

WRITTEN TESTIMONY

CUBA: ARBITRARY EXPROPRIATION OF PROPERTY

JUNE 2015

Good morning. Thank you so much Chairman Duncan for allowing me to give this testimony today, and thank you to all those in attendance for your attention to this important issue.

The issue of properties belonging to religious institutions and organizations in Cuba is extremely complex. Religious groups of all types – Catholic and Protestant, as well as other non-Christian groups – saw many of their properties confiscated in the years following the Revolution. The return of some of these properties has been a key focus area of talks in recent years between the Roman Catholic Church and the Cuban government. Other religious groups have also held dialogues with Cuban government officials with the same objective, with varying degrees of success.

While many properties were expropriated by the government after 1959, most registered religious groups that had existed in Cuba prior to the Revolution were allowed to retain some of their buildings. These buildings were registered and designated for religious use. Any alterations to these buildings, however, including essential repairs or renovations, were not permitted without the express permission of the Office for Religious Affairs of the Central Committee of the Cuban Communist Party. This was intended to be a key way for the government to control, or at least attempt to control, the growth of religious groups in Cuba. These attempts were largely unsuccessful and had two major consequences. One was the deterioration, often into total disrepair, of historical churches still in use. The second consequence was the prolific growth of so called 'house churches' where existing churches and new religious groups expanded into private properties not designated for religious use. My presentation will look at the arbitrary expropriation of both these types of property, specifically examining recent cases.

In recent years, the churches most vulnerable to the threat or act of government confiscation of their property have been the aforementioned house churches. Many are actual houses that were converted by the owner at some point into a church; others are buildings built more recently on private property and used exclusively as churches, but without permits for religious activity. Properties linked to unregistered religious groups are particularly vulnerable. In 2010 the head of the Office of Religious Affairs of the Central Committee of the Cuban Communist Party, Caridad del Rosario Diego Bello, was surreptitiously recorded vowing to target unregistered groups without mercy, specifically by confiscating their churches and throwing them out of their homes. The video is available on YouTube.

One emblematic example of this type of case in recent years has been that of the property located at Avellaneda #278 between San Esteban and San Martin streets, in the historic city center of Camaguey. This property was acquired by the Reverend Omar Gude Pérez and his wife

Kenia Denis Bravo in 2003. A relatively large property for the location, it has acted as a family home and a place of worship. It is also a training center for church leaders from across the country who are affiliated with the Apostolic Movement, a charismatic Christian network of churches that authorities have refused to register, for the last 12 years.

In 2008 Reverend Gude Pérez was arrested and sentenced to six and a half years' imprisonment on trumped up charges. While he was in prison the government approached his wife on multiple occasions, threatening to confiscate the property and to relocate the family to a small, cramped apartment outside of the city if she did not stop talking to 'foreign human rights organizations' about her husband's plight. They did not follow through on those threats, largely, we believe, due to international pressure specifically from the United States and the European Union. The early release of Reverend Gude Pérez and the exile of his family to the United States in early 2013 did not put a stop to government attempts to confiscate the property. Before leaving the country, Reverend Gude Pérez and his wife officially transferred the property to their nephew, Reverend Yiorvis Bravo Denis. The transfer was carried out legally and in line with Cuban laws; the transfer papers were in fact signed and stamped by a government notary. Reverend Bravo Denis was already living in the property with his wife and small child, and subsequently took over the church and religious training center.

In September 2013, the government summoned Reverend Bravo Denis to court where they summarily found to his ownership of the property to be invalid, despite the paperwork provided, and declared it to belong to the government. The government notary who had signed off on the transfer did not appear. Reverend Bravo Denis refused to vacate the property and was subjected to a days-long 'Act of Repudiation'. Government 'rapid response' groups, dressed in civilian clothes and accompanied by state security agents and police, surrounded the property, shouting insults and obscenities and throwing rocks and eggs. Shortly thereafter, Reverend Yiorvis Bravo was summoned by Housing Ministry Officials who 'offered' to allow him to stay in the property as a rent paying tenant to the government, if he agreed to submit all planned religious activity to the government in advance. The government set the rent for his own property at approximately \$300 per month – 15 the average annual salary in Cuba.



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He turned down this offer, refused to sign the papers, and stated his intention to remain in the property. To date he has managed to do so, although the government has repeatedly declared that it still considers itself to be the owner of the building and reserves the right to evict the family at any time. We believe they have not been evicted by force thus far because the case has received international attention, but the vulnerability of the family who have been stripped of their property rights remains of great concern. This year, on May 21, the legal offices of Poblete Tamargo submitted a Request for Precautionary Measures on behalf of Reverend Bravo Denis to the Inter American Human Rights Commission. Both Reverends Omar Gude Perez and Yiorvis Bravo Denis have submitted letters which I request be entered into the record.

Christian Solidarity Worldwide regularly receives reports of threats of confiscation of properties from unregistered religious groups such as the Apostolic Movement, but the government is also guilty of targeting the property of historic and registered religious groups. The threat or act of confiscation of church properties has often appeared to be a tactic of the government to pressure or punish a church or their denomination. One of the most egregious cases was the 2012 expropriation of a historic property belonging to the Baptist Church in Yaguajay in the province of Sancti Spiritus. The church is part of the Western Baptist Convention of Cuba, one of the largest historic and registered denominations in Cuba.

