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Cuba

"Essential measures" ?

Human rights crackdown in the name of security

1. Introduction

In the most severe crackdown on the dissident movement since the years following the 1959 revolution, Cuban authorities arrested 75 dissidents in the space of several days in mid-March. They were subjected to summary trials and were quickly sentenced to long prison terms of up to 28 years. With this sweep the authorities detained, with the exception of half a dozen well-known figures critical of the regime, the bulk of the mid-level leadership of the dissident movement; many of those arrested had been involved in activities of dissent for a decade or more.

The move, unprecedented in scope, was surprising to some observers in that over the last several years Cuba had generally seemed to be moving towards a more open and permissive approach. With some exceptions, for example numerous arrests of dissidents before and after the attempted gate-crashing of the Mexican Embassy in February 2002, the number of prisoners of conscience had declined steadily over past years. The Cuban authorities had seemed to be moving away from the blanket imposition of lengthy prison sentences as a means of stifling dissent, and towards a more low-level approach of harassment, designed more to discourage than to punish critics.¹ In addition, in April 2000 Cuba began implementing a *de facto* moratorium on executions, which was widely welcomed by observers of the human rights situation on the island.

Given the accumulation over the last several years of these and other signals of a relaxation in human rights terms, the wave of arrests and summary trials, in addition to the execution of three men convicted of hijacking, signal an alarming step backwards in terms of respect for human rights. Not unusually in the history of fraught bilateral

¹ See Amnesty International, *CUBA: Short term detentions and harassment of dissidents* (AI Index: AMR 25/04/00), March 2000.

relations, Cuban authorities identified provocation and aggression from the United States as the root source of the tensions which caused the crackdown.

Whatever the merits of the dispute between the Cuban government and the United States over the latter's practices with regard to Cuba, a review of the limited information contained in the available trial documents indicates that the conduct for which dissidents were prosecuted was not self-evidently criminal; it was non-violent and seemed to fall within the parameters of the legitimate exercise of fundamental freedoms as guaranteed under international standards. On the basis of the available information, therefore, Amnesty International considers the 75 dissidents to be prisoners of conscience² and calls for their immediate and unconditional release.

² For Amnesty International, prisoners of conscience are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status, who have not used or advocated violence.

2. Context on the eve of the clampdown

2.1. Some positive developments with regard to human rights

Limitations on freedom of expression, association and assembly remain codified in Cuban law; however, there were a number of indicators that repression of dissidents was waning before the crackdown in March.

One seemingly positive signal was the lack of wide scale repression of a number of initiatives by unofficial organizations in Cuba. While there were some incidents of harassment, the authorities appeared to largely ignore dissident activities. The most internationally well-known of these efforts is the *Proyecto Varela* petition drive for legal reform. In 2002 other initiatives, such as the *Asamblea para promover la sociedad civil*, Assembly to Promote Civil Society, headed by prisoner of conscience Marta Beatriz Roque Cabello, arrested in the recent crackdown, were announced.

Another positive indicator was the slow but steady decline in numbers of prisoners of conscience over the last years. However the number peaked again in February 2002: the arrest of several activists was followed by an incident at the Mexican embassy in which a busload of youths crashed a bus through the perimeter fence, in what the authorities said was a search for asylum. The incident sparked more arrests of dissidents, with the result that at the end of 2002 there were more prisoners of conscience than at any point during the previous year.

On the eve of the March 2003 clampdown on dissent, Amnesty International had identified 15 Cubans as prisoners of conscience, detained solely for peaceful exercise of fundamental freedoms: Yosvany Aguilar Camejo; José Aguilar Hernández; Bernardo Arévalo Padrón; Oscar Elías Biscet González; Leonardo Bruzón Avila; Francisco Chaviano González; Rafael Corrales Alonso; Carlos Alberto Domínguez González; Emilio Leyva Pérez; Eddy Alfredo Mena y González; Carlos Oquendo Rodríguez; Ricardo Ramos Pereira; Lázaro Miguel Rodríguez Capote; Néstor Rodríguez Lobaina; and Jorge Enrique Santana Carreiras.³

A *de facto* moratorium on executions dating back to April 2000 was seen as another positive sign; although some new death sentences continued to be handed down, there

³ Amnesty International, *CUBA: Continued detentions following mass arrests in February and December 2002* (AI Index: AMR 25/001/2003), 27 February 2003.

was no information indicating that executions had been carried out. This changed with the April 2003 executions of three young men summarily tried and convicted under new anti-terrorism legislation, following a hijacking in which no one was harmed (see below).

2.2. Improving relations with the international community

Cuba's relations with some sectors of the international community seemed to be improving in 2002 and early 2003. Political dialogue with the European Union, blocked for five years over a number of issues, including human rights concerns, had reopened with an initial meeting in December 2001. A follow-up meeting with representatives of the European Union was held in November 2002, and in March 2003 the first-ever official European Union delegation was opened in Havana.

In April 2002 the UN Human Rights Commission had passed a relatively mild resolution on human rights in Cuba, and in November 2002, for the 11th consecutive year, the UN General Assembly passed a resolution calling on the USA to end its embargo against Cuba.

Cuba's relations with Canada, which had deteriorated over the three previous years, improved with the visit of a senior Canadian official in November 2002, and bilateral relations with a number of other countries appeared to be strong or improving.

2.3. Ongoing tensions with the United States

One exception to this pattern was the ongoing tension with the government of the United States. Relations between the two countries have been strained since the 1959 revolution, becoming increasingly so with Cuba's espousal of a socialist system and the 1961 US-backed invasion of Cuba at the Bay of Pigs. The two countries do not have diplomatic relations, although from 1977 Interests Sections were set up in their respective capitals. The tension between them has affected both bilateral and international relations, and can be seen in numerous areas.

The US embargo against Cuba

The US has operated a financial and trade embargo against Cuba since 1962. It has consistently maintained that it will only change its policy if it sees fundamental political shifts on the island. The Cuban authorities maintain that the embargo is

illegal and has caused massive suffering in Cuba, and regularly call for it to be repealed. This call has been consistently made by others as well, including the United Nations General Assembly (see below).

