

**CASTRO'S CUBA: WHAT IS THE PROPER U.S.  
RESPONSE TO ONGOING HUMAN RIGHTS VIOLATIONS  
IN OUR HEMISPHERE?**

---

---

**HEARING**

BEFORE THE  
SUBCOMMITTEE ON HUMAN RIGHTS AND  
WELLNESS  
OF THE  
COMMITTEE ON  
GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

OCTOBER 16, 2003

**Serial No. 108-120**

Printed for the use of the Committee on Government Reform



Available via the World Wide Web: <http://www.gpo.gov/congress/house>  
<http://www.house.gov/reform>

U.S. GOVERNMENT PRINTING OFFICE

92-565 PDF

WASHINGTON : 2004

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, Virginia, *Chairman*

DAN BURTON, Indiana	HENRY A. WAXMAN, California
CHRISTOPHER SHAYS, Connecticut	TOM LANTOS, California
ILEANA ROS-LEHTINEN, Florida	MAJOR R. OWENS, New York
JOHN M. McHUGH, New York	EDOLPHUS TOWNS, New York
JOHN L. MICA, Florida	PAUL E. KANJORSKI, Pennsylvania
MARK E. SOUDER, Indiana	CAROLYN B. MALONEY, New York
STEVEN C. LATOURETTE, Ohio	ELIJAH E. CUMMINGS, Maryland
DOUG OSE, California	DENNIS J. KUCINICH, Ohio
RON LEWIS, Kentucky	DANNY K. DAVIS, Illinois
JO ANN DAVIS, Virginia	JOHN F. TIERNEY, Massachusetts
TODD RUSSELL PLATTS, Pennsylvania	WM. LACY CLAY, Missouri
CHRIS CANNON, Utah	DIANE E. WATSON, California
ADAM H. PUTNAM, Florida	STEPHEN F. LYNCH, Massachusetts
EDWARD L. SCHROCK, Virginia	CHRIS VAN HOLLEN, Maryland
JOHN J. DUNCAN, Jr., Tennessee	LINDA T. SANCHEZ, California
JOHN SULLIVAN, Oklahoma	C.A. "DUTCH" RUPPERSBERGER, Maryland
NATHAN DEAL, Georgia	ELEANOR HOLMES NORTON, District of Columbia
CANDICE S. MILLER, Michigan	JIM COOPER, Tennessee
TIM MURPHY, Pennsylvania	CHRIS BELL, Texas
MICHAEL R. TURNER, Ohio	
JOHN R. CARTER, Texas	
WILLIAM J. JANKLOW, South Dakota	BERNARD SANDERS, Vermont
MARSHA BLACKBURN, Tennessee	(Independent)

PETER SIRH, *Staff Director*

MELISSA WOJCIAK, *Deputy Staff Director*

ROB BORDEN, *Parliamentarian*

TERESA AUSTIN, *Chief Clerk*

PHILIP M. SCHILIRO, *Minority Staff Director*

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

DAN BURTON, Indiana, *Chairman*

CHRIS CANNON, Utah	DIANE E. WATSON, California
CHRISTOPHER SHAYS, Connecticut	BERNARD SANDERS, Vermont
ILEANA ROS-LEHTINEN, Florida	(Independent)
	ELIJAH E. CUMMINGS, Maryland

EX OFFICIO

TOM DAVIS, Virginia

HENRY A. WAXMAN, California

MARK WALKER, *Staff Director*

MINDI WALKER, *Professional Staff Member*

DANIELLE PERRAUT, *Clerk*

RICHARD BUTCHER, *Minority Professional Staff Member*

## CONTENTS

---

	Page
Hearing held on October 16, 2003 .....	1
Statement of:	
Calzon, Frank, executive director, Center for a Free Cuba; Eric Olson, advocacy director for the Americas, Amnesty International; and Tom Malinowski, Washington Advocacy Director, Human Rights Watch .....	80
Noriega, Roger, Assistant Secretary for the Western Hemisphere, State Department; Adolfo Franco, Assistant Administrator, Latin America and the Caribbean, USAID; and R. Richard Newcomb, Director, Office of Foreign Assets Control, U.S. Department of Treasury .....	19
Letters, statements, etc., submitted for the record by:	
Burton, Hon. Dan, a Representative in Congress from the State of Indiana, prepared statement of .....	5
Calzon, Frank, executive director, Center for a Free Cuba, prepared statement of .....	99
Cummings, Hon. Elijah E., a Representative in Congress from the State of Maryland, prepared statement of .....	111
Franco, Adolfo, Assistant Administrator, Latin America and the Caribbean, USAID, prepared statement of .....	47
Malinowski, Tom, Washington Advocacy Director, Human Rights Watch, prepared statement of .....	83
Newcomb, R. Richard, Director, Office of Foreign Assets Control, U.S. Department of Treasury, prepared statement of .....	53
Noriega, Roger, Assistant Secretary for the Western Hemisphere, State Department, prepared statement of .....	23
Olson, Eric, advocacy director for the Americas, Amnesty International, prepared statement of .....	90
Ros-Lehtinen, Hon. Ileana, a Representative in Congress from the State of Florida, letter dated January 23, 2003 .....	13



**CASTRO'S CUBA: WHAT IS THE PROPER U.S.  
RESPONSE TO ONGOING HUMAN RIGHTS  
VIOLATIONS IN OUR HEMISPHERE?**

---

**THURSDAY, OCTOBER 16, 2003**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS,  
COMMITTEE ON GOVERNMENT REFORM,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 3 p.m., in room 2157, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Present: Representatives Burton, Watson and Ros-Lehtinen.

Staff present: Mark Walker, staff director; Mindi Walker, Brian Fauls, and John Rowe, professional staff member; Nick Mutton, press secretary; Danielle Perraut, clerk; Richard Butcher, minority professional staff member; and Cecelia Morton, minority office manager.

PLEASE PROVIDE TITLES FOR THE ABOVE MENTIONED PEOPLE!!!!!!

Mr. BURTON. The Subcommittee on Human Rights and Wellness will come to order.

I ask unanimous consent that all Members' and witnesses' opening statements be included in the record and without objection, so ordered.

I ask unanimous consent that all articles, exhibits, extraneous and tabular materials referred to be included in the record. Without objection, so ordered.

In the event of other Members attending the hearing, I ask unanimous consent that they be permitted to serve as a member of the subcommittee for today's hearing. Without objection, so ordered.

The subcommittee is convening today to examine the atrocious human rights violations Cubans continue to suffer at the hands of their government and to discuss what the proper U.S. response should be as a result of these blatant abuses to help usher in a free and democratic Cuba.

Liberty and freedom-loving Cubans have been engaged in a long fight for their island. The quest for democracy began there over a century ago and unfortunately has yet to come to fruition. For the last 44 years, there has been one person standing in the way of freedom for Cuban people and that is the Communist dictator, Fidel Castro.

Since Castro assumed control in Cuba in January 1959, human rights and living conditions there have deteriorated tremendously. Most Cuban people live every day in fear of their government, thousands of which risk their lives every year to flee the communist regime by any means necessary, even attempting to brave the hazardous 90 mile crossing between the United States and Cuba on little makeshift rafts.

I have always been critical of the human rights conditions in Cuba. Seeing a need for the United States to do more to promote democracy in Cuba, I along with my colleagues, Ileana Ros-Lehtinen, Lincoln Diaz-Balart, Bob Menendez and others, introduced the Cuban Liberty and Democratic Solidarity Act, Libertad, more commonly known as the Helms-Burton Amendment in February 1995 to seek international sanctions against the Castro government in response to the horrific human rights conditions at the hands of the Castro regime as well as to prepare for a democratic Cuban nation.

A year later on February 24, 1996, Cuban Air Force fighter planes pursued three Cessna aircraft operated by Brothers to the Rescue volunteer pilots who surveyed the seas in search and rescue missions to assist Cuban dissidents. Deep into international air space, they were fired upon by the Russian Migs and two of the Brothers to the Rescue planes were shot down, murdering all passengers on board.

In response to the Brothers to the Rescue murders, the U.S. Government recognized the need for stronger public policy initiatives to send a message to Fidel Castro that his government's actions against the Cuban people and the Brothers to the Rescue pilots would not be tolerated. Not long after this deplorable act, the legislation I talked about, the Libertad bill, won overwhelming support in both the House and the Senate and was signed into law by the President on March 12, 1996.

Since the Libertad Act became law, the Castro government has continued to commit numerous crimes against its people. In March of this year, the Cuban police executed a crackdown of over 75 dissidents who were opposed to the regime sentencing the peaceful oppositionists and journalists to jail for terms ranging from 6 to 28 years for their supposed crimes. If you have any doubts about what it is like, I wish everyone would read that book "Against All Hope" by Armando Voladeres which shows what kind of hell it is to be in a Castro Cuban prison. In prison, these dissidents have been savagely beaten and nearly starved to death for merely vocalizing criticisms of Castro and the Cuban Government.

Seeking to address the current situation in Cuba, last week President Bush announced that his administration will be undertaking further initiatives to promote democracy in Cuba. In his remarks, he stated that the United States is going to strengthen the enforcement of travel restrictions to Cuba and increase the inspection of travelers and Cuban goods entering the country which he hopes will stunt the growth of the illicit sex trade, a modern form of slavery that the Castro government has been encouraging. The President also announced the creation of the Commission for Assistance to a Free Cuba to plan for Cuba's transition from Stalinist-like dictatorial rule of Castro to a free and open society.

The United States is not the only country taking a firm stance against the Castro regime. The European Union, a group of 15 democratic countries in Europe dedicated to promoting peace and freedom in the world has recently been reassessing their political, cultural and business ties with Cuba in light of the recent dissident crackdown. The EU is currently rethinking the funding they have been supplying to Castro's government for economic and social programs which has helped to prop up the obviously moribund Castro regime. The money that goes down there doesn't get to the people; it gets to Fidel Castro and he uses it as he pleases to prop up his government.

Facing such scrutiny from concerned nations around the world, the Cuban Government recently barred a special envoy from the United Nations Human Rights Commission from visiting the island to probe human rights conditions and they continue to deny international committees of the Red Cross to examine the conditions in Cuban prisons. These aren't the actions of a country that has nothing to hide. Not only has the Castro regime stifled efforts to promote freedom and democracy in Cuba but they have also actively been involved in the promotion of communism and dictatorships around the world. Cuba has actively encouraged other nations to fall under the dictatorial rule of communism.

In an August policy report, the Hudson Institute stated, "The Cuban Government has been providing assistance to the fledgling Chavez regime in Venezuela to try to turn the current democratic rule in the South American country into a communist regime." It has also been concluded recently that Cuba has been jamming U.S. commercial and governmental satellite transmissions directed at Iran in an effort to prevent any notion of democracy in the area.

At this time, both Cuba and Iran are pressuring the United Nations to adopt Internet standards so that their governments can dramatically censor any information sent to their countries to further shield their people from the freedom of the rest of the world.

To gain a greater perspective on the U.S.' policy initiatives on Cuba, we are going to hear from the Honorable Roger Noriega, a good friend of ours who is also a former very important staff member of the Foreign Affairs Committee. He is now the Assistant Secretary of State for Western Hemisphere Affairs. He will be discussing ways in which President Bush's administration plans to strengthen the current sanctions placed on Cuba. In addition, he will speak on how the U.S. Government will assist in the creation of a democratic Cuba and we hope that comes very soon.

In addition, a representative of the U.S. Treasury Department's Office of Foreign Affairs, Assets Control is here to explain the current economic sanctions on Cuba and how the Treasury Department enforces those restrictions. We appreciate that.

The subcommittee will also be receiving testimony from the Honorable Adolfo Franco, Assistant Administrator for Latin America and the Caribbean at the U.S. Agency for International Development. He will discuss how the United States has initiated programs that have promoted democracy in Cuba and the status of these initiatives.

To outline the severity of human rights violations in present day Cuba, representatives of the human rights organization, Amnesty

International, Human Rights Watch and the Center for a Free Cuba are here to discuss their involvement in bringing to light the abuses that the Cuban people continue to suffer at the hands of Castro.

Under Fidel Castro's rule, Cuba has become a center of poverty and depression. The Cuban people have been exploited for the last 44 years and are continuously being kept in the dark by the people whose duty it is to protect them. Now it is time for the United States to take bolder actions against the Castro regime and to once and for all bring about a change that will give Cubans that for which they have been waiting for far too long, and that is freedom.

I look forward to hearing more about the Bush administration's effort to help Cubans free themselves from the shackles of Castro and to finally take their rightful place as a bastion of liberty and democracy in our hemisphere.

[The prepared statement of Hon. Dan Burton follows:]



**Opening Statement  
Chairman Dan Burton  
Government Reform Committee  
Subcommittee on Human Rights & Wellness**

**“Castro’s Cuba: What’s the Proper United States Response to Ongoing Human Rights Violations in Our Hemisphere?”**

**October 16, 2003**

---

The Subcommittee is convening today to examine the atrocious human rights violations Cubans continue to suffer at the hands of their government, and discuss what the proper United States response should be as a result of these blatant abuses to help usher in a free and democratic Cuba.

Liberty and freedom-loving Cubans have been engaged in a long fight for their island. The quest for democracy began there over a century ago, and unfortunately has yet to come to fruition. For the last 44 years, there has been one person standing in the way of freedom for the Cuban people – the Communist Dictator Fidel Castro.

Since Castro assumed control in Cuba on January 1, 1959, human rights and living conditions there have deteriorated tremendously. Most Cuban people live every day in fear of their government, thousands of which risk their lives every year to flee the communist regime by any means necessary – even attempting to brave the hazardous 90-mile crossing between the United States and Cuba on makeshift rafts.

I have always been critical of the human rights conditions in Cuba. Seeing a need for the United States to do more to promote democracy in Cuba, I introduced the “*Cuban Liberty and Democratic Solidarity Act*”, (LIBERTAD; Helms-Burton) in February of 1995 to seek international sanctions against the Castro government in response to the horrific human rights conditions at the hands of the Castro regime, as well as to prepare for a democratic Cuban Nation.

One year later, on February 24, 1996, Cuban Air Force fighter planes pursued three Cessna aircrafts operated by the Brothers to the Rescue - volunteer pilots who survey the seas on search and rescue missions to assist Cuban dissidents - deep into international airspace, where they fired upon two of the Brothers to the Rescue planes, murdering all 4 of the passengers on-board.

In response to the Brothers to the Rescue murders, the United States government recognized the need for stronger public policy initiatives to send a message to Fidel Castro that his government's actions against the Cuban people and the Brothers to the Rescue pilots would not be tolerated. Not long after this deplorable act, my legislation, the "*Cuban Liberty and Democratic Solidarity Act*" (LIBERTAD), won overwhelming support in both the House and the Senate, and was signed into law by former President Clinton on March 12, 1996.

Since the "*Cuban Liberty and Democratic Solidarity Act*" became law, the Castro government has continued to commit numerous crimes against its people. In March of this year, the Cuban police executed a crackdown of over 75 dissidents who were opposed to the regime, sentencing these peaceful oppositionists and journalists to jail terms ranging from 6 to 28 years for their supposed "crimes". In prison, these dissidents have been savagely beaten and nearly starved to death for merely vocalizing criticisms of the Cuban government.

Seeking to address the current situation in Cuba, last week President Bush announced that his Administration will be undertaking further initiatives to further promote democracy in Cuba. In his remarks, he stated that the United States is going to strengthen the enforcement of current travel restrictions to Cuba, and increase the inspection of travelers and Cuban goods entering the country – which he hopes will stunt the growth of the illicit sex trade, a modern form of slavery that the Castro government has been encouraging. The President also announced the creation of the Commission for the Assistance to a Free Cuba, to plan for Cuba's transition from Stalinist-like dictatorial rule to a free and open society.

The United States isn't the only country taking a firm stance against Castro's regime. The European Union (EU), a group of 15 democratic countries in Europe that are dedicated to promoting peace and freedom in the world, has recently been reassessing their political, cultural, and business ties with Cuba in light of the recent dissident crackdown. The EU is currently rethinking the funding that they have been supplying to Castro's government for economic and social programs – which have helped many of the poor, over 42 percent of Cuba's 11.2 million inhabitants, but which have also helped to prop up the obviously moribund Castro regime.

Facing such scrutiny from concerned Nations around the world, the Cuban government recently barred a special envoy from the United Nations Human Rights Commission from visiting the island to probe human rights conditions, and they continue to deny the International Committee of the Red Cross to examine the conditions in Cuban prisons – these aren't the actions of a country that has nothing to hide.

Not only has the Castro regime stifled efforts to promote freedom and democracy in Cuba, but they have also actively been involved in the promotion of communism and dictatorships around the world. Cuba has actively encouraged other Nations to fall under dictatorial rule. In an August policy report, the Hudson Institute stated that the Cuban government has been providing assistance to the fledgling Chavez regime in Venezuela to turn the current democratic rule in the South American country into a comprehensive system of communist infiltration.

It was also recently concluded that Cuba has been jamming United States commercial and government satellite transmissions directed at Iran in an effort to prevent any notion of democracy in the area. And at this time, both Cuba and Iran are pressuring the United Nations to adopt Internet standards so that their governments can dramatically censor any information sent to their countries, to further shield their people from the rest of the free world.

To gain a greater perspective on the United States' policy initiatives on Cuba, we will hear from the Honorable Roger Noriega, Assistant Secretary of State for the Western Hemisphere, who will be discussing the ways in which President Bush's Administration plans to strengthen the current sanctions placed on Cuba. Additionally, he will speak as to how the United States government will assist in the creation of a democratic Cuba. In addition, a representative of the United States Treasury Department's Office of Foreign Assets Control will be here to explain the current economic sanctions on Cuba, and how the Treasury Department enforces those restrictions.

The Subcommittee will also be receiving testimony from the Honorable Adolfo Franco, Assistant Administrator for Latin America and the Caribbean at the United States Agency for International Development (USAID), who will discuss how the United States has initiated programs that have promoted democracy in Cuba, and the status of these initiatives.

To outline the severity of Human Rights violations in present-day Cuba, representatives of the human rights organizations Amnesty International, Human Rights Watch, and the Center for a Free Cuba will also be here to discuss their involvement in bringing to light the abuses that the Cuban people are suffering at the hands of Castro's government.

Under Fidel Castro's rule, Cuba has become a cesspool of poverty and depression. The Cuban people have been exploited for the last 44 years, and are continuously being kept in the dark by the people whose duty it is to protect them. Now is the time for the United States to take bolder actions against the Castro regime, and to once and for all bring about change and give Cubans what they have been waiting for far too long...freedom!

I look forward to hearing more about the Bush Administration's efforts to help Cubans free themselves from the shackles of Castro and to finally to take their rightful place as a bastion of liberty and democracy in our hemisphere.

Mr. BURTON. With that, Ms. Watson, do you have an opening statement?

Ms. WATSON. Yes, I do.

Mr. BURTON. Ms. Watson.

Ms. WATSON. Thank you so much, Mr. Chairman.

The Human Rights and Wellness hearing today sends an important message on U.S. foreign policy. This hearing will provide more information about human rights conditions in Cuba and the U.S. policy that results. Over the years, the overall objective of U.S. policy toward Cuba has been to help bring democracy and respect for human rights to the island. There have been two main schools of thought about how to achieve that objective. The first advocates a policy of keeping maximum pressure on the Cuban Government until reforms are enacted, while continuing efforts to support the Cuban people. The second argues for our constructive engagement which would lift some sanctions that are hurting the Cuban people and move toward engaging Cuba in dialog.

Mr. Chairman, I feel that a complete choke hold on Cuba's economy is the wrong approach. The U.S. sanctions of today do not take into account changes in the world's power structure. Fidel Castro's government is not in line with, as we know, our U.S. doctrine but without the former Soviet Union as a partner, the communist threat has been severely diminished. We can be critical but not force our will upon other cultures. Continued economic sanctions perpetuates poor conditions for the general population of Cuba.

I would also like to point out that there are some bright human rights developments in Cuba in a group called the Varela Project. The Varela Project is named for the 19th Century priest, Felix Varela, who advocated independence from Spain and the abolition of slavery. The project referendum would call for respect for human rights, amnesty for political prisoners, private enterprise and changes to the country's electoral law that would result in free and fair elections. Thousands of signatures have been collected to date.

I am a proponent of constructive engagement but I have deep concern over some recent human rights abuses. In March 2003, as you have heard, the Cuban Government began a massive crackdown that resulted in the imprisonment of independent journalists, librarians, leaders of independent labor unions and opposition parties, and other democracy activists, including those supporting the Varela Project.

Seventy-five activists were arrested, subjected to summary trials and prosecution and then received long prison terms. On April 11, 2003, the government executed three men who had hijacked a ferry in an attempt to reach the United States. The executions conducted after a swift and secret trial had been condemned around the world. On July 14, 2003, the Havana-based Cuban Commission for Human Rights, a national reconciliation, issued a report asserting that Cuba held 336 political prisoners, including the 75 arrested in the March 2003 crackdown.

Mr. Chairman, human rights issues and their resolutions are important to the relationship between the United States and Cuba. The angst between Fidel Castro's government and the United States has continued for far too many years. The Cuban Government must bring Cuban legislation in line with international

human rights standards so that the human rights of all Cuban citizens are protected.

Cuba is responsible for the treatment of its citizens but the United States has the responsibility to pursue a foreign policy that promotes human rights and avoids worsening the human conditions.

I support the investigations of the Human Rights and Wellness Subcommittee in the pursuit of acceptable guidelines for our relationships between our different cultures. Today, I am looking forward to the testimony because I feel we can learn from you so that we can start on a course that will bring about the desired changes and compromises that each one of our cultures will have to make.

Mr. Chairman, I look forward to the testimony and I yield the balance of my time.

Mr. BURTON. Thank you, Ms. Watson.

Now, a real good buddy of mine and a fighter for freedom, a Cuban American of the first magnitude, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I am privileged to be a member of your subcommittee and I thank you for holding this very significant hearing today to discuss the ruthless human rights atrocities of the Castro regime and how our Nation should properly respond to them. Chairman Burton is no stranger when it comes to unmasking the violations of brutal dictators across the world and Dan is a true friend of the Cuban community in the United States.

I look forward to hearing the testimony of my wonderful friends, our esteemed guests who have labored over the issue of how to deal with Castro atrocious actions and how our freedom-loving Nation should respond to them. Your work in the field of human rights demonstrates the symbiotic relationship that the governments hold with the community. We thank you gentlemen for being here today. Ambassador Roger Noriega, the Honorable Adolfo Franco and Richard Newcomb, you are wonderful representatives of our Government. You serve the President well. You know the intricacies of the U.S.-Cuba policy and indeed the policies that we should have for the entire hemisphere and it is always a pleasure to hear from you and to know that you are always monitoring what actions we can take to help the people of Cuba.

As all of us know, Mr. Chairman, brave men and women all across Cuba have endured appalling human rights abuses throughout Castro's repression. Even as we meet here today, courageous advocates suffer in jail for speaking their mind and for advocating merely for liberty and freedom, things that we take for granted. Brave Cubans such as, Oscar Elias Biscet, Marta Beatriz Roque, an independent economist and leading pro-democracy advocate, are being sentenced to harsh prison terms of 20 years. Marta Beatriz Roque had previously spent nearly 3 years in prison for publishing along with three other of her colleagues the paper calling for democratic reforms, that is all. Independent journalists like Fraon Rivero, dean of the Independent Dissident Journalists, was sentenced to 20 years. Fellow journalists including Ricardo Gonzales Alphonso, Hector Gutierrez also received 20 year sentences. Other victims of this wave of repression included Jose Daniel Ferrar, a member of the Christian Liberation Movement whose penalty was

increased to death for a special request by the puppet whom the regime has as the presiding judge. There are also independent union labor leaders such as Oscaros Pinosa Chepe, Manuel Vasquez Portal, Nelson Moniet Despino and Nelson Alberto Ariel.

