

cases. Her timely telephone call to the army commander of a Barrancabermeja battalion in December 2000 was a critical factor in spurring the Colombian authorities to act to address the paramilitary advance. She also publicly supported the UNHCHR in Colombia, speaking out on the importance of their work at critical moments.

Relevant Human Rights Watch Reports:

The "Sixth Division": Military-Paramilitary Ties and U.S. Policy in Colombia, 9/01

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CUBA

HUMAN RIGHTS DEVELOPMENTS

The Cuban government's intolerance of democracy and free expression remained unique in the region. A one-party state, Cuba restricted nearly all avenues of political dissent. Although dissidents occasionally faced criminal prosecution, the government relied more frequently on short-term detentions, house arrest, travel restrictions, threats, surveillance, politically-motivated dismissals from employment, and other forms of harassment.

Cuba's restrictions on human rights were undergirded by the country's legal and institutional structure. The rights to freedom of expression, association, assembly, movement, and of the press were strictly limited under Cuban law. 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. The authorities also imprisoned or ordered the surveillance of individuals who had committed no illegal act, relying upon laws penalizing "dangerousness" (*estado peligroso*) and allowing for "official warning" (*advertencia oficial*). The government-controlled courts undermined the right to fair trial by restricting the right to a defense, and frequently failed to observe the few due process rights available to defendants under domestic law.

In July, the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional*), a respected Havana-based nongovernmental group, released a partial list of political prisoners that included 246 cases they considered to be reliably documented. Some of the prisoners named on the list were serving extremely long sentences—twenty or more years for crimes such as "rebellion" and "sabotage," offenses broadly defined by Cuban courts—while others were serving short sentences for "contempt of authority" (*desacato*) or public disorder.

The government continued to prosecute people for "illegal exit" if they

attempted to leave the island without first obtaining official permission to do so. Such permission was sometimes denied arbitrarily, or made contingent on the purchase of an expensive exit permit. In June, Pedro Riera Escalante, a former Cuban consul and intelligence officer in Mexico City, was sentenced by a military court to six years in prison for leaving Cuba illegally, using false documents, and bribing officials to allow his departure. Riera Escalante had broken with his government and sought political asylum in Mexico, but he was forcibly deported by the Mexican authorities in October.

Even though his three co-defendants were released in May 2000, dissident leader Vladimiro Roca Antúnez remained incarcerated as of November, serving his last year of a five-year sentence. The four, then members of the Internal Dissidents Working Group (Grupo de Trabajo de la Disidencia Interna, GTDI), were convicted of “acts against the security of the state” in March 1999, after having been detained since July 1997. Their detention followed the GTDI’s release of an analytical paper on the Cuban economy, human rights, and democracy.

Another prominent activist who was still behind bars as of November was thirty-nine-year-old Dr. Oscar Elías Biscet González. Biscet received a three-year prison sentence in February 2000 for protests that included turning the Cuban flag upside-down and carrying anti-abortion placards. The president of the Lawton Human Rights Foundation, an independent organization, Biscet was convicted of dishonoring patriotic symbols, public disorder, and instigating delinquency. In detention since November 1999, he had reportedly been mistreated by prison authorities and kept in poor conditions, causing weight loss and dental problems. In April, Biscet was reportedly made to share a cell with a mentally disordered inmate.

José Orlando González Bridon, leader of the Confederation of Democratic Workers of Cuba, an unofficial union, was sentenced to two years of imprisonment in May for “spreading false news.” The charges stemmed from an article he published on an Internet site in August 2000 that criticized local police for negligence in the death of another labor rights activist. In November 2000, shortly before he was detained, González Bridon took part in a protest rally in which he and other dissidents chanted “Down with Fidel!” as they symbolically buried the Cuban constitution and penal code in small coffins. Prosecutors had originally requested a seven-year sentence for González Bridon. Although they reduced their petition to one year, the trial court added a year to the sentence after finding him guilty. Later, on appeal, the sentence was cut back to a year. González Bridon was released on conditional liberty on November 22, three weeks before the expiration of his sentence. (Cuban law allows for conditional liberty contingent on good behavior after half of a prisoner’s sentence has been served.)

