
CUBA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

Two years have passed since Mr. Fidel Castro stepped down from power and yet the situation in Cuba has not changed very much. At the international level, with the election of a new American President came the hope that the US-Cuban relations might improve, but no changes were seen in 2009. As such, the economic embargo that has been in place since 1962, with very serious consequences on access to food and health in Cuba, remained in force. On October 28, 2009, the UN General Assembly condemned the United States for not ending the economic embargo against Cuba¹, which continued to be basic pretext for political repression and for limiting fundamental freedoms on the island.

As a member of the UN Human Rights Council², Cuba was subjected to the Universal Periodic Review in February 2009. This review led to more than 80 recommendations, 60 of which Cuba accepted³. These recommendations, including those on the ratification of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other treaties related to the prohibition of torture, still had to be implemented. Furthermore, Cuba also still had to follow up on recommendations to invite all UN Special Rapporteurs to the island, especially those on human rights defenders and freedom of expression.

At the regional level, on June 3, 2009, the Organisation of American States (OAS) adopted Resolution AG/RES. 2438 (XXXIX-O/09), which rendered null and void the 1962 Resolution to exclude the Cuban Government from participating in the inter-American system.

At the national level, serious violations of civil and political rights persisted. Cuba continued to harass human rights defenders and disregard the

1/ See Resolution A/RES/64/6 from October 28, 2009. This resolution was supported by the 187 countries that voted against the embargo. In December 2009, the States present at the XIX Ibero-American Summit also demanded that the US Government ends its economic, commercial and financial blockade against Cuba, as well as stops applying the Helms-Burton Law.

2/ On May 12, 2009, Cuba was re-elected as a member of the Human Rights Council for another three-year term.

3/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Cuba*, United Nations Document A/HRC/11/22, May 29, 2009.

legitimacy of their activities, to repress political dissidents, and to hinder freedoms of movement, association, expression and peaceful assembly. In 2009, the number of prisoners of conscience remained high, reaching a total of 201 cases documented by the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* – CCDHRN)⁴. The majority of detainees were accused of terrorism or other acts against State security, including attack, contempt, slander of institutions and organisations of heroes and martyrs, public disorder, being “socially dangerous with a disposition to commit a crime” (*peligrosidad social pre-delictiva*), insubordination, disgraceful conduct, illegally exiting the country, espionage and pirating. Among the people detained for these crimes are also independent journalists⁵. Prisoners of conscience suffer from deplorable prison conditions that affect their physical integrity. The case of Mr. Orlando Zapata Tamayo, a member of the Alternative Republican Movement (*Movimiento Alternativa Republicana*) and the National Civic Resistance Committee (*Consejo Nacional de Resistencia Cívica*), who began a hunger strike on December 3, 2009 to protest against his arbitrary detention and poor treatment in prison, is very telling of the situation⁶.

When it was announced that the UN Special Rapporteur on Torture would be visiting the country, Cuba began to make a series of changes to its prison policy. Facilities were altered, some prison rules were changed⁷, some inmates were transferred to lower security detention centres, while others were transferred to closed labour camps in the mountains, “where they can enjoy the air and sun, but are subjected to rigorous agricultural labour all

4/ See CCDHRN Report, *Cuba a Inicios del 2010: Continúa Empeorando la Situación de Derechos Humanos*, January 19, 2010. The 201 documented cases show a similar level to that of 2008, when 205 cases were recorded.

5/ The work of journalists is constrained by the “Law for the Protection of National Independence and the Economy of Cuba” under which people can be detained for up to 20 years for making commentaries that the State believes will help the “enemy”. Similarly, under the “Enemy Propaganda Law”, a person can serve up to 15 years in prison for spoken or written propaganda. In addition, access to the Internet is limited in Cuba, thus being one more obstacle to freedom of expression.

6/ Mr. Orlando Zapata Tamayo died on February 23, 2010 at the “Hermanos Ameijeiras” hospital in Havana, as a result of the various types of mistreatment and abuse that he suffered while in detention. The effects of this mistreatment worsened during his hunger strike and, according to reports, did so because of a lack of proper medical attention.

7/ According to the Cuban Council of Human Rights Rapporteurs (CRDHC), some of the changes to prison regulations include allowing prisoners to wear watches and rings, etc. Furthermore, in some cases, officials distributed certain goods to prisoners, such as a pair of underpants per prisoner, toilet paper, a toothbrush and a disposable razor, among other things.

day long and are paid meagre wages. This allowed the authorities to clear out the penitentiaries, eliminating overcrowding and other deficiencies”⁸.

