



## **Human rights concerns in Cuba**

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Commissioner Michel official visit to Cuba, March 2008

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## Freedom of expression and association

Severe restrictions on the right to freedom of expression and association affect thousands of people across Cuba. In Cuba, all print and broadcast media are under state control. Also, access to the internet is limited outside governmental offices and educational institutions. Dissidents and critics of the regime, including journalists, are frequently arrested and detained, some of them on charges of "social dangerousness" ("*peligrosidad social*"). Many others are continuously harassed and intimidated because of their work. On 29 November 2006, independent journalist Raymundo Perdigón Brito was detained by police and reportedly asked to close down his recently opened independent news agency – Yayabo Press. As he declined to do it, Raymundo was sentenced to four years in prison for "social dangerousness" at a summary trial only six days after his arrest. Foreign correspondents based in Cuba also suffer severe limitations to their work.

During 2007, the International Press Centre (CPI) of the Cuban Foreign Ministry denied the renewal of working visas to a number of foreign journalists. The CPI informed the correspondents that their journalists' visas would not be renewed because of "the way they approach the Cuban situation is not acceptable to the Cuban government."

## Prisoners of conscience

At least 58 prisoners of conscience – people such as teachers, journalists and human rights defenders detained for their peaceful activities – are currently held in prisons across Cuba, following unfair trials that failed to uphold international standards. 17 men and women are serving their sentences outside prison because of health concerns. People who are imprisoned, detained or otherwise physically restricted because of their political, religious or other conscientiously-held beliefs or because of their ethnic origin, sex, colour, or language and who have not used or advocated violence are considered by AI to be prisoners of conscience.

55 of these prisoners of conscience were arrested during March 2003, when after a period of apparent movement towards a more open and permissive approach, Cuban authorities carried out a crackdown on the dissident movement on the island. With the exception of half a dozen well-known figures critical of the regime, the bulk of the mid-level leadership of the dissident movement were detained, many of whom had been involved in activities of dissent for a decade or more. They were subjected to summary trials and were quickly sentenced to long prison terms of up to 28 years. Enclosed is a list of current prisoners of conscience declared by AI (please see Appendix I). You will also find the report entitled "Essential measures? Human rights crackdown in the name of security" (please see Appendix III). This report was written following events of mid-March 2003, and was updated on the anniversary of these events in 2004, 2005 and 2006 (please see Appendix III).

Orlando Zapata Tamayo, a bricklayer and plumber, was arrested on 20 March 2003 whilst taking part in a hunger strike at the Fundación Jesús Yáñez Pelletier in Havana to demand the release of Oscar Biscet and other political prisoners. Orlando was sentenced to three years' imprisonment on charges of showing "contempt to the figure of Fidel Castro", "public disorder" and "resistance". In November 2005, he was sentenced to an additional 15 years for "contempt" and "resistance" in prison. In May 2006, he was again tried on the same charges and sentenced to an additional seven-year term. He is now serving a 25 years and six months sentence.

AI welcomes the recent release in February this year of four prisoners of conscience. However, it appears they were released on health grounds and were required to go into exile. The organization calls for the immediate and unconditional release of all other prisoners of conscience.

## Arbitrary arrests and detention without charge or trial

Amnesty International receives almost daily reports of political dissidents and independent journalists being arrested for carrying out dissident activities or reporting on the human rights situation in Cuba and sent to prison where they await trial. In some cases they wait for months or even years while in others they are tried and sentenced within a few days. Marcelo Cano Rodríguez, a doctor and currently a prisoner of conscience was arrested on 25 March 2003. He was reportedly investigating the arrest of prisoner of conscience Dr Jorge Luis García Paneque. Marcelo had no previous criminal record. The activities which the prosecution cited against him included visiting prisoners and their families as part of his work with the unofficial Cuban Commission for Human Rights and National Reconciliation (CCDHRN), and maintaining ties to the international organisation Doctors without Borders.

Scores of people across Cuba are held without charge and, in some cases, without trial on suspicion of counter-revolutionary activities or on unclear charges. On 27 September 2007, 48 people were detained in Havana as they were

preparing to attend a demonstration in front of the Ministry of Justice to demand fair treatment for political dissidents. Some were released later that day and others on the following day.

### **Unfair trials**

Political dissidents and critics are often sentenced for a crime known as "social dangerousness" ("*peligrosidad social*"). This is a pre-emptive measure defined as the "proclivity to commit a crime" and targets any behaviour contrary to "socialist morale" such as "drunkenness", "drug addiction" and "anti-social behaviour" but it is applied to political dissidents, independent journalists and critics. People tried for "dangerousness" are sentenced to up to four years imprisonment while the law provides for "therapeutic treatment", "re-education" or "surveillance by the Revolutionary National Police."