Another person who left prison slightly early was Julia Cecilia Delgado, released on October 19. Delgado, an independent librarian and president of a nongovernmental group, had been serving a one-year sentence for “disrespect.” Delgado was one of about two hundred people who were detained in early December 2000, in a wave of arrests probably meant to discourage public gatherings on December 10, International Human Rights Day. Pro-democracy activist Angel Moya Acosta, prosecuted at the same time, was believed to be finishing his one-year sentence in December.

Cecilio Monteagudo Sánchez, a member of the unofficial Democratic Solidarity Party (Partido Solidaridad Democrática), was released from prison in June. He had been convicted of “enemy propaganda” and sentenced to four years of imprisonment in 1998. Cuban police originally detained him in September 1997, after he had drafted, but not published, a document calling for abstention from local elections.

Much more frequent than actual criminal prosecutions were arrests and short-term detentions. The most prominent case began on January 12, when Czech citizens Jan Bubenik and Ivan Pilip were detained after meeting with independent Cuban journalists in the province of Ciego de Avila. Bubenik, a former student activist, and Pilip, a legislator and former Czech government finance minister, were held for nearly four weeks, as the Cuban authorities considered prosecuting them on charges of acting against state security. The two were released in early February after intensive diplomatic efforts by European officials.

A blind dissident, Juan Carlos Gonzalez Leyva, was reportedly stopped and roughed up by members of the Cuban secret police on January 16, along with two of his colleagues. Over the course of the year, dozens of other dissidents and human rights activists reported being arrested and detained for brief periods, such as a few hours or overnight. On some occasions, detainees were threatened or insulted, or their homes were searched.

Whether detained for political or common crimes, inmates were subjected to abusive prison conditions. Prisoners frequently suffered malnourishment and languished in overcrowded cells without appropriate medical attention. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Prison authorities insisted that all detainees participate in politically oriented “re-education” sessions or face punishment. Political prisoners who denounced the poor conditions of imprisonment were frequently punished with solitary confinement, restricted visits, or denial of medical treatment.

Cuba maintained the death penalty for a large number of offences. In June, Justice Minister Roberto Diaz Sotolongo said that “for humanitarian reasons” Cuba preferred not to employ capital punishment, but that the penalty served as a warning to drug traffickers. Penal code changes dating from the late 1990s had extended capital punishment to cases of drug trafficking with aggravating circumstances.

In April, Elizardo Sánchez of the Cuban Commission for Human Rights and National Reconciliation announced that the death penalty had not been applied in Cuba over the past year. “We are seeing a moratorium on the death penalty, but we should move on to its abolition,” Sánchez reportedly explained. Two Salvadorans convicted of taking part in a wave of bombings of tourist installations in Havana were on death row, having been confined there since 1998. Some twenty other prisoners were also reportedly on death row, although this could not be verified as the authorities did not provide public information on death sentences and executions.

The authorities maintained strict controls on the press, barring local independent news coverage and taking steps to limit foreign reporting. As of November, independent journalist Bernardo Arévalo Padrón, director of the news agency Linea Sur Press, remained behind bars, having been denied conditional release. He was serving a six-year sentence for “insulting” President Castro, imposed in

November 1997. In January, independent journalist Jesús Joel Díaz Hernández, who had been serving a four-year sentence for “dangerousness,” was granted conditional release.

The authorities routinely detained and questioned independent journalists, monitored their telephone calls and visitors, restricted their travel, and put them under house arrest to prevent coverage of certain events. In May, in recognition of such tactics, the Committee to Protect Journalists (CPJ), a U.S.-based press freedom group, named President Fidel Castro as one of the Ten Worst Enemies of the Press for 2001.

To prevent negative foreign media coverage, Cuban authorities continued to deny visas to certain disfavored foreign journalists. In January, President Castro accused some reporters of “transmitting insults and lies,” suggesting that Cuba might consider canceling their employers’ license to operate in Cuba. “We have tolerated for years reporters who intentionally and deliberately insult the leaders of the revolution and me,” Castro said.

The government maintained considerable control over religious expression, but in general religious institutions and their leaders enjoyed a degree of autonomy not permitted other bodies. Several religious-run groups distributed humanitarian aid and carried out social programs. Yet the government continued to slow the entry of foreign priests and nuns and to bar religious institutions from running schools (although religious instruction was allowed). In contrast to the first decades after the Cuban Revolution, discrimination against overtly religious persons was rare.