Mr. Chairman, the list of names seems endless as the daunting reality of what the dictatorship has done sinks into our consciousness. Every day more and more opposition leaders are sentenced to languish in terrible jail cells and subjected to the most inhumane and degrading treatment. Their bodies are weak, they are rapidly deteriorating but their courage, their spirit and their commitment to free Cuba from its enslavement is stronger than ever. The people of Cuba deserve a democracy, Mr. Chairman. They deserve freedom, they deserve that we help them accomplish that goal. We cannot and indeed must not remain silent. We cannot and must not be indifferent to the anguish and misery endured by the Cuban people just 90 miles off the shores of the hands of the depraved and cruel dictator and his agents of terror.

The purpose of this hearing is to address the proper response that our Government should take to these ongoing human rights violations in our hemisphere, to address the suffering and the pain that occurs every day on the island of Cuba and to address the means and how to assure that the dictatorship of Castro understands that our Nation takes these abuses seriously and will not allow violations of human rights to go unpunished.

Mr. Chairman, as you know, because it is your bill, and the provisions of the Libertad Act which you co-authored and co-wrote, allows our Government to address the lingering pain of the Cuban people. Provisions that restrict the travel of Cuban officials to the United States or that withhold aid to governments that are providing assistance to or engaging in non-market-based trade with Cuba should be thoroughly enforced by our Government. We must ensure that all of the provisions of the Helms-Burton Act are enforced. These provisions were pushed by the leadership of my good friend, Chairman Burton, and it encourages a resilient Cuban people to believe in the possibility of a free Cuba. Indifference breeds evil. Indifference is the enemy of freedom. Indifference helps cloak the deplorable actions of tyrants. Let us not become indifferent to the plight of our fellow Cuban brothers and sisters and seriously take a look at what our Government can and should do to promote freedom in Cuba.

As you said, Mr. Chairman, liberty and freedom-loving Cubans have been engaged in a long fight for their island. It is important to remember these brave souls and their just cause. I affirm to you that I will continue to work on behalf of not only Cubans who suffer at the hands of a cowardly dictator but of all people who are persecuted and prosecuted for their beliefs and faith and the wonders of liberty.

I would like to submit for the record, two letters that I have discussed with the administration that provide recommendations for the vital issues we have discussed here today.

Mr. BURTON. Without objection.

[The information referred to follow:]



HENRY J. HYDE, ILLINOIS  
CHAIRMAN

HELENE J. AGELMAN, NEW YORK, CHAIRMAN EMERITUS  
JAMES A. LEACH, IOWA  
DOLY BENTON, HAWAII  
CHRISTOPHER H. SMITH, NEW JERSEY  
DAN Rostenkowski, ILLINOIS  
ELTON GALLEGLY, CALIFORNIA  
LEAH ROBERTSON, FLORIDA  
CASS RUALSBERG, NORTH CAROLINA  
DAN Rostenkowski, CALIFORNIA  
EDWARD H. ROYCE, CALIFORNIA  
FRED J. ZELEVANSKY, NEW YORK  
STEFAN L. CRAMPTON, OHIO  
JERRY B. BOGGS, NEW YORK  
JOHN COCHRAN, LOUISIANA  
TERRY L. BACKUS, COLORADO  
BOB PAUL, TEXAS  
MICK SPITZ, MISSOURI  
JOSEPH R. PITTS, PENNSYLVANIA  
DAVID E. BONIOR, CALIFORNIA  
ERIC CARTON, VIRGINIA  
JEFF FRANK, ARIZONA  
BRYAN R. KOSCH, INDIANA  
JO ANN DAVIS, VIRGINIA  
MAFEE GREEN, WASHINGTON

THOMAS E. MCCOY  
DEPUTY DIRECTOR GENERAL COUNSEL  
JOHN WALKER ROBERTS  
DEPUTY CHIEF OF STAFF  
STEPHEN C. HOFFMANN  
DEPUTY CHIEF OF STAFF

One Hundred Seventy Congress  
Congress of the United States  
Committee on International Relations  
House of Representatives  
Washington, DC 20515

(202) 225-5021  
[http://www.house.gov/international\\_relations/](http://www.house.gov/international_relations/)

January 23, 2003

TOM LANTOS, CALIFORNIA  
RANKED DEMOCRATIC MEMBER

HOWARD L. BERMAN, CALIFORNIA  
CLAY J. CORTWELL, NEW YORK  
JIM LAM, CALIFORNIA, AMERICAN BANDA  
DONALD M. PAYNE, NEW JERSEY  
ROBERT MENENDEZ, NEW JERSEY  
BENNETT BRUNNEN, OHIO  
CHRISTOPHER A. COCHRAN, GEORGIA  
BRAD CROMBIE, CALIFORNIA  
ROBERT MICHAEL, TEXAS  
JIM DAVIS, FLORIDA  
ALBERT A. BROWN, NEW YORK  
WILLIAM D. DELANEY, MASSACHUSETTS  
CHRISTOPHER MEESE, NEW YORK  
BARBARA LEE, CALIFORNIA  
JOSEPH DIAMANTE, NEW YORK  
JOSEPH M. ROFFEL, PENNSYLVANIA  
LARRY BARNETT, OHIO  
SHELLEY BENNETT, TEXAS  
GREGG B. HANCOCK, CALIFORNIA  
ADAM B. SCHWAB, CALIFORNIA  
DANIEL E. WATSON, CALIFORNIA

ROBERT A. ROYD  
DEMOCRATIC STAFF DIRECTOR  
PETER M. YEE  
DEMOCRATIC STAFF SENIOR COUNSEL  
DAVID E. ARONOWITZ  
DEMOCRATIC STAFF COUNSEL

The Honorable George W. Bush  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

You recently made a determination to invoke both waivers of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act - otherwise known as Helms-Burton. As you know, according to the law, the waiver carries a dual threshold which requires that the waiver is in the national interest of the United States and that it helps promote democratic change in Cuba. Nevertheless, Title III is but one component of the laws which seek to fulfill these and other priorities of U.S.- Cuba policy.

I would like to draw your attention to other provisions which are not being fully implemented and respectfully ask that you make every effort to ensure that these are no longer ignored.

- **Title IV of Helms-Burton.** As you know, under this section, if it is determined that an alien, after March 12, 1996, has confiscated or is trafficking in confiscated U.S. property in Cuba, that person shall be excluded from the United States. According to the November 26, 2002 Title IV report provided by the Department of State in compliance with Section 2802 of the Foreign Relations Reform and Restructuring Act of 1998, there are three entities in the advanced stages of review. These companies which are acting in total disregard of U.S. property rights and interests, have yet to be sanctioned under the law.
- **Travel by Cuban officials to the United States.** According to Section 102(e) of the Helms-Burton law, the Congress underscored its intent that the President should instruct the Departments of State and Justice to enforce fully existing

regulations to deny visas to Cuban nationals who represent or are employees of the Cuban Government or of Cuba's Communist Party. Unfortunately, it appears such travel continues relatively unfettered, with educational and cultural exchanges being used as a facade, in some instances, for authorization of the travel.

Mr. President, in the aftermath of September 11, 2001 and given the Castro regime's state-sponsorship of terrorism, I am certain you will agree that it is not in the national security interest of the U.S. to allow regime or party representatives – whether traveling from Cuba or stationed in the U.S. – to be allowed virtually unrestricted access to our country.

Further, if travel to and within the United States is authorized, I ask that you instruct the Director of the Federal Bureau of Investigation to closely monitor the activities of these individuals who are in the service of a state-sponsor of terrorism.

I request that you take immediate action to curtail the threat posed by such unmonitored travel.

- Section 103 of the Helms-Burton law I would also greatly appreciate detailed information on your Administration's efforts to ensure the dutiful implementation of this section which prohibits indirect financing of the Castro regime. This is particularly important in light of the Trade Sanctions Reform Act provisions and current efforts by the dictatorship and its supporters to remove financing restrictions in the agricultural sector.
- Section 106 of the LIBERTAD Act amends the Foreign Assistance Act of 1961 and calls for withholding of aid to governments which are providing assistance to or are engaging in nonmarket based trade with the Cuban Government.

This section also requires the withholding of assistance to independent states of the former Soviet Union, proportional to the assistance and credits they provide in support of intelligence facilities in Cuba.

Mr. President, I ask that you direct your advisors report to the Congress on the status of our assistance programs to such countries and punitive measures taken in compliance with the law.

- Section 106 of Helms-Burton also has Presidential reporting requirements concerning the intelligence activities of the Russian Federation in Cuba. (Congressional intent in this regard was underscored in H.R. 4118, which passed the House overwhelmingly in 2000, prohibiting the rescheduling or forgiveness of any outstanding bilateral debt owed to the U.S. by the Government of the Russian Federation until the President certifies to the Congress that the Government of the

Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.)

Mr. President, I await further information about the status of Russian withdrawal from the Lourdes facility and its activities in Cuba.

- Section 101(2) of the Helms-Burton law calls on the President to advocate, and "to instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti"

I would appreciate receiving detailed information on your Administration's efforts in this regard.

- Section 109(a) of the Helms-Burton law authorizes support for individuals and independent non-governmental organizations working to support democracy-building efforts in Cuba. While these programs have proven successful, the necessary resources have not been committed. Thus, in keeping with your expressed commitment of May 20, 2002, I respectfully request that you require in the FY 2004 request, a substantial increase in funding for Section 109 programs and for direct assistance to Cuba's internal opposition.

Section 109(b)(2) states that the President should instruct the U.S. Permanent Representative to the Organization of American States to encourage other member states to join in calling for the regime to allow the immediate deployment of independent human rights monitors throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

In addition, it calls on the President to take the necessary steps to encourage the OAS to create a special emergency fund for the explicit purpose of deploying human rights monitors and, later, election observers in Cuba.

I look forward to being briefed on your efforts on these two items.

- Section 116(B)(3) of the LIBERTAD Act urges the President to seek, in the International Court of Justice, indictment for the act of terrorism by the Castro regime in shooting down the Brothers to the Rescue aircraft on February 24, 1996.

Notification on the status of this matter and of U.S. indictments would be greatly appreciated.

- In addition, under Section 4 of the Cuban Democracy Act of 1992, the President is to "direct the United States Trade Representative to enter into negotiations with

*the governments of countries that conduct trade with Cuba for the purpose of securing the agreement of such countries to restrict their trade and credit relations with Cuba in a manner consistent with United States policy and the purposes of this Act."*

My colleagues and I would greatly appreciate a full accounting of steps taken since by the USTR's office to achieve this policy goal since the law was put into effect ten years ago.


In addition to these Helms-Burton statutory requirements, my colleagues and I would appreciate your support for:

- an investigation of the Immigration and Naturalization Service's implementation of the Cuban Adjustment Act, in light of lengthy detention of documented Cuban refugees seeking political asylum at the Southwest Border of the U.S.
- a review and possible revocation of the flawed and discriminatory Clinton Administration "wet foot/ dry foot policy"
- a tasking of the Defense Intelligence Agency and National Security Agency, under the direction of Undersecretary of State, John Bolton, to further investigate Cuba's WMD programs and its links to al-Qaeda, Hamas, Hezbollah, and other terrorist groups operating in the Western Hemisphere.

Mr. President, during the 2000 presidential campaign, my colleagues and I were promised a bottom-up review of U.S.-Cuba policy. If such a review took place, my colleagues and I believe that, in light of the September 11, 2001 attacks, the arrest and conviction of a senior DIA official for spying on the U.S. for the dictatorship, expulsion of Cuban officials for espionage, and information regarding Cuba's WMD programs, the review should be re-written, and a relevant summary made available to public. The items highlighted in this letter should also be part of any such review.

The law on this issue is clear, providing a concise roadmap of what the U.S. should be doing. Failure to implement these provisions undermines U.S. efforts and leaves the policy vulnerable to attack from those who seek to engage the brutal tyranny.

Thank you for your consideration of these critical matters. I look forward to working with you on these and other items aimed at protecting U.S. national interests and bringing freedom to the Cuban people.

Sincerely,  
  
Heata Kos-Lehtinen, Chair  
Subcommittee on International  
Operations and Human Rights (107<sup>th</sup> Congress)

COMMITTEES:  
 -----  
 INTERNATIONAL RELATIONS  
 GOVERNMENT REFORM  
 -----

CHAIR:  
 SUBCOMMITTEE ON  
 MIDDLE EAST  
 AND CENTRAL ASIA  
 -----

VICE CHAIR:  
 SUBCOMMITTEE ON  
 WESTERN HEMISPHERE  
 -----

SUBCOMMITTEE ON  
 WELLNESS AND  
 HUMAN RIGHTS  
 -----



**Congress of the United States**  
**House of Representatives**

ILEANA ROS-LEHTINEN  
 18TH DISTRICT, FLORIDA

PLEASE RESPOND TO:  
 2160 RAYBURN HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515-0918  
 (202) 225-3931  
 FAX: (202) 225-5620

DISTRICT OFFICE:  
 9210 SUNSET DRIVE  
 SUITE 100  
 MIAMI, FL 33173  
 (305) 275-1800  
 FAX: (305) 275-1801

May 27, 2003

The Honorable George W. Bush  
 President of the United States  
 The White House  
 Washington, D.C. 20500

Dear Mr. President,

I would like to commend you for meeting with former Cuban political prisoners and dissidents on Cuban Independence Day last week. Your actions sent a message to the Cuban people that not only reiterated your personal commitment to a free and democratic Cuba, but that it would not be business as usual in U.S.-Cuba policy.

During your meeting, you heard directly from the relatives of some of the close to 80 pro-democracy activists detained and sentenced in the recent crackdown by the regime. You heard the anguish and sorrow in the voices of former political prisoners and dissidents, as well as the frustration of a people struggling for over four decades – since the Cold War really – to free themselves of the tyrant.

However, the question remains: How does the United States address the concerns of these individuals? How will the United States protect and promote U.S. national security interests? How can your Administration translate your personal commitment into a comprehensive strategy to precipitate regime change in Cuba?

I would like to offer some recommendations for your consideration—  
 recommendations encapsulated under the term **M.I.S.T.**:

The main components would be:

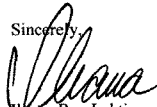
- **Multilateralization** of U.S. policy regarding the promotion of human rights and support for pro-democracy efforts;

- **Intelligence** gathering, tasking, and analysis to not only fully ascertain the regime's espionage activities, support for and participation in terrorism, development of biological weapons and other weapons of mass destruction, as well as its domestic activities, but to provide policymakers with reliable information about the Hemispheric challenges posed by the Cuban regime;
- **Support for the internal opposition.** This includes increases in funding and the development of new projects to support political prisoners, dissidents, pro-democracy forces and the burgeoning independent civil society inside the island.
- **Transmissions and telecommunications.** This would focus on overcoming the jamming of Radio and TV Marti, as well as finding innovative ways of communicating with the internal opposition, while providing the various dissident and pro-democracy groups with the means and technology to communicate with each other.

Mr. President, under the leadership of the United States and our allies we have witnessed the liberation of the people of Afghanistan from the Taliban and the Iraqi people from the brutal regime of Saddam Hussein. I fully supported you and strongly commend you for your commitment and determination in these efforts.

In turn, I would like to provide you with suggestions and recommendations that will enable your Administration to devise a course of action that will help precipitate regime change just 90 miles from U.S. shores.

Mr. President, as always, I remain available to discuss further details on this and other matters relating to U.S.-Cuba policy. Thank you for your continued personal commitment.

Sincerely,  
  
Heana Ros-Lehtinen  
Member of Congress

Ms. ROS-LEHTINEN. I thank the chairman for this opportunity and look forward to hearing from our esteemed guests on an issue that is true to my heart. I want to thank David Mulcher who is also here and who does his job so well and helps so many folks in Cuba who are suffering. I want to recognize his good work as well.

Thank you, Mr. Chairman.

Mr. BURTON. Very good.

We have with us, as mentioned, the Honorable Roger Noriega, the Assistant Secretary for the Western Hemisphere from the State Department; the Honorable Adolfo Franco, the Assistant Administrator for Latin America and the Caribbean, USAID; and Mr. R. Richard Newcomb, Director, Office of Foreign Assets Control, U.S. Department of Treasury.

I know this isn't necessary but this is a tradition, but would you rise so we can swear you?

[Witnesses sworn.]

Mr. BURTON. Secretary Noriega, we will start with you.

**STATEMENTS OF ROGER NORIEGA, ASSISTANT SECRETARY FOR THE WESTERN HEMISPHERE, STATE DEPARTMENT; ADOLFO FRANCO, ASSISTANT ADMINISTRATOR, LATIN AMERICA AND THE CARIBBEAN, USAID; AND R. RICHARD NEWCOMB, DIRECTOR, OFFICE OF FOREIGN ASSETS CONTROL, U.S. DEPARTMENT OF TREASURY**

Mr. NORIEGA. Thank you very much, Mr. Chairman.

I have a written statement that I would like to have submitted for the record of this hearing and I want to thank you very much for inviting us to discuss U.S. policy toward Cuba. I am delighted to have an opportunity to address this important topic. I am a little intimidated to be addressing a topic about which the members of this committee know so much. Nevertheless, we welcome the opportunity.

The climate for Mr. Castro is changing dramatically. Just a few days ago, a trendy crowd in Paris, including actress Catherine Deneuve and director, Pedro Almodovar, was chanting, "Cuba, si. Castro, no." When the Bush administration and the French Communist Party both condemn Castro's repression, we know that Castro is in very deep trouble. How did we get here?

First, President Bush is committed to a rapid, peaceful transition to democracy in Cuba. This administration has extended more material support and more moral support to the opposition than ever before. We have encouraged our European allies to step up their contact with dissidents. Just last Friday, the President announced several new initiatives which we will describe in some detail to encourage a free and democratic Cuba.

The President has dashed Castro's hopes for an accommodation. The President has unambiguously pledged to veto any embargo busting bills. Castro's escape route, using U.S. tourist dollars or direct U.S. financing to prop up his police state, has been cutoff. Castro also understands that he dare not use the desperation of the Cuban people trying to free his tyranny in order to blackmail the United States. We have told the Cubans that any political manipulation of a mass migration of Cubans to the United States would

be considered a hostile act. There is no escape route for Mr. Castro and there is no blackmail.

There is a growing international consensus on the nature of the Castro regime and the crying need for change. The critical factor in the coalescence of this unprecedented multilateral consensus on Cuba was the March crack down on civil society. The regime is in the fight of its life and it is a fight it will lose. As former Eastern European Presidents Vaclav Havel, Arpad Goncz and Lech Walesa recently said, even in the wake of repression, "the voices of free-thinking Cubans are growing louder. That is precisely what Castro and his government must be worried about." That repression provoked our European and some Latin American allies to denounce the regime in some of the most dramatic and compelling terms ever.

As the committee is well aware, the right of U.S. nationals that own claims to confiscated property in Cuba, to bring suit under Title III of the Cuban Liberty Democratic Solidarity Act may be suspended for 6 month periods only if the President determines the suspension is necessary to the national interests of the United States and expedite a transition to democracy in Cuba.

In justifying previous waivers, this administration has cited the growing international consensus to bring pressure for real change in Cuba. Much has been accomplished this year in this regard. The European Union and the European Union's Council of Foreign Ministers joined by most of the member governments individually condemned the arrests of the 75 Cuban dissidents and called for their release. The EU has increased its contacts with the Cuban dissidents despite the strong objections of the regime.

There have been actions taken in our hemisphere including the May declaration by 17 OAS member states citing the arrest of 75 Cuban prisoners of conscience. Latin American nations led the effort to pass a resolution on Cuba at the U.N. Human Rights Commission and we would hope for strong, clear leadership on that same subject not only in the U.N. Human Rights Commission in Geneva, but in the context of the Ibero-American Summit which we held this November in Bolivia.

The effectiveness of the Helms-Burton Act, particularly Title III and Title IV is clear. Foreign investment in Cuba is tailing off, partially because Cuba is bad for business and partially because of the dissuasive impact that Helms-Burton has had on potential investors. As you know, Mr. Chairman, the Cuban regime controls the economy and is the only real employer on the island. From its carefully controlled investment and joint ventures, these have been very poor and risky investments. Of the 540 joint ventures formed since the endeavors were legalized more than 20 years ago, only 397 remained by the end of 2002. The number of joint ventures formed each year has been steadily declining since 1996, the year the Helms-Burton Act was passed, an increase of a mere 25 such ventures in the last 7 years since Helms-Burton was approved by Congress. The trend lines for new investment are dropping and we believe one reason why is the continued pressure on foreign firms not to traffic in confiscated property. It is clear that with Castro there can be no real reform in Cuba.



President Bush's initiative for a new Cuba challenged the Cuban Government to undertake meaningful political and economic reforms and the regime has responded with more repression. Fidel Castro is not interested in change; however, we are. Toward that end, we are maintaining support for civil society, working to break the information blockade imposed by Castro, maintaining international momentum for real reform, keeping up the pressure on human rights and confronting trafficking by foreign corporations and properties confiscated by the regime from Americans.

Our policy is to engage the 11 million other people in Cuba who want to be free, not the regime that denies them this essential right. Our policy is not to punish the Cuban people but to break the stranglehold of the Cuban dictatorship on the Cuban people.

President Bush outlined some initiatives on October 10 as part of a process of increasing our support for sweeping change in Cuba. On October 10, the President spoke of his commitment to breaking the information blockade imposed by the regime. The President announced three important new initiatives to support our solidarity with the Cuban people and to help them achieve a democratic transition. Those initial steps include the formation of a Commission for Assistance to a Free Cuba, co-chaired by Secretary Colin Powell and Mel Martinez, the Secretary of Housing and Urban Development and comprised of U.S. executive branch agency representatives to help prepare the U.S. Government to provide effective assistance to a free Cuba.

The groundwork for this sort of process is laid by Title II of the Helms-Burton Act and the aim is to deal effectively and decisively in a transition period to ensure that the cronies of Fidel Castro cannot hold on to power and to ensure that there are no accommodations with cronies of the Castro regime that try to hold the apparatus of his dictatorship together even after he is gone. We need to be prepared to move effectively, decisively and to offer the Cuban people the opportunity for real reform.

That, Mr. Chairman, is one of the key reasons for maintaining the U.S. embargo. The question today isn't imposing the embargo. The question today is how you go about lifting it as a unilateral concession to a dictator who is drawing his last breath or do you use it as leverage with a transitional government to make sure that the economic and political reforms are sweeping enough, deep enough that they sweep away all traces of Castro's regime.

We also want to enforce our travel restrictions, enforce U.S. law. Better enforcement of travel restrictions will make it more certain that permitted travel for Americans is not abused. Enforcement agencies already are increasing inspections of travelers and shipments to and from Cuba and target those who are illegally traveling to Cuba via third countries and on private vessels.

On the migration issue, the U.S. Government must improve the way it identifies and protects those who face persecution in Cuba and provide them with an opportunity to come to the United States safely. We need to resume full monitoring and we will resume full monitoring of all returned migrants and to hold a new lottery whether the regime approves it or not to replenish the data base of Cubans who wish to leave Cuba legally and safely.

We are also stepping up freedom broadcasting, making sure that radio and TV Marti is professional and delivers an effective message that reaches the Cuban people and overcomes the jamming of the Castro regime.

