PRELIMINARY REPORT OF U.S. DELEGATION TO CUBA

INSTITUTE FOR POLICY STUDIES (IPS)-NATIONAL UNION OF CUBAN JURISTS (NUCJ)

JOINT COMMISSION ON THE CONVICTION AND TREATMENT OF PRISONERS

IN THE UNITED STATES AND CUBA

FEBRUARY 26 - MARCH 5, 1988

This is a preliminary report and will be followed by a longer report upon further careful review and analysis of the information gathered by the IPS delegation.
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JOINT COMMISSION ON THE CONVICTION AND TREATMENT OF
PRISONERS IN CUBA AND THE UNITED STATES

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Preliminary Report: Cuban Prisons

Introduction

From February 26 to March 5, board members from the Institute for Policy Studies (IPS) led a delegation to Cuba to conduct an inquiry into present prison conditions and the treatment of prisoners in Cuba. This investigation was made possible by an agreement signed in February between IPS and the National Union of Cuban Jurists (NUCJ). The agreement called for NUCJ to obtain open access to all facilities in six Cuban prisons chosen by the U.S. delegation and to facilitate confidential interviews with present and released prisoners selected by the delegation. In exchange IPS agreed to seek similar access to United States prisons for a Cuban delegation from NUCJ. A condition in the agreement that US visas for the Cubans be obtained prior to the visit to Cuba was waived by NUCJ in reliance upon good faith efforts to accomplish the reciprocity.

This visiting program is an early part of an IPS project to explore possibilities for bettering relations between Cuba and the United States. Since the treatment of prisoners and prison conditions, both in the US and Cuba, has been a festering issue between the two governments for years, the proposal for open reciprocal exchange offered some promise for an initial test of possibilities, through a specific, tangible approach to one divisive issue that has stood in the way of better relations. The reciprocity feature is essential to the success of the effort. The IPS delegation hopes that the United States administration will recognize this and support a program that will help to advance human rights and open doors to future progress.
MEMBERS OF IPS DELEGATION

The delegation from IPS included Diana de Vegh, Vice Chairman of IPS and Adrian DeWind, an IPS trustee; Peter Bell, President, Edna McConnell Clark Foundation; Dr. Howard Hiatt, M.D., former Dean of the Harvard University School of Public Health; Aryeh Neier, Vice Chairman, Americas Watch; Herman Schwartz, Professor of Law, American University. The delegation had the essential administrative assistance of Julia Sweig, staff coordinator of the IPS US-Cuba Dialogue Project. All our interviews with prisoners were facilitated by Luis Rumbaut, a professional interpreter who accompanied us from the United States. Julia Sweig also translated.
TASK OF DELEGATION

We visited the six prisons that we had asked to see located in four provinces of Cuba and conducted confidential interviews with more than one hundred and twenty (120) prisoners. We also conducted brief visits to one other prison and one police detention facility, but omit these from our report because our research was not sufficiently thorough. More than forty (40) of the interviews were conducted with prisoners we had asked to see in advance; the remainder of the prisoners were selected by us at random. At least fifty (50) of the interviews took place with prisoners incarcerated for politically motivated offenses. Most of these interviews were with prisoners we had selected in advance. More than half of our interviews were conducted out of doors at places we chose at random. The interviews that took place indoors were also conducted at places we chose at random. At no time were Cuban authorities present during these interviews.

The Cubans with whom we were in contact—NUCJ officials, officials of the Ministry of Foreign Relations and the Ministry of the Interior which operates the prisons—facilitated our visit throughout, providing access, transportation and lodging, including a plane to make possible our visits to prisons in the provinces. IPS will provide accommodations and transportation for the Cubans who travel to the U.S. to see prisons here.

We visited all areas of the prisons that we chose to see, including dormitories, workplaces, conjugal pavilions, visiting areas, infirmaries, punishment cells and segregation cells for prisoners designated as high risk or troublesome inmates, kitchens, laundries, dining areas, classrooms and libraries. The Cuban authorities gave us access to all areas of each prison that we asked to visit. Of those prisoners we asked to see in advance, we saw
all but a handful. Some few, we were told, had already been released. (We will try to verify this.)

In addition to visiting the prisons, we met with Cuban officials in each of the four provinces and nationally to discuss the prisons. We also arranged meetings with the leaders of two unofficial human rights group in Cuba to obtain through them the testimony of recently released prisoners about prison conditions. We did not visit pre-trial detention facilities, military prisons or reform schools. At one of the prisons that we visited, Nieves Morejon in Sancti Spiritus province, which also has facilities where juveniles of 16 years and older are confined, we devoted some of our inspections and interviews to juveniles.

Our principal focus was on current conditions. Our interviews with prisoners dealt primarily with the present and recent conditions and changes in conditions since the beginning of 1987.

Also, we did not examine the reasons for confinement or the procedures leading to confinement. That was not part of our mandate. Our examination was limited to the conditions within the prisons.

