

John Suarez
Testimony
WHEM Hearing: Human Rights in Cuba

Chairman Sires, Ranking Member Rooney and Members of the Subcommittee, thank you for this privilege to provide testimony on “Human Rights in Cuba: Beyond the Veneer of Reform.”

My name is John Suarez and I'm the Executive Director of the Center for a Free Cuba, a non-profit, non-partisan organization dedicated to the promotion of human rights in Cuba.

Past is prologue

To understand the human rights situation in Cuba, one must understand what came before. Between 1940 and 1952 Cuba had regular competitive elections, and between 1944 and 1952 presidents who respected human rights and civil liberties. This was reflected in the role Cuban diplomats played in 1948 in pushing for regional and international human rights covenants. All of this came crashing down with a military coup in 1952 that led to seven years of dictatorship under Fulgencio Batista.

The Castro brothers promised to restore Cuban democracy and civil liberties during their struggle against the military dictatorship and in the early days of their regime, but the reality was that they had planned to impose a communist dictatorship.

Sixty years later, Fidel Castro is gone, but his brother Raul remains along with the communist regime they built.

The non-transition

Raul Castro handed over the office of the presidency to his handpicked successor Miguel Díaz-Canel on April 19, 2018. This was done to give the impression that a transition is underway in Cuba, and that the system is reforming. Diaz-Canel, like Osvaldo Dorticos, who was president of Cuba from 1959 to 1976, answers to General Raul Castro.

What is called reform in Cuba has been a fraud to prepare the way for a dynastic succession of the Castro family. There has been no transition. Raul Castro remains in the maximum role in the Cuban system as head of the Communist Party and in control of the government. His son, Alejandro Castro Espín, a colonel in the Ministry of the Interior presided over the Cuban side in the secret negotiations to normalize relations during the previous Administration.

This process continued with a “constitutional reform” that reformed little.

On February 24, 2019 the Cuban people were called to the polls to ratify a new constitution that despite some cosmetic changes, enshrines the fundamental principles of the existing one-party political system.

Basic conditions for free and fair elections were not fulfilled, independent observers were not allowed and numerous voting irregularities were reported. According to the initial final results disclosed by the National Election Commission (CEN), almost 87% of the nearly eight million voters who participated in the referendum approved the new constitution. More than 700,000 Cubans openly marked “no” in their ballots, blank and null voters were about 325,000, and more than 850,000 decided to abstain.

On February 28, 2019 the National Electoral Commission of Cuba (CEN) reduced abstentions in the referendum from 15.6% to 9.85%. The participation rate was raised from 84.4% to 90.15%. CEN president Alina Balseiro announced on state television that the final count eliminated the double-counting of 594,580 voters, also 3,445 deceased voters were excluded after the update, which left the current voter registry at 8,705,723.

This is the third time during the communist era that the constitution is being changed.

Brief constitutional history

Between 1959 and 1975 Cuba had a non-constitutional government.

In 1975 the Constitution was drafted and patterned after the 1936 Soviet constitution proclaiming "socialist legality," rejecting the rule of law while guaranteeing freedom of religion, freedom of speech, and freedom of assembly. However, all these freedoms were conditioned on pursuing the objectives of the government to build communism. According to official sources, there was a “public debate” with over six million Cubans participating. On February 15, 1976 the draft was approved by a referendum “in which 98% of the electorate voted and 97.7% voted in favor.” On February 24, 1976, it was formerly proclaimed in a public ceremony.

Due to references to the Soviet Union, following the USSR's dissolution in 1991, it became necessary for the Cuban government to update it in 1992.

Fearing that the character of the regime could be legally altered, due to the Project Varela initiative in 2002, when dissidents gathered 11,020 signatures for the reform of the system, the Cuban government revised the constitution making its socialist character "permanent and irrevocable."

In 2018 Raul Castro, head of the Cuban Communist Party, presided over the revision of the current constitution that was subjected to a referendum on February 24, 2019 that recognized economic reforms carried out over the previous decade that had been in conflict with the constitutional prohibition of “procur[ing] income derived from exploitation of the work of others.”

Between 1959 and 1975 Cuba had a prime minister, the position was eliminated in the 1976 Constitution, but has been reintroduced in the 2019 constitution. Term limits have also been introduced for the presidency.

The new constitution recognizes a “complementary role in the economy” for private property but continues to enshrine a “socialist economic system based on ownership by all people of the

fundamental means of production as the primary form of property as well as the planned direction of the economy.” It also specifies that foreigners can invest in Cuba without making any such provision for Cubans. In August of 2018, a temporary freeze on the issuance of new self-employment licenses in many fields sent a signal that economic liberalization is not in the cards.

