In its 2002 conference report, however, the U.S. Congress rebuked U.S. Justice Department officials for failing to conduct appropriate consultations before buying highly sophisticated forensics equipment for the attorney general's office. Not only was this equipment not compatible with other equipment already in use; as of June 2002, two years after aid was first sent, it was still not in operation. While arguably useful, the equipment failed to "address [the Human Rights Unit's] priority needs of security, mobility and communications equipment for prosecutors, in particular for those prosecutors based in secondary cities and outlying regions," the U.S. Congress noted.

U.S. marshals also worked with the attorney general's office to improve the security provided for employees and threatened witnesses. During a June visit to Colombia, Human Rights Watch was informed that Colombia was due to receive sixty armored vehicles destined for threatened prosecutors and investigators, particularly those assigned to the new satellite offices.

The United States also pressed Colombia to sign a "non-extradition" agreement that would prohibit the extradition of U.S. and Colombian servicemen to stand trial before the ICC. Colombia complied, in large part because the U.S. threatened to prevent countries that were signatories to the Rome Statute and who had not signed the immunity pledge from receiving U.S. military aid. Colombia was receiving more military aid than any country except Israel and Egypt.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

A Wrong Turn: The Record of the Colombian Attorney General's Office, 11/02

CUBA

With the visit of former U.S. President Jimmy Carter to Cuba in May, Cubans were exposed to unprecedented public discussion of democracy and human rights. But as no legal or institutional reforms were made, the country's lack of democracy and intolerance of domestic dissent remained unique in the region.

HUMAN RIGHTS DEVELOPMENTS

The highlight of former President Carter's five-day visit to Cuba was his address on May 14 at the University of Havana, which was broadcast live on Cuban television. Speaking in Spanish, Carter urged the Cuban authorities to allow democratic changes and to grant basic political freedoms. He specifically criticized the Cuban government's ban on opposition movements and made direct reference to the

Varela Project, a petition drive organized by Cuban dissidents to call for a national referendum on civil and political reform. At the close of his speech, he engaged in a spirited question-and-answer session with members of the audience—an audience that included Cuban President Fidel Castro.

Carter drew attention to some of the country's most serious human rights problems. A one-party state, Cuba restricted nearly all avenues of political dissent. Although the criminal prosecution of opposition figures was becoming increasingly rare, prison remained a plausible threat to Cubans considering nonviolent political dissent. The government also frequently silenced its critics by using short-term detentions, house arrests, travel restrictions, threats, surveillance, politically-motivated dismissals from employment, and other forms of harassment.

Cuba's legal and institutional structures were at the root of rights violations. The rights to freedom of expression, association, assembly, movement, and the press were strictly limited under Cuban law. By criminalizing enemy propaganda, the spreading of "unauthorized news," and insult to patriotic symbols, the government curbed freedom of speech under the guise of protecting state security. The government also imprisoned or ordered the surveillance of individuals who had committed no illegal act, relying upon laws penalizing "dangerousness" (*estado peligroso*) and allowing for "official warning" (*advertencia oficial*). The government-controlled courts undermined the right to fair trial by restricting the right to a defense, and frequently failed to observe the few due process rights available to defendants under domestic law.

The organizers of the Varela Project, led by prominent dissident Oswaldo Payá, presented an important symbolic challenge to the government's intransigence in the area of political rights. On May 10, the organizers delivered a petition to the National Assembly—Cuba's unicameral legislature—containing more than eleven thousand signatures. Relying on constitutional protections for the right to petition, the Varela Project asked the government to hold a referendum on a broad array of civil and political rights, including competitive elections, freedom of the press, and an amnesty for political prisoners.

The Cuban government responded to the reform effort with a signature drive of its own. In June, in what seemed like a distorted caricature of the earlier campaign, the authorities organized a mass signature collection effort in support of Cuba's socialist system. Holding marches all across the country, and employing many thousands of signature collectors, the government claimed to have gathered more than eight million signatures in two days. With this purported mandate, the National Assembly then proceeded to approve an official proposal enshrining the socialist system in Cuba's constitution as "irrevocable."

A number of political dissidents were detained over the course of the year, with some facing criminal prosecution. The Cuban Commission for Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN), a respected Havana-based nongovernmental group, released a partial list of political prisoners in July that included 230 reliably documented cases. (It should be noted that not all of the cases listed involved persons who were wrongly detained or prosecuted on the basis of nonviolent political expression; it also listed people convicted of crimes such as "piracy," if the crimes

were politically motivated.) The list showed a net increase of twenty cases over a similar list compiled in January. The increase led the CCDHRN to suggest that a ten-year general trend away from the use of political imprisonment was coming to an end.

