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CUBA: fundamental freedoms still under attack

It has been three years since the Cuban government's crackdown on dissent brought 75 persons to prison solely for the peaceful exercise of their right to freedom of expression, assembly and association. Amnesty International calls once more on the Cuban authorities to release all prisoners of conscience immediately and unconditionally. The organization also calls on the authorities to revoke all legislation that restricts freedom of expression, assembly and association, and to put a halt to all actions to harass and intimidate dissidents, journalists, and human rights defenders.

Prisoners of conscience

There are currently 72 prisoners of conscience in Cuba, 60 of whom are from the March 2003 crackdown. Although during 2004 and 2005 a total of 22 prisoners of conscience were conditionally released, mainly for medical reasons, imprisonment of government critics continued.

In July 2005, another clampdown on dissent resulted in the arrest of some 50 dissidents after participating in peaceful demonstrations and commemoration events. On 13 July 2005, around 20 people were detained whilst commemorating the "13 de Marzo" tugboat disaster of 1994, in which some 35 people were killed while attempting to flee Cuba when their boat was reportedly rammed by the Cuban authorities¹. More than eight months later, five of these remain in custody without charge.

On 22 July 2005 approximately 30 people were arrested as they tried to participate in a peaceful demonstration outside the French Embassy in Havana, to demand the release of political prisoners in Cuba. Nine of them remain in detention without charges.

Amnesty International believes that at least four of those arrested in July 2005 are prisoners of conscience, detained solely for exercising their right to freedom of expression, association and assembly. All the prisoners remain detained without trial or any formal charges. Although not charged, they are reportedly being held in maximum security prisons outside Havana.

The newly declared prisoners of conscience are:

¹ See AMR 25/13/97, July 1997.

René Gómez Manzano, (detained on 22 July 2005), a 63-year-old lawyer and Vice President of the Assembly to Promote Civil Society, *Asamblea para Promover la Sociedad Civil*. He was a prisoner of conscience in the past when he was arrested in July 1997 and sentenced to four years' imprisonment, charged with "sedition", "*sedición*". He was released in May 2000.²

Oscar Mario González Pérez, (detained on 22 July 2005), a 62-year-old independent journalist for the press agency *Grupo Decoro*. In March 2005 he was reportedly detained for one day and told to stop writing as an independent journalist.

Emilio Leyva Pérez, (detained on 13 July 2005), 41-year-old President of Hard Front Line, *Frente Línea Dura* and delegate of the *Asamblea para promover las Sociedad Civil* as well as being an active member of the *Proyecto Varela* campaign for a referendum on constitutional human rights reforms in Cuba. He was a prisoner of conscience in the past when he was acting President of the unofficial *Partido Pro Derechos Humanos de Cuba*, the Cuban Pro Human Rights Party. It is believed that he was arrested on 22 February 2002 to prevent him from participating in activities to commemorate the 24 February 1996 downing of two planes belonging to a Cuban exile group by the Cuban air force. He was charged with public disorder, disrespect and resistance but never tried. He was released on 8 June 2004.³

Julio César López Rodríguez, (detained on 22 July 2005), 39-year-old Vice President of the *Frente Línea Dura* and Director of an independent library. He has reportedly been campaigning peacefully for many years for political reform and the defence of human rights, and kept anti-totalitarian books in his library.

Political repression

Amnesty International is also seriously concerned about the number of dissidents, journalists, and human rights defenders that are reportedly being arrested under charges of 'pre-criminal dangerousness'. According to article 72 of Cuba's Criminal Code (Law 62), "*any person shall be deemed dangerous if he or she has shown a proclivity to commit crimes demonstrated by conduct that is in manifest contradiction with the norms of socialist morality.*" Article 75.1 of the same law provides that any police officer can issue a warning (*acta de advertencia*) for "dangerousness". A warning can also be issued for associating with a "*dangerous person.*"⁴ The declaration of a dangerous pre-criminal state can be decided summarily according to Decree No. 129, issued in 1991.⁵ Any person who has received one or more warning can be convicted of dangerousness and sentenced at a Municipal Tribunal for up to four years in prison.

According to the Cuban Commission on Human Rights and National Reconciliation, during 2005, more than 20 dissidents were arrested on charges of "dangerousness".

² See AMR 25/16/98 and AMR 25/24/98.

³ See AMR 25/008/2002 and AMR 25/001/2003.

⁴ Article 75.1, Cuban Criminal Code, Law 62 of 1987.

⁵ Annual Report 1998, OEA/Ser.L/V/II.102, Chapter V, para. 29, Inter-American Commission on Human Rights, OAS.

Freedom of expression, assembly and association

Governments are bound by international law to uphold the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and in any media. However, freedom of expression is very restricted in Cuba because of the complete control exerted by the government on all media outlets. Private ownership of press, radio, television and other means of communication is prohibited by law, thus the exercise of the right to freedom of expression is restricted by the lack of means of mass communication falling outside state control.

Independent journalist **Guillermo Fariñas** has been staging a hunger strike since 31 January 2006 to obtain access to internet for all Cubans. Internet remains under governmental control, accessible only through official organizations or at hotels from where Cuban nationals are normally barred.

All human rights, civil and professional associations and unions that exist today in Cuba outside the officialdom of the state apparatus and mass organizations controlled by the government are barred from having legal status. This often puts at risk the individuals who belong to these associations of facing harassment, intimidation or criminal charges for activities which constitute the legitimate exercise of the fundamental freedoms of expression, association and assembly.

