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## USCIRF Annual Report 2011 - The Commission's Watch List: Cuba

[Covers April 1, 2010 to March 31, 2011]

**FINDINGS:** Serious religious freedom violations continue in Cuba despite some improvements. Violations by the Cuban government include: detention, sporadic arrests, and harassment of clergy and religious leaders affiliated with unregistered religious groups, as well as the control and monitoring of religious belief and practices including through surveillance, infiltration, and legal restrictions prohibiting religious communities from operating without government permission. These conditions exist under the one-party rule of a Communist government that continues to have an overall poor record on human rights.

Based on these concerns, USCIRF again places Cuba on its Watch List in 2011. Cuba has been on the Commission's Watch List since 2004.

Cuban authorities continue to control some religious practices tightly. Within this reporting period, authorities arrested, imprisoned, harassed, and threatened religious leaders who called for increased separation of church and state, whose denominations have withdrawn from the state-affiliated Cuban Council of Churches, and whose denominations have caught the government's attention because of their large size. Although Cuba's government seeks to project an image of respect for the right to religious freedom, state authorities perceive that some religious organizations could threaten the government's legitimacy. Nevertheless, positive developments and improvements in the status of religious freedom in Cuba continued for the majority of religious denominations, particularly for the Catholic Church, which had a leading role in the release of dozens of political prisoners in this reporting period. In a change of policy, the U.S. government in early 2011 made it easier both for American religious groups to travel to Cuba and for U.S. remittances to be sent to religious communities on the island.

**PRIORITY RECOMMENDATIONS:** The U.S. government's programs to promote human rights in Cuba inadequately address the promotion of freedom of religion. USCIRF recommends that, in addition to demanding that Havana release religious leaders who have been unjustly imprisoned, the United States set benchmarks for the Cuban government to meet regarding the protection of freedom of religion or belief in Cuba before it will consider resuming full diplomatic relations with that country. In addition, the U.S. government should use appropriated funds to advance Internet freedom and protect Cuban activists from harassment and arrest by supporting the development of new technologies, while also immediately distributing proven and field-tested programs to counter censorship. Additional recommendations for U.S. policy towards Cuba can be

found at the end of this chapter.

## **Religious Freedom Conditions**

### *Arrests of Religious Leaders*

During the reporting period, the Cuban government continued to direct activities against religious leaders who have withdrawn their denominations from the government-recognized Protestant umbrella group, the Cuban Council of Churches (CCC), who criticized the government's interference in their churches, and/or who are not registered and maintain their independence from the state.

Reverend Robert Rodriguez, president of the umbrella Interdenominational Fellowship of Evangelical Pastors and Ministers, remains under house arrest and continues to await a trial on an October 2008 "offensive behavior" charge. Prior to his 2008 arrest, Rodriguez withdrew his denomination from the CCC after publishing a letter criticizing state interference in church affairs. In response, the Cuban government stripped Rodriguez of his position as president of the umbrella organization, a move the organization condemned as unconstitutional. Simultaneously to Rodriguez's 2008 arrest, his son Pastor Eric Gabriel Rodriguez, of the same denomination, was tried and given a sentence of one year's probation for disturbing the public order, which he has served.

Rodriguez's family was forced to move in August 2009 after prolonged and intense harassment by neighbors, including a physical attack on his pregnant daughter-in-law that resulted in a miscarriage. The perpetrators of this attack were not held accountable; instead, the daughter was charged with disturbing the public order and fined. In September 2010, Rodriguez was arrested and then cleared of "threatening behavior" charges after the accuser gave contradictory evidence.

Cuban government officials continue to target the "Apostolic Reformation," a non-political religious "movement" that has attracted pastors from several CCC denominations. The "movement" reports that in 2009 and 2010, more than 100 of its members were detained for short periods of time. In addition, during the reporting period, the group reported that members were targeted for job losses, evictions, destruction of meeting places, confiscation of religious materials, and discrimination.

Apostolic Reformation Pastor Omar Gude Pérez remains in prison under a six-year sentence for illicit economic activity and falsification of documents imposed in April 2009 – the longest sentence handed down to a religious leader in decades. In May 2008, Gude was arrested and his family was told he would be charged with "human trafficking." The pastor received numerous threats from government officials prior to his imprisonment. The human trafficking case was dismissed in March 2009, but one month later he was charged with and sentenced for illicit economic activity and falsification of documents. Following the sentence, Gude's house was searched and his family was threatened with eviction and confiscation of their belongings. In January 2010, Gude was denied the right to appeal his sentence.