US legislation strengthening the embargo has been passed several times since its inception; in one such effort, in March 1996, US president Bill Clinton signed into law the "Cuban Liberty and Democratic Solidarity Act," otherwise known as the "Helms-Burton Act" after the lawmakers who sponsored it. The text of that law is discussed in more detail below. In more recent years, however, calls in the US for a lifting of the embargo have increased.

Since his inauguration, US president George W. Bush indicated that he would veto any legislative attempt to remove the embargo or other restrictions on Cuba unless a multiparty system was established and elections held. This position was criticised by former US president Jimmy Carter, whose visit to Cuba in May 2002 marked the highest-level visit from the USA since 1959. There was also opposition to the Bush administration's approach from other sectors in the US; in October 2002, the US House of Representatives voted to end travel restrictions on US citizens wanting to visit Cuba, and Cuba continued to receive visits from local and national US lawmakers, among other public figures.

Human rights and the US embargo

Amnesty International calls for the lifting of sanctions where it believes the continuation of sanctions might contribute to grave human rights abuses. A review of the impact of the US embargo against Cuba and other related policies in this regard is deeply worrying.

a. Impact of the embargo on economic, social and cultural rights

In November 2002, for the eleventh consecutive year, the UN General Assembly approved a resolution that called on the US to "take the necessary steps to repeal or invalidate" the embargo against Cuba and related measures.⁴ The resolution, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba," passed by 173 votes to 3, with 4 abstentions.

The vote followed the issuance of a report of the same name by the UN Secretary General; the General Assembly had requested that the report be drawn up in its 2001

⁴ United Nations General Assembly resolution A/RES/57/11 of 16 December 2002.

resolution condemning the embargo. In that report, UN agencies resoundingly condemned the impact of the embargo on the economic, social and cultural life of Cuba. A selection of their comments provided in the text box below demonstrates how the embargo has affected all areas of life on the island.

The overwhelming evaluation of the relevant UN agencies is that the US embargo against Cuba is highly detrimental to Cubans' enjoyment of a range of economic, social and cultural rights. Moreover, much of their analysis indicates that the negative effects of the embargo are felt disproportionately, not by the decisionmakers and authorities whose policies the embargo is aimed at influencing, but by the weakest and most vulnerable members of the population.

The negative impact of the US embargo on economic, social and cultural rights

The 2002 report of the **Food and Agriculture Organization of the United Nations** described the negative impact of the embargo and indicated that "Cuba is one of the five countries with the largest increases in the prevalence of undernourishment during the 1990s. According to FAO estimates, the proportion of the undernourished in its population rose from 5% in 1990-1992 to 17% in 1997-1999."⁵

UNICEF, the United Nations Children's Fund, was unequivocal about the negative impact of the embargo, indicating that it "has an impact upon all spheres of Cuban society. It affects particularly the efforts of the Government of Cuba to protect children, adolescents, women and families, as defined in the Convention of the Rights of the Child."⁶

The **United Nations Educational, Scientific and Cultural Organization** found that "in the case of education, where Cuba has achieved very important development levels, there has been an exacerbation in the scarcity of material resources for the publication of textbooks, the lack of availability of educational materials, the deterioration of many educational centres, the decrease in the quality of food and the drop in material incentives for teaching personnel ... The embargo has also retarded the scientific development of the country."⁷ UNESCO's findings "demonstrate(s) the need to put into effect the call on the United States Government to put an end to this policy, which violates the rights of the Cuban people."⁸

The **United Nations Population Fund** added: "The decades-long United States economic embargo has exacerbated the situation and contributed to a further deterioration of the quality of life of the Cuban population. In 2001, the standard of living indicators stood below 1990 levels. The scarcity of financial assistance and severe restrictions on imports due to financial constraints have taken their toll on the delivery of basic social services."⁹

The **World Health Organisation** condemned the health impact of the embargo: "at the outset, it should be noted that the embargo has had a very significant negative impact on the overall performance of the national economy, diverting the optimal allocation of resources from the prioritized areas and affecting the health programmes and services. This, in the end, compromises the quality of life of the population, specifically the children, the elderly and the infirm."¹⁰

⁵ "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba," Report of the Secretary-General, 0249898 - 260802 - 251002, A/57/150, Fifty-seventh session. Para. 2 of agency report.

⁶ Ibid, para. 1 of agency report.

⁷ Ibid, paras. 3 and 6 of agency report.

⁸ Ibid, para. 7 of agency report.

⁹ Ibid, para. 1 of agency report.

¹⁰ Ibid, para. 1 of agency report.

b. Impact of the embargo on the enjoyment of civil and political rights

In addition, Amnesty International believes that the US embargo has helped to undermine the enjoyment of key civil and political rights in Cuba by fuelling a climate in which such fundamental rights as freedom of association, expression and assembly are routinely denied. The embargo provides the Cuban government with an excuse for its repressive policies, while the widespread sympathy the country has garnered for resisting US pressure has left third countries reluctant to push Cuba to resolve its human rights crisis. Specific embargo provisions have also undermined the development of a human rights movement on the island, which in turn weakens prospects for the emergence of an independent civil society.

This impact can be seen most clearly on the legal front. The Cuban authorities have systematically defended their repressive legal system on the grounds that states under aggression have the right to restrict freedoms in the interests of national security.

Article 1 of Cuba's Constitution names it as an explicitly socialist state.¹¹ The Constitution conditions the exercise of fundamental freedoms on support for the system:

None of the liberties recognised for the citizens can be exercised against what is established by the Constitution and the laws, or against the existence and objectives of the socialist state, or against the decision of the Cuban people to construct socialism and communism.¹²

This conditionality also exists with regard to specific rights. The rights of assembly and association are recognised, within the defined framework of "mass and social organisations" which "possess the means necessary to such ends."¹³ Freedom of speech and of the press are recognised, "in conformity with the objectives of the socialist society."¹⁴ In this way, the exercise of fundamental freedoms in ways which are perceived as hostile to the system is not Constitutionally protected.

In addition to conditioning the exercise of rights in this way, the Constitution specifically declares Cuba as "anti-imperialist and internationalist," and declares that Cuba

¹¹ Constitution of 1976, article 1: "*Cuba es un Estado socialista de trabajadores, independiente y soberano, organizado con todos y para el bien de todos, como república unitaria y democrática...*" ("Cuba is a socialist workers' state, independent and sovereign, organised with all and for the good of all, as a unified and democratic republic.") Unofficial translation.

