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CUBA

POLITICAL IMPRISONMENT A SUMMARY OF RECENT CONCERNS

December 1989

Summary

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This document provides information on a number recent cases of political imprisonment in Cuba of concern to Amnesty International. Since the end of 1988 the Cuban authorities have adopted a less tolerant attitude towards public dissent and there has been an increase in the number of reports of political imprisonment of human rights activists and members of unofficial opposition and environmentalist groups. In some cases detainees are held for brief periods, while others have received sentences of up to two years' imprisonment. Amnesty International is concerned that some of these prisoners may have been arrested for expressing their political opinions or because of their human rights activities.

Several of the political prisoners mentioned in this paper are considered by Amnesty International to be prisoners of conscience and as such the organization is calling for their immediate and unconditional release. This paper also documents reports of ill-treatment of political prisoners while in detention. It is not within the scope of this paper to describe all cases of human rights violations of concern to the organization, but rather it seeks to provide information on recent cases of political imprisonment and to update information on cases mentioned in earlier Amnesty International publications on Cuba: Recent Developments affecting the Situation of Political Prisoners and the Use of the Death Penalty - An Update (AMR 25/02/89), and Arrest and Imprisonment of Human Rights Party Members (AMR 25/05/89), issued in January and June 1989 respectively.

For an overall view of Amnesty International's concerns in Cuba, please see Cuba: Recent developments affecting the situation of political prisoners and the use of the death penalty, (AMR 25/04/88).

This summarizes a 10-page document, Political Imprisonment in Cuba - A Summary of Amnesty International's Concerns, AI Index: AMR 25/20/89, issued by Amnesty International in December 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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POLITICAL IMPRISONMENT IN CUBA

A SUMMARY OF AMNESTY INTERNATIONAL'S RECENT CONCERNS



1. INTRODUCTION

Since September 1988 Amnesty International has received an increasing number of reports of political imprisonment of human rights activists and members of opposition and environmentalist groups as Cuban authorities appeared to adopt a less tolerant attitude towards public dissent. In some cases detainees have been held for short periods by state security police before being released without charge; in others they have been brought before a court, sometimes within a matter of hours or days, often without access to lawyers, and in most cases sentenced to periods of imprisonment of up to two years. In some cases detainees have been held for several months in pre-trial detention.

Amnesty International is concerned that some of these prisoners may have been arrested for expressing their political opinions or because of their human rights activities, and is further concerned at reports of ill-treatment in pre-trial detention. Those arrested include former political prisoners and members of unofficial political parties and human rights organizations, some of whom are considered by Amnesty International to be prisoners of conscience and as such the organization is calling for their immediate and unconditional release.

A wave of arrests of government critics took place in Cuba following the visit of the delegation from the UN Commission on Human Rights in September 1988 as the authorities appeared less tolerant towards public dissent than in the months prior to and during the Commission's visit. Some of those detained were people who gave information about the human rights situation in Cuba to members of the UN delegation - some were reportedly arrested outside the hotel in Havana while waiting to meet with members of the UN delegation; others were reportedly arrested as they attempted to stage a demonstration during Soviet President Gorbachev's visit to Cuba in April 1989; others for holding interviews with foreign journalists concerning the execution on 13 July 1989 of senior military officials accused of high treason and offences related to drugs trafficking. Most are said to be members of human rights and dissident groups or former political prisoners.

2. HUMAN RIGHTS ACTIVISTS

In 1976 the Cuban Committee for Human Rights, Comité Cubano Pro Derechos Humanos, (CCPDH), was set up by a group of prisoners and initially existed mainly from within Combinado del Este prison. During 1988 several new human rights groups emerged, many as splits or offshoots of the CCPDH. As these and other dissident groups became active, many of their members were subjected to harassment and arrest:

2.1 Professor Elizardo Sánchez Santa Cruz, Hiram Abi Cobas Núñez and Hubert Jérez

Elizardo Sánchez Santa Cruz, President of the Cuban Commission of Human Rights and National Reconciliation, Comisión Cubana de Derechos Humanos y Reconciliación Nacional, (CCDHRN), Hiram Abi Cobas Núñez, acting Secretary General of the Party for Human Rights in Cuba Partido Pro Derechos Humanos en Cuba, (PPDHC), and Hubert Jérez, President of the "Marti" Committee for the Rights of Man, Comité Martiano por los Derechos del Hombre, (CMPDH) were arrested on 6 August 1989. According to reports some 20 state security agents arrived at Elizardo Sanchez's home early in the morning and searched the premises, which houses the office of the CCDHRN, and confiscated documents related to the Commission's human rights work.

