
amnesty international

CUBA

Prisoner of Conscience - Roberto González Tibanear

14 July 1997

AI INDEX: AMR 25/16/97

DISTR: SC/CO/GR

Amnesty International believes that 27-year-old **Roberto González Tibanear** is a prisoner of conscience, detained for the non-violent exercise of his right to freedom of expression, and is calling on the Cuban Government to release him immediately and unconditionally. It is also calling on the Swedish Government, who returned him to Cuba in March 1996 following rejection of his asylum claim, to engage in efforts to secure his release. Amnesty International believes that the decision to return Roberto González Tibanear to Cuba breached the principle of *non refoulement*. Sweden is obliged under numerous provisions of international law, notably the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, not to return any person to a country where he or she might be at risk of serious human rights violations. Amnesty International is therefore also urging the Swedish authorities to ensure that its asylum procedures are adequate to identify those who require protection from *refoulement*.

In July 1994 Roberto González travelled as a tourist to Sweden where he sought asylum. Following the rejection by the Swedish authorities of his asylum claim, he was sent back to Cuba in March 1996, together with other members of his family. On 26 November 1996 he was arrested in Havana and is currently being held in El Pitirre Prison, Havana, reportedly on a charge of "*desorden público*", "public disorder", an offence which, unless violence is used, carries a maximum sentence of only one year's imprisonment. However, seven months after arrest, he has still not been brought to trial.

The events leading to the detention of Roberto González Tibanear

Before his departure from Cuba Roberto González was employed by the Spanish Embassy in Havana until the Cuban authorities forbade him to continue to work there, reportedly because his views were not in accordance with those of the Cuban Government. He had also reportedly had discussions about politics and human rights with other Cuban dissidents at his home in Havana. He learned that as a result his home was kept under surveillance by State Security officials whom he feared were intending to arrest those involved in the meetings. On 5 July 1994 Roberto González left Cuba for Sweden to seek asylum. His wife, two children, father and brother followed shortly after him. After having their asylum requests rejected by the Swedish authorities Roberto González and his wife, who was seven months pregnant at the time, were forcibly returned to Cuba on 16 March 1996. On his arrival in Cuba Roberto González was reportedly held in detention for almost 24 hours and warned by immigration authorities that if he caused any problem he would be imprisoned. He was subsequently kept under constant surveillance by State Security.

According to reports, on 26 November 1996 Roberto González and his wife and two children were passing by the Spanish Embassy in Havana when they noticed that there was a large crowd of people outside the Embassy¹. Roberto González was reportedly approached by two Spanish journalists to whom he made a statement concerning his deportation from Sweden. He was then asked by the reporters what his opinion was of Cubans going to the Spanish Embassy with the apparent intention of attaining asylum. Roberto González then reportedly stated that "the only person who should leave Cuba is Fidel Castro", "*aquí en Cuba, el único quien tiene que irse es Fidel*". The interview was recorded on video and broadcast abroad. While the interview was still going on, his three-year-old daughter was suddenly grabbed from his arms and handed to a bystander by State Security agents in plain clothes. Roberto González was then handcuffed and taken to Police Unit 1 in Old Havana. He remained there for three days until he was taken to the *Departamento Técnico de Investigaciones (DTI)*, Technical Investigations Department, in Havana. On 4 December 1996 he was moved to El Pitirre Prison (also known as "Unit 1580"), San Miguel del Padrón, Havana, accused of "*desorden público*", "public disorder", case no. 846/96. He has not yet been brought to trial. His lawyer has reportedly tried five times, without success, to obtain his release on bail. Since his arrest, his father, Arnaldo González Luis, who was also returned to Cuba from Sweden in 1996, has reportedly been kept under surveillance and warned not to make his son's case known to international human rights organizations.

¹On that day the Cuban Government withdrew its placet (assent) for the new Spanish Ambassador in Havana, José Coderch, whom it accused of interfering in Cuba's internal affairs after he publicly stated that the Embassy would be open to dialogue with opponents of the Cuban Government. Some Cubans apparently understood this to mean that the Embassy doors would be open to any Cuban wishing to leave Cuba.

The reaction of the Swedish authorities to the arrest of Roberto González Tibanear

On 2 June 1997, in response to a question raised about the arrest of Roberto González Tibanear, the Minister for Migration and Asylum Policy, Pierre Schori, promised to carry out an investigation. The following day a Member of Parliament raised the matter with the Minister in Parliament. The reply given on 16 June 1997 did not address the specific case but reported that asylum procedures were to be reviewed shortly. Amnesty International wrote to the Minister on 26 June 1997 informing him of what had happened to Roberto González Tibanear since his return to Cuba and urging the Swedish Government to engage in diplomatic efforts to secure his immediate and unconditional release.