The government recognized only one labor union, the Worker’s Central of Cuba (Central de Trabajadores de Cuba, CTC). Independent labor unions were denied formal status and their members were harassed. Workers employed in businesses backed by foreign investment remained under tight government control. Under restrictive labor laws, the authorities had a prominent role in the selection, payment, and dismissal of workers, effectively denying workers the right to bargain directly with employers over benefits, promotions, and wages. Cuba also continued to use prison labor for agricultural camps and ran clothing assembly and other factories in its prisons. The authorities’ insistence that political prisoners work without pay in poor conditions violated international labor standards.

DEFENDING HUMAN RIGHTS

Human rights defenders were systematically harassed. The authorities routinely used surveillance, phone tapping, and intimidation in its efforts to restrict independent monitoring of the government’s human rights practices. In some instances, they employed arbitrary searches, short-term arrests, evictions, travel restrictions, politically-motivated dismissals from employment, threats and other forms of harassment against local activists.

Although the U.N. special rapporteur on violence against women was permitted to visit in 1999, the government generally barred international human rights and humanitarian monitors from the country. The International Committee of the Red Cross (ICRC) has not been allowed to conduct prison visits in Cuba since 1989, making Cuba the only country in the region to deny the organization such access.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

At its fifty-seventh session in April, the U.N. Commission on Human Rights passed a resolution expressing concern about continuing human rights violations in Cuba, the ninth such resolution passed since 1991, and urged the government to invite the U.N. special rapporteurs on torture and on freedom of expression to visit the country.

In the resolution, the Commission noted that Cuba had made “no satisfactory improvements” in the area of human rights. It expressed particular concern at the “continued repression of members of the political opposition,” as well as about the “detention of dissidents and all other persons detained or imprisoned for peacefully expressing their political, religious and social views and for exercising their right to full and equal participation in public affairs.” An early draft of the resolution criticized the U.S. economic embargo on Cuba, but that language was omitted from the final version.

The resolution, which was sponsored by the Czech Republic, passed by a 22-20 vote, with a number of abstentions.

European Union

Cuba remained the only Latin American country that did not have a cooperation agreement with the European Union. The E.U. “common position” on Cuba, adopted in 1996 and extended in June 2001, made full economic cooperation conditional on reforms toward greater democracy and human rights protection. A number of E.U. members, however, were in favor of revisiting the common position and establishing closer ties with Cuba free of any conditions. Already, European countries accounted for almost half of Cuba’s foreign trade, and more than 180 European companies operated on the island.

Visiting Brussels in July, Cuban Foreign Minister Felipe Pérez Roque appealed for a review of E.U. policy toward Cuba. A few months later, E.U. officials announced that the European Union favored resuming the political dialogue with Cuba and permitting the island to join the Cotonou Agreement, which governs the E.U.’s aid relationships with African, Caribbean, and Pacific states. Belgian Foreign Minister Louis Michel, holding the rotating presidency of the E.U. Council, had visited Havana in August, meeting with high Cuban officials as well as political dissidents. On returning to Europe, he expressed support for strengthening contacts with Cuba. Political talks between the European Union and Cuba were scheduled to take place at the end of November.

In early October, Cuban exiles filed a lawsuit in Brussels against President Fidel Castro and other high Cuban officials under a law that empowers Belgian courts to hear cases of genocide and crimes against humanity, regardless of where the incidents occurred. The lead plaintiff in the case was José Basulto, president of the Miami-based group Brothers to the Rescue. Another plaintiff was Eugenio de Sosa Chabau, a former newspaper editor who spent twenty years in prison after the Cuban Revolution. The complaint described torture and other abuses suffered by

political prisoners, including a 1960 incident in which a prisoner allegedly received electric shocks to his head and testicles.

Latin America and the Organization of American States (OAS)

Venezuelan President Hugo Chavez remained Cuba's most reliable ally in the region, with his country being the only one in Latin America (besides Cuba itself) to vote against the U.N. resolution on Cuba's human rights conditions. Several other countries in the region abstained from the vote, while four—Argentina, Costa Rica, Guatemala, and Uruguay—voted in favor of the resolution.

