

Cuba

Massive crackdown on dissent

In the aftermath of the wave of mass arrests that began on 18 March 2003 in Cuba, Amnesty International is concerned that 77 people may be prisoners of conscience, detained for the non-violent exercise of their rights to freedom of expression and association. In what has been labelled by dissident groups as the biggest crackdown in a decade, at least five dozen people from different provinces across the country have been detained in a major police operation. Those detained include journalists, owners of private libraries and pro-democracy members of illegal opposition parties, including promoters of the Proyecto Varela.¹ All of the detainees remain imprisoned without charge, and the whereabouts of some of them is unknown.

According to reports, security agents searched homes across the island detaining people and confiscating computers, fax machines, typewriters, books and papers. Annex 1 of this document is a list of all the known detainees, compiled by the *Comisión Cubana de Derechos Humanos y Reconciliación Nacional* (CCDHRN), Cuban Commission for Human Rights and National Reconciliation, a national human rights organization. Among the detained are several former prisoners of conscience including economist Marta Beatriz Roque Cabello, who was sentenced for three years and six months imprisonment in 1997 for ‘other acts against State Security,’ ‘*otros actos contra la seguridad del estado*,’ independent journalist Raúl Rivero Castañeda; and leading organizer of the Proyecto Varela, Héctor Palacios Ruiz. At least two members of the CCDHRN, Marcelo Cano Rodríguez and Marcelo López Bañobre, have also been detained.

Those detained could face up to 20 years in prison under harsh legislation introduced in 1999. In an unprecedented event, the Cuban Government announced their detention on national television and accused them of being linked to ‘*actividades conspirativas*,’ ‘acts of conspiracy,’ through their contact with James Cason, the Head of the US Interests Section in Havana (see *Background* section below for more information). The official communiqué stated that they would be ‘brought to trial,’ ‘*sometidas a los tribunales de justicia*’ and that the laws against ‘complicity with the enemy,’ ‘*complicidad con el enemigo*,’ were still ‘fully in force,’ ‘*plenamente vigentes*,’ and could be used. Felipe Pérez Roque, Cuban Foreign Affairs Minister, later confirmed from Geneva that those detained ‘*se enfrentarán a los cargos previstos por las leyes cubanas para quienes han colaborado con una potencia extranjera en contra de su patria*,’² ‘will be subjected to the appropriate charges under Cuban law for those who have collaborated with a foreign power against their homeland.’

In addition to the detentions, other high profile opposition figures have been harassed. Plainclothes security agents were posted outside the homes of Oswaldo Payá Sardiñas, leader of a citizens’ initiative on democratic change; former prisoner of conscience Elizardo Sánchez

¹ A petition for a referendum on fundamental freedoms. (See *Background* section below for more information.)

² “Castro aprovecha la crisis de Irak,” *El País*, 23 March 2003.

Santacruz, of the CCDHRN, a prominent human rights organisation in Cuba that is illegal but tolerated by the authorities; and former prisoner of conscience Vladimiro Roca Antúnez, son of the late Cuban Communist Party leader Blas Roca.

This crackdown comes only a few months after a mass arrest of activists in December 2002, when Oscar Elías Biscet González, president of the unofficial *Fundación Lawton de Derechos Humanos*, Lawton Human Rights Foundation, was detained with 16 other dissidents after they attempted to meet in Havana to discuss human rights. In addition, in February 2002 numerous known dissidents were arrested in sweeps by state officials following an incident in which a busload of youths crashed into the Mexican Embassy in Havana, apparently in search of asylum.³

Recommendations

Amnesty International seeks immediate information from the Cuban authorities regarding the recent detention of all concerned, the charges against them and the legal grounds on which they will be tried. The organisation believes that the detainees may be prisoners of conscience, detained solely for exercising their rights to freedom of expression, assembly and association. Please see Annex 1 for a full list of names.

In addition Amnesty International urges the Cuban authorities to immediately and unconditionally release all prisoners of conscience in Cuba: This includes the 15 previously named by the organisation,⁴ as well as of anyone else who is detained or imprisoned solely for having peacefully exercised their rights to freedom of expression, association or assembly. Please see Annex 2 for a full list of those that AI has been able to confirm as prisoners of conscience.

Amnesty International calls on the authorities to reform the Cuban legislation which helps to “legitimise” the ongoing incarceration of prisoners of conscience by outlawing the exercise of fundamental freedoms.

³ See “*CUBA: Continued detentions following mass arrests in February and December 2002*,” AI Index AMR 25/001/2003, 27 February 2003.