¹² Constitution of 1976, article 62, unofficial translation.

¹³ Constitution of 1976, article 54, unofficial translation.

¹⁴ Constitution of 1976, article 53, unofficial translation.

repudiates direct or indirect intervention in the internal or external matters of any State and, therefore, armed aggression, economic blockade, and any other form of economic or political coercion...¹⁵

The combination of these two tendencies, the conditionality of rights and the avowedly anti-interventionist nature of the Cuban republic, create a situation in which perceived external aggression is met with increased internal repression of dissent.

Then-Minister for Foreign Affairs Roberto Robaina demonstrated the link during a 1995 address, the language of which is strikingly similar to recent official declarations:

... we can only make further progress if the policies and actions contrary to the interests of the vast majority of our people are eliminated. No country admits the legal existence of organised groups that endanger the democratic system in power, particularly if that system was created on the basis of a consensus such as few peoples in the world have ever known. In other words: in Cuba it is not possible to make a counter-revolution legally, especially if the credentials for doing so are obtained in the offices of the representative of our number-one enemy.¹⁶

As later sections of this document will demonstrate, the strengthening of the embargo with the Helms-Burton law in 1996 prompted the Cuban authorities to respond with harsh legislation which has ultimately been used to condemn prisoners of conscience to long prison terms. The passage of this law elicited expressions of concern about the its potential impact on the development of Cuba's dissident movement. In his January 1997 report, the then UN Special Rapporteur on the situation of human rights in Cuba, Carl-Johan Groth, noted that

under the terms of the Helms-Burton Act (officially, the Cuban Liberty and Democratic Solidarity Act) and the Torricelli Act (officially, the Cuban Democracy Act), which stipulate specific conditions and time-frames for the lifting of the embargo, the United States of America assumes the right to be the outside party that determines the rules for converting the current totalitarian system into a different, more pluralist one. This inspires doubt rather than confidence about the future and may cause some dissidents to feel that their own criteria are irrelevant and that Cuba's future will in any case be decided

¹⁵ Constitution of 1976, article 12e, unofficial translation.

¹⁶ Excerpt from the statement by the Minister for Foreign Affairs of Cuba, Mr. Roberto Robaina, at the inaugural meeting of the first international workshop on Legal Protection of Citizens' Rights, Havana, 7-10 November 1995. Annexed to E/CN.4/1996/60, Report on the situation of human rights in Cuba by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1995/66, 7 February 1996.

without consulting them. The direct result of this situation could be a decline in the trend towards overt political activity and the risk it implies.¹⁷

In addition to these concerns, Amnesty International believes that Cuban authorities have been able to use US economic assistance, even given indirectly through Miami-based or other groups, to undermine the human rights movement in several areas. With regard to these issues, following his May 2002 visit to Cuba, former US president Jimmy Carter advised the Bush administration against any deepening of the restrictions against Cuba. On the issue of aid to the dissident movement, he shared serious concerns about the ultimately negative impact of such aid:

We then had extensive meetings with a wide range of the most notable dissidents, each the leader of an organization and many having completed prison sentences for their demands for change in the socialist regime. They were unanimous in expressing appreciation for my speech, willingness to risk punishment rather than be silent, hope that American visitation could be expanded, and opposition to any elevation of harsh rhetoric from the United States toward Cuba and to any funding of their efforts from the U.S. government. Any knowledge or report of such financial support would just give credibility to the long-standing claims of President Castro that they were "paid lackeys" of Washington.¹⁸

Recent reports have indicated that the United States government is considering further tightening its sanctions against Cuba, possibly through widening the ban on US travel to Cuba and cutting off remittances sent by Cubans resident in the US to their families on the island. Amnesty International believes that any tightening of the existing sanctions would only heighten the negative human rights impact of the embargo described above.

¹⁷ Report on the situation of human rights in Cuba submitted by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1996/69 and Economic and Social Council decision 1996/275. E/CN.4/1997/53, 22 January 1997, para. 46.

¹⁸ "President Carter's Cuba Trip Report," the Carter Center, 21 May 2002.

The situation of the 'Miami Five'

Tensions between the two countries have been heightened over the last months by disputes over the treatment of five Cuban men, René González, Fernando González, Gerardo Hernández Nordelo, Antonio Guerrero and Ramón Labañino, convicted in the US in 2001 on charges of spying on behalf of Cuba. The Cuban authorities gave much attention to the case, describing the men as heroes whose sole aim had been to protect Cuba from a potential terrorist threat by infiltrating exile groups in Miami, and their campaign received substantial support internationally.

In November 2002, the five men demanded a retrial on the grounds that anti-Cuba bias in Miami prevented them from getting a fair trial. Amnesty International wrote to the US authorities on several occasions to express concern at the treatment received by the men and the difficulties faced by their families in gaining access to them.

The 'war on terror'

Cuban officials have criticised the United States for not acting against certain groups among the Cuban exile community in the US which are allegedly training for a possible armed invasion of Cuba.¹⁹ One such group, *Comandos F-4*, reportedly claims to have shot and wounded a Cuban spy in Havana earlier this year.²⁰

For its part, the US has also made accusations against Cuba. On 6 May 2002 the Undersecretary of State for arms control, John R. Bolton, alleged that Cuba was researching biological weapons and had provided technology to "other rogue states."²¹ His allegation coincided with the runup to the visit of former President Jimmy Carter to Cuba, during which Carter maintained that US authorities who briefed him prior to the visit had assured him there was no such evidence. In a statement during a visit to the Center for Genetic Engineering and Biotechnology in Havana, Carter said that "there were absolutely no such allegations made or questions raised" during "intense briefings from the State Department, the intelligence agencies ... and high officials in the White House" before his visit to Cuba.²²

¹⁹ "FBI downplays role of the terrorist group 'Comandos F-4,'" *South Florida Sun-Sentinel*, 6 April 2003.

²⁰ Ibid; also "Anti-Castro group claims shooting of spy in Cuba," *The Miami Herald*, 31 December 2002; and "Militant: Cuba admits that spy got shot," *The Miami Herald*, 22 January 2003.

