

**LIVING IN FEAR: THE CONTINUED HUMAN RIGHTS  
ABUSES IN CASTRO'S CUBA**

---

---

**HEARING**

BEFORE THE  
SUBCOMMITTEE ON HUMAN RIGHTS AND  
WELLNESS

OF THE

**COMMITTEE ON  
GOVERNMENT REFORM**

**HOUSE OF REPRESENTATIVES**

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

JUNE 16, 2004

**Serial No. 108-202**

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

96-090 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
NATHAN DEAL, Georgia	C.A. "DUTCH" RUPPERSBERGER, Maryland
CANDICE S. MILLER, Michigan	ELEANOR HOLMES NORTON, District of Columbia
TIM MURPHY, Pennsylvania	JIM COOPER, Tennessee
MICHAEL R. TURNER, Ohio	BETTY MCCOLLUM, Minnesota
JOHN R. CARTER, Texas	
MARSHA BLACKBURN, Tennessee	BERNARD SANDERS, Vermont (Independent)
PATRICK J. TIBERI, Ohio	
KATHERINE HARRIS, Florida	

MELISSA WOJCIAK, *Staff Director*

DAVID MARIN, *Deputy Staff Director/Communications Director*

ROB BORDEN, *Parliamentarian*

TERESA AUSTIN, *Chief Clerk*

PHIL BARNET, *Minority Chief of Staff/Chief Counsel*

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

DAN BURTON, Indiana, *Chairman*

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

EX OFFICIO

TOM DAVIS, Virginia

HENRY A. WAXMAN, California

MARK WALKER, *Chief of Staff*

MINDI WALKER, *Professional Staff Member*

DANIELLE PERRAUT, *Clerk*

RICHARD BUTCHER, *Minority Professional Staff Member*

## CONTENTS

---

	Page
Hearing held on June 16, 2004 .....	1
Statement of:	
Kozak, Michael, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State; Deputy Assistant Secretary Dan Fisk, Department of State; David Mutchler, Senior Advisor on Cuba, U.S. Agency for International Development .....	19
Suchlicki, Jamie, director, Cuban Transition Project, University of Miami; Omar Lopez Montenegro, executive director, Cuban American National Foundation; Eric Olson, advocacy director, Americas, Amnesty International; and Miguel Reyes, stepson of Raul Rivero, a poet imprisoned in the March 2003 dissident crackdown .....	51
Letters, statements, etc., submitted for the record by:	
Burton, Hon. Dan, a Representative in Congress from the State of Indiana, prepared statement of .....	5
Franco, Adolfo A., Assistant Administrator for Latin America and Caribbean, U.S. Agency for International Development, prepared statement of .....	41
Kozak, Michael, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, prepared statement of .....	24
Montenegro, Omar Lopez, executive director, Cuban American National Foundation, prepared statement of .....	64
Olson, Eric, advocacy director, Americas, Amnesty International, prepared statement of .....	69
Ros-Lehtinen, Hon. Ileana, a Representative in Congress from the State of Florida, information concerning Foundation for Human Rights in Cuba .....	13
Suchlicki, Jamie, director, Cuban Transition Project, University of Miami, prepared statement of .....	54



## **LIVING IN FEAR: THE CONTINUED HUMAN RIGHTS ABUSES IN CASTRO'S CUBA**

**WEDNESDAY, JUNE 16, 2004**

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

The subcommittee met, pursuant to notice, at 10:07 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Present: Representatives: Burton, Ros-Lehtinen, Cummings and Watson.

Staff present: Mark Walker, chief of staff; Mindi Walker, Brian Fauls, and Dan Getz, professional staff members; Nick Mutton, press secretary; Danielle Perraut, clerk; Richard Butcher, minority professional staff member; and Cecelia Morton, minority office manager.

Mr. BURTON. Good morning. A quorum being present, 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. Without objection, so ordered.

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

In the event of other Members of Congress joining us at today's hearing who are not members of the committee, I ask unanimous consent that they be permitted to serve as a member of the subcommittee for the day. Without objection, so ordered.

The subcommittee is convening today to examine the atrocious human rights violations Cubans continue to suffer at the hands of the oppressive, totalitarian, communist regime led by Fidel Castro. We are also going to discuss what the proper current U.S. response should be in further supporting peace advocates and promoting the development of democracy in the island nation of Cuba.

An individual's freedom should be his or her most basic human right. Throughout Castro's 45 years of tyrannical regime, he has continuously arrested and detained people who speak openly about their different governmental views. Even under the most repressive of conditions, many Cubans who live under Castro's iron fist consistently demonstrate their resilience and continue to fight against the numerous injustices they are forced to endure.

Since Castro assumed control of Cuba on January 1, 1959, fundamental human rights and basic living conditions have deterio-

rated continuously and tremendously. Most Cuban people live every day in fear of their government, thousands of whom 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. Recent events in Cuba have further opened the eyes of the world community to the true evil nature of the Castro regime. Over the past 2 years, Fidel Castro has created a constitutional amendment permanently making socialism the official form of state government as well as posturing himself to remain in power until he is forcibly removed or deceased.

In addition to these totalitarian mandates, he staged the most sweeping crackdown on peaceful advocates for change in the history of Cuba. On March 18, 2003, Fidel Castro ordered the arrest of many writers, poets, librarians and pro-democracy advocates in a large scale operation to stifle any movement against his regime. Subsequently, some of the targeted individuals were released but 75 remain in jail to be tried for their "crimes" against the country, citing Article 91 of Cuba's penal code that states, "Anyone who in the interest of a foreign state commits an act with the objective of damaging the independence or territorial integrity of the State of Cuba." The Cuban Government accused dissidents of engaging in activities that could be perceived as damaging to Cuba's internal order and/or perceived as encouraging the U.S.' embargo against their country.

Since then, the United States, along with many freedom loving nations and international governing bodies, has taken action in response to the harsh imprisonments of political dissidents in Cuba. The United States has imposed both stricter sanctions against Cuba as well as encouraged other world communities to place further resolutions and sanctions on Cuba.

On April 15, 2004, the United Nations Human Rights Commission convened and voted on the U.S.-backed resolution stating that Cuba "should refrain from adopting measures which could jeopardize the fundamental rights" of its citizens. Other international governing bodies such as the European Union have taken action against Cuba in light of the unjust March 2003 mass incarceration.

Last year, the European Union's member states imposed stern measures against Cuba including suspending high level diplomatic visits, reviewing the value of cultural and other exchanges and inviting dissident activists to diplomatic events as a clear call to Fidel Castro to end the dissidents' imprisonment. The actions of the Cuban Government by way of Fidel Castro's orders are an affront to Articles 9 and 19 of the United Nations Universal Declaration of Human Rights which declared that, "Everyone has the right to freedom of opinion and expression" and that "no one shall be subjected to arbitrary arrest, detention or exile." It is particularly interesting that before Fidel Castro, Cuba was a signatory in the adoption of this declaration in 1948.

The list of Cuban detainees published by Amnesty International in their Essential Measures Brief of 2003 revealed some striking information. Among the detained are 23 people over the age of 50 as well as 5 others who are more than 60 years of age. I wonder what dissenting activities they were engaging in that would earn

them a collective 1,242 years in prison. These peaceful, pro-democracy advocates who Mr. Castro likes to call dissidents or “enemies of the revolution” were convicted for activities such as attending an assembly to promote civil society, possessing membership in the Committee on Cuban Human Rights or publishing documents to be disseminated abroad that represent a clear means of implementing the measures established in Article 4 of the Libertad Act also known as the Helms-Burton Act, which would increase the U.S.’ sanctions and blockades against Cuba.

I believe that although Cuba’s transition from the Castro regime to a democratic society with a free economy and basic human rights will be a challenging process, it is an attainable endeavor and it is inevitable that it will happen. We can improve human rights and freedom within Cuba by fostering dramatic reform of the Cuban peoples’ values. The U.S. Government, along with non-governmental organizations, has been working toward a free and democratic Cuba. In October 2003, President George Bush announced the creation of the Commission for Assistance to a Free Cuba. After several months of meetings, the Commission published their initial findings.

The report published in May 2004 gives a six fold strategy for Cuba’s liberation and development including the empowerment of Cuban civil society, the denial of resources to the Cuban dictatorship and the encouragement of international diplomatic efforts to support Cuban civil society and challenge Castro’s regime. To better address these issues, the subcommittee has the pleasure of receiving testimony from the Honorable Michael Kozak, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State, to further discuss the new U.S. policy on Cuba. Ambassador Kozak has had the opportunity to live in Cuba and as such, is able to provide us with a personal account of the current state of affairs there.

In addition, the subcommittee will hear from the Honorable David Mutchler, Senior Advisor on Cuba, United States Agency for International Development. He will discuss the current Federal Government interaction and monitoring of human rights violations in Cuba.

NGO’s have played an instrumental role in gathering information that has been useful in learning more about this closed country’s human rights violations. To give further details on these most important issues, the subcommittee will also receive testimony from Eric Olson, advocacy director for the Americas with Amnesty International and Omar Lopez Montenegro from the Cuban American National Foundation, who have been great friends for a long time. These gentlemen will shed new light upon and explain in greater detail the severity and specifics of human rights violations in present day Cuba.

Because Cuba is one of the last remaining totalitarian communist regimes in modern day society, many academics have researched the current human rights situation and itemized methods by which democracy can be obtained within Cuba. At the forefront of this endeavor is the Cuba Transition Project at the University of Miami. Today, the subcommittee also has the honor of hearing from Jamie Suchlicki, the director of this program. Mr. Suchlicki

will speak on the implications and strategies involved in ushering in a representative Government for Cuba.

In 2003, the United Nations Educational Scientific and Cultural Organization awarded Raul Rivero, a journalist and poet imprisoned in the crackdown the coveted Guillermo Cano World Press Freedom Prize after his arrest. The subcommittee has the pleasure of receiving testimony from Mr. Rivero's stepson, Miguel Reyes, who will give us his personal perspective on the impact the dissident imprisonment had on Cuba nationals and their families.

I want to thank all of you for being here today and coming to speak on these ever important human rights issues. In addition, I look forward to hearing about the Bush administration's efforts to help Cubans free themselves from the shackles of Castro's brutal regime so they may finally take their rightful place as a bastion of liberty and democracy in our hemisphere.

We have had these hearings for a long, long time and I hope and pray and believe that I will live long enough to have a Margarita with some of my friends in a free Cuba.

With that, we will now recognize my good friend and a great patriot, Ms. Ileana Ros-Lehtinen.

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



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

**“Living in Fear: The Continued Human Rights Abuses in Castro’s  
Cuba.”**

**June 16, 2004**

---

The Subcommittee is convening today to examine the atrocious human rights violations Cubans continue to suffer at the hands of the oppressive, totalitarian regime led by Fidel Castro. We are also going to discuss what the proper current United States response should be in further supporting peace advocates and promoting the development of democracy in the island nation of Cuba.

An individual’s freedom should be his or her most basic human right. Throughout Castro’s 45 years of tyrannical regime, he has continuously arrested and detained people who speak openly about their contrary governmental views. Even under the most heinous of conditions, many Cubans who live under Castro’s iron fist consistently demonstrate their resilience and continue to fight against the numerous injustices they are forced to endure.

Since Castro assumed control of Cuba on January 1, 1959, fundamental human rights and basic living conditions have deteriorated tremendously. Most Cuban people live every day in fear of their government, thousands of whom 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.

Recent events in Cuba have further opened the eyes of the world community to the true evil nature of the Castro Regime. Over the past two years, Fidel Castro has created a constitutional amendment permanently making socialism the official form of state government, as well as posturing himself to remain in power until he is forcibly removed or deceased. In addition to these totalitarian mandates, he staged the most sweeping crackdown on peaceful advocates of change in the history of Cuba.

On March 18, 2003, Fidel Castro ordered the arrest of many writers, poets, librarians, and pro-democracy activists in a large-scale operation to stifle any movement against his regime. Subsequently, some of the targeted individuals were released, but 75 remained in jail to be tried for their “crimes” against the country, citing Article 91 of Cuba’s Penal Code that states, “(anyone) who in the interest of a foreign state, commits an act with the objective of damaging the independence or territorial integrity of the state of Cuba”. The Cuban government accused the dissidents of engaging in activities that could be perceived as damaging to Cuba’s internal order, and / or perceived as encouraging to United States embargoes against the country.

Since then, the United States, along with many other freedom-loving world nations and international governing bodies, has taken actions in response to the harsh imprisonment of political dissidents in Cuba. The U.S. has both imposed stricter

sanctions against Cuba, as well as encouraged other world communities to place further resolutions and sanctions on Cuba. On April 15, 2004, the United Nations Human Rights Commission convened and voted on a U.S. -backed resolution stating that Cuba “should refrain from adopting measures which could jeopardize the fundamental rights” of its citizens. The measure narrowly passed the Commission with a vote of 22-21, with 10 abstentions.

Other international governing bodies, such as the European Union, have taken action against Cuba in light of the unjust March 2003 mass incarceration. Last year, the European Union’s member states imposed stern measures against Cuba, including suspending high-level diplomatic visits, reviewing the value of cultural and other exchanges, and inviting dissident activists to diplomatic events as a clarion call to Fidel Castro to end the dissidents’ imprisonment.

The actions of the Cuban government, by way of Fidel Castro’s orders, are an affront to Articles 9 and 19 of the United Nations *Universal Declaration of Human Rights*, which declare that, “Everyone has the right to freedom of opinion and expression,” and that, “No one shall be subjected to arbitrary arrest, detention, or exile.” It is particularly interesting that Cuba was a signatory in the adoption of this declaration in 1948.

The list of Cuban detainees published by Amnesty International in their “Essential Measures” brief of 2003 reveals some striking information. Among the detained are 23

people over the age of fifty, as well as 5 others who are more than sixty years of age. I wonder what dissenting activities they were engaging in that would earn them a collective 1,242 years in prison. These peaceful pro-democracy advocates, whom Mr. Castro likes to call dissidents or “enemies of the revolution,” were convicted for activities such as: attending an assembly to promote civil society, possessing membership in the Committee on Cuban Human Rights, or publishing documents to be disseminated abroad that represent a clear means of implementing the measures established in Article IV of *LIBERTAD*, also known as the Helms-Burton Act, which would increase the United States sanctions and blockades against Cuba.

I believe that although Cuba’s transition from the Castro regime to a democratic society with a free economy and basic human rights will be a challenging process, it is an attainable endeavor. We can improve human rights and freedom within Cuba by fostering dramatic reform of the Cuban people’s values.

The United States government, along with Non-Governmental Organizations (also known as NGOs) has been working towards a free and democratic Cuba. In October 2003, President George W. Bush announced the creation of the Commission for Assistance to a Free Cuba. After several months of meetings, the Commission published their initial findings. The report, published in May 2004, gives a six-fold strategy for Cuba’s liberation and development, including: the empowerment of Cuban civil society, the denial of resources to the Cuban Dictatorship, and the encouragement of international diplomatic efforts to support Cuban civil society and challenge Castro’s regime.

To better address these issues, the Subcommittee has the pleasure of receiving testimony from the Honorable Michael Kozak, Principal Deputy Assistant Secretary of State for the Bureau of Democracy, Human Rights, and Labor to further discuss the new United States policy on Cuba. Ambassador Kozak, has had the opportunity to live in Cuba, and as such, is able to provide us with a personal account of the current state of affairs there. In addition, the Subcommittee will hear from the Honorable David Mutchler, Senior Advisor on Cuba for the United States Agency for International Development. He will discuss the current Federal Government interaction and monitoring of human rights violations in Cuba.

NGOs have played an instrumental role in gathering information that has been useful in learning more about this closed country's human rights violations. To give further details on these most-important issues, the Subcommittee will also receive testimony from Eric Olson, Advocacy Director for the Americas with Amnesty International; and Omar Lopez Montenegro from the Cuban American National Foundation. These gentlemen will shed new light upon and explain in greater detail the severity and specifics of human rights violations in present-day Cuba.

Because Cuba is one of the last remaining totalitarian Communist regimes in modern day society, many academics have researched the current human rights situation and itemized methods by which democracy can be attained within Cuba. At the forefront of this endeavor is the Cuba Transition project at the University of Miami. Today, the

Subcommittee also has the honor of hearing from Jaime Suchlicki, the Director of this program. Mr. Suchlicki will speak on the implications and strategies involved in ushering in a representative government for Cuba.

In 2003, the United Nations Educational, Scientific and Cultural Organization awarded Raul Rivero, a journalist and poet imprisoned in the crackdown, the coveted Guillermo Cano World Press Freedom Prize after his arrest. The Subcommittee has the pleasure of receiving testimony from Mr. Rivero's stepson, Miguel Reyes, who will give us his personal perspective on the impact the dissident imprisonment has had on Cuban nationals and their families.

