

**United States Congress
House of Representatives
Committee on Government Reform
Human Rights Conditions in Cuba
Testimony of Jaime Suchlicki*
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The Castro government's intolerance of dissent and any freedoms in Cuba remains unique in Latin America. The 45-year-old dictatorship of Fidel Castro is bent on maintaining tight political control now and into the foreseeable future

There is no evidence that Castro is mellowing or willing to make meaningful or durable concessions. Even the mild economic changes introduced after the collapse of the Soviet Union are being reversed. Independent workers are being curtailed; small restaurants are being closed, and the use of the U.S. dollar, legalized since the 1990's, is being restricted.

Despite international outcry and appeals to the Cuban government from the United Nations and the European Union, the Castro regime has been relentless in its efforts to eradicate all dissent and independent civil society activities in the island. Since its crackdown launched against dissident leaders and human rights advocates in the spring of 2003, no fewer than 91 individuals have been summarily tried and sentenced for the peaceful exercise of their civil rights and liberties, many of which are even recognized by Cuba's own communist constitution of 1976.

In addition, many others continue to be deprived of their freedoms or otherwise repressed. As can be seen by recent cases in Cuba, the judicial system operates at the whim of the executive power without any care or consideration for due process.

It is important to emphasize that the harsh sentences imposed on the dissidents in 2003, and the continuous repression, is motivated not by U.S.

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policies as some contend, but by Castro's commitment to remaining in power. Cuba is undergoing a Chinese-type cultural revolution, albeit less dramatic than in China, where an aging leader insists on purifying and rejuvenating "his" revolution and assuring a smooth succession to his brother and the Cuban military.

Events in Cuba are not the result of U.S. foreign policy. It is clear that Castro's actions are not dictated by U.S. policies but by his own convictions of what is best for his regime and his permanence in power.

Some in this country advocate a policy of engagement in the hope that Castro will soften his policies. Europeans, Canadians and Latin Americans have engaged the Cuban dictator with little or no results. Neither engagement nor punishment has worked with Castro in the past. They are not likely to work in the future.

The challenge we face is two fold: how best to mobilize public opinion both at home and abroad to forestall the continuous abusive policies of the Castro regime toward its own people, and how to hasten the end of this repressive and brutal regime.

Rewarding and supporting regimes that violate human rights and abuse their population is an ill-advised policy.

Not all differences and problems in international affairs can be solved through negotiations or can be solved at all. There are disputes that are not negotiable and can only be solved either through the use of force or through prolonged patience until the leadership disappears or situations change.

The Castro era may be coming to an end if for no other reason than biological realities. Fidel Castro is seventy-seven and deteriorating physically. U.S. policy should stay the course and wait for Castro's disappearance. In the meantime, a prudent course would call for support for dissidents in the island and for the creation of an independent civil society; for providing the Cuban people information about transition in Eastern Europe and elsewhere to prepare them to deal with their own transition; for increasing the frequency and availability of Radio and T.V. Marti as well as other overt and covert policies and actions as appropriate.

The lifting of the embargo now will condemn the Cuban people to a longer dictatorship and the perpetuation of a failed Marxist-Leninist society.

The gradual lifting of the embargo entails a real danger that the U.S. may implement irreversible policies toward Cuba while Castro provides no concessions to the U.S. or concessions that he can reverse. Giving away U.S. policy now will deprive the U.S. of an important carrot to encourage change in a post-Castro Cuba.

Lifting the embargo will strengthen the current totalitarian political structures and prevent a rapid transformation of Cuba into a free and democratic society.

The lifting of the travel ban without meaningful and irreversible concessions from the Castro regime would provide the Castro brothers and Cuba's state businesses much needed foreign exchange.

Thousands of Canadians, European and Latin American tourists have visited the island with no democratic transformation. Similarly American tourists will not bring about democratic change and prolong the suffering of the Cuban people.