Christian Solidarity Worldwide released a video showing Caridad Diego, Director of the Religious Affairs Office of the Central Committee of the Cuban Communist Party and chief interlocutor between religious communities and the Cuban government, describing government plans to continue to target the Apostolic Reformation. Diego explained that government actions would include confiscating homes, houses of worship, and religious materials, as well as withholding visas from co-religionists. In the video, Diego notes that because the Apostolic Reformation refuses to register, its activities are illegal and the religious community is vulnerable to these actions.

### *Governmental Oversight and Legal Restrictions*

The Cuban government's main interaction with and control over religious denominations is through its surveillance and harassment of religious leaders and its administration of

registration requirements. The government requires churches and other religious groups to register with the relevant provincial office of the Registry of Associations within the Ministry of Justice. Registration permits religious leaders to receive foreign visitors, import religious materials, meet in approved houses of worship, and apply for travel abroad for religious purposes. The registration process is invasive, as religious communities are required to identify funding sources and locations for activities. After submitting their application, the government will then certify whether or not a registering community is duplicating the activities of other registered religious communities.

Religious communities new to Cuba in the past couple of decades have been denied permission to build houses of worship. As a result, many of these registered and unregistered communities hold services in private homes or similar accommodations, commonly known as "house churches." In response to the growth of house churches and lack of oversight of them, the government implemented Directive 43 and Resolution 46 in 2005, requiring all house churches to register and submit to the government detailed information on their membership, the house church's inhabitants, and the schedule of services. The law permits no more than three meetings to be held per week, bars foreign citizens from participating in services without government permission, and requires house churches of the same denomination to be at least two kilometers apart. In 2009, the State Department reported that 2,400 of the 4,500 house churches that have applied have been registered.

Other means by which the government restricts religious practice include the following: failure to give permission to build new houses of worship, repair or restore existing ones, or access construction materials; denial of access to state media; denial of exit visas; state monopoly on printing presses for religious material; censorship by the Ministry of Culture through the required registration of publications; prohibition on private religious schools; limitations on the entry of foreign religious workers; denial of Internet access to religious organizations; denial of religious literature, such as Bibles, to persons in prison; denial of permission from local Communist Party officials to hold processions or events outside religious buildings; and religious discrimination in the area of employment. Converts from Santeria (a syncretistic religion of the West African Yoruba religion, Roman Catholicism, and Native Indian religions found in the Caribbean) to Catholicism are reportedly encouraged to "retire," not given promotions or pay raises, or excluded from work functions or meetings because colleagues no longer consider them "trustworthy." Unofficially, people who are overtly religious also are excluded from diplomatic work, journalism, or the police, military, or other security forces.

### *Catholic Church*

The Catholic Church faces similar religious freedom restrictions as other religious communities. These include: restrictions on construction of houses of worship; denial of access to state media; denial of exit visas; censorship by the Ministry of Culture through the required registration of publications; prohibition on private religious schools; limitations on the entry of foreign religious workers; denial of Internet access; and denial of permission from local Communist Party officials to hold processions or events outside religious buildings.

The Catholic Church undertook a significant role as an intermediary between the Cuban government and Cuban human rights activists. Beginning in May, Catholic Cardinal Ortega met with President Raul Castro and is credited with the removal of government and government-sponsored blockades preventing the processions of the Ladies in White, a group of female relatives of political prisoners and their supporters who hold weekly marches after Sunday Mass at Santa Rita Catholic Church in Havana. Cardinal Ortega also became a "mediator" between political prisoners and the Cuban government. Working with the Spanish government, Cardinal Ortega succeeded in getting the Cuban government to agree in July to the release of 52 political prisoners by November 8, on the condition that they move to Spain upon their release. At the time of this writing, more than 100 prisoners have been released, including all those agreed to in July. Negotiations between the Cardinal, the Cuban government, and the Spanish government continue.

Additionally, the Vatican Secretary for Relations with States, Dominique Mamberti, traveled to the island in June 2010 seeking improved relations between the Vatican and Cuba. During his visit, Cardinal Mamberti called for increased religious freedom for all religious communities.

