

AMNESTY INTERNATIONAL

Questions And Answers

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Cuba: Human rights concerns - Questions and Answers

I. Current events

1. In AI's opinion, what will be Fidel Castro's legacy?

AI believes Fidel Castro's legacy will be twofold - on the one hand, he will be remembered as the man whose government imprisoned many hundreds of people because of their peaceful political activity and severely restricted Cubans' freedom of expression and association. Hundreds of thousands left their country as a result. On the other hand, Fidel Castro will be recalled for his efforts to provide all Cubans with key human rights such as access to housing, healthcare and education.

2. What does AI think about a possible change of regime in Cuba?, would you support it?

AI does not advocate a particular form of government -- human rights violations take place in countries with well-established democracies as well as in those governed by a one-party system, like Cuba.

We believe that the present system requires a substantial overhaul to ensure that essential rights including the freedom of expression, association and assembly are enshrined in legislation and practice.

But, whether the Cuban government decides to undertake changes or to preserve the same political system, AI will continue to call for the protection and promotion of all human rights.

3. Do you think that the human rights situation in Cuba will now improve?

It is the Cuban authorities who could and should improve the human rights situation in the island.

They should release all prisoners of conscience -- those imprisoned because of their political activities, who have not made use of violence -- reform legislation in line with international human rights standards and put an end to policies that encourage the imprisonment, harassment and intimidation of dissident, journalists and critics of the regime.

4. What other action would AI like to see taken to improve the human rights situation in Cuba?

In order for the human rights situation in Cuba to improve, AI will continue to call on the Cuban authorities to:

Immediately and unconditionally release all prisoners of conscience.
Implement a review of all legislation that is incompatible with international human rights standards and fundamental freedoms.
Reform the judicial system so it is independent and impartial.
Implement a human rights agenda – particularly long-term human rights education programmes for various sectors of society and government officials.
Dismantle repressive state machinery responsible for systematic human rights violations.
Create an independent mechanism of accountability to ensure all state institutions, including the security services, respect human rights.

AI also calls for the immediate lifting of the US economic embargo.

5. What about justice and reparations for the thousands of victims of human rights violations?

AI supports the right of every victim of human rights violations to seek truth, justice and reparation in line with international human rights standards.

6. How should foreign governments, including the US government, respond to any Cubans that might flee to their countries?

Cubans, as well as the nationals of any other country, are entitled to seek asylum when fleeing persecution. AI will call for Cuban asylum-seekers to be granted refugee status should there be serious concerns that they may face persecution, torture or ill-treatment if they were deported back to Cuba.

II. AI's Human Rights concerns in Cuba

7. What are AI's main human rights concerns in Cuba?

Since its foundation in 1961, Amnesty International has campaigned against violations of the freedom of expression and association and against the death penalty in Cuba.

AI has worked tirelessly for the unconditional release of all prisoners of conscience -- those imprisoned because of their sex, religion, colour or ethnicity or for campaigning in the name of a political ideology without having used violence.

AI has also highlighted the US economic embargo against the island as highly detrimental to Cubans' enjoyment of human rights. Despite this, Cuba has been internationally recognised as having achieved considerable progress in ensuring Cubans' access to education and healthcare.

8. What about the release of prisoners of conscience on health grounds?

Over the past two years, at least 15 prisoners of conscience have been released on health grounds in Cuba. AI welcomed the releases that took place for the most part in November 2004. However, AI regrets that during 2006, only one prisoner of conscience benefited from a conditional release – known in Cuba as *licencia extrapenal*.

The measure aims at alleviating prisoners' suffering – usually caused by ill-health and harsh prison conditions -- but does not represent an “amnesty” or a pardon and prisoners released under the term of *licencia extrapenal* can be returned to prison.

AI has consistently called on the Cuban authorities to immediately and unconditionally release all prisoners of conscience held in the country.

9. But haven't those dissidents broken Cuban law?

Even though in Cuba the rights to freedom of expression and association are limited by certain national laws, international human rights standards, such as the Universal Declaration of

Human Rights, continue to apply to protect Cubans from persecution and intimidation.

In particular, Article 19 of the Universal Declaration of Human Rights says: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Also, Article 20, says: "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."