Mr. Chairman, in conclusion, this is a crucial time for the cause of a free Cuba. Some of our efforts including the pressure under Helms-Burton are bearing fruit. Also, our allies, especially in Europe, see the regime for what it is finally and are insisting on democratic change like never before. Even more encouraging is that Cubans of conscience with a commitment to democracy and reform are working day by day for change. The Bush administration will work with you to do everything we can to support these people.

The best news is the crackdown did not crush the opposition but rather imbued the remaining activists with a new sense of urgency and purpose. Oswaldo Paya has reconstructed his network of civil society activists and in a real act of defiance recently delivered more than 13,000 additional signatures to the regime demanding the right to a vote on their own future. Oscar Elias Biscet, Marta Beatriz Roque and Raul Rivero are in jail for daring to think about the future in defiance of a dictatorship trapped in the past. Presidents Vaclav Havel, Arpad Goncz and Lech Walesa recently wrote, as I cited earlier, "The regime is getting nervous." It has reason to be nervous, confronted with a growing civil society, confronted with international condemnation and tough measures to ensure that foreigners do not do business with the Cuban regime by trafficking in property stolen from U.S. nationals.

President Bush is committed to seeing the end of the Castro regime and just as importantly, dismantling the apparatus that keeps him in power. We are preparing for a day when Castro's regime and its repression are no more.

Thank you very much, Mr. Chairman.

[NOTE.—The information referred to may be found in subcommittee files.]

[The prepared statement of Mr. Noriega follows:]

23

STATEMENT BY  
ASSISTANT SECRETARY OF STATE  
FOR  
WESTERN HEMISPHERE AFFAIRS  
ROGER F. NORIEGA  
BEFORE THE  
HOUSE COMMITTEE ON GOVERNMENT REFORM  
SUBCOMMITTEE ON WELLNESS AND HUMAN RIGHTS  
OCTOBER 16, 2003

Thank you for inviting me to discuss United States policy toward Cuba. I'm delighted to have this opportunity to address this important topic. One point I'd like to make from the start, which relates directly to the challenges to achieving a transition: recent events in Cuba have opened the eyes of many around the world to the true nature of the Castro regime.

The climate is changing dramatically. Just a few days ago, a trendy crowd in Paris, including Catherine Deneuve and Pedro Almodóvar -- was chanting "Cuba sí, Castro no." When the Bush Administration and the French Communist Party

both condemn Castro's repression, you know that Castro is in deep trouble.

How did we get here?

First, President Bush is committed to a rapid, peaceful transition to democracy in Cuba. This Administration has extended more material support and more moral support to the opposition than ever before, and has encouraged our gratifyingly eager European allies to reach out to the dissidents, too. Just last Friday, the President announced several new initiatives, which I will describe in detail, to encourage a transition to a free and democratic Cuba.

The President has dashed Castro's hopes for an accommodation: he has unambiguously pledged to veto embargo-busting bills. Castro's escape route -- using U.S. tourist dollars or direct U.S. financing to prop up his police state -- has been cut off.

Castro also understands that he dare not use the desperation of the Cuban people to flee his tyranny to blackmail the United States. We clearly told the Cubans: "Cuba should understand that any political manipulation of the desire of Cubans to escape from Cuba that results in a mass migration to the United States would be considered a hostile act." No escape, and no blackmail.

That Castro runs a dictatorship which denies Cubans their basic rights was not a surprise to us. But for many, it was a revelation, and one that has helped us all -- Americans, and our allies around the world -- to recognize that we all agree that the Cuban regime has betrayed its people politically and failed them economically. We recognize that the Cuban people will be best served by an end to the dictatorship, followed by a full transition to democracy characterized by open markets and the respect for human rights. Our commitment to helping Cubans achieve genuine democracy is an important unifying concept, drawing us together on an issue more often marked by disagreements.

**Growing Multilateral Consensus for Change and Title III**

The growing international consensus on the nature of the regime and the need for change plays out in many contexts: many of those who had stood by Castro in those early days have now begun to speak out publicly against the abuses of his regime. Even before the regime's ruthless repression of civil society in March of this year, President Luis Inacio Lula da Silva of Brazil said in late 2002, "Let's not confuse the passion that my generation has for the Cuban revolution and what it represented then

with any approval of the Cuban regime today. I defend religious freedom, freedom for trade unions and political freedom."

Nobel Prize-winning Portuguese novelist Jose Saramago, a dedicated Communist and previously an admirer of the Cuban revolution, put it succinctly in reacting to Castro's crackdown: "This is as far as I go ... to dissent is a right."

The critical factor in the coalescence of this unprecedented multilateral consensus on Cuba was the egregious act of repression which took place in March and April. Rather than detail the injustices of the Cuban regime's repression here, I would direct the Committee to the superb Amnesty International report, "Essential Measures? Human Rights Crackdown in the Name of Security," which is an extremely complete and credible depiction of the mechanism of Castro's brutality. It is important to note that the Cuban regime's actions were not a sign of strength, but of fear -- fear of its own people and fear that it will not survive Castro's demise. As the noted exiled Cuban academic Juan Antonio Blanco recently pointed out, the regime convicted people to lengthy jail sentences for owning a decrepit typewriter to send a simple message: it will treat Cubans who seek their fundamental freedoms

peacefully "with the same implacable rigor with which it smashed earlier armed opposition to the revolution." The Castro regime knows that it is in a fight for its life.

This is a fight that the regime will lose. In their superb analysis and call for action published in the Washington Post on September 21, former eastern European Presidents Vaclav Havel, Arpad Goncz and Lech Walesa, each a product of his own country's progress from repression to democracy, said that, even in the wake of the repression, "the voices of free-thinking Cubans are growing louder, and that is precisely what Castro and his government must be worried about."

That repression provoked our European and some Latin American allies to denounce the regime in some of the most dramatic and compelling terms ever. Latin American nations led the effort at the 2003 Human Rights Commission to win approval for a resolution on Cuba.

As the Committee is well aware, the right of U.S. nationals that own claims to confiscated property in Cuba to bring suit under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act may be suspended for six month-periods only if the President "determines and reports in writing to the appropriate congressional committees at least 15 days before such effective date that

the suspension is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba." In justifying previous waivers, this Administration has cited the growing international consensus to bring pressure for real change in Cuba and the need to encourage and strengthen that multilateral approach to advance democracy, human rights and fundamental freedoms in Cuba. For example:

- In March, the European Union (EU) condemned the arrests of the 75 Cuban dissidents.
- In both April and in May, the EU's Council of Foreign Ministers condemned the GOC crackdown and called for the immediate release of all political prisoners.
- On April 30, the European Commission decided to postpone indefinitely Cuba's bid to join the Cotonou agreement, a preferential trade pact.
- On June 5, in an action that infuriated the dictator Castro, the EU announced its decision to limit bilateral high-level governmental visits, reduce the profile of member states' participation in cultural events, and invite Cuban dissidents to national-day celebrations.

Individually, governments have taken actions and made statements, too:



- the Italian national assembly called on the government to cut off all assistance to Cuba.
- the Dutch Economic Ministry cancelled an official trade mission to Cuba.
- Spanish Foreign Minister Ana Palacio cited the "very serious human rights violations" in Cuba, causing Castro to shut down the Spanish Cultural Center in Havana.
- United Kingdom Foreign and Commonwealth Office Parliamentary Under-Secretary of State Bill Rammell condemned "the lack of fundamental freedoms and rights in Cuba" and called upon the Cuban government to respect international standards as set out in the Universal Declaration of Human Rights.
- In June, the French Foreign Ministry announced its decision to reassess its cooperation with Cuba in view of the GOC's "violation of the freedoms of expression and opinion," and later announced its decision to seek to aid the Cuban people but not the government -- precisely mirroring the U.S. position.
- The Polish Ministry of Foreign Affairs and Czech Ministry of Foreign Affairs expressed grave concern

over the arrests and called on Cuba to cooperate with the UNCHR.

There have been actions taken in our hemisphere, as well:

- In April, the Inter-American Commission on Human Rights stated its profound concern about violations of Cubans' rights by the regime.
- In May, 17 OAS member states, including 14 of Cuba's Latin American neighbors, issued a declaration citing the arrest and severe sentencing of 75 Cuban citizens who were exercising their fundamental rights.
- Both the Chilean House and Senate passed resolutions opposing the crackdown, as did the Central American Parliament.
- Finally, in April, a coalition of Latin American and European nations sponsored -- and the UNCHR approved -- a resolution on Cuba, reiterating its call for a visit to Cuba by a personal representative of the U.N. High Commissioner for Human Rights. The Cuban government continues to refuse to allow a visit.

I must note with disappointment that two Latin American leaders -- President da Silva of Brazil, and Foreign Minister Bielsa of Argentina -- visited Cuba within the last month and did not meet with the opposition leaders

or publicly address the recent crackdown by the Castro regime. We believe that public recognition of the opposition and open support for democratic development and proper observation of human rights should be an essential part of any such visit to Cuba. To do otherwise sends the wrong message to the dissidents and to Castro and his henchmen.

Unfortunately, the actions - or lack of actions - by Brazilian and Argentine officials during visits to Cuba reflect an ambivalence of many Western Hemisphere nations to the recent repression in Cuba. Given their own struggles for political and civil rights -- for societies built on the law of rule, not the rule of one man or a junta - it is sad that they appear to have turned their back on those struggling in Cuba for rights now codified in the Inter-American Democratic Charter.

As Secretary Powell said so eloquently in Santiago in June, after the OAS General Assembly: "how could we, as a Community of Democracies which has seen what we have been able to achieve in this hemisphere over the last fifteen or twenty years, fail to speak out with respect to what Castro is doing to his people?"

It is my profound desire, and I take as a personal mission, to encourage greater involvement by Latin American

governments in the quest for democracy and development in Cuba, that is consistent with our shared commitment as articulated in the Inter-American Democratic Charter.

**Title IV and Foreign Investment Flows**

The record on Title IV is equally clear: foreign investment in Cuba is tailing off, partially because Cuba is bad for business, and partially because of the dissuasive impact Title IV has had on potential investors.

As the Committee is aware, the Cuban economy is controlled by the government, which is the dominant employer. The GOC permits only carefully-controlled foreign investment in joint ventures. The economy went into a tailspin when Soviet subsidies were ended, causing the regime to take desperate moves in a period which it qualified as nearly like a state of war. Some limited "elements of capitalism" were permitted.

While the "elements of capitalism," increased remittances and foreign investment in the tourist and mining sectors, permitted the regime to ride out the storm, the economy nonetheless lost 40% of GDP -- a catastrophic depression. Now the regime is busily walking back by withdrawing permits, raising taxes, and staging detailed

"inspections" of these quasi-capitalistic microenterprises. The message is clear: Castro will permit the minimum economic activity to avoid the abyss, but not at the risk of loosening political control.

And it's hurting Cubans. The UN Economic Commission on Latin America (ECLAC), in a study compared in conjunction with at Cuban government think-tank, concludes that Cuba must ease restrictions on small businesses to revive its suffering economy. Cuba needs deregulation in order to be able to achieve real growth, but Castro cannot allow that without ceding decision-making authority.

One regime move which remains in place is its effort to encourage joint ventures, also known as "economic associations," to draw in foreign investors. The record has been extremely poor from the perspective of the investors. Of the 540 joint ventures formed since such endeavors were legalized more than 20 years ago, only 397 remained at the end of 2002. The number of joint ventures formed each year has been steadily declining since 1997, which I don't need to remind this committee is the year after the LIBERTAD Act was passed. To put this in perspective, when the LIBERTAD Act was under consideration, Cuban figures numbered joint ventures in the 360-375 range,

with projections that these would grow at a pace of 50-60 a year. Today, there are 397, maybe an increase of 25 such ventures in the seven years since LIBERTAD's enactment.

It has been estimated by U.S.-based academicians, using the few hard facts which the Cuban regime divulges regarding its economy, that foreign direct investment flows decreased from \$448 million in 2000 to \$39 million in 2001, rising only slightly to \$60 million in 2002. In that year, the Cuban government authorized 24 investment proposals with partners from 13 countries. The value of total foreign investment has been given as US\$100 million, but 10 proposals were effected outside Cuba in third countries. Thus, Cuba directly benefited from only 14 new foreign-investment ventures in 2002, out of a total of 397 ventures in operation.

The trend lines of new foreign investment are dropping, and we believe that one reason why is the continued pressure on foreign firms not to traffic in confiscated property. Certainly we receive regular inquiries from foreign firms about the implications of the legislation, and from U.S. claimants who have been contacted by foreign firms

Another factor is the regime's offensive and hamhanded approach to its foreign investors. We know that European

countries are the biggest foreign investors in Cuba, and that European tourists are the principal foreign visitors to the island. But Castro has gone out of his way to denounce European leaders, especially Spanish President Jose Maria Aznar and Italian President Silvio Berlusconi, in the most insulting of terms -- even though Spanish and Italian investors and tourists rank in the top three of both categories in Cuba.

Europeans are getting tired of this state of affairs, and in July 2002 presented the regime with a coordinated document detailing, point-by-point, the difficulties in doing business in Cuba. For example, the document cited problems in obtaining work and residence permits for foreign workers; noted complaints that the Cubans gave European investors little or no say in hiring Cuban staff, forcing professionally unsuitable workers on the European investors, yet reserved to the regime the right to fire any worker at any time without cause. The regime responded with a blast in the form of a diplomatic note blaming Europe for Cuba's problems -- a foretaste of Castro's reaction when the Europeans dared to criticize his crackdown on the opposition.

U.S. Programs to Promote Democracy and Human Rights

It is clear that with Castro there can be no reform in Cuba. President Bush's Initiative for a New Cuba challenged the Castro government to undertake political and economic reforms. The President made clear that his response to such concrete reforms would be to work with the U.S. Congress to ease the restrictions on trade and travel between the United States and Cuba. For the first time since the Castro regime came to power, the United States offered to match steps toward freedom and more open markets by the Government of Cuba with steps to ease the embargo and travel restrictions. Not surprisingly, the Castro regime rejected this opportunity to help move his country toward a soft landing.

The Administration will not wait for Fidel Castro to show that he is interested in change, because we don't believe that day will come. What we will continue to do is focus on actions designed to accelerate and shape the democratic changes the Cuban people seek. Toward that end, we are:

- Maintaining and augmenting our support for Cuba's growing civil society. Much has been done; we need to redouble



our efforts in this climate of increased repression, bringing in new Cuban and international actors.

- Increasing efforts to break the information blockade  
Castro has on the Cuban people. Steps have already been taken to improve the effectiveness of Radio and TV Marti through innovative new technical measures.
- Maintaining multilateral and international momentum  
against the regime's abuses and for fundamental change that will increase pressure on the regime itself. The international consensus that Castro created by revealing the true, oppressive nature of his government is the single most important new factor in the quest to encourage democratic development in Cuba. We will work with foreign governments, with regional parliaments, with political party internationals, and in all available international organizations to make clear the international community's insistence on real reform.
- Maintaining our pressure on human rights issues  
generally, including by working with like-minded governments to adopt a UN Human Rights Commission resolution on Cuba which reflects the international consensus on Cuba today.
- Raising our profile in the public diplomacy and public affairs arenas, particularly to transmit our message of

support for the Cuban people for rapid and effective change in Cuba.

- I believe it is critical to augment our outreach to Congress on developments in Cuba and with respect to our policy, and I'm committed to regular discussions with the relevant committees to accomplish this.
- We will continue to work to make sure that travel by Americans to Cuba consistently supports our policy goals. We have begun this process by eliminating and refining license categories. Working with Treasury's OFAC and other involved agencies, we will also seek enforcement actions against those who travel in violation of the law.
- We have taken a number of actions to confront the challenges of Cuban espionage against the United States by insisting that Cuba's representatives here are authentic diplomats and not spies.
- We continue to demand reciprocal treatment for Cuban Interests Section staff, compared to treatment by Cuba of our diplomats in Havana.
- The Administration remains committed to taking concrete steps, using the legal tools available to us, to confront trafficking by foreign corporations in properties confiscated by the regime from Americans.

President's October 10 Speech

There is more. The President spoke on October 10, underscoring his commitment to breaking the information blockade imposed on the Cuban people by the regime. He noted recent innovations that are helping to bring more broadcasts to more Cuban households.

The President also announced three important new initiatives to show our solidarity with the Cuban people and help them to achieve a democratic transition. Those steps included:

- Formation of a Commission for Assistance to a Free Cuba, co-chaired by Secretaries Powell and Martinez and comprised of U.S. Executive Branch agency representatives, to help prepare the U.S. government to provide effective assistance to a free Cuba. The Commission will consider the elements of a comprehensive program to assist the Cuban people to establish democracy and the rule of law, create the core institutions of free enterprise, modernize infrastructure, and provide health, housing, and human services.

- Greater Enforcement of Travel Restrictions: We believe that greater enforcement of travel restrictions will make more certain that permitted travel for Americans (like family visits, humanitarian aid, research) is not abused and used as cover for illegal business travel, to skirt restrictions on carrying cash into Cuba, or tourism. Our concern is that violations of restrictions serve only to funnel funds to the dictator, and our goal is to help the Cuban people while not benefiting Castro's repressive regime. Enforcement agencies will increase inspections of travelers and shipments to and from Cuba and target those who illegally travel to Cuba via third countries or on private vessels.
- Migration: The U.S. Government needs to improve its ability to identify and protect those who face persecution in Cuba and provide them the opportunity to come to the United States safely. Our goal is to see that no Cuban finds it necessary to risk his or her life on the high seas to come to the United States. One consequence of this action should be to increase the number of new migrants admitted from Cuba through a safe, legal, and orderly process. We will undertake a public diplomacy campaign in the U.S. and

Cuba to better inform Cubans about safe and legal migration options. Two related initiatives which I feel strongly about are the need to resume full monitoring of all returned migrants, and the need to hold a new lottery -- whether or not the regime approves -- to replenish the data base of Cubans who wish to leave Cuba legally.

#### CONCLUSION

This is a crucial time for the cause of a free Cuba. Some of our efforts, like Titles III and IV of the Libertad Act, are bearing fruit. Too, our allies, especially in Europe, see the regime for what it is, and are insisting on democratic change like never before. Even more encouraging is that Cubans of conscience with a commitment to democracy and reform are working day-by-day for change. The Bush Administration will work with you to do everything we can to support them.

The best news is that the crackdown did not crush the opposition, but rather imbued the remaining activists with a new sense of urgency and purpose. Oswaldo Paya has reconstructed his network of civil society activists, and in an act of real defiance, delivered another 14,000

signatures to the regime last week. Oscar Elias Biscet, Marta Beatriz Roque, and Raul Rivero are in jail for daring to think about the future in defiance of a dictatorship trapped in the past. Former East European presidents Havel, Walesa, and Gencz recently wrote about Cuba: "the internal opposition is getting stronger, it has not been brought to its knees by the police round up last March, times are changing, the revolution is getting old and the regime is getting nervous.

Mr. Castro has reason to be nervous in the face of an international community which is confident and united as never before. President Bush is committed to seeing the end of the Castro regime, and the dismantling of the apparatus which keeps him in power. And we are preparing for the day when Castro's regime and its repression are no more.

Thank you for the chance to speak with you today.

ATTACHMENTS TO CUBA TESTIMONY

1. Brochure - Cuba: What you need to know about the Embargo
2. Chronology of Cuba Travel Licensing Program
3. Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba
4. Circular 2001 (Travel, Carrier and Remittance Service Providers Program)
5. Enforcement Guidelines published in the Federal Register January 29, 2003
6. Rules Governing Availability of Information published in the Federal Register on February 11, 2003
7. Regulatory Amendments published in the Federal Register March 24, 2003, eliminating the people-to-people program and making other changes
8. Regulatory Amendments published in the Federal Register September 11, 2003, revising civil penalties regulations including administrative hearing procedure
9. Chart - Cuba Travel Investigations Opened and Referred to Civil Penalties
10. Press Articles
  - "Cuba Now or Never? After Dec. 31 Visits Get Tougher for Americans" Washington Post, Sunday, September 28, 2003
  - "Cuba legally/Licensed People-to-people' tours make visiting easy and fascinating," Wednesday, February 19, 2003

Mr. BURTON. Thank you, Mr. Secretary.

Mr. Franco.

Mr. FRANCO. Thank you for this opportunity to testify on behalf of the U.S. Agency for International Development concerning the continuing human rights violations of the Castro dictatorship in Cuba and the importance of a vigorous international response on behalf of the Cuban people.

I would request that my full statement be included in the record.

Before proceeding to my prepared remarks, as Assistant Secretary Noriega noted, this is a difficult committee before which to testify because you are all so well informed on the issue, but it is also a pleasure. I want to commend you, Mr. Chairman, for your leadership over the years in continuing to put the necessary pressure on the Castro regime. I think your statement was comprehensive, articulate and certainly reflects the views of the Bush administration.

It has been a pleasure to work with Ms. Ros-Lehtinen who has been a stalwart leader on these issues. Your statement and your continuing support for Section 109 and the important work that USAID is doing to provide information on democracy and human rights in Cuba—which I will discuss—has been indispensable.

Ms. Watson, you and I traveled with Chairman Hyde last year to Europe and I remember your commitment when we had discussions on human rights and I fully share your enthusiasm for the Veletta project and also as you said, the United States has a responsibility to promote human rights. I would like to discuss what we are doing to accomplish that goal which we share.

In his testimony this afternoon, Assistant Secretary Noriega has well described the increasingly repressive measures taken by the Cuban State to stifle the growing civil society movement in that country. The summary executions of three young men, as Ms. Watson noted, who simply tried to escape repression. The imprisonment of more than 75 new political prisoners whose only crime was to peacefully pursue their basic human rights in my view illustrates the true nature of the tyrannical Castro regime.

These acts of the Cuban Government are outrageous and indefensible but unfortunately, they are not new. Fidel Castro has systematically repressed the Cuban people for the past 44 years as the chairman noted. What is new is the growing strength of Cuba's peaceful democratic opposition. Congresswoman Watson alluded to the Veletta Project as an example of that growing movement.

Make no mistake about it, an independent civil society has begun to emerge in Cuba and it deserves the support of free people everywhere. Certainly we in the U.S. Government and the American people must do what we have always done and that is to hold high the banner of freedom and keep the flame of liberty alive. One of the things I recall that Soviet dissidents talked about is they always saw the West as that bright light and they never lost hope because as Congresswoman Ros-Lehtinen has noted, indifference does breed evil.

Since passage of your bill, Mr. Chairman, the Helms-Burton Act of 1996, the U.S. Agency for International Development has been instrumental in working closely with the State Department and other U.S. non-governmental organizations to promote a rapid,



peaceful transition to democracy in Cuba. We have done so by increasing the flow of accurate information on democracy, human rights and free enterprise to, from and within Cuba. I wish to note for the record this information is not U.S. Government information but information that is freely available in our country and in the West and includes work such as books by Martin Luther King.

As authorized by Section 109 of the Helms-Burton law, USAID has provided \$26 million over the past 6 years to U.S. non-governmental organizations to do the following. First, build solidarity with Cuban human rights activists; second, give voice to Cuba's independent journalists; third, to defend the right of Cuban workers; fourth, to develop independent Cuban non-governmental organizations; and last, to provide direct outreach of information to the Cuban people.

Despite the active opposition of the Cuban Government, USAID grantees have delivered more than 150,000 pounds of food and medicine to the families of political prisoners and other victims of repression in Cuba. USAID's grantees have also provided more than 10,000 short wave radios to the Cuban people. This enables them to listen to not only TV Marti and the Voice of America but to the BBC, Radio Netherlands and other uncensored international broadcasts.

