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16 January 1992

UA 23/92

Prisoner of Conscience/Medical Concern/Legal Concern

CUBA:

Rafael GUTIERREZ SANTOS, leader of an unofficial trade union, aged 55

Amnesty International has learned with concern of the arrest of Rafael Gutiérrez Santos. On the morning of 10 January 1992, a group of civilians believed to be members of a so-called People's Rapid Response Detachment, **Destacamento Popular de Respuesta Rápida**, went to his home in Luyanó, Havana. He was not there but they came across him about 100 metres from the house. They reportedly pushed him around and insulted him and threatened to make him swallow documents issued by the unofficial trade union of which he is president. Several men in civilian clothes then forced him into a private car and took him away. He was later located in the 10th police unit in Avenida de Acosta in the municipality of 10 October (**municipio 10 de octubre**). His family were told that he would be kept in custody for an indefinite period of time. On the evening before his arrest, a Canadian news programme reportedly included an interview with Rafael Gutiérrez Santos.

Rafael Gutiérrez Santos is the president of the founding committee (**comité gestor**) of the **Unión General de Trabajadores de Cuba (UGTC)**, General Union of Cuban Workers. The UGTC was set up in 1990 and requested official recognition from the Ministry of Justice on 3 October 1990. According to Cuban law, a response should have been received within 60 days. No reply has so far been received. Since the Cuban Revolution in 1959, only one trade union, the **Central de Trabajadores de Cuba (CTC)**, the Cuban Workers' Confederation, has been permitted to function in Cuba. Rafael Gutiérrez had formerly been a CTC leader for 22 years at the Havana docks where he worked as a crane electrician (**electricista de grúa**). In July 1990 he and three other dock workers were sacked from their jobs after being briefly arrested for investigation of "**delitos contra los poderes del estado**", "crimes against state authorities", in connection with their alleged membership of an unofficial political group. Rafael Gutiérrez Santos was also removed from his CTC post in July 1990.

Amnesty International believes that he is a prisoner of conscience detained solely on account of his peaceful trade union and political activities. The organization is also concerned that he may have suffered injuries at the time of arrest and is unlikely to have access to a defence lawyer.

#### BACKGROUND INFORMATION:

The Cuban authorities have increasingly clamped down on signs of dissent over recent months. On 31 December 1991, a senior Cuban official said that they would not hesitate to act against "counter-revolutionary activities" and did not intend to change their policy of detaining, prosecuting and jailing opponents. In June, they set up **Destacamentos Populares de Respuesta Rápida**, People's Rapid Response Detachments, also known as brigades (**brigadas**), for which civilians were asked to volunteer. They are under specific instructions to crack down on any signs of unrest or dissent. Several incidents have occurred recently in which known dissidents, including human rights activists, have been verbally and physically attacked by such groups. In some cases, those under attack have been arrested and brought to trial

and are now serving prison sentences following conviction on charges such as illegal association (**asociación ilícita**), clandestine printing (**clandestinidad de impresos**) and defamation (**difamación**). Trials on such charges often take place within days of arrest and access to defence lawyers is non-existent or extremely limited. If more serious charges such as enemy propaganda (**propaganda enemiga**) or other crimes against state security are brought, the detainee is often held under investigation for several months without access to lawyers.

**RECOMMENDED ACTION: Telegrams/telexes/airmail letters:**

- urging the immediate and unconditional release of Rafael Gutiérrez Santos on the grounds that he is a prisoner of conscience detained solely on account of his peaceful trade union and political activities;
- requesting that he be humanely treated while in detention and given any necessary medical treatment;
- requesting that he be allowed full access to family and lawyers.

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**APPEALS TO:**

1) President:

Su Excelencia Dr Fidel Castro Ruz  
Presidente del Consejo de Estado  
y del Consejo de Ministros  
Ciudad de la Habana, Cuba  
**Telegrams: Presidente Castro, Havana, Cuba**  
**Telexes: 51212 P DESP PRESID**  
**Salutation: Su Excelencia / Your Excellency**

2) Minister of the Interior:

General Abelardo Colomé Ibarra  
Ministro del Interior  
Ministerio del Interior  
Plaza de la Revolución  
Ciudad de la Habana, Cuba  
**Telegrams: Ministro Interior, Havana, Cuba**  
**Telexes: 511122 / 511464 MINREX HAB**  
**Salutation: Señor Ministro / Dear Minister**

3) Director, 10th Police Unit:

Señor Director de la 10a Unidad de la PNR  
Avenida de Acosta  
Municipio 10 de octubre  
Ciudad de la Habana, Cuba  
**Telegrams: Director 10a Unidad de la PNR, Havana, Cuba**  
**Salutation: Señor Director / Dear Director**

4) Attorney General:

Dr Ramón de la Cruz Ochoa  
Fiscal General de la República  
Fiscalía General de la República  
San Rafael 3  
Ciudad de la Habana, Cuba  
**Telegrams: Fiscal General, Havana, Cuba**  
**Telexes: 511456 FISGE**  
**Salutation: Señor Fiscal General / Dear Attorney General**

5) Minister of Justice:

Dr. Carlos Amat Forés  
Ministro de Justicia  
Ministerio de Justicia  
Calle O No. 216, 8vo piso  
e/ 23 y Humboldt, Vedado  
Ciudad de la Habana, Cuba

**Telegrams:** Ministro Justicia, Havana, Cuba  
**Telexes:** 511331 MINJU CU  
**Salutation:** Señor Ministro / Dear Minister

**COPIES TO:**

Representative Abroad of the UGTC:

Oscar Alvarez

Representante de la UGTC en el exterior

c/o CODEHU

1040 S.W. 27 Ave

Miami, FL 33135, USA

- and to diplomatic representatives of Cuba in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 February 1992.