The Castro government's violations of human rights are partially described below:

FREEDOM OF THE PRESS

Alongside China, Iran, and North Korea, Cuba ranks among the most repressive states in a recent survey on freedom of the press around the globe. According to Reporters Without Borders, "Cuba is today the world's biggest prison for journalists."¹ In 2003 alone, the Cuban government summarily tried and sentenced 75 nonviolent critics of the Castro regime, including 27 independent journalists who dared to report on the Cuban state's routine violations of human rights and expose the increasingly unbearable living conditions in the island.²

¹ Cf. Reporters Without Borders, "Second World Press Freedom Ranking, (October 2003) [http://www.rsf.org/article.php3?id_article=8247].

² Cf. Florida State Univ., "Rule of Law and Cuba," for profiles of all 75 dissidents imprisoned last year [<http://www.ruleoflawandcuba.fsu.edu>]. See also CubaNet, "Periodistas Independientes en Prisión," [<http://www.cubanet.org/periodistas/prision.htm>].

Cuba's legal system has been designed to effectively curtail the public exercise of one's freedom of expression. The state's communist constitution of 1976 theoretically stipulates that freedom of expression may be exercised, but only in conformity "with the aims of socialist society." Thus, under Cuban law, *desacato*, or verbal contempt for authority, carries a penalty of three months to one year of incarceration. If it is directed at the person of Fidel Castro, an individual may be imprisoned for up to three years. Since 1999, when the government promulgated Law 88 to "Protect the National Independence and Economy of Cuba," persons "possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation," have been condemned to 20 years of imprisonment.³ Given its all-encompassing nature, the Cuban government has used Law 88 as the legal measure of choice to arrest and impose long prison terms on nearly 100 dissidents in the past year.⁴

ACCESS TO INFORMATION

Private media ownership is not recognized under Cuba's one-party totalitarian state. The Cuban government owns and operates all forms of national media, including newspapers, radio, and television. All Cuba-based web sites are likewise owned and operated by the state or its dependencies. In lieu of direct access to the World Wide Web, Cuba has established a national *Intranet* system, allowing the average Cuban citizen to view only predetermined web sites. Moreover, personal computers, fax machines, photocopiers, cellular phones, and other modern means of disseminating information are not accessible to ordinary Cubans. In recent months the Castro government has been further curtailing Internet use as well as prohibiting state enterprises from importing computers, fax machines and parts.

FREEDOM OF ASSOCIATION

Cuba's "Law of Associations" effectively regulates and curbs freedom of association in the island. All nongovernmental organizations (NGOs), including so-called "mass organizations" (youth groups, women's

³ Cf. U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices, "Cuba," esp. Sec. 2.a, Respect for Civil Liberties, Including Freedom of Speech and Press," [<http://www.state.gov/g/drl/rls/hrrpt/2003/27893.htm>].

⁴ Since April 2003, when it tried and convicted en masse 75 dissidents and human rights activists, the Cuban government has arrested and sentenced at least 16 other individuals for nonviolent opposition to the Castro regime and its violations of human rights. Cf. Nelson Acosta, "Cuban Dissidents Jailed in Third Trial in a Month," Reuters, 18 May 2004.

associations, etc.), must “coordinate” and “collaborate” with the state. The law requires that government officials be present at any group event or meeting and that every organization report regularly to the government on its activities. In addition, NGO publications must be approved by the state’s censors, participation in international events must be requested and authorized in advance, and groups must inform local authorities regarding the time and place of their meetings. In an atmosphere of constant state vigilance, such regulations force bona fide civil society organizations to operate clandestinely or in defiance of the law, subjecting their members to acts of brutality by state security personnel or outright detainment.

ECONOMIC FREEDOM AND LABOR RIGHTS

The state employs approximately 80 percent of the economically active population. The remaining 20 percent work either at state-controlled joint venture enterprises (e.g., tourist hotels and resorts), or are self-employed in a limited number of nonprofessional occupations tolerated by the state. However, physicians, scientists, engineers, and other highly trained professionals are banned from self-employment.