The three were charged under Article 115 of the Cuban Penal Code with "spreading false news with the aim of endangering the prestige or standing of the Cuban state" (difundir noticias falsas con el propósito de poner en peligro el prestigio o el crédito del Estado Cubano). Article 115 states: "Anyone who spreads false news with the intention of upsetting international peace, or endangering the prestige or standing of the Cuban State or its good relations with another State is liable to be punished with imprisonment of one to four years", (El que difunda noticias falsas con el propósito de perturbar la paz internacional, o de poner en peligro el prestigio e el crédito del Estado cubano o sus buenas relaciones con otro Estado, incurre en sanción de privación de libertad de uno a cuatro años.) The charges were apparently brought as a result of interviews they gave to foreign press correspondents about the trial and treatment of Arnaldo Ochoa Sanchez, a former army general, and others, who were executed in July 1989 after being found guilty by a Special Military Tribunal of high treason and offences related to drugs trafficking.

Following their arrest, Elizardo Sánchez, Hiram Abi Cobas and Hubert Jérez were held in the headquarters of the Department of State Security known as Villa Marista in small cells with artificial light on 24 hours a day. They were reportedly allowed no fresh air or exercise. Amnesty International was particularly concerned for the health of Hiram Abi Cobas who suffers from a recurrent heart condition and a stomach complaint. In mid September the three men were transferred to Combinado del Este prison in Havana where they were held in pre-trial detention. Soon afterwards, Hiram Abi Cobas Núñez was transferred to hospital.

According to the prosecutor's provisional conclusions, (conclusiones provisionales del fiscal), the Coordinating body of Cuban Human Rights groups, Coordinador de Derechos Humanos de Cuba, (CODEHU) which was created on 28 March 1989 and represents several human rights groups in Cuba, had

released a press communique which stated that the organization had reason to believe the detainees were being subjected to psychological pressure without legal protection which was tantamount to torture under International Law, "serias razones para pensar que, al amparo de la incomunicación, estas personas están siendo sometidas a fuertes presiones psicológicas sin ninguna protección jurídica, elementos que integran el concepto de tortura conforme a la Ley Internacional". The prosecutor claimed that CODEHU had disseminated this communique to various press agencies with the intention of discrediting Cuba, "con el propósito de que fuera difundido internacionalmente para desprestigiar y desacreditar al Estado cubano". Elizardo Sanchez was also accused of stating to foreign journalists that General Ochoa was under the effects of drugs during his trial and that the relatives of those who were executed were not allowed to recover their bodies, "que el acusado Ochoa Sanchez en el proceso de juicio oral estaba bajo los efectos de alguna droga sicotrópica que se le veía idiotizado e inmovil", "los familiares de los sancionados ejecutados no se les permitió recobrar el cadáver de estos".

The trial of the three human rights activists took place on 17 November at the People's Provincial Court of Havana, Tribunal Popular Provincial de Habana. Following the court hearing Elizardo Sánchez was sentenced to two years' imprisonment and Hiram Abi Cobas and Hubert Jérez each to 18 months' imprisonment.

Amnesty International expressed its concern about the arrests of the three human rights activists directly with the Cuban government in a communication on 11 August and requested permission to visit Cuba in order to discuss the cases and attend their trial as observers. Permission was not granted.

Elizardo Sánchez Santa Cruz, 45-year-old former Professor of Philosophy and History of Philosophy at the University of Havana, has been detained on several occasions - he was detained in 1972 on charges of publicly criticizing President Castro, and again in 1980 for "counterrevolutionary activities", and sentenced to 6 years' imprisonment. He was released at the end of 1985 and was rearrested in September 1986 and held without charge or trial until his release on 26 May 1987. A few months after his release from prison, Sánchez set up a new human rights group called the Comisión Cubana de Derechos Humanos y Reconciliación Nacional, (CCDHRN), Cuban Commission for Human Rights and National Reconciliation, and in April 1989 began seeking its legalization.

