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Cuban Reforms Toughen Penal Code, Crack Down on Dissent

by LADB Staff

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In February, the National Assembly approved major changes in Cuba's penal code, applying heavier prison terms and even the death penalty to various crimes. Most controversial were the severe penalties for "collaborating" with the US. The international reaction to the reforms ranged from mild disapproval to proposals that Cuba should be ostracized from upcoming international forums. Some media reports suggested the crackdown on common crime resulted from the long economic crisis and attributed the inclusion of crimes of dissent in the reforms to the possibility that President Fidel Castro feared he was losing control.

But Cuban officials linked common and political crime and blamed them not on the crisis but on US policy, which they termed "annexationist." This is the latest official reassertion that revolutionary values were threatened by the 1996 passage of the Helms-Burton Act. That year, Defense Minister Raul Castro advised the Central Committee of the Communist Party of the need to crack down on political dissent (see NotiSur 1996-04-04). Similar concerns appeared in the 1996 Communist Party Congress (see NotiCen, 1997-10-16).

The same year, the Assembly passed a Helms-Burton "antidote" law (Reafirmacion de la Dignidad y la Soberania Nacional), laying out sanctions against Cubans who cooperate with Helms-Burton (see NotiCen, 1997-04-17). Reforms target common crime and subversion. The reforms came on the heels of a massive police campaign against tourist-hustling, prostitution, assaults, drug trafficking, and official corruption (see 1998-10-22).

But in his fulminations against common crime, Castro made it clear he regarded even minor delinquency an assault on the revolution. Crime, he said, is "a counterrevolutionary instrument."

In January, Castro asked the National Assembly to consider toughening the penal code. The resulting reforms, which went into effect March 1, include the death penalty for government officials convicted of drug trafficking, especially if they use state resources in committing the crime. The reforms introduce new punishable crimes, including money laundering and trafficking in persons. The latter refers to smuggling Cuban immigrants into the US and trafficking in minors. Penalties were also increased for armed robbery, housebreaking, corruption of minors, and pimping.

For the first time, the reforms establish the penalty of life imprisonment. Law puts pressure on dissident journalists in Cuba. The most controversial measure was the Ley de la Proteccion de la Independencia y la Economia de Cuba, which codifies Castro's worst fears about the experiment in measured capitalism and the threat from the US. The law provides prison terms of up to 20 years for collaborating with the aims of US Cuban policy. These crimes include gathering or disseminating

information to the media that would injure Cuban sovereignty or the economy. The toughness of the independence-protection law caught even friendly nations off guard.

While expressing understanding of Cuba's difficult situation under aggressive US policy, Norwegian Deputy Foreign Minister Janne Haaland Matlary said the laws "are too strict in comparison to the crime." A European diplomat in Havana called the reforms "a step backward." Other foreign observers wondered why the changes were necessary since Cuba already had laws to control dissent. International criticism of the law focused on the threat it posed to the Cuban dissident press, which, though harassed and threatened, has operated with a degree of tolerance from the Cuban government. Some 40 independent journalists regularly transmit news from Cuba by telephone or the Internet, mostly to the Spanish-language media in Miami.

Ninoska Perez, spokeswoman for the Cuban American National Foundation (CANF), said the organization was still receiving telephone messages from dissident journalists, who said the law was not going to affect their work. The law however, had not yet taken effect. In another communication sent via the Internet, five independent journalists' organizations said, "We want to express to our colleagues around the world the deep concern and worry with which we view this new instrument of repression."

The Inter-American Press Association said the measure "elevates censorship to the status of law." An association official in Uruguay suggested that the 1999 Ibero-American Summit should not be held in Havana as planned because Cuba "is a country without freedom of expression." And, there is speculation that the Spanish government might cancel the visit this year of King Juan Carlos. US State Department spokesman James Foley also criticized the law, calling it an "attempt to silence independent thinking."

Asked by reporters if the law targeted dissidents, National Assembly president Ricardo Alarcon said the Central Intelligence Agency (CIA) "manufactured the opposition." He said the law was aimed at the Helms-Burton Act, not at the press. Clarifying the press aspects of the new law on March 8, the National Assembly said the penalties do not apply to the foreign press operating in Cuba. Official Cuban publications took the foreign press to task for their coverage of the penal reforms.

The newspaper Trabajadores complained, "None of the dispatches spoke directly of the Ley de Proteccion de la Independencia y la Economia Cubana as a response to the interventionist articles of the Helms-Burton law." The official communist party newspaper Granma published a lengthy attack on The Washington Post for failing to consider, in its editorial on the penal code, the history of US-sponsored attacks on Castro and Cuba.

New laws respond to Clinton's January policy shift

The frequent references by Cuban officials to recent acts of US "aggression" underscore the role US President Bill Clinton's recent policy changes (see NotiCen, 1999-01-07) played in the crackdown. Foreign Ministry spokesman Alejandro Gonzalez called Clinton's Jan. 5 announcement a "fraud" aimed at halting domestic US and international opposition to the embargo. While Clinton said the modifications promote democracy and the welfare of the Cuba people, Cuban authorities placed Clinton's policy shift within the larger context of the longstanding US policy goal of toppling the

Castro government. Gonzalez interpreted Clinton's expansion of private dollar transfers to Cubans as a move to increase funds going to counterrevolutionaries in Cuba.

The text of the penal reforms calls Clinton's changes an attempt to "subvert the revolution and maintain intact the iron blockade." The basis for these charges may be found in Clinton's explanation of the policy changes. He said the proposed increase in people-to-people exchanges and support of nongovernmental organizations in Cuba were consistent with the embargo policy and "consistent with our policy of keeping pressure on the regime" (see NotiCen, 1999-01-21).

Nongovernmental organizations will not be allowed to act outside the authority of the state," said Castro. Rather than relax the embargo, Clinton seemed to suggest the modifications, such as strengthening US propaganda broadcasts to Cuba through Radio and TV Marti and "launching new public-diplomacy programs in Latin America and Europe," would focus attention on "the need for change in Cuba." "The blockade has been intensified," said Assembly president Alarcon, "and Cuba has the obligation to confront it." [Sources: Juventud Rebelde (Cuba), 02/14/99; Inter Press Service, 02/16/99; The Miami Herald, 02/15/99, 02/18/99; Granma (Cuba), 02/13/99, 02/20/99; Reuters, 02/17/99, 02/19/99, 02/21/99; El Mundo (Spain), 02/22/99; El Nuevo Herald (Miami), 02/17/99, 02/23/99; Opciones (Cuba), 02/23/99; The Washington Post, 02/28/99; Spanish News Service EFE, 02/17/99, 03/02/99; Notimex, 02/17/99, 03/01/99, 03/08/99; Trabajadores (Cuba), 03/08/99]

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