10. What is AI's position on the right to movement?

Article 13 of the Universal Declaration of Human Rights states: "Everyone has the right to leave any country, including his own, and to return to his country".

This protection also applies to all Cubans.

11. What is AI's view on the restrictions imposed by Cuban authorities on foreign journalists and diplomats?

A country's true commitment to the protection of human rights can be evaluated, amongst other factors, by its openness to external scrutiny – particularly when it comes to independent media.

The Cuban government must urgently implement reforms to allow for independent national and international media to function freely in the country.

12. Why does Amnesty International criticize human rights violations in Cuba, when it has been much more successful than most countries in the region in providing a reasonable standard of health care and education to all its people?

Human rights exist to protect individuals but that protection is effective only when all human rights are considered as a whole.

The dispute between political rights – such as freedom of expression and association – and economic rights – such as the right to work, education, health and housing – is an artificial one.

Human rights violations can occur under all sorts of political and economic systems. Amnesty International's job is to oppose them wherever they occur.

13. What is AI's view on the impact of the US embargo?

Amnesty International has called for the US embargo against Cuba to be lifted, as it is highly detrimental to Cubans' enjoyment of a range of economic, social and cultural rights, such as food, health and sanitation – particularly affecting the weakest and most vulnerable members of the population.

According to UNICEF, the availability of medicines and basic medical materials has decreased in Cuba as a consequence of the US embargo against the island. (1).

AI also believes that the US embargo has undermined freedom of movement between Cuba and the US and restricted family reunifications.

14. Does AI support dissident activity in Cuba?

AI supports people's right to peacefully express their opinions and beliefs. If they are imprisoned solely for disseminating those opinions peacefully, we call them prisoners of conscience and campaign for their unconditional release. If, on the other hand, they have

been imprisoned for taking up arms against their government or for inciting others to violence, we would monitor their right to a fair trial and to not be subjected to torture or ill-treatment.

In Cuba, over the past 45 years, hundreds of those critical to the government have been prisoners of conscience and undergone unfair trials.

15. Is Amnesty International anti-capitalist or anti-communist?

Amnesty International is independent of any government, political ideology, economic interest or religion. It does not support or oppose any government or political system, nor does it support or oppose the political views of the victims whose rights it seeks to protect.

It is concerned solely with the impartial protection of human rights as described in the human rights standards agreed by the international community. Those standards apply universally.

As an organization AI is aware that violations of these rights can occur under all sorts of political and economic systems; its job is to oppose them wherever they occur.

III. AI's work in Cuba

16. When was the last time AI visited Cuba?

AI has not visited Cuba since 1990, when delegates attended the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana. Prior to that, AI visited Cuba in 1988 to undertake research on human rights issues. During this mission, AI delegates were granted exceptional facilities and access to prisons and prisoners' files. AI delegates also held high level meetings with a number of government officials including the Vice-President, the Minister of Justice and the Deputy Minister of Foreign Affairs, amongst others.

17. Why isn't AI allowed to go to Cuba?

After AI's visit in 1988, the Cuban government did not renew the invitation to AI nor did it reply to the organization's written requests to visit the country.

AI does not visit countries clandestinely -- we consider the accord and cooperation of the government to be vital. AI does, however, continue to try and engage the Cuban authorities on the issue of access, as it considers it an important element in investigating the human rights situation and confirming information received from other sources.

18. Has the Cuban government ever reacted to AI's communications and reports?

The Cuban government does not normally respond to AI's letters. However, during 2004, responses were received from the Cuban Ambassadors in Ireland, France and Austria in relation to cases of prisoners of conscience adopted by AI.

19. How up to date and reliable is your information if you haven't had access for so long?

In its research of human rights violations committed across the world, AI seeks the facts. It monitors thousands of media outlets and maintains contact with reliable sources of information all over the world and in Cuba. AI receives constant first-hand information from political and human rights activists or from their family members, despite the fact that they might be subjected to surveillance and, in some instances, harassment and intimidation by the authorities or by government supporters.

(1) Report of the UN Secretary General to the UN General Assembly on Item 27 of the provisional agenda "NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA", 20 September 1995. <http://www.un.org/documents/ga/docs/50/plenary/a50-401.htm>

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