USAID grantees have also sent the Cuban people more than 2 million books, newsletters, video cassettes and other informational materials concerning democracy, human rights, free enterprise, and literature, simple things such as literature. In addition, USAID grantees have published worldwide more than 9,000 reports coming from Cuba's own growing independent journalist movement.

Most important, in my view, USAID grantees disseminate these reports in hard copies throughout Cuba so that the Cuban people from one end of the island to the other can learn the names of Cuban opposition leaders, debate their ideas and draw strength from their courage.

Mr. Chairman, as you know, the Cuban people suffer the most basic deprivations of body as well as spirit because of the failed policies of the Castro regime. As an example, President Bush has repeatedly offered emergency food and humanitarian assistance to the Cuban people. Fidel Castro has always rejected that assistance. Castro not only denies the Cuban people the right to vote, the right to read and the right to speak, but he also denies the Cuban people the right to eat.

Castro blames all of his government's failed economic policies on the U.S. embargo but it is not U.S. policy, Mr. Chairman, which is responsible for the dismal failure of Cuban agriculture and its inability to feed its own people. A country rich in agricultural potential with plentiful supplies of labor cannot supply its own population with meat and has imported most of its rice, beans and even fish for the past 40 years.

The United Nations Food and Agricultural Organization, the FAO, estimates that 13 percent of the Cuban population is chronically undernourished. The World Food Program has found some serious deficiencies in dietary intake in eastern Cuba where the average diet provides less than 80 percent of the minimum level of

proteins, less than 50 percent of the necessary fats and insufficient vitamin and mineral intake for sustained health.

As President Bush said on October 10, "Clearly the Castro regime will not change by its own choice but Cuba must change." In announcing new initiatives to hasten the arrival of a new, free, democratic Cuba, President Bush announced that he will establish a Commission for Assistance to a Free Cuba to plan for the happy day when Castro's regime is no more and democracy flourishes on the island. Assistant Secretary Noriega has outlined the purposes of the Commission.

Mr. Chairman, I wish to take this opportunity to thank you for your continued support and that of the committee for USAID's efforts to promote rapid, peaceful transition in Cuba and I again wish to thank you for the opportunity to appear before the committee this afternoon.

I welcome any questions you and the other distinguished members of the committee may have for me.

[The prepared statement of Mr. Franco follows:]

STATEMENT BY

ADOLFO A. FRANCO

ASSISTANT ADMINISTRATOR FOR LATIN AMERICA AND THE CARIBBEAN

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

OF THE

HOUSE GOVERNMENT REFORM COMMITTEE

OCTOBER 16, 2003

Mr. Chairman, thank you for this opportunity to testify, on behalf of the United States Agency for International Development (USAID), concerning the continuing human rights violations of the Castro dictatorship in Cuba, and the importance of a vigorous international response on behalf of the Cuban people. I request that this statement be submitted for the record.

Assistant Secretary Noriega, in his testimony to you this morning, has well described the increasingly repressive actions of the Cuban state, the recent summary executions of three young men who tried to escape the island, and the imprisonment of more than 75 new political prisoners whose only crime was to peacefully pursue their basic human rights.

The actions of the Cuban government are outrageous and indefensible. But they are not new. Fidel Castro has systematically repressed the Cuban people for the past 44 years. What is new is the growing strength of Cuba's peaceful democratic opposition. An independent civil society has begun to emerge in Cuba. It deserves the support of free people everywhere. Certainly, we in the United States must do what we have always done - hold high the banner of freedom, and keep the flame of liberty alive.

Since passage of the *Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996*, the United States Agency for International Development has worked closely with the U.S. Department of State and U.S. non-governmental organizations to promote a rapid, peaceful transition to democracy in Cuba, by increasing the flow of accurate information on democracy, human rights and free enterprise to, from, and within Cuba.

As authorized by Section 109 of the *LIBERTAD Act*, USAID has provided 25 million dollars over the past six years to U.S. non-governmental organizations to build solidarity with Cuba's human rights activists, give voice to Cuba's independent journalists, defend the rights of Cuban workers, help develop independent Cuban non-governmental organizations, and provide direct outreach to the Cuban people.

In spite of the active opposition of the Cuban government, USAID grantees have delivered more than 150 thousand pounds of food and medicine to the families of political prisoners and other victims of repression in Cuba. They have provided more than ten thousand short-wave radios to the Cuban people so they can listen to Radio Marti, Voice of America, the BBC, Radio Netherlands, and other uncensored international broadcasts.

USAID grantees have sent the Cuban people more than 2 million books, newsletters, video cassettes and other informational material concerning democracy, human rights, and free enterprise. USAID grantees have published worldwide via the internet more than 9,000 reports from Cuba's independent journalists.

Most importantly, grantees disseminate those reports in hard copy throughout Cuba, so the Cuban people, from one end of the island to the other, can learn the names of Cuba's opposition leaders debate their ideas and draw strength from their courage.

Mr. Chairman, as you know, the Cuban people suffer the most basic deprivations, of body as well as spirit, because of the failed policies of the Castro government. Their thirst for freedom, their hunger for truth is matched by physical hunger and thirst, by real malnutrition and disease.

The President of the United States has repeatedly offered emergency food and humanitarian assistance to the Cuban people, but Fidel Castro has always rejected that assistance. Castro not only denies the Cuban people the right to vote, the right to read, the right to speak. He denies the Cuban people the right to eat!

Castro blames all of his government's economic failures on the U.S. embargo, but it is not U.S. policy which is responsible for the dismal failure of Cuban agriculture to feed its own people. A country rich in agricultural potential, with plentiful supplies of labor, cannot supply its population with meat, and has imported most of its rice, beans, and even fish for the past 40 years.

The United Nations Food and Agriculture Organization (FAO) estimates that 13 percent of the Cuban population is chronically undernourished. The World Food Program has found serious deficiencies in dietary intake in eastern Cuba, where the average diet provides less than 80 percent of the minimum level of proteins, less than 50 percent of necessary fats, and insufficient vitamin and mineral intake for sustained health.

Perhaps the most common food-related public health problem in Cuba is iron-deficiency anemia, primarily among pregnant women and small children. According to the Pan American Health Organization, approximately fifty percent of children from one to three years of age are anemic in Cuba, as well as forty percent of women in the third trimester of pregnancy and between twenty-five and thirty percent of women of child-bearing age.

The Castro regime seems determined to deny its people a decent amount of food, so they will be too physically weak and too busy trying to provide for their families to demand other human rights.

As the President said in his speech last Friday, October 10, "clearly the Castro regime will not change by its own choice. But Cuba must change." In announcing new initiatives to hasten the arrival of a new, free, democratic Cuba, the President announced he will establish a Commission for Assistance to a Free Cuba, "to plan for the happy day when Castro's regime is no more and democracy comes to the island.

Mr. Chairman, on behalf of USAID Administrator, Andrew Natsios, I pledge the full support of the United States Agency for International Development to the work of the Commission.

Andrew Natsios, in a paper he published several years ago, before assuming his present post, discussed the need to plan now for humanitarian assistance to a future transition government in Cuba. His analysis, which represents his own personal views, concluded with a number of specific recommendations that will help us and the new Commission begin this work. I ask that a copy of his important paper be placed in the record.

Mr. Chairman, thank you for your continuing support and that of the subcommittee for our work to promote a rapid, peaceful transition to democracy in Cuba. Now, more than ever, your support to the new Presidential Commission will ensure vital assistance to the Cuban people as they struggle to secure their most fundamental freedoms and as they begin to hope for the day when they can begin to build a prosperous economic future.

Mr. Chairman, thank you again for this opportunity to appear before you this afternoon and I welcome any questions that you and present Subcommittee Members may have for me.

Mr. BURTON. Thank you very much, Mr. Franco.  
Mr. Newcomb.

Mr. NEWCOMB. Thank you, Mr. Chairman and members of the committee. I am pleased to be here this afternoon.

With your permission, I would like to enter my full statement in the record and briefly summarize my remarks.

Today's hearing is especially timely. Last Friday, Assistant Secretary Noriega and I joined President Bush in the Rose Garden where he announced a number of new initiatives to assist the Cuban people in their struggle for democracy and to prepare for the happy day when Fidel Castro's tyrannical regime falls and the Cuban people can at last know freedom. In his speech, the President called for increased enforcement of travel restrictions to ensure that permitted travel to Cuba such as visits to relatives or humanitarian missions are not abused for illegal business trips or tourism.

Mr. Chairman, while illegal travel to Cuba, especially tourist travel, may seem harmless, it is in fact an important source of revenue for the Castro regime. A dollar paid to a tourist hotel in Cuba goes mostly to the regime, leaving only pennies and worthless pesos for the workers. Tourist dollars provide vital hard currency that Castro and his cronies use to continue to oppress Cuba. President Bush said it best on Friday, "Illegal tourism perpetuates the misery of the Cuban people."

The Office of Foreign Assets Control looks forward to working with the Departments of State and Homeland Security to answer the President's call to step up the enforcement of illegal travel to Cuba and to deny Fidel Castro the financial wherewithal to perpetuate the disparities visited on the Cuban people for more than four decades. As in the past, we will work closely with the Department of Homeland Security, Bureau of Customs and Border Protection at all ports but in particular, JFK, LAX and Miami where charter flights to Cuba operate under OFAC license. We will also coordinate closely with Homeland Security at other locations used by unlicensed travelers and remittance couriers to travel to and from Cuba via third countries. In addition, we will also enhance our investigation and enforcement efforts against individuals and companies that provide travel and remittance services to Cuba without a proper license.

Already in response to the President's announcement, Customs and Border Protection inspectors have stepped up their efforts in examining nearly all the charter flights departing from Miami. OFAC personnel will work closely with Homeland Security to have similar levels of scrutiny at other ports of departure to Cuba, JFK, LAX and the other locations in the United States and abroad used as third country transit points by Americans for travel to Cuba.

In one operation just this last weekend, inspectors seized approximately \$10,000 in unlicensed currency from a charter flight passenger. I am also pleased to report that just this afternoon, we at Treasury hosted an interagency meeting with Homeland Security, State Department, Commerce and the U.S. Coast Guard officials to develop an effective enforcement strategy to ensure that this program is implemented fully and effectively on a nationwide basis. We will provide training, advice and assistance to inspectors

at all affected U.S. ports. We have procedures in place with Homeland Security to receive currency seizure reports and to take appropriate penalty action against violators and work with our inter-agency partners to refine enforcement strategies and operations to achieve maximum results in coordination with the U.S. attorneys identifying promising cases for criminal prosecution of embargo violations.

With regard to licensing, we eliminated altogether a category of travel related to non-accredited educational exchanges where licenses were largely being abused to pursue tourist activity. Following through on a commitment I made at a congressional hearing last year, we published in the Federal Register the comprehensive guidelines for license applications to engage in travel-related transactions involving Cuba on our Web site in April of this year, providing clearly articulated criteria for applying for licenses pursuant to each of 11 categories of activities for which specific license may be granted. Examples offer include additional guidance to applicants in furtherance of our goal to promote transparency and understanding by the public of our administrative process. Criteria set forth in these guidelines seek to more strictly define licensing parameters and criteria and to ensure that existing policy is clear and properly carried out through our licensing process. In particular, these guidelines seek to eliminate the abusive practice of allowing unaffiliated persons to travel under a license issued to another party and ensure that there exists a sufficient nexus between the qualifications of persons traveling under the authority of a license and the full-time agenda of authorized activities they will engage in while in Cuba.

We will continue to monitor activities of licensed travelers to ensure that conduct does not deviate from that which has been authorized. Licenses themselves may also be suspended and revoked with their parameters are not met or are otherwise violated.

At OFAC, we are also involved in the process of carrying out a statutory mandate involving the initiation of hearings before administrative law judges on the imposition of civil penalties for engaging in unauthorized travel related transactions. I have forwarded just recently more than 50 hearing requests to the Treasury General Counsel's Office for hearings before these ALJs. In short and in summary, we at OFAC are well positioned to implement fully and with alacrity the new enforcement policy announced last week by the President.

Thank you, Mr. Chairman. I look forward to any questions you may have.

[The prepared statement of Mr. Newcomb follows:]



Statement of  
R. Richard Newcomb  
Director, Office of Foreign Assets Control  
United States Department of the Treasury  
before the  
Subcommittee on Human Rights and Wellness  
Committee on Government Reform  
U.S. House of Representatives  
October 16, 2003

I. Introduction

Chairman Burton, Members of the Subcommittee,

Thank you for the opportunity today to address issues concerning U.S. economic sanctions on Cuba.

The embargo on Cuba is one of the oldest, most comprehensive and complicated programs we administer, and one that generates considerable interest on the part of the public. The embargo continues to serve as an important part of the Administration's policy to support and encourage a peaceful transition to democracy and a free market in Cuba. OFAC plays a crucial role in the implementation, administration and enforcement of this policy. OFAC's jurisdiction extends to transactions by persons subject to U.S. jurisdiction, wherever in the world located, involving property in which Cuba or a national thereof has any interest whatsoever, direct or

indirect. Such transactions are normally prohibited absent OFAC authorization.

In February of last year, I testified before the Subcommittee on Treasury and General Government Appropriations, Committee on Appropriations of the United States Senate, on the administration and enforcement of restrictions on travel to Cuba (the "2002 Hearings"). Since then, the Administration, and OFAC in particular, have instituted a number of additional measures to facilitate authorized travel to Cuba and ensure that the prohibitions against unauthorized travel are properly enforced.

In the first instance, these measures involve our efforts across the board to promote the transparency, consistency and efficiency of our administrative process. In that regard, we have published two comprehensive sets of guidelines. The first sets forth criteria for submitting license applications to travel to Cuba pursuant to the eleven categories of activities for which licenses may be issued. The second sets forth enforcement procedures governing OFAC's response to violations of our sanctions programs, including those involving travel to Cuba.

We have also taken measures to implement current foreign policy initiatives, both with respect to the President's stated commitment to facilitate humanitarian aid to Cuba and in order to curb the abuse of licenses issued for travel related to non-

accredited educational exchanges, where travelers were engaging primarily in tourist activities. A decision was made to eliminate this provision. Finally, we have made progress in carrying out certain statutory mandates to facilitate travel relating to the export of agricultural commodities to Cuba and to initiate hearings before an administrative law judge on the imposition of civil penalties for engaging in unauthorized travel-related transactions.

I am submitting for the record our brochure on Cuba entitled: "What You Need to Know About the U.S. Embargo," which covers all facets of this economic sanctions program, as well as an historical overview and chronology demonstrating how the policy has shifted in the past with respect to Cuba travel.

## II. Travel and Trade - Statutory Underpinnings

The Regulations prohibit most imports into the United States of Cuban-origin goods, as well as transactions by persons subject to U.S. jurisdiction wherever in the world located involving trade between third-countries and Cuba. My remarks, however, will center primarily on the issue of travel, since in this program, the Department of Commerce retains licensing jurisdiction over most export and reexport transactions from the United States directly to Cuba. OFAC's primary role in this

regard is to regulate the manner of financing of such exports and license travel-related transactions relating to exports of the kind authorized by the Department of Commerce.

As you are aware, over the years, Congress has been actively involved in the formulation of policy with regard to Cuba. In 1992, the Cuban Democracy Act (the "CDA") added civil penalty authority and required the creation of an administrative hearing process for civil penalty cases and the establishment of an OFAC office in Miami to assist in administering and enforcing the Cuba program. The Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 (the "Libertad Act") required that the underlying prohibitions set forth in the Regulations are to remain in place until there is a transition to a democratically-elected government in Cuba.

Most recently, in 2000, Congress passed the Trade Sanctions Reform and Export Enhancement Act (the "TSRA"), providing for the licensing of agricultural commodities, medicine and medical supplies to countries against which the United States maintains trade prohibitions. TSRA also restricts the President's discretionary authority to authorize travel-related transactions to, from, or within Cuba. Under section 910 of the TSRA, that authority is restricted to travel-related transactions related to activities ". . . expressly authorized in paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal

Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000)." Any activity falling outside of these twelve categories is defined in this section of the TSRA as "tourism" and may not be the basis for issuing a license. A synopsis of these twelve categories of activities for which travel-related transactions are authorized pursuant to a general license or that may be authorized upon the issuance of a specific license is found at page nine of OFAC's *Comprehensive Guidelines for License Applications to Engage in Travel-Related Transactions Involving Cuba* (the "Comprehensive Application Guidelines"), a copy of which is being submitted for the record. I will also describe these categories shortly when I discuss how license applications are processed.

### III. Administrative Process

#### A. Licensing

Following through on a commitment I made at the 2002 Hearings, OFAC published the *Comprehensive Applications Guidelines* on its website on April 29 of this year, providing clearly articulated criteria for applying for licenses pursuant to each of the eleven categories of activities for which specific licenses may be granted. Examples are often included

to provide additional guidance to applicants in furtherance of our goal to promote transparency and understanding by the public of OFAC's administrative process. The criteria set forth in the *Comprehensive Application Guidelines* seek to ensure that existing policy is clear and properly carried out through OFAC's licensing process. In addition, the *Comprehensive Application Guidelines* seek to eliminate the abusive practice of allowing unaffiliated persons to travel under a license issued to another party, and ensure that there exists a sufficient nexus between the qualifications of persons traveling under the authority of a license and the full-time agenda of authorized activities they will engage in while in Cuba.

*The Miami Office:* The largest volume of license applications processed by OFAC has traditionally involved travel to Cuba, and by far the largest portion of those applications - more than 90% - relates to visits to close relatives. The manual processing of these applications is time-consuming and often perfunctory because of the volume of submissions and the policy in support of licensing family reunification, which is considered humanitarian *per se*. This category of travel is handled by OFAC's Miami office, which processed nearly 20,000 such applications during 2002. Again, because of the humanitarian nature of these travel requests, that office

handles such requests promptly, usually completing and mailing the licensing response within 24 hours of receipt.

Another of the Miami office's primary responsibilities is to regulate certain activities of 202 entities nationwide, which are currently licensed to: (1) provide travel and carrier services to authorized travelers; and (2) remit funds to Cuban households on behalf of individuals who are subject to U.S. jurisdiction in the amounts and frequency authorized under the Regulations. Almost two-thirds of these licensed entities are headquartered in Miami.

Integral to this regulatory program is the licensing and compliance oversight of the direct charter flights to Cuba currently authorized from Miami, Los Angeles and New York to carry authorized travelers. The Miami office also investigates alleged violations of the Regulations and processes enforcement referrals from the Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard. I am submitting for the record a copy of OFAC's most recently issued *Circular*, setting forth guidelines applicable to the service providers.

*The Washington Office:* The remaining categories of travel-related license applications are processed at OFAC's main office in Washington, DC, and involve: 1) free-lance journalism; 2) professional research and attendance at professional meetings not covered by the general license; 3) educational exchanges

involving academic study pursuant to a degree program; 4) religious activities; 5) participation in a public performances, clinics, workshops, athletic or other competitions, or exhibitions in Cuba; 6) support for the Cuban people as provided in the CDA; 7) humanitarian projects; 8) information collection activities of private foundations or research or educational institutes; 9) informational materials, agricultural and medical exports and other exports authorized by the Department of Commerce; and 10) exports of medicine or medical supplies and certain telecommunications equipment or reexports of U.S.-origin agricultural commodities from a third country to Cuba. The Washington office also processes all non-travel license applications involving Cuba, from blocked estates to international corporate acquisitions.

During calendar year 2002, OFAC's Washington, DC staff handled more than 1,000 license applications for travel in these various categories with support from OFAC's Office of Chief Counsel. With the advent of our *Comprehensive Application Guidelines*, new streamlined processing procedures and the assignment of additional staff, we are now able to process most license applications not requiring interagency review within ten days of receipt, doing better than the goal of two weeks I set at the 2002 Hearings.



## B. Enforcement

By far the majority of OFAC's enforcement actions with respect to the Cuba embargo concern individuals who engage in unauthorized travel transactions related to Cuba tourism.

OFAC has worked closely with the Bureau of Immigration and Customs Enforcement over the years in an effort to enforce Cuba travel restrictions. As returning Cuba travelers are identified by the Department of Homeland Security and specifically the border inspectors at ports of entry in the United States or at the Bureau of Immigration and Customs Enforcement Preclearance Facilities in Canada or the Bahamas, those travelers who do not claim a general or specific license from OFAC to engage in Cuba travel-related transactions are routinely referred to OFAC for investigation and civil penalty action.

*Enforcement Guidelines:* Regardless of the motivation underlying a travel violation, OFAC endeavors to enforce the law evenly and consistently in accordance with our responsibilities under the law. On January 29 of this year, we published in the *Federal Register* our *Economic Sanctions Enforcement Guidelines* (the "Enforcement Guidelines"), enhancing the transparency of OFAC's administrative process by providing in a public document a procedural framework for the enforcement of economic sanctions programs administered by OFAC. I am submitting for the record a

copy of the *Federal Register* notice containing the *Enforcement Guidelines*.

The *Enforcement Guidelines* include a schedule of proposed civil monetary penalties for certain violations of the Regulations, including those involving unauthorized tourist travel-related transactions with Cuba. A schedule of proposed civil monetary penalties for unauthorized transactions involving the provision of travel, carrier and remittance services to Cuba is also set forth.

In addition to the *Enforcement Guidelines*, OFAC also published in the *Federal Register* on February 11, 2003, disclosure guidelines involving civil penalties. Since April, 2003, information on civil penalty proceedings against individuals is routinely provided on our website on an aggregate basis, encompassing individuals who have engaged in unauthorized travel-related transactions involving Cuba.

*Enforcement Procedures:* Investigative findings are referred for civil penalty consideration with an administrative record containing evidence of transactions involving Cuba. OFAC has, in September of this year, revised its administrative penalty procedures to afford travelers to Cuba additional opportunities to present mitigating factors for consideration before a final penalty ensues. Administrative law judges will

preside at the review of the penalty assessments if the right to an administrative hearing has been invoked.

I am submitting for the record a chart that depicts the number of Cuba travel cases opened for investigation and referred for civil penalty enforcement action from January 1996 through June 2002. As shown, 6,398 travel cases were opened for investigation and 2,179 cases were referred for civil penalty enforcement action.

Typical penalty assessments for unauthorized travel range from \$3,000 to \$7,500, but the majority of cases are settled in amounts reflecting the mitigation range outlined in the *Enforcement Guidelines*. A number of persons who are the subject of penalty proceedings, however, request administrative hearings, often with the assistance of public interest legal organizations.

#### IV. Humanitarian Aid and Educational Tourism

On May 20, 2002, President Bush announced the *Initiative for a New Cuba*, which is intended to encourage the Cuban regime to undertake fundamental political and economic reforms, and to provide additional support to Cuba's nascent civil society, so that Cuba can take its place in the Western Hemisphere's community of democracies. In announcing the Initiative, the

President said that the "Administration will ease restrictions on humanitarian assistance by legitimate U.S. religious and other non-governmental organizations that directly serve the needs of the Cuban people and will help build Cuban civil society." This announcement followed the President's statement in January of 2002, affirming the continued enforcement of travel restrictions while calling for increased outreach to the Cuban people.

A. Humanitarian Aid

As a consequence of the President's policy direction to ease restrictions on humanitarian aid and to facilitate support for civil society in Cuba, OFAC has refined and updated its licensing procedures as reflected in the *Comprehensive Applications Guidelines*. OFAC has also prioritized this category of license application over other travel categories and has dedicated staff for the purpose of ensuring rapid processing of these applications.