²¹ "Carter questions Cuba terror claims," Associated Press, 14 May 2002.

²² "Statement by Carter in Cuba," Associated Press, 13 May 2002.

Cuba also roundly denied the accusations. Former president Carter stated that in response to the allegations, President Castro had offered to open Cuba's biotechnology research facilities for inspection.²³

Since that time, somewhat conflicting signals have emerged from the US administration about this issue. Prominent administration members, including Secretary of State Colin Powell, were reported to have distanced themselves from the allegation.²⁴ It was repeated again, however, by then-Assistant Secretary of State for the Western hemisphere Otto Reich.²⁵ The US Department of State's "Patterns of Global Terrorism" report for 2001 contained no mention of the allegation; neither did the 2002 report, released on 20 April 2003.

However, the latter report again included Cuba in a list of seven "state sponsors of terrorism," defined as states which have "repeatedly provided support for acts of international terrorism."²⁶ With regard to Cuba, the report acknowledged that Cuba had signed and ratified all twelve international counterterrorism conventions in 2001 and noted that "Cuba did not protest the use of the Guantanamo Bay base to house enemy combatants from the conflict in Afghanistan;" however, it continued, "it has remained opposed to the US-led Coalition prosecuting the war on global terrorism and has been actively critical of many associated US policies and actions."²⁷

The specific accusations against Cuba were that it "continued to host several terrorists and US fugitives" and "sent agents to US missions around the world who provided false leads designed to subvert the post-September 11 investigation."²⁸

In mid-March, against the backdrop of preparations for the US-led military invasion of Iraq and widespread speculation that other states accused of sponsoring terrorism might also be targeted, the Cuban authorities detained scores of dissidents on accusations of seeking to subvert the Cuban system and conspiring with the US.

²³ Ibid.

²⁴ "Bush plans to tighten sanctions on Cuba, not ease them," *The New York Times*, 14 May 2002; and "Report mum on bio-threat," *The Miami Herald*, 22 May 2002.

²⁵ "Cuba tente de produire des armes biologiques," *Agence France Presse*, 31 October 2002.

²⁶ Office of the Coordinator for Counterterrorism, United States Department of State, "Patterns of Global Terrorism," 30 April 2003.

²⁷ Ibid.

²⁸ Ibid.

3. The mass arrests: a sudden and unprecedented crackdown

I am certain that informing others objectively and professionally and writing my opinions about the society in which I live cannot be a very serious crime ... no one, no law will make me believe that I have become a gangster or a delinquent just because I report the arrest of a dissident, or list the prices of staple foods in Cuba, or write that I find it appalling that more than 20,000 Cubans every year go into exile in the United States and hundreds of others try to go anywhere they can.²⁹ - Raúl Rivero Castañeda, in 1999. He was arrested in the crackdown and sentenced to 20 years' imprisonment.

For several days beginning on 18 March 2003, Cuban security forces began arresting known dissidents across the island. Those detained included journalists and economists, doctors, pro-democracy members of illegal opposition parties and other activists. According to reports, security agents searched the homes of those detained, confiscating computers, fax machines, typewriters, books and papers; in a number of cases, this material was then included in the prosecution's case against the activists.

3.1. Cuba's official stance on the mass arrests

As they had often done in the past, Cuban authorities immediately justified the crackdown as an unavoidable response to US aggression. They maintained that the behaviour of James Cason, head of the US Interests Section in Havana, was the immediate catalyst for the crackdown.

Since his arrival in Cuba in September 2002, the head of the US Interests Section,³⁰ James Cason, had reportedly taken a higher and more active profile and more public stance in criticising the Cuban system than his predecessors. As one journalist wrote in January after an interview with him, "Since he arrived, Cason says, he has put more than 4,000 miles on his car and visited nine of Cuba's 14 provinces, talking to hitchhikers along the way and dining with dissidents and religious leaders in the island's heartland."³¹ In the period leading up to the crackdown Cason reportedly made a high-profile visit to a meeting of dissidents and spoke with international journalists gathered there, as well as allowing dissidents to use his official residence for events.

²⁹ Raúl Rivero, "I am free," *Miami Herald*, 25 February 1999.

³⁰ As mentioned above, Cuba and the United States do not have diplomatic relations. However, since 1977 the US has had an Interests Section based at the Swiss Embassy in Havana, while Cuba has an Interests Section in Washington.

³¹ "US envoy caters to needs of island's dissident community," *La Nueva Cuba*, 8 January 2003.

In the days leading up to the crackdown, Cuban Foreign Minister Felipe Pérez Roque described what he called "really unprecedented behaviour, something new for us since the Section was created," and said that the Cuban government believed it to be part of a deliberate plan to strain relations.³² President Castro indicated that on 17 March, the day before the crackdown began, the Cuban authorities submitted a written note to the US Interests Section to protest at what they considered James Cason's violations of the 1961 Vienna Convention on Diplomatic Relations.³³

The official note announcing the arrests opens with a condemnation of

the shameless and repeated provocations of the Head of the United States Interests Section in Cuba, obviously conceived and carried out as part of the hostile and aggressive policy of the current Administration towards our country, with the close cooperation and support of the terrorist mafia in Miami and the extreme right of the United States.³⁴

The note asserted that the Interests Section was involved in activities to destabilise Cuba:

No country, as powerful as it may be, has the right to convert its diplomatic representation into the organizer, funder, chief and general headquarters of activities to destabilize, subvert the constitutional order, break the laws, conspire against the social development, sabotage the economic relations, threaten the security and destroy the independence of another country.³⁵

The note went on to warn:

There should not be the slightest doubt that the Revolution will apply with the necessary rigor, and as required by the circumstances, the laws created to defend itself from new and old tactics and strategies against Cuba.³⁶

³² Conferencia de prensa del Ministro de Relaciones Exteriores de la República de Cuba, Felipe Pérez Roque. (Tema: Comisión de Derechos Humanos). Teatro del Minrex, viernes 14 de marzo del 2003. Unofficial translation.

