



# General Assembly

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## Human Rights Council

Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Centrist Democratic International, 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.

[15 February 2010]

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

## **Centrist Democratic International concerned about religious discrimination and repression in Cuba**

The Centrist Democratic International is deeply concerned that religious practitioners in Cuba are experiencing an intensification of intolerance and discrimination as a result of their attempts to exercise their beliefs in community with others engaging in worship. In addition to government agents forcibly evicting practitioners from their homes, destroying their places of worship, and arresting pastors laws have been passed in recent years that further restrict religious practice even though both at the constitutional and penal level religious practice was already severely restricted. The following are examples of a nationwide phenomenon of religious repression.

Evangelical pastor Alain Toledano Valiente , based in the city of Santiago de Cuba and a prominent religious leader of the International Apostolic Movement in Cuba as a result of exercising his religious beliefs by conducting sermons in a house church has been evicted twice along with his family. The first eviction was on November 20, 2007 and at the time Carlos Manuel Galán Falcón the owner of the building and land where they held their religious services took them in. When his father died Carlos Manuel decided to move in with his mother and leave the pastor, Alain Toledano, and his family the property as permanent residents. An affidavit was drawn up and notarized transferring the residence (the documents are available). Despite all this and Carlos Manuel's 15 year residency there and being the rightful owner his right to the property has been annulled and government agents say it is because of the pastor and his family. Carlos Manuel Galán Falcón has suffered harassment by the National Police that is affecting his health from the resulting stress. On November 7, 2009 government agents from the Technical Department of Investigations appeared at his place of work where they gathered together his supervisors and the agents proceeded to humiliate him; call him a counter-revolutionary and threaten him with being fired from his job. Carlos Manuel is suffering all this merely for providing Christians a place to hold their religious services.

Two years after the first eviction and the pastor and his family have not yet been given any response as to the status of all their goods collected during the eviction and government agents have not returned their lamps, window, doors, locks, elevated water tanks and other items. The government claims that it has nothing to do with the church's problems, but nevertheless, together with the eviction of November 20, 2007 the adjoining temple was demolished. The land had been paid for twice. In addition to the unjust eviction government agents seized everything in their path. The church had been well equipped and government agents appropriated kitchenware, audio equipment (purchased in a foreign currency shop and difficult to come by), musical instruments, a refrigerator, a cold water tank, more than 250 plastic chairs, fans, auto parts, more than two bags of toys that were used in church activities with children, one hundred fifty (150) fiber cement roof tiles and much more.

Today the church's curtains are in the homes of the agents involved in the eviction and the vases, are seen in their homes. As they demolished the church they divided the goods among themselves pocketing the silverware. Pastor Alain Toledano Valiente observed "that these are the same authorities here in the city using our audio equipment in their political activities." They do it publicly, the church's musicians, for example in an activity of the firefighters office saw all the church's audio and music equipment being used. It does not matter that the pastor and the church bought the equipment in government shops, or that they have proof of ownership of all the equipment. They are not optimistic that anything will be returned because they have exhausted all appeals, gone to the local party headquarters, local government, the country's highest authorities in Havana, to the Central Committee and Council of State but all parties say they know nothing about it.

The pastor's children are constantly harassed in school. People have been sent to talk to them, among them their professors questioning their faith. Government officials visit their homes to inspect everything. On numerous occasions State Security officials have cited or arrested the pastor taking him to the Provincial Delegation of the Ministry of the Interior where he undergoes long interrogations.

There is not the only case various pastors have been evicted from their homes and churches across the country have been demolished. Pastor Mallín from Las Tunas had to move to his mother-in-laws to continue his religious vocation because he was evicted from his home and his church was torn down.

Pastor Mario Álvarez in San José de Las Lajas has been notified that he will be evicted for being an illegal occupant of his home and that shortly he will be out on the street. Another pastor being constantly threatened is Alexis, from Amancio Rodríguez en Las Tunas, who has been fined 500 pesos, despite being the legitimate owner of his home. Every two or three days he is visited, threatened, and detained by the police.