José Oscar Sánchez Mádan was summarily tried in April 2007 and sentenced to four years' imprisonment for "social dangerousness" by the Municipal Court of Union de Reyes. His trial took place four hours after his arrest and no family member was informed of the trial or allowed to participate. José Oscar Sánchez Mádan is one of the spokespersons of the dissident Independent Alternative Option Movement (Movimiento Independiente Opción Alternativa).

### **Harassment and intimidation of dissidents and critics**

Harassment and intimidation of critics and political dissidents and their families by quasi-official groups in so-called acts of repudiation ("*actos de repudio*") continues to be a concern. AI believes that these acts of repudiation could amount to psychological torture given the strain they can cause on the victims and their relatives. Physical aggression has also been reported during some acts of repudiation. Juan Carlos González Leiva, President of the Cuban Foundation for Human Rights, was the target of several acts of repudiation at his home in the city of Ciego de Avila in November 2006. He and his family were repeatedly threatened by demonstrators. Juan Carlos González Leiva is currently serving a four year sentence of house arrest dictated in April 2004 after spending two years in prison without trial for "disrespect", "public disorder", "resistance" and "disobedience".

### **Death penalty**

Cuba retains the death penalty for serious crimes, such as acts of terrorism. However, in recent years it has only rarely been applied, and Cuba abstained in the December 2007 vote at the United Nations on a resolution on a moratorium on the use of the death penalty. The last known execution took place in April 2003 when three young men were sentenced to death for hijacking a boat in order to flee the island. There was international concern that the death penalty would be employed when two army soldiers were arrested following a failed plane hijacking attempt on 3 May 2007, which resulted in the death of an army colonel. However, the two men were eventually sentenced to life imprisonment in September 2007. There are currently around 40 people on death row across Cuba – the exact number is difficult to determine given the restricted access to court and official documents. AI considers the death penalty to be the ultimate form of cruel, inhuman or degrading treatment or punishment and opposes its use in all circumstances.

### **Impact of the US embargo**

AI has called for the US embargo against Cuba to be lifted, as it is highly detrimental to Cubans' enjoyment of a range of economic, social and cultural rights, such as the right to food, health and sanitation – particularly affecting the weakest and most vulnerable members of the population. Unfortunately, due to the lack of access to the country, AI has been unable to document at first hand the impact the embargo has had on the enjoyment of these rights. According to UNICEF, the availability of medicines and basic medical materials has decreased in Cuba as a consequence of the US embargo against the island<sup>1</sup>. AI also believes that the US embargo has undermined freedom of movement between Cuba and the US and restricted family reunifications.

<sup>1</sup> Report of the UN Secretary General to the UN General Assembly on Item 27 of the provisional agenda "Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States of America against Cuba", 20 September 1995. <http://www.un.org/documents/ga/docs/50/plenary/a50-401.htm>

**Recent relevant AI documentation:**

- **Appendix I: List of prisoners of conscience declared by Amnesty International. February 2008 (Internal document)**
- **Appendix II: Press releases**

Cuba: New leadership must take opportunity and introduce reforms, 19 February 20

Cuba: 58 prisoners of conscience must be released, 18 February 2008

Cuba: Government should commit to human rights by ending harassment of dissidents, 11 December 2007

- **Appendix III: Reports**

Cuba: "Essential measures"? Human rights crackdown in the name of security, AI Index AMR 25/017/2003

Cuba: One year too many: prisoners of conscience from the March 2003 crackdown, AI Index: AMR 25/005/2004

Cuba: Prisoners of conscience: 71 longing for freedom AI Index: AMR 25/002/2005

Cuba: Fundamental freedoms still under attack, AI Index: AMR 25/001/2006

Cuba: Amnesty International's human rights concerns, AI Index: AMR 25/003/2007

- **Appendix IV: Urgent Actions**

Cuba: Fear for safety/Fear of arbitrary detention: Martha Beatriz Roque Cabello (f)

AMR 25/004/2007

Cuba: Further information on Fear for safety / Fear of torture / Intimidation / Harassment AMR 25/001/2007

Cuba: Further information on Possible prisoner of conscience/ harassment/ intimidation: Ahmed Rodríguez Albacia (m)

AMR 25/005/2006

Cuba: Fear of unfair trial/possible Prisoners of Conscience AMR 25/004/2006

Cuba: Possible prisoner of conscience/ harassment/ intimidation: Ahmed Rodríguez Albacia (m) AMR 25/003/2006

Cuba: Fear for safety / Fear of torture / Intimidation / Harassment

AMR 25/002/2006

- **Appendix V: Facts and Figures on the Death Penalty (1 January 2007)**

ACT 50/002/2007