, and hit the somewhat smaller group of Viera supporters (see Section 2.b.). In Havana police chased, beat, and detained 10 activists outside a church (see Section 2.c.).

The Government continued to subject those who disagree with it to "acts of repudiation." At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended

victims are obliged to stage public protests against those who dissent with the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occur. Police and state security agents are often present but take no action to prevent or end the attacks. Those who refuse to participate in these actions face disciplinary action, including loss of employment.

On September 18, local CDR, state security, and Communist Party officials staged an act of repudiation outside the home of Miriam Garcia Chavez, president of the independent teachers association in Havana. Some 60 primary school students in school uniform were compelled to line up and join adult leaders in chants of "Viva la revolucion" and "Viva Fidel," as well as other chants that disparaged prodemocracy activists for half an hour during a rainstorm. On the same day, insulting leaflets were thrown in front of the home of Dr. Augustin Madrigal, leader of an independent medical association. In the days following these incidents, garbage was piled outside the home of independent labor activist Jose Orlando Bridon, which also was painted with graffiti.

On October 2, Communist Party, local government, and state security personnel staged an act of repudiation against the family of independent journalist Manuel Antonio Gonzalez in San German, Holguin province. This action followed Gonzalez's detention on October 1 at a local police station on charges of disrespect for allegedly insulting Fidel Castro. On October 2, Gonzalez family members, reportedly angered by the treatment they received when they inquired at the police station about Gonzalez's situation, wrote antigovernment graffiti on their home. Local party and government officials then assembled workers from two local enterprises, as well as primary and secondary students from nearby schools, at the Gonzalez house and led the crowd in chanting insults and progovernment slogans. According to eyewitnesses, men in plainclothes battered in the door and beat several of the persons inside. The police arrested four of the victims, while officials ordered the crowd to paint over the graffiti. Human rights activists characterized the attack as the largest and most violent such incident in over 10 years.

Prison conditions continued to be harsh, and conditions in detention facilities also are harsh. The Government claims that prisoners have rights, such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director. However, police and prison officials often denied these rights and used beatings, neglect, isolation, and denial of medical attention against detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. There are separate prison facilities for women and for minors.

Prison officials regularly denied prisoners other rights, such as the right of correspondence, and continued to confiscate medications and food brought by family members for political prisoners. State security officials in Havana's Villa Marista facility took medications brought by family members for inmates and then refused to give the detainees the medicine, despite repeated assurances that they would. Prison authorities also routinely denied religious workers access to detainees and prisoners.

The rights to adequate nutrition and medical attention while in prison also were violated regularly. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

Prison guards and state security officials also subjected human rights and prodemocracy activists to threats of physical violence; systematic psychological intimidation; and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals, or state security agents posing as prisoners. Political prisoners are required to comply with the rules for common criminals and often are

punished severely if they refuse. Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims.

The four members of the internal dissident working group (economist Martha Beatriz Roque, economist and former military officer Vladimiro Roca, professor Felix Bonne, and lawyer Renee Gomez Manzano) were allowed access to a priest only after frequent requests and letters to prison, civil, and religious authorities. Roca's request for baptism was granted only after direct appeals to Cuban Cardinal Jaime Ortega and the Vatican. The authorities in Manto Negro women's prison placed Roque in a cell with other prisoners convicted of violent crimes. These inmates, in collusion with the authorities, repeatedly threatened Roque with violence and sought to provoke her. After nearly a year of requesting medical attention, Roque was transferred temporarily in July to the Carlos Finlay hospital for examination and treatment, but was placed in a room with a suicide-prone, mentally disturbed, convicted prisoner. Prison authorities also encouraged other prisoners to threaten Roque with violence.

On May 25, political prisoner Jorge Luis Garcia Perez, also known as "Antunez," reportedly began a 23-day hunger strike at the Guantanamo provincial prison to press his demands for medical attention and access to religious counsel as well as a transfer to a prison closer to his family in Villa Clara, over 300 miles away. Garcia Perez ended the strike after prison officials agreed to allow a priest to visit him. In October the authorities transferred Garcia Perez to the Nieves Morejon prison in Sancti Spiritus province. While this prison is closer to his family, the authorities at the new prison continued to harass him severely and also beat him. In 1995 Garcia Perez had founded the Pedro Luis Boitel political prisoner organization, named for a political prisoner who died as a result of a hunger strike in 1972.