Pastor Bernardo de Quesada is being threatened and Pastor Tomasa Victoria Ayala has already been served with an eviction notice and her son in law has been fired from his job under the accusation that he is untrustworthy.

Pastor Omar Gude Perez was convicted last year of what Christian Solidarity Worldwide described as "trumped up" charges. He is serving an unjust six-year prison sentence. The pastor is a leader of the growing Apostolic Reformation, a network of independent churches that has grown considerably in Cuba.

## Legal obstacles

In September 2009 Christian Solidarity Worldwide prepared a briefing on religious freedom in Cuba in which their observations on Cuba's legal system places into context the testimony provided by Cuban pastors above. Pertinent excerpts are included below.

An April 2005 government directive issued and implemented in September 2005, severely curtails religious freedom by imposing complicated and repressive restrictions on all unofficial churches in Cuba. The legislation, Directive 43 and Resolution 46, announced in the wake of Pope John Paul II's funeral, requires that all house churches (in Cuba the term can be applied to any building not officially designated for religious worship but used for religious purposes) register with the authorities. This continues to cause concern among church leaders as house churches which have attempted to register with local authorities prior and subsequent to the enactment of the 2005 legislation have experienced prohibitive complications in the process.<sup>1</sup>

Since the 1959 Revolution, the government has only permitted the construction of a handful of new churches across the country. This, together with the fact that it is technically illegal to organize religious activities in buildings not officially registered for religious use, mean that many Christian communities, particularly those in more remote rural areas, do not have a place to meet for church services. In light of the rapid church growth in terms of numbers of practicing Christians in Cuba over the past twenty years, this constitutes a serious religious liberty violation in that it prohibits many Cuban Christians from freely exercising their right to meet together for worship.<sup>2</sup>

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<sup>1</sup> Christian Solidarity Worldwide Briefing: Cuba Religious freedom in Cuba September 2009 pg. 7  
<http://dynamic.csw.org.uk/article.asp?t=report&id=113&rnd=0.8382532>

<sup>2</sup> Christian Solidarity Worldwide pg. 8

Most churches built prior to the Revolution have been allowed to continue to function as places of religious activity. Any changes to the structure including expansions and/or repairs and renovations, however, can only be done with permission of the Office of Religious Affairs, under the direction of Caridad Diego. These authorizations are rarely granted, either because they are formally denied or because officials simply fail to respond. In practice, this means that many church buildings are too small to accommodate congregations or are structurally unsound, because the government has not allowed necessary repairs.<sup>3</sup>

Despite a 1991 regulation allowing Christians in the Cuban Communist Party (CCP) and outlawing discrimination on the basis of religion, systematic discrimination persists. [...] Christians are normally passed over for promotion, excluded from important meetings and activities, demoted and/or transferred to undesirable locations because as non-members of the CCP, they are considered “untrustworthy.”<sup>4</sup>

A clause in the Cuban Penal Code, specifically, Chapter IV, Article 206, further limits the rights laid out in Article 55 of the Constitution. The clause, called Abuse of Liberty of Worship, allows for imprisonment of three months to one year for anyone who “having abused the freedom of creed guaranteed to all by the Constitution, places religious beliefs in conflict with the aims of education, the duties of labor, defending the nation in arms, the reverence of its symbols or any other stipulations whatsoever contained in the Constitution.” Human Rights Watch has noted that “This provision, which is defined as a crime against public order, allows the state to penalize a broad range of religious activities that would not endanger public order.”<sup>5, 6</sup>

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<sup>3</sup> Christian Solidarity Worldwide pg. 8

<sup>4</sup> Christian Solidarity Worldwide pg. 7

<sup>5</sup> Christian Solidarity Worldwide pg. 5

<sup>6</sup> Human Rights Watch Cuba’s Repressive Machinery: Human Rights Forty Years After the Revolution 1999 <http://www.unhcr.org/refworld/topic,4565c2252,4565c25f29,3ae6a85f0,0.html>