I would like to thank all of our witnesses for coming to speak on these ever-important human rights concerns. In addition, I look forward to hearing about the Bush Administration's efforts to help Cubans free themselves from the shackles of Castro's brutal regime so that they may finally take their rightful place as a bastion of liberty and democracy in our hemisphere.

Ms. ROS-LEHTINEN. I will drink to that. Thank you, Chairman Burton.

Thank you for holding this hearing. I would like to express my heartfelt gratitude for your unwavering commitment to the people of Cuba. We thank you.

We have come here today once again as we have throughout the years to shine the light of truth on the atrocious human rights record in Cuba. Chairman Burton has been a true leader and advocate for advancing human rights in Cuba for the many years he has been in Congress. I am so proud to be a member of his committee each and every time he does this.

I look forward to hearing from our guests who have labored over the issue of how to deal with Castro's atrocious actions and how freedom-loving nations should respond to those actions and how to help the Cuban people because I think the U.S.-Cuba policy always has that as its primary goal, how to help the Cuban people in spite of the propaganda and the lies that Castro puts out.

I would like to thank my good friend, Jamie Suchlicki, for his dedication as the director of the Cuba Transition Project and I would also like to express my thanks to Ambassador Michael Kozak who has been a good friend for many, many years; David Mutchler of U.S. AID, who is always very helpful in making sure that good organizations which can help the Cuban people receive the necessary aid; and I appreciate the work of Dan Fisk from the State Department who has been the leader in making sure we can put forth regulations that hurt the Castro regime and help the Cuban people. He has always had that as his goal and we thank him so much for his leadership.

I am so pleased, Mr. Chairman, that you have also invited Omar Lopez Montenegro of the Foundation for Human Rights in Cuba and Miguel Reyes who is the stepson of Raul Rivero, a poet imprisoned in the crackdown of March 2003. Raul Rivero was just a writer, had no political tie-ins whatsoever other than speaking on behalf of freedom, human rights, and for that he has gone to jail. Let us see when he will be released and we hope it is soon.

Omar, who heads this wonderful organization called Foundation for Human Rights in Cuba, put out these pamphlets. This one shows Dr. Elias Biscet who is still languishing in jail in very difficult conditions. It says he shouts, "Long live human rights," before he is forcefully led away in a police car, and below, agents of the National Revolutionary Police kick a demonstrator during the popular revolt of August 1994. Another publication of his has Hortensia Graceful, displays a picture of her son, a political prisoner, Graspó, and below are members of the Rapid Response Brigades armed with sticks and steel bars ready to repress peaceful demonstrators against the regime. The sign on the wall reads, "Here you can see socialism." Well, you sure can. Another publication is Cuba, Enemy of the Press and it quotes Cuba world press freedom index from Reporters Without Borders and it says, "Cuba second from last, just ahead of North Korea, is today the world's largest prison for journalists."

So, we have brave men and women all across Cuba who have endured appalling human rights abuses throughout Castro's repression. Even as we meet here today as we have pointed out, coura-

geous advocates suffer in jail for speaking their minds and advocating for freedom and liberty. Brave Cubans such as Marta Beatriz Roque, an independent economist, a leading pro-democracy advocate enduring a harsh prison sentence of 20 years and Marta Beatriz had previously spent 3 years for publishing—along with three other colleagues—a paper calling for democratic reforms. That is a crime in Cuba. The list of names is so long as the daunting reality of what the dictatorship has done sinks into our consciousness. Every day more and more opposition leaders are sentenced to jail, languishing in these terrible conditions. The conditions are bad in Cuba, conditions outside the jail are bad and you can imagine what it is like for a political prisoner inside a Cuban gulag. They are subjected to the most inhumane and degrading treatment. Their bodies are weak, they are rapidly deteriorating but their courage, their spirit, their commitment to free Cuba from its enslavement is stronger than ever.

The purpose of your hearing today, Mr. Burton, is to address their plight, to find ways to empower and support forces in order to precipitate a transition to a free democratic rule in Cuba. As we all know, last October President Bush inaugurated the Commission for Assistance to a Free Cuba and this Commission has dealt head on with the difficult problems engendered by a terrorist regime that has cowardly plundered the island of Cuba of its most valuable asset, freedom.

This Congress plays a pivotal role in supporting such efforts. Critical among congressional tools is the one co-authored by our chairman, the Libertad Act, the Helms-Burton Act, a bill that allows our Government to address the lingering pain of the Cuban people. We must ensure that all provisions of the Libertad Act are fully enforced to bring about the end of the Castro tyranny and the beginning of liberty, libertad for the Cuban people, because indifference breeds evil, indifference is the enemy of freedom, indifference helps cloak the deplorable actions of tyrants and we should not be indifferent to the plight of our fellow Cuban brothers and sisters and we should seriously take a look at what our Government can and should do to promote freedom in Cuba.

For that, we thank President Bush for his leadership and the regulations that he has put forth that are going to ensure that the money Castro needs to stay afloat will not get to him as readily as it has in the past. We are going to continue to work here in Congress on behalf of not only Cubans who suffer at the hands of a cowardly dictator but for all people who are prosecuted for their beliefs and faith in the wonders of liberty.

We want to thank the chairman for this hearing. I also want to congratulate Eric Olson for Amnesty International. I always like to point out that my daughter, Amanda, was the chapter president of her school of Amnesty International. So I get lobbied right at home on behalf of human rights.

Thank you, Mr. Chairman. I thank you for this hearing.  
[The information referred to follows:]





## Foundation for Human Rights in Cuba



Above, Hortensia Crepo displays a portrait of her father, Miguel Angel Fernandez Crepo. Below, members of the "Rapid Response Brigades," armed with sticks and steel bars, ready to repress peaceful demonstrations against the despotic regime in Cuba. "Here, You Can See Socialism."

The Foundation for Human Rights in Cuba issues an annual report regarding violations of human rights in Cuba, documented with information provided by human rights and civil society activists who risk their physical integrity to make this information available to national and international public opinion.

This annual report, in addition to other publications of the FHRC, are available, free of charge, to all international organizations and NGOs. Please send your request in writing to the following address:



**Foundation for Human Rights in Cuba**

PO BOX 440689  
Miami, FL 33144  
Telf: 305-592-7768  
Fax: 305-592-7889  
E-mail: [olopez@fhrcc.org](mailto:olopez@fhrcc.org)




*This publication has been possible thanks to the support of the Endowment for Cuban American Studies of the Jorge Mas Canosa Freedom Foundation.*

Help us to fund these projects by sending your donation today to the Foundation for Human Rights in Cuba or by becoming a member at [www.fhrcc.org](http://www.fhrcc.org)

**MISSION STATEMENT**

The Foundation for Human Rights in Cuba (FHRC) is a non-profit, non-governmental organization, created to inform and enlighten public opinion, particularly governments and human rights organizations, regarding human rights violations in Cuba, and to assist pro democracy activists in the island. The FHRC seeks to provide a voice for the victims of oppression in Cuba in contrast to Fidel Castro's international campaigns to bolster support for his despotic regime in spite of its condemnable human rights record.



Representatives of the FHRC during a meeting in Mexico with legislators of the ruling National Action Party.

**INFORMATIVE EFFORTS**



Omar López Montenegro, Executive Director of the FHRC, was part of the Nicaraguan delegation to the 58th Annual Session of the UN Commission on Human Rights in Geneva.

**INTERNATIONAL FORUMS**

The FHRC participates in international human rights forums and conferences, including annual sessions of the United Nations Commission on Human Rights in Geneva, Switzerland. Supported by the compelling testimonies of former political prisoners, human rights and civil society activists inside Cuba, the FHRC has contributed to the consistent condemnation of the Castro regime as a systematic violator of the fundamental human rights of the Cuban people. The FHRC has had the opportunity to be part of a country delegation in Geneva, thanks to the generosity of the Republic of Nicaragua.

**EXHIBITS AND PROGRAMS**

*Adopt a Dissident.* This program makes it possible for individuals outside of Cuba to assist activists on the island who have generally been terminated from their jobs for political motives and have no other means of providing for their families. A minimum donation of \$30.00 per month is required. Donations are tax deductible. *Adopt a Dissident* is a people to people program. While donations are sent to the FHRC, our role is to serve as a vehicle for distributing the aid. Sponsors will receive information pertinent to the dissident and will be free to establish direct communication with the dissident as desired.

The *Quilt of Fidel Castro's Genocide* is an impressive memorial of thousands of Castro's victims. The Quilt consists of 8 x 10 fabric panels that identify the victims by name, age and date and manner of death. Currently, the Quilt




Partial view of the Quilt of Fidel Castro's Genocide, when it was unveiled in the streets of Miami.

bears the name of more than 11,000 documented cases of Cubans who died as a direct result of Fidel Castro's dictatorship. Measuring more than 700 meters in length, portions of the Quilt have been displayed in Geneva, Washington DC, and universities throughout the U.S. and abroad.

**CONTACTS WITH CUBA**

The FHRC maintains regular contact with activists inside Cuba. Through its communications, the FHRC monitors and document human rights abuses, with particular attention to the plight of Cuban prisoners of conscience and the systematic persecution against dissidents and civil rights activists. The testimonies obtained are aired in a radio program, "Between Cubans", and then transcribed and distributed to the media, international human rights organizations, and academic institutions through press releases, a web site, and special publications.

	<p><b>Foundation for Human Rights in Cuba</b></p>
<p>PO BOX 44069 Miami, FL 33144 Tel: 305-592-7748 Fax: 305-592-7889 E-mail: <a href="mailto:olopez@fahrc.org">olopez@fahrc.org</a></p>	

	<p>Foundation for Human Rights in Cuba</p>
<h1>CUBA: ENEMY OF THE PRESS</h1>	
	
<p><b>“Cuba, second from last, just ahead of North Korea is today the world’s largest prison for journalists”</b></p>	
<p><i>World Press Freedom Index Reporters without Borders Cuba is in 105th place among 166 countries</i></p>	

The Foundation for Human Rights in Cuba issues an annual report regarding violations of human rights in Cuba, documented with information provided by human rights and civil society activists who risk their physical integrity to make this information available to national and international public opinion.

This annual report, in addition to other publications of the FHRC, are available, free of charge, to all international organizations and NGOs. Please send your request in writing to the following address:



**Foundation for  
Human Rights  
in Cuba**

PO BOX 440669  
Miami, FL 33144  
ph: 305-592-7768  
Fax: 305-592-7889  
E-mail: [obopez@canf.org](mailto:obopez@canf.org)

*This publication has been possible thanks to the support of the Endowment for Cuban American Studies of the*

*Jorge Mas Canosa Freedom Foundation*

Help us to fund these projects by sending your donation today to the Foundation for Human Rights in Cuba or by becoming a member at [www.canf.org](http://www.canf.org)

The Board of the World Association of Newspapers, strongly condemns the continued imprisonment of 32 Cuban journalists.

A dozen of the imprisoned journalists, most of them elderly, are seriously ill, and six of them have been hospitalized with life-threatening conditions including cancer, cirrhosis and cardiovascular problems.

28 of the journalists were arrested and sentenced during a wave of repression in March 2003. They were sentenced to between 14 and 27 years in maximum security prisons far from their homes and families. Three of the 32 journalists have been in custody for more than two years without trial.

The Board of WAN calls on the government of Cuba to release all imprisoned journalists and to cease the harassment of people who try to disseminate their ideas, opinions and news inside and outside the country.

*Resolution on Cuba  
World Association of Newspapers  
57th World Newspaper Congress  
Istanbul, Turkey,  
May 30 to June 2, 2004*

**FIDEL CASTRO IS ONE OF  
THE 50 WORLD  
PREDATORS OF PRESS  
FREEDOM IDENTIFIED BY  
REPORTERS WITHOUT  
BORDERS**



**CUBA IS SECOND ON THE LIST OF THE WORLD'S WORST PLACES TO BE A JOURNALIST AS REPORTED BY THE COMMITTEE TO PROTECT JOURNALISTS**

Manuel Vazquez Porral, Cuban independent journalist sentenced to 18 years, is one of the recipients of the 2003 CPJ International Press Freedom Award

The arrest and long-term imprisonment of 29 journalists in 2003 has decimated Cuba's fledgling independent press. A year after the government of President Fidel Castro Ruz launched a massive crackdown against the press and the political opposition, the imprisoned journalists and their families are harassed and exposed to humiliating prison conditions and psychological torture. They have denounced inadequate medical attention, have been placed in solitary confinement, and have complained about receiving foul-smelling and rotten food. The journalists, who are held in maximum-security facilities, went on hunger strikes several times to demand better conditions. Those journalists who were not imprisoned continue to face routine police intimidation and harassment and are careful about what they write. They say they have been visited by state security officials and issued warnings to stop writing or face the consequences.

**Committee to Protect Journalists  
World Press Freedom Day  
May 3 2004**

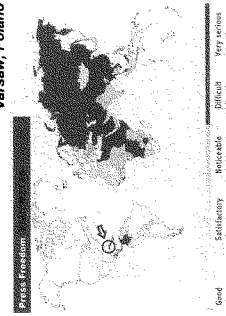
	<p><b>Foundation for Human Rights in Cuba</b></p> <p>PO BOX 440069 Miami, FL 33144 ph: 305-592-7768 Fac: 305-592-7889 E-mail: adp@cpj.com</p>
	<p>PO BOX 440069 Miami, FL 33144 ph: 305-592-7768 Fac: 305-592-7889 E-mail: adp@cpj.com</p>

During March 2003, Cuban authorities arrested 78 people including the journalists... The journalists' one-day trials were held on 3 and 4 April behind closed doors. Their lawyers were given little time to prepare defenses and, in some instances, were prevented from meeting their clients before the start of the trials.

The IPI membership strongly believes that the failure of the Cuban government to uphold press freedom and the right of a fair and open trial is not only an affront to the right of individuals to express themselves freely but also a ringing indictment of the failure to introduce democratic reform in Cuba. Moreover, the IPI membership is of the opinion that the cruel and unjust behavior of the Cuban government towards journalists, and human rights activists is so prejudicial to the cause of human rights that the Cuban government should be excluded from the United Nations Commission on Human Rights.

Its presence on this commission is untenable, undermining every attempt to improve human rights around the globe and damaging the good name of the United Nations

**International Press Institute  
Resolution on Cuba  
53rd General Assembly  
May 17, 2004,  
Warsaw, Poland**



**Worldwide Press Freedom Map, updated by Reporters without Borders in May 2004. Cuba is listed as being classified as a "very serious situation".**



**Raul Rivero, currently serving a 25 years sentence, is IAPA's vice-president of the Freedom of Expression Committee, and is one of the International Press Institute 50 world press heroes in the last 50 years. He is the recipient of the UNESCO 2004 World Press Freedom Prize**

The outlook for journalism in Cuba is still characterized by ever more deplorable threats to the free exercise of the profession, democratic values and human dignity. After the wave of repression a year ago... it seemed impossible to imagine a worse scenario for Cuba. Nevertheless, the government of Fidel Castro resists any same future: Jailed journalists and their families and those who still try to carry out their mission of news gathering or to gain access to communications technology to challenge state control have demonstrated in recent months that the regime's repressive measures are limitless and heart-breaking.

Cuba holds the record as the largest jail for journalists in the world, doubling the number detained in the closest competitors in this infamous category: Burma (15), Eritrea (14) and Nepal (13)... The Cuban regime currently has 32 journalists jailed in squalid conditions, with terrible food and insufficient medical care.

**Midyear Meeting  
Inter American Press Association  
March 12-15, 2004  
Los Cabos, Mexico**



A publication of the  
Foundation for Human  
Rights in Cuba

## REPRESSION ON THE RECORD

Above: Dr. Oscar Elías Bricelj shouts "Love to human rights" before he is forcefully led away in a police car.  
Below: Agents of the National Revolutionary Police kick a demonstrator during the popular revolt of August 5, 1994.



The European Union is deeply concerned at the recent trials and sentencing of a further group of 13 Cuban human rights activists and journalists, all of whom were arrested while peacefully exercising their rights to freedom of expression, opinion, association and assembly, principles the EU strongly defends. The EU strongly condemns the conduct of the trials, which once again failed to meet international standards in relation to due process.

... The EU calls on the Cuban authorities to release all prisoners of conscience and political prisoners without delay and joins the Commission on Human Rights in urging the Cuban authorities to cooperate with the Personal Representative of the United Nations High Commissioner for Human Rights. In the light of continuing disturbing reports that some dissidents have suffered from ill-treatment and ill-health, the EU once again urges the Cuban authorities to comply with international human rights standards and norms for the treatment of prisoners.

... The EU's serious concerns, as outlined above, have been conveyed directly to the Cuban authorities.