In Cienfuegos prison, the authorities repeatedly refused to allow priests access to political prisoners, such as Benito Fojaco, even though the priests occasionally were allowed to enter the prison.

The Government does not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused prison visits by the International Commission of the Red Cross since 1989 and continued to refuse requests to renew such visits. Nonetheless, human rights activists continued to seek information on conditions inside jails despite the risks to themselves and to their prison sources. There were reports of a confidential visit to prisons by a delegation from the Latin American Parliament in September. One detainee reported being moved from cell to cell during the visit, apparently in order to keep the detainee from speaking with the visitors.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the "decision of the Cuban people to build socialism." The authorities invoke this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engage in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and conditions for hours or days at a time.

In June state security agents detained human rights activist Juan Francisco Fernandez Gomez and held him for 57 days (see Section 1.f.). On October 1, police detained independent journalist Manuel Antonio Gonzales on charges of disrespect for allegedly insulting Fidel Castro. His family was subjected to a

violent act of repudiation (see Section 1.c.).

The Government also arbitrarily arrested and detained independent journalists (see Section 2.a.) and demonstrators. In April the authorities temporarily detained the president of an independent farmers' association (see Section 2.b.). The Government also placed under preventive detention activists who attempted to celebrate religious events (see Section 2.c.).

The four members of the internal dissident working group remained detained without trial since July 1997, when they were arrested for expressing peacefully their disagreement with the Government. In September prosecutors issued their provisional conclusions in the State's 14-month investigation of the four dissidents, and recommended that they be charged with "other acts against the security of the State in relation to the crime of sedition." They recommended sentences of 6 years for Roca and 5 years for Roque, Gomez Manzano, and Bonne. In 1997 the group had sought support from the international community for its concept of peaceful dissent from the Government's policies. It publicly distributed a paper, "The Homeland Belongs to All," which presented a moderate response to the platform released by the Communist Party for its Fifth Party Congress. The working group also made a public appeal to citizens to abstain from participating in national elections. It is legal for Cubans to refrain from voting.

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to "therapy" or "political reeducation." Government authorities regularly threaten prosecution under this article. Both the United Nations Human Rights Commission (UNHRC) and the IACHR have criticized this concept for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, "the special inclination to commit crimes referred to in the Cuban Criminal Code amounts to a subjective criterion used by the Government to justify violations of the rights to individual freedom and due process of persons whose sole crime has been an inclination to hold a view different from the official view." In December a Havana municipal court sentenced dissident Lazaro Constantin to 4 years in jail for dangerousness and public disorder. The Government temporarily detained several other dissidents to prevent them from going to the court building on the day of Constantin's trial. They were released within 24 to 48 hours.

The Government also used exile as a tool for controlling and eliminating the internal opposition. Amnesty International has noted that the Government had changed its tactics in dealing with human rights advocates, and "rather than arresting them and bringing them to trial, the tendency was to repeatedly detain them for short periods and threaten them with imprisonment unless they gave up their activities or left the country." The Government used these incremental aggressive tactics to compel Heriberto Leyva, in June, and Radames Garcia de la Vega, in September (both members of the Youth for Democracy movement), among others, to leave the country.

The Government also has pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. In February in response to an appeal by the Vatican for clemency following the Pope's visit, the Government agreed to release 300 prisoners, 99 of whom were political prisoners. Of the latter group, 19 prisoners were required to go into exile. Canada accepted 17 of these persons, including long-term political prisoner Omar del Pozo Marrero. The Church had requested that all those released be allowed to remain and resume their activities in Cuba. On several occasions, state security officers facilitated passes to prisoners to come to Havana for the express purpose of initiating exit procedures with foreign diplomatic missions.

Amnesty International has expressed "particular concern" about the Government's practice of

threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to Amnesty International, this practice "effectively prevents those concerned from being able to act in public life in their own country."

The Government continued to harass dissident leader Leonel Morejon Almagro in an effort to force him to leave the country. Morejon alleged government coercion of his wife's family, who share their home, which has had a negative impact on his infant daughter and wife.

e. Denial of Fair Public Trial

Although the Constitution provides for independent courts, it explicitly subordinates them to the National Assembly of the People's Power and the Council of State, which is headed by Fidel Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as "the superior directive force of the society and the State," further compromises the judiciary's independence.

