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# CUBA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2011

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In 2010, the Cuban Government released a number of political prisoners, including human rights defenders who had been in prison since March 2003. Nevertheless, in 2010 and 2011, low profile harassment continued against human rights organisations, as did obstacles to freedom of assembly and police repression of peaceful demonstrations in which human rights defenders participated.

## Political context

Three years after Mr. Raúl Castro came to power, the Cuban Government initiated certain economic changes with the aim of improving the difficult situation affecting the Cuban population. However, there were no major reforms agreed during the VI Congress of the Cuban Communist Party (*Partido Comunista Cubano* - PCC), held in April 2011 for the first time in thirteen years, during which Mr. Raúl Castro was elected as First Secretary of the PCC, replacing Mr. Fidel Castro<sup>1</sup>.

In 2010 and 2011, the human rights situation in Cuba continued to be worrying and precarious and the Cuban Government remained hostile to any criticism at the national or international level. Within Cuba, political opposition and more generally, freedoms of expression, peaceful assembly and association, continued to be strongly repressed using force, judicial harassment and arbitrary detention<sup>2</sup>. An international *in situ* visit on the human rights situation in the island was once again prevented from taking place. In this respect, Mr. Manfred Nowak, then United Nations Special Rapporteur on Torture, expressed his enormous disappointment that he could not agree on a date with the Cuban Government for his fact-finding mission before the end of his mandate, on October 30, 2010<sup>3</sup>. Added to this, observation of the human rights situation in Cuban prisons continued to be prohibited and was viewed as an act of “treason” or an “attack on Cuban sovereignty”.

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1/ The PCC is the only political party allowed in Cuba and has been governing the island for five decades. Only PCC members participate in elections. The Congress is its supreme organism, and defines the political orientation of the PCC and its general activities.

2/ For example, during the days before and after the celebration of the VI Congress of the PCC, a number of political opposition members were harshly repressed and detained. See Cuban Democratic Directory (*Directorio Democrático Cubano*) Press Release, April 19, 2011.

3/ See Office of the United Nations High Commissioner for Human Rights Press Release, June 9, 2010.

The above is particularly alarming taking into account the difficult situation in Cuban prisons. Excessive and abusive imprisonment<sup>4</sup> is one of the main reasons for the massive overcrowding which currently exists in around 200 prisons and labour camps on the island, added to ill-treatment, beatings, humiliation and inadequate nutrition to which prisoners are subjected<sup>5</sup>. Political dissidents, human rights defenders and common prisoners all found themselves in this situation without distinction, and the health of some prisoners was badly affected. This situation causes the death of a number of political prisoners every year in Cuba, due to ill-treatment, illnesses which were not treated and suicides<sup>6</sup>. The indifference with which prisoners' protests or illnesses are treated, was demonstrated by the death, on February 23, 2010, of Mr. Orlando Zapata Tamayo, a political dissident who had been incarcerated since March 20, 2003<sup>7</sup>.

### Release of human rights defenders

In 2010 and 2011, the Cuban Government released a number of political prisoners, including human rights defenders, as part of an agreement with the Catholic Church. This was achieved following media coverage after the death of Mr. Orlando Zapata Tamayo and the actions of Mr. **Guillermo Fariñas**, a journalist and human rights activist, founder of a centre for civil training and an independent press agency. Mr. Fariñas began a hunger strike the day after Mr. Zapata's death, which lasted for 135 days, to demand the release of all political prisoners in a precarious state of health. The agreement with the Cuban Government in 2010 and 2011 included the release of 52 people who were still in prison and who were among the 75 people arrested and sentenced in March 2003 during the "Black Spring", when a large number of defenders and political opposition members were arrested and faced summary trials<sup>8</sup>. Of the 52 people freed between July 7,

4/ For example, all incarcerations typified as "posing a danger to society prior to committing an offence". According to the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), there are several thousand people detained under this legal concept. See CCDHRN, *Informe semestral (enero - junio 2010)*, June 5, 2010.

5/ See Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* - CRDHC) Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

6/ According to the CRDHC, in 2010 alone, there were reports of more than one hundred deaths in just forty prisons. See CRDHC Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

7/ Mr. Zapata Tamayo died after a hunger strike which worsened the effects of the ill-treatment and beatings he had received throughout his years in prison. Despite his delicate health situation, Mr. Zapata did not receive the necessary medical attention on time.

8/ Between March 18 and 20, 2003, around one hundred members of the political opposition were detained and then, some weeks later, 75 of them were given lengthy prison sentences, charged with attacking the independence of the State.