-European Union  
Official Statement on Cuba,  
May 16, 2004



**Foundation for  
Human Rights in Cuba**

PO BOX 440069  
Miami, FL 33145  
Phone: 305-592-7768  
Fax: 305-592-7889  
website: [www.cant.org](http://www.cant.org)  
E-mail: [olopez@cant.org](mailto:olopez@cant.org)

**United Nations  
Commission on  
Human Rights  
Resolution on Cuba  
April 15, 2004**

The Cuban Government should refrain from adopting measures which could jeopardize the fundamental rights, the freedom of expression and the rights to due process of its citizens, and in that regard deplores the events which occurred last year in Cuba involving verdicts against certain political dissidents and journalists.

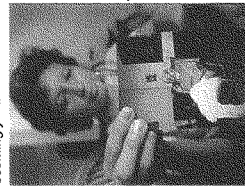


A dissident is violently attacked by members of the paramilitary "Rapid Response Brigades".

"Yes, we have them. We have a few hundred political prisoners. Is that a violation of human rights?"

(In interview with Robert McNeil, responding to the question: Do you have political prisoners still in jail in Cuba?)

"Cubans cannot change their government through democratic means... All political and civic organizing outside the PCC is illegal. Political dissent, spoken or written, is a punishable offense, and those so punished frequently receive years of imprisonment for seemingly minor infractions. There has been a slight relaxation of strictures on cultural life; nevertheless, the educational system, the judicial system, labor unions, professional organizations, and all media remain state



Yabeska Henery displays a picture of her husband, poet and journalist Manuel Vazquez Ponsal, sentenced to 18 years in prison during the March 2003 crackdown.

controlled... Freedom of movement and the right to choose one's residence, education, and job are severely restricted. Attempting to leave the island without permission is a punishable offense.

**-Freedom House**

"The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. Although the Constitution allows legislative proposals backed by at least 10,000 citizens to be submitted directly to the ANPP, in 2002, the Government rejected a petition known as the Varela Project with more than 11,000 signatures calling for a national referendum on political and economic reforms. In March, the Government arrested 75 human rights activists, independent journalists, and opposition political figures on various charges. Authorities subjected the detainees to summary trials and sentenced them to prison terms ranging from 6 to 28 years."

**-U.S. Department of State  
State of Human Rights in the World,  
February 2004**

Eighty-four prisoners of conscience remained held... A government crack-down in March (2003) led to the imprisonment of most of the leadership of the dissident movement including teachers, librarians, journalists, medical personnel, and political and human rights activists... Some were reportedly denied access to appropriate medical attention and held in harsh conditions. Access to family was limited, as many of the prisoners were held in facilities far from their home provinces. At last visited Cuba in 1988. The government did not respond to AI's repeated requests to be allowed into the country... The three-year de facto moratorium on the use of



Armed with clubs and steel bars, members of the "Rapid Response Brigades" stand ready to repress peaceful demonstrations against the regime.

the death penalty ended with the execution by firing squad of Lorenzo Enrique Copello Castillo, Bárbaro Leodán Sevilla García and Jorge Luis Martínez Isaac on 11 April. The three men were brought to trial, found guilty under "anti-terrorism" legislation, and had their appeals denied all within the space of one week... Approximately 50 prisoners remained on death row at the end of the year.

**- Amnesty International,  
Cuba Chapter  
2004 Annual Report**

"Cuba is a one-party state that restricts nearly all avenues of political dissent. The government severely curtails basic rights to free expression, association, assembly, movement, and to a fair trial. While it has long sought to silence its critics by using short term-detentions, house arrests, travel restrictions, threats, surveillance, criminal prosecutions, politically motivated dismissals from employment, and other forms of harassment, the government's intolerance of dissenting voices intensified considerably in 2003. By criminalizing enemy propaganda, the spreading of "unauthorized news," and insult to patriotic symbols, the government curbed freedom of speech under the guise of protecting state security."

**-Human Rights Watch  
Cuba Overview  
January 2004**

	<b>Foundation for Human Rights in Cuba</b>
	PO BOX 440069 Miami, FL 33145 Phone: 305-592-7768 Fax: 305-592-7889 website: www.canf.org E-mail: olopez@canf.org

Mr. BURTON. Thank you, Ileana.

With the war going on in Iraq and the world war against terrorism, there hasn't been a lot of media focus on Cuba and the human rights atrocities that take place down there but I can assure you that there are a lot of Members in Congress who will continue to focus attention on this until we get some positive change down there.

Our first panel consists of the Honorable Michael Kozak, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State and Dan Fisk, Deputy Assistant Secretary for the Department of State. We also have the Honorable David Mutchler, Senior Advisor on Cuba, U.S. Agency for International Development.

[Witnesses sworn.]

Mr. BURTON. Let us start with Principal Deputy Assistant Secretary Kozak.

**STATEMENTS OF MICHAEL KOZAK, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE; DEPUTY ASSISTANT SECRETARY DAN FISK, DEPARTMENT OF STATE; DAVID MUTCHLER, SENIOR ADVISOR ON CUBA, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. KOZAK. Mr. Chairman, members of the committee, thank you for the opportunity to testify on the human rights situation in Cuba.

It has been more than a year since the Cuban Government arrested 75 individuals working peacefully for democratic change. The committee's continuing interest in the situation in Cuba is both well timed and welcome. It affords us an opportunity to show our support for the growing demand by Cuban citizens themselves for the blessings of self determination and democracy.

The Castro Government as you noted has long waged war on the basic human rights of its people. It controls all aspects of daily life through an elaborate and pervasive system of undercover agents, informers and neighborhood committees working to detect and suppress dissent and impose ideological conformity. Spouses are encouraged to report on each other and children on their parents. Independent voices have been arrested on charges as vague as dangerousness or as clearly political as disrespect for authority.

Dissidents are routinely and falsely labeled as foreign spies, mercenaries and agents of the United States. Access to information is tightly controlled, including access to the Internet and publications such as the Boston Globe are labeled enemy propaganda, the possession of which is a criminal offense.

The 75 arrested in March 2003 are serving sentences averaging 20 years each for subversive activities such as association with international human rights and humanitarian NGO's. Omar Rodriguez Saludes was sentenced to 27 years for disseminating a photograph of Cuban poverty. Raul Rivero received 20 years for unspecified subversive activities. Owing a chair that a U.S. diplomat once sat in was cited as evidence against Rivero to justify this charge.

Conditions of incarceration for these prisoners remain harsh. Many of the older detainees suffer from increasing poor health. My friend, Marta Beatriz Roque spent 3½ years in prison in the late 1990's for the crime of peaceful sedition. This crime is defined as anything that perturbs the socialist order. In Marta's case that involved taking the Communist Party up on its request for public comments on a draft 5 year plan. Marta was out for 4 years and then returned to jail with a 20 year sentence last year. Her health has been poor throughout her ordeals and she remains in a military hospital.

Oscar Espinosa Chepe has been returned to a very small shared cell after an extended hospitalization. Raul Rivero, whom I was honored to meet with on many occasions during my years in Cuba, earlier this year was awarded the UNESCO Guillermo Cano World Press Freedom Award as you mentioned. However, this accomplished poet and journalist was not able to pick up his prize and enjoy what should have been one of the highlights of his professional career. He too is serving a 20 year sentence in a Cuban jail.

Dr. Oscar Elias Biscet has worked tirelessly to put Dr. Martin Luther King's philosophy of nonviolence into practice. I visited him in 1999 when he was on a 40-day fast, 1 day for each year of the revolution at that point. Dr. Biscet was arrested in 2002 for attempting to teach others about international human rights practices. Three other people who had been arrested with Dr. Biscet were convicted in May of this year for the crime of studying the Universal Declaration of Human Rights at a private home in Havana.

I would note I was in Havana on the 50th anniversary of the signature of the Universal Declaration. The Cuban authorities made a big deal out of that, of what a big day that was. At the same time, they were arresting people for having possession of the Universal Declaration.

Unfortunately, such flagrant abuse of human rights has not been limited to the group of 75. Francisco Chaviano, an advocate of peaceful democratic reforms, was sentenced in 1994 to 15 years in prison for revealing that his organization had been infiltrated by a government agent.

Many of these prisoners of conscience, falsely accused, summarily tried and sentence to long terms in prison, are subjected to treatment usually reserved for the most violent criminal offenders. Most are allowed to see their families only briefly once every 3 months. For many the only real hope of release is to accept exile from the country for which they have sacrificed so much. Small wonder then if families of political prisoners and those other men and women dedicated to peaceful change who are outside prison walls live in justifiable fear of imminent arrest.

Despite this very real danger, Cubans are losing their fear of the dying regime and are demanding a role in building their own democratic future. An authentically independent civil society, the building blocks of real democracy, is developing before our eyes. The Varela Project is a peaceful call for a national referendum on political and economic reforms in Cuba that seeks to take advantage of a clause in the Castro constitution that requires the national assembly to consider a referendum upon petition of 10,000



citizens. The regime obviously never thought such a provision could be used against it, but it happened. Over 11,000 signatures were collected from ordinary Cuban citizens in 2002 and presented to the national assembly. This showed incredible courage on the part of those who signed and registered their identification numbers. The response from the regime was to arrest over 20 of the organizers and sentence them to long prison terms.

Instead of capitulating to this pressure, civil society leader, Oswaldo Paya and his colleagues reconstituted their effort and collected and delivered an additional 14,000 signatures. These thousands of Cuban citizens cannot be dismissed by the government as insignificant, minuscule groups of misfits.

Vladimiro Roca, the son of one of the founders of the Cuban Communist Party, was jailed along with Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano in 1997. Vladimiro himself did over 5 years in prison yet continues his work. We admire and applaud these valiant and principled efforts to promote peaceful and positive change in Cuba despite active hostility from the Castro Government and we welcome the growing optimism in Cuba that the end of the dictatorship is near.

A peaceful, orderly transition in Cuba is not only right, it serves U.S. interest in the stability of our own region but what in such a hostile environment can the United States really do to support the dreams of these independent defenders of fundamental freedoms and liberties and to promote a free and prosperous Cuba? When the Cuban Government digs tunnels and puts its army and people on a war footing in response to non-existent U.S. invasion threats and hunts imaginary spies in a real but peaceful opposition, when principled expressions of concern by the European Union, Honduras, Peru, Mexico and other democratic governments result in strident denunciations and retaliatory threats and insults from the Cuban Government, when the regime works aggressively to limit and redirect the flow of humanitarian assistance and information, how can we or anyone in the international community extend a helping hand to the beleaguered people of Cuba?

It isn't easy but it must be done. Much of what we do is to provide moral support. Those of us who have served in Eastern Europe know how important that is for those suffering under a totalitarian system to know that others know and care what is happening to them. We also know how much regimes of this nature crave international recognition and respect to provide them the legitimacy they have failed to earn from their own people. So we work with other democracies to condemn the repression and encourage support for real reform.

Since last June, the EU, for the first time, is inviting dissidents to its official receptions in Havana, much to the anger of the Cuban Government. Individual EU governments are reviewing their assistance to the regime with Italy suspending bilateral cooperation and France redirecting its assistance away from the government and to the Cuban people itself. We continue our unceasing efforts in international fora such as the U.N. Commission for Human Rights. Last April, the U.N. Commission for Human Rights passed by a single vote a resolution tabled by Honduras to call once again upon Cuba to implement the human rights obligations it has freely

accepted. Secretary of State Powell and other high level State Department officials were involved on a daily basis in our efforts to support Honduras and the 34 other co-sponsors of the resolution. President Bush and Dr. Rice made personal interventions with foreign counterparts. Several Members of Congress also played important roles in shoring up support and for those efforts, we are deeply appreciative.

As those of you who have been involved with these efforts know we offer neither rewards nor threats, rather we appeal to the highest principles of our fellow Commission on Human Rights members, three-fifths of whom represent democratically elected governments. So one might ask why so much effort is required to get a resolution passed there.

The answer is the Cubans do what they falsely accuse us of. They cannot credibly argue that they are in compliance with their human rights obligations, so instead they threaten other voting members with domestic discord, withdrawal of medical workers and so on if they vote to urge Cuba to fulfill those commitments. They run campaigns accusing other governments and individual leaders of giving in to U.S. pressure or worse. Despite these Cuban tactics, Honduras, Costa Rica, the Dominican Republic, Guatemala, Peru, Chile and Mexico all took courageous stances in support of human rights in Cuba by tabling, co-sponsoring and/or supporting the resolution.

By the same token, we were disappointed that countries such as Argentina, Brazil and Paraguay, whose own democratic transitions were assisted by international support, chose to abstain rather than take position in favor of observance of human rights. Especially disappointing is South Africa which during its own struggle against the apartheid regime was the original beneficiary of what are called item line resolutions in the Human Rights Commission and they took a leadership role in pressing other African delegations to vote with the Cubans.

In addition to showing our moral and political support for those courageous Cubans who are struggling for democracy, our policy is also designed to actively encourage a rapid, peaceful transition to democracy in Cuba. There is no reason that the Cuban people should not enjoy the freedoms and prosperity that now exists in Central Europe, South Africa, Central and South America and other places around the world that once languished under totalitarian or authoritarian dictatorships. To this end, President Bush in October 2003 created the Commission for Assistance to a Free Cuba. The Commission's task was to develop a proactive, integrated and disciplined approach on how the United States can work to hasten a peaceful transition to democracy, particularly through breaking the regime's information blockade. The Commission was also charged with developing contingency plans to assist a free Cuba during such a transition should its citizens request such assistance.

I would emphasize that we do not seek to dictate the terms of transition. Cuba's future must be decided by the Cuban people. Rather, we look for ways in which we can cooperate as friends with the newly free Cuba.

The Commission report proposes a wide range of actions the U.S. Government would be prepared to undertake should a Cuban transition government so request. This would include assistance to meet critical humanitarian and other important needs early in the transition and to initiate the reactivation of the economy, to help build essential democratic institutions, both in government and in civil society, to help establish reforms necessary to stimulate the domestic private sector and lay a basis for economic recovery; and to address the degradation of its infrastructure and environment which, as in other countries freed from communism, have seen serious deterioration in areas of water, sanitation, power and telecommunications.

In addition, the Commission report proposed additional ways to empower independent Cuban civil society through material assistance and training, including increasing assistance up to \$41 million over 2 years. The Commission recommended steps to expand outreach and expedite the processing of related license applications to religious organizations. These organizations represent the fastest growing and strongest alternatives to the Cuban state in providing basic services and information to the Cuban people.

The fundamental goal of any U.S. assistance to a free Cuba must be to empower and respect the sovereign rights of the Cuban people. Empowering them will mean improving their economic and social well being, helping them reconstruct a democratic civic culture through education and institution-building and supporting them as they transform themselves and Cuban society.

President Bush and Secretary Powell, who chaired the Commission, have repeatedly called for an end to repression in Cuba. They have insisted that Cubans who seek peaceful change and basic human rights and freedoms, be permitted to do so. Their call, and that of others in the U.S. Congress, has been echoed by many others—by representatives of the European Union, by the leaders of democratic governments in Latin America, the U.N. Commission for Human Rights and other prominent figures and institutions across the world.

We must continue to support the efforts of those working for a better Cuba wherever and whenever we can, whether through our outreach to ordinary Cubans or in partnership with like minded members of the international community.

I would like to conclude by stressing the promotion of democracy is and will continue to be the central defining element of our foreign policy. We will continue to use all available bilateral and multilateral tools at our disposal to combat threats to democracy and institutionalize democratic reforms toward a stable western hemisphere.

Thank you again for holding this hearing.  
[The prepared statement of Mr. Kozak follows:]

**Continuing Human Rights Abuses in Cuba**

**Testimony by**

**Principal Deputy Assistant Secretary Michael G. Kozak**

**Bureau of Democracy, Human Rights and Labor**

**Department of State**

**Committee on Government Reform**

**June 17, 2004**

Mr. Chairman, Members of the Committee, thank you for the opportunity to testify on the human rights situation in Cuba. It has been more than a year since the Cuban Government arrested 75 individuals peacefully working for democratic change. The Committee's continuing interest in the situation in Cuba is both well timed and welcome. It affords us an opportunity to show our support for the growing demand by Cuban citizens themselves for the blessings of self-determination and democracy.

The Castro Government has long waged war on the basic human rights of its people. It controls all aspects of daily life through an elaborate and pervasive system of undercover agents, informers and neighborhood committees working to detect and suppress dissent and impose ideological conformity. Spouses are encouraged to report on each other, and children on their parents. Independent voices have been arrested on charges as vague as "dangerousness" or as clearly political as "disrespect for authority." Dissidents are routinely and falsely labeled foreign spies, mercenaries, and agents of the United States. Access to

information is tightly controlled, including access to the Internet, and publications such as the Boston Globe are labeled “enemy propaganda,” the possession of which is a criminal offense.