The Communist Party remains the only legal political party in Cuba and “the superior driving force of the society and the State.” As in the previous version of the constitution the maximum authority in the regime resides with the head of the Cuban Communist Party. Furthermore the new constitution asserts “that it is only in socialism and communism that a human being can achieve his or her full dignity.”

The “election” of President Diaz-Canel in April 2018, the announcement of the drafting of a new constitution in June of 2018, followed by a fake consultation with the populace in order to complete what the late dissident leader Oswaldo Payá Sardiñas had called fraudulent change (cambio fraude) sought to legitimize the Cuban dictatorship both internally and internationally. The reality is that there have been no major improvements, just cosmetic changes that do not alter the nature of the Cuban regime. It is still a one-party communist dictatorship run by the Castro family.

Repression surrounding the Constitutional Reform

Inter-American Commission on Human Rights (IACHR) reported on March 4, 2019 that independent civil society groups in Cuba “noted that, despite their efforts to engage in pluralist dialogue, there were “political and legal hurdles” that restricted effective citizen participation. Some activists who campaigned against the new text reported that they had been intimidated, arrested and, in some cases, beaten up by the security forces, and that their homes had been besieged by the military the week before the referendum.”

Opposition groups in Cuba are not legally recognized in the island, and independent civil society is actively discouraged. Independent human rights organizations in Cuba are not legally recognized. On November 13, 2018 a resolution was presented to the European Parliament that reminded “the Cuban government the need to establish a national human rights institution in accordance with the Paris Principles.” Cuba does not have one.

There is no space for free expression in Cuba much less debating political alternatives for the future of the country. The Cuban government attempted to create a fake space for debate, but when independent actors attempted to speak freely in those spaces, the response was swift and brutal.

Political police have also shifted their tactics of repression by increasing their presence outside the homes of Cuban human rights defenders. Between February 11 and the 21st this tactic intensified in the run up to the February 24th Constitutional referendum.

Over 400 activists were arrested in the month of February 2019. 240 arrests took place in the days leading up to the referendum on February 24th. On the day of the referendum over 156 activists

were arrested. After the referendum in the four days remaining of February another 13 activists were arbitrarily detained.

Part of the dissident movement sought to mobilize around polling places to monitor the vote, encouraged voters to photograph their ballot marked “No” and also presented challenges to vote count methodologies in an act of nonviolent intervention.

On February 11, 2019 eight homes of members of the Patriotic Union of Cuba (UNPACU) were raided by the political police, beaten up and 27 activists detained. Equipment and supplies were seized in fourteen of the raids. Jose Daniel Ferrer Garcia, a former prisoner of conscience and leader of the UNPACU movement, initiated the “Hunger Strike Against Repression.” Eventually 130 UNPACU activists joined the hunger strike to protest repression and “the farce on the 24th.”

On February 19, 2019 Eliecer Góngora Izaguirre, coordinator of the Patriotic Union of Cuba (UNPACU) in the municipality of Jobabo, Las Tunas was violently taken from his home and deported to Guyana. Eliecer, an UNPACU activist and father of four children. "They carried me and dragged me violently by the arms and feet, throwing me against a patrol car and giving me blows in the same hand that they fractured last February 4 in Camagüey, where I was carrying out the campaign for the I Vote No (YoVotoNo) campaign," said Góngora Izaguirre. Prior to being deported members of the Revolutionary National Police (PNR) tortured him psychologically, and on the following day took him to his parents and wife, threatening him with death and prison in front of them. They claimed that they had the paperwork for him to begin serving a four-year prison term for Pre-criminal Social Dangerousness, that they initiated against him the day they broke his arm.

On February 24th “they arrested Osmay Vazquez and his wife Yanet Díaz Santiago, both of the Eastern Democratic Alliance (ADO) in Palma Soriano, Santiago de Cuba when they tried to monitor the electoral college in their area.

New laws place further restrictions on Cuban artists and bloggers

Over the past year and a half two decrees have been issued that further undermine and restrict human rights. Decree 349, one of the first laws signed by President Miguel Díaz-Canel in April 2018 came into force in December 2018 further restricts and controls artistic expression in Cuba. This provoked protests by independent artists in the island, many were arbitrarily detained, and at least two have been jailed for a prolonged period of time. Rapper Maikel Castillo Pérez in September of 2018 and Rapper Lazaro Rodriguez Betancourt “Pupito en Sy” in November 12, 2018 were jailed for protesting this law. Both are still detained, but Maikel Castillo was sentenced to 18 months in prison in April 2019 for protesting this new law.