The vast majority of the year's politically motivated detentions took place during incidents in February and March. The first group of arrests occurred when the government tried to block members of the opposition from commemorating the anniversary of the 1996 shoot-down of two small planes by the Cuban air force. Several dissidents were arrested in advance of the event, while others were detained when they tried to reach a beach in the Miramar neighborhood of Havana to throw flowers into the sea. While most of the detainees were quickly released, a few remained in long-term detention.

Among those still detained as of early November were Leonardo Miguel Bruzón Avila, president of the February 24 Human Rights Movement, Carlos Alberto Domínguez González, an independent journalist, and Emilio Leyva Pérez and Lázaro Miguel Rodríguez Capote, president and coordinator, respectively, of the Cuban Pro Human Rights Party. None of the detainees had been officially charged with a crime. To call attention to his indefinite detention without trial, Bruzón Avila reportedly went on a hunger strike that began in late August and continued into October, raising serious concerns for his health.

On February 27, in a dramatic incident, a group of twenty-one young male Cubans, including three teenagers, crashed a stolen bus through the gates of the Mexican embassy in Havana. The group apparently believed that Mexico was granting refugee visas to Cubans, a rumor sparked by a U.S.-funded Radio Martí broadcast in which the Mexican foreign minister was reported saying that the embassy was open to all Cubans, including dissidents. Scores of other Cubans were turned away after trying to enter the embassy on foot. At the embassy's request, Cuban police entered the compound some thirty hours after the break-in and detained the asylum seekers. More than one hundred others were also arrested.

Some thirty political dissidents who did not participate in the embassy actions were also reportedly detained, having been arrested at some distance from the embassy. As of early November, a group of prisoners that included Iovany Aguilar Camejo, coordinator of the Fraternal Brothers for Dignity Movement, and Carlos Oquendo Rodríguez and José Aguilar Hernández, president and vice-president of the July 13 Movement, respectively, remained behind bars.

The embassy incident ended in a swirl of recriminations and conspiracy theories. The Cuban government accused the U.S. of maliciously instigating the break-in, while some dissidents surmised that President Castro had engineered the incident in order to embarrass Mexican President Vicente Fox, seen by the authorities as overly sympathetic to the Cuban dissident community. The Cuban authorities even aired a special television broadcast to discuss the incident. In it, Castro emphasized that "no one who storms into an embassy will ever leave [Cuba]," and attacked the asylum-seekers as "delinquents and anti-social elements."

A group of ten dissidents, human rights advocates, and independent journalists was arrested on March 4 at a provincial hospital in Ciego de Avila. They had gone to the hospital to visit a reporter who had reportedly been physically attacked by the police earlier in the day while he was traveling to a meeting of the Cuban Foundation for Human Rights. Reacting with disproportional severity to a minor disruption, state security police arrested the group after its members shouted statements such as "Long live human rights." Among those taken into custody was Juan Carlos González Leiva, a blind human rights advocate who was said to have been assaulted by police when he was arrested, requiring four stitches on his forehead. The other arrestees were seven dissidents and human rights activists—Delio Laureano Requejo, Lázaro Iglesias Estrada, Virgilio Mantilla Arango, Enrique García Morejón, Antonio García Morejón, Odalmis Hernández Matos, and Ana Peláez García—and two independent journalists—Léster Téllez Castro and Carlos Brizuela Yera.

The authorities quickly released the two women who had been arrested, placing them under house arrest. The remaining prisoners were kept in detention, however, and remained there as of early November. In September, the Ciego de Avila prosecutor's office notified the ten members of the group that they had been formally charged with the crimes of contempt of authority (*desacato*), public disorder, resistance, and disobedience. The threatened sentences varied, with one defendant facing seven years of imprisonment. Of González Leiva, the lead defendant, who faced a possible six-year sentence, the indictment noted critically that "he was not integrated into mass organizations and was not involved in any socially useful activities."

The year also saw the release of several well-known dissidents. In early May, just prior to Carter's visit, Vladimiro Roca Antúnez was freed from Ariza prison. He had spent over two years of his five-year sentence in solitary confinement. Prosecuted together with three other well-known dissidents, who were all released from prison in 2001, Roca was freed two months before the expiration of his sentence. The son of the late Blas Roca, considered a hero of the Cuban revolution, Roca was educated as an economist and had once flown missions as a Cuban air force fighter pilot. Years later, with his three co-defendants, Blas had embarked upon relatively high-profile dissident activities, holding press conferences in 1997 and releasing an analytical paper on the Cuban economy, human rights, and democracy. In the resulting criminal prosecution, the government had cast him as the group's ringleader, giving him the stiffest sentence of the four.

On October 31, Dr. Oscar Elías Biscet González was released from prison, having served out a three-year criminal sentence. A physician and prominent activist, Biscet was convicted in February 2000 of dishonoring patriotic symbols, public disorder, and instigating delinquency, for protests that included turning the Cuban flag upside-down and carrying anti-abortion placards.