³³ "Comparecencia especial del Comandante en Jefe Fidel Castro Ruz, Primer Secretario del Comité Central del Partido Comunista de Cuba y Presidente de los Consejos de Estado y de Ministros, en la Mesa Redonda sobre los más recientes acontecimientos en nuestro país y el incremento de las acciones agresivas del gobierno de Estados Unidos contra nuestro pueblo, el 25 de abril de 2003." Transcript in *Granma*, Año 7, Número 116, 26 April 2003.

³⁴ *Nota Oficial*, 18 March 2003, *Granma*, 19 March 2003, Año 7 / Número 78. Unofficial translation.

³⁵ *Ibid.* Unofficial translation.

³⁶ *Ibid.* Unofficial translation.

In a 9 April speech on the trials of the dissidents, Foreign Minister Felipe Pérez Roque refuted allegations that Cuba had timed the crackdown to take advantage of diverted global attention to the conflict in Iraq, repeating again the official justification of the arrests:

these arrests were carried out before the beginning of the war in Iraq... it was before that the decision was made and the arrests were carried out as a consequence of the unsustainable situation that we had been put in by the provocations and irresponsible behaviour of Mr. Cason.³⁷

Foreign Minister Pérez Roque indicated that Cuba reserved the right to close the Interests Section:

We know that this is the hope, the golden dream of those who maintain the blockade and the policy of aggression towards Cuba; it may also be the dream of Mr. Cason, his heroic return expelled from Cuba. We know well who would celebrate and welcome this decision; but, in any case, closing the Interests Section in Havana and asking Mr. Cason to leave the country is a right that we reserve.³⁸

In later speeches, additional aggravating factors in US-Cuba relations were added to the official explanation. Cuban authorities have consistently criticised US immigration policy; they claim it encourages dangerous attempts at illegal migration by automatically granting Cubans, unlike those of other nationalities, the automatic right to legal status upon arrival on US soil. In a 25 April speech, President Castro described a series of recent hijackings of Cuban vessels by individuals attempting to reach the US, and accused the US of violating bilateral migration agreements and putting Cuban lives at risk by provoking such attempts: "the most serious part of the conspiracy against Cuba ... is the aim of breaking the Migration Accords and forcing a mass emigration."³⁹

³⁷ "Conferencia de prensa ofrecida por el canciller Felipe Pérez Roque con relación a los juicios del 3,4,5 y 7 de abril. Ciudad de La Habana, 9 de abril de 2003." Transcript in *Juventud Rebelde*, 10 April 2003. Unofficial translation.

³⁸ *Ibid.* Unofficial translation.

³⁹ "Comparecencia especial del Comandante en Jefe Fidel Castro Ruz, Primer Secretario del Comité Central del Partido Comunista de Cuba y Presidente de los Consejos de Estado y de Ministros, en la Mesa Redonda sobre los más recientes acontecimientos en nuestro país y el incremento de las acciones agresivas del gobierno de Estados Unidos contra nuestro pueblo, el 25 de abril de 2003." Transcript in *Granma*, Año 7, Número 116, 26 April 2003. Unofficial translation.

President Castro went even further, accusing the US not just of provoking mass migration but of doing so as an excuse for armed intervention: "the sinister idea is to provoke armed conflict between Cuba and the United States. In this way they hope to liquidate the Revolution."⁴⁰

3.2. Domestic reaction to the crackdown

There were important reactions to the crackdown from within Cuba. In a significant move, the permanent committee of Cuba's Conference of Catholic Bishops issued a press release on 11 April expressing concern at recent events.

On 22 April a group of Cuban women, including wives and mothers of those convicted, reportedly presented at the Council of State building a letter addressed to Fidel Castro asking for an end to repression and executions in Cuba:

We demand the abolition of the death penalty, as a crime with judicial trappings. Also, the elimination of the excessive sentences imposed on 75 peaceful human rights defenders -- independent journalists and economists and opposition members -- only for expressing their opinions openly.⁴¹

Some of the women had been regularly carrying out weekly peaceful marches at the Santa Rita church in the Playa area of Havana as part of the *Comité de madres cubanas por la libertad de los presos políticos*, Committee of Cuban Mothers for Freedom for Political Prisoners. The group of mothers marched to call for the release of their loved ones and for better access for family visits.

3.3. International response

The international condemnation of the crackdown in Cuba has been unprecedented, indicating that a significant portion of the international community did not accept Cuba's justification for its actions or felt that its response had been excessive and ill-judged. At the same time, Cuba avoided specific condemnation at the United Nations Commission on Human Rights.

⁴⁰ Ibid. Unofficial translation.

⁴¹ Carta abierta, La Habana, 21 April 2003. Unofficial translation.

United Nations Commission on Human Rights

As has happened every year since 1992, the issue of Cuba's human rights record was raised during the meeting of the United Nations Human Rights Commission in Geneva in April 2003.⁴² Voting was postponed for a day after two amendments to the original text, which was presented by Costa Rica, Nicaragua, Peru and Uruguay before the crackdown, were proposed. One amendment, put forward by Costa Rica, added language that condemned the recent crackdown in Cuba. It was voted down by 31 votes to 15, with 7 abstentions.

The second amendment, proposed by Cuba, urged the immediate ending of the US embargo and requested that the UN High Commissioner for Human Rights undertake an evaluation of the human rights impact of "continuous terrorist acts carried out with impunity against the people of Cuba from the territory of the United States."⁴³ It was voted down as well, by 26 votes to 17 with 10 abstentions. On 17 April the original, pre-crackdown resolution was passed; it simply noted the previous year's resolution, which had invited the Cuban government to achieve similar progress in civil and political rights as it had done in social rights. In addition it called on Cuba to receive the visit of Christine Chanet, the personal representative for Cuba of the United Nations High Commissioner for Human Rights, who was appointed in January 2003.⁴⁴ The resolution was passed by 24 votes to 20, with 9 abstentions.

In a press conference on 18 April, Cuban Foreign Minister Pérez Roque expressed satisfaction at the defeat of the Costa Rican amendment but clarified that that did not imply acceptance of the resolution itself:

... We want to say that this does not change the fact, however, that we reject also the final Resolution that was adopted. We reject it because, although it is not a condemnatory text, it is a text which is not justified ... it is a North American text, which corresponds to North American interests.⁴⁵

⁴² Resolutions on Cuba were passed every year except 1998, when the proposed resolution was rejected by 19 votes to 16, with 18 abstentions.

