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Introduction

Cuba remains the only country in Latin America that represses virtually all forms of political dissent. In 2012 the government of Raúl Castro continued to enforce political conformity using short-term detentions, beatings, public acts of repudiation, travel restrictions, and forced exile. During its first UPR review, Cuba rejected all recommendations addressing the arbitrary detentions of political prisoners, the lack of protection of human rights defenders, and restrictions on freedom of expression. Since then, Human Rights Watch has continued documenting cases of serious abuses of these rights.

The Cuban government released dozens of political prisoners in 2010 and 2011 on the condition that they accept exile in exchange for their freedom. Yet while the overall number of political prisoners has declined, the government has increasingly relied upon arbitrary arrests and short-term detentions to restrict the basic rights of its critics, including the right to assemble and move about freely. Meanwhile, the government continues to sentence dissidents to long-term prison sentences in closed, summary trials, or hold them for extended periods without charge.

Political Prisoners

In line with the rejection by the Cuban government of the recommendation to “halt the prosecution of citizens who are exercising the rights guaranteed under articles 18, 19, 20, 21, and 22 of the UDHR,” Cubans who dare to criticize the government risk criminal charges – which is in clear contradiction with Cuba’s international human rights obligations – and will not enjoy due process guarantees, such as the right to fair and public hearings by a competent, independent, and impartial tribunal. In practice, courts are “subordinated” to the executive and legislative branches, thus denying meaningful judicial protection. Political prisoners’ are routinely denied parole after completing the minimum required sentence as punishment for refusing to participate in ideological activities such as “reeducation” classes.

Dozens of political prisoners remain in Cuban prisons, according to respected human rights groups on the island. These groups estimate there are many more political prisoners whose cases they cannot document because the government does not allow independent national or international human rights groups to access its prisons.

Brothers Marcos Maikel and Antonio Michel Lima Cruz—members of a human rights group in Holguín called Pedro Luis Boitel—were arrested in December 2010 and sentenced in a closed, summary trial in

May 2011 to three and two years in prison, respectively. Accused of insulting national symbols and causing public disorder, their family said the charges were fabricated to punish the brothers for their human rights work. Antonio Michel has developed a serious kidney infection and prostate condition during his imprisonment, ailments that his family attributes to unhygienic prison conditions. They said his suffering has been exacerbated by inadequate medical treatment. Both men are still in prison.

Rogelio Tavío López—a member of a dissident group called the Unión Patriótica de Cuba—was detained on March 2, 2012, in Guantanamo province after organizing a gathering to protest the detention of a fellow dissident and to call for greater political freedoms. His wife said he was arrested without judicial orders and has since been held in a prison in Guantanamo province without being brought to trial.

Arbitrary Detentions and Short-Term Imprisonment

In addition to political convictions, the Cuban government has increasingly relied on arbitrary detention since the previous UPR in 2009 to harass and intimidate individuals who exercise their fundamental rights. The Cuban Commission for Human Rights and National Reconciliation—an independent human rights group that the government views as illegal—received reports of 2,074 arbitrary detentions by security forces in 2010, 4,123 in 2011, and 5,105 from January to September of 2012. The detentions are often used preemptively to prevent individuals from participating in meetings or events viewed as critical of the government, such as peaceful marches, meetings to discuss politics, or human rights workshops. Many dissidents are subjected to beatings and threats as they are detained, even though they make no attempts at resistance.

Security officers virtually never present arrest orders to justify the detentions and threaten detainees with criminal sentences if they continue to participate in “counterrevolutionary” activities. Victims of such arrests are held incommunicado for a period ranging from several hours to several days, often at police stations. In some cases, they are given an official warning, which prosecutors may later use in criminal trials to show a pattern of delinquent behavior. Dissidents said these warnings are aimed at discouraging them from participating in future activities seen as critical of the government. Their families are not notified that they have been detained, generating a sense of terror from not knowing where they are.

More than 80 women from Damas de Blanco (Ladies in White)—a human rights group consisting of wives, mothers, and daughters of political prisoners—were detained on March 18 when they attempted to stage a peaceful procession on the anniversary of a 2003 crackdown by the government. On July 24, at least 40 people were arbitrarily detained in Havana at the funeral of dissident Oswaldo Payá, who died in a car accident. Police officers broke up the nonviolent procession and beat participants despite the fact that they offered no resistance. The detainees were taken to a prison encampment known as Tarara, where they were held incommunicado for approximately 30 hours before being released without charge.

Freedom of Expression

In line with its rejection of the recommendation to “lift restrictions on the rights to freedom of expression and association, including restrictions on the media that are not in accordance with ICCPR,” the government maintains a media monopoly on the island, which ensures that freedom of expression is

virtually nonexistent. This clearly contradicts Cuba's international human rights obligations. The government controls all media outlets in Cuba and access to outside information is highly restricted. Only a tiny fraction of Cubans have the chance to read independently published articles and blogs because of the high cost of and limited access to the internet.

Although a small number of independent journalists and bloggers manage to write articles for foreign websites or independent blogs, they must publish their work through back channels, such as illegal internet connections. Independent journalists and bloggers are subjected to public smear campaigns, short and long-term detention, and physical abuse by police and state security agents. Oftentimes their cameras, recorders, and other equipment are confiscated by authorities. According to the independent group of journalists Hablemos Press, 19 journalists were arbitrarily detained in September 2012, including Calixto Ramón Martínez Arias. Martínez, who had previously reported on issues critical of the government and was detained on September 16 while reporting a story. At the time of this writing, he remains in detention without charge.