Civil courts exist at municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges preside over them. Military tribunals assume jurisdiction for certain counterrevolutionary cases.

The law and trial practices do not meet international standards for fair public trials. Almost all cases are tried in less than a day; there are no jury trials. While most trials are public, trials are closed when state security allegedly is involved. Prosecutors may introduce testimony from a CDR member as to the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in death penalty cases are automatic. The death penalty must ultimately be affirmed by the Council of State.

Criteria for presenting evidence, especially in cases of human rights advocates, are arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer. The authorities regularly deny defendants access to their lawyers until the day of the trial. Several dissidents who have served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf. Amnesty International has concluded that "trials in all cases fall far short of international standards for a fair trial."

The law provides the accused with the right to an attorney, but the control that the Government exerts over the livelihood of members of the state-controlled lawyers collectives--especially when they defend persons accused of state security crimes--compromises their ability to represent clients. Attorneys have reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

Human rights monitoring groups inside the country estimate that the number of political prisoners in Havana stands at 350 to 400 persons. The authorities have imprisoned such persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing Fidel Castro), clandestine printing, or the broad charge of rebellion, often brought against advocates of peaceful democratic change. Other estimates by human rights activists inside and outside the country put the number as high as 1,600 persons. Among those convicted on political charges were independent journalist and prodemocracy activist Reinaldo Alfaro Garcia on August 28 for "dissemination of false news;" Democratic Solidarity Party (PSD) vice delegate Cecilio Monteagudo Sanchez on February 13

for enemy propaganda; independent journalist Juan Carlos Recio Martinez, also on February 13, for failing to denounce Monteagudo to the authorities; and Julio Cesar Coizeau Rizo, member of the Geraldo Gonzalez Ex-Political Prisoners Club, for disrespect (see Section 2.a.). Also, in March a Cienfuegos court convicted five members of the Pro Human Rights Party of Cuba--Israel Garcia Hidalgo, Benito Fojaca Iser, Angel Nicolas Gonzalo, Jose Ramon Lopez Filgueira, and Reynaldo Sardinias Delgado--of "other acts against state security." Garcia and Fojaca each were sentenced to two years in prison, Filgueira to 1 year, and Gonzalo and Sardinias to 1 year in a labor camp. In December dissident Lazaro Constantin was sentenced for dangerousness and public disorder (see Section 1.d.).

In 1997, the Government tried and sentenced a group of human rights activists who had held a prolonged fast to protest the jailing of Daula Carpio Matas. The court handed out sentences ranging from 18 months in prison to 1 year of house arrest. Daula Carpio, Ileana Penalver, and Lilian Meneses were serving terms in Guamajal women's prison and reported continued health problems associated with their prolonged fast and also constant harassment from inmates acting on behalf of the prison. Ivan Lemas was held at the Pre prison in Santa Clara where he also reported being harassed by inmates. Prison authorities reportedly moved him from the hospital ward where he was being treated for inflammation of internal organs before his medical condition had been fully treated. Jose Antonio Alvarada was in Guajamal men's prison, where he claimed that he had been subjected to blackmail attempts and attempts to suggest that he is a homosexual. Jose Manuel Yera was held at the Pendiente prison in Santa Clara and also claimed harassment for his dissident views by prison inmates and officials. Rosana Carpio was sentenced to 18 months in jail but placed under house arrest because she was pregnant.

The number of political prisoners fell in 1998, particularly after the release of 99 of these prisoners beginning in February as part of the Government's response to an appeal by Pope John Paul II for clemency. The Government, in a rare public statement following the Pope's visit, implicitly admitted that Cuba held political prisoners, saying that there were 70 counterrevolutionary prisoners that it would never release. The Government also would not release some 19 prisoners unless they went into exile; 17 were accepted by Canada (see Section 1.d.). On November 20, the Government released Jesus Chamber Ramirez, who was serving a 10-year sentence for enemy propaganda and disrespect against authority, and Dr. Dessy Mendoza, who received an 8-year sentence in 1997 for enemy propaganda, after an appeal on their behalf by the Spanish Government. The authorities effectively conditioned the release of Chamber and Mendoza on their departure from the country, and by year's end both had left for Spain.