Decree 68 issued on July 4, 2019 "prohibits Cuban citizens from running websites hosted outside of the country." The Cuban-based online publication 14ymedio, that will be effected negatively by this new law they reported on as follows: This Thursday, the authorities published a set of laws "on the computerization of society in Cuba" that have as their objective, "to elevate technological sovereignty for the benefit of society, economy, security and national defense" and "counteract cybernetic attacks".

Despite repression some Cubans remains defiant.

Nevertheless, Cubans will continue to defy the dictatorship and demand their rights and freedoms often paying a terrible cost and then continuing in the struggle. With us today in the audience is Sirley Avila Leon.

Sirley Ávila León was a delegate to the Municipal Assembly of People's Power in Cuba from June 2005, for the rural area of Limones until 2012 when the regime gerrymandered her district out of existence. The Castro regime removed her from her position because she had fought to reopen a school in her district but been ignored by official channels and had reached out to international media. Her son, Yoerlis Peña Ávila, who had an 18 year distinguished career in the Cuban military was forced out when he refused to declare his mother insane and have her committed to a psychiatric facility.

Sirley joined the ranks of the democratic opposition and repression against her increased dramatically. On May 24, 2015 she was the victim of a brutal machete attack carried out by Osmany Carriòn, with the complicit assistance of his wife, that led to the loss of her left hand, right upper arm nearly severed, and knees slashed into leaving her crippled. Following the attack she did not receive adequate medical care and was told quietly by medical doctors in Cuba that if she wanted to get better that she would need to leave the country.

On March 8, 2016 she arrived in Miami and began a course of treatments over the next six months during which she was able to walk once again although not fully recovered due to her injuries. She returned to Cuba on September 7, 2016 only to find her home occupied by strangers and her attacker free and bragging that he would finish the job. She moved in with her mother and within a short time a camera and microphone were set up across from her mother's home.

Threats against Sirley's life intensified leading her to flee Cuba to the United States and request political asylum on October 28, 2016, but she continues to advocate for a free Cuba.

She is not alone.

Cuba's Ladies in White continue to protest regularly for human rights and freedom for all political prisoners, and are met with repression beatings, and arbitrary detentions. The founder of their movement Laura Pollan died under suspicious circumstances in 2011, but Berta Soler was elected the new leader of the movement and they have not waived.

They are not alone.

In February 2019 angry Cubans in Havana protested the poor regime response to a tornado that had ripped through Havana. They shouted down President Diaz Canel in the Regla neighborhood.

Reports emerged on May 7, 2019 that the state-run Center for Sex Education, headed by Mariela Castro, said in a Facebook post that the Conga Against Homophobia scheduled for an unspecified date in May had been canceled on orders of the Ministry of Health.

Gay rights activists condemned the cancellation and then organized their own demonstration. On Saturday, May 11, 2019 more than 100 demonstrators took to the streets of Havana. After setting out on Havana's Paseo del Prado, the marchers came up against many police and state security forces. Beatings, detentions and several arrests ensued.

This is not new. Cubans have sought freedom by fleeing the island while others have also been rising up and protesting for their rights for sixty years. The dictatorship's response has often been brutal. 25 years ago, on July 13, 1994 Cuban government agents massacred 37 Cubans when they tried to flee to freedom aboard the "13 de marzo" tugboat. Less than a month later on August 5, 1994 the streets of Havana erupted with thousands of protesters chanting "libertad" freedom. Their desire for liberty has not diminished, and the opportunities and dangers remain or have been exacerbated.

Real change must be centered on human rights improvements

The Castro regime has the political will to maintain absolute power and to use the economy to maintain and enrich high officials in the military and the intelligence apparatus to guarantee their loyalty to the existing system. The regime also has an ideological component that seeks to replicate its model elsewhere, and it has had successes in Venezuela and Nicaragua.

Cuban dissident Oswaldo Payá on March 30, 2012 warned about the Cuban government's effort to perpetuate itself in power.

Our Movement denounces the regime's attempt to impose a fraudulent change, i.e. change without rights and the inclusion of many interests in this change that sidesteps democracy and the sovereignty of the people of Cuba. The attempt to link the Diaspora in this fraudulent change is to make victims participate in their own oppression.

Oswaldo also knew what real change would look like and argued that [t]he gradual approach only makes sense if there are transparent prospects of freedom and rights." He also reminded many who have forgotten that: "We Cubans have a right to our rights." Human rights in the Cuban struggle for freedom are not an afterthought, but the central issue in the dispute between Cubans and the dictatorship.

Thank you very much.