### *Improvements*

Positive developments for the Catholic Church and major registered Protestant denominations, including Baptists, Pentecostals, Presbyterians, Episcopalians, Methodists, and others noted in 2009 continued during the reporting period. Despite difficulties in acquiring building materials due to government oversight of construction projects on the island, most religious denominations reported an improved ability in obtaining government permission to repair or restore existing churches, and in some cases to build new buildings on the foundations of old ones. In September, construction of a Catholic Church seminary was completed; instruction started in the seminary in 2009. The State Department reports that religious communities were given greater freedom to discuss politically sensitive issues. Religious denominations reported increased opportunities to conduct some humanitarian and charity work, receive contributions from co-religionists outside Cuba, and obtain Bibles and other religious materials. Small, local processions continued to occur in the provinces in 2010. The Cuban Council of Churches was granted time for periodic broadcasts early Sunday mornings, and Cuba's Roman Catholic Cardinal read a Christmas and Easter message on state-run stations. Additionally, there were fewer reports of illegal house churches being fined, confiscated, or evicted.

In September 2009, government officials announced that mass and church services may be held in prisons whenever requested by inmates, and CCC pastors have started to do so in several prisons, with plans to expand countrywide. The Catholic Church continued to be permitted to conduct Christmas and Easter mass in prison, a practice started in 2008. The State Department and Christian Solidarity Worldwide continue to report that some political prisoners were prevented from attending mass, particularly those who refused to wear prison uniforms, but this did not occur as frequently as in years past.

Raul and Fidel Castro also took steps to reach out to the island's small Jewish community. Raul Castro celebrated Hanukkah with the community in December. This was the first time in more than a decade that one of the Castro brothers participated in a Jewish religious ceremony. In September, Fidel Castro spoke out against Iranian President Mahmoud Ahmadinejad's denials of the Holocaust, saying, "I don't think anyone has been slandered more than the Jews," and adding that Jews "were expelled from their land, persecuted and mistreated all over the world."

Religious leaders and organizations on the island continue to report significant increases in membership, especially among the young. Churches are reporting increased participation in religion classes for children after the state schools stopped scheduling activities on Saturdays and Sundays.

### **U.S. Policy**

The United States and Cuba do not have full diplomatic relations, and U.S.-Cuba policy continues to be dominated by the U.S. trade sanctions and travel embargo on Cuba. Since 1963, when the first sanctions on Cuba were imposed through the Trading with the Enemy Act, there have been periods of tightening and easing of U.S. sanctions on Cuba, but relations between the two countries have remained poor.

President Barack Obama continued efforts implemented during the previous reporting period to ease U.S. sanctions on Cuba. In April 2009, the President lifted restrictions on the number of times Cubans in the United States can travel to Cuba and the amount of money they can send to relatives in the country. In January 2011, increased travel opportunities for some U.S. groups to Cuba were further advanced to make it easier for U.S. schools, churches and cultural groups to visit Cuba. Americans can now send up to \$2,000 annually to Cubans, \$500 per quarter, to "support private economic activity."

Religious communities can now apply to travel to the island under a general license and remittances can be sent to religious communities to support religious activity in Cuba.

Beginning in 2009, the United States government began issuing licenses for companies to provide cellular telephone and television services in Cuba, permitted technology companies to export Internet services to Cuba to increase freedom of expression and to allow human rights activists to collect and share information, and allowed more U.S. airports to apply for permission to run U.S.-Cuba charter flights. Additionally, during this reporting period meetings and discussions on the resumption of mail services and migration issues between senior-level U.S. and Cuban diplomats continued to occur.

The U.S. government continues to raise human rights concerns with Cuban authorities, and calls on allies to do the same. The Obama administration supports the efforts by the Spanish government and the Catholic Church to raise the release of political prisoners.

The December 2009 arrest and continued imprisonment of USAID contractor Alan Gross, despite efforts to secure his release by U.S. government officials and the U.S. Jewish community, also hinders improved U.S.-Cuban relations. Gross was arrested for entering Cuba multiple times on a tourist visa to provide communication technologies for the Cuban Jewish community. Senior administration officials met with Gross in January 2011 and called for his release throughout 2010; in February 2011, the Cuban government announced that it planned to charge Gross with "acts against the integrity and independence" of Cuba and to request a 20-year jail term. Gross was convicted of crimes against the state and sentenced to 15 years in prison on March 12, prompting the White House to call for Gross's immediate release. In late March 2011, former President Jimmy Carter traveled to Havana and met with Gross, Fidel and Raul Castro, Cardinal Ortega, and Cuban dissidents. Despite President Carter's meetings, Gross remains imprisoned as of this writing.