The Cuban government uses selective allocations of press credentials and visas, which are required by foreign journalists to report from the island, to control coverage of the island and punish media outlets seen as overly critical of the regime. For example, in anticipation of the March 2012 visit of Pope Benedict XVI to Cuba, the government denied visas to journalists from *El País* and *El Nuevo Herald*, newspapers whose reporting it had previously criticized for presenting a negative image of Cuba.

Human Rights Defenders

In line with its rejection of the recommendation to “implement legal safeguards to ensure protection of human rights defenders against abuse of provisions for criminal prosecution,” the Cuban government has continued to refuse to recognize human rights monitoring as a legitimate activity and to deny legal status to local human rights groups. Meanwhile, government authorities harass, assault and imprison human rights defenders who attempt to document abuses. In the weeks leading up to and during the Pope's visit to Cuba, authorities detained, beat, and threatened hundreds of dissidents. On March 14, 2012, security officers assaulted and arrested 13 people who had sought refuge in a Catholic church in Havana while demanding respect for human rights. Leticia Ramos—a member of Ladies in White—was arbitrarily detained three times in the weeks preceding the Pope's visit and was beaten so severely by police that they broke one of her ribs, she said. She was warned not to try to travel to Havana for the Pope's visit.

Travel Restrictions and Family Separation

The Cuban government forbids the country's citizens from leaving or returning to Cuba without first obtaining official permission, which is often denied to those it views as “detractors.” For example, acclaimed blogger Yoani Sánchez, who has been critical of the government, has been denied the right to leave the island at least 19 times since 2008, including in February 2012, after she had been granted a visa to travel to Brazil for a documentary screening.

The Cuban government uses forced family separation to punish defectors and silence critics. The government frequently bars citizens engaged in authorized travel from taking their children with them overseas, essentially holding children hostage to guarantee their parents' return.

The government restricts the movement of citizens within Cuba by enforcing a 1997 law known as Decree 217. Designed to limit migration to Havana, the decree requires Cubans to obtain government permission before moving to the country's capital. It is often used to prevent dissidents traveling to Havana to attend meetings and to harass dissidents from other parts of Cuba who live in the capital.

Forced Exile

The death of political prisoner Orlando Zapata Tamayo in February 2010, which followed his 85-day hunger strike, and the subsequent hunger strike by dissident Guillermo Fariñas created pressure on the Cuban government to release the remaining political prisoners from the “group of 75” (the 75 human rights defenders, journalists, and other dissidents who had been sentenced to long prison terms in a massive crackdown in 2003). Yet while the final prisoners from the “group of 75” were released in 2011, the majority were forced to choose between ongoing prison sentences and forced exile. Since that time, dozens of other prominent dissidents, journalists, and human rights defenders have been forced to choose between exile and ongoing harassment or even imprisonment.

Prison Conditions

Before implementing the accepted recommendations made by China and Iran to “share experiences and good practices regarding the treatment of prisoners,” the Cuban government should address the dire conditions of its overcrowded, unhygienic, and unhealthy prisons, which are currently leading to extensive malnutrition and illness. Prisoners who criticize the government, refuse to participate in ideological “reeducation,” or engage in hunger strikes and other forms of protest are often subjected to extended solitary confinement, beatings, restrictions on family visits, and denial of medical care. Prisoners have no effective complaint mechanism to seek redress, giving prison authorities total impunity.

On January 19, 2012, Wilman Villar Mendoza died after a 50-day hunger strike in prison, which he initiated to protest his unjust trial and inhumane prison conditions. Villar Mendoza had been detained in November 2011 in Contramaestre after participating in a peaceful demonstration calling for greater political freedoms. He was sentenced to four years in prison for “contempt” in a trial in which he had no lawyer and which lasted less than an hour. After beginning his hunger strike, he was stripped naked and placed in solitary confinement in a cold cell. He was transferred to a hospital in Santiago de Cuba only days before he died.

The United States Embargo

The United States' economic embargo on Cuba, in place for more than half a century, continues to impose indiscriminate hardship on the Cuban people and has done nothing to improve human rights in Cuba.

Recommendations to the Cuban Government in Accordance with Established Principles of International Human Rights Law

- Immediately release all political prisoners.
- Cease short-term detentions, threats, harassment, acts of repudiation, and other repressive measures against human rights defenders, independent journalists, and other dissidents.
- Respect the due process rights of detainees, including the right to access legal counsel, the right to be brought before a judge without delay, and the right to a fair trial in cases where there are criminal proceedings.
- Allow individuals to assemble and express opinions, irrespective of whether they are deemed critical of the government.
- Eliminate the crime of social dangerousness (*peligrosidad social*) from the Criminal Code, the National Protection Law, and other overly broad, subjective laws that violate international law on freedom of expression and opinion and effectively criminalize dissent.
- Ratify the core international human rights treaties—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights—which the Cuban government signed in February 2008.
- End broad travel restrictions that limit the right of Cubans to leave the island and travel freely within the island (rights restricted through Decree 217). Stop arbitrary denials of travel visas to individuals who have expressed opinions that are deemed critical of the government.
- Allow human rights defenders, journalists, and other dissidents forced into exile to return to Cuba and enjoy their fundamental freedoms without the threat of imprisonment or other reprisals.
- Remove arbitrary restrictions preventing Cubans from obtaining access to the internet. End censorship of websites seen as critical to the government.
- Allow nongovernmental human rights organizations the ability to travel to Cuba, meet with human rights defenders and dissident groups, visit prisons, and conduct research without risk of being detained or expelled from the island.