Moreover, it should be noted that some NGOs in Cuba were still not recognised by the Government, although they tried to register themselves as stipulated by the law. The CCDHRN, for example, has sought this recognition since 1987 in accordance with the Law on Association, but in vain. The State does not respond to certain requests so that these organisations remain “illegal” and so that the Criminal Code can be used against their members⁹. Likewise, the crime of being “socially dangerous with a disposition to commit a crime”¹⁰, used to harass defenders, remained in effect.

“Ongoing and low profile” repression

The policy of “ongoing and low profile” repression of human rights defenders is based on constant harassment and monitoring, systematic arrests that last either a few hours or a few days, threats, and short but abusive interrogations. Human rights defenders were threatened with having to leave Havana, being sentenced up to twenty years in prison or facing restrictions to their freedom of movement, among other things.

For instance, the Ladies in White (*Las Damas de Blanco*) continued to suffer from constant monitoring, harassment and threats from agents from the Department of State Security (*Departamento de la Seguridad del Estado* – DSE) and Committees for the Defence of the Revolution (*Comités de Defensa de la Revolución*)¹¹. For example, on December 9 and 10, 2009, the Ladies in White were visited by State Security agents, threatened and then brutally beaten in the streets of Havana as they were organising a peaceful demonstration to celebrate Human Rights Day¹².

The members of the Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* – CRDHC) as well as the people who work with them were also victims of the

8/ See CRDHC Bulletin, March 2009.

9/ See Cuban Democratic Directory.

10/ Articles 72 to 84 of the Criminal Code. There are no exact figures but, according to the CCDHRN, several thousands of Cubans are imprisoned for this crime, including human rights defenders.

11/ The Ladies in White have suffered various acts of harassment because of their fight for the release of their family members, spouses, fathers, brothers, sons, nephews, and even friends, who were arrested during a period known as the Black Spring of 2003. Between March 18 and 20, 2003, 75 Cuban opponents were detained and, a few weeks later, were charged with “attacking the State’s independence” and given long sentences. The majority of these people are considered prisoners of conscience because they did not commit any crime, but are being punished for having peacefully exercised their fundamental freedoms.

12/ See Cuban Democratic Directory.

State's approach to permanent, low profile repression. In January 2009, Mr. **Sergio Díaz Larrastegui**, a visually impaired English professor, was fired from the Copextel company for hosting the CRDHC in his home as well as receiving Mr. **Juan Carlos González Leiva**, Secretary General of the CRDHC, and Ms. **Tania Maceda Guerra**, an independent journalist from the CRDHC. On May 8, 2009, Mr. Díaz Larrastegui was detained for the entire afternoon at the police station in Luyanó, Havana. Although he is blind, deaf and diabetic, he was placed in an isolated cell, where he was subjected to a long, severe interrogation and was mistreated by State Security officials. Members of the DSE pressured him to cooperate with them, allowing them to put microphones and cameras in his home, and to inform them of the people passing through his house. They also told him that the people he was hosting in his house were counterrevolutionaries and should therefore leave. On May 13, 2009, Mr. Sergio Díaz Larrastegui, Mr. Juan Carlos González Leiva and Ms. Tania Maceda Guerra were summoned to appear before a DSE and national police official at the police station. There they received a fine of 4,500 pesos and were told to leave Mr. Díaz Larrastegui's house and return to their native province of Ciego de Ávila. On August 14, 2009, Ms. **Doralis Álvarez Soto** and Ms. **Yudelmis Fonseca Rondón**, reporters for the CRDHC Information Centre, were summoned and arrested by DSE agents, who subjected them to cold temperatures for four hours¹³. Both were threatened with prison time and exile from Havana. Furthermore, on August 14, 2009, Cuban Military Intelligence Services cut the Information Centre's phone line for five days. Two weeks earlier, their email address had been disabled. This harassment of the Council of Human Rights Rapporteurs continued throughout 2009.

In addition, the policy of rejecting visas to leave the country remained in effect. For instance, Mr. **Oscar Mario González Pérez**, an independent journalist from the CRDHC, was not granted a visa to leave the country in order to visit his daughter in Sweden. He has been denied this visa for more than ten years, which prevents him from leaving the country¹⁴.

Obstacles to freedom of assembly

The legal framework is not the only obstacle to legalising human rights organisations – their members were also subjected to threats and constant harassment, thus impeding their freedom of assembly. For example, the Ladies in White received threats that prevented them from holding meetings. On February 10, 2009, a DSE agent came to Ms. **Ariana Montoya**

13/ Confinement to a cell or office with air conditioning placed on full blast is a systematic method of mistreatment used by Cuban State security in prisons.

14/ See CRDHC Bulletin, January 2009.

