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Cuba: Human Rights and US Policy Statement by Tom Malinowski, Washington Advocacy Director Senate Committee on Finance September 4, 2003

Mr. Chairman, members of the Committee:

Thank you for your invitation to address the human rights situation in Cuba and to discuss U.S. policy towards that country.

Human Rights Watch has been monitoring human rights conditions in Cuba for more than 15 years. Severe political repression has been constant throughout this time. Cuba has long been a one-party state. It has long restricted nearly all avenues of political dissent. It has long denied its people basic rights to fair trial, free expression, association, assembly, movement and the press. It has frequently sought to silence its critics by using short term detentions, house arrests, travel restrictions, threats, surveillance, politically motivated dismissals from employment, and other harassment.

But this year's crackdown on political dissent in Cuba surpasses, in its scale and intensity, the violations we have documented in the past.

The crackdown was a reaction to the flowering of civil society in Cuba over the last several years, and to the growing activism and ambitions of its dissident community. It followed the success of the Varela Project, led by dissident Oswaldo Paya, in gathering signatures from Cuban citizens on a petition calling for political reform.

The crackdown began on March 18. In just a few days, state security agents arrested dozens of people, launching an all-out offensive against nonviolent dissidents, independent journalists, human rights defenders, independent librarians, and others brave enough to challenge the government's monopoly on truth. In due process terms, their trials were a sham. And in the end, 75 defendants received sentences ranging from 6 to 28 years, with an average sentence of 19 years. Cuban courts have not imposed such draconian sentences on such large numbers of people in more than two decades.

What do these troubling developments mean for U.S. policy towards Cuba? What approach offers the greatest likelihood of effecting change?

The first thing I hope we can all agree on is that no one should have any illusions about the character of the Cuban government. No one should romanticize any aspect of this cruel system, or make any excuses for Fidel Castro's abuses. The crackdown on dissent in Cuba is not the fault of the United States, or the fault of the U.S. embargo, or the fault of the Cuban-American community. The responsibility lies with Fidel Castro, period.

We should also agree that this is no time to reward Fidel Castro; this is a time for maximizing effective pressure on the Cuban government to change its policies. But we also need to be tough-minded and strategic in assessing whether the all-out embargo currently in place is the best available tool for achieving our goals. Is it likely to move the Cuban government? Do Cuba's cynical rulers even see it as punitive? I believe the answer to those questions is no, and that a middle ground approach would serve the cause of Cuba's brave dissidents far better.

I say that as someone who is often supportive of economic sanctions, even unilateral economic sanctions, against governments that systematically violate human rights. My organization believes that sanctions, when carefully targeted and deployed as part of a larger diplomatic strategy, can be effective in promoting human rights and in expressing where the United States stands on human rights. This year, for example, we applauded the Congress and members of this Committee for supporting additional U.S. sanctions against the government of Burma. We are generally skeptical of arguments that trade with the United States or exposure to American values and practices can somehow convince repressive governments to be kinder and gentler to their people.

But it seems to us that any American policy designed to promote human rights in another country has to meet two basic tests to be worthy of continuation. First, is the policy more likely to be effective than the alternatives? Second, does it advance the interests and speak to the needs of those struggling to defend human rights in the country concerned? After 40 years, it's clear that the all-out embargo against Cuba fails both tests.

Many of the dissidents struggling for change inside Cuba want to see the embargo eased, including the writer Raul Rivero and the activist Hector Palacios Ruiz, who were sentenced, respectively, to 20 and 25 years in prison in April, as well as Oswaldo Paya, the leader of the Varela Project. Refusing to heed those who risk everything for freedom in Cuba is senseless. It would be as if the United States had taken steps to defend liberty in the old Soviet empire that were categorically opposed by Andrei Sakharov, Lech Walesa, and Vaclav Havel.

Leading Cuban dissidents understand that the embargo helps Fidel Castro's cause, not theirs. Because it is indiscriminate, rather than targeted, it enables the Cuban government to shift blame to the United States for the Cuban people's suffering. Because it isolates the Cuban people from the world, it makes it easier for the Cuban government to control what they hear, see and know. Because it is bitterly opposed by most nations, it enables the Cuban government to divide the international community, leading, ironically, to less international pressure on Fidel Castro, not more.

At the same time, a relaxation or end to the embargo would not, by itself, be an effective strategy for promoting change in Cuba. We need to be clear-eyed about this, as well: The Cuban government isn't going to stop locking up dissidents just because American tourists have joined the Canadians

sunning themselves on Cuba's beaches, or because American CEO's have joined the Europeans signing contracts with Fidel Castro. There does need to be carefully targeted, multilateral pressure on the Cuban government, or Cuba's dissidents won't have the space to fight for change. We need a middle ground between unquestioning engagement with the Castro government and an all-or-nothing approach that plays into Fidel Castro's hands.

All sides in the Cuba policy debate need to ask themselves: What does Castro fear most from the United States? It is not the continuation of the embargo, or its demise. It is the prospect that the United States might someday agree with allies in Latin America and Europe on an effective common strategy for defending the rights of the Cuban people.

For that reason, I would argue that America's Cuba policy should not even be directed at Havana right now. Given the history of this relationship, there is very little the United States can do bilaterally to influence the Cuban government. Instead, America's Cuba policy should be directed towards the other nations of Latin America, towards Europe, towards Canada. It should be aimed at forging a principled, common strategy for promoting political change in Cuba.

A united international community will have immensely more political and moral authority with the Cuban government than a divided international community. Because of the crackdown in Cuba, there is an opportunity now to forge a more united approach. The European Union has already toughened its common position on Cuba, for example. Latin American countries have supported resolutions on human rights in Cuba at the U.N., which, although far too mild, are a step forward. But much more can be done.

The United States should be urging Latin democracies to speak forcefully against political repression in Cuba, and to stop backing Cuban membership in bodies like the U.N. Commission for Human Rights. It should press Latin diplomats to meet with Cuban dissidents. It should urge European countries to impose on the Cuban leadership the same targeted sanctions, including the denial of visas and the seizure assets, that they have imposed against other repressive governments, such as Burma and Zimbabwe.

While easing some trade and investment with Cuba, and ending the senseless ban on travel to Cuba, the United States should also work with allies to develop common rules governing economic engagement there. Foreign investment in new private enterprises has helped limit the power of the state in countries like China and Vietnam. But in Cuba, workers in joint ventures with foreign companies are still hired and paid by the Cuban government, thus remaining at the mercy of the state. European, Canadian and ultimately American companies should receive licenses for investment in Cuba only if that policy changes.

The tragedy of the all-out U.S. embargo, and a key argument for easing it, is that it makes the United States impotent in pressing its allies for these tougher measures. The Bush administration knows it has virtually no influence with the rest of the world on Cuba. When Cuba was up for reelection to the U.N. Human Rights Commission this year, the administration hardly even tried to convince Latin countries to find an alternative candidate. In most capitals, Castro has succeeded in making the embargo a bigger issue than his own repression.

The best alternative to dumb sanctions against Cuba, therefore, is not a policy of no sanctions. It should be possible to forge a middle path that isolates the Cuban government, not the Cuban people.

But so long as the United States is unwilling to climb down to a tough, yet sensible policy, it will not persuade its allies to rise up to such a policy. I thank the Committee for its willingness to explore that alternative.