Other dissidents who continued serving out their prison sentences included Francisco Chaviano González, incarcerated since 1994, Carlos Cabrera Roca, incarcerated since 1996, Joaquín Barriga San Emeterio, incarcerated since 2000, and co-defendants Néstor Rodríguez Lobaina and Eddy Alfredo Mena González, both incarcerated since 2000.

The government continued to prosecute people for "illegal exit" if they attempted to leave the island without first obtaining official permission to do so. Such permission was sometimes denied arbitrarily, or made contingent on the purchase of an expensive exit permit.

Prisoners were kept in abusive conditions, often in overcrowded cells. Many prisoners lost weight during incarceration and received inadequate medical care. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards. Prison authorities insisted that all detainees participate in politically oriented "re-education" sessions or face punishment. Political prisoners who denounced poor conditions of imprisonment were frequently punished by long periods in punitive isolation cells, restricted visits, or denial of medical treatment.

Cuba retained the death penalty for a large number of offences, but a de facto moratorium on its use seemed to be in effect. Because the authorities did not release public information on death sentences and executions, however, it was difficult to ascertain the status of prisoners facing capital punishment.

The government maintained tight restrictions on the press, barring independent news reports from being published within Cuba. Although local independent journalists regularly sent their stories outside of Cuba for publication, they had to work under extremely difficult conditions. They frequently faced police questioning, short-term detention, surveillance, confiscation of their notes and other materials, and travel restrictions aimed at preventing them from covering certain events. In May, the Committee to Protect Journalists, a U.S.-based press freedom group, named Cuba as one of the "ten worst places to be a journalist." Besides Domínguez, detained since February, and Téllez Castro and Brizuela Yera, detained since March, the authorities kept independent journalist Bernardo Arévalo Padrón behind bars. Incarcerated since 1997, Arévalo Padrón was serving a six-year sentence for "insulting" President Castro.

Despite some limits on freedom of religion, religious institutions and their leaders were granted a degree of autonomy not granted to other bodies. Several religious-run groups distributed humanitarian aid and carried out social programs. The authorities did, however, continue to slow the entry of foreign priests and nuns, limit new church construction, and bar religious institutions from running schools (although religious instruction was allowed). In contrast to the first decades after the Cuban revolution, discrimination against overtly religious persons was rare.

The government recognized only one labor union, the Worker's Central of Cuba (Central de Trabajadores de Cuba, CTC). Independent labor unions were denied formal status and their members were harassed. Workers employed in businesses backed by foreign investment remained under tight government control. Under restrictive labor laws, the authorities had a prominent role in the selection, payment, and dismissal of workers, effectively denying workers the right to bargain directly with employers over benefits, promotions, and wages. Cuba also continued to use prison labor for agricultural camps and ran clothing assembly and other factories in its prisons. The authorities' insistence that political prisoners work without pay in poor conditions violated international labor standards.

DEFENDING HUMAN RIGHTS

Human rights monitoring was not recognized as a legitimate activity, but rather stigmatized as a disloyal betrayal of Cuban sovereignty. No local human rights groups enjoyed legal status. As a result, human rights defenders faced systematic harassment, with the government placing heavy burdens on their ability to monitor human rights conditions. Besides routine surveillance and phone tapping, the authorities in some instances used arbitrary searches, short-term arrests, evictions, travel restrictions, and politically motivated dismissals from employment.

Human rights defenders were generally denied exit visas to travel abroad unless a humanitarian reason (such as a sick overseas relative) could be proffered. Oswaldo Payá, for example, was unable to travel to Washington, D.C., in September to receive a democracy award from the National Democratic Institute.

International human rights groups such as Human Rights Watch were barred from conducting fact-finding investigations on the island. Cuba was also one of the few countries in the world, and the only one in the Western Hemisphere, to deny the International Committee of the Red Cross access to its prisons.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

At its fifty-eighth session in April, and for the tenth time in eleven years, the U.N. Commission on Human Rights passed a resolution on human rights in Cuba. The language of the resolution, passed by a vote of twenty-three to twenty-one, was weaker than any in the past. Rather than expressing concern about violations, the resolution simply invited the Cuban government to make the same progress with respect to civil and political rights that it had with regard to economic and social rights. What was most notable about the resolution, however, was that it had the broad support of Latin American countries, which were increasingly willing to recognize Cuba's human rights problems.

Cuban representatives played a negative role at the commission by pressing to weaken the commission's human rights monitoring mechanisms under the guise of reviewing their functioning. In November, similarly, Cuba was one of only eight countries to vote against the U.N. General Assembly's adoption of the Optional Protocol to the Convention Against Torture, a new treaty aimed at eliminating torture and improving prison conditions.

In November 2001 and November 2002, as in past years, the U.N. General Assembly adopted by a resounding majority a resolution calling for an end to the U.S. economic embargo on Cuba.

