

## **THE SITUATION OF HUMAN RIGHTS IN CUBA**

1. At the end of the first semester of 2007 and after eleven months under a “provisional government” that administers the public matters under the sign of a kind of dual authority, we consider that the situation of civil, political, economic rights and certain cultural rights has continued being the same of the last decades, that is to say, a situation highly unfavorable for the Cuban people.
2. It is unquestionable that in Cuba persists the systematical and institutionalized violation of **each and every** of the civil, political, economic, and even cultural rights that the Universal Declaration of Human rights dedicates. In our opinion, this reality forms the worst situation of such rights at least in the whole Western Hemisphere.
3. The freedoms of opinion, association, information, press, expression, and the right to organize unions or political organizations or to work out of the exploitative guardianship of the totalitarian state, among other rights, continue being expressly criminalized in the draconian Penal Code in force (fatally inspired in the former Soviet Penal Code).
4. During the time lapsed under this provisional government and in spite of the fact that the only Communist political party parliament has met in two occasions (one day every time), **and has not given one step alone** to initiate the modernization of the system of laws, including the legalization, without conditions, of all the civil, political, economic and cultural rights.

## **THE SITUATION IN THE PRISON SYSTEM AND PLACES OF DETENTION**

5. The total number of prisoners for political or political - social motives has continued diminishing slowly, which has been a trend during the last two years. In the attached Partial List it is possible to estimate that the documented cases during the first semester of 2007 have diminished from 283 prisoners of this category up to 246, on last June 30.
6. It is inexplicable, not to being for the essentially repressive nature of the totalitarian regimes, that in Cuba more than 200 political prisoners exist, the highest number of the world for every thousand inhabitants, being ours one of the countries with less political violence, if we exempt the coercive violence with which the State damages all the civil, political and economic rights, as it was done by the former totalitarian states of the Soviet block.
7. The hypertrophied Cuban prison system composed by approximately two hundred prisons and work fields continues being out of any form of scrutiny from the International Red Cross or any other international humanitarian organizations. In this regard the Government of Cuba is the only exception in the Western Hemisphere and in good part of the world.

8. The only prison in the island of Cuba that is under permanent international scrutiny is the prisoners' field installed by the United States of America in the naval base of Guantanamo. In spite of this possibility of scrutiny, we join the voices that claim the **immediate closing** of the above mentioned installation and we beg for the return, to short or medium term, of this territory to the Cuban sovereignty as soon as there does not exist the risk that the current government of Cuba reinstalls there another field of internment.

### **PRISONERS OF CONSCIENCE**

9. A total of 73 Cuban prisoners of conscience, recognized by Amnesty International continue fulfilling their penalties, including 11 that received a precarious "extra-penal license" simply to prevent that some of them may die under governmental custody.
10. No other government of the world has in it jails more prisoners of conscience that the Government of Cuba, for every million inhabitants, which constitutes an alarming record and simultaneously, reveals that such prisoners are prisoners of opinion and, therefore, they are innocent by definition.

### **CONDITIONS OF PRISON INTERNMENT**

11. The prison system of Cuba constitutes a sub world where reigns the inhuman treatment and physicals and physiologic abuses as general rule, the conditions of internment are unhealthy, subhuman, and humiliating.
12. In spite of the governmental propaganda, the prisoners lack the necessary juridical protection, live in the middle of the insecurity, are bad feed, receive contaminated water and a very poor medical and dental attention.
13. In spite of the fact that the Article 58 of the Cuban Constitution expressly prohibits it, the military police officers submit brutal beatings, sometimes with forceful objects, to the prisoners and there is rare the day in which the dissident organizations do not receive several denunciations to this respect.

### **THE REPRESSION AFTER BEEN RELEASED FROM PRISON**

14. In Cuba it continues governing a police state which nature is reflected in almost all the aspects of the national life. Often we speaks about the political repression in Cuba and we do not refer with sufficient extent the thousand ways in which the totalitarian state exercises the **repression against the whole society**, including the young men, the intellectual ones, which try to work free of the exploitative guardianship of the government (that pays salaries averaging approximately 15 dollars a month), sellers, craftsmen, farmers, small manufacturers, fishermen, transporters, etc, etc.