The 75 arrested in March 2003 are serving sentences averaging 20 years each for such “subversive” activities as association with international human rights and humanitarian NGOs. Omar Rodriguez Saludes was sentenced to 27 years for disseminating a photograph of Cuban poverty. Raul Rivera received 20 years for unspecified “subversive activities.” Owning a chair that a U.S. diplomat once sat in was cited as evidence against Rivera to justify this charge. Conditions of incarceration for these prisoners remain harsh. Many of the older detainees suffer from increasingly poor health. My friend Marta Beatriz Roque spent three and a half years in prison in the late 1990s for the crime of “peaceful” sedition. This “crime” is defined as anything that “perturbs” the socialist order. In Marta’s case that involved taking the Communist Party up on its request for public comments on a draft five-year plan. Marta was out for four years, and then returned to jail with a 20-year sentence last year. Her health has been poor throughout her

ordeals and she remains in a military hospital. Oscar Espinosa Chepe has been returned to a very small shared cell after an extended hospitalization. Raul Rivero – whom I was honored to meet on many occasions during my years in Cuba -- earlier this year was awarded the UNESCO/Guillermo Cano World Press Freedom Award. However, the accomplished poet and journalist was not able to pick up his prize and enjoy what should have been one of the highlights of his professional career. He too is serving a 20-year sentence in a Cuban jail. Dr. Oscar Elias Biscet has worked tirelessly to put Dr. Martin Luther King's philosophy of non-violence into practice. I visited him in 1999 when he was on a 40-day fast – one day for each year of "the Revolution." Dr. Biscet was arrested in December 2002 for attempting to teach others about international human rights practices. Three other people who had been arrested with Dr. Biscet were convicted in May of this year for the "crime" of studying the Universal Declaration of Human Rights at a private home in Havana.

Unfortunately, such flagrant abuse of human rights has not been limited to the group of 75. Francisco Chaviano, an advocate of peacefi

democratic reforms, was sentenced in 1994 to 15 years in prison for revealing that his organization had been infiltrated by a government agent.

Many of these prisoners of conscience -- falsely accused, summarily tried, and sentenced to long terms in prison -- are subjected to treatment usually reserved for the most dangerous violent offenders. Most are allowed to see their families only briefly, once every three months. For many, their only real hope of release is to accept exile from the country they love and for which they have sacrificed so much.

Small wonder, then, if the families of political prisoners -- and those other men and women dedicated to peaceful change who are still outside prison walls -- live in justifiable fear of imminent arrest.

But despite this very real danger, Cubans are clearly losing their fear of the dying regime and are demanding a role in building their own democratic future. An authentically independent civil society -- the building blocks of a real democracy -- is developing before our eyes. The Varela Project is a peaceful call for a national referendum on political and economic reforms in Cuba that seeks to take advantage of a



clause in the Castro constitution that requires the national assembly to consider a referendum upon the petition of 10,000 citizens. The regime obviously never thought that such a provision could be used against it, but it happened. Over 11,000 signatures were collected from ordinary Cuban citizens in 2002 and presented to the National Assembly. This showed incredible courage on the part of those who signed and registered their identification numbers. The response from the regime was to arrest over 20 of the organizers and to sentence them to long prison terms. But instead of capitulating to this pressure, civil society leader Oswaldo Paya and his colleagues reconstituted their effort and collected and delivered an additional 14,000 signatures. These thousands of Cuban citizens cannot be dismissed by the government as an insignificant, miniscule group of misfits. Vladimiro Roca, the son of one of the founders of the Cuban Communist Party, was jailed along with Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano in 1997. Vladimiro himself did over 5 years in prison yet continues his work. We admire and applaud these valiant and principled efforts to promote peaceful and positive changes in Cuba despite active hostility

from the Castro government. And we welcome the growing optimism in Cuba itself that the end of the dictatorship is near.

A peaceful, orderly transition in Cuba is not only right; it serves U.S. interests in the stability of our own region. But what, in such a hostile environment, can the United States really do to support the dreams of these independent defenders of fundamental rights and liberties and to promote a free and prosperous Cuba? When the Cuban Government digs tunnels and puts its army and people on a "war footing" in response to a non-existent U.S. invasion and hunts imaginary spies in a real but peaceful opposition; when principled expressions of concern by the European Union, Honduras, Peru, and Mexico, and other democratic governments result in strident denunciations and retaliatory threats and insults from the Cuban government; when the regime works aggressively to limit and redirect the flow of humanitarian assistance and information, how can we or anyone in the international community extend a helping hand to the beleaguered people of Cuba?

It isn't easy, but it must be done.

Much of what we do is to provide moral support. Those of us who have served in Eastern Europe know how important it is for those suffering under a totalitarian system to know that others know and care about what is happening to them. We also know how much regimes of this nature crave international recognition and respect to provide them the legitimacy they have failed to earn from their own people. So we work with other democracies to condemn the repression and encourage support for real reform.

Since last June, the EU is for the first time inviting dissidents to its official receptions in Havana, much to the anger of the Cuban Government. Individual EU Governments are reviewing their assistance to the regime, with Italy suspending bilateral cooperation and France redirecting its assistance away from the government and to the Cuban people themselves.

We continue our unceasing efforts in international fora such as the UN Commission for Human Rights. Last April the UNCHR passed, by a single vote, a resolution tabled by Honduras that called once again upon Cuba to implement the human rights obligations that it has freely

accepted. Secretary of State Powell and other high-level State Department officials were involved on a daily basis in our efforts to support Honduras and the 34 co-sponsors of the resolution. President Bush and Dr. Rice made personal interventions with foreign counterparts. Several members of Congress also played important roles in shoring up support. For those efforts we are deeply appreciative.

As those of you who have been involved in these efforts know, we offer neither rewards nor threats. Rather, we appeal to the highest principles of our fellow CHR members, three fifths of whom represent democratically elected governments. So one might ask why so much effort is required to get a resolution passed. The answer is that the Cubans do what they falsely accuse us of. They cannot credibly argue that they are in compliance with their human rights commitments. So instead, they threaten other voting members with domestic discord and withdrawal of medical workers if they vote to urge Cuba to fulfill those commitments. They run campaigns accusing the other governments and individual leaders of giving in to U.S. pressure, or worse. Despite these Cuban tactics, Honduras, Costa Rica, the Dominican Republic,

Guatemala, Peru, Chile and Mexico all took courageous stances in support of human rights in Cuba by tabling, cosponsoring and/or supporting the resolution. By the same token, we were disappointed that countries such as Argentina, Brazil and Paraguay – whose own democratic transitions were assisted by international support – chose to abstain rather than to take a position in favor of observance of human rights. Especially disappointing is that South Africa – which during its struggle against the apartheid regime was the original beneficiary of Item Nine resolutions in the Commission – took a leadership role in pressing other African delegations to vote with the Cubans.

In addition to showing our moral and political support for those courageous Cubans struggling for democracy, our policy is also designed to actively encourage a rapid, peaceful transition to democracy in Cuba. There is no reason that the Cuban people should not enjoy the freedoms and prosperity that now exist in Central Europe, South Africa, Central and South America and other places around the world that once languished under totalitarian or authoritarian dictatorships. To this end, President Bush in October 2003 created the Commission for Assistance

to a Free Cuba (CAFC). The Commission's task was to develop a proactive, integrated and disciplined approach on how the United States can work to hasten a peaceful transition to democracy – particularly through breaking the regime's information blockade. The Commission was also charged with developing contingency plans to assist a free Cuba during such a transition, should its citizens request such assistance.

I would emphasize that we do not seek to dictate the terms of transition: Cuba's future must be decided by the Cuban people. Rather, we look for ways in which we can cooperate as friends with a newly free Cuba.

The Commission report proposes a wide range of actions that the U.S. Government would be prepared to undertake, should a Cuban transition government so request. This would include assistance:

- to meet critical humanitarian and other important needs early in the transition and to initiate the reactivation of the economy;
- to help build essential democratic institutions, both in the government and civil society;

- to help establish reforms necessary to stimulate the domestic private sector and lay the basis for economic recovery; and
- to address the degradation of its infrastructure and environment, which, as in other countries freed from communism, have seen serious deterioration in the areas of water and sanitation, power, and telecommunications.

In addition, the Commission report proposed additional ways to empower independent Cuban civil society through material assistance and training, including increasing assistance up to \$41 million over two years. The Commission recommended steps to expand outreach and expedite the processing of related license applications to religious organizations. These organizations represent the fastest growing and strongest alternatives to the Cuban state in providing basic services and information to the Cuban people.

The fundamental goal of any U.S. assistance to a free Cuba must be to empower and respect the sovereign rights of the Cuban people. Empowering them will mean improving their economic and social well-

being, helping them reconstruct a democratic civic culture through education and institution-building, and supporting them as they transform themselves and Cuban society.

President Bush and Secretary Powell, who chaired the Commission, have repeatedly called for an end to the repression in Cuba. They have insisted that Cubans who seek peaceful change – and basic human rights and freedoms – be permitted to do so. Their call – and that of the U.S. Congress -- has been echoed by many others: by representatives of the European Union, by the leaders of democratic governments in Latin America, the U.N. Commission for Human Rights, and other prominent figures across the world. We must continue to support the efforts of those working for a better Cuba, wherever and whenever we can, whether through our outreach to ordinary Cubans or in partnership with like-minded members of the international community.

I would like to conclude by stressing that promotion of democracy is and will continue to be a central, defining element of our foreign policy. We will continue to use all available bilateral and multilateral



tools at our disposal to combat threats to democracy and to institutionalize democratic reforms toward a stable Western Hemisphere.

Thank you, again, for holding this hearing.

Mr. BURTON. Thank you, Mr. Kozak.

Mr. Fisk, did you have a statement you would like to make?

Mr. FISK. Mr. Chairman, Ambassador Kozak delivered the statement for the Department, so I will defer.

Mr. BURTON. Mr. Mutchler.

Mr. MUTCHLER. Thank you, Mr. Chairman.

U.S. AID Assistant Administrator Adolfo Franco was scheduled to appear before you this morning and asked me to express to you his regret that he cannot participate. He is visiting Haiti today with U.S. AID Administrator Natsios, but he asked me to talk to you a little bit about what AID has been doing over the past 7 years to help implement Section 109 of the Libertad Act of 1996 in close cooperation with the Department of State.

As you know, Mr. Chairman, the AID Cuba Program, which I direct, attempts to build solidarity with Cuba's human rights activists on the island. It gives voice to Cuba's independent journalists, it provides food and medicine to the families of political prisoners on the island, it defends the rights of Cuban workers and provides direct outreach to the Cuban people. Over the past 7 years, the Cuba Program working through U.S. non-governmental organizations and U.S. universities, such as the University of Miami, Rutgers University and Georgetown University, has provided over 2 million books, newsletters and other informational materials to the Cuban people, provided more than 170,000 pounds of food and medicine and other humanitarian relief to the families of political prisoners and to other victims of repression in Cuba, provided almost 12,000 short wave radios to the Cuban people so they can listen unhindered to international broadcasts from Radio Marti, the BBC, Voice of America, or any other international broadcast and published on the Internet via Cubnet.org the reports every week from Cuba's independent journalists, the more than 100 independent journalists actively operating in Cuba today. Those reports are also provided in hard copy newsletters to the Cuban people every week and every month. Those reports are also published in the United States and foreign press.

As Ambassador Kozak has said very clearly, the continuing tragedy of Cuba's political prisoners is an outrage to the conscience of the world. President Bush and Secretary of State Powell have been very active in bringing this matter to the attention of the world community and as Ambassador Kozak said, the U.N. Human Rights Commission meeting in Geneva in April did call Cuba to account. The Commission again urged Cuba to permit a personal representative of the U.N. Human Rights Commission's High Commissioner to enter Cuba and inspect the situation there. The Castro regime again rejected this longstanding request by the United Nations.

Amnesty International, from whom we will hear today, Human Rights Watch, Freedom House and other independent, non-governmental organizations continue to document the suffering of Cuba's political prisoners. The Castro regime beats them, deprives them of sleep, subjects them to filthy, crowded, unventilated vermin infested cells, houses them with common criminals and denies them proper food, potable water and adequate medical care.

According to Amnesty International, Cuba has the highest proportion of prisoners of conscience per capita of any nation in the world. Many political prisoners, as Ambassador Kozak indicated, are seriously ill, yet as a matter of regime policy, they are denied appropriate medical treatment. He spoke to you about Marta Beatriz Roque, Dr. Oscar Elias Biscet, Oscar Espinosa Chepe, Raul Rivero, Manuel Vazquez Portal, a very fine poet and independent journalist, is also suffering from severe medical difficulties.

Also, the number of political prisoners is increasing. A little over 2 weeks ago, on Sunday, June 5, Cuban state security broke into the houses of four peaceful activists in the Cuban city of Santa Clara. Cuban officials arrested these people and took them to state security headquarters and two of these activists, the brothers Luis Enrique Junquera Garcia and Yamil Sanchez Munoz are still being held in prison unable to communicate with the outside world. What is their crime? They are members of the Citizens Organizing Committee of Project Varela, which as Ambassador Kozak indicated has collected more than 30,000 signatures from Cuban citizens throughout Cuba calling for a national referendum on basic political and economic reforms. Such a petition is authorized even under Cuba's communist constitution but Fidel Castro believes it will subvert his totalitarian rule. For the past year, he has tried and tried without success to eradicate Project Varela and his frustration is becoming more and more evident. The Project Varela organizers are under extreme pressure and the international community must defend them.

As Castro's nervousness has increased over the past year and his poor paranoia has increased, his moral collapse becomes even more apparent. Last year, he returned to his long practice of arbitrary summary executions in an action that outraged the world. He ordered the death by firing squad of three young men whose only offense was to steal a motor boat so they could escape from Cuba. The Castro Government executed them within a few days of their capture after kangaroo court trials from which independent observers in the diplomatic community were excluded. Not even their mothers were permitted to visit them before they died. Their deaths ended a 4-year Cuban moratorium on use of the death penalty. Castro suspended use of the death penalty in the year 2000 after a huge outcry from the international community in that year which shows that he does respond to international pressure. In 1999, he executed an estimated 20 to 30 people, placing Cuba third in the world in state executions on a per capita basis, just behind Iran and the Democratic Republic of the Congo.

The Administrator of U.S. AID, Andrew Natsios spoke recently at the University of Miami. He sent a clear message to Fidel Castro and the members of his government. He told Fidel Castro the Cuban desire for freedom cannot be extinguished and he called on all the officials and operatives of the Castro regime to stop the human rights abuses. He reminded them that the Cuban people will soon hold all of them accountable.

The U.S. Department of State, I am told, has just placed on a visa watch list each of the 300 individuals, judges, police men, prosecutors, witnesses who participated in last year's Cuban show trials that you referred to, Mr. Chairman, those sham trials that

convicted 75 human rights activists, independent journalists and independent librarians, those officials and others who perpetrate those and similar acts of injustice will never find shelter in the United States. The United States of America is committed to promoting a rapid, peaceful transition to democracy in Cuba and as part of that effort, U.S. AID, the U.S. Agency for International Development, calls on all the people in Cuba and especially those who work for the Cuban Government to prepare now for that transition by refusing to carry out acts of violence and repression and by beginning to show compassion for all those whom the Castro regime has imprisoned.

Thank you for this opportunity to appear before you today. I will be happy to respond to any questions you or other Members may have.

[The prepared statement of Mr. Adolfo A. Franco, as presented by Mr. Mutchler, follows:]

Mr. Adolfo A. Franco  
USAID Assistant Administrator for Latin America & Caribbean

Testimony June 16, 2004

For a Hearing of the  
U.S. House of Representatives, Committee on Government Reform

“The Capture and Treatment of Political Prisoners: One Year after Castro’s  
Crackdown in Cuba”

Mr. Chairman,

Thank you for the opportunity to speak today about the continuing tragedy of Cuba’s political prisoners. As President Bush said recently, Fidel Castro’s rule is so brutal it outrages the conscience of the world.

In April of this year, the President and Secretary of State Powell urged members of the United Nations Human Rights Commission, meeting in Geneva, to hold the Cuban government accountable for its human rights abuses, and especially for its unjust imprisonment of peaceful human rights activists, independent journalists and independent librarians.

The UN Commission did vote to call Cuba to account. The Commission again urged Cuba to permit a personal representative of the UN Human Rights Commission’s High Commissioner to enter Cuba and inspect the situation there. The Castro regime has again rejected this long standing request by the United Nations.

Amnesty International, Human Rights Watch, Freedom House, and other independent non-governmental organizations continue to document the suffering of Cuba’s political prisoners. The Castro regime beats them, deprives them of sleep, subjects them to filthy, crowded, unventilated, vermin-infested cells, houses them with common criminals, and denies them proper food, potable water, and adequate medical care. According to Amnesty International, Cuba has the highest proportion of prisoners of conscience per capita of any nation in the world.

Many political prisoners are seriously ill, yet, as a matter of regime policy, they are denied appropriate medical treatment. I am speaking of Marta

Beatriz Roque, Dr. Oscar Elias Biscet, Oscar Espinosa Chepe, Raul Rivero, Manuel Vazquez Portal, among many others.

And the number of political prisoners is increasing.

