

briefing

Cuba

Religious Freedom Violations in Cuban Prisons

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I. Executive Summary

The Cuban government systematically violates the religious rights of political prisoners, in contravention of the UN Standard Minimum Rules on the Treatment of Prisoners, by arbitrarily denying them access to clergy, confiscating bibles and other religious literature and materials (including rosaries), and prohibiting them from attending religious services. These violations are reported repeatedly and consistently as occurring in high security prisons across the country indicating that they are not simply a result of decisions made by local prison authorities, but rather state policy instigated at the highest levels.

Interestingly, according to research based on interviews with former political prisoners and the families of current political prisoners, these policies appear to be aimed specifically at political prisoners who are openly Christian (both Catholic and Protestant) and have requested access to religious literature, visits from a member of the clergy, and/or to meet with other prisoners for worship, study or prayer. Political prisoners who do not consider themselves to be particularly religious, have reported that they are free to keep Bibles and other religious materials. In addition, according to reports from religious leaders inside Cuba, common prisoners are allowed to keep bibles and other religious literature, can receive visits from the clergy, and have been permitted to meet with other prisoners for study, worship and prayer. This suggests that these policies are specifically directed at Christian political prisoners, particularly those whose faith has played a significant role in their human rights and/or pro-democracy activity, and are likely part of a general policy of applying pressure on all political prisoners in an effort to punish them and to break them down psychologically.

2. Recommendations

CSW urges the Cuban authorities to:

- Ensure that prison officials in all prisons across the country are aware of and trained in the guidelines set out in the UN Standard Minimum Rules for the Treatment of Prisoners;
- Implement the standard minimum rules in all prisons in the country for all prisoners, regardless of the reason for their imprisonment;
- Ensure that the religious rights of all Cuban prisoners, regardless of the reason for their imprisonment, are upheld. This includes the right to keep a Bible and/or other religious literature, the right to access to a qualified representative of their religion, and the right to meet with other prisoners for worship, study and prayer, without fear of harassment;
- End the practice of arbitrarily denying the religious rights and confiscating religious materials of political prisoners as a form of punishment;
- Ensure that pastoral visits are allowed to take place with respect for privacy and confidentiality and in appropriate circumstances for acts of worship, including the Eucharist;
- Allow the Red Cross access to all Cuban prisons and to all prisoners, including political prisoners.

3. Violations of Religious Freedom in Cuban Prisons

3.1. Standard Minimum Rules for the Treatment of Prisoners¹

Rule 6

1. *The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
2. *On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.*

Rule 41

1. *If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.*
2. *A qualified representative appointed or approved under Paragraph 1 shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his/her religion at proper times.*
3. *Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his/her attitude shall be fully respected.*

Rule 42

1. *So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination.*

3.2. The Right to Religious Literature

The right to possess religious literature, including Bibles, is regularly violated in Cuban prisons. Despite the provision in Rule 42 of the Standard Minimum Rules for the Treatment of Prisoners that every prisoner should be allowed to keep religious books in their possession, a number of prisoners have reported the confiscation of their bibles and have said that they are not allowed to receive other religious literature delivered to the prisons by family members. While the majority of political prisoners report that they are sometimes allowed to have a Bible and/or religious literature they also report that these are all too often arbitrarily confiscated by prison officials. The confiscation of religious literature is apparently sometimes a form of punishment; at other times, however, no reason is given to the prisoner.

The repeated confiscation of religious materials is not a new phenomenon in Cuban prisons. In one example, former prisoner, Jorge Luí García Pérez, also known as “Antúnez,” reported that during the seventeen years² he spent in prison, his Bible, religious books, and crucifix were repeatedly confiscated as a form of punishment for his frequent hunger strikes and other acts of non-cooperation. Similarly, Dr. Oscar Elías Biscet, currently serving a 25-

¹ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

² From 1990 until April 2007

year sentence³ in the Combinado del Este prison in Havana, has also denounced the repeated confiscation of his Bible over the past decade, while Juan Carlos González Leiva, a blind human rights activist and former prisoner, was only allowed to keep his Braille Bible after an international campaign in 2002. More recently, the wife of Alfredo Rodolfo Domínguez Batista, who is serving a fourteen-year sentence in the Holguín Provincial Prison, reported that his Bible and all religious materials were confiscated in the summer of 2007 and have yet to be returned.

In some cases, prisoners are allowed to keep a Bible but are not allowed to keep or receive any additional religious literature, including prayer books or hymnals. Normando Hernández González, for example, who is currently serving a 25-year sentence has been permitted to keep his Bible but not to have any other religious books. The wife of Víctor Rolando Arroyo Carmona, an independent journalist serving a 26-year sentence in the Holguín Provincial Prison, also reported that he has been allowed to keep his Bible, but all other religious literature she has attempted to bring him during prison visits has been confiscated by the prison authorities.

