

## **The Castro Regime's Ongoing Violations of Civil and Political Rights**

Testimony of  
Maria C. Werlau  
President, Free Society Project

Committee on Foreign Affairs, U.S. House of Representatives, Washington, DC  
Subcommittee on Africa, Global Health, Global Human Rights, and  
International Organizations - Christopher H. Smith (R-NJ), Chairman  
Wednesday, July 13, 2016 - 2:00PPM  
Rayburn House Office Building

The Cuban regime, never legitimized by a free election in its 57 years in power, has managed to secure near absolute impunity from the international community as well as increasing legitimacy and support. This should not surprise given its decades-long and vast dedication of resources to wielding influence and spreading propaganda. Yet, that it is a totalitarian dictatorship guilty of egregious, widespread, and ongoing crimes against humanity is an amply documented fact that reputable governments and institutions or principled individuals can only ignore at will.

The Cuban government violates –both in practice and in the letter of Cuba's laws —most universally recognized civil and political rights. We could dedicate many hearings just to touch on the systemic abuse to freedom of speech, association, press, or the denial of basic political rights' such as self-determination, not to mention the suppression of economic and cultural rights. But, for lack of time, I will focus today on the violations of the right to life, as I head a project, Cuba Archive ([www.CubaArchive.org](http://www.CubaArchive.org)), dedicated to this issue.

Since its beginnings in January 1959 and to this day, the Castro regime has repeatedly demonstrated its contempt for human life. July is particularly significant, as it is the anniversary month of three flagrant atrocities perpetrated by Cuban authorities; they have gone mostly unrecognized and altogether unpunished, as the rest of the Castro regime's crimes --individual and mass murders-- taking place any month of any year.

The Canimar River Massacre occurred on July 6, 1980 after three youngsters hijacked an excursion boat; its passengers immediately celebrated the opportunity to escape Cuba for the United States. Cuban Navy patrol boats and an Air Force plane opened fire on the vessel, injuring and killing many, then rammed it until it sank. The number of victims is unconfirmed (there was capacity for one hundred passengers) and includes children, none of the recovered bodies were returned to their families for burial. The ten survivors were threatened into silence and kept under constant surveillance for years.

Fourteen years later, in 1994 and on a day like today, July 13<sup>th</sup>, a group of sixty-eight that included many children boarded a tugboat in the middle of the night hoping to escape to the United States. They were chased by three waiting tugboats --alerted by infiltrators,

as is common in Cuba-- that began spraying the escapees with high-pressure water jets, sweeping terrified passengers off to sea and ripping children from their parents' arms. Finally, the tugboat was rammed and sunk. Passengers who had taken refuge in the cargo hold were pinned down and wailed until they drowned. The three pursuing tugboats circled around survivors who clung to pieces of wreckage, creating wave turbulence to drown them too. The attack stopped suddenly and survivors were pulled from the water only after a merchant ship with Greek flag approached Havana that could have borne witness. Thirty-seven perished, including eleven children, none of the bodies were returned to their families for burial. Male survivors were detained for months and given psychotropic drugs. All survivors and relatives of the deceased were put under surveillance, fired from their jobs and harassed systematically. Eventually, most left for exile.<sup>1</sup>

To cite just two more cases from our list of hundreds of victims for the month, on July 22<sup>nd</sup> 2012, Cuban opposition leader Oswaldo Payá, of the Christian Liberation Movement, and a youth leader from his group, Harold Cepero, died after a car accident the New York-based Human Rights Foundation “strongly suggests” was “directly caused by agents of the state.”<sup>2</sup>