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

Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDR's, remains one of the most pervasive and repressive features of Cuban life. The State has assumed the right to interfere in the lives of citizens, even those who do not actively oppose the Government and its practices. The mass organizations' ostensible purpose is to "improve the citizenry," but in fact their goal is to discover and discourage nonconformity. Citizen participation in these mass organizations has declined; the economic crisis has both reduced the Government's ability to provide material incentives for their participation and forced many persons to engage in black market activities, which the mass organizations are supposed to report to the authorities.

The authorities utilize a wide range of social controls. The Interior Ministry employs an intricate system of informants and block committees (the CDR's) to monitor and control public opinion. While less capable than in the past, CDR's continue to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Department of State Security often reads international correspondence and monitors overseas telephone calls and conversations with foreigners. The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. Citizens do not have the right to receive publications from abroad, although newsstands in foreigners-only hotels and outside certain hard currency stores sell foreign newspapers and magazines. The Government continued to jam the U.S.-operated Radio Marti and Television Marti. Radio Marti broadcasts generally overcame the jamming attempts on shortwave bands, but its medium wave transmissions are blocked completely in Havana. The Government generally succeeded in jamming Television Marti transmissions. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

On June 10, state security agents detained veteran human rights activist Juan Francisco Fernandez Gomez at his home in Villa Clara and held him without charges for 57 days at the state security facility of Villa Marista in Havana after he received an overseas telephone call. They also questioned the 63-year-old activist about persons with whom he met during an earlier trip to the United States. At year's end, Fernandez was under house arrest pending further investigations.

The authorities regularly search people and their homes, without probable cause, to intimidate and harass them. State security agents searched the homes of hundreds of human rights advocates and independent journalists, seizing typewriters, personal and organizational documents, books, and foreign newspapers. The authorities harass and target acts of repudiation at both dissidents and their family members. At times those taking part in such acts of repudiation invade and damage homes, as well as physically attack occupants (see Section 1.c.). Friends and relatives of independent journalists also are subjected to harassment (see Sections 1.c. and 2.a.).

The authorities regularly detained human rights advocates after they visited foreign diplomatic missions, confiscated their written reports of human rights abuses, and seized copies of foreign newspapers and other informational material, including copies of the Universal Declaration of Human Rights (UDHR). In September antiabortion activist Dr. Elias Biscet was harassed during a Mass in Havana and briefly detained by state security personnel, who confiscated copies of the UDHR he had been carrying. Also in September, independent journalist Efred Martinez was evicted from his rented rooms (see Section 2.a.).

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government does not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials carry penalties of from 3 months to 1 year in prison. If President Castro or members of the National Assembly or Council of State are the objects of criticism, the sentence can be extended to 3 years. Charges of disseminating enemy propaganda (which includes merely expressing opinions at odds with those of the Government) can bring sentences of up to 14 years. Local CDR's inhibit freedom of speech by monitoring and reporting dissent or criticism. Police and state security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

On February 13, a Santa Clara court sentenced Cecilio Monteagudo Sanchez, a PSD vice delegate, to 4 years' imprisonment for dissemination of enemy propaganda. Monteagudo was prosecuted for writing a

document calling on citizens to abstain from voting. The court also sentenced Juan Carlos Recio Martinez, an independent journalist with the Cuba Press Agency who had been asked to type the document, to 1 year in a labor camp for failing to denounce Monteagudo. Recio unsuccessfully appealed the sentence. On April 24, a Santiago court found Julio Cesar Coizeau Rizo, a member of the Geraldo Gonzalez ex-Political Prisoners Club, guilty of disrespect for authority for posting antigovernment flyers and sentenced him to 3 years' imprisonment.

The Constitution states that print and electronic media are state property and "cannot become in any case private property." The Communist Party controls all media--except a few small church-run publications that nevertheless are watched closely and denied access to mass printing equipment--as a means to indoctrinate the public. All media must operate under party guidelines and reflect government views. The Government attempts to shape media coverage to such a degree that it not only exerted increased pressure on domestic journalists, but also sought to pressure groups nominally outside the official realm of control, such as visiting international correspondents.