⁴ See “*CUBA: Continued detentions following mass arrests in February and December 2002*,” AI Index AMR 25/001/2003, 27 February 2003; “*CUBA: New prisoners of conscience and possible prisoners of conscience*,” AI Index 25/008/2002, 6 November 2002; and “*CUBA: The situation of human rights in Cuba*,” AI Index 25/002/2002, 20 May 2002.

Background

Proyecto Varela

The Proyecto Varela is a petition for referendum on legal reform which seeks greater personal, political and economic freedoms, as well as amnesty for political prisoners. It is led by Oswaldo Payá Sardiñas, of the *Movimiento Cristiano Liberación*, Christian Liberation Movement. In March 2002 project organisers reported having collected the 10,000 signatures constitutionally required to hold a referendum.

Whilst activists for the Proyecto Varela have been subjected to threats, short-term detention, summons, confiscation of materials and other forms of harassment by State Security agents, Oswaldo Payá has not been detained or harassed in connection with his activities. Over recent months he has gained increasing recognition in the international community. In December 2002 he received the European Union's prestigious human rights award, the Sakharov Prize, named after the late Soviet dissident. In February of this year he carried out a tour of 10 countries, during which he met the Pope, U.S. Secretary of State Colin Powell and the heads of government of Spain, Mexico and the Czech Republic.

Law 88

In February 1999 Cuba's National Assembly passed tough legislation (Law 88), called the *Ley de Protección de la Independencia Nacional y la Economía de Cuba*, Law for the Protection of the National Independence and Economy of Cuba. The law calls for seven to 15 years' imprisonment for passing information to the United States that could be used to bolster anti-Cuban measures such as the US economic blockade. This would rise to 20 years if the information is acquired surreptitiously. The legislation also bans the ownership, distribution or reproduction of 'subversive materials' from the US government, and proposes terms of imprisonment of up to five years for collaborating with radio and TV stations and publications deemed to be assisting US policy.

Relations with the European Union/Cotonou Agreement

This recent wave of mass arrests began just over a week after the European Commission officially opened its first diplomatic office in Havana on 10 March 2003. This was a positive step in on-going relations between Cuba and the EU. The EU recently welcomed Cuba's decision to apply for the Cotonou Agreement; outlined the important strategic partnership between the EU and Cuba in terms of trade, foreign investment, tourism development co-operation; praised Cuba's achievements in sectors such as health and education; and emphasised expectations for a continuous political dialogue, stronger economic ties and enhanced development.

However a declaration of 26 March by the Presidency on behalf of the European Union concerning the arrest of opposition members in Cuba stated '*violations of fundamental civil and political rights will be monitored very closely by the European Union and they will continue to influence the Union's relations with Cuba.*'⁵

The Cotonou Agreement is an economic assistance pact between the European Union and African, Caribbean and Pacific (ACP) nations. Cuba was formally admitted to the group of ACP states on 14 December 2000 as the group's 78th member, after having held observer status since May 1998. However, it is the only ACP member which has not signed trade and aid agreements with the EU. The Cotonou Agreement would potentially triple European aid to Cuba. EU members have been divided over Cuba's entry into the Cotonou Agreement, which clearly sets out that a party signing the agreement needs to pay full respect to human rights and fundamental freedoms, as laid down in international conventions. In addition, well known dissidents within Cuba had petitioned the European Union to deny Havana entry into the Cotonou agreement on human rights grounds.

Cuba and the UN Commission on Human Rights

This wave of arrests began the day after the 59th session of the UN Commission on Human Rights began in Geneva, Switzerland. Since 1992 a resolution critical of Cuba's record has been passed annually, with the exception of 1998. In 2002 Uruguay presented a draft resolution on Cuba's human rights record before the Commission which was supported by a wide range of Latin American countries. Mexico, which for the past decade had not voted in favour of the resolutions condemning Cuba's record, was among those to vote in favour of the resolution.

Relations with the USA/US Interests Section

Cuba and the USA do not have diplomatic relations. However, since 1977 the US has had an Interests Section based at the Swiss Embassy in Havana; Cuba has an Interests Section in Washington. In 2002 James Cason was named head of the US Interests Section but was accused of undiplomatic behaviour by the Cuban government after he made a high-profile visit to a meeting of dissidents and spoke with international journalists gathered there. Cason has met with opposition members around the island and in the week before the mass arrests allowed a group of dissident journalists to use his official residence for a meeting, leading to sharp criticism from Fidel Castro. In addition to these tensions, the Cuban government has become increasingly disturbed by the imprisonment and solitary confinement of five Cubans convicted in the US of spying on Cuban exile groups in Florida. Their sentences range from 15 years to life.