OFAC considers applications for humanitarian assistance both with regard to projects conducted in Cuba on an ongoing basis and with regard to the accompanied delivery of donated goods. Licenses are granted that involve the participation of government-affiliated organizations where the applicant can substantiate that the particular organization has demonstrated a

degree of independence, and when the organizations can provide humanitarian assistance in an accountable and verifiable way directly to the Cuban people. More intense monitoring by the licensee, with a detailed plan for accountability and follow-up, will be necessary when considering involvement with government-affiliated organizations. Direct transfers of funds to the Cuban regime or its agencies to conduct activities generally will not be licensed, but payments such as hotel expenses, the purchase of essential project commodities in state stores, and customs duties are examples of expenditures that would normally be permitted.

B. Educational Tourism

Tourism, in whatever form, is both inconsistent with current policy and prohibited by section 910 of the TSRA. OFAC's enforcement of the ban on tourist travel recently extended to the rescission of a regulatory provision implemented in 1999. This provision had originally been designed to allow structured, non-accredited educational exchanges to take place that promoted substantive people-to-people contact between U.S. and Cuban nationals. Our experience over the past few years, however, demonstrated that persons traveling to Cuba under the authority of these licenses were engaging primarily in tourist activities that consisted at best of "educational tours"

designed to afford Americans an opportunity to see Cuba, involving minimal substantive contact with Cuban nationals.

This provision was part of a larger category of licensable educational activities under which OFAC continues to authorize academic study in Cuba pursuant to a degree program at an accredited U.S. academic institution. To date, OFAC has issued 760 two-year specific licenses to accredited U.S. colleges and universities for this purpose, as well as numerous licenses to individual undergraduate and graduate students seeking to pursue academic study in Cuba where their academic institution has not applied for an institutional license. OFAC will continue to license educational exchanges pursuant to accredited academic activities.

Non-accredited educational exchanges taking place outside the structured curriculum of an accredited degree program, however, too often devolved into tourism. This was made evident when parties sought renewals of their licenses and reported on activities undertaken, as well as from information received from other sources and in the press. Licensed organizations typically advertised their trips on their websites, emphasizing the climate, music and dance, and seeing the art and architecture of Cuba. Very few ads focused on educational exchanges with the Cuban people. Press articles portrayed this category of travel as tantamount to tourism, and OFAC was

increasingly in the position of having to justify its authorizations of activities that OFAC never intended to take place.

In addition, the original policy underlying this provision was undercut by restrictions imposed by the Cuban government on substantive and open interactions between U.S. and Cuban nationals. In 2002, we confirmed reports that groups traveling to Cuba under these licenses were particularly vulnerable to Cuban government requirements for approval of their schedules and assignment of a tour guide or escort to the group. Contacts between members of these groups and Cuban nationals were casual at best, and were often limited to Cubans employed in government positions in the tourism industry. This practice subverted access to the Cuban people and diluted any meaningful educational exchange.

While many of the activities undertaken pursuant to these licenses could not necessarily be viewed as violations of the terms of those licenses, they were addressed through denials of renewal requests or tighter restrictions in new licenses. This resulted in lengthy and time-consuming exchanges with applicants, many of whom had developed expectations that they had a right to continue promoting tours of Cuba on the part of alumni associations and other interest groups.

In an effort to communicate our licensing policy and correct this situation, we issued application guidelines that characterized people-to-people contact as activity that would normally entail direct interaction between U.S. and Cuban individuals not affiliated with the Cuban government, and would normally not involve meetings with Cuban government officials. Pursuant to these guidelines, OFAC would evaluate, among other things, whether the U.S. program is structured to result in direct and individual dialogue with the Cuban people and whether the proposed activities with the Cuban people are educational in nature, such as participation in joint activities that may include seminars, lectures and workshops. OFAC also evaluated whether each traveler would be fully participating in all of the proposed people-to-people activity.

Despite our efforts, the licenses continued to be used for tourism, plain and simple, with groups using their licenses to attract other unaffiliated parties to travel to sightsee in Cuba under the pretext of "educational exchange," a clear violation of § 910 of the TSRA. Moreover, the demand on OFAC staff generated by the administration of this one provision was interfering with other licensing responsibilities including the facilitation of humanitarian aid to Cuba. The provision was rescinded after lengthy consultations with and policy guidance



from the State Department. I am submitting for the record a copy of the *Federal Register* notice amending the Regulations.

V. Agricultural Trade and ALJs

OFAC is in the process of carrying out two additional statutory mandates, one involving the facilitation of certain exports and the other the initiation of hearings before an administrative law judge on the imposition of civil penalties for engaging in unauthorized travel-related transactions. Pursuant to the TSRA, OFAC issues licenses for the export of agricultural commodities, medicines and medical supplies to Iran, Sudan and Libya. The Department of Commerce, as I said earlier, authorizes the export of such goods to Cuba from the United States, but OFAC issues licenses for travel-related transactions in conjunction with exports to Cuba of the kind authorized by the Department of Commerce. I am pleased to inform you that we are current with respect to the processing of license applications to export these goods to Iran, Sudan and Libya as well as with respect to license applications to travel to Cuba in conjunction with sale of these goods that have been authorized by the Department of Commerce.

#### A. Agricultural Trade

Section 910 of the TSRA expressly provides for case-by-case review of license applications for travel in support of agricultural exports. Consistent with the TSRA, the Regulations provide that travel and other transactions that are directly incident to the "marketing, sales negotiation, accompanied delivery, or servicing of exports that appear consistent with the export licensing policy of the Department of Commerce" may be authorized by specific license.

Over the past twelve months, OFAC has issued over 200 licenses to travel to Cuba in conjunction with the sale of agricultural commodities, medicine and medical supplies on the part of producers, consultants, trade councils, state governments, seaport authorities, and cargo shipment services. Financing of these exports is restricted to payment of cash in advance or to financing by third-country financial institutions, except that such financing may be confirmed or advised by a United States financial institution. General transportation services relating to authorized exports are permitted by general license.

#### B. Administrative Hearings

Prior to 1992, OFAC lacked civil penalty authority to enforce the Cuban embargo. With the passage of the CDA in 1992,

TWEA was amended to provide that civil fines of up to \$ 50,000 (now adjusted for inflation to \$55,000) could be levied for violations of the Regulations. The CDA also required that the Secretary of the Treasury impose such penalties "only on the record after opportunity for an agency hearing . . . with the right to pre-hearing discovery." In 1996, the LIBERTAD Act increased the number of categories of violations for which civil penalties may be sought to include all travel-related violations. Judicial review by Article III courts is available once the Administrative Law Judge's civil penalty determination is made final.

An administrative review process has now been initiated with Administrative Law Judges ("ALJs") in place. The substantial majority of hearings concern Cuba travel-related violations by individuals. OFAC has contracted with two other federal agencies for the services of ALJs to conduct OFAC's civil penalty hearings.

As of today, I have forwarded more than 50 hearing requests to the Treasury Department's Office of General Counsel for hearings before these ALJs. I have also notified nearly 50 hearing requestors that I will sign Orders Initiating Proceedings in the near future. I will shortly sign Orders Initiating Proceedings with the cases en route to the ALJs. I have directed my staff to extend settlement offers in other

cases pending acknowledgment of hearing requests where applicable criteria are met, including first and sole offenses and absence of aggravating factors.

Additionally, I have issued, in September 2003, revised regulations for the hearing process. These revised regulations increase over previous regulations the number of opportunities for U.S. persons to settle their penalty cases before final agency action.

#### VII. Conclusion

OFAC currently has sufficient resources devoted to the Cuba program to ensure the timeliness of responses to license applications and the enforcement of the prohibitions with regard to unauthorized travel-related transactions. OFAC will continue to administer and enforce the restrictions on travel-related transactions involving Cuba in a manner that is timely, fair, and consistent with that law.

Thank you.

Mr. BURTON. Thank you, Mr. Newcomb.

You are going to try to clamp down on tourism through third countries, is that correct?

Mr. NORIEGA. Yes, sir, that is the plan. It is well known that many people travel going through Mexico, Central American flights or Caribbean flights travel to Cuba in contravention of travel restrictions. We will be taking steps and perhaps Mr. Newcomb can address this more explicitly, taking steps to inspect persons who are returning to the United States from these locations.

Mr. BURTON. How do you do that? Do they stamp the visas when they go into Cuba?

Mr. NORIEGA. It is my understanding that generally they don't. You can inspect persons, run them through Customs.

Mr. BURTON. So it would be hard to have documented evidence if they went to Cuba than if you had some visual evidence. How do you catch them?

Mr. NORIEGA. Perhaps Mr. Newcomb can address it but you can do Customs inspections.

Mr. NEWCOMB. Just this afternoon, we had a fairly detailed discussion of exactly that issue. I don't want to go into too much detail lest I reveal sources and methods of law enforcement type activities. As information comes in, we are going to work with Homeland Security to make sure these third country ports are flagged for Homeland Security so that we have good information of where to deploy people and resources.

What is interesting is there are Web sites from non-U.S. service providers who seek to alert people where it is a safer place to go, so we are going to be mindful of these Web sites as well and work smart with each other to ensure if we need to deploy enforcement personnel or to look at one port as opposed to another, we are sort of on the spot and are able to respond effectively.

Mr. BURTON. So you are going to use the Internet and other things to catch them?

Mr. NEWCOMB. We are going to try to stay as smart as they are. We are going to try to put plugs where the plugs need to go.

Mr. BURTON. I have one more question for you, Mr. Noriega. Title III, you knew I was going to ask about that. We put that in there to put the hammer on people doing business in Cuba, buying and selling property confiscated by the Castro regime. President Clinton and now President Bush chose not to utilize Title III. Can you tell us if the President plans to use it or will he use that if necessary even though he did waive Title III?

Mr. NORIEGA. Yes, the President has this discretion to waive it every 6 months to extend the waiver. He would have to make a judgment and justify that judgment in a statement to Congress justifying his decision every 6 months. The purpose of my testimony this afternoon in part was to lay out the rationale for waiving it inasmuch as the international community is more active than ever in criticizing the Castro regime. Recognizing that Castro is the problem, I think part of the reason they are willing to do that is that President Bush has, through the initiative for a free Cuba, drawn Castro out in the open and not taken what one would regard as the usual, sort of punitive measures against the regime but rather, challenge the regime to take some positive steps and we

would respond with some positive steps as well. So we have sort of depolarized the issue. There is no longer a U.S.-Cuba confrontation and there is no longer an excuse for countries in the world to ignore Castro's abuses by simply saying the reason for this is U.S. policy because President Bush has challenged him and said we would make adjustments in the embargo if the regime would too.

I think the President created this new environment and if we were to allow lawsuits to be filed under Title III, let the waiver lapse or not renew the waiver, I think precisely the opposite would happen. We would see countries which ironically are among some of the key proponents of change in Cuba, which might be adversely affected by a Title III decision abandon their efforts on behalf of a free Cuba. So from the point of view of the State Department, we think it is more justifiable than ever to continue that. However, it is the President's judgment and he has the right and obligation to review that policy decision every 6 months.

Mr. BURTON. You don't have to respond to this but I hope those people who had their property stolen by Castro and resold under long term leases, I hope the day comes that they can get restitution for the theft of their property by this tyrant.

Mr. Newcomb, the Office of Foreign Assets Controls is charged with enforcing economic and trade sanctions against Cuba. They have been in place since 1962. In your opinion, how effective have those sanctions been in prevention of illegal trade and travel to Cuba?

Mr. NEWCOMB. Mr. Chairman, in my opinion they have been very effective. We have a comprehensive economic embargo in place that applies to all U.S. persons wherever in the world located. It is my opinion that U.S. companies around the world understand this and take a very hands-off view toward Cuba.

Of course there are always things we can do better and enforcing the travel ban and certain activities relating to remittances as announced by the President are things we are focusing on in particular, including those steps that I just laid out earlier this afternoon and developing other strategies to plug holes where people are taking advantage.

Coming back to my initial answer to your question, as far as the international trade community, the U.S. trade community, they are very aware there is this program in place and they are aware of the enforcement actions that will happen in the trading environment and are taking appropriate action not to find themselves in the cross hairs of an enforcement activity.

Mr. BURTON. Mr. Franco, when the administration creates this new Commission for the Assistance to a Free Cuba, do you know what role USAID will be playing?

Mr. FRANCO. I understand the President just announced that on October 10 but the announcement was just of the co-chairs.

Mr. BURTON. So you haven't been charged yet?

Mr. FRANCO. I have a very close working relationship with Assistant Secretary Noriega and other colleagues at State and I know the future assistance and transition activities in Cuba will be important for USAID. The Administrator, Andrew Natsios, has written extensively about the need to prepare for a humanitarian response upon the collapse of the regime prior to assuming his post

as Administrator. I have worked with my colleagues and as that is developed, I believe USAID will be called upon to be of assistance.

Mr. BURTON. Ms. Watson.

Ms. WATSON. I want to thank all three of you gentlemen for coming and sharing with us what you know of your policies and your plans, your proposals. I took a trip to Cuba. We had 6 hours with Fidel Castro. I found him to be one of the most intelligent world leaders today. He can talk on any subject that was raised. We spent our time talking about how we would improve the quality of life for the people of Cuba. We talked about infant mortality. He did a statistical equation down to 0.769. I made note while he was talking. One of our members had been in the Peace Corps in Medellin, Colombia and gave us the history of Government in Colombia. When I told him I represented Hollywood and I would like to take him around and show him, he said, can you get me a star on the Walk of Fame. When Carol King introduced herself as a songwriter, he said, "Yes, Tapestry, the longest selling album ever, 8 weeks No. 1 on the charts." I said to him, "Did you do a CIA check on each one of us?"

So I thought the way to deal with this person is through the positive kinds of things that he envisioned for his people. He told us about sending 56,000 Cuban trained doctors who have to commit to 2 years service in developing countries. He talked about trying to find a way to educate the disabled, the developmentally disabled people, the mentally ill people and so on. We spent 6 hours.

So I guess I would ask this to Deputy Secretary Noriega. Is there a possibility through the Department of State that we could have a conference with Fidel Castro here on U.S. property where we could talk to him about mutual goals because the goals he said he had for his people were the goals we have for ours. However, what he does, and I was very, very disappointed to find out how he cracked down on journalists and the executions. I said, how can we help you? These things happened after we left there.

However, could we appeal to his intellect? We went out on the communes. We went to the medical school. I stopped people I saw walking around and talked with them. I saw no homelessness and I didn't see too many starving people, so something is going on there. Could we have a conference? If we can sit down and talk about how we are going to get allies to support us in trying to rebuild Iraq, could we not try to rebuild Cuba by holding a conference of some of our allies and some of his and see if we could talk sense? He is a brilliant mind. If none of you have met him, you ought to. I just think there is a different approach we could use with him.

I am not forgiving the atrocities. I understand but I think there is a way to get to this man because he said to us, listen, on September 11, I offered you landing space, places to land. When we brought all our aircraft down, he said, I offered you they could land here in Cuba. He also said, think of what we could do together in interdiction because all the boats come through this channel up to the United States with drugs and that scored with me. I said maybe we could work out something with this guy.

What are the possibilities of holding a conference, bringing him on our turf and seeing what we can do to change what actually is occurring that confronts the goals that I am sure he wants to reach with communism. What can we do and have you thought about it?

Mr. NORIEGA. Representative Watson, I think there is very little we could do to help him reach his goals for communism because it is a failed experiment that is doomed to fail. I would shudder to think that the goals he has for his people are the goals we have for our people because his people are trapped in a dictatorship with absolutely no rights where people are subject to the whim and arbitrary abuse of power by this dictator.

Incidentally, among the charges for which dissidents are now serving long prison sentences was meeting with members of the U.S. Congress, carrying on this precise sort of dialog you are talking about. I would suggest that the real dialog that is necessary is Castro with his own people.

Ms. WATSON. Would you yield for a minute?

Mr. NORIEGA. By all means, yes.

Ms. WATSON. Can you get to what I am proposing? What do you think about bringing him here, inviting him to come here and sitting down? Let us not talk about the form of government because I don't think we have the right to impose our form but have you thought about sitting down with this person directly?

Mr. NORIEGA. Representative Watson, I think that would be—

Ms. WATSON. Have you thought about it?

Mr. NORIEGA. I have thought about it and I don't think much about it. I think it would be a colossal waste of time because I don't think Castro is interested in changing at all.

Ms. WATSON. You gave me the answer that I was seeking.

Let me ask what do you think we could do to improve the life of the Cuban people? What could we actually do?

Mr. FRANCO. First, Congresswoman Watson, I just want to concur fully with Secretary Noriega. With respect to what we can do, the question should be more importantly what Fidel Castro can do.

Ms. WATSON. No. No. I asked the question that way because I want you to think along with me. We were told, and I don't know how true this is, that there have been 650 attempts on his life.

Mr. FRANCO. I don't know about that.

Ms. WATSON. I am not thinking of a punitive approach. That is why I am asking you. I am going to go down the line. What can we do to improve the quality of life for the Cuban people?

Mr. FRANCO. As a starter since my responsibility is from the development standpoint and you mentioned you didn't see any starving people or homeless people in Cuba, in my testimony I refer to statistics provided by the World Food Program and the FAO. Those are not U.S. Government controlled organizations by any stretch of the imagination. They are U.N. organizations. They have statistics and I would like to meet with you privately, if you like.

Ms. WATSON. Have you been there yourself?

Mr. FRANCO. No, but I am relying on the studies by the United Nations organizations that have been there for long periods of time and have done the studies. They are FAO and World Food Program studies which we and the other developed countries of the world rely on. To my knowledge, I don't think anyone has challenged



those statistics but they are alarming in terms of the deficiencies in Cuba.

If Fidel Castro is really concerned about the well being of the Cuban people, this administration offered \$35 million in humanitarian assistance after Hurricane Michelle to Cuba, directly to the Cuban people and that was rejected by the Castro regime. So what we can do is largely limited because of the intransigence, the impediments and obstacles places by the government in the way.

Ms. WATSON. Do you want to tell me what we can do?

Mr. FRANCO. What we can do is what we are doing, promoting free thinking in Cuba, we are providing food and medicine to people in Cuba who are doing everything they can to bring about change on the island. What we cannot do and what we will not do is help the Government of Cuba.

Ms. WATSON. Please, please, don't take me there. I know all of that. I am trying to see if you have any imagination about what we might be able to do for the people. You answered part of the question.

Mr. NORIEGA. May I address that same question?

Ms. WATSON. Yes. I wanted to hear from Mr. Newcomb.

Mr. BURTON. Mr. Newcomb, she addressed that question to you.

Mr. NEWCOMB. I am sorry, could you repeat your question?

Ms. WATSON. Yes, very simple. What can we do to help the people of Cuba?

Mr. NEWCOMB. Let me make a few observations. Again, I am charged with enforcement of the embargo not with policy. I certainly associate myself with the comments of Mr. Noriega. The observations I have are built on the wealth of experience I have had over the years of hearing people that are applicants for licenses, people in congressional hearings and so forth.

My guess is you saw what Fidel Castro wanted you to see. People that go to the tourist hotels see what he wants people to see. There is still an oppressed class that people don't see. We have had many programs. We have had people to people exchanges; we have had support for the Cuban people but what this boils down to is working through a government channel. Everything has to go through him. He controls everything. He controls the thought, he controls the agenda. We have tried this numerous times, programs going back years, to try to get things like you are speaking about and people to people, it doesn't end up that way. It ends up people to government. Support for the Cuban people ends up support for the Cuban Government. He is in the middle of it all.

That would be my initial reaction to your thoughts.

Mr. BURTON. Thank you, Mr. Newcomb.

We will come back if you have more questions, Ms. Watson.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, and I thank the witnesses here today for your testimony. I regret that after this brief exchange I have to go to a subcommittee hearing on Iraq, so I will not be here for the second panel. I apologize for that.

As you gentlemen know, because you are very familiar with Cuban policy, you are the experts, my congressional district has a very high number of Cuban Americans, a high number of people

who come from the island of Cuba. I don't need to go to the island of Cuba to know what is going on there because it is in my district. They literally are dying to come to the United States. After 44 years of dictatorial rule of Fidel Castro, the Cuban people still love the United States, even though they have been hearing this propaganda for all these years because they know the United States is their friend, they know here they have freedom, they have hope, they have opportunity, they have democracy. I know about the situation in Cuba without reading the reports that Mr. Franco has referred to and they are impartial reports. I know that the Cuban people are hungry, malnourished, have inadequate health care because those are my constituents. They arrived on the boat yesterday and they died coming to the United States. I represent from Miami Beach all the way down to Key West to the southernmost point of the United States. I see this tragedy each and every day. What is incredible is they are young people. These are the people who have only known Fidel Castro. These are people who come from the revolution who should be worshiping Castro and instead they are coming here to the United States because they know that propaganda is false. They know the United States is the most humanitarian country in the world.

As all of us know, if you put all of the countries together and all of the humanitarian aid, all those countries that love the Cuban people so much, if you put all of their aid together, food and medicine, it does not equal the amount of food and medicine the United States brings to the Cuban people. Forty-four years of economic entanglements and engagement with Fidel Castro, that Europe, the Canadians, the Mexicans, you name it, every country in the world except for the United States deals with Castro, how are the Cuban people any closer to freedom? How are they any closer to democracy? How are they any closer to having their human rights respected?

For people to say it is our embargo that is hurting the Cuban people, I say, well, what has economic engagement with Castro brought to the Cuban people? They are hungry. They are lacking in health care. I have family members in Cuba. I know. I represent those people because they come ashore every day.

Does our U.S. embargo say don't hold free elections? Of course it doesn't. Castro is the one who doesn't hold free elections. Does our Cuban policy say don't have multi-party systems? No, it is Fidel Castro who says there will only be one party, the Communist Party. Does our embargo say to Castro, don't have free press? No. There are only two newspapers sanctioned by the Castro press. Does it say do not have any free media? No. There is only state-sponsored television that is being allowed to be seen by the Cuban people. In fact, if you are Cuban and you give an interview to a non-sanctioned newspaper or media outlet, it is a crime in Cuba. It is not U.S. policy that is keeping the people of Cuba hungry and hungry for freedom. It is Castro's failed policy.

I recognize that some of our congressional members have gone to visit with the dictator and they certainly eat a wonderful meal. I wish my family in Cuba would have half of that meal. I know Ms. Watson went. I am sure they had a scrumptious meal. Castro is not hungry and he does not lack for adequate health care. When

my family member has to go to the hospital, they bring bed sheets, they bring soap, they have to bring medicine and they have to bring the light bulb for the operating room and for their room. That is real and that is true.

The visitors who go stay in nice hotels. Cuban people can't even go to those hotels, even if they could afford it. Cuban workers get paid by Castro in worthless pesos but the investor pays Castro in dollars and the Cuban worker gets a pittance.

I just wanted to clarify from a different perspective, not to take anything away from what Ms. Watson rightfully said but from a person who not only was born in Cuba but lives with it every day because the people I represent are from that country and my newest arrival probably got here yesterday and loves the United States and hates the Castro regime but that Cuban arrival last week was probably in a mass rally saying down with these Yankee imperialist pigs, down with the embargo but you give that person anything that floats, this little thing, and they will try to come over here and join us because they know the United States loves freedom. That is all they want. That is what I want for my children and I know that is what all Cuban families want for their children.