Hiram Abi Cobas was arrested in January 1989, apparently in connection with the publication of the Party for Human Rights in Cuba, Partido Pro Derechos Humanos en Cuba, (PPDHC), Franqueza ("Openness"), but was released the following day on payment of a fine. Later, in April 1989, Hiram Abi Cobas was re-arrested, with other PPDHC members after announcing they would stage a demonstration outside the Soviet Embassy in Havana during the visit of Soviet President Gorbachev. During this period of detention Hiram Abi is reported to have suffered a heart attack. He received a three-month suspended sentence at his trial on 7 April 1989. Hiram Abi Cobas was acting Secretary General for the PPDHC in place of Dr. Samuel Martínez Lara who was detained in April 1989. Sr. Martínez Lara was himself replacing Tania Díaz Castro who was detained in November 1988 (see Section 4 below).

Hubert Jérez Mariño, a journalist, heads the "Marti" Committee for the Rights of Man, which was created at the beginning of 1988. Hubert Jérez is

also one of the leaders of the unofficial Association of Independent Cuban Journalists, Asociación de Periodistas Independientes de Cuba, (APIC).

Amnesty International believes that Elizardo Sánchez, Hiram Abi Cobas Núñez and Hubert Jérez are prisoners of conscience, detained solely because of their activities in defence of human rights, and continues to urge for their immediate and unconditional release.

2.2 Esteban González González and others

Esteban González, leader of the Cuban Pro-Amnesty Group, Grupo Cubano Pro-Amnistía, was arrested at his home in Havana on the night of 23 September 1989. According to reports, a group of state security agents arrived at his home at 10pm and carried out a search until 3am, during which time they allegedly confiscated a number of documents, including Amnesty International publications. Esteban González was arrested and taken to the headquarters of the Department of State Security known as Villa Marista. Formal charges were not brought against him, although the state security agents reportedly claimed that documents in Esteban González's possession were illegal and counter-revolutionary (ilícitas, contra-revolucionarias). Esteban González, is a mathematics teacher and heads the unofficial human rights group called Grupo Cubano Pro-Amnistía, Cuban Pro-Amnesty Group is a prisoners' support group, largely made up of prisoners' relatives. The Havana-based group, which has no links with Amnesty International, works to seek an amnesty for Cuban political prisoners and opposes the death penalty.

Later the following day, 24 September, four other men, Mario Fernández Mora, Manuel Pozo, Héctor Fabio Moreno Moreno and Arturo Montaner were also reportedly arrested following house searches. On 8 October Julio Soto Angurel, leader of the Joint "José Martí" Independent Defenders of Human Rights and National Reconciliation, Conjunto de Defensores Independientes de los Derechos Humanos y la Reconciliación Nacional "José Martí", was also arrested.

Esteban González and Manuel Pozo were previously detained on 3 April 1989, along with other human rights activists, as they attempted to stage a demonstration during Soviet President Gorbachev's visit to Cuba with the purpose of appealing for his support. They were released without charge two days later, after receiving a written police warning ("advertencia policial escrita"). Further reports indicate that Esteban González, Héctor Moreno and Arturo Montaner were trying to establish a political opposition group to be called the Movement for Democratic Integration, Movimiento Integracionista Democrático, (MID), which publishes a newsletter called Ahora ("Now").

In November 1989 Amnesty International wrote to the Cuban authorities requesting information on the exact charges and legal status of these detainees and urged that they be humanely treated and allowed visits from family and lawyers. During the first 30 days of their detention all were reportedly held in small cells with artificial light on 24 hours a day. They were allowed no fresh air or exercise. They had still not been charged by the beginning of December.

2.3 Edita Esther Cruz Rodríguez

Edita Esther Cruz Rodríguez, a member of the PPDHC, was reportedly arrested on 11 November 1989 after members of the Cuban National police, Policía Nacional Revolucionaria searched her home in Havana. She was then taken to a police station in Havana, apparently on charges relating to her involvement in the organization of a public mass to be held on 12 November for a long-term political prisoner on hunger strike at the time. (Please see Section 5 below). Edita Esther Cruz was previously detained in April 1989, together with other PPDHC members after announcing they would stage a demonstration outside the Soviet Embassy in Havana during the visit of Soviet President Gorbachev. Apparently due to health considerations she received a three-month suspended sentence. According to reports, she is currently being held in the Women's Occidental Prison, Centro de Re-educación para Mujeres de Occidente, also known as "Manto Negro", "Black Cloak". Amnesty International does not know whether Edita Esther Cruz Rodríguez is to face a new trial or whether she is serving her previous three month sentence.