⁴³ United Nations press release, "Commission on Human Rights adopts resolution on Lebanese detainees in Israel, rejects draft on Chechnya," Commission on Human Rights, 59th session, 16 April 2003, morning.

⁴⁴ See United Nations Economic and Social Council E/CN.4/2003/L.2 of 24 March 2003, Question of the Violation of Human Rights and Fundamental Freedoms in any part of the world: 2003 / ... Situation of human rights in Cuba.

⁴⁵ "Conferencia de prensa ofrecida por el canciller cubano Felipe Pérez Roque, a la prensa nacional y extranjera, sobre los resultados de la votación en la Comisión de Derechos Humanos de Ginebra, en el MINREX, el 18 de abril del 2003." Transcript in *Granma*, 22 April 2003, año 7, número 112. Unofficial translation.

In November 1994 the then-High Commissioner, José Ayala Lasso, visited Cuba, in response to an invitation soon after the post was created. However, the request to allow a visit from the Special Rapporteur for Cuba was not granted. On the issue of the recommended visit of the new High Commissioner's representative, in his address Foreign Minister Pérez Roque indicated that Cuba would not comply with the recent resolution:

Cuba does not refuse to cooperate with the High Commissioner, on the contrary; nor with the non-selective and non-discriminatory mechanisms of the Commission or the Office of the High Commissioner, of course not. What Cuba is not willing to accept is the manipulation of this topic; the unscrupulous use, even of the United Nations itself, to justify the campaign against Cuba ... it is for this reason that Cuba does not accept the mandate of the resolution.⁴⁶

At the end of the Commission session, Cuba was re-elected as one of the 53 members of the Commission. A spokesman for the US White House reportedly said Cuba's election was "like putting Al Capone in charge of bank security."⁴⁷ The US had itself lost its seat in 2001 for the first time since the Commission's establishment in 1947, to return to it one year later.

European Union

The crackdown came just as relations with Europe had improved significantly. On 12 March, just days before the wave of arrests began, the European Union opened its first-ever office in Cuba. Poul Nielson, Commissioner for Development and Humanitarian Aid, visited the island to open the delegation and stated publicly that the EU intended to strengthen its relations with Cuba.⁴⁸ He also welcomed Cuba's application for admission to the Cotonou trade agreement.⁴⁹

⁴⁶ Ibid. Unofficial translation.

⁴⁷ "Outrage as Cuba keeps UN seat," BBC news, 30 April 2003; also "Cuba returned to UN rights body, prompting US rage," Reuters, 29 April 2003.

⁴⁸ (EU) EU/CUBA: Poul Nielson opens Commission delegation in Havana, Brussels, 12/03/2003 (Agence Europe).

⁴⁹ Cuba was formally admitted to the group of African, Caribbean and Pacific (ACP) states on 14 December 2000 as the group's 78th member, after having held observer status since May 1998 (the ACP Group was formed in 1975, and currently incorporates 48 African countries as well as 16 from the Caribbean and 14 from the Pacific.) It is the only ACP member which has not signed trade and aid agreements with the EU, although it has applied for admission to the Cotonou Agreement, a twenty-year

Following the crackdown, in his 9 April press conference on the trials, Foreign Minister Pérez Roque addressed the issue of the EU's relations with Cuba. He was critical of the parallels between the EU's positions and those of the US:

The European Union has not had the capacity to project an independent position towards Cuba, and this explains its lukewarm reaction to the blockade against Cuba; it explains its aligning itself with the North American position against Cuba in Geneva; it explains the fact that they have not been capable of forming a European position on Cuba that defends international law ... I should remind you that Cuba has already once withdrawn its application to the Cotonou Agreement, and if it had to do so again it would.⁵⁰

On 14 April the External Relations Council of the European Union adopted a resolution on Cuba condemning the mass arrests, unfair trials and excessive sentences as well as the executions of the three hijackers. The resolution stated,

These latest developments display a deterioration in the human rights situation in Cuba and will both affect EU/Cuba relations and the perspectives of strengthened cooperation. The Council will continue to monitor the situation closely.⁵¹

In response, on 17 April the Cuban ambassador to the EU, Rodrigo Malmierca Díaz, defended Cuba's policy and reaffirmed his country's interest in the Cotonou Agreement.⁵²

On 23 April, the European Commission scheduled for the following week a debate on its reaction to the situation in Cuba; several member states were reportedly considering

trade accord signed on 21 June 2000 between the European Community and ACP countries, replacing the Lomé Convention of 1975. The stated objectives include "to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment" (The Cotonou Agreement, 21 June 2000, article 1.)

⁵⁰ "Conferencia de prensa ofrecida por el canciller Felipe Pérez Roque con relación a los juicios del 3,4,5 y 7 de abril. Ciudad de La Habana, 9 de abril de 2003." Transcript in *Juventud Rebelde*, 10 April 2003. Unofficial translation.

⁵¹ (EU) EU/CUBA: Council condemns executions of three leaders who hijacked ferry and expresses concern over deterioration in human rights situation in Cuba, Luxembourg, 15/04/2003 (Agence Europe). Also 8220/03 (Presse 105).

⁵² (EU) CUBA: Cuban ambassador to the EU justifies repression by 'legitimate defence' and reaffirms Cuba's interest in the Cotonou Agreement, Brussels, 17/04/2003 (Agence Europe).

downgrading the level of their cooperation with the island.⁵³ On 30 April the Commission announced its decision to freeze consideration of Cuba's application. On 16 May, Cuba's Ministry of Foreign Affairs informed the head of the European Commission delegation that Cuba was cancelling its application to the Cotonou Agreement. The Ministry's official statement issued the following day concluded:

Cuba has resisted more than 44 years of embargo, aggression and threats from the United States without surrendering, and it sees no reason whatsoever to accept pressure from anyone else.⁵⁴

These recent developments reverse earlier improvements in relations with the EU, and make Cuba ineligible for EU development funds and other assistance earmarked for ACP countries.