15. The Cuban citizens cannot access the Internet the same way which any person can do it in most of the world. The Government of Cuba conducts a special and permanent repressive campaign against those who try to access the Internet by means of the black market and against those that try to catch TV Satellite signals of international television using equipments and cards that got into the country by foreign persons. Satellite Dishes or any kind of parabolic antennas capable to received TV signals from abroad especially from the US are prohibiting. Those that form small clandestine nets are prosecuted and dismantled by the police, which realizes confiscations and applies fines that are equivalent to the average salary of many months.
16. It is scarce or null the public information about of the innumerable cases of police brutality in the streets and, specially, inside the police stations of the National Revolutionary Police (PNR). The above mentioned body possesses nearly 200 master stations (of them 169 municipals) provided with cells, generally infernal internment due to the miasmal and lugubrious reigning conditions in these sites, due to the lack of water, ventilation and lighting and sanitary facilities.
17. In the worrying sub world of the areas of internment of the majority of these master police stations, there is very frequent all kinds of mistreatments including frequent beatings, in an atmosphere of lack of guarantees and of violation of the Article 58 of the Constitution of the Republic of Cuba that, while Supreme Law, it establishes that **“the arrested or prisoner is inviolable in his personal integrity”**.
18. We strongly believe that what happened last June 24, 2007 to **MANUEL ACOSTA LARENA (a human rights activist member of the Democracy Movement that according to his relatives was murder while in custody by police officers)**, on the municipal police station of the PNR of Aguada de Pasajeros it could be in connection with the described atmosphere of abuses and lack in juridical safety of prisoners and arrested.
19. The mentioned units of the National Police, and at least 15 other centers of detention and confinement of the political police and the technical police (of the type Villa Marista or 100 and Aldabó, in Havana), as the whole prison system, they are free of any form of scrutiny on the part of national or international ONGs.
20. It is supposed that the General District attorney's office of the Republic must watch over the fulfillment of the legality in all the places of detention or penal internment but, in the practice, this function cannot get out of a jam due to the vertical nature of the totalitarian state, which is the first reason of all the evil, for which the police services, the organs of district attorney's office, the courts and the prisons, integrate a kind of tandem or grinding machinery in which innumerable abuses are generated simply because all the civil servants of this “hydra of four heads ” are militants joined by the same political ideology.

21. The totalitarian model liquidated the **real independence** of judges and attorneys and, specially to the above mentioned, took off them of the possibility of exercising their profession of an independent way creating the so called “collective bureaus” that, in honor to the truth, are dependences cuasi official, of luck that the real capacity that the attorneys have to protect their defended ones is very limited.

## **THE ATTITUDE OF THE CENTRAL GOVERNMENT**

22. The official declarations are in the habit of reflecting good intentions but the Government of Cuba has much work to do, now and later, to apply the international procedure, including the Universal Declaration of Human rights, to change the situation that continues prevailing in the hundreds of places of detention or penal internment. We do not conceal our skepticism due to the fact that, since it is known, the totalitarian models are essentially repressive and violators of all the civil and political rights.
23. At the time that it has diminished lightly the number of prisoners for political or political - social motives, also we infer that, in last two years, it has diminished the numbers of Cuban imprisoned by the so called “ common crimes ”. We calculate that the total number could be between 60 000 and 80 000 prisoners, but other not governmental Cuban estimations consider that the numbers should be greater. The Government of Cuba, in the almost half century, has never offered official verifiable numbers either to the national or international public opinion, or to the Red Cross or to other specializing ONGs.
24. As part of his efforts, the central government has orientated to apply to diverse substitute sanctions of the penal internment, which is positive but insufficient to improve significantly the situation of civil, political, economic, social, and cultural rights of the prisoners (including the wage remuneration to the prisoners).
25. The government has fomented the creation of centers of internment "models" under so called “ Plan Confidence ” or “ Battle of Ideas ” (two of them were visited recently by Spanish diplomats) but, till now, these slightly more humanized sites are real “ Villages Potemkin ” for it scanty number and capacity (we infer that they are two or three dozens up to the moment).

## **THE INTERNATIONAL FRAME**

26. In the international organisms (as the Council of Human rights of the UN), the Government of Cuba recovers a role of negative leadership, close to other governments that are condemn by the best of the civilized world due to the most serious abuses that they committed against their people (Sudan, North Korea, Zimbabwe, Burma, Syria, Saudi Arabia and a length etc.), to block any offer or

initiative that could mean progresses for all these countries as for civil, political, economic and cultural rights, fundamentally.

27. The Government of Cuba persists in questioning, in the practice, the indivisible character of all the rights of the human person. From the exhibition of a positive panorama as for the assurance of basic social services of education and medical attention (the same slogans from the former totalitarian soviet satellites states), the Government of Cuba continues saying that “it is the most democratic of the world and who more respect the Human rights in the whole planet ”.
28. The Cuban Government pushes away any international exhortation to go back in order that, in an independent and sovereign way, it can achieve significant advances of civil, political, economic and cultural rights. This government does not accept the international cooperation as for human rights, or from any other governments or from the Red Cross International or other specializing NGOs, invoking reasons of national sovereignty: this attitude reveals, among other things, a great lack of sense of the History.
29. The hostility between the governments of Washington and Havana, including the unilateral economic sanctions (and, therefore, illegitimate) imposed by that one, it continues feeding a geopolitical negative context, which only has served to worsen the situation and to difficultly the survival of the people of Cuba, facilitating all kinds of arguments to a totalitarian minority to try to justify their failure and its own immobility. We repeat here our rejection to all the unilateral sanctions not approved by the international community and join to all those who demand the governments of The United States and Cuba that they owe to work sincerely to try to normalize relations of State to State, with which they would be answering to the highest interests of both countries.
30. On our part we will continue exhorting, asking and demanding from the Cuban authorities, (that persist in treating the activists of human rights and to everyone who dares to dissent like ghost and enemies), to put aside its puerile ideological justifications and finish with its juridical and political rules and not to oppose to the expansion of the spaces of civil, political, economic and cultural freedoms for the people of Cuba.