2010 and March 23, 2011, forty were obliged to leave Cuba immediately for Spain and only twelve stayed in Cuba, as they refused to leave the country as a condition to leaving prison. Among these 52 people are Messrs. **Normando Hernández González**, Director of the Camagüey College of Journalism (*Colegio de Periodistas de Camagüey*), and **Oscar Elias Biscet**, Founder and President of the Lawton Foundation (*Fundación Lawton*), a non-governmental organisation that promotes the study, defence and reporting of human rights in Cuba. In addition, throughout 2010 and 2011, other human rights defenders were released, including Messrs. **Juan Bermúdez Toranzo** and **José Luis Rodríguez Chávez**, National Vice-President and Vice-President respectively of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), imprisoned in 2008, Mr. **Julián Antonio Monés Borrero**, President of the “Miguel Valdés Tamayo” Cuban Movement for Human Rights (*Movimiento Cubano por los Derechos Humanos “Miguel Valdés Tamayo”*), imprisoned in 2008, Mr. **Ramón Velázquez Toranzo**, a journalist from the independent agency *Libertad*, imprisoned in 2007, Dr. **Darsi Ferrer Ramírez**, Director of the “Juan Bruno Sayas” Centre for Health and Human Rights (*Centro de Salud y Derechos Humanos “Juan Bruno Sayas”*), imprisoned in 2009, and Mr. **José Agramonte Leyva**, observer-visitor with the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional - CCDHRN*), imprisoned in 2010.

### **Continuous acts of “low profile” harassment and repression against human rights defenders**

Human rights defenders continued to suffer from “low profile” repression, including constant harassment and surveillance, detentions lasting hours, weeks or days, and short interrogations accompanied by ill-treatment, intimidation in defenders’ workplaces or meeting places, confiscation of work material and threats. One example of this repression was the harassment against the Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba - CRDHC*) in 2010 and 2011. On January 11, 2010, a State security official arrived at the CRDHC building and asked its owner, Mr. **Sergio Díaz Larrastegui**, to appear that same day before the political police force and the chief of police in La Habana, threatening to use force if he did not so. Later, on April 8, 2010, the independent journalists and members of CRDHC, Mr. **Juan Carlos González Leiva**, Ms. **Tania Maceda Guerra** and Ms. **Sara Marta Fonseca Quevedo**, as well as the activist Mr. **Julio Ignacio León Pérez**, were held under arrest for five hours in the seventh unit of the national revolutionary police, in the municipality of La Lisa, and their telephone books were confiscated. Likewise, on July 31, 2010, agents from the political

police force stopped the vehicle that Ms. Tania Maceda Guerra and Mr. Juan Carlos González Leiva and others were travelling in. All of the occupants of the vehicle were threatened and held under arrest for several hours. Finally, on January 19, 2011, a delegate from the local Government, a State security official and a lieutenant colonel from the Interior Ministry entered the offices of CRDHC's information centre, where they found Ms. Maceda Guerra, Ms. **Odalís Sanabria Rodríguez**, and Messrs. Juan Carlos González Leiva, **Pedro Enrique Machado** and **Raúl Borges Álvarez**, members of CRDHC's information centre, and remained there for forty minutes. During this time the State agents threatened the defenders with death, physical aggression and sanctions against themselves and against Mr. Díaz Larrastegui. None of these events were denounced before the authorities for fear of reprisals.

### **Obstacles to freedom of peaceful assembly**

Defenders who attempted to exercise their right to freedom of peaceful assembly were threatened and harassed on a number of occasions. Repression against freedom of assembly even reached the point of disrupting meetings in private houses, arresting and threatening those who attempt to meet there<sup>9</sup>. Within this context, on a number of occasions the Cuban security forces prevented the "Ladies in White" (*Las Damas de Blanco*), a group composed of wives and other family members of prisoners of conscience on the island, from peacefully demonstrating for the release of incarcerated dissidents. Habitually, they do these peaceful demonstrations after mass every Sunday. The Ladies in White were victims on a number of occasions of acts of intolerance, insults and threats<sup>10</sup>. Among these incidents, on October 7, 2010, Ms. **Sonia Garro Alfonso** and Ms. **Mercedes Fresneda Castillo**, part of the support group of the Ladies in White, were held under arrest by police officers in the area of El Vedado and driven to the 21 and C unit of the national revolutionary police, where they were severely beaten for having demonstrated against racism in Cuba<sup>11</sup>.

In light of Mr. Zapata Tamayo's delicate health condition, on February 3, 2010, a large protest was organised outside the hospital where he was being treated. The protesters continued with a peaceful, public march through the main streets of the city of Camagüey. The march was repressed by a politi-

9 / See CRDHC Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero de 2011*, February 2, 2011.

10 / *Idem*.

