

£CUBA

@Hundreds imprisoned for "Dangerousness"

Since August 1993, Amnesty International has received reports that large numbers of people in Cuba have been detained and imprisoned for up to four years under the section of the Penal Code entitled "**El Estado Peligroso y Las Medidas de Seguridad**", "The Dangerous State and Security Measures". One report stated that between 20 August and 1 November 1993, 2,500 people had been imprisoned under this legislation, more than the total for the whole of the previous year. The main purpose of the sudden, sharp increase in its application appeared to be to respond to an increase in delinquency and "acts of vandalism". However, it is feared that, although in some cases there may well be justification for opening legal proceedings against the person concerned, this legislation, which is practically devoid of any fundamental judicial guarantees, may be being applied in an arbitrary fashion and may also be being used as a pretext for imprisoning peaceful government opponents, whom Amnesty International considers to be prisoners of conscience.

Context

Cuba has been suffering a serious economic crisis since the collapse of the Soviet Union and other Eastern Block countries, previously their main trading partners. The crisis has led to serious shortages in fuel, spare parts for machinery, food, medicines and medical equipment, and other essentials. The situation has been compounded by the US trade embargo which has been in place since 1962 and bad weather which damaged the 1993 harvests. Many factories and workplaces have had to shut down, at least temporarily, and workers have been laid off. Although they are still paid, they are expected to present themselves to do work in areas where there are shortages, such as agriculture, construction, etc, even if this is not what they are qualified to do. Many people, especially young people, are said to be unwilling to do agricultural and manual work. Another effect of the shortages has been prolonged electricity "blackouts" (**apagones**) to try to save energy. In August 1993, there were blackouts of up to 20 hours a day in the Havana area and 16 hours elsewhere. This, coupled with hot weather, seems to have been the trigger for a spate of what was described by the authorities as "vandalism". This consisted of robberies, looting, attacks on shops and government establishments, such as police stations, and the appearance of anti-government graffiti and leaflets, among other things. The authorities blamed so-called "counter-revolutionaries" for instigating such activities. The head of the Prosecutor's office in Havana, José Luis Toledo, announced in early September that legal measures ranging from the most severe, for actions such as sabotage and terrorism [i.e. the death penalty], to those considered grave, such as robbing tourists, would be implemented. He added that trials would be conducted with more severity. The First Secretary of the Communist Party in

Havana was reported as saying that "this is a fight to the death, and we cannot let the battle be won by lumpen and the counter-revolution... We have to be prepared to act at any moment wherever the enemy is hiding and, especially during the blackouts, to prevent their passage and cut them off in time." ["**Es una lucha a muerte, y no podemos dejarnos ganar la batalla por los lumpen y la contrarrevolución... Debemos estar preparados para actuar en todo momento donde se oculte el enemigo y, especialmente en las situaciones de apagón, impedirle el paso o cortárselo a tiempo.**"] Another government official, General Sixto Batista Santana, the head of the **Comités de Defensa de la Revolución (CDRs)**, Committees for the Defence of the Revolution, said a few days later that "the street belongs to us revolutionaries... if we have to break heads, we will break heads." [Spanish version not available] At the same time, the authorities began to reactivate the so-called **Destacamentos Populares de Respuesta Rápida**, People's Rapid Response Detachments, more commonly known as Rapid Response Brigades. These were created in mid-1991 to confront, by violent means if necessary, any sign of discontent or opposition to the government. They are made up of Communist Party members and others, supposedly on a voluntary basis, though there are indications that some members are coerced into participating. They were responsible in 1992 for a number of incidents in which political and human rights activists were subjected to violent harassment and intimidation (see "*Cuba: Silencing the Voices of Dissent*", AMR 25/26/92, December 1992, for further background).

The crimes that have increased the most since 1992 are said to be robbery with violence and theft (**hurto**), and the illegal slaughter of cattle (**sacrificio ilegal de ganado mayor**), said to have risen by 25% and 19% respectively. The authorities have issued a number of statements saying that they intend to bring the full force of the law to bear on those found to be involved in crimes of violence and serious economic crime. They are said to be seriously concerned by a massive increase since August in offences such as the theft of bicycles [now the main means of transport for Cubans, due to the lack of petrol], the mugging of tourists, robberies and other lesser crimes. Sentences of twelve years or more are being imposed for crimes against the national economy and, since September 1993, there has been an increased police presence on the streets of Havana. Stiffer sentences for violent crime have also been passed by the courts since that time. Four death sentences were passed in the space of a month in October/November 1993. At the time of writing they are all still believed to be pending appeal. The authorities tend to attribute many kinds of violent and serious economic crime to "counter-revolutionaries" whom they allege are intent on destabilizing the government.