3.3. The Right to Pastoral Visits

Contrary to the guideline set out in the UN Standard Minimum Rules for the Treatment of Prisoners, that “Access to a qualified representative of any religion shall not be refused to any prisoner,” Cuban political prisoners consistently report that they are denied the right to regularly meet with a priest or pastor. While most prisoners report that they are, on occasion, allowed to meet with a representative of their faith, they consistently complain that visits are only permitted sporadically, that they are usually chaperoned by prison officials, and that visits are often arbitrarily cancelled as a form of punishment, or at times, for no reason at all. In addition, the majority of prisoners report that they are unable to request a particular priest or pastor but are only able to meet with those appointed by the prison officials.⁴

There does not appear to be any standard in Cuban prisons regarding the frequency of pastoral visits. The family of Dr. José Luí García Paneque, an independent journalist serving a 24-year sentence in the Las Mangas Prison near Bayamo, for example, reports that after initially refusing the doctor the right to meet with a priest, the prison authorities are now allowing a pastoral visit once every two months. The wife of Víctor Rolando Arroyo Carmona, on the other hand, reports that he is only able to receive the visit of a priest every three months. Alfredo Rodolfo Domínguez Batista, however, who is held in the same prison as Arroyo Carmona, has had to repeatedly demand access to a priest and even when granted, the priest is only able to visit Domínguez Batista every four or five months. His most recent request for a pastoral visit was denied by the prison authorities. Normando Hernández González has been denied the right to pastoral visits altogether.

Juan Carlos González Leiva, who was held in a judiciary facility in Holguín province, was also initially denied the right to pastoral visits. In contrast to the cases above, and significantly - following intense international pressure, González Leiva was accorded the right to have his own pastor from the city of Ciego de Avila visit him regularly and was even allowed to be baptised while in prison. This was an exceptional case, however, and the rights granted to González Leiva appear to have been a direct result of the international attention given to his case and particularly to his religious rights.

³ Dr. Biscet served a three-year prison sentence from 1999 to 2002 before being arrested and imprisoned again in December 2002.

⁴ Most prisoners stated that the religious representatives appointed by the state to visit the prisoners are satisfactory. Disturbingly, however, there have been isolated reports that some state appointed religious have used their pastoral visits to attempt to persuade prisoners of conscience to renounce their human rights or pro-democracy activity.

3.4. Worship, Prayer and Study

Of all of the rights set out in the Standard Minimum Rules for the Treatment of Prisoners, the right to attend religious services is the most problematic for Cuban political prisoners. They report that they are consistently denied the right to meet with other prisoners for religious study, prayer or worship. Priests and other religious leaders are not allowed to celebrate mass or to oversee other religious services in prisons for groups which include political prisoners. In one example, Víctor Rolando Arroyo reported in February 2008 that he is not allowed any type of spiritual fellowship with other prisoners and prison officials do not allow the visiting priest to hold a group mass for the prisoners to attend. The families of Normando Hernández González, Dr. Oscar Elías Biscet, Alfredo Rodolfo Domínguez Batista, and Dr. García Paneque, political prisoners in different prisons across the country, all report similar experiences. Some of these, including Hernández González and Dr. Biscet have been held in complete isolation from other prisoners.

Political prisoners who have attempted to hold informal Bibles studies or prayer meetings have reported that these are repeatedly broken up by prison officials, sometimes with violence. In January 2008, Alexander Aguilar Sosa, a political prisoner serving a six-year sentence in the Agüica Prison in the province of Matanzas, reported that the prison “Chief of Internal Order,” had broken up the small prayer and study service in which Aguilar Sosa regularly participated along with other prisoners. Antúnez, also reported that during his imprisonment his repeated attempts to meet with other prisoners to read the Bible and pray often ended in violence as prison authorities broke up the meetings by beating the participants. In another example, in February 2006, José Luis Rojas Martínez, a 7th Day Adventist who was serving a two-year sentence for “dangerousness” in the El Pitirre Prison (also known as I580) in Municipio San Miguel de Padro, Havana, was beaten, had his Bible and other religious literature confiscated, and was denied his regular family visit in punishment for sharing his faith with his fellow prisoners. This apparently caused a protest among the other prisoners, according to reports that were leaked out of the prison at the time.

4. Conclusion

Religious rights are systematically violated in Cuban prisons across the country. These violations are committed primarily against prisoners of conscience, and particularly those who openly profess a faith. It appears that these violations occur as part of a concerted effort on the part of the authorities, who apparently recognise the important role faith plays in the lives of these men and women, to “break” prisoners both physically and psychologically. Christian prisoners are arbitrarily denied the right to keep a Bible and/or other religious literature, the right to regular visits from a member of the clergy, and the right to meet with other prisoners for religious study, worship, and/or prayer. When prisoners are granted these rights, they live in perpetual fear that they can be withdrawn at any time, sometimes as a form of punishment and sometimes for no apparent reason at all.

These violations occur despite the clear guidelines set out in the UN Standard Minimum Rules for the Treatment of Prisoners. This should, perhaps, be unsurprising, considering the abysmal human rights record of the Cuban government and particularly within the Cuban prison system. It is worth noting that the Cuban government also refuses independent NGO’s and humanitarian organisations, including the International Red Cross, access to its prisons to monitor the conditions or to meet with prisoners. The international community should push the Cuban government to open its prisons to inspection and to uphold the human rights, including the religious rights, of all of its prisoners, regardless of the reason for their incarceration, in line with the UN Standard Minimum Rules for the Treatment of Prisoners.