Re-education for the purpose of reintegration into civilian life is the central principle of the Cuban penal system. In carrying out re-education, the system relies principally on:

1) employing as many prisoners as possible in productive remunerated labor;

2) technical education to provide prisoners with skills that they will
continue to use after release from prison;

3) political education;

4) discipline.

We encountered a very strong sense of mission in most of the prison officials we met. They expressed great faith in their system and, though they concede faults in practice, they seem determined to work increasingly on their plan for re-education and for incorporation of the penal population into work and later society. At present, officials say that 85% of the Cuban penal population works. Their goal for 1990 is to incorporate 95% of the penal population into work. They claim that at present 80% of all operations costs to run Cuban prisons are covered by production which takes place within the prisons.

The humane and constructive features of the system, particularly the paid work opportunities and the training in basic skills, as well as the harsh and cruel features appear to us to be directly attributable to the determination to reeducate prisoners.

The constructive aspects of the system is reflected in the fact that:

1) the great majority of prisoners work a regular work week at productive jobs under conditions similar to those of workers not serving sentences;

2) almost all the prisoners who work are paid. The remuneration is the same as for civilians before certain discounts for cost of living. We were told that the amount remaining to them after these discounts is sufficient to help to provide support for families or to accumulate substantial savings in the case of prisoners without family support responsibilities that can aid their re-entry into normal life;
3) the regular prison facilities we saw were all clean and hygienic and we heard no great complaints in this regard;

4) we heard no complaints of the use of instruments of torture to inflict pain; we did not find any policy of extrajudicial executions or disappearances;

5) a system of conjugal visiting is well established at all the prisons we saw. Visits at conjugal pavilions range from three to eight hours every one to six months, depending upon inmates' compliance with prison rules;

6) many prisoners do acquire practical skills during confinement;

7) Prisoners are provided with education to bring them up to the 9th grade level. A program is underway for prisoners who have already completed the 9th grade to secure further education.

8) we heard no complaints that prisoner against prisoner violence is commonplace (as it is elsewhere).

9) the outpatient, hospital, physical therapy, laboratory and pharmacy facilities we saw were good. Doctors and nurses, as well as laboratory and other personnel were present in sufficient number required for the prison population. Prisoners expressed satisfaction with the care available for major medical problems but we heard some complaints mostly from prisoners held on politically related charges about failure or delays in access.

The harsh and cruel part of the system is reflected in the fact that:

1) Those who resist re-education or violate prison discipline-including passive violation such as hunger strikes-are confined for extended periods sometimes in extremely harsh punishment cells- bare, tiny, dark, cold (or hot, depending on the season)-sometimes with not enough food. We heard of a few cases of prisoners in these cells without clothes and some cases of prisoners
dressed in undershorts and shoes.

2) other prisoners who are considered to be problems and who do not work have only slightly better facilities than in the punishment cells and go out into the sun only once a week for an hour or two. In some prisons they are then placed in large iron cages too small to take walks.

3) visits have been infrequent in the past though new rules now make them somewhat more frequent. Up to now, many prisoners could only get visits once every six (6) months; the new rules reduce this to once every sixty (60) days. In the best of circumstances— that is for the prisoners considered to be doing best in the prisons and under the new rules just put into effect that liberalize visiting considerably, visits may take place only every twenty-one (21) days (family visits for juveniles are more frequent); incentives, estímulos, for good conduct include additional visiting privileges.

4) in general, letters may be sent with almost the same infrequency as visits, though regulations for some prisoners in some prisons allowed for letters to be sent and received every two (2) weeks or more often in some cases;

5) in two prisons, Boniato and Combinado del Este, we encountered frequent complaints that prisoners who did not conform to the prison regime had been beaten with rubber hoses, mangueras, or with fists or sticks. We spoke to prisoners in Combinado del Este who had witnessed such beatings. We heard of one case in which a prisoner was allegedly kicked to death by guards in 1987, but could not verify this. We heard that the two offending guards faced disciplinary procedures but we were unable to verify this. We did not hear such complaints of beatings in the other four (4) prisons we visited.
As to some other matters, some prisoners told us the food was good and others said it was adequate but tasteless. Except in the case of prisoners in some the punishment cells, no one told us it was insufficient. In those punishment cases prisoners received a small breakfast and larger supper, but no lunch, a very deprived diet.

Except in the case of the punishment cells and harsh protection cells, toilet facilities were minimally adequate. In the punishment cells, toilets are holes in the grounds. Most punishment cells in most prisons contained facilities for running cold water. In one building in one prison the facilities were less good, accompanied by stench and inadequate water and ventilation.

Bathing facilities in dormitories in all prisons were primitive but adequate relative to the number of prisoners in each detachment.

In the dormitories in men's prisons, there was little place for prisoners to keep private possessions. In one prison, inmates could only keep their possessions in a numbered bag hung in a room that is normally locked; access over the course of the day is permitted according to schedule. Elsewhere – particularly in the women's prisons – there was adequate space for the storage of private possessions.