Over five hundred prisoners of conscience are believed to be imprisoned in Cuba, some serving sentences of as much as thirteen years on charges such as "enemy propaganda" and "rebellion". Most are members of unofficial political, trade union or human rights groups though scores, possibly hundreds, of others are believed to be held for trying to leave the country illegally. There are also believed to be several hundred other political prisoners

convicted on charges such as sabotage, terrorism and espionage. Detention and trial procedures in all political cases fall far short of international standards.

"The Dangerous State"

Article 72 of the Cuban Penal Code, entitled "The Dangerous State", states: The dangerous state is considered to be the special proclivity of a person to commit crimes as demonstrated by behaviour that manifestly contradicts the norms of socialist morals." [**Se considera estado peligroso la especial proclividad en que se halla una persona para cometer delitos, demostrada por la conducta que observa en contradicción manifiesta con las normas de la moral socialista.**] Article 73 goes on to state that the "dangerous state" exists when an individual exhibits one of the following indications of "dangerousness": a) habitual drunkenness and alcoholism; b) drug addiction; c) "anti-social behaviour". A person considered to be in a "dangerous state" because of their "anti-social behaviour" is described as "one who habitually violates the rules of social co-existence by acts of violence, or who, by other provocative actions, violates the rights of others or who, by their general behaviour, damages the rules of co-existence or disturbs the order of the community or who lives, like a social parasite, from the work of others or exploits or practices vices that are socially unacceptable". [**Se considera en estado peligroso por conducta antisocial al que quebranta habitualmente las reglas de convivencia social mediante actos de violencia, o por otros actos provocadores, viola derechos de los demás o por su comportamiento en general daña las reglas de convivencia o perturba el orden de la comunidad o vive, como un parásito social, del trabajo ajeno o explota o practica vicios socialmente reprobados.**] Mentally disturbed or mentally retarded people [**los enajenados mentales y las personas de desarrollo mental retardado**] may also be considered to be in a "dangerous state" if their behaviour represents a threat to the security of others or the social order [**siempre que éstas representen una amenaza para la seguridad de las personas o del orden social**].

"Official Warning" ("Advertencia Oficial")

Article 75 states that anyone who, though not included in any of the "dangerous states" to which article 73 refers, may, by their links or relations with people who are potentially dangerous for society, other people and the social, economic and political order of the socialist state, have a proclivity for crime, will be given a warning by the relevant police authority, to prevent them from carrying out socially dangerous or criminal activities. [**El que, sin estar comprendido en alguno de los estados peligrosos a que se refiere el artículo 73, por sus vínculos o relaciones con personas potencialmente peligrosas para la sociedad, las demás personas y el orden social, económico y político del Estado socialista, pueda resultar proclive al delito, será objeto de advertencia por la autoridad policíaca competente, en prevención de que incurra en actividades socialmente peligrosas o delictivas.**] The warning is to be issued as a legal document [acta] expressly stating the

reasons for it, as well as what the person concerned has to say about it, and must be signed by both parties.

"The Security Measures"

Articles 76 to 90 describe the types of measures that can be taken against those who are considered to be in a "dangerous state". The type of measure varies depending on whether the person is deemed to be likely to commit a crime ("**medidas predelictivas**") or has already committed a crime ("**medidas postdelictivas**").