The Inter-American Press Association (IAPA) reported that the Government denied visas to about 80 foreign newsmen before the Pope's visit on the grounds that they earlier had been critical of the Government in their news coverage. A foreign freelance journalist who met with two independent journalists in their home in Santiago de Cuba was warned against contact with his hosts, who state security agents claimed were "terrorists" and "murderers." Security officials then visited his hosts, Mirna Riveron and Manuel del Rio, told them that the reporter was an intelligence agent, and warned them that they could be put in jail for 20 years for talking to him. Foreign journalists claimed that surveillance by the Government has become more intense and overt outside of Havana.

On December 10 in a Havana park, members of a group of Communist Party supporters grabbed the camera of a foreign journalist and destroyed it. The journalist was among foreign camera crews that had arrived at the park and tried to interview an unidentified dissident who was trying to commemorate the Fiftieth Anniversary of the Universal Declaration of Human Rights. The dissident then was assaulted and dragged away by the party supporters (see Section 2.b.). State security officers moved in to stop the party supporters from attacking the journalist further. The crowd then surrounded the other photojournalists and insisted on being filmed chanting slogans in support of President Castro and against the foreign media presence.

The Government continued to jam the U.S.-operated Radio Marti and Television Marti (see Section 1.f.).

On November 13, the Associated Press announced that the Government had authorized it to open a bureau in Havana.

The temporary suspensions of official media representatives highlighted the difficult ideological tightrope that government reporters and editors must walk. According to the IAPA, newscaster Raquel Mayedo and his crew on the show "Contacto" were sanctioned in February for "actions contrary to revolutionary principles." Local independent journalists reported that in June, television journalist Guillermo Morales of Havana City Television reportedly was given a 15-day suspension and forced to recant publicly before his fellow workers on-air criticisms that he made of President Castro.

The Government continued to subject independent journalists to internal travel bans, arbitrary and periodic (overnight or longer) detentions, acts of repudiation (see Section 1.c.), harassment of friends and relatives, seizures of written manuals, computers, office and photographic equipment, and repeated threats of prolonged imprisonment. Several independent journalists were expelled from the country or

harassed during the first half of the year, while there nevertheless was general talk of a lull in harassment after the Pope's visit in January. This came to an abrupt end with the sentencing of Reinaldo Alfaro Garcia in August, and the detentions of many independent journalists, along with dissidents, that followed (see Section 1.d.). The independent journalists appeared to be a particular focus of Government repression.

On August 28, the State sentenced independent journalist and prodemocracy activist Reinaldo Alfaro Garcia to 3 years in prison for "dissemination of false news against international peace." The Government alleged that Alfaro had misreported stories regarding the suspicious death of a soldier in 1994 and a separate incident involving the beating of a woman by authorities. With the exception of Alfaro's immediate family, neither international journalists, foreign diplomats, nor members of the public were allowed into the courtroom, which the Government had packed with its own personnel. Alfaro had been held for 16 months prior to the 5-hour trial. At the end of the trial, Alfaro's family members were asked to leave the courtroom and were told that they could wait to see him leave for prison at a side door to the courthouse. State security personnel then spirited Alfaro out another door and deliberately drove him in a car behind where his family was standing. On discovering the Government's effort to deceive the Alfaro family, some 40 prodemocracy activists chased after the vehicle and staged an impromptu public demonstration to protest the situation. The Government later attempted to blame the disturbance on agitation by a foreign diplomat, despite the presence of other diplomats and journalists who witnessed the incident.

Journalists Maria de los Angeles Gonzalez and Luis Lopez Prendes were detained in September, ostensibly to prevent them from starting a demonstration at the procession of the Virgin of Charity on September 8 in Havana. The authorities detained Juan Antonio Sanchez in Havana in connection with the same event and took him to Pinar del Rio province where they held him for 6 days. Raul Rivero's telephone service was cut after he was named Cuban vice-president of the IAPA Committee on Freedom of the Press. State security officials threatened Lopez Prendes with detention because of an article he wrote on corruption of the local government in the Havana municipality of Guanabo; Lopez Prendes' photographer was beaten in his own front yard, reportedly by a state security member, and his camera was taken.

Independent journalist Mario Viera was scheduled to go on trial on November 27 for allegedly defaming Jose Dionisio Peraza Chapeau, head of the Ministry of Foreign Affairs Legal Department, in a commentary Viera wrote that appeared on the Internet in June. The court was asked to sentence Viera to 1 year in prison for defamation and an additional 6 months for refusing to retract his article. However, following a disturbance outside the court building in which progovernment rapid response brigade members assaulted a group of prodemocracy activists who had gathered to show support for Viera (see Sections 1.b. and 2.b.), the trial was postponed until further notice.