I want to thank the three of you for your testimony and for the work that you do each and every day. I know that it is tough. I know it is tough to go before the committees and you have work to do but you come here and testify and fight the good fight. Thank goodness we have you there because if not, sanctions would have been lifted and the Cuban people when they are there, they say, yes, lift those sanctions. When they come here, they say, no, we are fine, that is fine, don't worry about it. That is the reason we are elected from our constituency. Otherwise you would have other people who would be espousing other points of view but we are elected from our community so we know what our community thinks. We thank you for your valuable service. I know it is tough every day.

Thank you.

Mr. BURTON. Thank you.

We are going to let you guys go but I just wanted to say to Ms. Watson, who is a dear friend of mine. I love her dearly. I am going out to California to have a hearing with her on another subject but I am going to buy her a book. It is called "Against All Hope" by Armando Valadares. I was reading it on a plane and I started crying. The guy next to me thought I was dying or something and I said, no, it is just about this book. If you read that book and see what Armando Valadares, who was a supporter of the regime when they took over, you will find it really is a tragedy some of the things going on down there.

Any final comments you would like to make quickly?

Mr. NORIEGA. Two seconds. First off, when we come up here to testify, we are working and we recognize this is an important part of our responsibility to come up and be accountable to Congress.

The second thing I would say is that the Project Varela is precisely about asking the Cuban people how to make their lives better and giving them a role in making that decision. Castro has come to New York, he is not big on dialog, he is very big on monolog but he has had opportunities. He has had his say. The Cuban people are the ones who should have their say.

At any rate, I thank you for the opportunity and would look forward to continuing this dialog with you, Ms. Watson.

Mr. BURTON. Thank you, gentlemen.

Our next panel is: Mr. Frank Calzon, executive director, Center for a Free Cuba; Mr. Eric Olson, advocacy director for the Americas, Amnesty International; and Mr. Tom Malinowski, Washington advocacy director, Human Rights Watch. We have three people who are dealing with the question of human rights. We really appreciate your being here. Please remain standing so I can swear you.

[Witnesses sworn.]

Mr. BURTON. The hardest one to start is Mr. Malinowski, so why don't we start with you.

**STATEMENTS OF FRANK CALZON, EXECUTIVE DIRECTOR, CENTER FOR A FREE CUBA; ERIC OLSON, ADVOCACY DIRECTOR FOR THE AMERICAS, AMNESTY INTERNATIONAL; AND TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH**

Mr. MALINOWSKI. Thank you, Mr. Chairman and Ms. Watson, for the opportunity to come and testify before you and for your leadership on so many human rights issues, including this one. Thank you for keeping the spotlight on human rights in Cuba.

My organization has been working on human rights violations in Cuba for many years. I go into some of the tragic, depressing detail about the situation in my written testimony. I won't dwell on all of it here except to say that this year's crackdown on political dissent in Cuba which a number of others, including you, have mentioned was really the worse we have seen in a decade or more there, over 75 courageous men and women, dissidents, sentenced to an average of 19 years in prison in sham trials over just a period of about 4 days for nothing more than expressing their desire to live in a more democratic society. This is a merciless dictatorship at work and I completely agree with your characterization of the Castro government and its abuses, Mr. Chairman.

I think even critics of the embargo need to acknowledge that none of this crackdown, none of this horror is in any way the fault of the United States or the fault of the embargo. The responsibility lies with Castro and his government period, and we all need to acknowledge that. We should also agree that this is no time to reward Fidel Castro, this is a time for maximizing effective pressure on his government.

The question before us, and we need to be very tough minded in assessing this is whether the current embargo as it is currently constituted is the best way of maximizing that pressure. In my view, with all respect to people on both sides of this debate who share those goals, it is not. I say that someone who usually supports targeted sanctions against abusive governments. For example, my organization applauded the Congress a few weeks ago when you all imposed tough economic sanctions on Burma and we are very skeptical of arguments the trade with America or exposure to American values in and of itself can somehow convince repressive governments to be kinder and gentler to their people.

It does seem to me that any American policy designed to promote human rights in a country like Cuba has to meet a couple of basic

tests. First of all, does that policy advance the interests of those who are struggling to promote human rights in the country concerned. Is it more likely to be effective than the alternatives? I think the current policy does not meet those tests.

First of all, many of the dissidents we have been talking about here throughout this hearing in Cuba believe that the embargo as currently constituted does go too far, including Oswaldo Paya, the leader of the Varela Project. These are the Havels and Walesas of Cuba and just as we heeded them in the 1980's when they were struggling for freedom in the former Soviet Union, I think we do need to bring their voice into this discussion as well in terms of what is the best American policy.

Why do they feel this way? First of all, they see the embargo as being indiscriminant rather than targeted so it enables Castro to shift the blame to the United States for the Cuban people suffering wrongly but effectively. Second, it isolates the Cuban people from the world making it easier for the government to control what they see, hear and know. Finally, and most importantly, it is bitterly opposed by most nations. So it enables Castro to divide the international community. Again, I am for maximizing international pressure but I think the irony of the embargo as we have it now is that it leads to less international pressure, not more, on Cuba.

At the same time, I wouldn't argue that simply ending or relaxing the embargo would be an effective strategy either. Simply having American tourist joining the Canadians and Europeans on Cuban beaches or American CEOs joining the Europeans signing contracts isn't going to make a profound positive difference either. There does need to be carefully targeted, multilateral pressure and middle ground between unquestioning engagement on the one hand and an all or nothing approach that plays into Castro's hands on the other.

We need to ask what does Castro fear most from the United States? I don't think it is the continuation of the embargo. I don't think it is the demise of the embargo either. I think what he fears most is the prospect that the United States might some day get together with Latin America, with Europe, with Canada on a common, effective strategy for defending the rights of the Cuban people. That is what I think we need to work toward, focusing not so much on Havana as the target of our policies initially but on the Europeans, the Canadians and the other Latin American democracies to forge that kind of strategy.

I think we have more of an opportunity now because of the growing international opposition to this crackdown. We need to be urging Latin democracies to speak forcefully against political repression in Cuba to stop backing Cuban membership in bodies like the U.N. Commission for Human Rights. We should be pressing Latin American diplomats to meet with Cuban dissidents, we should be urging European countries to impose on Cuba the same kinds of targeted economic sanctions including a visa ban, for example, and an asset freeze as they have imposed on Burma and Zimbabwe and other similarly oppressive countries. We should be working with them to develop common rules governing economic investment and tourism, rules that would diminish the Cuban state over the Cuban peoples' lives.

Let me say one word about the tourism issue because I know it is central right now. I totally agree that the Castro government has a death grip on the Cuban economy and the Cuban people don't really benefit from the tourist dollars going into Cuba because they control the employment of the workers and every dollar goes into the coffers of the regime. The question is how do you change that? I don't think you necessarily change it simply by taking away from Cuba the small trickle of American tourists that are going in there because you are still going to have a stream of Europeans and Canadians doing exactly the same thing with no incentive for Castro to change.

I think you are much more likely to change it if you can get together with the Europeans, Canadians and others and press the Castro government for a different set of rules. We have leverage acting together, we don't have that kind of leverage alone.

I think the problem with the embargo and the key argument for beginning to think about it anew is that it makes the United States impotent in pressing its allies for these kinds of tougher measures. I think the Bush administration knows this and in many ways it has barely tried to forge that kind of coalition, despite the clear commitment of folks like Ambassador Noriega. For example, last year or earlier this year, it made virtually no effort to convince Latin American countries to get Cuba off the Human Rights Commission. It knew it would fail because Castro has succeeded in making this embargo a bigger issue than his own repression.

Again, in summary, I think the goal ought to be not a policy of no sanctions but a middle path that isolates the Cuban Government, not the Cuban people. I fear that so long as we are unwilling to climb down to that kind of tough but sensible policy, it is going to be harder to convince our allies to rise up to it.

Thank you.

[The prepared statement of Mr. Malinowski follows:]

**HUMAN RIGHTS WATCH**  
 1630 Connecticut Avenue, Suite 500  
 Washington, DC 20009  
 Phone: 202-612-4321  
 Fax: 202-612-4333  
 Email: hrwdc@hrw.org  
 Website: http://www.hrw.org

Kenneth Roth  
*Executive Director*  
 Carroll Bogen  
*Associate Director*  
 Michele Alexander  
*Development and Outreach Director*  
 Steve Cavallaro  
*London Director*  
 Barbara Guglielmo  
*Finance Director*  
 Lotte Leicht  
*Brussels Office Director*  
 Ian Levine  
*Program Director*  
 Tom Malinowski  
*Washington Advocacy Director*  
 Rory Munro  
*Advocacy Director*  
 Maria Pajonino Nielsen  
*Human Resources Director*  
 Dinah Pokras  
*General Counsel*  
 Wilda Taylor  
*Legal and Policy Director*  
 Joan Wessler  
*US Representative*

**DIVISION DIRECTORS**  
 Peter Takranbuddé  
*Africa*  
 José Miguel Vivanco  
*Americas*  
 Brad Adams  
*Asia*  
 Elizabeth Andersen  
*Europe and Central Asia*  
 Harne Magally  
*Middle East and North Africa*  
 Steve Goetz  
*Oceania*  
 Lois Whitman  
*Commission on Human Rights*

**BOARD OF DIRECTORS**  
 Jonathan Fanton  
*Chair*  
 Khalid Abou El Fadl  
 Lisa Anderson  
 Lloyd Awerwthy  
 David Brown  
 William Carmichael  
 Jorge Castañeda  
 Dorothy Callman  
 Edith Everett  
 Michael Gelles  
 Varian Gregorian  
 James F. Hoge, Jr.  
 Stephen L. Kass  
 Martin Pinto Kaufman  
 Wendy Keys  
 Robert Klarsfeld  
 Bruce Klatsky  
 Joanne Leedom-Ackerman  
 Josh Matson  
 Kati Marton  
 Barry Meyer  
 Joel Moskowitz  
 Samuel K. Murumba  
 Jane Olson  
 Peter Orson  
 Kathleen Peraini  
 Catherine Powell  
 Sigrid Rausing  
 Victoria Riakon  
 Cecilia Schell  
 Sud Sheinberg  
 Gary O. Sisk  
 Donna Stanton  
 John J. Studzinski  
 Shibley Telhami  
 Maya Wiley  
 Robert L. Bernstein  
*Founding Chair*



**Castro's Cuba: What's the Proper United States Response to Ongoing Human Rights Violations?**  
**Statement by Tom Malinowski, Washington Advocacy Director**  
**House Committee on Government Reform,**  
**Subcommittee on Human Rights and Wellness**  
**October 16, 2003**

Mr. Chairman:

Thank you for your invitation to address the human rights situation in Cuba and to discuss U.S. policy towards that country.

Human Rights Watch has been monitoring human rights conditions in Cuba for more than 15 years. Severe political repression has been constant throughout this time. Cuba has long been a one-party state. It has long restricted nearly all avenues of political dissent. It has long denied its people basic rights to fair trial, free expression, association, assembly, movement and the press. It has frequently sought to silence its critics by using short term detentions, house arrests, travel restrictions, threats, surveillance, politically motivated dismissals from employment, and other harassment.

But this year's crackdown on political dissent in Cuba, in its scale and intensity, is the worst we've seen in a decade or more.

The crackdown was a reaction to the flowering of civil society in Cuba over the last several years, and to the growing activism and ambitions of its dissident community. It followed the success of the Varela Project, led by dissident Oswaldo Paya, in gathering signatures from Cuban citizens on a petition calling for political reform. The crackdown began on March 18. In just a few days, state security agents arrested dozens of people, launching an all-out offensive against nonviolent dissidents, independent journalists, human rights defenders, independent librarians, and others brave enough to challenge the government's monopoly on truth. In due process terms, their trials were a sham. And in the end, 75 defendants received sentences ranging from 6 to 28 years, with an average sentence of 19 years. Cuban courts have not imposed such draconian sentences on such large numbers of people in more than two decades.

BRUSSELS GENEVA LONDON LOS ANGELES MOSCOW NEW YORK SAN FRANCISCO WASHINGTON

What do these troubling developments mean for U.S. policy towards Cuba? What approach offers the greatest likelihood of effecting change?

The first thing I hope we can all agree on is that no one should have any illusions about the character of the Cuban government. No one should romanticize any aspect of this cruel system, or make any excuses for Fidel Castro's abuses. The crackdown on dissent in Cuba is not the fault of the United States, or the fault of the U.S. embargo, or the fault of the Cuban-American community. The responsibility lies with Fidel Castro, period.

We should also agree that this is no time to reward Fidel Castro; this is a time for maximizing effective pressure on the Cuban government to change its policies. But we also need to be tough-minded and strategic in assessing whether the all-out embargo currently in place is the best available tool for achieving our goals. Is it likely to move the Cuban government? Do Cuba's cynical rulers even see it as punitive? I believe the answer to those questions is no, and that a middle ground approach would serve the cause of Cuba's brave dissidents far better.

I say that as someone who is often supportive of economic sanctions, even unilateral economic sanctions, against governments that systematically violate human rights. My organization believes that sanctions, when carefully targeted and deployed as part of a larger diplomatic strategy, can be effective in promoting human rights and in expressing where the United States stands on human rights. This year, for example, we applauded the Congress and members of this Committee for supporting additional U.S. sanctions against the government of Burma. We are generally skeptical of arguments that trade with the United States or exposure to American values and practices can somehow convince repressive governments to be kinder and gentler to their people.

But it seems to us that any American policy designed to promote human rights in another country has to meet two basic tests to be worthy of continuation. First, is the policy more likely to be effective than the alternatives? Second, does it advance the interests and speak to the needs of those struggling to defend human rights in the country concerned? After 40 years, it's clear that the all-out embargo against Cuba fails both tests.

Many of the dissidents struggling for change inside Cuba want to see the embargo eased, including the writer Raul Rivero and the activist Hector Palacios Ruiz, who were sentenced, respectively, to 20 and 25 years in prison in April, as well as Oswaldo Paya, the leader of the Varela Project. Refusing to heed those who risk everything for freedom in Cuba is senseless. It would be as if the United States had taken steps to defend liberty in the old Soviet empire that were categorically opposed by Andrei Sakharov, Lech Walesa, and Vaclav Havel.

Leading Cuban dissidents understand that the embargo helps Fidel Castro's cause, not theirs. Because it is indiscriminate, rather than targeted, it enables the Cuban government to shift blame to the United States for the Cuban people's suffering. Because it isolates the Cuban people from the world, it makes it easier for the Cuban government to control what they hear, see and know. Because it is bitterly opposed by most nations, it enables the Cuban government to divide the international community, leading, ironically, to less international pressure on Fidel Castro, not more.



For these reasons, I fear that President Bush's announcement last week that he was tightening enforcement of the travel ban on Cuba will make matters worse, not better. This is not because tourism is in and of itself a force for freedom in Cuba – although the greater the volume of international travelers the harder it is for the Cuban government to control the activities of those who travel for the purpose of promoting change. It is because tightening the screws still further will make it harder to do what the President's National Security Advisor, Condoleezza Rice, has said must be done – namely, to strengthen international pressure on the Castro government.

At the same time, a relaxation or end to the embargo would not, by itself, be an effective strategy for promoting change in Cuba. We need to be clear-eyed about this, as well: The Cuban government isn't going to stop locking up dissidents just because American tourists have joined the Canadians sunning themselves on Cuba's beaches, or because American CEOs have joined the Europeans signing contracts with Fidel Castro. There does need to be carefully targeted, multilateral pressure on the Cuban government, or Cuba's dissidents won't have the space to fight for change. We need a middle ground between unquestioning engagement with the Castro government and an all-or-nothing approach that plays into Fidel Castro's hands.

All sides in the Cuba policy debate need to ask themselves: What does Castro fear most from the United States? It is not the continuation of the embargo, or its demise. It is the prospect that the United States might someday agree with allies in Latin America and Europe on an effective common strategy for defending the rights of the Cuban people.

For that reason, I would argue that America's Cuba policy should not even be directed at Havana right now. Given the history of this relationship, there is very little the United States can do bilaterally to influence the Cuban government. Instead, America's Cuba policy should be directed towards the other nations of Latin America, towards Europe, towards Canada. It should be aimed at forging a principled, common strategy for promoting political change in Cuba.

A united international community will have immensely more political and moral authority with the Cuban government than a divided international community. Because of the crackdown in Cuba, there is an opportunity now to forge a more united approach. The European Union has already toughened its common position on Cuba, for example. Latin American countries have supported resolutions on human rights in Cuba at the U.N., which, although far too mild, are a step forward. But much more can be done.

The United States should be urging Latin democracies to speak forcefully against political repression in Cuba, and to stop backing Cuban membership in bodies like the U.N. Commission for Human Rights. It should press Latin diplomats to meet with Cuban dissidents. It should urge European countries to impose on the Cuban leadership the same targeted sanctions, including the denial of visas and the seizure assets, that they have imposed against other repressive governments, such as Burma and Zimbabwe.

While easing some trade and investment with Cuba, and ending the senseless ban on travel to Cuba, the United States should also work with allies to develop common rules governing economic engagement there. Foreign investment in new private enterprises has helped limit the

power of the state in countries like China and Vietnam. But in Cuba, workers in joint ventures with foreign companies are still hired and paid by the Cuban government, thus remaining at the mercy of the state. European, Canadian and ultimately American companies should receive licenses for investment in Cuba only if that policy changes.

The tragedy of the all-out U.S. embargo, and a key argument for easing it, is that it makes the United States impotent in pressing its allies for these tougher measures. The Bush administration knows it has virtually no influence with the rest of the world on Cuba. When Cuba was up for reelection to the U.N. Human Rights Commission this year, the administration hardly even tried to convince Latin countries to find an alternative candidate. In most capitals, Castro has succeeded in making the embargo a bigger issue than his own repression.

The best alternative to dumb sanctions against Cuba, therefore, is not a policy of no sanctions. It should be possible to forge a middle path that isolates the Cuban government, not the Cuban people. But so long as the United States is unwilling to climb down to a tough, yet sensible policy, it will not persuade its allies to rise up to such a policy.

Mr. BURTON. That is very interesting and we will talk further.  
Mr. Olson.

Mr. OLSON. Thank you, Mr. Chairman, for the opportunity to testify today. I want to thank you and Representative Watson for your probing questions that are forcing us to think creatively about what seems to be an intractable problem in Cuba.

Amnesty International has been monitoring the human rights situation in Cuba since the early 1960's and we have extensive reporting about the human rights situation there. Unfortunately, like our colleagues at Human Rights Watch, our access to the island has been severely limited. In recent years we have not been able to do an onsite, in person visit there since 1988, so we have had to rely on other sources of information to try to report on the human rights situation there.

The crackdown on political dissidents that began on March 18 and the execution of three would-be hijackers on April 11 are alarming and deeply disappointing occurrences that Amnesty International has denounced locally and publicly. Sadly they represent the latest chapter in a long line of grave human rights violations committed by the Government of Cuba. On the basis of the information currently available, Amnesty International considers the newly detained prisoners to be what we call prisoners of conscience. As a result, the number of confirmed prisoners of conscience in Cuba has risen from 6, 2 years ago, to 89 today.

What distinguishes this crackdown from many other previous examples of mass arrest is not the number, however, which is unusually large, but the laws that were used to convict the dissidents and the summary trials and very harsh sentences handed down shortly after the detentions took place. Among the latest group of dissidents arrested, 75 have received sentences ranging from 6 to 27 years. Some of the prisoners were convicted under the law for the protection of the national independence and economy of Cuba, known as Law 88 passed in February 1999. Though passed in 1999, this crackdown marks the first time that the provisions of Law 88 have been applied to criminal proceedings in Cuba. Law 88 itself is presented as a Cuban response to perceived U.S. aggression and the crackdown as a reaction to a U.S.-led rather than domestic threat. Nevertheless, Amnesty International believes the law places unlawful restrictions on internationally recognized rights such as the freedom of expression. Furthermore, the Cuban constitution itself places clearly excessive limits on the exercise of fundamental freedom. The exercise of fundamental freedoms in ways that are perceived to be against the Cuban system are not constitutionally protected. Anybody who works or expresses his opinion that is perceived as being against the system has no constitutional protection in Cuba. Law 88 and other laws within the Cuban system place further restrictions on these freedoms in violation, we believe, of international standards.

Law 88 calls for sentences of 7 to 15 years in prison for passing information to the United States that could be used to bolster anti-Cuban measures such as the U.S. economic embargo. The punishment can rise to 20 years if the information is acquired surreptitiously. The legislation also bans the ownership, distribution or reproduction of "subversive materials from the U.S. Government"

and proposes terms of imprisonment of up to 5 years for collaborating with radio and TV stations and publications deemed to be assisting U.S. policy.

I should note that one of the people detained was actually tried and sentenced in part because he was giving information to Amnesty International. That is the level of restriction on the free expression and association of people.

The question here though is not before in this committee, it is not just how bad is the situation in Cuba but in fact, what the United States should do about it. The recent crackdown is a continuation of Cuban Government policy of detaining people for their political, religious and other conscientiously held beliefs and to restrict the freedom of expression and association both in law and in practice. The modest signs of tolerance that existed just a couple of years ago have now been swept away. In this context, Amnesty International feels it is important to carefully consider policy options that could effectively contribute to improving human rights in Cuba. What is it in fact that is going to improve human rights there? Part of Amnesty International's mission is to make recommendations to the Government on how this can in fact happen.

In the interest of time, I am not going to go over all the recommendations here that we have given to the Cuban Government. It is found in my formal statement.

Mr. BURTON. You can submit those for the record.

Mr. OLSON. They have been submitted for the record. There is a number of them and I don't want to imply that we are being light on the Cuban Government. We have over 15 recommendations here specifically to the Cuban Government. Maybe a bit in answer to Ms. Watson's questions as well, I did want to mention what we thought are key recommendations to the United States.

Amnesty International urges the U.S. Government to place human rights concerns at the center of its decisionmaking on Cuba. The United States should take into account the impact its policies will have on day to day life for average Cubans and their enjoyment of basic human rights. AI is particularly concerned about measures that the United States might consider that could spark humanitarian crises in Cuba. Such a crisis may lead to worsening of the human rights situation. AI rejects proposals that would worsen humanitarian conditions in Cuba and are aimed at destabilizing the country. Political instability and humanitarian crises place civilians at risk of further human rights violations and should not be considered as an option.

AI encourages the U.S. Government to reconsider the wisdom and efficacy of its economic embargo on Cuba. The 40-plus years of the embargo does not appear to have the intended consequence of punishing Castro, nor has it contributed to a betterment of human rights in Cuba. In some instances, it has had negative impacts on human rights. The embargo has had ramifications not only on economic and social rights, but also it has been used by Cuban officials who cite it as a justification for repressive measures.

Amnesty International recommends that the United States look seriously at ways to in fact reduce hostilities with Cuba and to lower the tensions that contributed to the broader negative political

context for the latest crackdown. I think there is a variety of ways in which we can seek to lower the tensions between the countries. Amnesty doesn't believe that means total withdrawal of the embargo as Mr. Malinowski has said but that we need to see the embargo is having a potentially detrimental effect on the average Cuban in Cuba.

Thank you and I will leave it at that. I welcome your questions.  
[The prepared statement of Mr. Olson follows:]



**Committee on Government Reform  
Subcommittee on Wellness and Human Rights**

**Castro's Cuba: What's the Proper United States Response to Ongoing Human  
Rights Violations in Our Hemisphere?  
October 15, 2003**

**Testimony by Eric L. Olson  
Advocacy Director for the Americas, Amnesty International USA**

**Introduction:**

On behalf of Amnesty International, I thank you for the opportunity to testify before the Committee on Government Reform's Subcommittee on Wellness and Human Rights on human rights conditions in Cuba.