a) Those deemed likely to commit a crime

In the case of those deemed likely to commit a crime, the type of measure to be taken is to be either a) therapeutic ["**terapéuticas**"]; b) re-educative ["**reeducativas**"]; or c) surveillance by the National Revolutionary Police ["**vigilancia por los órganos de la Policía Nacional Revolucionaria**"]. In the case of "anti-social individuals" ["**individuos anti-sociales**"], re-educative measures lasting from between one and four years are to be applied. The person is to be interned in a "specialized work or study establishment" ["**un establecimiento especializado de trabajo o de estudio**"] or sent to "a work collective" ["**un colectivo de trabajo**"]. There is no mention of imprisonment. Nevertheless, those detained recently under this legislation are being sent to prison from where some are then obliged to go to work in work camps (**granjas**) attached to the prison, usually doing agricultural or construction work. In fact, article 77.2 of the Penal Code states that if, during the carrying out of a security measure, a person is sentenced to imprisonment, the security measure is to be suspended and proceeded with only once the prison sentence is completed. ["**Si durante el cumplimiento de una medida de seguridad aplicada a una persona penalmente responsable, a ésta se le impone una sanción de privación de libertad, la ejecución de la medida de seguridad se suspenderá, tomando de nuevo su curso una vez cumplida la sanción.**"] This would clearly seem to indicate that, for the purposes of this procedure (i.e. "**medidas de seguridad predelictivas**"), imprisonment is not itself considered to be a "security measure".¹

b) Security measures to be applied to those who have already committed a crime

Security measures may also be applied to repeat offenders ["**al reincidente o multirreincidente**"] who have failed to carry out any of the obligations imposed on them by the courts after a prison sentence has been completed. According to article 55 of the Penal Code, the court can recommend that, following completion of the prison sentence, the

¹ The main function of imprisonment in Cuba, nevertheless, is to correct and "re-educate". All prisoners have to go through a process of "re-education" which includes professing loyalty to the existing political system.

individual should be kept under surveillance by the police for a period of three to five years. Other measures may also be imposed such as an order forbidding them to move house or frequent certain places. They may also be obliged to present themselves before a court at certain intervals. Furthermore, "any other measure that could contribute to their re-education" [**cualquier otra medida que pueda contribuir a su reeducación**] may be imposed. According to article 90, under the section about "dangerousness", if the individual does not fulfill these obligations, the court which established the original sentence may impose a security measure consisting of their internment in a centre for their "re-adaptation" for a period not fixed in advance, but which cannot exceed five years [**una medida de seguridad consistente en su internamiento en un centro para su readaptación por término que no se fija anticipadamente, pero que no puede exceder de cinco años.**]. The court can also decree a new security measure not already imposed, if the person's conduct warrants it; suspend a security measure or replace it by a more suitable measure if the "dangerous state" that motivated it has disappeared; or if the individual shows new symptoms of "dangerousness", impose a additional security measure while the person is carrying out the existing one. Again, the nature of the measures to be taken in such cases is extremely vague and open-ended. There is no explanation of what "internment in a centre for their re-adaptation" means but, as in the other kinds of security measures, imprisonment is not explicitly mentioned as one of the options.

Imprisonment for "dangerousness"

Despite the fact that imprisonment is not clearly spelled out as an option in cases of "dangerousness", many people are known to be serving prison sentences on such grounds. It would appear that the majority of the recent cases of people imprisoned for "dangerousness" reported to Amnesty International consist of individuals who are considered likely to commit a crime rather than that they are repeat offenders who have failed to fulfill certain obligations. Prisoners convicted for "dangerousness" are reportedly held in many penal establishments throughout Cuba. They include: Combinado del Este Prison, Havana; Micro 4 Prison, Havana; Taco-Taco Prison, Pinar del Río; the Western Women's Re-education Centre, Havana; Villa Clara Provincial Prison, Havana; and Agüica Prison, Matanzas. Many are said to be held in El Pitirre Prison in San Miguel del Padrón, Havana, also known as Unit 1580. This appears to be a military prison. It is not clear what the justification is for holding civilian prisoners in a military prison. Conditions there are reportedly very poor. Food is said to be scarce and often rotting. Some days there is no drinking water available all day. Several prisoners are said to be suffering from diarrhoea and vomiting. The poor level of hygiene is said to have led to infect infestation and outbreaks of skin complaints and conjunctivitis. Minors and adults are said to be held in the same facilities. There have also been several reports of beatings by prison guards (see below for details). On 3 November 1993, the prison was reportedly visited by a delegation of journalists. The prisoners were apparently warned by a senior military official to make sure they said that they were all right and that they had no problems.

One prisoner serving a sentence for "dangerousness" was said to have died in detention in Agüica Prison in December 1993 after being beaten by prison guards (see below for details).