Average salaries in Cuba range from US\$10-US\$12 dollars per month in the national currency, the Cuban peso. However, since the fall of Soviet communism and with it the end of generous subsidies from Moscow, the Cuban state no longer assumes responsibility for meeting the basic economic needs of the island’s population. The 80 percent of Cubans who toil for the state, whether sugarcane cutters or physicians (the latter, at the top of the pay scale, earn no more than the equivalent of US\$20-US\$25 per month), cannot survive on their token peso salaries. The vast majority of Cubans are thus driven to make ends meet by seeking supplemental income through self-employment.

However, self-employment has been increasingly curtailed in recent years. From a peak of more than 208,000 in 1995, the self-employed workforce dropped to approximately 100,000 in 2003. Virtually no new licenses for self-employment have been granted by the state in the past year and existing licenses are being revoked or simply not renewed. Those who continue to be legally self-employed are subject to routine harassment by state security.⁵ This is especially so in tourist areas, where the self-employed have been

⁵ Cf. CubaNet, various independent reports on harassment of the self-employed, [<http://www.cubanet.org/related/decreto.htm>].

warned to stay away (hence eliminating any threat of competition for state-owned enterprises), and in the agricultural sector, where the state is battling to re-exert exclusive control over food production. Only the self-employed are required to pay taxes to the Cuban state as well as substantial fees for their work permits.

Those who are fortunate to find a job at a joint venture firm are also among the most exploited workers in Cuba. While nonetheless highly coveted positions (due to fringe benefits, such as food baskets or unreported cash bonuses), Cubans hired by foreign companies in the island receive only a miniscule fraction of their official pay. The foreign employer must contract with a Cuban state manpower agency to screen candidates for employment. Salaries are then paid in U.S. dollars to the state agency rather than directly to the worker. The state in turn pays the Cuban employee in pesos at a one-to-one rate while the actual exchange rate is 26 pesos to 1 US\$. The Cuban government thus keeps approximately 96 percent of each employee's salary.

In November 2003, the International Labor Organization (ILO) denounced the Cuban government's consistent violations of labor rights.⁶ Not only is the state, directly or indirectly, the sole employer, but it also cracks down on attempts at forming independent labor unions, outlaws strikes, and does not recognize the right to collective bargaining. It is no surprise that, for these and other reasons, Cuba has been classified as one of the most economically repressed societies in the world, in the company of Iran, Libya, and North Korea.⁷

EDUCATIONAL FREEDOM

The state controls all educational institutions and provides free compulsory education, but does not allow its citizens the option of attending private educational institutions (which do not exist) or study at home. In addition to fulfilling their pedagogical functions, elementary schools serve to indoctrinate children early on in communist ideology, principles, and values, which are then reinforced throughout a student's secondary and university studies. All books as well as reading materials are approved by the Ministry of Education. Cuba's Minister of Higher Education, Fernando Vecino Alegret, has expressed the Castro regime's position on educational freedom

⁶ Cf. International Labor Organization, (ILO), OIT / 332.º informe del Comité de Libertad Sindical, Case 2258, Provisional Report on Labor Violations in Cuba [<http://www.ilo.org/public/spanish/standards/relm/gb/docs/gb288/pdf/gb-7.pdf>]. Also see, Movimiento Sindical Independiente de Cuba, "A los inversionistas extranjeros con intereses economicos en Cuba," [<http://www.cubasindical.org/docs/d122603.htm>].

⁷ Cf. The Heritage Foundation, *Index of Economic Freedom 2004: Cuba* [<http://cf.heritage.org/index2004test/country2.cfm?id=Cuba>]

succinctly: “I don't think we have anything to gain with private education in the country. It's something we don't accept for now.”⁸

RELIGIOUS FREEDOM

The Castro regime has a long history of persecuting individuals for upholding their religious beliefs. Today the Cuban government closely monitors and restricts the freedom of the Catholic Church, numerous Protestant denominations, and other religious groups that are nominally recognized or tolerated by the state. Covert State security agents regularly observe the internal activities of congregations and religious groups must obtain permission from local authorities to organize events outside their buildings of worship. The Church does not have access to the state controlled media and does not have its own printing press. Imported religious literature, including Bibles, is strictly regulated and cannot be distributed to non-members of the particular group receiving the materials. A special license must be obtained prior to the construction of a new church or other place of worship. However, the government has granted few such licenses in recent years, forcing the faithful to meet in private residences and thus restricting the number of attendees. In 2003 Cuban authorities allowed only 21 foreigners (nine priests, 12 nuns) to come into the island, but only to replace others who were leaving.⁹

