

The Criminalization of Opposition Politics in Cuba

Against The Soviet Model

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This is a translation of an article that appeared on December 28, 2020 in *La Joven Cuba*, a left-wing critical blog, one of the most important in Cuba. The article immediately created a stir in social media. The Cuban government has so far failed to entirely control the Internet, which remains the main outlet for critical political views in the island. -SF

There are anti-democratic states that not only repress political opposition, but also criminalize it - a very effective method to avoid the dissemination and discussion of political ideas that diverge from the ideology of the state. That was the case of the Soviet Union and continues to be the case in those regimes that adopted the principal structures of the Soviet model, such as China, Vietnam, and our own Cuba.

That is how, under the direction of the Cuban government, the members of the San Isidro Movement were recently arrested by the police on criminal charges for supposedly having violated "the health protocols of international travelers" adopted by the government to combat the Covid-19 pandemic. In reality, they were arrested for political reasons: for publicly protesting as a group against state repression of one of its members. This is a typical example of how the Cuban government faces its critics: replacing political language with administrative-police language.

Cuba was once part of the longstanding Latin American tradition that sets apart political conduct and avoids reducing it to common crime. That is why this tradition supports the right of political asylum as well as the differential treatment of political and common prisoners.

Batista's dictatorship, for example, respected the political asylum that hundreds of Cubans opposed to the dictatorship claimed, in order to save their lives, by taking refuge in many of the Latin American embassies in Havana. He certainly violated that right on many occasions, as in the notorious case of the police assault on the Haitian Embassy that he ordered on October 29, 1956, where all his political opponents who had taken asylum there were murdered. The chief of the National Police, Rafael Salas Cañizares, one of the most notorious henchmen of the dictatorship, also died in that incident when one of the asylum seekers shot him to death with a gun he had in his possession.

In the case of Latin America, the most notable exception to the general practice of conceding political asylum was that of the Peruvian Victor Raúl Haya de la Torre, founder and leader of the APRA (Alianza Popular Revolucionaria Americana) who, in order to protect himself from the Peruvian government under the dictatorship of Manuel Odría, obtained asylum in the Colombian embassy at the beginning of 1949. Haya de la Torre remained in that embassy for five years until he finally obtained safe passage from the Peruvian government to leave the country for Mexico, although only after the International Court of Justice rejected Odría's demand for Colombia to hand

over the Peruvian opposition leader.

The revolutionary Cuban government abandoned the tradition of recognizing political asylum when it adopted the Soviet model at the beginning of the sixties. A clear example of that turn were the events that took place in the Peruvian Embassy in Havana in April of 1980, when under the orders of Fidel Castro, the government forces surrounding the periphery of the embassy blocked the entrance of the Cubans seeking asylum there. The only ones who were initially able to enter the embassy were the survivors of an armed clash that ensued with the government guards where several people were killed. The government eventually withdrew the guards from the embassy. It was then that approximately ten thousand Cubans were able to get in and ask asylum in order to leave the country, which they did, along with more than one hundred thousand other Cubans, between April and June of 1980.

In addition to recognizing the right to political asylum, Latin American tradition distinguishes between political and common prisoners. This distinction has been observed in other parts of the world too. For example, Tsarist Russia periodically conceded a certain degree of autonomy to its political prisoners and internal political exiles. This is how Lenin was able to study and write works such as *The Development of Capitalism in Russia* while serving his sentence of exile in Siberia, from 1897 to 1900. He was also allowed to advise the local peasants on legal questions and help them prepare documents relevant to their legal cases.

The Bolshevik government continued a partial version of that tradition after the triumph of the October Revolution in 1917, during the Civil War from 1918 to 1920 and for a short time afterwards, allowing political prisoners deported to the work camps of the Solvetsky Islands (before the Gulag) among others, to engage in political activities. The government also recognized the right of leftist political prisoners – Anarchists, Mensheviks, and left Socialist Revolutionaries – not to have to work, and to organize themselves and elect their representatives to negotiate with the camp administrators for the solution to their grievances and living conditions.