2.4 Other recent arrests

Amnesty International has received reports of a number of short-term arrests of members of human rights or other dissident groups. Below are details of some cases known to the organization:

Juan José Moreno Reyes, a member of CCDHRN's Executive Council, was reportedly detained on 16 November in Holguín province by state security agents and held in incommunicado detention until his release on 21 November. He was not formally charged, but reportedly received on his release a formal warning not to continue his human rights activities or hold meetings with other human rights activists. Juan José Moreno was reportedly briefly detained without charge in February 1989.

According to reports, Yndamiro Restano, a member of the CCDHRN, was arrested on 14 November 1989 when he went to Villa Marista, the State Security headquarters in Havana, following a summons to report there. He was released the following day without being charged. Yndamiro Restano is said to be one of the leaders of the unofficial Association of Independent Cuban Journalists, Asociación de Periodistas Independientes de Cuba, (APIC). He was reportedly briefly detained without charge in April 1989.

In recent months, Orlando Polo, leader of the unofficial Cuban Eco-pacifist Movement, Movimiento Ecopacifista de Cuba, has been subjected to several, apparently politically-motivated, short-term arrests. He and his wife, Mercedes Paez, was detained on 23 August 1989 after Cuban police closed down the Naturist Association, Asociación Naturista Vida, a farm they had been involved in over a number of years. The association had reportedly been ordered dissolved by the Supreme Court in April 1988. Both were held at Villa Marista, apparently without being formally charged. Mercedes Paez was released after two days, Orlando Polo after a week. Orlando Polo was then re-arrested on 22 September and held at Villa Marista until his release without charge on 13 October. According to reports, he was warned that if he continued his "dissident acts" he would be re-arrested and accused of enemy propaganda.

3. MEMBERS OF THE ASSOCIATION FOR FREE ART

On 18 October 1988 Pablo Roberto Pupo Sánchez, who heads a sub-group of the Association for Free Art, Asociación Pro-Arte Libre (APAL), Juan Enrique García Cruz, Vice President of the same sub-group, and Ramon Obregon Sarduy, a member of the Association for Free Art, were all detained at their homes in Havana by state security Agents, Departamento de Seguridad del Estado.

On 27 October 1988 two other members of the Association for Free Art were also arrested in Havana. They were Gilberto Plasencia Jiménez and Lázaro Angel Cabrera Puentes. Lázaro Angel Cabrera Puentes had tried to enter the residence of the Ambassador of the Federal Republic of Germany in September 1988, apparently in an attempt to seek asylum. According to press reports he left the residence after the Cuban authorities gave assurances that he would not be arrested. Some time later he was reportedly arrested in circumstances that are not clear. It is believed the arrest was made on or about 27 October 1988.

Three months later, two further members of APAL were detained in Havana on 27 January 1989: Carlos Novoa Ponce and Jorge Luis Mari Becerra. Although the precise reasons for their arrest are not clear Amnesty International believes they are connected to their membership of APAL. Also, shortly before their arrest they are said to have given a statement to the press announcing the creation of a Christian Democrat Committee, Comité Cubano Demócrata-Cristiano. They staged a brief hungerstrike in May 1989 in protest against not having been formally charged.

