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CUBA

Ongoing repercussions of the crackdown

SC/CC/CO/GR

AI Index: AMR 25/035/2003

In mid-March 2003 Cuban authorities carried out an unprecedented clampdown on the dissident movement on the island. Over the space of a few days, security forces rounded up over 75 dissidents in targeted sweeps. With the exception of half a dozen well-known figures critical of the regime, most mid-level leaders of the dissident movement were detained. They were subjected to hasty and unfair trials, and, just weeks after their arrest, were given long prison terms of up to 28 years. Cuban authorities tried some of them under harsh, previously unused legislation. In spite of official claims that those arrested were "foreign agents" whose activities endangered Cuban independence and security, and having reviewed the trial verdicts and other documents of 71 of the 75 dissidents sentenced, Amnesty International believes that they are prisoners of conscience, imprisoned solely for the peaceful exercise of fundamental freedoms.

In early April 2003, the Cuban government ended a three-year *de facto* moratorium on executions, killing by firing squad three men who had been involved in a hijacking. They had been subjected to a summary trial and appeals process, and were executed less than a week after their trial began. Amnesty International's 3 June report, *Cuba: "Essential measures"? Human rights crackdown in the name of security* (AI Index: AMR 25/017/2003), provides information on the case of the executed men as well as on the background, legal framework and prosecution of the 75 newly-recognised prisoners of conscience.

The Cuban authorities have continued to claim that these measures were necessary to defend the country against threats posed to its national security by the United States. Based on its review of the available information, including the trial documents mentioned above, Amnesty International maintains that the activities for which the dissidents were prosecuted were not criminal in nature and did not jeopardise national security, falling rather within the parameters of the legitimate exercise of fundamental freedoms as guaranteed under international standards. At the same time that it deplores this escalation in grave violations by Cuban authorities, Amnesty International recognises the negative effect of the US embargo on the enjoyment of the full range of human rights in Cuba, and recommends in the June document that the US government revise its policy with a view to ending the harmful practice. However, neither the US embargo nor any other aspect of US foreign or economic policy can be used to justify grave violations of fundamental rights by the Cuban authorities.

Since the publication of the June report, Amnesty International has continued to follow events in Cuba closely. An update of the main concerns follows.

Prisoners of conscience

At the time of the June document, Amnesty International had been able to review legal documents from the trials of 51 of the 75 dissidents. The organisation has now had access to documents from the trials of 20 more of the dissidents, and its review of the new documentation has confirmed its judgment that they are prisoners of conscience, detained solely for the legitimate exercise of fundamental freedoms. Amnesty International again calls on the Cuban authorities to immediately and unconditionally release them.

In early June the People's Supreme Court reviewed appeals lodged by at least 50 of the dissidents' families in the days following their convictions, and ratified the sentences handed down against the dissidents by the provincial courts. This in effect exhausted the domestic remedies available to them. On 27 June, the United Nations High Commissioner for Human Rights' Personal Representative for Cuba, Christine Chanet, announced that she had appealed to President Castro to exercise his right of pardon on behalf of the 50 prisoners.

There are ongoing concerns about the health of numerous prisoners of conscience, including with regard to their access to appropriate medical attention and their conditions of detention. Access to family visits continues to be limited, as many of the prisoners continue to be imprisoned in facilities at great distances from their home provinces. Amnesty International continues to monitor the situation closely and raise its concerns regarding specific prisoners with the Cuban authorities. To date, the Cuban authorities have not responded to Amnesty International's repeated requests to discuss its concerns with them.

Death penalty

The three men executed in April, breaking Cuba's three-year *de facto* moratorium on executions, had been convicted following a reported hijacking attempt. In mid-July, Cuban authorities reported two further such attempts. In one instance, a stolen Cuban government boat was intercepted by the US Coast Guard in international waters off the Bahamas on 16 July and its occupants taken into US custody. On 21 July the twelve Cubans were returned to Cuba by US Coast Guard, after US authorities reported receiving assurances from Cuba that they would not face the death penalty.

On 14 July, three Cuban men armed with a pistol reportedly tried to force the captain of a fishing boat to take them out of the La Coloma port in the western Pinar del Río province. According to the official Ministry of the Interior communiqué, the captain jumped overboard and a standoff with security forces and other fishing boats ensued, during which a number of shots were heard; the suspected hijackers were subsequently found dead, having apparently shot each other in a dispute. The Ministry said that a witness account corroborated this version of events although press reports indicated that some victims' family members, who were not present during the incident, expressed doubts about it.

Harassment of dissidents

Amnesty International continues to follow closely the situation of dissidents who remain at liberty. Incidents of harassment of members of unofficial political parties, trade unions and other groups continue to be reported around the island. Several high-profile dissidents based in Havana have attended functions hosted by foreign governments, though some of their activities appear to be curtailed as well; in one example, former prisoner of conscience

Vladimiro Roca Antúnez's request for permission to travel to Mexico to take part in election monitoring was reportedly denied by the authorities.

Cuba and the international community

Cuba continues to be the subject of much international scrutiny. Although the **European Union** maintained its economic ties with the island, on 5 June it announced a number of punitive measures such as a scaling-back of high-level diplomatic and cultural contacts and the beginning of a re-evaluation of the EU common position on Cuba as a result of the March crackdown and its aftermath. In response, on 11 June the Cuban Ministry of Foreign Affairs issued a statement harshly criticising the EU's position with regard to Cuba, particularly that of member states Spain and Italy, and on 12 June Fidel Castro and his brother Raúl led massive demonstrations outside those embassies. On 14 June the Ministry announced that the 1995 agreement establishing the Spanish Cultural Centre in Havana had been suspended. Two days later, the General Affairs and External Relations council of EU foreign ministers ratified the EU's measures against Cuba and criticised the Cuban authorities' behaviour towards EU member states. The European Parliament passed a resolution on 3 July condemning the Cuban policy of "increased repression."¹

Relations with the **United States** remained strained, although representatives of the two countries did meet on 6 June, as provided for under migration accords agreed in 1994 and 1995, for the scheduled periodic discussion of issues related to this topic. The US Department of State issued its third annual global report on trafficking in persons on 11 June. For the first time, the report included Cuba; it listed the Cuban government as one of 15 which are not making "significant efforts" to combat the practice.² Cuban authorities rejected the claims. US Secretary of State Colin Powell raised US concerns about Cuba while addressing the 33rd General Assembly meeting of the **Organisation of American States** (OAS), held in Santiago, Chile in June. The Cuban government was excluded from participation in the OAS in 1962.

In a 2 July message to a summit commemorating the 30th anniversary of the **Caribbean Community** (CARICOM), Cuban President Fidel Castro reiterated Cuba's collaboration with the group's efforts in the areas of education and health. Cuba is not a member of CARICOM, but holds observer status.

Recommendations

Amnesty International once again urges the Cuban authorities

- to immediately and unconditionally release all prisoners of conscience, imprisoned solely for having peacefully exercised their rights to freedom of expression, association and assembly.
- to ensure that, pending their release, the 75 prisoners of conscience arrested in March have access to appropriate medical care and that their conditions of detention meet international standards.

¹ European Parliament resolution on the Thessaloniki European Council of 19-20 June 2003 (P5_TA-PROV(2003)0320).

² "Trafficking in Persons Report," released by the Office to Monitor and Combat Trafficking in Persons, United States Department of State, 11 June 2003.

- to put an immediate end to all forms of harassment and intimidation directed against dissidents who are solely attempting to legitimately exercise fundamental human rights.
- to reverse the regressive decision to resume executions, and to publicly commit itself to respecting the *de facto* moratorium in place prior to the April executions.

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