In 2011 some of the Convention's member churches were making more and more public calls for respect for religious freedom and human rights. The Convention's leadership came under heavy pressure from the Office of Religious Affairs to silence these calls, but resisted the pressure. In late 2011 the Office of Religious Affairs pushed them to change the leadership and decision-making structures of the Convention in such a way that it would become significantly less democratic, and presumably more susceptible to government pressure. In late March 2012 this initiative was presented to and roundly rejected by the General Assembly of the Western Baptist Convention. Within days, the government announced the retroactive nationalization, from October 1980, of the historic church property in Yaguajay, which had been the Baptist High School attached to the church prior to the Revolution. Heavy equipment was moved in to initiate demolition, and a vehicle belonging to the Convention was also confiscated. Pastor Yuri Castellanos was informed by local authorities that the Ministry of Education had 'donated' the church's property to two Cuban government businesses, SEPROT and GEOCUBA, which occupy the property today. The church and convention have had no opportunity to seek redress or compensation. Reverend Mario Felix Leonart Barroso, another pastor with the Eastern Baptist Convention of Cuba, has written a letter regarding this case which I also request be entered into the record.

More recently CSW has received worrying news that new legislation, which came into effect in January of this year, is being used to justify the arbitrary expropriation of private property, including religious properties. On the surface, Legal Decree 322: the General Law on Housing appears to be meant to regulate private properties – mostly homes – and enforce zoning laws, following other reforms that affect property rights. However, according to CSW's contacts on the island, the law is being used by government officials to claim the right to seize church properties and to force the churches into the role of paying tenant. You may recall that this is identical to the offer that was made to Reverend Bravo Denis in 2013, prior to the adoption of the law, which suggests that it is a strategy that has been in development for some time.

Cuban lawyers have told CSW that although the law does not specifically mention religious groups, government officials have claimed it gives them the authority to expropriate property when they deem it 'necessary'. One legal expert linked to the Cuban Council of Churches and speaking anonymously told CSW that churches of all denominations and in multiple provinces are affected: "They are applying the law rigorously. In the case of the churches it is worse. They propose to convert the church into a tenant. This has consequences. For example, the 'new owner' is able to decide what the church can or cannot do in this place. That is to say they lose autonomy. They cannot accept this." Another church leader, who also asked to remain anonymous, told CSW that churches in the eastern part of the island have been particularly impacted and have had numerous properties confiscated, possibly because they are more spread out and remote with less access to means of communication.

Numerous churches have also reported threats of confiscation or destruction of property, which appear to be related to the application of Legal Decree 322. To give just a few examples: in May, Reverend Fausto Polemo was informed by local authorities that his church in the city of Santiago de Cuba would be confiscated and demolished, and that he was prohibited from holding any more services. The church belongs to the Assemblies of God denomination, which is registered and recognised in Cuba. Similarly, Pastors Osmel and Madeleine de Calderón were told that their church in Loma Blanca, Upper Mayarí, Santiago Province and affiliated with the Apostolic Movement, must stop holding services. Reverend Alain Toledano, another Apostolic Movement leader, was also informed that his property in the city of Santiago would be confiscated. He has continued to make public calls for the government to clarify the status of his property.

The largest church to be affected by the Legal Decree to date is the Maranatha First Baptist Church in the city of Holguin, in the province of the same name. This is another registered and historic religious property. In May 2015 the leadership of the church was informed by provincial Communist Party and Housing Ministry officials that their property was being confiscated and their status changed from owners to rent-paying tenants. The church is affiliated with the Eastern Baptist Convention of Cuba, and over 800 people worship there on a weekly basis. It has held title to the property since 1947, originally through the American Baptist Home Mission Society, and was officially registered as part of the Eastern Baptist

Convention in May 1954. Government officials threatened to confiscate the church property once before in 2011, but backed down after a high profile international campaign; now, it seems, they may be attempting to apply the new legislation to justify their actions. Leaders of the church have published an open letter calling for support as they resist government attempts to seize their property.

In the letter, Reverend Amado Ramirez states that until now the church has never been cited or fined by the government for any infraction. Because of overcrowding, the church's leadership has been seeking permission since 1989 to expand the building, but has never received a response from the Office of Religious Affairs. However, in May Reverend Ramirez was summoned by local Communist party officials and given, in his words, "...sad, unjust and arbitrary news handed down from the highest authorities of our government and the Party who have decided to confiscate our temple, not to give us the deed or to issue an order for reconstruction, but in order that we would pay the government for some undefined reason, rent to use what is already ours since this temple was built on what has been our property originally through the American Baptist Home Mission Society since 1947, far earlier than the triumph of the Revolution. We believe that this move is not only unjust and arbitrary but it violates the most basic principles of religious freedom which is protected in our Republic's Constitution."

I am humbled to be here, speaking today, on behalf of the Cuban men and women who have, for generations now, maintained and cared for religious properties which have been and are sanctuaries for hundreds of thousands of Cubans, in the face of great pressure and frequently open hostility from a government which, until relatively recently, openly described itself as atheist. While this is a historic problem and does not solely affect religious properties, it is also a current problem of ongoing violations. Much attention has been given to Raul Castro's announced property reforms, but less attention has been given to the detail of those reforms and their impact, potential and real, on ordinary Cubans. This subcommittee has a key role to play in putting a spotlight on those details and highlighting how, even today, Cubans continue to be vulnerable to the arbitrary expropriation of their property by the government. Even as the Administration continues to pursue a dialogue with the Cuban government, it is key that human rights including property rights and religious freedom be a central component of that dialogue. I would respectfully ask that the members of this subcommittee continue to hold the Administration accountable for the content of the dialogue and any agreements, and that at the same time you make it clear to the Cuban government, through statements or letters, that these actions are not going unnoticed.

Thank you.

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