

another BPIC journalist allegedly detained for 28 hours, together with her husband, subsequently forced to board a train to another province, and threatened with punitive measures if she were to contact the director of her Havana-based news agency. The government had not responded to any of the cases at the time the report was prepared.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 6, 15, 18, 21, 101–105)

The report notes that the Special Rapporteur (SR) has requested an invitation from the government to visit Cuba.

Three cases were transmitted to the government involving lawyers, one of whom was also the executive secretary of the provisional organizing group for the “Concilio Cubano”, a coalition of unofficial groups, including political parties and organizations of lawyers, journalists, women and trade unionists. The information received indicated that the three had been detained for nine hours in November 1996 (sic).

The report notes that one of the men was subsequently dismissed from his post at the Marianao Lawyers Collective by the National Directorate of Lawyers’ Collectives for alleged “technical deficiencies”. He was arrested again for reportedly organizing a meeting for the national committee of the Concilio Cubano in early 1996. In February 1996, he was tried for “resistance” and sentenced to six months’ imprisonment, apparently for asking members of the State Security Police to identify themselves upon his arrest. The SR was also informed that his lawyer, who had only been granted access to him and to details of the case at the last minute, was fined after the trial for stating publicly that the trial was a “sham”. There was fear that he might face disciplinary measures.

The report refers, as well, to the situation of one of the founders of the “Concilio Cubano” and the president of an unofficial group called “Corriente Agraromontista”. He was reportedly dismissed from the lawyers’ collective in October 1995 after criticizing the leadership of the National Assembly of Lawyers’ Collectives. The grounds given for his dismissal was that his behaviour “did not concord with official policy” and was alleged to be “incompatible with his participation in the lawyers’ collective”; in addition, the dismissal was linked to his work as the defence lawyer in a case during which he had publicly stated that the defence lawyers had been prevented from presenting their own witnesses and were not permitted to see so-called “secret documents” which were the mainstay of the prosecution’s case. The man was also reported to have spoken out on issues relating to the justice system in Cuba. Another member of “Corriente Agraromontista” was reported to have been subjected to harassment and intimidation by members of the State Security Police to make him stop his activities on behalf of the “Concilio Cubano”.

The report notes that under Cuban law lawyers, all of whom are employed by the state, are obliged to observe and contribute to the strengthening of socialist legality and that all legal services to the population are provided through *bufetes colectivos*, collective law offices, organized and supervised by the Ministry of Justice. The role of defence lawyers in cases of a political nature was reported to be severely limited, and the information received indicated that, for example, in cases of crimes against state security, defence lawyers were not permitted to have any direct contact with their clients

during the first weeks or even months of pre-trial detention. Furthermore, a number of defence lawyers who had been outspoken in recent years were penalized in professional terms, and sometimes dismissed or threatened with physical violence.

At the time the report was finalized, no substantive reply had been received from the government to the cases transmitted. The government did refer, however, to discussions held with the High Commissioner for Human Rights in 1994 concerning the question of invitations to thematic rapporteurs of the Commission. The government restated its political position on cooperation with the human rights mechanisms of the UN, namely that the same conditions should be applied to all Member States, based on the principles of objectivity, impartiality and non-selectivity. The government stated that it would consider the possibility of inviting thematic mechanisms of the Commission on Human Rights when it was of interest and convenience for the country.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 108–113)

The report notes that nine cases were transmitted to the government as well as one urgent appeal. The Special Rapporteur (SR) states that while few allegations of physical torture or ill-treatment of people held for interrogation are received, there are persistent allegations of brutality, often resulting in injury, to persons held in prisons where conditions are reportedly extremely harsh. The report refers to a recommendation to the government by the SR on Cuba to ensure greater transparency and guarantees in the prison system, to help prevent excessive violence and physical and psychological suffering from being inflicted on prisoners. The SR on torture also referred to the recommendation that the government renew the agreement with the International Committee of the Red Cross and to allow non-governmental humanitarian organizations access to prisons.

The cases transmitted to the government related to beatings in prisons resulting in fractures and kicking that caused injuries requiring hospitalization inflicted by prison officials, as well as injuries caused by one prisoner on another. The report notes that an urgent appeal had been sent jointly with the SRs on extrajudicial, summary or arbitrary executions and on the situation of human rights in Cuba, on behalf of three men who had reportedly received severe sentences after being beaten and forced by the police to sign self-incriminating statements. The government replied to the appeal and informed the SRs that the men had been sentenced for murder and that during the court proceedings, at which the offences had been proved, they had been entitled to every guarantee, including legal aid.

Other Reports

Mass exoduses, Report by the HCHR to the CHR: (E/CN.4/1997/42, Sections I.A, III.A)

The report of the High Commissioner for Human Rights summarizes the views of the government related to internal conflicts, asserting that: a study of the purely national aspects of the sources of such conflicts from the standpoint of human rights violations would not reveal the real roots of the problem; the causes were much more profound and in some cases were of a structural nature; the prevailing unjust and