The above are but a small sample of the large-scale tragedy that Cuba Archive is attempting to document. As of December 31, 2015 our work-in-process had documented over 6,200 cases of death and disappearance attributed to the Castro regime not resulting from combat operations; these include over 3,100 persons executed without due process of law. The victims include small children, pregnant women, elderly persons, human rights' advocates, protestant pastors, Jehovah's Witnesses, homosexuals, young men objecting to the obligatory military service, exported workers put to work in unsafe and crime-infested, and anyone who gets in the way or unintentionally happens to fall prey of the Cuban regime's Stalinist laws and practices. The ghastly list also includes 43 U.S. citizens, 21 reported as executed, assassinated, or disappeared and 6 killed in terrorist attacks sponsored or supported by Cuba (there are likely many more).<sup>3</sup>

We know, sadly, that this count is but a sample of the many more victims of the Cuban regime who remain nameless or simply have not yet been documented. It would extend to numerous countries in Africa, Latin America, the Middle East and, actually, around the globe, where Cuba has created, supported, and promoted war, subversion and terror, including today in nearby Venezuela. The human toll of the Castro dynasty is easily, in my view, several hundred thousand. It's critical to remember that each victim, no matter their nationality, has a name, a face, a story, loved ones left behind in grief, and, at least for now, without any hope of justice.

---

<sup>1</sup> More detailed accounts of both massacres are available at [www.CubaArchive.org](http://www.CubaArchive.org), Reports.

<sup>2</sup> The complete report can be found at <http://humanrightsfoundation.org/news/cuba-hrf-report-on-oswaldo-payas-death-evidence-suggests-government-may-have-killed-him-00446>

<sup>3</sup> See “U.S. Citizens Killed or Disappeared by Cuba's Communist Regime: 43, Update of June 26 2016,” [www.CubaArhive.org](http://www.CubaArhive.org) (Reports).

Today, the Cuban government does not kill its people en masse as it did in its early years. That's bad public relations. The application of capital punishment is on hold since three young men were executed for trying to steal a ferry in 2003 to escape the island. Yet, there are persons on death row and dozens of causes for capital punishment in the Penal Code, most for crimes to state security. Just as in the former Communist regimes of East Germany (German Democratic Republic), Poland, Czechoslovakia, and others, once armed uprisings had been defeated --in Cuba, by the late 1960s--, terror implanted and the repressive apparatus well in place, fear together with more sophisticated means of control are deemed sufficient to keep the rulers in power. The Cuban police state has, in fact, proven exceptionally successful; its huge counterintelligence machinery for internal control has, according to defectors, a higher surveillance ratio than that of all former Soviet bloc countries. Cuba's intelligence services is one of the most dedicated and effective in the world; while the population has been subjected to misery and food rations for decades, the "Dirección de Inteligencia" has always had plenty of resources to advance Cuba's goals internationally.

In the surviving archives of the former Soviet bloc countries, there is evidence of the shared methodology of control and of the operational links between the secret police of Cuba and that of all the iron curtain countries. The archives of the former East German Stasi, for example, reveal that it provided Cuba training and support on refined methods of torture and repression to avoid killing or executing opponents and political prisoners, just as the Stasi had accomplished in Germany.

Regardless, a steady staple of extrajudicial and other killings have been a fact since the Castro regime's inception; Cuba Archive had documented 1,166 to December 31, 2015. Things are not much better since Raúl Castro assumed supreme command in Cuba ten years ago after his brother Fidel retired for health reasons.<sup>4</sup> Since then, from July 2006, and to December 31, 2015, Cuba Archive had documented (in what is considered a very partial count) 264 cases of death and disappearance, including 2 forced disappearances, 34 extrajudicial killings, 6 deaths from protest hunger strikes in prison, 98 deaths from the denial of medical care or a medical condition developed in prison, and 52 suicides or induced/alleged suicides in prison. (See Annex I as well as "The Human Toll of Raúl Castro's Rule, Update of December 30, 2014" in [www.CubaArchive.org](http://www.CubaArchive.org), Reports.)