Judicial Procedures

Article 404-416 of the **Ley de Procedimiento Penal**, Law of Penal Procedure (1977), establish the judicial procedures when applying security measures in cases of "dangerousness":

a) Hearings in cases of those considered likely to commit a crime

Hearings against people considered likely to commit a crime take place in municipal courts. The procedure is to be initiated on the request of a prosecutor (**fiscal**) who has to submit in writing the reasons for the request and the security measures deemed to be necessary. The prosecutor's request can be based on information already available to him/her or on the basis of reports submitted by the police or other relevant officials. Specific procedures are laid down for people deemed to be suffering from mental disorders and drugs or alcohol problems. In other cases, it is stipulated that the person can be held for up to a maximum of fifteen days before being brought to court. The director of the establishment where the person is held may at any time during this period recommend that they be released if they believe that they no longer exhibit the "dangerous" behaviour that motivated their detention. The court has to be informed of their recommendation the same day. The court then has to inform the prosecutor who has three days to accept or refuse the recommendation. If the prosecutor decides that there are no grounds to continue proceedings against the person, s/he informs the police or the director of the establishment where the person is held and the person is released. A person awaiting trial for "dangerousness" can only be detained by virtue of an order issued by the relevant court.

The participation of a prosecutor and a defence lawyer is obligatory². Defendants may appoint a lawyer of their choice but if they do not do so, they will be assigned one by the court (**abogado de oficio**). Hearings often take place within a few days of arrest, during which the defendant sometimes has no contact with their family. Reports of recent cases indicate that in practice, given the speed of the process, many defendants have been unable to appoint a lawyer of their choosing and have had little or no contact with the lawyer appointed for them by the court before the court. The hearings are said to be brief and neither the defendant nor the defence lawyer usually know in advance what the prosecution is going to

² In other cases heard in municipal courts, the participation of a defence lawyer is considered to be "not indispensable" but the court will permit it if the defendant turns up with one. (Article 368, Law of Penal Procedures).

put forward as evidence. In some cases, no account appears to have been taken of the fact that the defendant has no previous criminal record. The court may at any time when the measure is being applied change the type of measure or its length or suspend it, on the recommendation of the body in charge of implementing it [i.e. it can lengthen as well as shorten the sentence]. There is no mention in the Law of Penal Procedures of the possibility for the defendant to appeal against the measures imposed. In some cases, relatives have reportedly been unable to attend the hearings, the only people present, apart from the defendant, being police, state security agents, the judges and court officials.

b) Hearings in cases of "dangerousness" brought against repeat offenders

According to article 417 of the Law of Penal Procedure, hearings in the cases of repeat offenders accused of "dangerousness" are to be heard in the court which dealt with the offence that led to the person being considered to be "dangerous" [**"La competencia para imponer medidas de seguridad postdelictivas está atribuida al Tribunal que corresponda el conocimiento del delito en cuya virtud se hubiere revelado el respectivo índice de peligrosidad"**]. In some cases, therefore, it would be a provincial court rather than a municipal court which would hear the case.

c) Recent cases

Most recent cases have been heard in municipal courts. However, in many of them the procedures followed appear to be in breach of Cuban law itself. According to article 8 of the Law of Penal Procedure, as revised in the 1988 Penal Code, municipal courts are only competent to hear cases of dangerousness against those deemed likely to commit a crime in which the maximum sentence is one year. In many of the recent cases, however, municipal courts have reportedly imposed sentences of up to four years. Although it would appear that such courts may be able to do so in the case of repeat offenders, most recent cases reported to Amnesty International appear to have been of people considered likely to commit a crime.

The kinds of reasons put forward by the prosecution in recent cases to justify imprisoning people under this legislation include refusing to work, getting involved in fights, disturbing the peace, drunkenness, throwing stones at shop windows, and other minor offences, as well as participating in anti-government demonstrations and "having political problems". In some cases, individuals have lost their jobs because the police have accused them of not supporting the government. The very same police then accuse them of "dangerousness" because they are not working. In other cases, people who have served sentences for an offence of a political nature have been subsequently re-imprisoned for "dangerousness" on the grounds that their known background is a danger to society, thereby in effect punishing them twice for the same offence. It is also significant that it is frequently the Department of State Security, i.e. the political police, rather than the ordinary police who

