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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by International Pen,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World

International PEN, the world association of writers representing members in 98 countries, has central to its mandate the promotion of the right to freedom of expression, which it sees as essential to the advancement of understanding between nations and cultures, and thus towards international peace and stability. Its Writers in Prison Committee has for over 22 years monitored attacks against writers and journalists for the practice of this right, and has on its records over 1000 recorded instances of killings, arrests, imprisonment, physical attack, and court proceedings in the past 12 months.

International PEN's Writers in Prison Committee has been following with alarm the systematic denial of freedom of expression to writers – in particular, independent journalists – by the Cuban authorities. With 38 print journalists, poets and librarians serving sentences or detained awaiting trial in Cuban jails, the nation now accounts for all but two cases of writers in prison in the Americas and 30% of all cases of writers in prison worldwide, as recorded by PEN.

The major source of concern has been the Cuban authorities' attitude to those who express opinions deemed contrary to those of the government. This had its culmination in the arrest, in March 2003, of around 80 individuals under laws governing the protection of the Cuban state. Of these, 34 were independent journalists, poets or librarians. The circumstances surrounding the trial and sentencing of those accused also seriously violated their right to a fair trial.

The individuals arrested in March 2003 were sentenced after one-day trials held on 3/4 April 2003. The court hearings were held *in camera* and it is widely reported that the accused were barely given any time with a lawyer prior to the trials in order to mount a defence. The majority were tried under Law 88 and Article 91 of the Penal Code. Law 88 is a catch-all piece of legislation that has been used in the past as a means for silencing writers and journalists by means of imprisonment. Amongst other strictures, it allows for prison sentences of up to twenty years for those found guilty of committing "acts that, in line with imperialist interests, are aimed at subverting the internal order of the Nation and destroying its political, economic, and social system". Article 91 deals with charges of acting against "the independence of the territorial integrity of the state", the maximum penalty for which is death. As a result of these summary trials, prison sentences of between 14 and 27 years were handed down to the accused.

PEN asserts that the use of such draconian laws against writers, journalists and librarians, and the harshness of the sentences handed down, is out of all proportion to the alleged crimes of the individuals involved. Such actions by the Cuban authorities would appear to have very little to do with the defence of national security but rather form a deliberate strategy aimed at silencing dissenting voices.

There are also four cases of writers arrested prior to the March 2003 clampdown and who are still in detention. Independent journalists L  xter T  llez Castro and Carlos Brizuela Yera, and the lawyer, human rights activist and librarian Juan Carlos Gonz  lez Leiva, were arrested on 4 March 2002, whilst staging a peaceful protest in support of a reporter, Jes  s Alvarez Castillo, who had allegedly been assaulted by police on his way to a human rights meeting. The three

have still not been put on trial. Alvarez Castillo is also currently detained awaiting trial for having reported on the events that resulted in his arrest.

Coupled with these abuses of freedom of expression is a new law, Resolution 180/2003, introduced on 10 January 2004 (although its implementation was apparently postponed on 28 January for an unstated period of time), which seeks to limit Internet access. Under the law, the only Cubans who would be able to access the Internet from home would be those officially approved by the authorities, such as party officials and civil servants. The legislation would add to measures already taken by the Cuban authorities to block websites and restrict access to the Internet.

Given the aforementioned situation, International PEN calls upon the members of the United Nations Commission on Human Rights to do all in their power to ensure that the Cuban authorities desist from their gross violations of Article 19 of the Covenant on Civil and Political Rights.
