

- ▶ eliminate elements of laws relating to "social danger" that infringe on rights and freedoms;
- ▶ repeal laws that discriminate between citizens on political grounds, particularly in the areas of education and employment;
- ▶ repeal laws barring citizens from exercising the right to leave and return to one's own country;
- ▶ reform trial law to ensure a guarantee of due process, including the independence of the judiciary, access to legal assistance and equality between prosecution and defence;
- ▶ investigate all incidents resulting in violations of the right to life, punish those responsible and compensate relatives of victims;
- ▶ ensure greater transparency in the prison system to prevent excessive violence and psychological suffering from being inflicted on prisoners;
- ▶ renew the agreement with the International Committee of the Red Cross and allow non-governmental humanitarian organizations access to prisons;
- ▶ allow international human rights NGOs to enter the country more frequently so they can evaluate the human rights situation and offer their expertise and cooperation with a view to securing improvements; and,
- ▶ consider requesting from the Office of the High Commissioner for Human Rights the establishment of a programme of advisory services and technical assistance in areas of: human rights education for citizens; review of and changes to laws to bring them into line with international standards; and, the establishment of a national institution for the promotion and protection of human rights.

#### Resolution of the Commission on Human Rights

At its 1997 session, the Commission on Human Rights adopted by roll call vote a resolution on Cuba (1997/62). The vote on the resolution was 19 in favour, 10 opposed and 24 abstentions.

In the text, the Commission: expressed concern at the continuing violations of the freedoms of thought, conscience, religion, opinion and expression, assembly and association and the rights associated with the administration of justice; expressed dismay at the February 1996 shooting down of two civilian aircraft; called on the government to allow the SR on Cuba to conduct an in-country visit; called on the government to consider acceding to the international human rights instruments to which Cuba is not yet a party; urged the government to allow the establishment and free functioning of independent political parties and non-governmental organizations; called on the government to bring laws and practices into conformity with international human rights instruments; called on the government to end detention and imprisonment, harassment and threats against human rights defenders and grant access to prisons by non-governmental humanitarian organizations and international humanitarian agencies; called on the government to ensure workers' rights; extended the mandate of SR for a further year; requested the SR to provide an interim report to the 1997 General Assembly and a final

report to 1998 Commission; invited the government to consider requesting the establishment of a programme of advisory services through the Office of the High Commissioner for Human Rights.

### THEMATIC REPORTS

#### *Mechanisms of the Commission on Human Rights*

**Arbitrary detention, Working Group on:** (E/CN.4/1997/4, paras. 6, 14, 15, 17, 44, 84, 85, 94; E/CN.4/1997/4/Add.1, Decisions 8, 9)

Decision 8 (1996) related to the case of the public relations officer of a human rights organization called Luchadores por la libertad y la independencia de Cuba. She was detained in April 1992 in connection with the group's activities and for possessing cassettes describing human rights violations and a copy of the Universal Declaration. She was charged with gathering secret or confidential information and sentenced to nine year's imprisonment. The Working Group (WG) decided that the detention had resulted from the exercise of the rights set out in articles 9, 19 and 20 of the Universal Declaration, including the rights to freedom of assembly, association, expression and opinion. The WG declared the detention to be arbitrary.

Decision 9 (1996) concerned an individual who had been detained and was released. The WG therefore filed the case.

**Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, paras. 18, 19; E/CN.4/1997/60/Add.1, paras. 143-147)

The report refers to an urgent appeal sent to the government related to death sentences handed down to three people following procedural irregularities and information indicating that the accused had been forced to sign statements confirming the charges against them. The government responded that the allegations did not correspond to reality and were political manoeuvres directed against Cuba and asserted that: the three men had been charged and convicted of murder; it was a matter within the national competence of Cuba, had nothing to do with a human rights situation, and was not within the competence of the SR; during trial the three defendants had had the benefit of all legal guarantees provided by law which is consistent with international legislation; and, the defendants had the right to appeal their sentences to the Supreme Court or the right to a pardon by the Council of State.

**Freedom of opinion and expression, Special Rapporteur on:** (E/CN.4/1997/31, Section III)

The report notes that information was sent to the government concerning: the case of an administrator working for the Independent Press Bureau of Cuba (BPIC) who, during October 1995, was reportedly detained for brief periods on three separate occasions; the case of a journalist with the Havana Press Agency who had been detained and summoned by the police in October 1995; the case of a journalist with the BPIC, held by officers of the State Police in Cienfuegos province in October 1995, told that a news story he wrote for the Havana Press Agency had angered local authorities, and informed that he would have to find a job with a State entity within 30 days or face charges of "vagrancy"; and the case of