The Batista dictatorship also recognized the distinction between common and political prisoners. It is well known that on many occasions it violated the traditional rights of its political prisoners, as in the case of Fidel Castro and the other attackers of the Moncada military barracks jailed, from 1953 to 1955, in the so-called Presidio Modelo (Model Prison) in what was then called Isla de Pinos (Isle of Pines). But in general, the dictatorship respected the rights of political prisoners to wear civilian clothes, to reject compulsory labor, and to meet as a group within the prison to organize classes and other political activities detailed by Cuban historian Mario Mencía.

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This tradition came to an end when Fidel Castro, ignoring his own history, decided not to recognize even the category of political prisoner, much less any traditional right attached to that status, such as the right to dress in civilian clothes and to refuse compulsory labor. Many of Castro’s political prisoners resisted being treated as common prisoners, which led to the phenomenon of the “plantados,” who also opposed the “rehabilitation” plans established by the Cuban government in 1964, aimed at pressuring those prisoners into giving up their political ideas in exchange for improving their prison conditions and reduce their sentences.

The “plantados” protested against those plans and against their prison conditions with hunger strikes and dressed only in their underwear to avoid the uniforms of the common prisoners. These protests were repressed, often brutally, by the prison authorities. Pedro Luis Boitel, a former anti-Batista student leader opposed to Communism, died in one of those hunger strikes in 1972.

The ideological subtext of these practices by the Cuban government is that there is only one legitimate political thought. Any opposition to it automatically entails endangering and betraying the revolution and turns into a common crime the moment someone tries, however peacefully, to persuade others in an organized fashion, of ideas different or opposed to the official ones. The presumption that there is only one legitimate political thought penetrated all aspects of the official discourse concerning the nature and destiny of Cuban society quite early on.

That is why, for example, the government baptized the armed struggle ongoing in the Sierra del Escambray mountains in central Cuba in the sixties as the "*lucha contra bandidos*" (the struggle against bandits). The reality is, however, that this was not a struggle against bandits, but a struggle against what the government could have called "counterrevolutionaries" - a term that assumes the existence of a counterrevolutionary politics instead of reducing and falsifying reality with a term suggesting common criminal activity.

In fact, the Cuban government never seriously argued that what happened in the Escambray in the sixties was a fight against horse thieves, robbers and run of the mill delinquents for whom the term "bandido" might have been appropriate. It is ironic that the CIA, that invested so many resources in helping and providing material aid to those armed groups, did not deem them as delinquents, but as counterrevolutionaries. It is clear that the regime deliberately used the term "bandidos" to discredit the Escambray rebels, and to place them outside the bounds of politics in order to legitimize any treatment it might impose on them and their supporters, as was the forced relocation, in the seventies, of thousands of peasants hundreds of kilometers away, in the western end of the island after the hostilities had ended.

The current situation

The Cuban government continues to criminalize the political activities of its opponents. With increasing frequency, it argues that those activities are financed and organized by U.S. imperialism. Thus, Law 88 of 1999, justifiably labelled by many as the "gag law" (*Ley Mordaza*), establishes the deprivation of liberty for a term of 3 to 8 years and/or a fine ranging from a thousand to three thousand "quotas" (the value of one quota ranging from fifty cents to twenty Cuban pesos, which is to be determined by the court in each case) for those who participate in the distribution of financial or any other kind of material resources proceeding from the U.S. government.

This accusation has been well founded in several cases involving the financing of dissident political activities. Even then, however, it is necessary, at least from the socialist and democratic point of view, to establish what kind of political opposition activities have been organized and financed with those funds. Overall, the opposition activities adjudicated by the Cuban courts in recent years have been peaceful, and have consisted in the distribution of printed and other kind of materials of a non-violent nature. As such, they would be considered entirely legal in any Latin American country, except for those ruled by antidemocratic regimes. They are not communications inciting to violence or arms trafficking, and they are eminently political ideas and exhortations addressing a public from which they seek political support.