A little over two weeks ago, on Sunday, June 6, Cuban state security broke into the houses of four peaceful democratic activists in the Cuban city of Santa Clara. Cuban officials arrested these individuals and took them to state security headquarters. Two of the activists, the brothers Luis Enrique Junquera Garcia and Yamil Sanchez Munoz are still being held in prison, unable to communicate with the outside world.

What is their crime? They are members of the Citizens Organizing Committee of Project Varela, which has collected more than 30,000 signatures of Cuban citizens who are calling for a national referendum on basic political and economic reforms. Such a petition is authorized even under Cuba's communist constitution. But Fidel Castro believes it will subvert his totalitarian rule. For the past year, he has tried and tried, without success, to eradicate Project Varela. His frustration is becoming more and more evident.

As Castro's nervousness increases, his complete moral collapse becomes even more apparent. Last year, he returned to his long practice of arbitrary, summary executions. In an action that outraged the world, he ordered the death by firing squad of three young men whose only offense was to steal a motorboat so they could escape from Cuba. The Castro government executed them within a few days of their capture, after kangaroo-court trials from which independent observers and the diplomatic community were excluded. Not even their mothers were permitted to visit them before they died.

Their deaths ended a four year Cuban moratorium on use of the death penalty, after a huge outcry from the international community in the year 2000. In 1999, the Castro government had executed an estimated 20 – 30 people, placing Cuba third in the world in state executions on a per capita basis (just behind Iran and the Democratic Republic of the Congo).

The Administrator of USAID, Andrew Natsios, spoke recently at the University of Miami. He sent a clear message to Fidel Castro and the members of his government. He told Fidel Castro the Cuban desire for

freedom cannot be extinguished. And he called on the operatives in Castro's regime to stop the human rights abuses. Mr. Natsios reminded them the Cuban people will soon hold them all accountable.

The U.S. Department of State has placed on a visa watch list each of the 300 individuals --judges, policemen, prosecutors, and witnesses -- who participated in last year's Cuban show trials that resulted in convictions of 75 human rights activists, independent journalists, and independent librarians.

Cuban officials and others who perpetrated these and similar acts of injustice will never find shelter in the United States.

The United States of America is committed to promoting a rapid, peaceful transition to democracy in Cuba. As part of that effort, USAID -- the United States Agency for International Development -- calls on all the people in Cuba, and especially those who work for the Cuban government, to prepare now for that transition by refusing to carry out acts of violence and repression, and by beginning to show compassion for all those whom the Castro regime has imprisoned.

Mr. Chairman, thank you for this opportunity to appear before you today. I will be happy to respond to any questions that you or other Subcommittee Members may have.

Mr. BURTON. I think both of you have covered a lot of the questions we had to ask to you. The thing that surprises me about communist dictators is they don't learn from history. I remember when Ceausescu in Romania finally fell and what happened to him. I would think the people of Cuba will hold Castro and his minions accountable maybe in the like manner when there is freedom on that island. Castro can't live forever and he can't prop up all those people who are perpetrating these atrocities. When the bottom does drop out, Lord help him.

I have a couple questions and I will yield to my colleague. I read the book by Armando Valaderos, *Against All Hope*, and incidentally, I was on a plane and I started crying at the last chapter. I think the guy next to me thought there was something wrong with me mentally. That book was very vivid in the kind of atrocities that take place in those prisons. You touched on that a bit, Ambassador Kozak, but is there anything you could tell us today that would be a bit more vivid than some of the things you told us about? If not, that is OK but I think it is important for the record and for history to know these atrocities that are taking place are a heck of a lot worse than we have seen in Iraq and elsewhere. They are pretty bad. I think it is important that the world focus on that.

Mr. KOZAK. You are right, Mr. Chairman. In addition to the ones we know well, and I had the pleasure of meeting with Armando Valaderos when he first got out. We had lunch at the State Department, so I heard some of those stories firsthand. Marta Beatriz has had all kinds of medical problems. They basically don't treat them on time. One that strikes me though, two cases, Gustalar, a long time human rights leader there, his brother died because he developed cancer and it went untreated for a long, long time. He finally was allowed to leave and come to the United States but it was too far gone. That is an interesting family because they fought with Castro. One brother was killed in the Ranma assault, the other one died as a result of being in the political prison in Havana.

I think probably the one that struck me during my time as the worse was a lady who was a blind human rights activist and they took her to the psychological hospital and gave her all kinds of drugs and basically tried to torture her in that way. They would use the psychiatric hospitals to harm the people.

Mr. BURTON. But the torture continues even to this day?

Mr. KOZAK. Absolutely.

Mr. BURTON. Has it increased?

Mr. KOZAK. I think that has been the pattern over the last few years, with more and more dissidents going in. As David mentioned, the more and more frustrated he becomes with not being able to stop this kind of activity, the more extreme the methods.

Mr. MUTCHLER. We also know that the regime harasses the families of the prisoners and tries to create confusion in the prisoner's mind about the safety and welfare of their children, their wives and other members of their families while they are held in jail, incommunicado without any access to them. So they spread rumors, they cause severe psychological damage as well as physical damage.



Mr. BURTON. When they had the human rights vote in Geneva, Frank Calzón was beat up by one of the members of the Cuban delegation. Can you tell me a little about that real quickly?

Mr. KOZAK. I did not see it myself because I was making a statement at the chair but our Ambassador, Kevin Moley, was right there as it turned out and observed the whole thing, so I had a very reliable source. From what he described to me, Mr. Calzón was standing at the bottom of an escalator that leads down to where the meeting room is in Geneva, the Cubans had just lost the vote, they were very upset. They had a whole gaggle of their crew that they had there who were yelling and screaming and making threatening gestures against anybody on the pro-democracy side. U.N. security guards were standing there and were between Mr. Calzón and these Cuban demonstrators. All of a sudden, someone comes running down the escalator at top speed, a guy who was a member of the official Cuban delegation, Calzón's back was to the escalator and this guy hit him at full stride right in the back of his head, knocked him to the floor, knocked him unconscious. Kevin and the U.N. security guards took off after the Cuban, the security guards had to use mace to subdue this Cuban guy who was fighting them and at that point, the Cuban ambassador, a permanent representative, came up and said, let him go, he is one of my guys, I will take care of the problem.

Mr. BURTON. Diplomatic immunity?

Mr. KOZAK. Yes.

Mr. BURTON. We have to do something about that when there is intentional atrocities or attacks made wherever they occur.

Mr. Mutchler, just a couple quick questions and I will yield to my colleague. How successful are we? They are having some success in talking directly with the Cuban people but not anybody who is in prisons?

Mr. MUTCHLER. Not directly with people in prison. The Cuban Government has forbidden even the churches to send clergy to the prisons on a regular basis. So it is very difficult to get access. Of course the prisoners are imprisoned hundreds of miles away from their homes so that their family members find it very difficult even when they are permitted to visit to arrange transportation and pay for a long trip to the prison. That is done deliberately it seems, so it is difficult to get contact but some prisoners have been able to smuggle out diaries and their writings. Portal, for example, has published several on articles that we published on the Internet about what his conditions are like inside.

Mr. BURTON. Ms. Ros-Lehtinen, do you have questions?

Ms. ROS-LEHTINEN. Thank you, Mr. Burton, and I thank the panelists for being here.

I know that Mr. Fisk has been working around the clock after the Commission report came out about the new regulations and we will be hearing a lot about them. There is a great deal of interest in our community about the regulations and we thank you for the work that you have done and the work the Commission members have done and President Bush as well.

What the Commission has tried to do, as all of us know, is to not provide all of those funds that Fidel Castro has been receiving from folks who come to the United States, supposedly freeing political

persecution in Cuba, come to the United States and immediately go back and many of them are on legitimate family visits because they have a problem with their family, someone is ill, but some other people do it to celebrate their daughter's 15th birthday party and they plan these elaborate parties while the Cuban people are suffering and they are staying in these wonderful hotels and essentially having family vacations in a country where apartheid is still very much the norm because there is one set of life for the Cuban natives and another lifestyle for everyone else. Everyone else goes to the hotels and enjoys the restaurants and the beaches and the pools, and the Cuban people can't even afford any of that; but even if they were able to afford it, they can't use any of those facilities. So there has been a lot of abuse of the travel regulations, a lot of illegal activities and folks transporting money back and forth and not for humanitarian needs whatsoever.

The Bush administration has been very strong in always saying that humanitarian aid is in no way curtailed. If you want to put a container outside of the Rayburn House Office Building and fill it with food and medicine, the State Department and the folks right in front of us will be more than happy to help you transport the food and medicine to Cuba. There are no restrictions on sending humanitarian aid to Cuba. So those folks who say these new regulations hurt the Cuban people, that is totally incorrect because you can help the Cuban people all you want and in fact, the Cuban people know that there is no country more generous than the United States when it comes to food and medicine. If you put all the countries together, you sum all the humanitarian aid they send to Cuba and it does not equal the amount of humanitarian aid that the United States sends to Cuba, so that tells you about the true spirit of the American people toward the Cuban people. We hate the Castro regime and we love the Cuban people. That is shown every day when people come to the United States in desperate measures to try to reach these shores of liberty, even though they have heard the propaganda for sadly over 40 years of how the United States is a terrible place and how we discriminate against blacks so terribly, we beat up African-Americans on a daily basis, that is the new line he has been using a lot. Then you see the young people who have grown up knowing only communism, knowing no other frame of reference and they come to the United States because they know that Castro has been lying to them all the time.

Just as we saw with the very moving ceremony of Ronald Reagan last week in his memorial service where speaker after speaker talked about how he drew the line and he said, Mr. Gorbachev, tear down this wall and open up this gate and he spoke on behalf of freedom and liberty, so we will see that opening taking place in Cuba soon.

That leads me to my question to Ambassador Kozak because he has served in Cuba, he has served in Belarus, he knows about the experiences of communist governments. I wanted to ask him, based on what you have seen in Eastern Europe and the former Soviet Republic as they transformed into democracies, what lessons can be learned from that, what can better prepare us in supporting Cuban pro-democracy forces and in preparing for the inevitable day when freedom will reign in Cuba because who thought that Berlin Wall

would come down, who thought that the Soviet Union would disband? Ronald Reagan had that vision and I believe that is the same vision President Bush has. Could you tell us about the experiences that you have had in former communist governments and how they have evolved?

Mr. KOZAK. Actually one thing that strikes me was one of my colleagues in Havana was a Romanian diplomat who had been a member of Ceausescu's secret police. Why was he a diplomat with a democratic government? He was supposed to spy on the dissidents in Romania and instead befriended and helped them, so he was OK with the new government.

He told me the mechanisms of control here are very familiar to me, they are exactly as the same as were used in Eastern Europe, the Stalinist cookie cutter type mechanisms, but the degree of control in Cuba was far greater than anything he had seen in the former Soviet Union. He said they control things here that we wouldn't have thought of controlling and the degree of detail of control is just unbelievable.

Maybe one lesson I would draw from being in both a country still under that kind of oppression and ones coming out of it is, people in Cuba love the United States. The chairman is a very popular guy because Castro made all the school children read the Helms-Burton Act and they don't focus so much on Titles 3 and 4, they are looking at Titles 1 and 2 about freedom and democracy. So it is not a question of having to convince them that their situation is bad, they know it is. It is not a question of trying to convince them that a more free, open society is a good thing, but I find they have a really hard time relating to something like the United States. You see people in Eastern Europe and for them, like the people in Belarus, the United States is like Mars or something, it is such a dream world for them that they can't think of how do we get from here to there. I found it useful to use other countries that had recently undergone the same kind of transition and they would listen. If somebody came from Lithuania, right next door, and said we were in the same boat as you 10 or 15 years ago and here is what we did and it worked, that made sense to them. They could see how do you get from here to there whereas if you show them the final result, a country that has been democratic for 200 years, they can't make the connection. That might be one thing we could do, to try and engage more of the newly independent countries that had similar experience and learn lessons that way.

Mr. FISK. On the diplomatic side, we have found that our best friends in discussing freedom for the Cuban people happen to be those countries of the former Soviet Bloc makes sense. They experienced it firsthand, they know what it is like to search around on a radio to hear Voice of America or Radio Liberty just as a Cuban tries to find Radio Marti. I have heard those anecdotes and Mike has heard them, so we are doing what we can to reach out and work with the Central and Eastern Europeans in terms of how do we further work to build an international community that is focused on the plight of the Cuban people? They have been our allies in Geneva, they also have been our allies diplomatically working in this hemisphere and reaching out to Latin American which I will say in this forum has been somewhat missing in action in terms

of responding to the human rights abuses on the island. That is definitely an area in which we would like to see more voices speaking out on behalf of Cuban civil society.

If I can also say this is one reason why when we were working on the Commission for Assistance to a Free Cuba, we focused on our first two recommendations in the area of hastening dealt with the need to empower Cuban civil society and second and of equal importance, how do we break the regime's information blockade on the Cuban people? Those have to go hand in hand. It is not just a matter of the United States doing that. Again, it is finding willing friends and allies around the world.

Ms. ROS-LEHTINEN. Speaking of that, Mr. Fisk, to break that filter of propaganda of Fidel Castro, radio and TV Marti transmissions are so important and I know that we have them with us here now. How are the plans going for the C-130 so that we can broadcast without Castro's jamming? Many say if the signal doesn't get through, then we should not transmit which is so ludicrous. It is just saying we are going to give up. If he does A, then we have to stop doing B. The whole reason we are having those transmissions of freedom and information is because he has those filters and he jams our signal, so we need to get that information out. Just because he jams them does not mean that we should give up, that means we should try harder to improve the technology.

I know the Bush administration has done a great job in doing that. We had that one fly over and how are the changes coming in the technology?

Mr. FISK. This is one reason why the Commission focused on that and did not just focus on one or two instruments or assets, but talked about the range of how we get information, better get information into and onto the island, including how do we augment and enhance radio and TV Marti? We are in the midst of discussions now with the Broadcasting Board of Governors and the Department of Defense about that exact recommendation on the C-130 deploying it, as well as the follow-on recommendation which I would focus the subcommittee's attention on, a dedicated airborne platform, something that the Office of Cuba Broadcasting and Radio and TV Marti have regular access to in terms of getting the signal there.

Again, I would reemphasize that it is not just that one instrument. We are looking at a range of other options to increase the information flow to the island because ultimately I think the two most potent instruments we have are broadcasting and what is referred to as a Section 109 program in the Libertad Act. Those are the means that I think will ultimately help the Cuban people and hasten the day of freedom on the island.

Ms. ROS-LEHTINEN. Speaking of Section 109, that leads me then to the question for David. Could you elaborate on the success we have had with the Section 109 programs administered by U.S. AID? We thank you for that. Explain to the audience what that means.

Mr. MUTCHLER. Under Section 109, the President is authorized to promote democracy building efforts in Cuba by providing resources to U.S. non-governmental organizations, universities and other non-governmental organizations who have expertise in this

area and who have contacts on the island, throughout the island with the thousands of human rights activists who are active in Cuba as well as the hundreds of independent libraries on the island, so working very closely with the Department of State we have been able to provide books, videos, video recorders, VCRs and other informational materials to the Cuban people so that they can have access to outside information because the Cuban Government blocks or tries to block all outside information. That has been successful.

The short wave radios are very successful. I have been to Cuba four times, traveled throughout the island and I can tell you people really appreciate a small short wave radio with rechargeable batteries and a recharger, a very small package, but one that gives them instant access to the outside world. I have listened myself to these radios in the morning, at night, throughout the island, you can get Radio Marti on these radios. I have done it. You can get the BBC, you can get Voice of America, you can get a whole range of international broadcasts. That is very powerful technology for the Cuban people right now.

The Cuban people do not have access to the Internet. We want them to have access to the Internet. We are trying to work on ways to get them access to the Internet. The interest section of the United States in Havana developed a multimedia room so that Cubans coming in for visas or other reasons can access and surf the Web, can access the Internet, can watch a video, can get access to newspapers and that is very, very important for the thousands of Cubans who come through the U.S. Interest Section every year. We have been participating in that program as well.

These are all important things as well as providing very simple food stuffs, medicines, children's Tylenol, children's Aspirin to independent organizations on the island and to the families of political prisoners and others who share these with their neighbors as well as use them for themselves.

Ms. ROS-LEHTINEN. As we know, if you are a tourist in Cuba, you don't need to bring your own Tylenol or Aspirin or anything, there is plenty of that in all the drugstores. It is the Cuban people who have trouble getting all those medicines because Castro does have them for the tourists and not for the Cuban people.

One more question, and thanks for your indulgence, Mr. Chairman. I wanted to ask Mr. Fisk about the new regulations. What is the time line that he thinks they will be implemented, the ones the Commission presented to President Bush and that President Bush has implemented but as we know, you have to publish them and they have to be implemented. When will all the regs be done and what will happen next?