All seven APAL members were held initially in Villa Marista and later transferred to prison where for up to 11 months they awaited trial. At the hearing, which finally took place on 15 September 1989, the seven received sentences ranging between 9 and 18 months' imprisonment on charges of Illegal Association, Asociación Ilícita, under Article 209.2 of the 1987 Cuban Penal Code. Article 209.2 states: "The organizers of illegal meetings or demonstrations are liable to be punished with imprisonment of between three months and one year or a fine of between 100 and 300 cuotas." ("Los organizadores de reuniones o manifestaciones ilícitas incurrir en sanción de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas.") Some also received sentences on charges of Failure to Report a Crime, under Article 161 of the 1987 Cuban Penal Code, which states: "A punishment of imprisonment from three months to one year or a fine of 100 to 300 cuotas or both is liable to those who a) with knowledge that a crime has been committed, or is intended to be committed, fails to report this to the authorities as soon as possible; b) with knowledge of the participation of a person in a criminal act does not report this to the authorities without delay." ("Incorre en sanción de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas o ambas el que: a) con conocimiento de que se ha cometido o se intenta cometer un delito, deja de denunciarlo a las autoridades, tan pronto como pueda hacerlo; b) con conocimiento de la participación de una persona en un hecho delictivo, no la denuncia oportunamente a las autoridades.") Pedro Gilberto Plasencia Jimenez was sentenced to a total of 15 months' imprisonment for illegal association and additional charges of illegal carrying or possession of arms or explosives, Portación y Tenencia Ilegal de Armas o Explosivos,

under Article 211 of the 1987 Cuban Penal Code, which states: Those who, without legal authorization, acquire, sell, carry or have in their possession a firearm, are liable to punishment of six months' to two years' imprisonment or a fine of 200 to 500 cuotas. ("El que, sin autorización legal, adquiriera, venda, porte o tenga en su poder un arma de fuego, incurre en sanción de privación de libertad de seis meses a dos años a multa de doscientas a quinientas cuotas.").

Ramón Obregón Sarduy was previously detained in 1980 and sentenced in 1981 to 21 years on charges of disorder, "desordenes". He was released on probation, "licencia extra penal", after eight years. Ramón Obregón received a sentence of 9 months' imprisonment in connection with the current charges, but remains in prison despite having already spent 11 months in pre-trial detention apparently on account of the remaining time from the previous sentence. Amnesty International is seeking clarification as to when his sentence expires.

León Alex Mattos Cabrera and Oscar Pérez Ricardo, also believed to be members of the Association for Free Art, were detained at their homes on 20 October and released in mid-November 1988. Both were fined 100 pesos each at the trial with the other APAL members on charges of illegal carrying or possession of arms.

APAL is an unofficial organization set up in August 1988 and said to have about 60 members, mainly artists and intellectuals. Its declared objective is to support the work of intellectuals who wish to create their work independently of the guidelines of Cuba's Ministry of Culture. APAL reportedly sought official recognition in 1988 but to date this has not been granted by the Cuban authorities. APAL is believed to be an off-shoot of the Cuban Committee for Human Rights, Comité Cubano Pro Derechos Humanos (CCPDH).

On 20 October 1988 (Cuba's National Day of Culture), six people, all believed to be associated with the Association, were arrested in Havana. The arrest of the six reportedly took place when a group of about a dozen people gathered round the monument to Cuban national hero José Martí in Havana (the ruins of a prison where Martí was once held), where they laid a floral tribute, unfurled a banner with the association's name, and Armando Araya, President of APAL, began to read out a statement. Several dozen people dressed in civilian clothes reportedly started to harass them, first verbally and then, allegedly, physically. Brief scuffles ensued and uniformed police then apparently arrived and arrested the six, who were taken to a police station and charged under Article 200.1 of the Penal Code, desórdenes públicos, disorderly conduct. The names of the six APAL members are: Armando Araya García, his wife Rita Fleitas Fernández, Vladimir García Alderrete, Secundino Hernández Castro, David Hornedo García and Aida Valdés Santana. To the knowledge of Amnesty International, the civilians who harassed the six were not similarly arrested or charged. Their sentences, which are believed to have been confirmed on appeal, ranged between seven months' and one year's imprisonment. Secundino Hernández Castro and David Hornedo García were released in May 1989, and Rita Fleitas Fernández, Vladimir García Alderrete and Aida Valdés Santana were released in July 1989. Armando Araya García was released by November 1989.

4. "HUMAN RIGHTS PARTY" MEMBERS

Since the end of 1988 several members of the Partido Pro Derechos Humanos en Cuba (PPDHC), Party for Human Rights in Cuba, many of whom are considered by Amnesty International to be prisoners of conscience, have been detained in connection with their peaceful political and human rights activities.