Tensions between the two nations also stem from the continued imprisonment of the "Miami Five," five Cuban intelligence officers convicted in 1966 in Miami of espionage, conspiracy to commit murder, and other illegal activities in the United States. A three-judge panel of the 11th U.S. Circuit Court of Appeals in Atlanta overturned the convictions in 2005, citing the "prejudices" of Miami's anti-Castro Cubans, but the full court later reversed and reinstated the original convictions. The Cuban government maintains that the five were spying on the Cuban exile community in Miami, not the U.S. government, and demands their freedom.

U.S. assistance to Cuba seeks to promote democracy on the island, including support for civil society and rule of law and human rights programs. Although the U.S. government says that it promotes freedom of religion or belief within its overall democracy and human rights programs, no such activities have been undertaken. The focus of these programs is on strengthening independent civil society organizations and independent media, including journalists and libraries. The U.S. government also provides humanitarian assistance to political prisoners and their families and funds the Miami-based Radio and TV Marti to broadcast independent news into Cuba, although much of the transmission is blocked by Cuban authorities.

## **Recommendations**

The U.S. government should prioritize religious freedom in its own programs and policies, while also engaging in multilateral efforts with international partners, in order to advance the freedom of religion or belief and related human rights in Cuba.

### **I. Advancing Religious Freedom through U.S. Programs and Policies**

The U.S. government should:

- press the Cuban government to meet the following benchmarks concerning the freedom of thought, conscience, and religion or belief prior to considering

resuming full diplomatic relations with the country, including:

- unconditionally release all religious leaders detained or imprisoned and drop all charges against such persons because of their independence from the state, including Reverend Robert Rodriguez and Pastor Omar Gude Pérez;
  - stop further arrests and harassment of clergy and religious leaders and infiltration and intimidation of religious communities by state security agencies and hold those involved in any further such practices accountable for their conduct;
  - make public statements, at the highest level, informing security and other personnel that they will be held accountable for actions that violate the human rights of non-violent religious practitioners;
  - revise government Directive 43 and Resolution 46, which restrict religious services in homes or on other personal property, and other national laws and regulations on religious activities to conform them to international standards on freedom of religion or belief;
  - cease interference with religious activities and the internal affairs of religious communities, such as denials of visas to religious workers, limitations on freedom of movement of religious workers, arbitrary prevention of religious ceremonies and processions, and attempted interference in elections in religious bodies;
  - end the practice of arbitrarily denying registration to religious groups and allow unregistered religious groups to operate freely and legally;
  - issue permits for construction of new places of worship;
  - end the practice of evictions and expropriation of personal property of religious individuals or communities without due process;
  - end the restrictions on religious communities' access to the media and censorship of religious publications; and
  - lift restrictions on humanitarian, medical, charitable, or social service work provided by religious communities and protect persons who conduct such work.
- ensure that U.S. government funding budgeted to promote human rights and democracy in Cuba includes support for effective initiatives advancing freedom of religion or belief;
  - increase the number of visas issued to Cuban religious leaders from both registered and unregistered religious communities to travel to the United States to interact with co-religionists in the United States;
  - encourage Radio Marti and TV Marti to report on the international standards of freedom of religion or belief and on religious freedom conditions in Cuba;
  - continue to promote religious freedom and related human rights by eliminating barriers in U.S. law that result in the denial of Internet services to religious freedom and human rights activists in Cuba;
  - use appropriated Internet freedom funds to develop free and secure email access for use in Cuba; facilitate the dissemination of high-speed internet access via

satellite; and distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy; and

- award funds appropriated by Congress to counter censorship in Cuba, including from the Fiscal Year 2010 Consolidated Appropriations Act and other sources, through a competitive and merit-based process.

## **II. Advancing Religious Freedom through Multilateral Efforts**

The U.S. government should:

- encourage international partners, including key Latin American and European countries, the European Union (EU), and Canada, to ensure that violations of freedom of religion or belief and related human rights are part of all formal and informal multilateral or bilateral discussions with Cuba;
  - work with the EU to implement measures in response to Cuba's noncompliance with the EU Common Policy's human rights benchmarks and urge Canada to develop and use such benchmarks; and
  - work with international partners to encourage the release of prisoners, including Reverend Robert Rodriguez, Pastor Omar Gude Pérez, and Alan Gross, detained for their human rights and religious freedom activities.
-