Background Information

In Cuba freedom of association, assembly and expression are severely limited in law and in practice. Those who attempt to express views or organize meetings or form organizations that conflict with government policy and/or the aims of the socialist state are likely to be subjected to punitive measures including loss of employment, harassment and intimidation, and often imprisonment. It is difficult to give precise numbers of prisoners of conscience because of the severe restrictions on human rights monitoring and the lack of official information. However, Amnesty International believes that there are some six hundred people currently imprisoned in Cuba because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly. The most common charges of an overtly political nature brought against such people are "propaganda enemiga", "enemy propaganda", and "desacato", "disrespect". However, in many cases those concerned are charged with criminal offences, which are sometimes trumped up, in order to disguise the political motivation for their arrest.

APPEALS TO THE CUBAN GOVERNMENT

Please send faxes/express and airmail letters preferably in Spanish. If not, in English or your own language:

- Expressing concern that Roberto González Tibanear has been detained solely for the non-violent exercise of his rights to freedom of expression
- Calling for the immediate and unconditional release of Roberto González Tibanear, on the grounds that he is a prisoner of conscience detained solely for his attempts to peacefully exercise his right to freedom of expression.
- Urging that all Cuban citizens be guaranteed their rights to freedom of association, assembly and expression, in accordance with the Universal Declaration of Human Rights, and that the Cuban Government immediately cease to imprison, force into exile abroad or otherwise punish those who attempt to peacefully exercise such rights.

Please send appeals to:

Head of State and Government

Dr Fidel Castro Ruz
 Presidente de los Consejos
 de Estados y de Ministros
 La Habana, Cuba

Telex and Fax: via Ministry of Foreign Affairs (see below)

Salutation: Su Excelencia/Your Excellency

Attorney-General

Dr Juan Escalona Reguera
Fiscal General de la República
Fiscalía General de la República
San Rafael 3, La Habana, Cuba

Telegrams: Fiscal General, Havana, Cuba

Telex: 511456 fisge

Salutation: Sr Fiscal General / Dear Attorney General

Minister of Foreign Affairs

Sr Roberto Robaina González
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Calzada No. 360
Vedado, La Habana, Cuba

Telegrams: Ministro Relaciones Exteriores, Havana, Cuba

Telex: 511122 / 511464 / 512950 Fax: + 53 7 - 333 085 / - 335 261

Salutation: Señor Ministro / Dear Minister

Copies to:

Director of El Pitrre Prison

Sr Director
Prisión de El Pitrre
San Miguel del Padrón
La Habana, Cuba

Newspaper

Granma
Apartado 6260
La Habana, Cuba

and to diplomatic representatives of Cuba accredited to your country.

APPEALS TO THE SWEDISH GOVERNMENT

Please send faxes/express and airmail letters preferably in Swedish. If not, in English or your own language:

- Expressing concern that the return to Cuba of Roberto González Tibanear by the Swedish Government breaches the principle of *non refoulement*.
- Urging the Swedish authorities to engage in efforts to ensure that he is released immediately and unconditionally and allowed to pursue the peaceful expression of his political beliefs.
- Urging the Swedish authorities to review their asylum procedures and ensure that they are adequate to identify those people who might be at risk of serious human rights violations if subjected to *refoulement*.

Please send appeals to:

Prime Minister

Prime Minister Göran Persson
Statsrådsberedningen
103 33 Stockholm
SWEDEN
Fax: 46 - 8 - 723 1171

Minister for Migration and Asylum Policy

Pierre Schori
Minister for Migration and Asylum Policy
Utrikesdepartementet
103 39 Stockholm
SWEDEN
Fax: 46 - 8 - 723 1176

Swedish Immigration Board

Lena Hell Eriksson
Swedish Immigration Board (Statens Invandrarverk)
Box 6113
600 06 Norrköping
SWEDEN
Fax: 46 - 11 - 10 81 55

Aliens Appeal Board

Göran Hakansson
Aliens Appeal Board (Utlänningsnämnden)
Box 451 02
104 30 Stockholm
SWEDEN
Fax: 46 - 8 - 30 15 39

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KEYWORDS: PRISONERS OF CONSCIENCE1 / POLITICAL ACTIVISTS / REFOULEMENT /
DETENTION WITHOUT TRIAL / CENSORSHIP / SURVEILLANCE / SECOND GOVERNMENTS /
SWEDEN / PHOTOGRAPHS /

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