The crackdown on political dissidents that began on March 18th, and the execution of three would-be hijackers on April 11<sup>th</sup>, are alarming and deeply disappointing occurrences that AI has denounced vociferously. Sadly, they represent the latest chapter in a long line of grave human rights violations committed by the government of Cuba.

From its earliest days, Amnesty International has taken up the cases of Cubans that it believed had been detained for the peaceful expression of their views, so-called *prisoners of conscience*. AI has always defined *prisoners of conscience* as "people who are held in prison solely because their views are unacceptable to their Government." In addition to its work on behalf of *prisoners of conscience*, Amnesty International also raised concerns about prison conditions and treatment of detainees, fair trials for political prisoners, and the death penalty.

Amnesty International's current work on Cuba has focused on the growing number of *prisoners of conscience*, the harassment of perceived dissidents, and the ongoing recourse to the death sentence. One of the most disturbing recent developments in Cuba has been the termination of the three-year de facto moratorium on executions, and the sentencing to harsh prison terms, after manifestly unfair trials, of dissidents targeted in mass arrests.

### **Developments within Cuba:**

#### Recent Crackdown on Dissent

Beginning on March 18, 2003 the most recent wave of targeted arrests culminated in the detention of approximately 80 Cuban citizens for the non-violent exercise of their rights to freedom of expression and association. These incidents have amounted to the biggest crackdown in over a decade in which independent journalists, members of human rights groups, political activists and other perceived dissidents have been detained in a major police operation. What distinguishes this crackdown from many previous examples of mass arrest is not the number, which is unusually large, but the summary trials and very harsh sentences handed down shortly after the detentions took place.

In an official statement issued by the Cuban government after the March 18 arrests, the detainees were accused of being linked to 'acts of conspiracy' through their contact with the head of the US Interests Section in Havana, Mr. James Cason. While Mr. Cason has been accused of undiplomatic behavior by the Cuban government, no actions justify the subsequent flagrant violations of basic human rights norms by the Cuban government.

Among the latest group of dissidents arrested, 75 have received sentences ranging from 6 to 27 years. Several more are believed to be awaiting trial and could face equally harsh penalties. Some of the prisoners were convicted under the Law for the Protection of the National Independence and Economy of Cuba, or Law 88, passed in February 1999. The law calls for seven to 15 years' imprisonment for passing information to the United States that could be used to bolster anti-Cuban measures such as the US economic embargo. The punishment could rise to 20 years if the information were acquired surreptitiously. The legislation also bans the ownership, distribution or reproduction of 'subversive materials' from the US government, and proposes terms of imprisonment of up to five years for collaborating with radio and TV stations and publications deemed to be assisting US policy.

On the basis of information currently available, Amnesty International considers the newly detained to be *prisoners of conscience*. As a result, the number of confirmed *prisoners of conscience* in Cuba has risen from 6 in February 2002, to 90 today.

Authorities in Cuba have especially harassed individuals who have petitioned the government to hold a referendum on the future of Cuba's economic and political system through an initiative known as the Proyecto Varela (Varela Project). Among the prisoners detained this past March is the leading organizer of Proyecto Varela, Héctor Palacios Ruiz; and its regional coordinator for Santiago de Cuba province, José Daniel Ferrer.

#### Executions

Cuba's use of the death penalty has long been a subject of international concern. President Castro reportedly announced to an international human rights delegation his

intention to introduce a bill in the National Assembly that would abolish the death penalty. However, since then, there has been little indication of movement in this direction. In fact, the situation started to worsen in March 1999 when, Cuba expanded the use of the death penalty by modifying articles of the penal code to allow for capital punishment for crimes of large scale international drug trafficking, the corruption of minors, and trafficking for prostitution. In April 2000, the Cuban government instituted a de facto moratorium on the death penalty, and once again the tides seemed to shift in a positive direction.

On April 11, 2003 however, Cuban authorities ended the moratorium on executions by sending Lorenzo Enrique Copello Castillo, Bárbaro Leodán Sevilla García, and Jorge Luis Martínez Isaac to their deaths before a firing squad. The three men along with several others were imprisoned after they hijacked a Cuban ferry on April 2, 2003 with the intention of escaping to the United States. The hijackers were convicted under toughened anti-terrorism legislation passed in December 2001, allowing for the use of the death penalty in the most extreme cases. Their appeals to the Supreme Court and the Council of State were rapidly dismissed and they were executed within a week of the start of their trial. Four of the hijackers received life sentences and four others received shorter prison terms. Presently, at least 52 people in Cuba are on death row. Given the moratorium's end, Amnesty International is concerned that these people may also face imminent execution.

Furthermore, Amnesty International remains concerned about the conditions in which death penalty prisoners are kept. Amnesty has received disturbing reports from a variety of sources of some death penalty prisoners being subjected to cruel, inhumane or degrading treatment. In July 2000 nongovernmental sources in Cuba indicated that one death row prisoner had been held in solitary confinement in a closed cell for 18 months, at a temperature of approximately 32 degrees centigrade. Allegations of beatings by guards have also been received. Prisoners on death row in Cuba are only entitled to visits from their family every three months, and in some cases even this has been denied. Family members of these prisoners have reported being harassed by the authorities in retribution for their efforts to push for better treatment of their loved ones.

Amnesty International opposes the death penalty unconditionally as a violation of the right to life and the right to not be subjected to cruel, inhuman or degrading treatment in any country in which it is implemented, including the United States. Amnesty International urges both the Cuban and the U.S. governments to abolish it, and to commute the sentences of those facing capital punishment.

#### Proyecto Varela

The Proyecto Varela campaign is promoting a petition calling on the government of Cuba to hold a referendum on 5 issues related to the country's future. In May 2002, project organizers presented Cuban authorities with petitions reportedly signed by over 11,000 voters. The petitioners all reside within Cuba and were participating in a process guaranteed by the Cuban Constitution. Article 88 of the Constitution permits citizens to



gather signatures and request a referendum on matters of national importance. Once 10,000 valid signatures are gathered they are presented to Cuba's National Assembly of People's Power, which must then publicize the request and hold a debate concerning the petition.

The Proyecto Varela petitioners ask that a referendum be held on key issues that seek to promote greater personal, political and economic freedoms, as well as amnesty for political prisoners. Petitioners also seek to open up opportunities for Cubans to start private businesses, and a new electoral law including direct election of political candidates by voters.

Since presenting the petition to the Cuban authorities, there have been credible reports of harassment of Proyecto Varela organizers, as well as those who signed the petition. A large number of these activists have been subjected to threats, short-term detention, summons, confiscation of material and other forms of persecution. In a particularly disturbing development, prosecutors initially called for the death penalty against Mr. Ferrer, one of Proyecto Varela's regional coordinators, although he was later sentenced to 25 years in prison.

In the 14 months prior to the March 18 crackdown, there had also been a number of large-scale arrests of political dissidents by Cuban authorities. On February 27, 2002, 21 Cuban men were arrested after they hijacked a bus and attempted to enter the Mexican Embassy apparently to seek asylum. This incident set off a chain of arrests and numerous other dissidents were also detained in sweeps conducted by state officials. On December 6, 2002, another 17 dissidents were arrested after they attempted to meet in Havana apparently to discuss human rights and to reportedly form a grassroots project for the promotion of these rights. Most of these detainees have since been released. Again, it is important to keep in mind that although the 2002 raids and detentions were reprehensible, the March 2003 crackdown included trials that were manifestly unfair and the March 2003 crackdown has resulted in unusually long sentences.

### **Recommendations**

The recent crackdown on dissent is a continuation of the Cuban government's policy of detaining people for their political, religious, or other conscientiously held beliefs, and to restrict the freedom of expression and association both in law and in practice. The modest signs of tolerance that were evident just a few months ago have once again been swept away by a wave of repression.

In this context, Amnesty International feels it is important to carefully consider policy options that could effectively contribute to improving human rights in Cuba. Part of Amnesty International's mission is to make recommendations to governments on how to improve compliance with international standards. Some of the most recent and pressing recommendations we have issued to the Cuban government follow:

With regard to prisoners of conscience

Amnesty International calls on the Cuban government

- to immediately and unconditionally release all prisoners of conscience;
- to bring Cuban legislation into line with international human rights standards so that the human rights of all Cuban citizens are protected;
- to provide full judicial guarantees to ensure that, in accordance with international human rights standards, all detainees accused of politically-motivated offences have access to a fair trial, including immediate access to a lawyer of their choice.

With regard to harassment of dissidents:

Amnesty International urges the government of Cuba

- to put an immediate end to all forms of harassment and intimidation directed against dissidents who are solely attempting to exercise their fundamental human rights as set out in the Universal Declaration of Human Rights;
- to guarantee to all Cuban citizens their legitimate rights to freedom of expression, association and assembly, in accordance with articles 19, 20, and 21 of the Universal Declaration of Human Rights and articles 4, 21, and 22 of the American Declaration of the Rights and Duties of Man; and that punitive measures, including detention, taken against individuals for exercising these rights immediately cease;
- to permit independent journalists, independent librarians and others to carry out their legitimate work without interference.

With regard to the death penalty:

Amnesty International is extremely disappointed with the reinstatement of executions and is deeply concerned over the possibility that the Cuban government will permanently terminate the *de facto* moratorium on capital punishment. Thus, Amnesty International calls on the Cuban government

- to immediately abolish the death penalty from its legal system, and to reform all laws and legal texts that refer to it accordingly;
- to immediately commute the sentences of those on death row to prison terms;
- to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989.

Likewise, Amnesty International believes that the U.S. government has an important role to play in promoting human rights in Cuba. It is our fervent hope that the policies the Administration implements will lead to an improvement in human rights conditions and that any potential risks to the safety and human rights of Cubans will be weighed carefully.

Cuba bears the ultimate responsibility for its treatment of its citizens, but the U.S., too, has a responsibility to pursue a foreign policy that promotes human rights and avoids

worsening human rights conditions. In this context, Amnesty International proposes the following as guidelines for ensuring that the US policy response contributes to the betterment of human rights in Cuba:

- AI urges the US government to place human rights concerns at the center of its decision-making on Cuba. The United States should take into account the impact its policies will have on day-to-day life for average Cubans and their enjoyment of basic human rights.
- AI is particularly concerned about measures that could spark a humanitarian crisis in Cuba, as such a crisis may lead to a worsening of the human rights situation. AI rejects proposals that would contribute to a worsening of humanitarian conditions in Cuba and are primarily aimed at destabilizing the country. Political instability and humanitarian crisis place civilians at risk of further human rights violations, and should not be considered as an option.
- In light of human rights concerns during past population flows from Cuba, and of the dangers faced by Cubans trying to make the voyage to the US by sea at the best of times (and given concerns about the treatment faced in particular by those who do not manage to reach US soil), AI urges the US not to take measures that could prompt any migration crisis that would put people's lives at risk.
- AI encourages the U.S. government to reconsider the wisdom and efficacy of the economic embargo and travel ban on Cuba. The 40+ years of the embargo does not appear to have had the intended consequence of punishing Castro nor has it contributed to the betterment of human rights in Cuba; in some instances it has had negative impacts on human rights. The embargo has had ramifications on not only economic and social rights and but also it has been used by Cuban officials who cite it as a justification for repressive measures. The same holds true for the ban on travel.
- AI recommends that the U.S. look seriously at ways to reduce hostilities with Cuba and lower the tensions that contributed to the broader negative political context for the latest crackdown. Some specific steps the U.S. might take include:
  1. seek a variety of ways to relate to the dissident community including to allow U.S. non-governmental groups to use their own resources to provide assistance and support to dissidents instead of providing assistance primarily through official channels and from USAID monies;
  2. build a broader and more effective coalition with European and Latin American nations to both engage and confront the Cuban government on human rights issues. The international outcry, even among Cuba's allies, in response to the latest crackdown suggests that there is a growing willingness in the international community to deal openly and honestly with Cuba's human rights problems. It would be best if the U.S. sought to

work patiently with those countries with a history of engagement with Cuba to promote a consistent message from the international community, rather than pursuing punitive policies against potential allies in the effort to promote human rights in Cuba;

3. immediately implement model conditions for the five Cuban prisoners convicted of spying in the U.S. and currently in custody with the U.S. Bureau of Prisons. This should include easy access to lawyers, full visitation by families for all prisoners (3 families have been granted visas; two families remain without) and that they be detained in humane prison conditions. The U.S. government should assure that the prisoners' physical conditions are humane. This simple and unquestionably appropriate step will do much to lower tensions and signal US interest in upholding human rights for all.

Thank you for your attention and I will be glad to take your questions.

Mr. BURTON. Thank you, Mr. Olson.

Mr. Calzon, I know you are just chomping at the bit because you probably have a little different approach, so we recognize you, sir.

Mr. CALZON. Thank you, Mr. Chairman. I am delighted to be here to appear before you on behalf of the Center for a Free Cuba. As most Cuban Americans could tell you, you are a hero not only to Cuban Americans but many people inside Cuba.

I am also pleased to appear before Congresswoman Watson whose experience as an ambassador provides an important dimension to her work in the Congress.

I would like to ask that my full statement be placed in the record and take just a minute because I don't know if it will come up in the question and answer period to make a couple of brief comments.

I am by training a political scientist and I have written a number of pieces on the American Revolution and I wasn't there, so that is one of the misconceptions, one of the fallacies of social science that says that you have to be there. Sometimes from far away you could have a better idea of what is happening in one place than discussing the issue with the dictator for 6 hours but that is just a minor point.

On the issue of the infant mortality rate, I was always intrigued by that. I talked to a number of Cuban doctors. You should be aware of one fact. Mr. Castro not only manipulates statistics and Cuban women who have a problem pregnancy are encouraged to have an abortion because when you have an abortion, that does not show up in the infant mortality rate. Mr. Castro has been in power for over 40 years and the Cubans have begin to act following the advice of the Holy Father. Castro has responded by declaring Cuba's socialism irrevocable and untouchable. I do not share the views of some of the other witnesses that you have to concentrate so much on the United States and Cuba. The problem has never been Cuban and the United States.

Mr. Castro is willing to talk about Cuba with President Carter, he is willing to talk about Cuba with the King of Spain and willing to talk with Members of Congress. You talk about imposing your views or the United States imposing its views. One way of not imposing America's views is to encourage Mr. Castro to meet with Cuban bishops and to allow Cubans in Cuba to do what we are doing here.

So the whole idea of trying to determine Cuba's problems between some foreigners and the Cuban dictator, I don't think the Cuban people really like that.

On the issue of the impact of the embargo, in Cuba there are shortages of oranges. Are we going to ship oranges from Florida? There are shortages of fish. Are we going to send it from Maine? The whole idea is that when I met with President Havel of the Czech Republic, I said when did the shortages end here? Did they end with trade with the West? He said, no, they ended with the end of communism and the same thing will happen in Cuba. There is a tendency to blame the United States for everything that happens in the world. Cuba, Mr. Castro has a great responsibility.

When a child is sick in Cuba and a father goes to a pharmacy, there are no medicines there but when a foreigner goes to Cuba,

the medicine is there. The hotels where foreigners stay are segregated, Congresswoman, and the restaurants and clinics. In this country, Martin Luther King had a major campaign so that anybody could go to a restaurant. As a Cuban, I think I would hope that Americans could travel anywhere they want. If Americans go to Cuba and subsidize apartheid in Cuba, I am not in favor of tourists going to Cuba. If they go to Cuba and they say to Mr. Castro, let the Cubans have the same rights that foreigners have in Cuba, how come a foreigner can have a restaurant, a foreigner can have an enterprise and Cubans cannot? Cubans don't have a right to go to a hotel and an American Congresswoman can go and stay in those hotels? I don't know. I see something wrong with that.

Beyond that, I do have a number of recommendations in the paper, including placing a C-130 in the Florida Straits so that TV Marti can be seen in Cuba. I have another recommendation. I think Ms. Watson and Chairman Burton ought to do more of these. I think it is important for the American people to learn, for example, that there are FBI fugitives in Cuba that Castro has given safe haven to American murders who kill American police officers. You ought to call the Justice Department and they will send you the list. Those are some of the facts, not the rhetoric that I think ought to be brought to the attention of the Congress and the American people.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Calzon follows:]



Testimony of Frank Calzón

Executive Director

Center for a Free Cuba

Submitted to the

Subcommittee on Human Rights and Wellness

Committee on Government Reform

U.S. House of Representatives

Congressman Dan Burton, Chairman

October 16, 2003

**Chairman Burton**, thank you for the opportunity to appear before the Subcommittee today. I appear on behalf of the Center for a Free Cuba, a nonpartisan, nonprofit, independent human rights organization. I am glad to testify before Chairman Burton, a hero to Cuban Americans and to Cubans on the island. I am also pleased to appear before Congresswoman Watson, whose experience as an ambassador provides an important dimension to her work in Congress.

The Cuban people had great expectations of the 1959 revolution, but instead they endured a totalitarian regime based on denial of human rights and the destruction of civil society for over 40 years.

Fidel Castro's regime has done everything possible to keep Cuba under total political paralysis, but the Cuban people continue to struggle to regain the political and economic space denied to them by the dictatorship. Cuba today is not the Cuba of ten years ago, indeed is not the Cuba of one year ago. Cubans, taking heed of Pope John Paul II's advise, began to act despite repression and fear.

On May, 2002 in accordance with Cuba's socialist constitution, Oswaldo Payá turned in more than 11,000 petitions asking for a plebiscite on democratic change to Cuba's National Assembly. Paya's initiative, the Varela Project, was endorsed in an unprecedented Cuban TV broadcast by President Jimmy Carter. Payá was honored by the European Parliament and met with world leaders including Secretary of State Colin Powell.

Castro responded by declaring Cuban socialism "irrevocable and untouchable." The regime sentenced 75 independent journalists, independent librarians and human rights activists in summary proceedings (about 40 of them were Varela Project activists).



Most sentences ranged between 15 to 25 years. The dictator also executed three Cubans who hijacked a ferry, without injuring anyone.

The world took notice. The European Union called for the immediate release of the dissidents. Sweden called the developments “unacceptable.” Germany, France, and Canada, among others, spoke out. The AFL-CIO condemned the arrests of labor leaders; the Inter-American Press Association called for the released of detained journalists, the *Los Angeles Times* reported, “After years of calling for the lifting of sanctions against Cuba, now we must ask U.S. policy makers to step on the brakes.” Nobel Laureate Jose Saramago, a long time supporter of the revolution, said the executions “had robbed him of illusions and this is as far as I go.” *The Washington Post* reported that perhaps this is not the time to soften pressure on the Cuban government and Uruguay’s Chamber of Deputies condemned Havana’s repression.

*Granma*, Cuba’s official newspaper, called Peru, Uruguay and Chile “miserable puppets and a paradigm of abject treason.” *Granma* called Uruguay’s president “a robot at the service of imperialism” and both countries severed diplomatic ties.

Havana said *The New York Times* “is neither serious nor liberal.” A Spanish TV reporter was beaten by Cuban embassy staff at a demonstration before the Cuban embassy in Paris. Ninety percent of Spaniards, according to a survey, believe Fidel Castro should leave power. More than 200 Czechs demonstrated before Castro’s embassy in Prague.

Castro called Spanish President Jose Maria Aznar “a little fuher with a little mustache.” He called Italian Prime Minister Berlusconi, “Benito,” and President Bush “a barracuda, an animal to which one should never turn his back.”

Castro withdrew Cuba's request for admission into the Cotonou Agreement with the European Union, which provides tariff benefits to third world countries. The regime closed Spain's cultural center in Havana, and rejected European humanitarian assistance due to the Europeans' continued reference to human rights.

The European Union said it would reduce contacts with Cuban government officials and increase ties with Cuba's internal opposition. Germany withdrew from Havana's book fair and Holland from Cuba's biennial art festival. Greece has yet to decide whether to grant Castro a visa to attend the 2004 Olympic Games in Athens. Meanwhile, Washington said Cuba, Burma and North Korea have failed to take steps to stop "human trafficking." In March 2002, the Protection Project at Johns Hopkins University reported that "reports further indicate that Canadian and American tourists have contributed to a sharp increase in child prostitution and in the exploitation of women in Cuba."

If in the political sphere the regime is going through some rough times, its economic performance is not better. Castro closed one half of Cuba's sugar mills, a Mexican bank, Bancomext, (owed more than \$400 million) froze Cuban assets in Europe. The most recent official figures available (for 2001), as reported by *Reuters*, indicate direct foreign investment "plummeted to \$39.8 million in 2001 from \$488 million a year before."

Castro is simply broke, and as Secretary Powell has said, Havana pays some imports with the money it owes others. Several of Castro's most important trading partners have suspended credits and export insurance. Yet, like the second to last scene in a bad Hollywood western, some are out trying to muster a cavalry to save his regime.

This time, it is a cavalry of American tourists and special interests whose objectives will only strengthen the Western Hemisphere's most enduring dictatorship.

The question remains, what can the United States do? I answer that question with thirteen modest proposals:

**One:** Do no harm. At a time of a widespread international awakening about the nature of Castro's regime and the failure of the policies of engagement and business as usual, American tourist dollars, U.S. credits and export insurance would be, as President Bush has said, "foreign assistance in disguise."

Let there be no confusion. American companies can sell food and medicine on a cash and carry basis. What is at issue is not U.S. sales to Cuba, but asking the U.S. taxpayer to replace the lost Soviet subsidies. If Washington could not rescue Enron, why rescue a bankrupt, cruel, and hostile regime 90 miles from Florida? Many governments are confronting Castro's insolvency. On January 4, 2003, John Turley-Ewart wrote in Toronto's *National Post*:

"While tourist brochures tout Cuba as a vacation paradise of sandy beaches, the Castro government has refused to pay millions of dollars it owes to Canadian companies and Canadian taxpayers have subsidized further millions in foreign aid that has done little to alleviate the country's desperate poverty."

**Two:** Listen to the suggestions of former presidents Vaclav Havel (Czech Republic), Arped Goncz (Hungary), and Lech Walesa (Poland) "to put aside transatlantic disputes about the embargo on Cuba and to concentrate on direct support for Cuban dissidents, prisoners of conscience and their families." (*The Washington Post*, September 18, 2003)

**Three:** Be cautious about the implementation of U.S. policy. As Theresa Bond has written in *Castro's Crackdown*, a recent article in *Foreign Affairs* “in other totalitarian states, from Burma to Zimbabwe, American and other diplomats provide similar assistance to local dissidents, but they do it much more covertly—so discreetly, in fact, that the programs rarely reach the public eye.”

**Four:** Members of Congress and their staff should continue to pressure the regime, either privately or publicly, to release all political prisoners.

**Five:** Allow the International Committee of the Red Cross to visit Cuban political prisons.

**Six:** Grant Cubans the same rights and opportunities foreigners enjoy in Cuba today.

**Seven:** The Congress could, as Senator Bill Nelson indicated at a recent Senate hearing, look into the need for additional U.S. funds to promote a democratic transition on the island. Why not review U.S. funding levels to promote democracy in other countries and bring the Cuba programs' outlays to similar levels?

**Eight:** In line with statements by the President, the United States should enforce the law by closing loopholes which allow the flow of dollars to Castro which he uses for repression at home and anti-American mischief abroad. The Administration should fully enforce the Helms-Burton Law, particularly Title III which would permit U.S. courts to hear suits brought against companies who traffic in stolen properties in Cuba and Title IV which denies visas to enter the U.S. to such traffickers.

**Nine:** The Administration should deploy a C-130 aircraft on the Florida Straits once a week to broadcast TV Marti in order to overcome “the information embargo that

the Cuban government has imposed on its people.” The aircraft has been used as “an airborne transmission system” in Haiti, Panama, the Balkans, and recently on May 20<sup>th</sup>, a U.S. broadcast to Cuba.