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In light of the non-violent character of these activities, it is very unjust and undemocratic for the

Cuban judicial system to punish those who have turned to sources such as the government of the United States to obtain the necessary resources to conduct this type of political activity. The U.S. government should be unambiguously and strongly condemned for its hostility to the self-determination of the Cuban nation. But the dissidents and oppositionists that receive those funds are being legally punished in Cuba for engaging in political actions that would be legal in any democratic country.

Accepting material support from the U.S. government under circumstances where Cuban citizens do not have the right to publicly express themselves independently of the government, is a political question that should be discussed as such and not be punished through the penal system. After all, the Cuban government, through its monopoly of the means of communication, can say all it wants against the attacks on the sovereignty of the country, denouncing Washington's meddling in Cuba's internal affairs. Yet, as part of this monopoly, it does not allow the Cuban people to hear and be witness to the defense of the accused against the charges that have been made against them, in this as well as in all political cases. This is an old practice that Fidel Castro established in the early days of the Cuban Revolution when he prevented the Cuban people from hearing President Manuel Urrutia's defense against the grave accusations that the maximum revolutionary leader made against him in July of 1959.

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Contrary to the argument of many people in the Cuban right-wing opposition, the defense of the right to self-determination of the Cuban nation in no way suggests approval or support for the Cuban regime. Rather, it claims that Cuba's destiny should be in the hands of the Cuban people and remains opposed to other countries, especially the imperial powers, taking control of Cuba as they did in the pre-revolutionary period.

When in 1935, most of the left supported Ethiopia's resistance against the Fascist Italian invasion, it was not because it wanted to defend or excuse the monarchical (and even slave-holding) reign of Emperor Haile Selassie - brilliantly described by the Polish author Ryszard Kapuscinski in his semi-fictional work *The Emperor*. Instead, this was to oppose Fascist imperialism and to defend the self-determination of the Ethiopian people.

The U.S. administrations of both parties may proclaim that the blockade and the 1996 Helms-Burton law - both of which have worsened the living conditions of the great majority of Cubans in the island - were adopted to support democracy and the so-called "free world." The fact is, however, that U.S. foreign policy is guided by its own interests to promote and defend its empire; the rest is hypocritical and ideological verbiage.

This is corroborated by the long historical trajectory of U.S. foreign policy with its interventions to overthrow democratically elected governments like that of Jacobo Arbenz in Guatemala in 1954, and of Salvador Allende in 1973, and the subsequent murderous career of General Pinochet. Included, of course, is the U.S. support for Batista's dictatorship, its invasion of the Bay of Pigs in 1961, as well as its numerous armed and terrorist incursions against Cuba. That imperialist trajectory also extends to other parts of the world with Washington's support for reactionary and antidemocratic regimes such as Saudi Arabia and its genocidal aggression against Yemen, as well as its intervention and destruction of Iraq in the last thirty years.

It is true that it is difficult to survive as a government opponent or dissident in Cuba today. But there are alternatives to US governmental support. There are more than 2 million people of Cuban descent who live outside of Cuba and could be organized and tapped for independent financial support to back up opposition political activities in the island. This is what José Martí did in the 1890s, collecting funds from Cuban tobacco workers in Florida for the Cuban independence struggle against Spain.

There is also an extensive U.S. civil society - unions, churches, fraternal organizations, women's, gays' and human rights organizations among others -most of which operate independently of the State Department, the CIA, or of the Cuban American National Foundation that functions as the vehicle of the U.S. administrations' imperial designs, both Democratic and Republican.

By following the easy way of turning to the U.S. government agencies and organizations collaborating with them, as well as to the U.S. embassies, dissident groups not only compromise the independence of the opposition to the Cuban government, but also end up developing the tendency to sponge off the U.S. government without doing much to recruit people and organize their own political base of support whether in Cuba or abroad.

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