These numbers are only of cases properly documented. There is insufficient data on many more deaths and disappearances reported at sea in exit attempts, plus reports of deaths in prison are very limited while many are believed to be dying in the prisons, especially young men serving time for "economic crimes," not considered crimes in any civilized country.<sup>5</sup>

---

<sup>4</sup> On July 31st 2006, Fidel suddenly fell ill and Raúl, second-in-command (then First Vice President of the Council of State and Minister of Defense), was designated President of the Council of State in an intended temporary transfer of power. Fidel did not return to power and, on February 24, 2008, Raúl was officially "elected" President by the National Assembly; on April 19, 2011, he was designated First Secretary of the Communist Party at the 6th Party Congress, effectively completing the succession.

<sup>5</sup> Cuba Archive documents deaths of non-political prisoners given the criminalization in Cuba of many activities that contravene universally accepted human rights' standards, the absence of due process of law or of international monitoring, and because reporting from inside the prisons leads to reprisals.

There is one particularly troubling aspect of the ongoing killings by the Cuban regime I would like to highlight --the abuses, including killings, committed against persons attempting to escape the country, including the aberration that is, in my view, Cuba's "Berlin Wall" at Guantánamo.

Cuba passed regulations relaxing very harsh travel restrictions beginning January 2013, but its Article 215 of the Penal Code continues to forbid the citizens from leaving the country without prior government authorization. Attempting to do so is punishable with years of prison. Stealing or hijacking a vessel to flee can lead to capital punishment.

Cuba Archive has documented, as of July 11, 2016, the following for attempting to escape the country: 156 extrajudicial killings, 24 executions, and 14 forced disappearances, all perpetrated by the Cuban state. In addition, we have documented 902 disappearances, but many could well be forced disappearances or killings by state actors. The actual number of victims of attempts to escape Cuba, including those drowning, dying of exposure, and devoured by sharks, is estimated in the tens of thousands.

Attacks by Cuban authorities on people fleeing Cuba have reportedly declined to a great degree, as Castro, Inc. has gradually developed and now perfected a highly lucrative business of exporting its people that welcomes most departures. But, the killings and abuses have not altogether stopped.

On December 16, 2014, the day before President Obama made his surprise announcement on normalization of relations with Cuba, 32 year-old Liosbel Díaz Beoto disappeared after Cuban Border Guards sunk the boat in which he was traveling with 31 other passengers, including seven women and two children. Survivors insisted they had been in international waters 22 miles away from the coast of Matanzas, Cuba, from where they had left. For two hours, the border guards shot at and rammed the boat until it sunk, as the passengers screamed begging for mercy. Liosbel had gone back to Cuba attempting to smuggle out of the island his wife and 5 year-old son.

On April 8, 2015, 30-year old Yurineski Martinez Reina was killed by a State Security agent at a beach in Matanzas after the agent fired on a group of five who had attempted to leave Cuba on a homemade raft. In June 2015, fourteen Cubans boarded a tugboat in Santiago de Cuba and, with the agreement of the captain and all the passengers, headed for the United States. Having reached international waters and around 38 miles from the island, they were intercepted by a Cuban Border Guard vessel that, without warning, began to ram the tugboat. The border guards then boarded the fleeing tugboat and began to brutally beat the passengers, including the women. Brought back to Cuba in very bad condition from the beatings, the passengers were carried to a military hospital for treatment and then taken to a detention center known as "Versalles," feared for the physical and psychological torture dispensed there. Kept incommunicado in dark, hot, and pestilent cells with no ventilation or sanitary facilities with no water for bathing, and sleeping on dirty floors, they were interrogated day and night, they were released after being imposed fines of 10,000 pesos, equivalent to around twenty times the average

monthly wage, which by the way, is ranked the lowest in the world.<sup>6</sup> Five were fined 1000 pesos a day until their trial, or twice the average monthly wage.<sup>7</sup> This is a new modality of Raúl's reforms, huge fines instead of prison, another way to cash in from repression.