JUDICIAL SYSTEM

There is nothing remotely resembling genuine separation of powers, nor a system of checks and balances, in Cuba's contemporary political system. All authority, both *de jure* and *de facto*, is vested in and stems from Fidel Castro. As Commander-in-Chief of the Cuban Revolutionary Armed Forces, President of the Council of State and the Council of Ministers and Secretary General of Cuba's Communist Party, Castro exercises absolute power over all branches of government.

The judicial system is no exception, with the judiciary being “subservient to the political branches of government.” Judges, prosecutors, and defense attorneys are all under the jurisdiction of the Ministry of Justice in a system of “socialist legality” in which individual rights are subordinate to the state's

⁸ Cf. Lucia Newman, “Vatican urges Cuba to allow educational freedom,” Havana, CNN, July 3, 1998 [<http://www.cnn.com/WORLD/americas/9807/03/cuba.Vatican>].

⁹ Cf. U.S. Department of State, *Cuba: International Religious Freedom Report 2003* [<http://www.state.gov/g/drl/rls/irf/2003/24486.htm>].

“socialist values and goals.”¹⁰ Structurally, the island’s communist constitution of 1976 makes the courts dependent on the National Assembly, a rubber-stamp legislative body that meets for a few days twice a year. When the National Assembly is not in session, the courts answer to the Council of State, which hears appeals from the Supreme Tribunal and acts as final arbiter in extraordinary cases. Naturally, the President of the Council of State is Fidel Castro. However, perhaps the most revealing aspect of the Cuban justice system is a prison population of approximately 100,000 men, women, and adolescents.¹¹

At present there are more than 400 documented cases of known imprisonment in Cuba for political dissent, human rights advocacy, civil society participation, and conscientious objection to the Castro regime and its policies. [For a list of Cuba’s political prisoners, see the Cuba Transition Project Political Prisoner Database at: <http://ctp.iccas.miami.edu/main.htm>] Moreover, a recent study by the Cuban Commission for Human Rights and National Reconciliation estimated the islands’ total prison population at 100,000. In the 1950s, during the dictatorship of Fulgencio Batista, whom Castro overthrew in 1959, Cuba’s penal system held 4,000 inmates in 14 jails and penitentiaries. While the overall population has roughly doubled to some 11 million inhabitants since Castro’s revolution took power, the inmate population has multiplied exponentially by 2,500 percent, to some 100,000 prisoners at approximately 200 facilities. Particularly disturbing, according to the study, are 8-10 “reform centers” for youth, which place Cuba “among the foremost places in the world – or maybe the first – [per 100,000 inhabitants] in the number of incarcerated children and school-age adolescents.”¹²

¹⁰ Cf. Laura Patallo Sánchez, *Establishing the Rule of Law in Cuba*, [http://ctp.iccas.miami.edu/Research_Studies/LPatalloSanchezRuleofLaw.pdf]. Also see Human Rights Watch, *Cuba’s Repressive Machinery*, [<http://www.hrw.org/reports/1999/cuba/Cuba996-01.htm>].

¹¹ AFP, “Dissident study calls Cuban prisons ‘tropical gulag,’” Havana, 11 May 2004 [<http://www.cubanet.org/CNews/y04/may04/12e8.htm>]. For documented profiles of Cuba’s approximately 400 known political prisoners, see Univ. of Miami Cuba Transition Project, [<http://ctp.iccas.miami.edu/main.htm>].

¹² Patrick Lescot, “Dissident study calls Cuban prisons ‘tropical gulag,’” AFP, Havana, 11 May 2004; “Bajo Fidel Castro creció un 2.500 por ciento el número de presos, dice estudio,” *El Tiempo* (Colombia), 12 May 2004.