Organization of American States

The Special Rapporteur for Freedom of Expression of the Organisation of American States (OAS) expressed concern at the arrests and summary trials, and "urged the Cuban authorities once again to change their position regarding the independent press and to allow all inhabitants the right to freedom of expression and information."⁵⁵ On World Press Freedom Day, 3 May 2003, the Special Rapporteur joined his UN counterpart, the United Nations Special Rapporteur on Freedom of Opinion and Expression, to express grave concern at the sentences given out to the dissidents.⁵⁶

Meanwhile, the Inter-American Commission on Human Rights condemned the executions of the three would-be hijackers⁵⁷ and expressed grave concern at the detention and trial of the dissidents.⁵⁸

Several efforts to introduce a resolution by the 34-member OAS condemning human rights violations in Cuba failed due to lack of support. On 19 May, Canada, Chile and Uruguay, which had sponsored the latest effort, re-submitted the text in a non-binding form to the Permanent Council of the OAS. Sixteen of the member states signed on to

⁵³ (EU) EU/CUBA: Commission to hold debate on situation in Cuba next week, Brussels, 23/04/2003 (Agence Europe).

⁵⁴ Declaración del MINREX, *Granma*, 19 May 2003.

⁵⁵ "Special Rapporteur for Freedom of Expression expresses grave concern about judicial proceedings against journalists in Cuba," Press Release PREN 74/03, 4 April 2003.

⁵⁶ "UN and OAS Special Rapporteurs on Freedom of Expression gravely concerned about situation in Cuba," Press Release PREN 77/03, 3 May 2003.

⁵⁷ Inter-American Commission on Human Rights, Press release no. 12/03, 16 April 2003.

⁵⁸ Inter-American Commission on Human Rights, Press release no. 10/03, 9 April 2003.

the revised statement, indicating a sharp divide among members. In 1962, the OAS had decided that adherence by any of its members to Marxism-Leninism was incompatible with the inter-American system and that such incompatibility therefore excluded "the present government of Cuba" from participation in the system.

United States

The United States firmly condemned the crackdown, and, as in previous years, provided impetus for the UN Human Rights Commission text condemning Cuba; the rejection of the Costa Rica amendment was therefore seen as a defeat of the initiative preferred by the US. It had played a similar role with regard to the effort to produce a resolution condemning Cuba by the OAS, with comparable results (see above).

a. Discussion of tightening of the embargo

In response to the crackdown, organisations in the US which had favoured an easing of US relations with Cuba quickly revised their positions. The board of directors of one such group, the Cuba Policy Foundation, resigned in protest at the crackdown in Cuba:

We organized, funded and supported the Foundation because we hoped, and had reason to believe, that its energetic efforts to modify the ban on Cuba trade, travel and investment might succeed over time. We can only conclude, however, that in spite of its claims to the contrary, Cuba does not share our enthusiasm for a more open relationship. For this reason we have tendered our resignations.⁵⁹

The US government reportedly considered tightening even further its restrictive policy towards Cuba, by cutting off cash remittances from relatives in the United States, an important source of income for many Cubans, and strengthening the travel ban. US authorities reportedly reviewed contingency plans for their response in the event of another mass migration from Cuba like those that occurred in 1980 and 1994.⁶⁰ US Secretary of State Colin Powell called Cuba an "aberration in the Western Hemisphere" and said "we're reviewing all of our policies and our approach toward Cuba in light of what I think is a deteriorating human rights situation."⁶¹

⁵⁹ Statement from the Cuba Policy Foundation, 23 April 2003.

⁶⁰ "US ready in case of major exodus from Cuba," *The Miami Herald*, 20 April 2003.

⁶¹ "Powell, denouncing crackdown, calls Cuban 'Aberration'," *The New York Times*, 29 April 2003.

b. Heightened rhetoric between Cuba and the US

Some US officials went even further in their statements, fuelling increasingly strong rhetoric between the US and Cuba. On 10 April, the US ambassador to the Dominican Republic, Hans Hertell, indicated that the war in Iraq was an example for Cuba: "I think what is happening in Iraq is going to send a very positive signal, and it is a very good example for Cuba, where we saw that last week the Fidel Castro regime ordered the arrest of more than 80 citizens."⁶²

US diplomat Wayne Smith, Head of the US Interests Section under President Jimmy Carter, said "the Cubans saw it [the Iraq war] as a signal that the United States was determined to throw its weight around and to blow away anyone it doesn't like through the unilateral use of force."⁶³ Speaking to National Public Radio, he said "there is a certain sense on the part of the Cubans that they might be next."⁶⁴

On the Cuban side there were statements that reinforced the impression that Cuban officials felt under threat in the context of the war in Iraq. The president of the International Relations Committee of the Cuban parliament told regional press, "I believe that countries like ours, that are considered by the United States as its enemies, are in more danger than others; but we should not see it as a matter affecting one country alone, it really is a risk for everyone."⁶⁵

In an interview with a US television network, US Defense Secretary Donald Rumsfeld responded to a question about whether the US would consider 'the liberation of the Cuban people' by saying that at the present time "there are no plans for military action against Cuba."⁶⁶ He said that that could change if Cuba were believed to possess weapons of mass destruction.

In his May Day speech, President Castro again alluded to the perceived threat of US military aggression against Cuba, stating that "in Miami and in Washington it is being

⁶² "US ambassador in Dominican Republic says Iraq an example for Cuba," *Agence France Press*, 10 April 2003.

⁶³ "Rising dissent, US pressure led to Cuba repression," Reuters, 16 April 2003.

⁶⁴ "Regimes who worry that they will be next: rules face conciliation or confrontation," *The Guardian*, 11 April 2003.

⁶⁵ "Diputado Cubano: belicismo de EU pone en riesgo a Cuba," Notimex, 9 abril 2003. Unofficial translation.

⁶⁶ "Castro: US 'conspiracy' led to crackdown," Associated Press, 26 April 2003; "Representante Cuba teme EEUU prepare futuras acciones contra isla," EFE, 23 April 2003.

discussed today where, how and when to attack Cuba."⁶⁷ He ended the speech with a dramatic appeal for peace between the two countries, while reiterating the willingness of the Cuban people to fight if needed to defend their country.

On 13 May the Bush administration, in one of the largest such expulsions to date, expelled 14 Cuban diplomats from the US. Seven worked at the Interests Section in Washington, and seven more at the Cuban mission to the UN in New York. Although official statements about the reasons for the expulsions varied, they indicated that the Cuban diplomats had been accused of "inappropriate activities."