What's perhaps even more egregious is that, while the infamous Berlin Wall fell 26 years ago, a deadlier replica more than twice in age remains in Communist Cuba, yet remains virtually ignored. Barbed wire, high fences, minefields, watchtowers, ferocious dogs, and sharpshooters firing at unarmed civilians..., this tropical version of "The Wall" prevents escapees from reaching the U.S. naval base in Guantánamo. There is even a distinctive extension of the barrier into Guantánamo Bay --a sea wall built in the mid-1990s (visible on Google Earth) with a net allowing authorized maritime traffic, surrounded by border guards firing from patrol boats or throwing grenades at anyone trying to swim towards the U.S. base.

During the 28-year existence of the Berlin Wall (1961-1989), 227 persons were killed attempting to cross to West Berlin. Cuba Archive has documented 34 confirmed cases of individuals killed or disappeared while attempting to flee to the U.S. Guantánamo Naval base, 6 more killed by mines and 39 other reported cases lacking confirmation. (See Annex II for a list and a more detailed report at CubaArchive.org, Reports.) We know from human rights' defenders in Guantánamo as well as from numerous accounts, that 57 years of the Cuban version of the wall have seen countless hundreds, perhaps thousands paying with their lives, limbs, eyes, or years of prison for attempting the crossing. The mother of a 26 year-old shot January 1994 as he swam unarmed towards the base hoping to obtain asylum, has told me about a large field of unmarked graves at the cemetery in Guantánamo --on the Cuban side-- for victims of foiled escape attempts to the base. Photos of the two victims riveted with bullets were exhibited in a Guantánamo school to warn against escaping and facing a similar fate. The two sharpshooters who with long-range automatic rifles killed her son, Iskander Maleras, and his friend, Luis Angel Valverde, from their watchtower were commended in a ceremony for doing their duty.

Successive U.S. administrations, although usually granting refuge to those who make it to the base, have kept largely silent on this killing field in order to --I have been told-- avoid provoking the Castros and having the base overrun by asylum seekers. Our government is well aware that Cuban guards stationed around the base have orders to shoot to kill "fence-jumpers" and keeps classified records of all recorded incidents. The Clinton administration reportedly filed a rare protest with the Cuban government in June 1994 after many defenseless swimmers had been attacked with grenades and shot by Cuban Border guards as they attempted to reach the base; U.S. personnel could see the bodies being fished out of the water with gaffing hooks. Raúl Castro, now President of

---

<sup>6</sup> See <http://www.nationmaster.com/country-info/stats/Cost-of-living/Average-monthly-disposable-salary/After-tax#2014>

<sup>7</sup> See "Detenidos y golpeados por guardafronteras cubanos, CubaNet, octubre 8, 2015," a report from Cuba on this incident.

Cuba, was Minister of Defense at the time and the Border Guard was under his direct command.

U.S. anti-personnel and anti-tank land mines that were in the buffer zone with Cuba since 1961 —considered a Cold War necessity— were removed in 1996 to uphold international agreements. Yet, the Cuban government has not signed the Ottawa Convention banning land mines and insists on keeping its mines.

All of the crimes mentioned above, and many, many more, have been deliberately ignored by the vast majority of the international community that has capitulated to Cuba's pressure and blackmail or is seeking to reap profits from so-called business opportunities offered in partnership with the Castro regime. Sadly, while the U.S. is widely condemned for its prison for accused terrorists at Guantánamo, the mined field, killings, maiming, or ghastly dungeons on the Cuban side are altogether ignored.

Engaging this criminal regime in its own terms and offering it support and credibility only fuels its tyrannical ways, exported globally with the help of rogue allies to the detriment of our security and that of the free world. We must continue to demand an end to this impunity and forcefully denounce and reject all these gross violations to human rights by the Cuban regime. The Castros should be held accountable for their crimes and the Cuban people ought to count on solidarity from civilized nations to enjoy all their rightful freedoms.