For most prisoners overcrowding is not a problem. Some prisons we saw have empty dormitories. Typical dormitories had double and triple bunks, though we saw only partial evidence of use of the top bunk in the triple bunk facilities. We calculated an average of about thirty (30) square feet of floor space per prisoner. For those prisoners, the fact that they work elsewhere, study elsewhere, take part in sports elsewhere and eat elsewhere prevents the lack of space from being particularly oppressive.
On the other hand, we saw extremely crowded conditions in punishment cells. At their worst we saw a few cells with three prisoners in which they were confined twenty-four (24) hours a day that measured five feet by seven feet, (5) by (7) or thirty-five (35) square feet or twelve (12) square feet per prisoner. Most punishment cells in most prisons we saw contained one or two prisoners. Some punishment cells were slightly larger, measuring six (6) feet by twelve (12) feet. In the punishment cells in three of the prisons we saw prisoners slept on bare cement slabs without bedding on which prisoners may sleep. In others, adequate bedding with mattresses are provided. The toilet (a hole in the floor) is in the cell, as is a spigot for water. Light is minimal. All but one of the prisoners we saw in punishment cells were common criminals, not those confined for politically motivated offenses.

Complaints by prisoners are supposed to be investigated by the office of the Fiscal General. The office of the Fiscal General performs an inspection function—carrying out unannounced on site visits to prisons to review compliance with requirements for conditions, prisoners' rights and completion of sentence, parole and release. We obtained evidence that this system works at least some of the time, though how often we could not determine. Some prisoners expressed skepticism about seeking assistance from the Fiscal General and believed their communications would never reach his office. They told us that letters of complaint those must be entrusted to their re-educators. Cuban judicial theory does not provide for independent advocates for prisoners. It is considered not an appropriate function of lawyers to represent prisoners in matters dealing with prison conditions. Pastoral visits by clergy are unknown and are apparently prohibited in Cuban prisons.

Two private, unofficial human rights groups have recently begun to
operate, most of their members fresh from prison themselves. The government is hostile to such groups and they have no rights of access to prisoners though both have sources of information. In recent years foreign delegations have visited the prisons. The International Committee of the Red Cross, however, has not yet been permitted to establish a presence in Cuba, though there have been recent official contacts with the ICRC and indications are that it may gain entry. At present, officials from the prison system itself or from the office of the Fiscal General are the only ones who must be counted upon to protect the rights of prisoners, no one else.

There was one exceptional prison we visited: the Women's Prison of the Western Provinces in Havana. It is a model prison in terms of all physical facilities. The working conditions, the cells, including punishment cells, and the facilities for activities were very good. Relations between officials and prisoners seemed generally courteous and respectful. The prison reflects the positive influence of a dedicated warden. While this is a showplace and intended and paraded as such, the fact remains that some six hundred (600) women are imprisoned under humane conditions.

The Cuban prison system is made very hard by the prolonged prison sentences that have prevailed. Although the officials with whom we spoke are quick to say that Cuba has a low crime rate (no statistics are published), and though this claim seems valid, the ratio of prisoners to population is high. Assuming that the Cuban government's figures are correct, there are 32,000 inmates currently in prisons and detention centers. We got no figures on reform schools or military prisons. Given a population of about ten million, and using just the figure given to us, the rate of imprisonment is 3.2 per thousand. In the United States, including military prisons, we have 820,000
prisoners in prisons and jails. Given a population of about 240 million, the rate is approximately 3.4 per thousand. Adding the military prisons which include draft resisters and draft evaders in Cuba— the rate must be as high or higher than in the United States. The United States has a very high crime rate and among the world’s longest prison sentences. In Cuba, with a low crime rate, the comparable rate of imprisonment indicates long sentences. In the case of those prisoners who experience the worst of the Cuban prison system, this can mean several years in cramped, poorly lighted locked cells with an hour a week in the sun and infrequent visits. For such prisoners, they may only see relatives through iron grills, though most prisoners are entitled to contact visits.

Cuba has recognized that its sentences are greatly prolonged and some changes are underway. In 1987, 14,000 prisoners were reportedly released on parole. Some crimes have been eliminated in the new penal code effective April 1, 1988; some sentences are being reduced; parole is abbreviating some sentences; the same is the case with reductions of sentences for good behavior.

We applaud the fact that the Cuban government permitted the IPS delegation access to its prisons. While our visit was constructive it is only a single visit and we would hope that present discussions with the International Committee of the Red Cross about a permanent presence in Cuba will come to a successful conclusion.
PRISONS VISITED IN CUBA

Havana Province
  Combinado del Este
  Prision de Mujeres del Occidente (Women's Prison)

Santiago Province
  Boniato Prison

Camaguey Province
  Kilo 7
  Granja 5 (Women's Prison)

Santis Spiritus Province
  Nieves Morejon