



Cuba

Events of 2009

The change in government leadership in 2006-when Fidel Castro handed control to his brother Raul-has had little effect on Cuba's dismal human rights record. Cuba remains the one country in Latin America that represses virtually all forms of political dissent. The government continues to enforce political conformity using criminal prosecutions, long- and short-term detention, harassment, denial of employment, and travel restrictions.

Raul Castro has kept firmly in place and fully active Cuba's repressive legal and institutional structures. While Cuban law includes broad statements affirming fundamental rights, it also grants officials extraordinary authority to penalize individuals who attempt to exercise them. Article 62 of the constitution explicitly prohibits Cubans from exercising their basic rights contrary to the "ends of the socialist state."

Political Prisoners, Arbitrary Detentions, and "Dangerousness"

Cubans who dare to criticize the government are subject to draconian criminal and "pre-criminal" charges. They are exempted from due process guarantees, such as the right to a defense, and they are denied meaningful judicial protection because courts are "subordinated" to the executive and legislative branches.

The Cuban Commission for Human Rights and National Reconciliation (CCDHRN), a respected local human rights group, in August 2009 issued a list of 208 prisoners whom it said were incarcerated for political reasons. The list included 12 peaceful dissidents imprisoned in the first half of 2009, as well as 25 political prisoners sentenced in 2008. Of 75 journalists, human rights defenders, and political activists who were summarily tried and sentenced in a 2003 crackdown, 53 remained imprisoned as of November 2009.

The government continued to rely on arbitrary detention to harass and intimidate individuals exercising their fundamental rights. In all of 2007 the CCDHRN documented 325 arbitrary detentions by security forces; in roughly the first half of 2009 it reported 532 arbitrary detentions. The detentions are often used to prevent individuals from participating in meetings or events viewed as critical of the government. Security officers often offer no charge to justify the detentions—a clear violation of due process rights—but warn detainees of longer arrests if they continue to participate in activities deemed critical of the government. In March 2009 human rights defender Marta Díaz Rondon was arbitrarily detained when she attempted to visit Jorge Luis García Pérez, who was staging a hunger strike to call for an end to abuses of political prisoners.

Raul Castro's government has increasingly relied on a "dangerousness" (*estado peligroso*) provision of the criminal code that

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allows the state to imprison individuals before they have committed a crime, on the suspicion that they might commit an offense in the future. Scores of individuals are currently imprisoned for "dangerous" activities including handing out copies of the Universal Declaration of Human Rights, staging peaceful marches, writing critical news articles, and trying to organize independent unions.

Cuba has also applied the "dangerousness" charge to Cubans who are unemployed or self-employed without authorization. Language in the provision regards being unemployed as a form of "antisocial behavior," and thus worthy of pre-criminal arrest. In a January 2009 campaign called "Operation Victory," dozens of individuals in eastern Cuba-most of them youths-were charged with "dangerousness" for not having jobs.

Freedom of Expression

The government maintains a media monopoly on the island, ensuring that freedom of expression is virtually nonexistent. Although a small number of independent journalists manage to write articles for foreign websites or maintain independent blogs, they must publish their work through back channels-writing from home computers, saving information on memory sticks, and uploading articles and posts through illegal internet connections. The risks associated with these activities are considerable. Moreover, access to information is highly restricted, and because an hour of internet use costs one-third of Cubans' monthly wages and is available exclusively in a few government-run centers, only a tiny fraction of Cubans have the chance to read independently published articles and blogs.

According to the Committee to Protect Journalists, 22 journalists were imprisoned in Cuba as of June 2009, including Albert Santiago Du Bouchet Hernández, who was reportedly sentenced to three years in prison in a closed, summary trial in May. Cuba ranks second only to China for the number of journalists in prison.

Human Rights Defenders

Refusing to recognize human rights monitoring as a legitimate activity, the Cuban government denies legal status to local human rights groups. The government also employs harassment, beatings, and imprisonment to punish human rights defenders who attempt to document abuses. In May 2009, after authorities warned him several times that he would be imprisoned if he did not abandon his work, human rights activist Juan Luis Rodríguez Desdín was sentenced in a closed, summary trial to two years for "public disorder."

Travel Restrictions and Family Separation

The Cuban government forbids the country's citizens from leaving or returning to Cuba without first obtaining official permission, which is often denied. For example, Juan Juan Almeida García has been denied the right to leave Cuba to receive medical treatment for a rare degenerative illness (treatment is not available on the island) since 2003. Almeida has applied several times per year-including in 2009-for permission to leave, but all requests have been denied without explanation. His health has declined considerably as a result of his lack of treatment. Unauthorized travel can result in criminal prosecution.

The government 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.

The government is also clamping down on the movement of citizens within Cuba, by more aggressively enforcing a 1997 law known as Decree 217. Designed to limit migration to Havana, the decree requires Cubans to obtain government permission before moving to the country's capital.

Prison Conditions

Conditions for prisoners are overcrowded, unhygienic, and unhealthy, leading to extensive malnutrition and illness. Political prisoners who criticize the government, refuse to participate in ideological "reeducation," or engage in hunger strikes and other forms of protest are routinely subjected to extended solitary confinement, beatings, restrictions of visits, and the denial of medical care. Prisoners have no effective complaint mechanism to seek redress, granting prison authorities total impunity. Cuba remains one of the few countries in the world to deny the International Committee of the Red Cross access to its prisons.

Death Penalty

In 2008 the government commuted the death sentences of all prisoners except three individuals charged with terrorism. Nevertheless, Cuban law continues to prescribe the death penalty for a broad range of crimes.

Key International Actors

As of November 2009 the Cuban government has yet to ratify the core international human rights treaties—the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—which it signed in February 2008. In May 2009 Cuba was reelected to the United Nations Human Rights Council for a three-year term.

In June the European Union reviewed its "Common Position" on Cuba, adopted in 1996, which conditions full economic cooperation with Cuba on the country's transition to a pluralist democracy and respect for human rights. In its 2009 review the EU said it remains "seriously concerned about the lack of progress in the situation of human rights in Cuba," and elected to maintain the position.

Also in June 2009 the Organization of American States lifted a 1962 resolution suspending Cuba from the group. The OAS conditioned Cuba's reintegration as a full member on Cuba's engagement in a dialogue with the group and on its conformity with the commitments, principles, and practices of the OAS. After the suspension was lifted the Cuban government publicly stated it had no interest in rejoining the OAS. In November 2008 Cuba became a full member of the Rio Group of Latin American and Caribbean countries.

The United States' economic embargo on Cuba, in effect for more than four decades, continues to impose indiscriminate hardship on the Cuban people, and has done nothing to improve the situation of human rights in Cuba. In April 2009 the US government eliminated all limits on travel and remittances by Cuban Americans to Cuba. Previously, due to legislation passed in 2004, the US government had only allowed Cuban Americans to visit the island once every three years, and had capped the support Cubans could send to relatives at \$75 per month. Legislation introduced in the US Senate and House of Representatives in February 2009 would restore full travel to Cuba for all Americans without restrictions, but neither bill has

yet been brought to a vote.

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