Mr. FISK. I will get you a more precise answer on this but they are to be published this week. We are looking at a June 30 effective date for the regulatory changes to go into effect. That is in the section we talked about in terms of hastening. The focus is how do we deny resources to the regime. Castro has built up a structure to milk and exploit what are humanitarian policies. That is something that came to the Commission's attention and we brought that to the President's attention, so you will see those going into effect over the next 2 weeks if my calendar is right.

If I can add one other thing to build on David's comment because the other part of this isn't just the regulatory side or the regime resources, it is looking at how we can increase our support to civil society. One of the recommendations the President approved was providing up to \$29 million more in assistance for civil society programs in addition to the current \$7 million. So we are talking about a fourfold increase over 2 years of exactly the kind of programs to get information and aid to the Cuban people.

There we are looking for innovative, cutting edge programs. We wanted the ability to complement what AID was currently doing but also to see how we can expand that and provide more resources because clearly the goal and the mandate from the President is an immediate impact, we want to see change as soon as possible so none of us have to wait any longer, especially the Cuban people, for the aspirations of the Cuban people to be fulfilled.

Ms. ROS-LEHTINEN. Thank you so much. Thank you, Mr. Chairman, for the time.

Mr. BURTON. Ms. Watson, do you have any questions?

Ms. WATSON. I just have a brief statement because I came in late and probably a lot of the testimony I wanted to hear has already been given but we are here because we are concerned about the human rights conditions in Cuba and the U.S. policy that results. I saw a new policy issued by the White House recently and I had some concerns. To put a complete chokehold on Cuba's economy is the wrong approach because it does affect the people. 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 the 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 perpetuate poor conditions for the general population in Cuba. In my last visit there, I was very interested as to their corporate, agricultural approaches so that there could be food for all.

Although I have some reservations on current U.S. policy, I have deep concern over recent human right abuses in Cuba. In March 2003, the Cuban Government, as you all know, began a massive crack down that resulted in the imprisonment of independent journalists and librarians, leaders of independent labor unions, leaders of opposition parties and other democracy activists. Seventy-five activists were arrested, subjected to summary trials, persecutions and given 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 and I join in that condemnation. On July 14, 2003, the Havana-based Cuban Commission for Human Rights in national reconciliation issued a report asserting that Cuba held 336 political prisoners including the 75 arrested in the March 2003 crackdown.

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 too many years. The Cuban Government must bring its

policies in line with international human 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 a responsibility to pursue a foreign policy that promotes human rights and avoided worsening human conditions. The United States 2004 quest for a resolution at the United Nations is indeed a fresh approach. I support the inclusion of the United Nations in the pursuit of acceptable guidelines for relations between different cultures.

For the rest of the time, I will be listening to see if I can gather pertinent information toward those points I raised. I yield back the rest of my time and thank you very much.

Mr. BURTON. Thank you, Ms. Watson.

I think that is all the questions we have for you. I want to thank you all very much for being here today. We appreciate your testimony.

Our next panel consists of Jamie Suchlicki, Omar Montenegro, Eric Olson and Miguel Reyes. Would you please come forward?

[Witnesses sworn.]

Mr. BURTON. Mr. Suchlicki, we will start with you. We are not too strict but if you could stay close to 5 minutes, we would appreciate it.

**STATEMENTS OF JAMIE SUCHLICKI, DIRECTOR, CUBAN TRANSITION PROJECT, UNIVERSITY OF MIAMI; OMAR LOPEZ MONTENEGRO, EXECUTIVE DIRECTOR, CUBAN AMERICAN NATIONAL FOUNDATION; ERIC OLSON, ADVOCACY DIRECTOR, AMERICAS, AMNESTY INTERNATIONAL; AND MIGUEL REYES, STEPSON OF RAUL RIVERO, A POET IMPRISONED IN THE MARCH 2003 DISSIDENT CRACKDOWN**

Mr. SUCHLICKI. Thank you, Mr. Chairman and members of the committee, for the opportunity to be here to discuss Cuba with you.

There are instances in the past where dictators and retiring leaders have mellowed with age or have mellowed because of incentives or pressures from other governments. There is no evidence that this is the case with Fidel Castro. As he has become older, he has become more difficult, more authoritarian, more repressive of the Cuban people. Cuba is undergoing right now, and I think this is important to understand the context of what is happening in Cuba now, what I call the Chinese type cultural revolution, not unlike that revolution that Mao carried out in China before his death in an attempt to purify his revolution to make sure that China would remain on the path he wanted. That it didn't is a lesson of history but Fidel Castro continuously thinks and attempts to make sure that once he passes out of this world, his revolution will remain within the communist doctrine, not friendly to the United States, supporting international terrorism and supporting the worst causes in the world.

The succession, to a certain extent, has taken place in Cuba by Fidel Castro passing significant amount of power to the military. Today, 60 to 65 percent of state enterprises are run by the Cuban military, so the succession to that institution, the military, is already affecting Cuba. Raul Castro, Fidel's brother, not too young by age, but 3 years younger, controls the military and is the heir ap-

parent in Cuba. So it is within this kind of cultural revolution, maybe not as violent as the Chinese or may be not as public as the Chinese, is that Fidel Castro in the past 3 or 4 years has been repressing civil society, has been trying to reindoctrinate the Cuban population in the ideas of Marxism and Leninism. Cuba is undergoing now what Fidel Castro calls the battle of ideas, to try to indoctrinate, to rejuvenate, to try to reinvigorate his revolution with Marxist-Leninist ideas. So the whole society has been reorganized, restructured, reemphasizing the values Fidel Castro would like to leave to the future generations and prevent any change in Cuba once he disappears.

I think it is important to emphasize that neither punishment, nor inducements have worked with Fidel Castro. The Europeans, the Canadians, the Latin Americans have been engaged with Cuba for a number of years, hundreds of thousands of tourists from those countries have visited Cuba and Cuba is no more democratic now than it was 20 years ago. As a matter of fact, I am arguing that it is probably more authoritarian, more totalitarian now than it was before. So neither engagement nor punishments have worked. Unfortunately, there are leaders in the world that we cannot negotiate with and cannot make a deal with, that they are not subjected to either bribery or pressures and therefore, we need to have the patience to stay the course, wait until there is a change there and then implement our policies.

I think the preceding members of the panel have discussed in detail the numerous abuses that have taken place in Cuba and are taking place. One of the ones I would like to point out, and in my testimony I expand on all these, in the written testimony, is the Internet. Fidel Castro now is clamping further the use of the Internet and in a decree he passed a week ago, he prohibited state enterprises from importing computers, fax machines and spare parts. In other words, he is so paranoid about the possible influence of outside forces and his mindset is on succession and not permitting any change in Cuba that he is repressing even the spare parts for computers and fax machines.

The challenge that we face is how do we try to prevent this regime from continuing to abuse the Cuban people? It is a difficult challenge. Part of it has to be mobilizing public opinion, part has to be working with our allies in Europe, part has to be in trying to bring information to the Cuban people. So there are a number of measures and I think the administration is beginning to introduce some of those that will try to influence internal developments, try to bring information to the Cuban people and try to put greater pressure on the regime not to continue to abuse the Cuban people.

At the University of Miami, we have a project looking at transitions in Eastern Europe and looking at all aspects of transition. All of these studies which are more than 40, we have created data bases, information, all of these things have been sent to Cuba through various means. We want the Cuban people to understand the problems of transition, we want them to understand what has happened in Eastern Europe and in the Soviet Union so we are trying to help penetrate that barrier of information that Fidel Castro has created. It is not an easy job, it is a very complex job but I think it is important to stay the course. I don't think a change in



American foreign policy now in terms of providing Castro with tourism or aid or trade is going to change the course he has set for the Cuban people. Castro's policies are independent of American foreign policy. What he does is his own interest, in the interest of maintaining his revolution even if he disappears and dies because he is looking far ahead.

So succession in Cuba unfortunately is going to be somewhat easy and quick, transition is going to be long and difficult and that is the challenge we face.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Suchlicki follows:]

**United States Congress  
House of Representatives  
Committee on Government Reform  
Human Rights Conditions in Cuba  
Testimony of Jaime Suchlicki\*  
June 16, 2004**

The Castro government's intolerance of dissent and any freedoms in Cuba remains unique in Latin America. The 45-year-old dictatorship of Fidel Castro is bent on maintaining tight political control now and into the foreseeable future

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

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

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

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

---

\* Jaime Suchlicki is Emilio Bacardi Moreau Professor of History and International Studies and Director of the Institute for Cuban and Cuban-American Studies at the University of Miami. He was the founding Executive Director of the North-South Center. For the past decade he was also the editor of the prestigious *Journal of Interamerican Studies and World Affairs*. He is the author of *Cuba: From Columbus to Castro* (2002), now in its fourth edition, and editor with Irving L. Horowitz of *Cuban Communism* (2001). He is also the author of *Mexico: From Montezuma to NAFTA* (2001). He is a highly regarded consultant to both the private and public sector on Cuba and Latin American affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **FREEDOM OF THE PRESS**

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

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

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

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

#### **ACCESS TO INFORMATION**

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

#### **FREEDOM OF ASSOCIATION**

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

---

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

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

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

### **ECONOMIC FREEDOM AND LABOR RIGHTS**

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

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

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

---

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

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

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

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

#### **EDUCATIONAL FREEDOM**

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

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

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

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

### **RELIGIOUS FREEDOM**

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

### **JUDICIAL SYSTEM**

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

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

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

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



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

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

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

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

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

Mr. BURTON. Thank you. I have some questions about that when we get to the question session.

Mr. Lopez.

Mr. MONTENEGRO. Thank you.

I want to thank you first for the opportunity to be here to testify about what it is like to be living in fear in the country where I was born and raised, Cuba.

When I started in the human rights movement inside Cuba 16 years ago, this was one of my dreams, to be here 1 day to speak on behalf of my brothers and sisters still living in Cuba. Thank God I am able to fulfill this part of my dream because unfortunately there are a lot of people in Cuba for whom freedom of speech is still a goal, an aspiration.

In a country where people can be sentenced to 28 years in prison for speaking their minds, fear is not a feeling to cope with from time to time but a permanent condition and an effective tool of repression used to stay in power by the most repressive system our hemisphere has endured. It instills fear because it lacks the ability to inspire hope. This statement can be measured in figures and also by the most prestigious human rights institution around the world. The Cuban regime holds a very objectionable record in this matter which includes the following statistics.

The highest number of prisoners of conscience per capita, 84, recorded by Amnesty International; the highest number of inmates per capita, 888, for ever 100 inhabitants registered by the Center for Peaceful Studies; second place on the list of the 10 worse places to be a journalist compiled by the Committee to Protect Journalists; 1 of the 10 most repressive regimes in the world appeared in the Worst of the Worst report by Freedom House; second from last, 165th place among 166 countries on the World Press Freedom Index compiled by Reporters without Borders; 153rd place among 166 countries on the Index of Economic Freedom prepared by the Wall Street Journal and the Heritage Foundation, that is the record of the Cuban Government and the facts speak for themselves. They tell the story of a society with no chance or to say in the regime's own words, only two options, socialism or death. That was the message the dictatorship tried to send with the March 2003 crackdown when 75 activists were sent to prison because they challenged the system by standing up for their rights. The regime was afraid because they challenged the culture of fear, opening spaces and creating new options against the will of the government.

In Cuba, fear does not only mean people being afraid of the government, but also the government being afraid of those who will not fear any more but at least are capable of moving beyond fear. That is the story to be stressed out in Cuba, how more and more people are showing they can overcome fear and move ahead for a better future.

Six months after the March crackdown, 14,000 new signatures were presented to the national assembly in support of the Varela Project. More than a year after the crackdown, the Santa Rita Mothers, a group of mothers, wives and relatives of political prisoners marched every Sunday in the streets of Havana asking for freedom for their relatives in prison. Last May 9 on Mother's Day,

they gathered in a public park and read out loud the names of more than 300 political prisoners in Cuba. That is citizenship in motion looking for ways to make their voices heard in a repressive society but they cannot do it alone. They need our help and support in practical and effective ways.

We need to increase the aid to civil society inside Cuba and make sure that this aid gets to the island into the hands of the most needy, those who are facing repression, the political prisoners and their relatives, the activists, the human rights activists and the opposition leaders. Some practical ideas can be sending paper, pens, food, clothing and medicines to help satisfy their needs and create dissident networks. Send a laptop, cellular devices and other advanced communications technology to overcome the regime's efforts to divide and silence those dissident networks. Radio and TV Marti needs to be heard and seen in Cuba in an effort to ensure that the Cuban people have access to uncensored news and information.

Mr. Chairman and members of the committee, fear is always fueled by mistrust and isolation, the feeling of being alone facing a gigantic and overpowering enemy. I know that by experience. The regime knows that and that is why they make every considerable effort to divide the internal and external opposition. I remember that in those early days when not many people knew about the so-called dissident movement, every time I was detained and questioned by officers of the political police, they always said they can kill me and nobody would know about it because nobody really cares. That wasn't true then and that isn't true now but we need to remove the base of that culture of fear which is still trapped in a large part of the Cuban population.

The Noble Peace prize winner, Daw Aung San Suu Kyi, Burma's best known human rights leader, once said, "The only real prison is fear, and the only real freedom is freedom from fear." If we want to really free the Cuban people, we must help them to stop living in fear and we must provide them ways to start overcoming fear.

Thank you very much.

[The prepared statement of Mr. Montenegro follows:]

Statement by Omar Lopez Montenegro, trustee of the *Cuban American National Foundation*  
 To the Subcommittee on Human Rights in Cuba, Committee on Government Reform  
 June 16, 2004

Mr. Chairman  
 Distinguished members of the Subcommittee:

I want to thank you first for giving me the opportunity to be here, testifying about what is like to be living in fear in the country where I was born and raised, Cuba. When I started in the human rights movement inside Cuba 16 years ago, this was one of my dreams, to be here one day to speak on behalf of my brothers and sisters still living in Cuba.

Thank God I am able to fulfill this part of my dream, but unfortunately, there are a lot of people in Cuba for whom freedom of speech it's still a goal, and aspiration, or a cause worth fighting for. In a country where people can be sentenced to 28 years in prison for speaking out their minds, fear is not a feeling to cope with from time to time, but a permanent condition and an effective tool of repression used to stay in power by the most repressive system our hemisphere has endured. It instills fear because it lacks the ability to inspire hope

This statement can be measured in figures, and also by the evaluations made by the most prestigious human rights institutions around the world. The Cuban regime holds a very objectionable record in this matter, which includes, among other statistics, the following:

- The highest number of prisoners of conscience in the world (84), recorded by Amnesty International.
- The highest number of inmates per capita, 888 for every 100,000 inhabitants, registered by the Center for Prison Studies.
- Second place in the list of the ten worst places to be a journalist, compiled by the Committee to Protect Journalists.
- One of the Ten most repressive regimes in the World, appearing in the Worst of the Worst report by Freedom House.
- Second from last (165 place among 166 countries) on the World Press Freedom Index compiled by Reporters Without Borders.
- 153 place among 156 countries (listed under the repressed category) on the Index of Economic Freedom prepared by the Wall Street Journal and the Heritage Foundation.

The facts speak for themselves. They tell the story of a society with no options, or to say it in the regime's own words, with only two options: Socialism or Death. That was the message the dictatorship tried to send with the March 2003 crackdown, when 75 activists were sent to prison because they challenged the system by standing up for their rights as individuals. The regime was afraid because they challenged the culture of fear, opening spaces and creating new options against the will of the government. In Cuba, living in

fear does not only mean people being afraid of the government, but also the government being afraid of those who do not fear anymore, or at least are capable of moving beyond fear.

And that's the story to be stressed out in Cuba, how more and more people are showing they can overcome fear and move ahead for a better future. Just six months after the March crackdown, 14,000 new signatures were presented to the National Assembly in support of the Varela Project, an initiative asking for freedom of expression, freedom of assembly and freedom of enterprise for all Cubans. More than a year after the crackdown, the Santa Rita Mothers, a group of mothers, wives, and relatives of political prisoners march every Sunday in the streets of Havana, dressed in white, portraying buttons with the pictures of their relatives in prison. Last May 9, on Mother's Day, they gathered in a public park and read out loud the names of more than 300 political prisoners in Cuba.

That's citizenship in motion, looking for ways to make their voices heard inside a repressive society. But they cannot do it alone, they need our help and support in practical and effective ways. We need to increase the aid the civil society in Cuba, and to make sure that this aid gets to the Island, to the hands of the most needy, those who are facing repression. In this sense, some practical ideas can be:

- Sending paper, pens, food, clothing and medicines, to help them satisfy their needs and create dissident networks.
- Sending laptops, cellular devices and other advanced communication technology to overcome the regime's efforts to divide and silence those dissident networks.
- Radio and TV Marti needs to be heard and seen in Cuba. We must effort to ensure that the Cuban people have access to uncensored news and information.