are responsible for bringing the prosecutions in "dangerous" cases, thus highlighting the real political nature of such cases. There are definite indications that, in at least some cases, the real motive may well be to remove known political activists from circulation. Furthermore, Amnesty International believes that the non-specific nature of the legislation is such that it is open to abuse and that the procedures to be followed are lacking many internationally-recognized judicial guarantees. The definitions laid down in the Penal Code are imprecise and lend themselves to arbitrary and discriminatory application. If a person has committed a recognizable criminal offence, then they should be charged with that offence and be brought to trial following procedures that guarantee a fair hearing. Amnesty International believes that this section of the Cuban Penal Code should be abolished on the grounds that, in letter and application, it breaches both the rights of the individual and international human rights standards. It further urges that all those imprisoned for "dangerousness" should be immediately and unconditionally released.

People detained and/or imprisoned for "dangerousness"

The number of arrests for "dangerousness" dramatically increased in the last five months of 1993 and the nature of its use to stifle peaceful dissent, though suspected in the past, has become apparent. Amnesty International had received occasional reports prior to that date that it was being used for such purposes. The following are a selection of cases that were brought to the organization's attention during 1993. Due to the difficulties in openly monitoring human rights violations inside Cuba and transmitting such information abroad, the details of some cases are incomplete:

In January 1993, **Israel MEDEROS SANCHEZ**, reportedly described by police as "an anti-social element with political problems" ("**un elemento anti-social con problemas políticos**") and consequently unable to obtain employment, was said to be serving a three-year sentence for "dangerousness". It is not clear when or where he was arrested or where he was being held.

Pablo SILVA CABRERA, the president of an unofficial political group called the **Unión Democrática Martiana**, Martí Democratic Union, who had in April 1993 received an "official warning" because of his political activities and been threatened with a charge of "illegal association", was charged in June 1993 with "dangerousness" because he was not working (the reason being, according to him, because the Department of State Security had put pressure on his employer not to give him work). He was reportedly given less than 24 hours notice of the hearing and he was unable to find a lawyer of his choice to represent him. When he arrived at the court, he was told by the presiding judge (**la presidenta del tribunal**) that they had been unable to find a state lawyer to represent him but she, nevertheless, seemed intent on continuing to hear the case, anyway. It was reportedly only when Pablo Silva complained that to do so would mean that he would have no judicial guarantees if the hearing went ahead that the hearing was postponed to a date in July. No further news was received.

A report dated mid-September 1993, alleged that police cars patrolling the streets of Havana would stop groups of young people and ask for their identity cards to find out if they were employed. If they were not found to be attached to a work centre, they were detained for "dangerousness". On 20 August 1993 in Central Havana, more than 50 young people were said to have been taken to the Second Police Unit, **Segunda Unidad de Policía**, and fined between 30 and 100 pesos. "Dangerousness" files were opened on them with the threat that they would be imprisoned if they did not present themselves to a state work centre. Another report said that on 12 September 1993, more than 200 young people were taken to the Ninth Police Station, **Novena Estación de Policía**, in La Palma, Arroyo Naranjo, for "not being attached to a work centre" ["**por no tener vínculo laboral**"]. One young man, **Reinaldo MARTIN CARMONA**, was arrested by four policemen in his own home in Havana on 10 September 1993 for the same reason and accused of being "conflictive" ["**conflictivo**"]. Some of those detained are said to have been beaten at the time of arrest.

On 3 September 1993, large numbers of young people from San Miguel del Padrón, Havana, were said to have been detained by police and taken away handcuffed in a cart drawn by a tractor. Some of them were said to be not working because of the closure of factories due to the lack of fuel or raw materials. The only alternative open to them was said to be to work in agriculture which they did not want to do.

In mid-September 1993, reports were received that 60 people had been imprisoned in Combinado del Este Prison for "dangerousness" "in the last few weeks" and that 40 others were awaiting sentence on the same charge.