⁵ Brussels, 26 March 2003, press statement ref: 7735/03 (Presse 93) P 39/03. <http://ue.eu.int/Newsroom>

Annex 1

List of all known detainees arrested since 18 March 2003.

Nelson AGUILAR RAMIREZ
Pedro Pablo ALVAREZ RAMOS
Pedro ARGÜELLES MORAN
Víctor Rolando ARROYO CARMONA
Miajil BARZAGA LUGO
Margarito BROCHE ESPINOSA
Marcelo CANO RODRIGUEZ
Juan Roberto DE MIRANDA HERNANDEZ
Carmelo DIAZ FERNANDEZ
Eduardo DIAZ FLEYTAS
Antonio DIAZ SANCHEZ
Alfredo DOMINGUEZ BATISTA
Oscar ESPINOSA CHEPE
Efrén FERNANDEZ FERNANDEZ
Adolfo FERNANDEZ SAINZ
José Daniel FERRER CASTILLO
Luis Enrique FERRER GARCIA
Alfredo Felipe FUENTES
Orlando FUNDORA ALVAREZ
José Ramón GABRIEL CASTILLO
Próspero GAINZA AGUERO
Miguel GALVAN GUTIERREZ
Julio César GALVEZ RODRIGUEZ
Edel José GARCIA DIAZ
José Luis GARCIA PANEQUE

Ricardo GONZALEZ ALFONSO
Diosdado GONZALEZ MARRERO
Léster GONZALEZ PENTON
Alejandro GONZALEZ RAGA
Jorge Luis GONZALEZ TANQUERO
Leonel GRAVE DE PERALTA ALMENARES
Iván HERNANDEZ CARRILLO
Normando HERNANDEZ GONZALEZ
Juan Carlos HERRERA ACOSTA
Regis IGLESIAS RAMIREZ
José Ubaldo IZQUIERDO HERNANDEZ
Rolando JIMENEZ POSADA
Reinaldo LABRADA PEÑA
Librado LINARES GARCIA
Marcelo LOPEZ BAÑOBRE
Héctor Fernando MACEDA GUTIERREZ
José Miguel MARTINEZ HERNANDEZ
Mario Enrique MAYO
Luis MILAN FERNANDEZ
Rafael MILLET LEYVA
Nelson MOLINET ESPINO
Angel Juan MOYA ACOSTA
Félix NAVARRO RODRIGUEZ
Jorge OLIVERA CASTILLO
Pablo PACHECO AVILA
Héctor PALACIO RUIZ
Arturo PEREZ DE ALEJO RODRIGUEZ
Omar PERNET HERNANDEZ
Horacio Julio PIÑA BORREGO
Fabio PRIETO LLORENTE

Alfredo PULIDO LOPEZ
Arnaldo RAMOS LAUSIRIQUE
Blas Giraldo REYES RODRIGUEZ
Raúl RIVERO CASTAÑEDA
Alexis RODRIGUEZ FERNANDEZ
Omar RODRIGUEZ SALUDES
Marta Beatriz ROQUE CABELLO
Omar RUIZ HERNANDEZ
Claro SANCHEZ ALTARRIBA
Miguel SIGLER AMAYA
Guido SIGLER AMAYA
Ariel SIGLER AMAYA
Ricardo SILVA GUAL
Fidel SUAREZ CRUZ
Manuel UBALS GONZALEZ
Osvaldo Alfonso VALDES
Julio Antonio VALDES GUERRA
Miguel VALDES TAMAYO
Héctor Raúl VALLE HERNANDEZ
Manuel VAZQUEZ PORTAL
Antonio Augusto VILLARREAL ACOSTA
Orlando ZAPATA TAMAYO

Annex 2

List of confirmed Amnesty International Prisoners of Conscience current at March 2003.

Yosvany AGUILAR CAMEJO
José AGUILAR HERNANDEZ
Bernardo Rogelio AREVALO PADRON
Oscar Elías BISCET GONZALEZ
Leonardo BRUZON AVILA
Francisco Pastor CHAVIANO GONZALEZ
Rafael CORRALES ALONSO
Carlos Alberto DOMINGUEZ GONZALEZ
Emilio LEYVA PEREZ
Eddy Alfredo MENA GONZALEZ
Carlos OQUENDO RODRIGUEZ
Ricardo RAMOS PEREIRA
Lázaro Miguel RODRIGUEZ CAPOTE
Néstor RODRIGUEZ LOBAINA
Jorge Enrique SANTANA CARREIRA