Cuba reacted strongly to the U.N. vote, lashing out at the Latin American countries that voted for the censure. In February, prior to the Geneva session, Cuba's official daily *Granma* accused Argentina of seeking U.S. economic assistance in exchange for voting against Cuba at the United Nations. President Castro accused Argentine President Fernando de la Rúa of "licking the Yankees' boots," leading Argentina to temporarily withdraw its ambassador from Cuba. After the Geneva vote, Castro again attacked Argentina and described Costa Rica as playing the role of "a lackey—something more than a lackey—a servant" of the United States. He also claimed that Guatemala only went along with the vote because of heavy U.S. pressure.

The latter part of the year saw movement toward eliminating the last vestiges of Cuba's diplomatic isolation in the region. In September, Honduras opened an interests section in Havana, a likely first step toward full diplomatic relations. The Honduran move left El Salvador as the only Latin American country with no diplomatic relations with the island. Cuba's diplomatic estrangement from other Latin American states dated from 1961, when the Organization of American States suspended its membership. In August, in a speech before the OAS Permanent Council, Venezuelan Foreign Minister Luis Alfonso Davila pointedly called for the "complete integration" of the hemisphere, arguing that no country should be isolated.

United States

The devastation wrought by Hurricane Michelle opened a crack in the U.S. economic embargo on Cuba, with U.S. companies selling food and medicine to Havana in November 2001 to offset losses and replenish stocks used in the island's worst storm in half a century. The sales, valued by a U.S. official at about U.S. \$30 million, represented the first commercial transactions between the two countries since the embargo was put in place. Authorities in Washington had originally offered to provide Cuba with disaster relief aid, but Cuban officials, declining the aid offer, expressed interest in buying food, medicine, and other necessities.

A law enacted in 2000 allowed food sales to Cuba, and an earlier law allowed the export of medicines. Yet, because the law on food sales barred U.S. government or private financing of the sales, Cuban officials had previously criticized it, saying that they would refrain from buying food until the embargo was lifted. This year's purchase represented a departure from that position, but one that Cuban officials

insisted was exceptional. "We have no reason to see [the sales] as a policy shift, rather as something that happened because of a hurricane that doesn't happen every month in Cuba," explained Cuban Vice-President Carlos Lage.

In May, Senator Jesse Helms and Senator Joseph Lieberman introduced draft legislation in Congress to allocate up to \$100 million over four years to assist dissidents, opposition groups, political prisoners, and other nongovernmental voices in Cuba. The bill, known as the Cuban Solidarity Act of 2001, was criticized by some of its potential beneficiaries, who feared that receiving U.S. government aid would damage their credibility and help discredit their views. A parallel bill had been introduced in the House in March. Both versions of the draft legislation were still under review by congressional committees as of November.

A Cuban émigré, Eriberto Mederos, faced denaturalization proceedings in Florida at the end of the year. Mederos could be stripped of his U.S. citizenship because of allegations by another Cuban-American who accused Mederos of torturing him when he was a political prisoner in Cuba in the 1960s. According to the former prisoner, Mederos subjected him to painful electrical shock treatments that lacked any medical justification.

GUATEMALA

HUMAN RIGHTS DEVELOPMENTS

Aside from the successful conclusion of one landmark trial, Guatemala made little progress in addressing persistent human rights problems, with certain conditions worsening. State agents were responsible for some abuses, while others were carried out by non-state actors who were able to operate with impunity because their crimes were not adequately investigated. There were increased reports of threats and violence targeting human rights advocates, labor leaders, judges, prosecutors and journalists. Meanwhile, the army's continued influence over the civilian government was evidenced by President Alfonso Portillo's decision to postpone the dismantling of the Presidential Guard (Estado Mayor Presidencial, EMP), an elite army corps associated with past human rights violations. The 1996 peace accords had called for the dismantling of the EMP.

One positive development was the successful prosecution of those responsible for the murder of Bishop Juan Gerardi, who was bludgeoned to death in April 1998, two days after he released the Catholic Church's report on human rights abuses during Guatemala's internal conflict which ended in 1996. In June, a three-judge tribunal found retired army Col. Byron Lima Estrada and his son, army Capt. Byron Lima Oliva, guilty of murder. The two men were sentenced to thirty years in prison. Also convicted were former presidential bodyguard José Obdulio Villanueva and Roman Catholic priest Mario Orantes, who received sentences of thirty years and twenty years respectively.