The Partido Pro Derechos Humanos en Cuba (PPDHC), Party for Human Rights in Cuba, was set up in mid-1988 and does not have official recognition - there are no opposition parties in Cuba, the only party permitted in the Cuban Constitution being the Cuban Communist Party. One of its main activities has been the circulation of a petition calling for a plebiscite on the 1976 Constitution, which it says "limits, undermines and ignores the human rights enshrined in the Universal Declaration of Human Rights and of which Cuba is a signatory", and on whether the Cuban people desire the setting up of a constituent assembly in which all sectors of society would be represented. The party also began printing and distributing its own bulletin, Franqueza, since the beginning of 1989. Several of the arrests were related to that.

Tania Díaz Castro, Secretary General of the PPDHC, her son Guillermo Vladimir Rivas Díaz, a member of the executive of the unofficial Comité Cubano Pro Derechos Humanos, Cuban Committee for Human Rights, and his wife Aymé Lladó were arrested on 29 November 1988 after a scuffle broke out outside Combinado del Este Prison when they arrived to visit political prisoners including Guillermo Rivas Porta, a "plantado histórico", father of Guillermo Rivas Díaz and former husband of Tania. Tania Díaz Castro and Guillermo Rivas Díaz were sentenced to one year's imprisonment and Aymé Lladó to three months' imprisonment. In January 1989 Guillermo Rivas Díaz and Aymé Lladó were released, together with Guillermo Rivas Porta, and allowed to travel to the USA. Tania Díaz was released in November 1989.

On 23 January 1989, police searched the home of the González family in Havana, where they confiscated certain items, and arrested Lidia González García, her son Manuel González González (junior) and daughter-in-law Isis Pérez Montes de Oca, all PPDHC members. Manuel González (senior) was reportedly arrested the following day. They were tried on 26 January at the Tribunal Municipal Popular de Centro Habana, Central Havana Municipal Court, reportedly outside of normal working hours with no members of the public present and without being given the opportunity to consult a defence lawyer. They were charged under Article 210 of the Cuban Penal Code with "clandestinidad de impresos" which says that "Anyone who produces, distributes or circulates publications without indicating the printer or place where it was printed or without complying with the rules established for the identification of the author or its origin, or reproduces, stocks or transports such publications, is liable to imprisonment of three months to one year or a fine of between one hundred and three hundred cuotas." ("El que confeccione, difunde o haga circular publicaciones sin indicar la imprenta o el lugar de impresión o sin cumplir las reglas establecidas para la identificación de su autor o dsu procedencia, o las reproduzca, almacene o transporte, incurre en sanción de privación de libertad de tres meses a un año o multa de cien a trescientas cuotas.") The basis of the charge is believed to have been that the González family had produced typewritten copies of Franqueza in their home. A PPDHC meeting, reportedly attended by about 25 people, had been held in the house the evening before the arrests took place. At the trial, Manuel González (senior) was sentenced to one

year's imprisonment, his wife Lidia to nine months and his son Manuel to six months. Isis Pérez Montes de Oca was fined. The sentences were confirmed on appeal. Manuel González (son) was released by August 1989, Lidia González in November 1989. Manuel González's sentence expires in January 1990.

PPDHC members Roberto Jesús Pagán Díaz and Leonardo Leonel Rubio Montalvo were reportedly arrested by the National Revolutionary Police in their homes in San José de las Lajas, Havana Province, on 11 February 1989. Their homes were searched and they were accused of "clandestinidad de impresos". The basis of the charge is believed to be that PPDHC documents, including Franqueza, were found during the search of their homes. During the trial the two defendants were reportedly not represented by a lawyer. They were found guilty and each sentenced to nine months' imprisonment. Both were released in November 1989.

In April 1989, just prior to the visit to Cuba by Soviet leader Mikhail Gorbachev, the PPDHC and two other human rights groups appealed to the Soviet Embassy for an end to Soviet support for what it called Cuba's "repressive machine", and called for a demonstration outside the embassy during the visit. Before it could take place, several PPDHC leaders were arrested, on charges of illegal association and demonstration. They were: Dr. Alfredo Samuel Martínez Lara, acting Secretary General of the PPDHC, David Moya Alfonso, Executive Secretary of the PPDHC and a member of APAL and Javier Roberto Bahamonde Masot, who is also a member of the CCDHRN. Samuel Martínez Lara and David Moya Alfonso were sentenced to nine months' imprisonment, due to expire at the end of December 1989. Javier Roberto Bahamonde Masot was sentenced to 3 months' imprisonment. A second charge of illicit economic activity (Article 228 of the 1987 Cuban Penal Code) was brought against him and he received an additional year's sentence, allegedly for working illegally as a photographer.