Mr. Chairman  
Distinguished members of the Subcommittee

Fear is always fueled by mistrust and isolation, the feeling of being alone facing a gigantic and overpowering enemy. The regime knows that, and that is why they make every conceivable effort to divide and atomize the internal and external opposition. I remember that in those early days, when not many people knew about the so called dissident movement, every time I was detained and questioned by officers of the political police they always said that they can kill me and nobody would know about it, because nobody really cares.

That wasn't true then, and that isn't true now. But we need to show it, to remove the base of that culture of fear which still traps a large part of the Cuban population. Nobel Peace Prize Winner Daw Aung San Suu Kyi, Burma's best known human rights leader, once said: "The only real prison is fear, and the only real freedom is freedom from fear".

If we want to free the Cuban people, we must help them to stop living in fear, and provide them ways to start overcoming fear.

Mr. BURTON. Thank you, Mr. Lopez. I will have a couple of questions for you in a moments.

Mr. Olson.

Mr. OLSON. Thank you, Mr. Chairman. I appreciate your organizing this hearing and thank you to the members of the subcommittee for their continued interest in this very important issue.

It is my pleasure to appear today before the subcommittee to discuss the human rights situation in Cuba and in particular, the status of 82 Cubans designated as prisoners of conscience by Amnesty International. I would like to submit to the record an Amnesty International report released in March 2004 entitled, "One Year Too Many, Prisoners of Conscience from the March 2003 Crackdown." The report details the current physical and mental state of 75 of the 79 prisoners of conscience arrested during the March 2003 crackdown in Cuba.

Given our rather limited time, I would like to briefly summarize parts of this report and other recommendations from Amnesty International.

Last October, I had the opportunity to appear before the subcommittee to analyze the crackdown in Cuba on Cuban dissidents that began on March 18, 2003. Allow me to highlight briefly a few of the main observations we made at that time. The March 2003 crackdown was the largest in recent Cuban history. Arrests were followed by summary trials and long prison sentences, in some cases up to 28 years. The crackdown broke what appeared to be a trend away from long term detentions for political dissidents in Cuba. What distinguishes this crackdown from many previous massive arrests is not the number but the laws used to convict dissidents in Cuba. This was the first time that the Cuban authorities used the so-called Law 88 in criminal proceedings. Law 88 officially known as the law for protection of national independence and the economy of Cuba is a direct response to the perceived U.S. aggression with the adoption in the United States of the Cuban Liberty and Democratic Solidarity Act of 1996, well known as the Helms-Burton Act.

Let me briefly highlight some of the issues of the prisoners of conscience arrested in March 2003. In March 2004, Amnesty issued a new report that reviewed the status of 75 of the 79 prisoners of conscience arrested in March and called attention to a number of troubling issues related to their incarceration. Among Amnesty International's findings I would like to highlight the following.

Amnesty International has denounced the Cuban Government's practice of deliberately incarcerating the 75 individuals in prisons located at extreme distances from their homes and families. This makes access to families and legal assistance particularly difficult and can be construed as an additional penalty imposed upon the prisoners and their families. This practice contravenes the United Nations body of principles for the protection of all persons under any form of detention or imprisonment, known as Principle 20.

For example, Normando Hernandez Gonzales, who lives in Vertientes in the province of Camaguey is serving his sentence in Pinar del Rio province, nearly 700 kilometers away, while Eduardo Diaz Fleitas from Pinar del Rio is being held in Kilo 8 prison in Camaguey.

Amnesty has also received scattered allegations of ill treatment by prison guards or by other prisoners reportedly with the complicity of prison guards. Such instances would contravene Article 4 of the Universal Declaration of Human Rights which states that "No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." In one such case, reports indicate that a prisoner of conscience, Victor Rolando Arroyo Carmona, was taken from his cell by three prison guards on December 31, 2003 and dragged to the floor while reportedly being struck in the face and body. Guards also allegedly trapped his leg in a door to immobilize him during the beating.

There are other incidents of abuse but I won't take time now to highlight those. I wanted to just say a bit about health issues which is also a major concern for prisoners.

Amnesty International is concerned at numerous reports of illnesses among the prisoners which have reportedly been aggravated by prison conditions, insufficient access to appropriate medical care and at times hunger strikes. The U.N. body of principles for the protection of all prisoners under any form of detention and imprisonment states that, "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment and thereafter, medical care and treatment shall be provided whenever necessary."

According to reports that we have received, at the time of his arrest, Oscar Espinosa Chepe had already been diagnosed with chronic cirrhosis of the liver and liver failure and bleeding from the digestive tract among other illnesses. Since his arrest, his health has reportedly deteriorated. According to family members, the deterioration has been due in part to the poor conditions in which he is being held including lack of running water and lack of clean drinking water as well as by inadequate medical attention. While in detention, he has reportedly been hospitalized several times due to liver problems. In July 2003, his family presented a judicial request for his release on the grounds of his ill health. They have reportedly received no response from the authorities.

I would like to say a brief word about some recent releases of prisoners. According to information we have received, five prisoners of conscience were released from jail just last week. Most of them appear to have been released on humanitarian grounds for health reasons. Leonardo Bruzon Avila had been in declining health for some months because of repeated hunger strikes. He along with Carlos Alberto Gonzales, Emilio Leyva and Lazaro Rodriguez also were released and have been in prison without trial for 27 months. They were not part of the 75 arrested beginning in March. Miguel Valdez Tamayo, reportedly suffering from serious cardiovascular problems, was apparently given what is called a "licencia extrapenal," which means he continues serving his sentence under house arrest. The others have been granted immediate freedom or "cambio de medidas." Leonardo Bruzon has reportedly accepted refuge in France but has not departed the island.

While these releases are welcome, they do not satisfy Amnesty International's call for immediate and unconditional release of all prisoners of conscience. In addition, Amnesty International urges

the Cuban Government to ensure that the newly released prisoners have access to any necessary health care services.

I have a few recommendations but I realize the time has expired.

Mr. BURTON. You can submit those for the record and we will take a look at them.

Mr. OLSON. I would be glad to.

[The prepared statement of Mr. Olson follows:]





**Testimony before the Subcommittee on Wellness and Human Rights,  
Committee on Government Reform  
United States House of Representatives  
Presented by Eric L. Olson, Advocacy Director for the Americas  
Amnesty International USA  
June 16, 2004**

Mr. Chairman, Members of the Subcommittee, it is my pleasure to appear today before this subcommittee to discuss the human rights situation in Cuba, and, in particular, the status of 82 Cubans designated as *Prisoners of Conscience* by Amnesty International.

I would like to submit for the record an Amnesty International report released in March 2004 entitled, "One Year Too Many: Prisoners of Conscience from the March 2003 Crackdown." The report details the current physical and mental state of 79 prisoners of conscience arrested during the March 2003 crackdown in Cuba. Given our rather limited time I would like to briefly summarize parts of this report and other recommendations from Amnesty International.

Last October, I had the opportunity to appear before this subcommittee to analyze the crackdown on Cuban dissidents that began on March 18, 2003. Allow me to highlight a few of the main observations we made at that time:

- The March 2003 crackdown was the largest in recent Cuban history.
- Arrests were followed by summary trials and long prison sentences, in some cases up to 28 years.
- It broke what had appeared to be a trend away from long-term detentions for political dissidents.
- Finally, what distinguishes this crackdown from many previous examples of mass arrest is not the number, but the laws used to convict dissidents in Cuba.

This was the first time that the Cuban authorities used the so-called Law 88 in criminal proceedings. Law 88, officially known as the Law for the Protection of National Independence and the Economy of Cuba, is a direct response to perceived US aggression with the adoption in the United States of the "Cuban Liberty and Democratic Solidarity Act of 1996," known as the Helms -Burton Act.

Law 88 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. In the trials, dissidents were accused of engaging in activities that the authorities perceived as subversive and damaging to Cuba's internal order and/or beneficial to the embargo and related US measures against Cuba. Concretely, the prosecution accused them of activities such as publishing articles critical of economic, social or human rights issues in Cuba; being involved in unofficial groups considered by the authorities as counter-revolutionary; or having contacts with individuals viewed as hostile to Cuba's interests.

#### **Overview of the situation of the 79 prisoners of conscience arrested in March 2003**

In March 2004, Amnesty International issued a new report that reviewed the status of 75 of the 79 prisoners of conscience and called attention to a number of troubling issues related to their incarceration. Among Amnesty International's findings I would like to highlight the following:

1) Amnesty International has denounced the Cuban government's practice of deliberately incarcerating the 75 individuals in prisons located at extreme distances from their homes and families. This makes access to families and legal assistance particularly difficult, and can be construed as an additional penalty imposed upon the prisoners and their families. This practice contravenes the United Nations Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment, Principle 20.

For example, **Normando Hernández González**, who lives in Vertientes in the province of Camagüey, is serving his sentence in Pinar del Río province, nearly 700 kilometers away, while **Eduardo Díaz Fleitas** from Pinar del Río is being held in Kilo 8 prison in Camagüey.

In addition, the exchange of **correspondence and telephone communications** between many prisoners and their families has reportedly been restricted, and family visits limited, according to families as a form of harassment by prison officials.

In cases such as that of nine prisoners of conscience held in Kilo 8 prison in Camagüey province, prison authorities have reportedly made efforts to deter prisoners from carrying out activities such as studying the Bible, for example, by threatening to suspend family visits. This would also contradict the principles of the UN Standard Minimum Rules for the Treatment of Prisoners, paragraphs 41.3 and 42.

2) Amnesty International has received scattered allegations of ill-treatment by prison guards or by other prisoners, reportedly with the complicity of prison guards. Such instances would contravene article 4 of the Universal Declaration of Human Rights, which states that:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".(10)

In one such case, reports indicate that prisoner of conscience **Víctor Rolando Arroyo Carmona** was taken from his cell by three prison guards on December 31, 2003 and dragged to the floor while reportedly being struck in the face and body. Guards also allegedly trapped his leg in a door to immobilize him during the beating.

Some prisoners have reportedly been held in **solitary confinement** for extended periods. Amnesty International believes that if solitary confinement is used, strict limits should be imposed on the practice, including regular and adequate medical supervision by a doctor of the prisoner's choice and the right to appeal prison authorities' decisions. Amnesty International believes that solitary confinement can have serious physical and psychological effects and in certain circumstances can constitute cruel, inhuman or degrading treatment or punishment.

Amnesty International has received information indicating that at least one of the prisoners, **Próspero Gainza Agüero**, was chained during his transfer to the prison infirmary, in contravention of these rules. The Standard Minimum Rules for the Treatment of Prisoners, paragraph 33 states that "**chains or irons** shall not be used as restraints."

3) With regard to **health issues**, Amnesty International is concerned at numerous reports of illnesses among the prisoners which have reportedly been aggravated by prison conditions, insufficient access to appropriate medical care and, at times, hunger strikes. The UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment states that:

"A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary".(11)

According to reports, at the time of his arrest **Oscar Espinosa Chepe** had already been diagnosed with chronic cirrhosis of the liver and liver failure and bleeding from the digestive tract, among other illnesses. Since his arrest, his health has reportedly deteriorated. According to family members, the deterioration has been due in part to the poor conditions in which he is being held, including lack of running water and lack of clean drinking water, as well as by inadequate medical attention. While in detention he has reportedly been hospitalised several times due to liver problems. In July 2003, his family presented a judicial request for his release on the grounds of ill health; they have reportedly received no response from the authorities.

In addition, some family members of prisoners have reportedly been **harassed** by the authorities, due to their own dissident activities or their efforts on behalf of imprisoned family members. Such harassment has reportedly taken the form of threats, summons, interrogations and curtailment of access to prisoners.

**Orlando Fundora Alvarez's** wife, for example, was reportedly threatened with arrest

and with reprisals against her husband in prison, if she attended a reception given by the Polish Embassy in Havana in November 2003.

4) According to information we have received, five Prisoners were released from jail last week. Most of them appear to have been released on humanitarian grounds for health reasons. Leonardo Bruzon Avila has been in declining health for some months because of repeated hunger strikes. He, along with Emilio Leyva and Lazaro Rodriguez, also released, had been in prison without trial for 27 months. Miguel Valdez Tamayo, who is reportedly suffering from serious cardiovascular problems, was apparently given a "licencia extrapenal," which means he continues serving his sentence under house arrest. The others have been granted "cambio de medidas" and granted immediate freedom. Bruzon has reportedly accepted refuge in France but has not departed the island.

While these releases are welcome, they do not satisfy AI's call for immediate and unconditional release of all prisoners of conscience. In addition, AI urges the Cuban government to ensure that the newly released prisoners have access to any necessary health care services.

**Recommendations:**

Let me conclude by summarizing some of the recommendations Amnesty International has made to both the Cuban government and the United States government.

Amnesty International calls on the Cuban government:

- to order the immediate and unconditional release of all prisoners of conscience, including those arrested in the March 2003 crackdown as well as all other such prisoners recognized by the organization;
- to immediately and unconditionally release all those detained or imprisoned solely for having peacefully exercised their rights to freedom of expression, association and assembly;
- to provide prisoners with adequate medical care and treatment whenever necessary, as defined in the UN Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment (Principles 24 and 26).

Amnesty International urges the United States 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.
- to immediately suspend decisions on any measures that could toughen the embargo, would worsen humanitarian conditions in Cuba and are 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.

- 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, but, also, it has been used by Cuban officials who cite it as a justification for repressive measures.
- to 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. seeking 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. building 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.

Thank you.

Mr. BURTON. Mr. Reyes.

Mr. REYES. Good morning to all of you.

I thank the committee for allowing these Cubans to speak on behalf of the Cuban political prisoners.

In Cuba, freedom of speech and thinking is most horrible. The truth is the criminal they fear the most. The United Nations Universal Declaration of Human Rights says, "Nobody should be prosecuted for the content of speech." I doubt that any one of you could support any U.S. Government regulations establishing that people write in favor of the government cannot speak their mind but people criticizing or denying the government cannot. However, that is one of the reasons given by the Cuban Government to send the writer, Raul Rivero, to jail for the next 20 years. The second reason is that Raul Rivero met with top U.S. diplomats in Havana. In the trial, Raul Rivero admitted that he had not only met the U.S. diplomats in Havana, but also met diplomats from other countries, political leaders, journalists, dissident professors at their request because they want to know more about Cuba not only the official version.

I hope everyone here agrees that choosing our friends or who we invite to our homes or not is a very personal decision. However, in Cuba, 75 dissidents are suffering for doing exactly that. Since March 18, 2003 when he was arrested, my stepfather has lost over 80 pounds of weight because of the bad conditions and the small portion of food he receives. For 1 year, he was confined in a 6 x 4 cell in which he had to wipe the walls and the floor every day because of the humidity. A few weeks ago, he was transferred to another location within the same prison where he is staying now along with criminal robbers and murders. Recently, he was announced with pulmonary emphysema.

After that, four political prisoners were released due to health conditions. Many people in Cuba think they were released only because the government feared they could die in prison. My stepfather is not the only political prisoner under these conditions. There were 74 others arrested between March 18 and 20 of last year. They joined the more than 250 that were already in jail.

Today, I want to present the answer to Cuban Prime Minister's speech before the International meeting in Havana on March 24, 2004 by a letter sent by Senor Reyes, president of the Center for Social Studies who was condemned to 25 years of prison for the same crime as Raul Rivero. First, do you know how many prisoners are disabled because they have ingested salt and other chemicals because of the rigorous prison system. They say that they don't beat the prisoners. I invite them seriously to come here and I will show them of the beaten prisoners which is known by everybody here including the state security. The evidence is here.

I can't believe that food given to prisoners is adequate. The food served here is not even good for the dogs that watch the prison perimeters. In most case, it is rotten. There is a big business with the food that belongs to the prisoners and when someone complains about it and asks for better quality food, he takes a chance to be beaten. I have many examples of this for whoever wants to know. This is what Mr. Peraser was writing to Mr. Rocas in Havana.

Fortunately, Cuban dissidents are not alone. They have the solidarity of many human rights and political organizations around the world and this body as well. Many political dissidents and their families have food because public and private funded organizations are taking care of them.

I respectfully ask this body to increase the funds for the civil society in Cuba. It is true that more than 300 people are imprisoned because of their political ideas. It is true also that more than 11 million Cubans are suffering but there are also thousands of Cubans fighting for democratic change. They live in a totalitarian society that controls the media and the transportation. The more independent they are, the more of a threat they can be. They need international support to spread the ideas to the island. They need to update and maintain the political conduct with the rest of the world. They need to keep an active and efficient representation outside the country. The Cuban people need their true friends to liberate our people. Only a combination of solidarity, material support and more political pressure can achieve that.

Thank you very much and God bless America.

Mr. BURTON. Thank you, Mr. Reyes.