Latin America

Ignoring strongly worded Cuban denunciations, eight Latin American countries—an unprecedented number—voted in favor of the Cuba resolution at the U.N. Commission on Human Rights. Only Venezuela voted against the resolution, while Brazil and Ecuador abstained.

Although Mexican President Vicente Fox visited Cuba in February, a move hailed by the Cubans as a sign of strengthening links, the two countries' relations worsened quickly. Fox met with dissidents during his visit and, in April, his gov-

ernment supported the U.N. resolution on Cuba. In late April, in what was perceived as a retaliatory gesture, President Castro made public a recording of a private telephone conversation he had had with Fox. The recording, contrary to the Mexican authorities' portrayal of the incident, showed that in March Fox had asked Castro to leave a development conference in Mexico early so as to avoid contact with U.S. President George W. Bush.

European Union

European Union (E.U.) representatives formally resumed a political dialogue with the Cuban government in December 2001 during a visit to Havana. As of early November 2002, however, Cuba remained the only Latin American country without an E.U. cooperation agreement. The E.U. "common position" on Cuba, originally adopted in 1996 and reviewed every six months, made full economic cooperation conditional on reforms toward greater democracy and human rights protection.

In October, the European Parliament announced that it would be awarding democracy activist Oswaldo Payá the prestigious Sakharov Prize for Freedom of Thought.

United States

Former president Carter may have made the most high-profile visit to Cuba, but he was certainly not the only U.S. political figure to travel to the island over the course of the year. Other visitors included Minnesota Governor Jesse Ventura, Tampa Mayor Dick Greco, and several members of Congress. With U.S. business and agricultural interests applying their substantial influence toward lifting the U.S. economic embargo, the pro-engagement lobby demonstrated increasing political clout.

Carter himself called for an end to the embargo during his visit to the island, arguing that it restricted the freedoms of U.S. citizens. In July, the House of Representatives voted 262-167 to loosen both trade and travel restrictions, and a similar bill was pending in the Senate. The main obstacle to change remained the executive branch, which promised to veto any legislation that weakened the embargo's provisions.

Bush administration officials tried to counter the pro-engagement effort by making strong and continuing verbal attacks on Cuba. In May, just prior to Carter's visit to the island, Under Secretary of State for Arms Control John R. Bolton accused Cuba of developing a limited capacity for germ warfare research. Assistant Secretary of State Otto Reich reprised these claims in October, although he did not put forward evidence to support them. And just after the one-year anniversary of the September 11 terror attacks, Reich's deputy assistant secretary of state asserted that Cuban agents had intentionally provided false leads regarding possible terrorist plots.

In August, former Cuban nurse Eriberto Mederos was convicted of illegally obtaining U.S. citizenship by concealing his role in what prosecutors said was a

decade of electroshock torture in a psychiatric hospital near Havana. Less than a month later, Mederos died of cancer, and his conviction was vacated because he had not had a chance to appeal it.

GUATEMALA

Incidents of political violence rose in 2002 as Guatemala struggled to deal with the legacy of massive human rights violations committed during the country's civil war, which ended in 1996. Although political violence was, for the most part, no longer carried out as a matter of state policy, impunity for acts of violence remained a chronic problem. Efforts to investigate and punish past abuses made little progress, and the human rights defenders promoting them faced violence and intimidation.

HUMAN RIGHTS DEVELOPMENTS

Guatemala made little progress in investigating and prosecuting past abuses. Three years after a U.N.-sponsored Historical Clarification Commission reported that over two hundred thousand people were killed and tens of thousands of human rights violations (including "acts of genocide") occurred during the country's armed conflict, only a small number of these cases had been addressed by the criminal justice system.

Guatemalans seeking accountability for past abuses continued to face daunting obstacles. The work of the attorney general's office was severely handicapped by the meager budget allotted to the office by the Guatemalan Congress, which resulted in prosecutors carrying excessive caseloads with inadequate resources. The courts (including the Supreme and Constitutional Courts) routinely failed to resolve judicial appeals and motions in an expeditious manner and thus allowed defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions failed to cooperate fully with investigations into abuses committed by current or former members. Perhaps the most serious obstacle to progress on human rights cases was the intimidation of witnesses and justice officials. (See below.) The police failed to provide adequate protective measures to persons involved in sensitive cases.

An important exception was the trial of three senior officers charged with planning the murder of anthropologist Myrna Mack. In October, a three-judge tribunal convicted Col. Juan Valencia Osorio for his role in the 1990 killing. Valencia, who was sentenced to thirty years, was the first senior military officer to be jailed for planning human rights violations committed during Guatemala's civil war. His co-defendants, Gen. Augusto Godoy Gaitán and Col. Juan Guillermo Oliva Carrera, were acquitted by the same tribunal.