5. HISTORICAL PLANTADOS

Following the release in August 1989 of Alberto Grau Sierra three "plantados históricos", "historical plantados", remained in custody. The "plantados históricos", "historical plantados", are political prisoners, convicted for crimes against state security who have persistently refused to take part in rehabilitation programs inside the prison or to wear the uniform of common law prisoners. Amnesty International has received many reports over the years that in response to their refusal to cooperate with the prison regime, the "plantados históricos" were deprived for long periods of many rights and subjected to severe prison conditions and ill treatment, and their trials did not conform with international standards.

Alfredo Mustelier Nuevo, one of the remaining "plantados históricos", reportedly went on hunger strike on 27 October 1989 in Combinado del Este prison on the outskirts of Havana, Cuba, protesting his continued imprisonment. Since 31 October he was also refusing to ingest liquids. His wife, who is a medical doctor, was allowed to visit him on 9 November in Combinado del Este prison. According to reports she found his health had deteriorated significantly since he initiated the hunger strike; she found he was suffering from dehydration, migraine and muscle cramps and that his mental faculties have been affected. The two other long-term political prisoners, both of whom are reportedly sick, are Ernesto Díaz Rodríguez, a

poet, who is serving an aggregated sentence of 40 years' imprisonment, and Mario Chanes de Armas, aged 63, who was sentenced to 30 years' imprisonment. Neither of these two joined Alfredo Mustelier in the hunger strike.

Originally sentenced to death, Alfredo Mustelier's sentence was commuted to 25 years' imprisonment. A Penal Code introduced in 1979 established 20 years as the maximum prison sentence except in the case of crimes which carry the death penalty as a possible sentence. Although many common law prisoners and political prisoners have had their cases reviewed and have been released since the introduction of these provisions it is unclear how the Cuban authorities have applied this provision to the category of prisoners already sentenced to prison terms in excess of 20 years. Amnesty International has repeatedly expressed concern to the Cuban authorities that trials of political prisoners, particularly in the early years of the government of Fidel Castro, failed to conform to internationally recognized standards and has pressed for a revision of these cases. In view of the serious deficiencies in political trials during the period that Alfredo Mustelier Nuevo was convicted, Amnesty International considered the case should be subject to a judicial review. According to reports, Alfredo Mustelier ended his hunger strike at the beginning of December when a formal request to reduce his sentence was submitted to the Supreme Court.

6. OTHER REMAINING POLITICAL PRISONERS

Because of the difficulties in obtaining information from sources within the country, Amnesty International cannot make a precise estimate of the number of people currently imprisoned in Cuba for political motives. The scope of this document is limited to describing recent cases of political imprisonment and to update information on political prisoners mentioned in earlier Amnesty International documents. (Please see AMR 25/02/89, and AMR 25/05/89).

Cases Amnesty International continues to investigate include those of Amado Rodríguez Fernández, who was arrested on 17 July 1984 and sentenced to 15 years six months for "rebellion, enemy propaganda and speculation", and Jacinto Fernández González, who was arrested in 1981 and is serving a 20 year prison sentence on charges of espionage. Amnesty International was concerned at reports from Jacinto Fernández's relatives that he was seriously ill and was not receiving adequate medical care. (He is said to suffer from ulcerative colitis). Amnesty International raised his case in its communication to the Cuban authorities in November 1989 (see above). He has reportedly been subjected to harsh treatment while in detention, including prolonged periods of solitary confinement.

Other cases of concern to Amnesty International were released during 1989: Fernando Villalón Moreira, considered a prisoner of conscience by Amnesty International, was released in August. He was arrested on 19 October 1986 and sentenced to three years' imprisonment for contempt, (desacato), after refusing to vote at local Popular Power elections. Gustavo Venta Perez, Francisco and Alejandro Benítez Ferrer (brothers) and Lázaro Linares Echevarría were all released in March 1989. They were arrested in September 1988 as they tried to talk to a delegation from the United Nations Commission on Human Rights visiting Cuba at the invitation of the Cuban government.