Family members have been the object of harassment by state security agents when pressure on independent journalists has not been successful in making them abandon their work or leave the country. Manzanillo journalist Mirta Leyva accepted refugee status from Spain and departed with her family in September, after her husband was jailed and lost his job. This occurred after stones and animal blood had been thrown at their house for months at night, which began to have a serious, noticeable effect on the health and well-being of her two small children. Journalist Isaura Ortega has been fighting battles in court against her former husband for custody of her 5-year-old son; her ex-husband charged that her antirevolutionary articles proved that she is insane.

In October the family of independent journalist Manuel Antonio Gonzalez was the target of an act of repudiation staged by local authorities in San German, Holguin province (see Section 1.c.).

In September independent journalist Efren Martinez Pulgaron was evicted from his rented rooms after his landlord was approached by state security members. Several subsequent attempts to find a rental home for himself and his elderly mother were unsuccessful, again, after security service personnel visited the would-be landlords.

Amnesty International, Human Rights Watch, IAPA, Reporters without Borders, and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech.

The Government rigorously monitored other forms of expression and often arrested persons for the crimes of disseminating enemy propaganda and false news. In the Government's view, enemy propaganda includes materials such as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines.

The Government prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless those publications deal exclusively with conditions in the mission's home country and receive prior government approval. Many missions do not accept the validity of this requirement, but the Government's threats to expel embassy officers who provide published materials to Cubans have had a chilling effect on many missions.

In 1996, the Government passed the "Cuban Dignity and Sovereignty Law," which proscribes citizens from providing any information to any representatives of the U.S. Government, or seeking any information from them, that might be used directly or indirectly in the application of U.S. legislation. This includes accepting or distributing any publications, documents, or other material, from any origin, which the authorities might interpret as facilitating implementation of such legislation. Although no one has been charged with violating this law, it has raised concern among many independent journalists.

Distribution of information continues to be tightly controlled. During the Pope's visit, the Church's ability to distribute even approved information pamphlets was constricted by its lack of access to printing presses. Access to the Internet largely is limited to certain government offices and foreigners. A few citizens can maintain accounts to some limited electronic message services, strictly controlled by the Interior Ministry.

The Government circumscribes artistic, literary, and academic freedoms, and repeatedly has emphasized the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system teaches that the State's interests have precedence over all other commitments. Academics and other government officials are prohibited from meeting with some diplomats in Havana without prior approval from the Ministry of Foreign Affairs. The Ministry of Education requires teachers to evaluate students' ideological character and that of the students' parents, and note it in records that students carry throughout their schooling. These reports directly affect the students' future educational and career prospects. As a matter of policy, the Government demands that teaching materials for courses such as mathematics or literature have an ideological content.

Government efforts to undermine dissidents included denying them advanced education and professional opportunities. Officials at the University of Havana expelled prodemocracy activist Leonardo Ramon Calvo in June for "holding political ideas different from those of the State." Calvo was expelled in accordance with the 1984 Disciplinary Regulations for Students in Higher Education, which allow for a student to be expelled for "very serious violations, including 'maintaining an attitude manifestly contrary to our revolutionary process.'" The same measure was used to expel another student for not voting in national elections (see Section 3.). President Castro has stated publicly that the

universities are available only for those who share his revolutionary beliefs.

b. Freedom of Peaceful Assembly and Association

Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the socialist State." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in a private home, by up to 3 months in prison and a fine. The authorities selectively enforce this prohibition and often use it as a legal pretext to harass and imprison human rights advocates.

The Government selectively continued to authorize the Catholic Church to hold outdoor processions at specific locations on important feast days during the year. It also authorized other denominations to hold a few public events. The Seventh Day Adventists held a mass baptism in February and the Eastern Baptist Convention was permitted to rent a government-owned theater for an annual meeting (see Section 2.c.). However, requests for other processions and events were routinely and arbitrarily denied. The Government permitted a procession in connection with masses in celebration of the feast day on September 8 of Our Lady of Charity in Havana for the first time in more than 3 decades.