**Ten:** The Administration should continue to warn Havana that a massive refugee outflow (which, as in the past, would be manipulated by Castro) would be considered “a hostile act.” This is important to prevent Castro’s blackmail of the U.S.

**Eleven:** The Administration should provide more information to the American people and the Congress about murderers of American police officers and other FBI fugitives who have been granted safe haven in Cuba.

**Twelve:** The Administration should also consider declassifying information about Havana’s capacity for research and development of biochemical weapons.

**Thirteen:** And finally, the United States could ask its friends and allies, many of whom have denounced repression in Cuba, to put in place pro-democracy programs on the island.

In addition, there is much that the American people and NGO’s (human rights groups, churches, labor unions, etc) could do- which is not the same as drinking *mojitos* in Cuba’s beaches, palavering with the bearded dictator and patronizing hotels, beaches, stores, restaurants and clinics set aside for foreigners where Cubans are not allowed.

Mr. BURTON. Thank you, Mr. Calzon. I wish you would tell us what you really think. You have been a good friend for a long time and I appreciate your comments.

Let me ask a few questions and then I will yield to my colleague who I know has some questions.

Mr. Malinowski, I know this is a dangerous question to ask you but what kind of changes or proposals are you talking about in the embargo that you think would be beneficial?

Mr. MALINOWSKI. I would start very gradually. I wouldn't throw the whole thing out.

Mr. BURTON. I don't think that is going to happen.

Mr. MALINOWSKI. Honestly, I would start with the travel ban and I would do it not to send some message to Castro or to appeal to his goodwill because I don't believe in his goodwill, I would use it as the basis for sitting down with our allies in Europe, in Latin America, in Canada, the key players in this, to try to forge a common strategy and a common policy. We don't have that right now and we need it.

Mr. BURTON. Let me ask you a question regarding your answer. Right now if an American or anybody in the world goes to a resort in Cuba, they pay in dollars. The people who work there who are Cubans can't stay there, they come and work during the day and have to go home. They can't be there except to work. They are not paid in dollars, the dollars go to the Cuban Government and they pay them in pesos. I have been told that people who make \$400 or \$500 a month at a resort would get about 500 pesos which would be somewhere between \$5 and \$10 a month to live on. How could they benefit if we allowed tourism to go to Cuba? It would certainly increase the amount of money going to the hotels and hence to the Cuban Government but I am not sure it would help the quality of life for the Cuban people.

Mr. MALINOWSKI. First of all, I completely agree with you. The situation you describe though is completely the same as the situation we faced in the former Soviet Union in Poland, Czechoslovakia and Hungary in the darkest days of communism. Even then we never restricted the rights of Americans to travel to those countries which was a modestly beneficial thing in the sense that it also allowed organizations like mine and Amnesty International and others to go in under the cover of tourism to do some very good work with dissidents.

My central point and my main response to your question is that we need to ask how do we change the state of affairs that you describe? How do we change the system that robs the workers of those hotels of their livelihood and that denies us the ability to create a little bit of private free space as exists, for example, in free enterprises in China, distinct from Cuba where you actually can have a different kind of relationship between employees and employers.

I don't think the United States has the leverage to change that state of affairs by itself. We don't have that kind of economic leverage with Cuba. We do have it potentially if we could act in concert with our allies, with the Europeans, the Canadians, the investors and joint ventures. We could together demand that the Cuban Government change those rules. I would be for a very tough mined pol-

icy but one that is multilateral because I think it would be more effective.

Mr. BURTON. Mr. Olson, you indicated that you get your information on human rights violations in a different kind of way because you can't converse directly with the people who are in the prisons as political prisoners. How do you get that information?

Mr. OLSON. Through a variety of sources, through people in Cuba who share information with us, some family members, other NGO's that operate there, people who travel back and forth that provide us information. Frankly, it might seem surprising but even on these cases of the 75 people that were arrested, detained and jailed, we got a healthy amount of official court records that allowed us to carefully analyze the legal proceedings, the laws being used, the charges against them.

Mr. BURTON. It was 4 days, wasn't it?

Mr. OLSON. Yes, it was less than a week.

Mr. BURTON. So it was kind of a sham?

Mr. OLSON. Absolutely. Totally a sham and that is why we have been able to look at the kinds of laws used, the kinds of accusations against people which we believe are completely inconsistent with any international standard of human rights.

Mr. BURTON. Mr. Calzon, you heard those two responses. Why don't you respond to those two questions about lifting the embargo somewhat so that tourists can go there? Would that help the quality of life of Cubans?

Mr. CALZON. Mr. Chairman, it would be my hope that some day we could come to some of these hearings and deal with the facts and then we could disagree on what the facts mean. For example, when dealing with tourism, not only do the tourist dollars go to the Cuban Government but go the worst agencies of the Cuban Government. A big part of the tourist industry in Cuba is under CAVIOTA. CAVIOTA is a front company for the Cuban secret police and the Cuban armed forces. So not only the dollars go to Castro but the dollars go to the agencies there to oppress the Cuban people. If anything I say here today is incorrect, I am sure the other witnesses will correct it.

The other thing is when you deal with Eastern Europe and you say the embargo didn't work in Eastern Europe, if we are going to look at Eastern Europe, then we have to see what we did, what the United States did in Eastern Europe. The amount of resources being used to promote democracy in Cuba are a very, very tiny percentage of what we used to promote democracy in Poland, what we used to promote democracy in the Czech Republic. The idea of simply being nice to Mr. Castro doesn't work. I think some of the things you have heard, the information you have heard here today is a little dated. If you look at what happened this year, for example, why don't we pay attention to the Europeans? The Europeans three major important spokesmen for European public opinion are the former Presidents of the Czech Republic, Hungary and Poland, Havel and Walesa, for example. This is what they said. They are not saying the embargo should be lifted. It says, "One of the things that should be done is to put aside transatlantic disputes about the embargo on Cuba and to concentrate on direct support for Cuban dissidents, prisoners of conscience and their families." We are talk-

ing about putting pressure on the Cuban Government. The Europeans have done that. The European Union has conditioned humanitarian assistance to some reform in Cuba. The result, Mr. Castro told the Europeans he does not need humanitarian assistance. The people who are hungry are not Mr. Castro.

If you look at country after country, the Germans canceled their participation in a book fair event; the Dutch are now going to an art show in Cuba. The Spanish have a major crisis. Castro, a Cuban dictator, calls Vice President Aznar a little fuhrer with a little mustache. Mr. Castro called Berlusconi of Italy "Benito." Mr. Castro says that the Costa Ricans are lackeys of the United States. There is no real issue today. The embargo is no longer the issue. The Europeans are putting pressure on Castro.

As a matter of fact, you talk about conditions, the Europeans announced a few weeks ago that they are bringing down the level of contacts between their diplomats and high ranking Cuban Government officials and instead, they want to increase contacts with the dissidents. So the suggestion of Ms. Watson perhaps at another time that would have been a good idea, President Carter sent folks to Havana to try to reach an accommodation. Mr. Reagan sent General Walters to try to reach an accommodation but at time when the Europeans are saying the policy of engagement has not worked, this is what the Europeans are saying. They are saying Castro is broke and Mexican banks froze Cuban assets about a month ago in Europe trying to get paid.

What I am really saying is at this time when the Europeans are taking a hard line, this is the time perhaps for Washington to follow in their steps.

Mr. BURTON. Thank you, Mr. Calzon.

We will let Ms. Watson ask some questions and give you gentlemen all the time you want to respond.

Ms. WATSON. I think Mr. Olson, you probably are getting to some of the points I am concerned about. One of the things I learned, Mr. Calzon, in my two different training sessions at the Department of State is how to be a diplomat, how to deal with people throughout the world whose customs and traditions and governments are different than ours and how to meet them and talk with them, not accepting everything but finding common ground.

So when I asked the question of the first panel, I was just trying to find out where you were, were your biases in the way of your vision. I am not going to hold a discussion as to what degree of badness is living in the heart of Fidel Castro. I look at deeds. I told you I was terribly disappointed when he took people and threw them into jail and executed three. I was horrified when we went to Rotterdam this summer and found a resolution against the United States for its 796 detainees down in Guantanamo Bay. I argued against them voting on it, give us some time to go down there to look at the prisoners we have taken, to look at their rights and then come back with our own evaluation and our own amendments. It didn't happen. Only 11 countries out of 96 voted with us; the rest voted against us. What I was trying to do was find a way that we could correct the things we did wrong so that we could go about helping somebody else correct the things they do wrong.



Mr. Olson, you were one of the few on the panel that pointed out some things that could be done. I am looking at a way that we could look at our neighbor 90 miles to our southeast as a productive and good neighbor. I hope we wouldn't get to the point where we have to go in there to destroy him to make a change and you don't have to respond. If the three of you could send me what you feel are your strongest, sincerest recommendations for dealing with the people of Cuba, that is who we are concerned about. We want them to have a quality of life probably not like ours but similar to ours. We want everybody to have the best quality they can where they live.

So what I would like you to do is think with me, how can we help the Cuban people. If we set Castro over here, that would be one thing but with him there, I don't know how he has survived this long. When you think about it, 44 years, it is amazing. I really want to know what we can do as a country, as a State Department, as Amnesty International, as Free Cuba to really get to a point where we help the Cuban people. You can put it in writing and I will give my time back to the Chair. Just give it in writing to me.

Thank you very much.

Mr. BURTON. It is almost 5 p.m. and I know you probably want to get down to one of the eating establishments where all the wealthy lobbyists hang out. I am kidding.

Mr. MALINOWSKI. We want to eat with Castro.

Mr. BURTON. She was telling me they ate at 2 a.m. but the food was outstanding.

Let me ask, do you have any closing comments any of you because I saw you had some things you wanted to say, so we will let you make a closing comment.

Mr. MALINOWSKI. Let me just respond to maybe one thing Mr. Calzon said. I have to say I am a little bit surprised to hear you express such satisfaction with European policy toward Cuba. When I hear about canceling a book fair and an art show, it is better than what we have seen but it is kind of pathetic. I think we can do a lot better than that. I think we really need a much more concentrated, concerted effort focusing on our allies to try to come together on a more principled, more effective multilateral policy.

Mr. BURTON. Ms. Watson suggested you send to us in writing some suggestions. I would like to have your suggestions. I don't know whether we would see eye to eye but I would like to have them nevertheless.

Mr. Olson, do you have any comments?

Mr. OLSON. I was just going to say I appreciate the challenge you have put before us. I think that is the right question to be asking and I am eager to respond to you in writing with some ideas that we have. I just wanted to underscore because Mr. Calzon always has a way of sticking me in the side and making me jump, I just want to emphasize that nobody is talking about being nice to Mr. Castro in any way whatsoever.

Mr. BURTON. In defense of Mr. Calzon, let me just say this. I have been intimately involved with the Cuban American Foundation and Cubans for a long, long time. I have gone down there and met with them and talked with them. I think even though I am very close to a lot of them as you probably know, unless you have

lived the life, walked the talk, you can't really know what those people down there are going through. I think Mr. Calzon and a lot of the Cuban Americans have really seen firsthand what Fidel Castro does. I think that gives you a much different perspective, not that your perspectives aren't something we ought to take a look at but I think their perspective is something that is obviously going to be a bit deeper and more understandable.

Yes, Mr. Calzon?

Mr. CALZON. Again, thank you for having us here. One thing. The Europeans are doing a lot more than I mentioned here. The Europeans are providing and doing some of the things that were being done in Eastern Europe. They have to be done quietly. That is one of the things I do. I try to work with governments and NGO's from around the world. We care, we would like to help the people of Cuba.

One final comment. For 11 years, I was a Washington representative of Freedom House and I went to the U.N. Commission on Human Rights where the Saudi Arabians used to tell me that I didn't understand that they had a different society, and the Chinese, the people in Equatorial Guinea. When I raised the issue of slavery in Sudan, well you don't understand, you cannot impose your views. We are talking about universal values, we are talking about human rights. For the United States to say to the Cuban dictator, Cubans should have the right to decide their own destiny, that is the same thing that we want to do in the rest of the hemisphere, the Soviet Union and everywhere else.

I do not see and the people in Cuba do not see that as an imposition. Many people in Cuba were delighted to hear President Carter on national TV talking about the Varela Project. One of the things I think the Congress could do is lend the echo of your voices to the cries for help of the Cuban people.

Mr. BURTON. Very good. If you would send us in writing your proposed solutions to this and any suggestions, we would really appreciate it.

Thank you very much and the hearing is adjourned.

[Whereupon, at 5 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[The prepared statement of Hon. Elijah E. Cummings and additional information submitted for the hearing record follows:]

Statement of Congressman Elijah E. Cummings  
Government Reform Hearing  
On  
“Castro’s Cuba: What’s the Proper United States Response to Ongoing  
Human Rights Violations in Our Hemisphere”  
October 16, 2003 at 3:00 p.m.

Thank you, Mr. Chairman.

Today’s hearing is extremely important, because it serves as an opportunity for us to discuss the basic rights and freedoms to which all people are entitled, human rights. Human rights allow citizens the right to life and liberty, freedom of thought and expression, as well as equality under the law.

In the United States, we often take these fundamental civil liberties for granted, however many people throughout the world are grossly affected by human rights atrocities. While human rights violations occur in countries all over the world, we turn our focus today on Cuba.

Since the early 1960s, Cuba has been guilty of committing human rights violations in an effort to eradicate any attempts at forming a democracy in the country. The right to free speech and expression are anomalies to the citizens of Cuba. Human rights activists, independent journalists, democracy activists, and artists, among others, have been sentenced to unusually long prison terms and in some cases even executed. In March

alone, it was reported that the Cuban government arrested 75 citizens in an effort to intimidate and silence democracy activists.

It is clear, that something must be done to eliminate the sufferings and injustices imposed on citizens of Cuba who wish to discuss change in the Cuban government, however, it is my hope this progress can be made without further condemning and hurting innocent citizens of Cuba through the implementation of even tighter U.S. sanctions. Pressure needs to be applied to the current Cuban administration, not to the people of Cuba, most of whom are innocent and desperately need U.S. aid and support. We must discuss alternate measures to assist Cuban people in resolving human rights infractions, so as not to drastically reduce the already limited quality of life for Cuban citizens or, even worse, stall the progress of dissidents who are struggling to forge change inside Cuba. Let us be careful not to place blame on those whose are least responsible for the current human rights injustices, as we determine effective ways of restoring basic civil liberties to Cuba's citizens.

Again, thank you for holding today's hearing. I look forward to hearing from Today's witnesses as we discuss different approaches to conquering human rights violations in Cuba.



Click to Print  
this document 

For Immediate Release  
Office of the Press Secretary  
May 20, 2002

### President Bush Announces Initiative for a New Cuba

Remarks by the President on Cuba Policy Review  
The East Room

President's Remarks  
[view](#)  
[listen](#)

[Fact Sheet](#)

10:15 A.M. EDT

THE PRESIDENT: Bienvenidos. Welcome to the White House for the 100th anniversary of Cuban independence. Today we honor the ties of friendship, and family, and faith, that unite the Cuban people and the people of the United States.

We honor the contributions that Cuban-Americans have made to all aspects of our national life. And today, I am issuing a proposal and a challenge that can put Cuba on the path to liberty.

I appreciate our Secretary of State being here. He and I take this issue very seriously. He loves freedom as much as I love freedom. I want to thank Mel Martínez, a graduate of Pedro Pan, for being here; Mr. Secretary, you're doing a great job. Welcome.

I appreciate members of the diplomatic corps who are here. Thank you all for coming; I'm honored to have you here. I want to thank Senator George Allen from the Commonwealth of Virginia. I want to thank Congressman Dan Burton; Mr. Chairman. And, of course, two great members of the United States Congress, people who have got a lot to offer, a lot of sound advice: Ileana Ros-Lehtinen and Lincoln Diaz-Balart. Thank you all for coming. (Applause.)

Cuba's independence one century ago today was the inspiration of great figures such as Felix Varela. It was the result of determination and talent on the part of great statesmen such as Jose Martí, and great soldiers such as Antonio Maceo and Maximo Gomez. Most of all, Cuba's independence was the product of the great courage and sacrifice of the Cuban people.

Today, and every day for the past 43 years, that legacy of courage has been insulted by a tyrant who uses brutal methods to enforce a bankrupt vision. That legacy has been debased by a relic from another era, who has turned a beautiful island into a prison. In a career of oppression, Mr. Castro has imported nuclear-armed ballistic missiles, and he has exported his military forces to encourage civil war abroad.

He is a dictator who jails and tortures and exiles his political opponents. We know this. The Cuban people know this. And the world knows this. After all, just a month ago the United Nations Commission on Human Rights, in a resolution proposed by the nations of Latin America, called upon Cuba's government to finally -- to finally -- begin respecting the human rights of its people.

Through all their pains and deprivation, the Cuban people's aspirations for freedom are undiminished. We see this today in Havana, where more than 11,000 brave citizens have petitioned their government for a referendum on basic freedoms. If that referendum is allowed, it can be a prelude, a beginning for real change in Cuba.

The United States has no designs on Cuban sovereignty. It's not a part of our strategy, or a part of our vision. In fact, the United States has been a strong and consistent supporter of freedom for the Cuban people. (Applause.) And it is important for those who love freedom on that beautiful island to know that our support for them will never waver. (Applause.)

Today, I'm announcing an Initiative for a New Cuba that offers Cuba's government a way forward towards democracy and hope, and better relations with the United States.

Cuba's scheduled to hold elections to its National Assembly in 2003. Let me read Article 71 of the Cuban Constitution. It says, "The National Assembly is composed of deputies elected by free, direct, and secret vote." That's what the constitution says. Yet, since 1959, no election in Cuba has come close to meeting these standards. In most elections, there has been one candidate, Castro's candidate.

All elections in Castro's Cuba have been a fraud. The voices of the Cuban people have been suppressed, and their votes have been meaningless. That's the truth. Es la verdad. In the 2003 National Assembly elections in Cuba, Cuba has the opportunity to offer Cuban voters the substance of democracy, not its hollow, empty forms.

Opposition parties should have the freedom to organize, assemble, and speak, with equal access to all airwaves. All political prisoners must be released and allowed to participate in the election process. Human rights organizations should be free to visit Cuba to ensure that the conditions for free elections are being created. And the 2003 elections should be monitored by objective outside observers. These are the minimum steps necessary to make sure that next year's elections are the true expression of the will of the Cuban people.

I also challenge Cuba's government to ease its stranglehold, to change its stranglehold on private economic activity. Political and economic freedoms go hand in hand, and if Cuba opens its political system, fundamental questions about its backward economic system will come into sharper focus.

If the Cuban government truly wants to advance the cause of workers, of Cuban workers, surely it will permit trade unions to exist outside of government control. If Cuba wants to create more good-paying jobs, private employers have to be able to negotiate with and pay workers of their own choosing, without the government telling who they can hire and who they must fire.

If Cuba wants to attract badly needed investment from abroad, property rights must be respected. If the government wants to improve the daily lives of its people, goods and services produced in Cuba should be made available to all Cuban citizens. Workers employed by foreign companies should be paid directly by their employers, instead of having the government seize their hard-currency wages and pass on a pittance in the form of pesos. And the signs in hotels reading "Solamente Turistas" should finally be taken down.

Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. (Applause.) It's important for Americans to understand, without political reform, without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. (Applause.)

Well-intentioned ideas about trade will merely prop up this dictator, enrich his cronies, and enhance the totalitarian regime. It will not help the Cuban people. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

If Cuba's government takes all the necessary steps to ensure that the 2003 elections are certifiably free and fair -- certifiably free and fair -- and if Cuba also begins to adopt meaningful market-based reforms, then -- and only then -- I will work with the United States Congress to ease the ban on trade and travel between our two countries. (Applause.)

Meaningful reform on Cuba's part will be answered with a meaningful American response. The goal of the United States policy toward Cuba is not a permanent embargo on Cuba's economy. The goal is freedom for Cuba's people. (Applause.)

Today's initiative invites the Cuban government to trust and respect Cuban citizens. And I urge other democracies, in this hemisphere and beyond, to use their influence on Cuba's government to allow free and fair National Assembly elections, and to push for real and meaningful and verifiable reform.

Full normalization of relations with Cuba -- diplomatic recognition, open trade, and a robust aid program -- will only be possible when Cuba has a new government that is fully democratic, when the rule of law is respected, and when the human rights of all Cubans are fully protected. (Applause.)

Yet, under the Initiative for a New Cuba, the United States recognizes that freedom sometimes grows step by step. And we'll encourage those steps. The current of history runs strongly towards freedom. Our plan is to accelerate freedom's progress in Cuba in every way possible, just as the United States and our democratic friends and allies did successfully in places like Poland, or in South Africa. Even as we seek to end tyranny, we will work to make life better for people living under and resisting Castro's rule.

Today I'm announcing a series of actions that will directly benefit the Cuban people, and give them greater control of their economic and political destiny. My administration will ease restrictions on humanitarian assistance by legitimate U.S. religious and other non-governmental organizations that directly serve the needs of the Cuban people and will help build Cuban civil society. And the United States will provide such groups with direct assistance that can be used for humanitarian and entrepreneurial activities.

Our government will offer scholarships in the United States for Cuban students and professionals who try to build independent civil institutions in Cuba, and scholarships for family members of political prisoners. (Applause.) We are willing to negotiate direct mail service between the United States and Cuba.

My administration will also continue to look for ways to modernize Radio and TV Marti, because even the strongest walls of oppression cannot stand when the floodgates of information and knowledge are opened. And in the months ahead, my administration will continue to work with leaders all around our country, leaders who love freedom for Cuba, to implement new ways to empower individuals to enhance the chance for freedom.

The United States will continue to enforce economic sanctions on Cuba, and the ban on travel to Cuba, until Cuba's government proves that it is committed to real reform. (Applause.) We will continue to prohibit U.S. financing for Cuban purchases of U.S. agricultural goods, because this would just be a foreign aid program in disguise, which would benefit the current regime. (Applause.)

Today's initiative offers Cuba's government a different path, leading to a different future -- a future of greater democracy and prosperity and respect. With real reform in Cuba, our countries can begin chipping away at four decades of distrust and division. And the choice rests with Mr. Castro.

Today, there is only one nation in our hemisphere that is not a democracy. Only one. There is only one national leader whose position of power owes more to bullets than ballots. Fidel Castro has a chance to escape this lonely and stagnant isolation. If he accepts our offer, he can bring help to his people and hope to our relations.

If Mr. Castro refuses our offer, he will be protecting his cronies at the expense of his people. And eventually, despite all his tools of oppression, Fidel Castro will need to answer to his people. (Applause.)

Jose Marti said, "Barriers of ideas are stronger than barricades of stone." For the benefit of Cuba's people, it is time for Mr. Castro to cast aside old and failed ideas and to start to think differently about the future. Today could mark a new dawn in a long friendship between our people, but only if the Castro regime sees the light.

Cuba's independence was achieved a century ago. It was hijacked nearly half a century ago. Yet the independent spirit of the Cuban people has never faltered. And it has never been stronger than it is today. The United States is proud to stand with all Cubans, and all Cuban-Americans, who love freedom. And we will continue to stand with you until liberty returns to the land you love so well.

Viva Cuba Libre. (Applause.)

END 10:35 A.M. EDT

---

**Return to this article at:**  
<http://www.whitehouse.gov/news/releases/2002/05/20020520-1.html>

Click to Print  this document