11 / See CCDHRN.

cal police operation, during which 24 protesters were violently arrested<sup>12</sup>. Some of those arrested were beaten, suffered ill-treatment, were insulted, and crammed into a car which transported them to different detention centres where they were held under arrest in deplorable and overcrowded conditions. Among those imprisoned was Mr. **Rolando Rodríguez Lobaina**, who was taken to an isolation cell in State security operational headquarters. The authorities did not inform his family of his whereabouts until February 7, 2010. Finally, the charges against Mr. Rodríguez Lobaina were not filed and he was released on February 7. However, as of April 2011, the case still remained open. In response to the repression carried out during the demonstration of February 3, 2010, several members of the Camagüey Human Rights Unit (*Unidad Camagüeyana de Derechos Humanos*) responded to the appeal of Mr. Zapata Tamayo's mother to hold a protest on February 4, 2010. The protesters were arrested and transferred to the third unit of the national revolutionary police force in Camagüey<sup>13</sup>. On February 8, 2010, the detainees from both demonstrations were released without charge, except for one person<sup>14</sup>. Additionally, on March 16, 2011, Mr. Rolando Rodríguez Lobaina was arrested again in the province of Guantánamo in order to prevent his participation in the commemoration of eight years since the "Black Spring". He was released without charge on March 21<sup>15</sup>.

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12/ Rolando Rodríguez Lobaina, Yordi García Fournier, Niober García Fournier, Maiky Martorell Mayáns, Raudel Ávila Losada, Caridad Caballero Batista, Idalmis Núñez Reinoso, Marta Díaz Rondón, Cristián Toranzo Fundicheli, Gertrudis Ojeda Suárez, Isael Poveda Silva, Carlos Manuel Hernández Reyes, Francisco Luis Manzanet Ortiz, Gabriel Díaz Sánchez, Yoandri Montoya Avilés, José Antonio Trigueros Mulet, Juan Carmelo Bermúdez, Julio Romero Muñoz, Carlos Artiles Delgado, Faustino Calá Rodríguez, Mildred Naomi Sánchez Infante, Rubén Marín Cárdenas and Belkis Bárbara Portal Prado.

13/ On this day, fourteen protesters were arrested, Virgilio Mantilla Arango, Faustino Calá Rodríguez, Meibi Mulén Díaz, Manuel Sardiñas Sañu, Nancy García López, Fernando Zamora O'Reilly, Héctor Nodarse Suárez, Teófilo Álvarez Gil, Ramón Soto Acosta, Rolando Muñoz Arana, Ridel Aróstegui Armenteros, Belkis Bárbara Portal Prado, Jesús Álvarez Aguado and Julio Romero Muñoz.

14/ Mr. Faustino Calá Rodríguez had been conditionally released. However this was revoked when he was newly arrested. By April 2011, Mr. Calá Rodríguez was still in prison.

15/ See CCDHRN.

## Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Cuban Council of Human Rights Rapporteurs (CRDHC)	Harassment	Urgent Appeal CUB 002/0809/OBS 124.1	January 14, 2010
CRDHC / Ms. Tania Maceda Guerra, Ms. Lázara Bárbara Cendiña Recarde and Messrs. Sergio Díaz Larrastegui, Hugo Damián Prieto Blanco, Carlos Alexander Borrero Galardi and Juan Carlos González Leiva	Harassment / Detention / Release/ Acts of aggression / Threats	Urgent Appeal CUB 001 0810/OBS 096	August 6, 2010
CRDHC / Ms. Tania Maceda Guerra and Ms. Odalis Sanabria Rodríguez and Messrs. Sergio Díaz Larrastegui, Juan Carlos González Leiva, Pedro Enrique Machado and Raúl Borges Álvarez	Threats	Urgent Appeal CUB 001/0111/OBS 010	January 27, 2011
Rolando Rodríguez Lobaina, Yordi García Fournier, Niober García Fournier, Maiky Martorell Mayáns, Raudel Ávila Losada, Caridad Caballero Batista, Idalmis Núñez Reinoso, Marta Díaz Rondón, Cristián Toranzo Fundicheli, Gertrudis Ojeda Suárez, Isael Poveda Silva, Carlos Manuel Hernández Reyes, Francisco Luis Manzanet Ortiz, Gabriel Díaz Sánchez, Yoandri Montoya Avilés, José Antonio Trigueros Mulet, Juan Carmelo Bermúdez, Julio Romero Muñoz, Carlos Artiles Delgado, Faustino Calá Rodríguez, Mildred Naomi Sánchez Infante, Rubén Marín Cárdenas, Belkis Bárbara Portal Prado, Virgilio Mantilla Arango, Faustino Calá Rodríguez, Meibi Mulén Díaz, Manuel Sardiñas Sañu, Nancy García López, Fernando Zamora O'Reilly, Héctor Nodarse Suárez, Teófilo Álvarez Gil, Ramón Soto Acosta, Rolando Muñoz Arana, Raidel Aróstegui Armenteros, Jesús Álvarez Aguado and Julio Romero Muñoz	Harassment / Police repression	Open Letter to the authorities	February 15, 2010