On February 8, officials detained 10 members of the Martiana Civic League outside a church following Mass when they attempted to walk to the Havana waterfront to commemorate the victims of the February 24, 1996 shutdown of 2 civilian aircraft over international airspace by the Cuban air force. The 10 were harassed, threatened, and subsequently released. On November 27, approximately 100 progovernment rapid response brigade members provoked and then assaulted a slightly smaller group of prodemocracy activists who had assembled peacefully outside Havana's provincial tribunal building to show support for independent journalist Mario Viera (see Section 2.a.). The progovernment group began taunting and shoving Viera supporters as well as some foreign journalists who were present to cover Viera's scheduled trial. As the confrontation escalated, riot police moved against the Viera supporters, in some cases beating and kicking them (see Section 1.c.). Dissidents reported that at least seven persons were arrested.

The authorities have never approved a public meeting by a human rights group. The Government briefly detained about a dozen prodemocracy activists in different parts of the country in order to prevent public events that marked the anniversary of the Universal Declaration of Human Rights. Human rights monitors reported that in December, state security officers went to the homes of at least 10 dissidents known to have participated in previous public demonstrations and warned them against taking part in any public events on December 10 to mark the 50th anniversary of the UDHR. In Havana officials threatened dissidents planning a related event at the home of a prodemocracy activist with preventive arrest. State security officers took activist Milagros Cruz to a Havana mental hospital for observation on December 4, after she made known her intention to participate in a reading of the UDHR at a Havana park (see Section 1.c.). The hospital released her on December 14. State security agents detained antiabortion activist Dr. Elias Biscet several times in early December and warned him to cancel a planned public reading of the UDHR on December 10 at a park in his neighborhood. A group of several hundred Communist Party members assembled at the same park on December 10, ostensibly in support of the Congress of the Young Communist Union. Eyewitnesses reported that a person in the crowd, who was said to be holding copies of the UDHR, began shouting human rights slogans and was attacked by the Party supporters, who knocked him down and dragged him to a neighboring street. According to the witnesses, the progovernment demonstrators also assaulted foreign journalists who tried to follow the group (see Section 2.a.).

In April State Security officials temporarily detained the president of an independent farmers'

association in Santiago and prevented about 30 members of the association from traveling to the site of a planned meeting.

The Government denies citizens the freedom of association. The Penal Code specifically outlaws "illegal or unrecognized groups." The Ministry of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities have never approved the existence of a human rights group.

Along with recognized churches, the Roman Catholic humanitarian organization Caritas, Masons, small human rights groups, and a number of nascent fraternal or professional organizations are the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who have been established in the country for more than a century, the authorities continue to ignore these groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized "nongovernmental" groups are at least nominally affiliated with, or controlled by, the Government.

c. Freedom of Religion

In recent years, the Government has eased the harsher aspects of its repression of religious freedom. In 1991 it allowed religious adherents to join the Communist Party. In 1992 it amended the Constitution to prohibit religious discrimination and removed references to "scientific materialism," i.e., atheism, as the basis for the Cuban State. Nevertheless, the State prohibits members of the armed forces from allowing anyone in their household to observe religious practices, except elderly relatives if their religious beliefs do not influence other family members and are not "damaging to the revolution."

On January 21-25, Pope John Paul II made a historic trip to Cuba. The Pope celebrated public Masses in front of hundreds of thousands of persons in Havana, Villa Clara, Camaguey, and Santiago de Cuba, which were televised nationally. Persons attending the Mass in Havana chanted "freedom," and the Pope made an appeal for the "world to open up to Cuba" and for "Cuba to open up to the world." In his 11 discourses while in the country, the Pope emphasized the need to allow fundamental freedoms, to respect human rights, and to foster the development of independent civil society.

On May 30, the country's Catholic bishops publicly appealed to the Government to recognize the Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, sports, and the scientific and technical worlds. The Government continued to limit strictly the Church's access to the media and refused to allow the Church to have a legal independent printing capability. It maintained its prohibition against the establishment of religiously affiliated schools. However, in September local government authorities allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana for the first time since 1961. State security personnel openly and heavily harassed diplomats during this ceremony. The Cardinal also was allowed a 10-minute address on the national classical music station.