On the evening of 16 September 1993, **Hector Eduardo PEDRERA MIRANDA**, aged 30, who had previously served a three-year prison sentence for trying to leave the country illegally, was reportedly arrested at his home in Havana for no apparent reason and taken to a police station in Calle 10, Alta Habana. Later that evening he was transferred to a police station in Santiago de las Vegas without being told why he was being held. He was not allowed any family visits until 21 September when a short visit was permitted so that his family could bring him some basic necessities. Neither he nor his family had still not been told why he was being detained. However, Hector Pedrera, whose brother Orlando Pedrera is the secretary of an unofficial political group called the **Unión Cívica Nacional**, National Civic Union, told his wife that he had been questioned by the same state security official who had been in charge of his case when he was imprisoned in the past. On 23 September he was brought to court on a charge of "dangerousness". The prosecutor reportedly told the court that Hector Pedrera had a previous criminal record for trying to leave the country illegally, that he was therefore "against the Revolution" ("**desafecto a la Revolución**") and dangerous. The defence lawyer reportedly had no access to his defendant's file, had only been able to speak to Hector Pedrera five minutes before the hearing and was unable to say anything to the court except to ask for clemency. Hector

Pedrera was given the maximum sentence - four years' imprisonment. Next day he was transferred to El Pitirre Prison and his relatives were told to go there a few days later to find out when visiting would be and what they needed to bring for him. However, when his mother went to the prison, his name was not on the list of those held there that day and no one knew where he was. His relatives reportedly looked for him in various police stations and prisons but were unable to find him. This information dates from mid-October 1993 and, since no further reports of the case have been received, it is not clear whether he has since been located.

Another report dated 23 September said that large numbers of people had been arrested in the municipality of Managua in Havana Province for "dangerousness". Those detained were said to include young people, people with a known criminal record and people who had not voted in the February elections. The following names were given: **José SALGADO, Omar CASTILLO, Manuel PEÑA, Chasi BENITEZ and Ricardo SALGADO**. However, the precise reasons why these five were detained are not known.

The municipal court in the city of Ciego de Avila was said to have dispensed sentences of two to four years for "dangerousness" to 180 people up until 15 October 1993 (it is not clear what period that figure covered).

In early October, reports were received that large numbers of people had been detained in Marianao, San Nicolás de Bari, Güira de Melena, Nueva Paz and Camagüey. Among those detained were:

Luis Felipe LORENS NODAL, president of the unofficial **Organización Juvenil Martiana**, Martí Youth Organization, was arrested on 22 September 1993, reportedly after he went to a Havana police station to inquire after his brother, **Marcos Eugenio LORENS NODAL**, who had been detained the day before and was later tried for "dangerousness" for reasons that are not known. Luis Felipe Lorens was transferred to another police station and was not permitted contact with his family for several days. He was tried on 30 September 1993 in a municipal court and sentenced to four years' imprisonment after a police officer accused him of "provoking workers in the Comocoiba Hotel" ("**por provocar los trabajadores del Hotel Comocoiba**") and not working. He was unable to appoint a defence lawyer of his choice and his family were not informed about the hearing. During the trial, when the judge asked him what he had to say about the charges against him, he replied that they were not true and that he was simply a peaceful human rights activist ("**él sólo era un defensor pacífico de los derechos humanos**"). The lawyer assigned to him by the court reportedly suggested that he should be sent to the Havana Psychiatric Hospital for tests because he was mentally unstable. As the hearing ended, Luis Felipe Lorens reportedly shouted out to the court that he was not mad and begged not to be sent to the psychiatric hospital. He was reportedly taken to Combinado del Este Prison on the

outskirts of Havana. Luis Felipe Lorens has been arrested on several occasions over the past two years because of his non-violent political and human rights activities.

Mercedes PARADA ANTUNES, spokesperson for the unofficial **Asociación por los Derechos Políticos (ADEPO)**, Association for Political Rights, was arrested on 26 September and brought to trial on 8 October in Marianao Municipal Court. She was sentenced to two years' imprisonment. The grounds given by the prosecution were reportedly "public scandal", "**escándalo público**",³ alcoholism and other things. Prior to her arrest Mercedes Parada had been reporting cases of human rights abuses on behalf of ADEPO by telephone to contacts in the USA. Following the trial, Mercedes Parada was transferred to the **Centro de Re-educación de Mujeres de Occidente**, Western Women's Re-education Centre, on the outskirts of Havana.

