

PRISONERS OF COLOR

ISLAS WILL DEDICATE A PAGE IN EACH ISSUE TO THE AFRO-CUBANS' SERVING TIME IN CUBA'S PENAL SYSTEM

In many countries people are detained for trying to exercise their rights of freedom of expression, association, assembly, or movement. Some are imprisoned because they or their families are involved in political or religious activities. Some are arrested because of their connection with political parties or national movements that oppose government policies. Trade union activity or participation in strikes or demonstrations are common causes for imprisonment. Often, people are imprisoned because they questioned their government or tried to publicize human rights violations in their own countries. Some are jailed on the pretext that they committed a crime, but it is in fact because they criticized the government. People who are imprisoned, detained or otherwise physically restricted because of their political, religious or other conscientiously-held beliefs or because of their ethnic origin, sex, color, or language and who have not used or advocated violence are considered to be prisoners of conscience.

The Colors of Statistics

Miguel Fernández
Writer and Journalist

*The spaces of the black man
in the post 1959 Cuba:
A comparative analysis.*

The International Center for Prison Studies (London) estimated that the rate of imprisonment for Cubans is about 300 per every 100,000 people. Regarding the basis of the studies conducted by the Cuban Commission of Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN), the Institute of Cuban and Cuban-American Studies (Instituto de Estudios Cubanos y Cubano-

americanos, IECC) at the University of Miami declared that Cuba's penal population "reaches one hundred thousand and keeps rising." While in 1959 the Fulgencio Batista dictatorship left a prison system of 14 establishments and 4,000 people imprisoned, the current penal system is comprised of about 200 jails and forced labor camps with 100,000 prisoners. The IECC report declares that between these jails and forced labor camps there were "at least 400 documented cases... of people imprisoned for political discrepancy with the government, defense of human rights, promotion of civil rights, participation in the civil society and conscious objection towards the Castro regime." Estimates of the penal population for blacks are much more horrible. Eight out of every ten prisoners in the Cuban jails are black, according to human rights groups and independent journalists on the Island. Apparently, the explanations for these disparaging statistics are plentiful.

Positivist Lens

Soon after the establishment of the post-colonial republic in Cuba in 1902, positivist criminology was introduced with

racial bias. Fernando Ortiz, a Cuban anthropologist, described the “Afro-Cuban underworld” as centered on the notion of Cesar Lombroso, founder of the Italian School of Positivist Criminology, about the innate delinquent¹. Israel Castellanos based the works of the Laboratory of Penitentiary Anthropology on the Afro-Cuban communities of witch doctors and “abakuás” or “nãñigos” with the intent of setting racial parameters of criminality.

The *Spanish Penal Code (Código Penal Español)* of 1870 made way for the *Social Defense Code (Código de Defensa Social)* of 1936, which was based on the criminological theory of Enrico Ferri, a positivist criminologist. Ferri wrote that the “dangerousness” derived from a crime itself is as dangerous as the personality of the criminal. This is how he established the concept of “dangerous state” as a “special propensity towards crime” that deserves to be counteracted with “security measures,” including internment and forced labor².

Despite the scandalous silence of the Cuban authorities regarding the criminal and penitentiary statistics, the State Attorney corroborated the discriminatory disguise of the “trials of dangerousness” that took place in Havana after the *Penal Code* of 1986 was set in motion. In 1987, 647 individuals were prosecuted, 465 of the 647 were black.

The Revolutionaries In Power

Soon after Castro triumphed and gave his historical address on March 22, 1959, about the rights of the black man in Cuba, the official speech of equality for the black and racially-mixed population became widely disagreeable with their daily living.

The National Revolutionary Police (Policía Nacional Revolucionaria, PNR) did

not hesitate to repress Afro-Cubans’ religious expressions such as Santería, Palo Monte and Abakuá. The people of color who attempted to articulate their own voice found strong resistance, while racism continued to identify itself with the past and those who were exiled. Social class was stronger than racial integration, often preventing the latter. However, there were very few significant signs of social mobility until Castro tightly bound himself to the movements of national liberation in Africa. Afterwards, Black and mulatto Cubans began their ascent into the governmental bureaucracy and the military, specifically the armed forces.

By 1981, almost two-thirds of Cuba’s population was declared white according to the census. Less than a fourth of the population was classified as mixed and more than a tenth was classified as black. A rumor spread amongst sharp Cubans that the government had planned to statistically “whiten” the country, based on the prejudice of members of the population who were not white but declared themselves as white.

As a result of Castro choosing the Central Committee (Comité Central) members for his sole party in 1965, black and mulatto militants did not exceed 9 percent of his party. For the First Congress of 1975, they decreased to 7 percent. When the Socialist Constitution of 1976 was recognized and the local representative institutions were established, the black and mixed delegates totaled 24 percent. One simple reference to the post-colonial republic of 1908 puts 15% of blacks and mulattos in Congress, 46% in provincial councils, 19% in the municipal mayoralties and 46% in councilor positions.

Distribution of the population in the Havana municipalities revealed the discriminatory tendency that occurred subsequent to

1959. Blacks and mulattos were concentrated in the most deteriorated areas, such as Havana Center and Old Havana, where 44 percent to 47 percent of the capital's colored resided in 1981. Also, both municipalities comprised about 47 percent of the housing in bad conditions. It is not surprising that the PNR considered Havana Center and Old Havana as "criminal centers" as well as the Marianao municipality, which also had a large concentration of black and mulatto residents.

Entry into the so called "special period" that occurred around 1990, accentuated racial inequality. Castro was forced to allow circulation of the United States (U.S.) dollar that arrived through wire transfers from family members who were in exile or through the act and grace of economic sectors associated with the foreign capital. Eighty-three percent of Cuban immigrants in the U.S. were white during this period. In the same way, blacks tended to, and still tend to, occupy very few positions in tourism and other activities that are linked to the flow of the foreign currency. Even the relatively lucrative sources of self-employment, such as the so-called "paladares" (restaurants) and taxi services were mostly operated by whites. They were also the majority operators of private farms and those associated with cooperatives, like artisans.

The latent or open racist ideology, brands the black man as lazy, incapable, ugly, dirty, a thief, and a pervert. These labels are justifications for excluding blacks from the most lucrative sectors of the economy and for including them in the penal system. A vicious cycle emerges; blacks are excluded and often do not have any options other than getting involved in informal economic activities that are illegal in Castro's totalitarian regiment. If caught, the blacks are subjected to impris-

onment due to crime or to "dangerous state." The black market is dominated in great measure by blacks and mulattos. Prostitution is practiced mostly by black or mulatto women "jineteras," who represent the largest proportion of imprisoned women.

It is said that the demographic equality of whites (33 percent), blacks (32 percent) and mulattos (35 percent) has been fixed, yet there is no modification in the racial bias in the structures of power and economy. It is the opposite, jails spread in the provinces where the populations are mostly black and mixed. For example, Guantanamo has 514,121 inhabitants, and its penal population includes about 60 penitentiary centers that have more than 16,000 prisoners.

It is a significant fact that a black leader has never headed the Union of Young Communists (Unión de Jóvenes Comunistas) or the Federation of University Students (Federación de Estudiantes Universitarios, FEU), or mass organizations such as the Revolution Defense Committees (Comités de Defensa de la Revolución, CDR) or the Federation of Cuban Women (Federación de Mujeres Cubanas, FMC). Perhaps it's just as significant that the last three death penalties handed down on April 11, 2003, befell on black youths.

BIBLIOGRAPHY

- 1- Ortiz, Fernando. (1906). *Los negros brujos*.
- 2- *Código Penal de Cuba* (1986, Libro I, Título XI).