Aguilar's house and strictly forbade her from going to Saint Rita of Cascia Church, one of the places where the Ladies in White often gather. On March 8, 2009, the authorities tried to prevent various Ladies in White from participating in an International Women's Day event in Havana. **Ms. Maritza Castro**, **Ms. Ivonne Mayeza Galonne** and **Ms. Neris Castillo**, were arrested before being released three hours later, while other Ladies, whose names were not disclosed, were prevented from leaving their houses to attend the event.

The peaceful demonstrations that were organised in honour of the International Human Rights Day were also repressed by the State. Thus, the CCDHRN published an incomplete list of the names of 73 people who were either detained by the police or kept in their houses without any warrant on December 10, 2009¹⁵.

In terms of independent journalists, on November 6, 2009, **Ms. Yoani Sánchez**, a well-known blogger, and **Mr. Orlando Luis Pardo Lazo**, a writer, were detained and beaten in the middle of Havana to prevent them from attending an anti-violence event organised by independent artists. The event involved a march down a central avenue of the Cuban capital in protest of all forms of violence in Cuban society, including State violence. The participants were going to carry signs that read the slogan "Join in and say no to violence". Other bloggers, such as **Ms. Claudia Cadelo**, were also detained to prevent them from participating in the march. The detainees were forced to get into State Security vehicles with unusual license plates and were released a few hours later¹⁶.

Ongoing arbitrary detention of several human rights defenders

In 2009, the Cuban Government continued to arbitrarily detain and prosecute human rights defenders¹⁷. For instance, **Mr. Darsi Ferrer Ramírez**, Director of the "Juan Bruno Zayas" Health and Human Rights Centre (*Centro de Salud y Derechos Humanos*), was arrested on July 21, 2009 and accused of having bought illegal materials for his house. A few days earlier, he and his wife had been arrested for a few hours in order to prevent them from attending a peaceful march for freedom of expression in Havana. While under arrest, both were interrogated and **Mr. Ferrer Ramírez** was handcuffed and beaten by eight policemen. At the end of 2009, **Mr. Ferrer Ramírez** remained detained in a high security prison

15 / A complete list is available at www.misclaneasdecuba.net/web/article.asp?artID=24808.

16 / See Cuban Democratic Directory.

17 / See CRDHC Report, *Informe Sobre la Situación de Derechos Humanos en Cuba: enero a diciembre de 2009*, January 26, 2010.

for inmates convicted of violent crimes¹⁸. The prevalence of this sort of detention represents a step backwards for human rights defenders in Cuba.

Similarly, the human rights defenders and independent journalists who were arrested in March 2003 remained imprisoned at the end of 2009, including Messrs. **Normando Hernández González**, Director of Camagüey's College of Journalists (*Colegio de Periodistas de Camagüey*), and **Oscar Elías Biscet**, Founder and President of the Lawton Foundation (*Fundación Lawton*). In addition, Messrs. **Juan Bermúdez Toranzo** and **José Luis Rodríguez Chávez**, respectively National Vice-President and Vice-President of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), as well as Mr. **Julían Antonio Monés Borrero**, President of the "Miguel Valdés Tamayo" Cuban Movement for Human Rights (*Movimiento Cubano por los Derechos Humanos "Miguel Valdés Tamayo"*), remained in prison as of the end of 2009 after being arrested in 2008. Likewise, Mr. **Ramón Velázquez Toranzo**, a journalist for the independent agency *Libertad*, was still being held at "La Piedra" forced labour camp, after being arrested on January 16, 2007 for peacefully demonstrating for freedom of expression on December 10, 2006¹⁹. Mr. **Leodán Mangana López**, Municipal Delegate of the Cuban Foundation for Human Rights, was released from prison in 2009 after he served part of his sentence, on the basis of the Cuban law, which makes provision for the crime of being "socially dangerous with a disposition to commit a crime".

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Ladies in White / Ms. Maritza Castro, Ms. Ivonne Mayesa Galano, Ms. Neris Castillo and Ms. Ariana Montoya Aguilar	Threats / Harassment	Urgent Appeal CUB 001/0308/OBS 042.2	March 10, 2009
Mr. Juan Carlos González Leiva, Mr. Sergio Díaz Larrastegui and Ms. Tania Maceda Guerra	Threats / Harassment	Urgent Appeal CUB 001/0509/OBS 073	May 14, 2009
Cuban Council of Human Rights Rapporteurs Information Centre / Ms. Doralis Álvarez Soto, Ms. Yudelmis Fonseca Rondón, Ms. Tania Maceda Guerra, Mr. Juan Carlos González Leiva and Mr. Virgilio Mantilla Arango	Threats / Harassment / Detention	Urgent Appeal CUB 002/0809/OBS 124	August 25, 2009

18 / See CCDHRN Report, August 2009.

162 19 / Mr. Ramón Velázquez Toranzo was released from prison on January 19, 2010.