On December 1, the Government announced in a politburo declaration that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969, and restored for 1997 as part of the preparations for the Pope's visit.) The authorities again permitted the Cardinal to speak briefly on national media to commemorate Christmas. However, despite the Government's decision to allow citizens to celebrate Christmas as a national holiday, it also maintained a December 1995 decree prohibiting nativity scenes in public buildings.

The Government allowed some foreign priests and nuns to enter the country, but applications of many other priests and religious workers remained pending at year's end. The Government also pressured two foreign Catholic priests to leave the country. In one case, American priest Patrick Sullivan left Cuba after Communist Party officials objected to his displaying the Universal Declaration of Human Rights inside his church, allowing parishioners to elect the church board members, and maintaining contacts with foreign diplomats. Father Sullivan publicly stated that he did not leave of his own volition. In August the authorities at Havana's international airport briefly questioned two Italian members of a Catholic religious order who had traveled to Cuba to participate in a religious event and warned them not to return to the country.

The Government continued to enforce a resolution that prevented any Cuban or joint enterprise (except those with specific authorization) from selling computers, facsimile machines, photocopiers, or other equipment to any church at other than the official--and exorbitant--retail prices.

Students who profess a belief in religion continue to be stigmatized by other students and teachers and have been disciplined formally for bringing Bibles or other religious materials to school.

The Government requires churches and other religious groups to register with the provincial Registry of Associations to obtain official recognition. The Government prohibits, with occasional exceptions, the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. Officials of the Cuban Council of Churches (CCC) reported that in 1997 the local government authorities had demolished two homes used as churches in the eastern provinces. In one case, provincial government authorities provided a replacement edifice.

In September independent journalists reported that the Evenecer church in a home in Caibarien, Villa Clara province, was confiscated by local officials of the Communist Party's office of religious affairs and the Ministry of Interior. The authorities also have threatened to demolish homes used as churches in Havana province and have evicted congregations from other informal chapels.

On October 22, the Government expelled a congregation affiliated with the Western Baptist Convention from a home used as a church in Encrucijada, Villa Clara province. The authorities confiscated the house and turned it over to the local branch of the Union of Young Communists. Church leaders reported that this was the first such action taken against Baptists since the 1960's.

The Government relaxed restrictions on some religious denominations. In February the president of the world association of Seventh Day Adventists was permitted to visit the country, where he celebrated an open air mass baptism in Matanzas province, presided over the reopening of a church in Havana, and met with government officials. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed quietly to proselytize door-to-door, and they generally were not subjected to overt government harassment.

CCC officials reported in June that the Council had received the Government's permission to broadcast a monthly 15-minute program on a national classical music radio station, with the understanding that the program would not include material of a political character. The head of the CCC is a member of the government-controlled ANPP.

State security officials visited some priests and pastors, prior to significant religious events, ostensibly to warn them about dissidents, in an effort to sow discord and mistrust between the churches and peaceful

prodemocracy activists. State security officers also regularly harassed human rights advocates who sought to attend religious services commemorating special feast days or before significant national days, including inside churches and during religious ceremonies.

State security agents in Santiago de Cuba, Havana, and Pinar del Rio visited the homes of activists the night before and the morning of July 13--the fourth anniversary of the Cuban Coast Guard's sinking of the "13th of March" tugboat in which 41 persons, including 21 children, died--to warn them against commemorating the incident. In Havana the police chased, beat, and detained 10 activists outside a church. State security officials also visited the homes of some of the family members of the victims of the incident and warned them against commemorating the tragedy. In connection with the September 8 celebration in honor of Our Lady of Charity, state security agents placed 16 activists under preventive detention for up to 72 hours. State security and uniformed police also detained for about 5 hours some 20 other dissidents who had gathered in the home of activist Isabel del Pino to prevent them from taking part in the religious event. Similar government harassment of human rights and opposition activists occurred during other religious anniversaries. Nevertheless, church attendance has grown in recent years in all denominations, and has substantially increased at Catholic Church services in the wake of the Pope's visit.

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

The Government kept tight restrictions on freedom of movement. The Government generally has not imposed legal restrictions on domestic travel, except for persons found to be HIV-positive, whom it initially restricts to sanatoriums for treatment and therapy before conditionally releasing them into the community. However, in recent years state security officials have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the Government also has sentenced others to internal exile. In Apri