Hernando DUARTE MONTALVO, a member of the unofficial **Unión Cívica Nacional**, National Civic Union, lost his job after being detained by police for several days under investigation and later released. He was subsequently threatened with being detained for "dangerousness" by the police officer in charge of his case before on the grounds that he was not working. There has been no further news.

Miguel PINILLA and his brother, whose name is not known, were among a group of people apparently tried together for "dangerousness" at the municipal court situated between Línea Street and M Street in Havana in late September or early October. The defendants were brought into court all handcuffed together. There was no information about the outcome of the trial.

On 4 October 1993, **Abel Jesús ACOSTA AMENEIRO**, aged 29, the provincial delegate for Villa Clara of the unofficial **Partido Pro Derechos Humanos en Cuba**, Party for Human Rights in Cuba, was arrested. He was brought to trial two days later and sentenced to two years' imprisonment for "dangerousness" which he is serving in Villa Clara Provincial Prison in Santa Clara. The reasons given for his conviction were that he had met with "counter-revolutionary elements" ("**elementos contrarrevolucionarios**"), including a Canadian journalist who had visited him in his home. He was said to have started a hunger strike on 20 October in protest at his conviction. No further news has been received.

Eduardo Jesús TORRES CABRERA, aged 21, a resident of the municipality of San Miguel del Padrón in Havana, was summoned on 5 October to a police station

³ In the penal code, the offence of "public scandal" is applied to those who "make homosexual advances to someone else" ["**importune a otro con requerimientos homosexuales**"], those who offend public decency, and those who produce obscene material.

in La Virgen del Camino where he was accused by the Chief of Police of throwing stones at shop windows in Jacomino Market and of having problems with his neighbours. He was held in the 11th Police Unit in San Miguel del Padrón for four or five days and then transferred to El Pitirre Prison, in San Miguel del Padrón where he was held for a further week. He was presented to the **Juzgado Correccional de San Miguel** on 13 October where he was sentenced to four years' imprisonment for "dangerousness". Immediately after the trial he was sent back to El Pitirre Prison.

On 8 October 1993, **Gilberto GALLARDO DOMINGUEZ** and two women belonging to the unofficial **Movimiento Pro Libertad de Presos Políticos**, Movement for the Freedom of Political Prisoners, were arrested by state security officials at the train terminal in San José de las Lajas as they were about to board a train to Havana. They were reportedly intending to visit the Church of the Virgin in Regla, Havana, where people were apparently gathering to pray for freedom. After being questioned, they were released but warned not to leave the municipality of San José de las Lajas. Gilberto Gallardo was issued with an official warning threatening to bring him to trial for "dangerousness". No further news was received.

In late October, the following arrests were reported:

Rolando CAMBRA GONZALEZ, a provincial organizer for the unofficial **Partido Pro Derechos Humanos de Cuba (PPDHC)**, Party for Human Rights in Cuba, was arrested on 15 October 1993 in Havana. He had reportedly been warned about his activities when he attended a mass on 8 September 1993. He was sentenced to four years' imprisonment. It is not clear whether he is being held in El Pitirre Prison or Micro 4 Prison, both in Havana.

Efraín Dámaso GARCIA HERNANDEZ, a member of the unofficial **Partido Cívico Democrático**, Civic Democratic Party, was sentenced to four years' imprisonment and is held in El Pitirre Prison. Initial reports indicated that it was for "dangerousness" but subsequent ones suggested that it may have been for "enemy propaganda".

A father and his two sons were reportedly arrested in Alta Havana some time in October 1993. **Denis KAUFMAN**, **Danis KAUFMAN HERNANDEZ** and **Ramón KAUFMAN HERNANDEZ**, all said to be members of the unofficial **Unión Cívica Nacional**, National Civic Union, were due to be tried for "dangerousness". No further news has been received.

Víctor BETANCOURT CARTAYA and **nine others** from Bauta, Havana province, were said to have been accused of "dangerousness" for participating in

anti-government demonstrations in Bauta. They were believed to be held by the Department of State Security. There was no further news.

Benigno TORRALBA SANCHEZ, a member of the **Confederación de Trabajadores Democráticos de Cuba (CTDC)**, Confederation of Democratic Workers of Cuba, was said to be in Combinado del Este Prison, accused of "dangerousness". It is not clear when he was arrested or whether he had been brought to trial.