Denial of freedom of expression has been considered as a factor which contributes to the violations of other human rights, notably the rights of human rights defenders which are enshrined in the UN Declaration on Human Rights Defenders⁶, adopted by the UN General Assembly on 9 December 1998. Cuba, as a member state of the UN, clearly committed itself to respect the rights of human rights defenders at the national and international level. However, the difficulties and harassment faced by human rights defenders reflect in today's Cuba the lack of fundamental freedoms and the pervasiveness of human rights violations at large.

Upsurge in Violent Attacks

Amnesty International is also seriously concerned about a recent cases of "*actos de repudio*", "acts of repudiation", when large groups of government supporters verbally abuse, intimidate and sometimes physically assault and throw stones and other objects at homes of anyone considered to be "counter-revolutionary" . These acts are normally carried out in collusion with the security forces and sometimes involve the Committees for the Defence of the Revolution (CDRs), *Comités de Defensa de la Revolución*⁷ or the Rapid

⁶ The Declaration on Human Rights Defenders is the abbreviation of the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.

⁷ The CDRs were founded in 1960 to "mobilise the people to defend the revolution and the conquests of socialism". They constitute the largest mass organization in Cuba and exist in every neighbourhood, in the collective task of vigilance against counter-revolutionary activity.

Response Brigades, *Destacamentos Populares de Respuesta Rápida*⁸. The level of violence of these recent acts is particularly worrying and unprecedented in the last few years.

For example, on 21 January 2006 a huge crowd of people arrived at the home of the **Sigler Amaya** family in Matanzas province. Reportedly, some members of the crowd had megaphones and shouted abuse and then entered the house with sticks. They reportedly hit and kicked the residents and broke furniture. A few days later, on 27 January, **Juan Francisco Sigler Amaya**, a member of the opposition group *Movimiento Independiente Opción Alternativa*, Alternative Option Independent Movement, reportedly suffered an attempt on his life whilst on his way to work by bicycle in the early hours of the morning. A car reportedly turned off its lights, sped up, and attempted to run him over, causing him to suffer severe bruising to the arms and legs as he fell off his bicycle. The occupants of the car reportedly shouted abuse and threats as they drove away. He was also the victim of an “*acto de repudio*” at his workplace on 23 January. Two of the Sigler Amaya brothers, Ariel and Guido, are currently prisoners of conscience, detained in the March 2003 crackdown and sentenced to 20 years’ imprisonment each.

On 3 February 2006, psychiatrist **Dr. Pedro Arturo Hernández Cabrera**, President of the Commission of Attention to Health, *Comisión de Atención a la Salud*, was reportedly attacked in his home in Cienfuegos province when his wife opened the door to a crowd, including a member of the Ministry of the Interior. He was shouted at, insulted. His home searched, and his books, letters, photos and a radio were confiscated and he was then taken to the *Unidad Municipal de la Policía Nacional Revolucionaria (PNR)*, a police station. When he finally returned home in the evening, his home was reportedly surrounded by some 300 people who proceeded to shout offensive remarks for about 40 minutes.

According to blind human rights defender and lawyer, **Juan Carlos González Leiva**, President of the *Fundación Cubana de Derechos Humanos*, Cuban Human Rights Foundation, he has been subjected to numerous “*actos de repudio*”. For example, in January 2006 he and some visitors were prevented from leaving his house for several days whilst pro-revolution music was played loudly outside and the electricity, water and telephone were cut off and no family members were allowed to enter the house.

Ex-prisoner of conscience **Marta Beatriz Roque Cabello**, President of the *Asamblea para Promover la Sociedad Civil*, has reportedly suffered several “*actos de repudio*” since her release on 22 July 2004. For example, according to reports, on 16 February 2006, members of the Rapid Response Brigades crowded around her house and would not permit anyone to leave or enter it. They also shouted abuse and played loud music for several hours.

The US embargo on Cuba

Amnesty International is concerned that the ongoing unilateral US embargo against Cuba continues to have a detrimental impact on the exercise of the full range of human

⁸ Rapid Response Brigades are made up of Communist Party members and others. They were created in 1991 to confront, by violent means if necessary, any sign of discontent or opposition to the government.

rights in Cuba. Amnesty International believes that the US embargo contributes to the undermining of key civil and political rights in Cuba. On these grounds, Amnesty International **calls for its immediate lifting**. The organization also calls on the Cuban government to stop using the embargo and the political antagonism with the US government as a pretext to violate the human rights of the Cuban people.

Amnesty International calls on the Cuban authorities:

- to release all prisoners of conscience immediately and unconditionally;
- to uphold rights pertaining to the UN Declaration on Human Rights Defenders;
- to bring charges against those still in detention or release them and ensure those charged are given a fair trial in compliance with international standards;
- to cease the harassment, persecution and imprisonment of human rights defenders, independent journalist and political dissidents while exercising their right to freedom of expression, assembly and association, and to allow them to obtain legal status for their organizations;
- to reform laws, regulations and administrative practices relating to freedom of expression, association and assembly in accordance with international standards;
- to eliminate from the Criminal Code provisions regarding “*dangerousness*” and all other provisions that might contribute to arbitrary detentions.