Mr. Suchlicki, some of the things you said in your opening statement were troubling. You said that you thought there was going to be continuity after Fidel Castro dies because he is turning over about 65 percent of the state-owned businesses to the military. That is very depressing because we have been told many times by dissidents and others that when he goes, Raul Castro couldn't hold the communist regime together. You don't agree with that?

Mr. SUCHLICKI. There are two levels of analysis here. One is the level of leadership analysis where you look at the leadership of Cuba and say, does Raul have the charisma, the support, is Raul a good successor for Fidel Castro. Then there is another level of analysis which looks at the institutional strength of Cuba, the military, the Communist Party, the security apparatus. Based on that second type of analysis which is the one I follow and look at, we have a unified military in Cuba, we have a military that is involved in the economy and like I said is running 65 percent of the economy, doing well, making money, so how do you get that military out of power and back to the barracks? How do you transform that kind of society? So I am not so optimistic that once Fidel dies, this thing is going to fall apart.

All of the officers at the higher echelon of the military have been nurtured by both Fidel and his brother, Raul. The second echelon have also been nurtured by Raul. So you do have a military that is loyal to Raul and will support him in a succession and a change.

Mr. BURTON. That is the officers in the second tier maybe. What about the rank and file military personnel? All they are getting is their pay.

Mr. SUCHLICKI. You can assume a lot of scenarios. One, that the military will collapse or split, that the population of Cuba the day Fidel dies, jumps in the street, that there is another crisis with the United States and there is a confrontation with the United States, but I provide low probability to any of those scenarios. My high probability scenario, although it is pessimistic and not very optimistic is that once Fidel dies, the Politburo of the Communist

Party will meet, Raul will be appointed and would become Secretary General of the party, will continue to be head of the armed forces, the Politburo will appoint some civilian leader of Cuba to continue to run the government and we will have a joint leadership. Whether the population at that point will support it, whether that leadership will be willing to provide significant changes, what policy initiatives does the United States take at that moment to try to encourage change, is the dynamic.

I don't foresee and I hope I am wrong that once Fidel dies, this whole thing will fall apart and we will have an Eastern European type revolution in Cuba.

Mr. BURTON. I am one of the senior members of the Foreign Affairs Committee in the House and if you have suggestions on how we could see positive change down there, any of you for that matter, I would like to have you submit those to us so we could take a look at them long term.

Mr. SUCHLICKI. I would be happy to.

Mr. BURTON. Mr. Lopez, you said something in your remarks about getting the proper items, humanitarian aid and other things, to the people. One of the problems we have seen in the past was when we got stuff down there, even through NGO's, the government controls them and Fidel Castro doesn't let those products that are very important get to the people. He uses those instead for commerce and for bringing tourism to the island. The things like Tylenol and others, the people don't get.

You suggested we need to do something to get those items to the people. How do you suggest we do that?

Mr. MONTENEGRO. We are doing it through the Cuban-American National Foundation. We send medicines, food, anything to dissidents or political prisoners. As a matter of fact, we sent a package to Miguel's mother, Ms. Reyes, every month. You have to use your own channels, you have to create your own network. That is what we are doing.

Mr. BURTON. So you are doing it in a kind of covert way to make sure it gets to the people?

Mr. MONTENEGRO. Yes. You have to avoid the official channels because that is what happens, exactly what you said. The Cuban Government uses them, selling in the stores, but you can use people who are going to Cuba every day on a daily basis, tourists from Latin America, from Europe, NGO's that are working in Europe and also in Latin America, they are working inside Cuba and you can use those channels to send the material aid to Cuba.

The technological devices are also very important because inside Cuba, and I have another perspective because I was living in Cuba for a long time, the Cuban population admires everything that is technological advanced because it is such a closed society that when somebody sees a laptop.

Mr. BURTON. But are they allowing the people to get those things? I thought Castro was clamping down, saying the people couldn't get computers, fax machines and so forth?

Mr. MONTENEGRO. Yes, but you can send the computer. For example, we sent laptops to Vladimir Roca and some of them are still working. Some people have cell phones, satellite phones in Cuba right now.



Mr. BURTON. But they have to keep that kind of quiet?

Mr. MONTENEGRO. Yes.

Mr. BURTON. Mr. Reyes, I didn't get from you why your stepfather was arrested. He is a poet but what did he do to make Castro want him incarcerated?

Mr. REYES. His only crime was writing and saying his beliefs.

Mr. BURTON. Did he write some poetry that criticized the government?

Mr. REYES. No. He just was telling the truth, just telling what the Castro media, the Castro government doesn't want to hear from the people, telling what is happening in Cuba which they know what is happening in Cuba but they don't want one person saying to the rest of the Cuba, listen I can say this, you can follow me. I believe that is why Raul was condemned to 20 years.

Mr. BURTON. Ms. Watson, do you have any questions?

Ms. WATSON. I am just wondering as Fidel Castro ages and I think he has been in office for 44 years and the changing circumstances in the world, let me liken this to CARICOM and Haiti, could not a group of the nations down in that area along with us have the kind of deliberation sessions and meetings with Fidel Castro. We were down there toward the end of last year and he met our delegation, I guess he is famous for this. We started at 9 p.m., he was 6 hours on the television and came to meet with us. We got into such a meaty discussion where he talked about his detainees and he said, he turned around to us and said, well, you have a Constitution and when somebody violates the Constitution and the Bill of Rights, what do you do? He said, the people I have detained have done A, B and C. I don't know how much that could be backed up with fact but we had an open discussion which I felt he was very sincere. He has a vision for where he wants to take his country and that has been the vision of the revolution ever since.

Since there is no longer a Soviet Union and the other countries that were supportive of him, would you think it would be effective to bring these neighboring countries together in a negotiated dialog with Fidel Castro? Certainly human rights offenses cannot be accepted in our hemisphere or anywhere, so I think we have some ways of really putting pressure on him. I don't think the sanctions are working and they are hurting many people.

I was really big on going back until the atrocities that I mentioned before were committed but I do think maybe it is now time to seriously get into ongoing discussions. We just lost President Ronald Reagan and he was famous for saying tear down that wall and then going into some discussions. What do you think?

Mr. SUCHLICKI. I think it is not an issue of discussions. I think we have had discussions with Fidel. The question is, is he willing to provide meaningful concessions in exchange for a change in American foreign policy. The answer has traditionally been no. So we do have a leader that is not really that interested in relations with the United States. He would like unilateral concessions with the United States, unilateral lifting of the ban without him having to provide irreversible concessions on Cuba.

Ms. WATSON. So what am I hearing you say, that is not the route to take?

Mr. SUCHLICKI. Europeans have tried, the Europeans have had engagement with Cuba for the past 20 years, have tried to talk to Fidel Castro.

Ms. WATSON. That is the past, what do you think will work in this climate, in this era, in the present?

Mr. SUCHLICKI. I don't think there are leaders that are not willing to provide change.

Ms. WATSON. No, no. I would like you to help us. What would you suggest, what do you think would work?

Mr. SUCHLICKI. I think maintaining the policy, not changing U.S. foreign policy, not providing unilateral concessions to Fidel Castro unless he is willing to provide reciprocal concessions. Hold the policy of the embargo and the ban for the time there is a leader there willing to open up Cuba and willing to provide concessions. Work with the international community to bring about pressure. The Caribbean countries are small, poor. Castro is not interested in them. They are not going to help. Maybe Brazil would help a little bit, maybe the Europeans can help. Try to highlight the violations of human rights publicly, keep the spotlight on the violations of human rights so the world sees what is happening in Cuba and then you have a plethora of overt and covert policies that the U.S. Government can follow to accelerate a process of change.

At the invitation of the chairman, I will be submitting a list of suggestions for the U.S. Government to handle. So I don't think it is the moment to change policy. Fidel Castro hasn't earned anything, so why should we change the policy?

In Latin America, since the Carter administration, we have been consistent in advocating civilian government, human rights and democratic government. President Carter intervened in Haiti to try to create a democratic government there. President Reagan intervened in Grenada to get rid of the thugs that had created the communist regime there. President Bush, the first, intervened in Panama to bring and restore democracy to that country. I am not saying we should intervene militarily in Cuba, I am not advocating that but aren't the Cubans deserving of the same support on the part of the United States or are the Cubans less than other Latin American countries and therefore we should resign to have a long term dictatorship in Cuba and provide money and tourism and trade and aid which will continue the present structures of Cuba, will consolidate the present structure of Cuba and commit the Cuban people to a much longer dictatorship.

Ms. WATSON. I think you missed something in my query and that was what were the benefit.

I am going to go on to Mr. Lopez. In my query, I said would it be worth sitting down having a negotiated kind of discussion. When I say negotiated, that means both sides have to play. You have to give to get.

Mr. MONTENEGRO. The Varela Project was a negotiation between the Cuban people and Fidel Castro, 25,000 signatures.

Ms. WATSON. Let us broaden it from just the Cuban people to the countries.

Mr. MONTENEGRO. Based on the constitution. Fidel Castro says these people were detained by violating the constitution. These people who signed the Varela Project were enforcing the constitution.

They submitted this proposal to Fidel Castro. What was the answer? First of all, communism or socialism is nonrevocable or non-negotiable. That is what they put on the constitution and after that, they cracked down. That is the answer to Fidel Castro to negotiations.

You asked what we can do right now. I think the dissident movement created a basis for what we can do. We have to help the civil society because that is becoming a force inside Cuba. That is a force that Fidel Castro cannot understand. As I said, the government is afraid of people overcoming fear in Cuba because the system is based on the culture of fear. By helping civil society, helping the human rights activities, we can get more and more people involved in asking for change in Cuba. That eventually would get into the structure of power that Mr. Suchlicki is talking about and maybe we can break the system they are trying to create.

I don't believe Raul Castro has the charisma to be the successor of Fidel Castro. I think they are trying to do that. Jamie is right on that, they are trying to promote a secession. The only way we have to promote peaceful, democratic change in Cuba and break that scheme for secession is helping civil society, creating another political force in Cuba which is the human rights movement, which is nonviolent.

Ms. WATSON. Mr. Olson.

Mr. OLSON. I wanted to address two issues you raised. One was the statement of President Castro that the prisoners violated the law and therefore it is normal that they would be imprisoned. I wanted to look at the case of Raul Rivero as an example of why we have a problem with that. On the surface, he is right, there is a law, Law 88, that defines certain crimes and they are accusing him of violating Article 91 of that penal code. The indictment against him, based solely on official documents not our interpretation, accuses him of subversive activities aimed at affecting the territorial independence and integrity of Cuba. It offers no specifics about the actions he has taken. It is a very open-ended accusation.

In other places, it states he disseminated what they call false news to satisfy the interests of his sponsors of the North American Government. In other words, he was spreading news, peacefully, never accused of doing it violently, offering an opinion and also in his sentence, it says, "The accused in addition to the facts already described, from 2000 began disseminating information via the Inquintro and Abred webpage belonging to the International Press Society." That is his crime, offering news, posting stories on the Web. They are not even accusing him of inciting violence or asking for the overthrow of the government. They are merely saying he is sharing information on the Web and this is their own words.

For us, those laws themselves do not make international standards for freedom of expression. Therefore, we believe Mr. Rivero and 82 others are prisoners of conscience because they have expressed themselves, whatever their opinion is and I have no opinion about their opinion, but they are doing it openly, they should be doing it freely and they are making no appeal to violence. So we differ strongly with Mr. Castro's interpretation of the law. These people are wrongfully imprisoned and should be immediately and unconditionally released.

Ms. WATSON. Are you an attorney, Mr. Olson?

Mr. OLSON. No, I am not but this is the analysis of our organization and I represent the organization here today.

Ms. WATSON. It is very hard to question an individual case because we don't know all the circumstances but I am thinking in a broader sense and I just asked my staff to research Article 91 and let us take a look at it.

Mr. OLSON. If you like, it is quite extensively reviewed in our report of last March, essential measures which outlines the content of that law and why it is not consistent with international standards.

Ms. WATSON. If you have something in writing, I will have my staff take a look. If you have a copy, I would appreciate it.

Mr. OLSON. Certainly and I would recommend you look at that.

On your other question, I think you are asking a valid question. We have recommended among many things that the United States reexamine its policy toward Cuba. We do not think it has been particularly effective in promoting human rights in Cuba and we among our recommendations are not negotiation but building a broader and more effective coalition amongst European and Latin American nations, including Caribbean nations as you said, to both engage and confront the Cuban Government on all of these human rights issues.

What stung Fidel Castro after the March 2003 crackdown was not criticism from the United States, that did nothing to hurt him. In fact, in many ways, it plays into his hands. What stung him was the criticism from longtime allies, Mexico, other Latin American nations, other so-called leftists, European governments who have maintained close relations. The United States should work effectively with them and allow them to take the lead because they clearly have much more influence if you will over what Mr. Castro does and says.

I acknowledge that is not negotiation, we are not calling for that. That will take a lot of patience and time but in our estimation that approach is more likely to be effective than the current approach of the U.S. Government.

Ms. WATSON. Thank you. Mr. Reyes.

Mr. REYES. Just to give you the last news I have from my stepfather, my mother is asking for the last 2 or 3 weeks for the Cuban authorities to allow him to have a fan because the degree in the cell is 100 degrees. This is hard anywhere and the Cuban authorities don't allow him to have the fan. We are trying to explain to the friends of Castro, not talking bad about Castro himself but just show him the face of those people, why they were condemned to 20 years, why they were condemned to 25 years, what is the crime. That is the way we are trying to approach these governments that still believe in the Castro regime and the Castro revolution.

Ms. WATSON. I think what you said, Mr. Olson, was very compelling. Those nations, and I know in our conversations, Russia was mentioned most often, nations that have helped us when you wouldn't help us, that is what he said to us, maybe it is those nations we gather together along with CARICOM and surrounding nations and have them step up to the plate.

My staff just handed me the information on Article 91 and he seems to be a brilliant mind and I think there is some reasoning that needs to be done with him. We call ourselves a nation of laws and he said to us, are you aware that we have a constitution? It made us look less informed than we should have been but yes, I guess we were aware, so I heard the legal mind come out. That is why I asked if you were an attorney. He is an attorney and he is very clever. I would think we would use his own law as the basis for a discussion that would have the input from other nations that he cares about who have helped him in time of need.

I would like to see us do something with that approach. I guess it was Mr. Suchlicki who said he was going to give us a list of proposals he thinks would work. If we consider ongoing talks and really using his rule of law, his constitution as a basis, I think we could shed some light on does the punishment fit the crime, 25 years for publishing something you didn't like reading. I think working through his knowledge of the law and his own constitutional laws might be one way to broaden the conversation and to have it involving other nations he has dealt with in the past might be one way to go.

Mr. MONTENEGRO. I agree with the idea to create an international coalition. I think Europe should have a role and also CARICOM should play a role even though they are poor, small countries because Castro is always trying to portray the image that the Cuban problem is a conflict between Cuba and the United States. In recent months or in the past 2 years, it has become an international problem and that is hurting Castro. I agree with Mr. Olson and you can argue with Castro about that because he is always going to say the same thing. This is our law, we have our own interpretation of what democracy is and anything else is interfering with internal affairs in Cuba. So this international coalition should be created to put pressure on Castro for human rights and civil liberties in Cuba.

Mr. BURTON. Let me add a couple comments. My colleague and I sometimes are in very strong agreement with one another and other times we have a little disagreement. When I participated in writing the Helms-Burton law, the Libertad Act, we did a lot of study and research on that and it went on for a couple of years. One of the things we found was that he does not adhere to international law, he may claim to follow a constitution, but the fact is whenever he has a whim about somebody, they go into the slammer and they are tortured. I would hope my colleague, if she has the time, would read *Against All Hope* by Armondo Valadarez and I will be glad to get you a copy of that book because he spent 27 years in a Cuban prison for virtually nothing except opposing Castro's views.

The other thing is a lot of my colleagues have been talking about ending the embargo because they say when you end the embargo, the people will have a better standard of living. What most of my colleagues don't realize is that if a person works for a company like one of the big hotel chains there on the beaches and are paid \$400 in U.S. currency, that money does not go to the people working there, the money goes to the government and then the government pays the people back with \$400 pesos which are worth less than

\$5-\$10 a month. So even if the embargo were lifted and we started paying people a living wage, the money has to go to the government and it is recirculated to them in the form of pesos, so the standard of living remains the same, \$5-\$10 a month and that is why they are living pretty much in the dark ages.

We have this debate on the floor of the Capitol all the time on whether or not the embargo should be lifted. I would love to see the standard of living for every Cuban lifted to where they are making \$400-\$500 a month which could be done if there were a free Cuba but as long as the government controls the currency, controls where the money goes, the people are going to be subservient to the government and they are going to have to follow Fidel Castro's edicts. That is where we stand today.

With that, I want to thank you very much for your comments. This is not the end of this. I would like to have any recommendations you have on how to solve the problem. It is a Gordian knot but we are going to continue to work on it until we see freedom in Cuba.

Thank you very much.

[Whereupon, at 12:27 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