Raúl VALDERRAMA MARTINEZ, president of the unofficial **Fundación Cubana por los Derechos del Hombre**, Cuban Foundation for the Rights of Man, who was arrested on 15 July and released, apparently without charge, three months later, reported on his release that while in detention the authorities tried to link him to violent anti-government activities and accused him of planning to leave the country illegally. He said they also tried unsuccessfully to get him to sign an "act of dangerousness" ("**acta de peligrosidad**") on the grounds that he was involved with drugs. He reported that the authorities were trying to wrongly accuse other activists of similar offences and mentioned the case of **Guillermo FERNANDEZ DONATE**, a member of the unofficial **Corriente Socialista Democrática (CSD)**, Democratic Socialist Current, and the **Comité Cubano Pro Derechos Humanos**, Cuban Committee for Human Rights, who has been in detention since 29 June 1993. He is imprisoned in Ganuza Prison awaiting trial but it is not yet clear what charge he is facing although some reports indicate "enemy propaganda". He had earlier been sacked from his job and expelled from the Faculty of Law at Havana University because of his political views.

Three prisoners held for "dangerousness" in El Pitirre Prison, San Miguel del Padrón, Havana, were said to have been beaten by soldiers in late October 1993. **Regino FERNANDEZ PERDOMO** was reportedly beaten by soldiers from 816 Company. On 31 October **Tomás MARTINEZ COBO** was said to have been beaten by a sergeant in front of the whole of 917 Company, "for not obeying the one in charge" ["**por no haber escuchado la voz de mando**"]. The same soldier is said to have beaten **Daniel SANCHEZ BRUNET** with a rubber hose (**manguera**), leaving marks on his body.

Several trials for "dangerousness" took place in late October or early November at the Central Havana Municipal Court. Seven defendants reportedly arrived at the court handcuffed and tied together with rope. The hearings were said to have taken little time and, although some of them had no previous criminal record, they were all found guilty. One was sentenced to one year's imprisonment, another to two years, and the rest to three or four years. All were accused of not working, getting involved in fights, disturbing the peace, and other minor offences.

In November 1993 it was reported that several inhabitants were said to have been threatened with imprisonment for "dangerousness" in the town of Santa Cruz del Norte,

Havana province. **Mario YONG MARRERO**, aged 46, was reportedly summoned to the police station because he was said to be "suspicious". He was reportedly subjected to verbal and physical abuse before being released. A "dangerousness" file was opened on him and he is said to be kept under constant surveillance.

In early November, it was reported that **Jorge Luis DOMINGUEZ RIERO**, a representative of the **Partido Pro Derechos Humanos en Cuba (PPDHC)**, Party for Human Rights in Cuba, in Regla, had been taken into custody at the headquarters of the **Departamento Técnico de Investigaciones (DIT)**, Technical Investigations Department, in Havana and beaten when he refused to shout out pro-government slogans. He had reportedly been arrested in connection with an anti-government demonstration that had taken place in Regla after a young man was killed by coastguards when caught trying to leave the country illegally. Jorge Luis Domínguez was convicted on 18 October for "dangerousness" (sentence not known) and transferred to Combinado del Este Prison.

Also in early November, news was received of the arrest of **Duniesqui FORMENTAL VARELA**, a resident of the municipality of Cotorro in Havana, on 19 October. He was kept in detention at the 12th Police Unit without being permitted access to his family until 27 October when he was brought before the municipal court of Santa María del Rosario. His relatives were reportedly not informed about the hearing and were unable to appoint a lawyer to defend him. The Chief of Police of the area accused him of "dangerousness" (details not given) and produced two witnesses to support his allegations. Duniesqui Formental Varela was sentenced to four years' imprisonment.

Eduardo GONZALEZ PUERTO, who had reportedly served a 20-year sentence for a political offence in the past, was said to be serving a two-year sentence for "dangerousness" in El Pitirre Prison. No other details were available.

In December 1993, a report was received that a prisoner called **Antonio GARCIA MORA**, described as "mentally retarded" ("**retrasado mental**") and serving a sentence for "dangerousness", had died in detention in Agüica Prison, Matanzas, after being beaten by prison guards. Other inmates reportedly alleged that the beating could be heard "throughout the prison" and the incident is said to have given rise to rioting by the political prisoners held there.