Other agencies and organisations

On 26 April the Vatican announced that Pope John Paul had written to President Castro on 13 April to express sorrow at the executions and the harsh sentences against dissidents. The letter reportedly asked for a gesture of clemency from the Cuban authorities.⁶⁸

The United Nations High Commissioner for Human Rights expressed concern over the arrests and the fairness of the expedited trials, including with regard to the right to defence.⁶⁹ The director general of the United Nations Educational, Scientific and Cultural Organization (UNESCO) was among those who denounced the arrests.⁷⁰

Numerous governments expressed their deep concern at the events to the Cuban diplomatic representatives in their countries. More than 300 artists, intellectuals and politicians joined a campaign begun by a Spanish magazine on behalf of the detainees; a separate international campaign, in support of Cuba's position, drew attention from other artists and intellectuals.⁷¹

Activists of the human rights organisation Reporters without Borders were reportedly beaten by embassy security guards while protesting the arrest of 26 journalists during the crackdown. The protest took place in front of the Cuban embassy in Paris on 24 April. The confrontation occurred when the activists handcuffed themselves to the property's fence. On 1 April the organisation's activists had briefly occupied the Cuba tourism office in Paris.

⁶⁷ "Discurso pronunciado por el Presidente de la República, Fidel Castro Ruz, el en acto por el Día Internacional de los Trabajadores, efectuado en la Plaza de la Revolución el 1 de mayo de 2003." Transcript in *Granma*, 1 May 2003, año 7/ número 121. Unofficial translation.

⁶⁸ "Pope asks Castro to show dissidents clemency," Reuters, 26 April 2003.

⁶⁹ Press Release HR/4652, 9 April 2003, "High Commissioner for Human Rights concerned over sentencing of recent detainees in Cuba."

⁷⁰ "Director UNESCO denuncia arrestos y juicios disidentes en Cuba," EFE, 7 April 2003.

⁷¹ In addition, well-known authors Eduardo Galeano, José Saramago and Gabriel García Márquez wrote opinion pieces or issued personal statements reacting to the crackdown.

Overall, the March crackdown was met with an unprecedented international reaction, prompting a heightened level of scrutiny of Cuba's human rights situation at many different levels. The impact of this in Cuba remains unclear.

4. The legal proceedings against the dissidents

The March arrests were handled differently than smaller-scale multiple arrests carried out in 2002. In February 2002, a group of young men drove a commandeered public bus into the Mexican Embassy compound in Havana in an apparent attempt to secure asylum and leave Cuba; the incident set off a chain of arrests of known dissidents, and was thought to influence the continued detention of several who had just been arrested. Most of the dissidents were released thereafter, but ten of them remain in detention and are considered by Amnesty International to be prisoners of conscience. In those cases, the men were not promptly brought to justice; over a year has passed without them being brought to trial.⁷²

In contrast, those arrested in the March sweep were brought to trial immediately and subjected to hasty collective proceedings. While a number of aspects of the judicial process were flawed, Amnesty International will focus on the charges brought against the defendants and their trials and sentencing.

4.1. The charges brought against the dissidents

Significantly, the charges brought against those arrested in the crackdown did not include the more common accusations usually used to suppress dissent, such as *Apropaganda enemiga*, *Aenemy propaganda*, *Adesacato*, *Adisrespect*, or *Adesórdenes públicos*, *Apublic disorder*. Rather, the emphasis was on more serious offences which carry higher penalties under the Cuban Penal Code.

Article 91 of the Penal Code

Amnesty International has had access to trial documents for 51 of the 75 dissidents tried. Article 91 of the Penal Code, which was the sole charge for 26 of the dissidents and was used in conjunction with Law 88 (see below) for another six, provides for sentences of ten to 20 years or death against anyone convicted of "acts against the independence or territorial integrity of the state."⁷³ Under this article, "he who, in the interest of a foreign state, commits an act with the objective of damaging the independence or territorial integrity of the Cuban state, incurs the penalty of ten to twenty years imprisonment or death."⁷⁴

⁷² Amnesty International, *CUBA: Continued detentions following mass arrests in February and December 2002* (AI Index: AMR 25/001/2003), February 2003.

⁷³ Law no. 62, Penal Code, National Assembly of Popular Power, 1987. Unofficial translation.

⁷⁴ *Ibid.* Unofficial translation.

Law 87 of 1999, which modifies the Penal Code, changes the provisions regarding sentencing to provide for life imprisonment.

Law 88

In nineteen of the 51 cases that Amnesty International has been able to review in detail, dissidents were charged under Law 88, 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. In another six cases, Law 88 was used in conjunction with article 91 of the Penal Code (see above).

a. The build-up to Law 88

As mentioned above, in March 1996, US President Bill Clinton signed into law the "Cuban Liberty and Democratic Solidarity Act," otherwise known as the "Helms-Burton Act" after the lawmakers who sponsored it. The text condemned recent events in Cuba,⁷⁵ tightened the US embargo, and discouraged investment in Cuba by providing for penalties against foreign companies investing there. It also provided for claims of confiscation of property and for US assistance to 'democracy-building efforts' in Cuba (see text box).

In December 1996 the *Asamblea Nacional del Poder Popular*, the National Assembly of Popular Power, passed Law 80, *Ley de Reafirmación de la Dignidad y Soberanía Cubana*, Law of Reaffirmation of Cuban Dignity and Sovereignty. This law was an explicit response to the Helms-Burton law:

The National Assembly of Popular Power, as representative of the people, repudiates the 'Helms-Burton Law' and declares its irrevocable decision to adopt the measures in its power as a response to this anti-Cuban legislation.⁷⁶

⁷⁵ In section 116, the text of the law explicitly condemns a February 1996 incident in which two planes belonging to a Cuban exile group were shot down by the Cuban airforce. Cuban authorities claim that this was an act of self defence prompted by violation of its airspace, while supporters of the exile group maintain that it was an act of aggression committed over international waters. The text also condemns government repression against *Concilio Cubano* (see below).

⁷⁶ Law No. 80, Law of Reaffirmation of Cuban Dignity and Sovereignty, 24 December 1996 (Unofficial translation).

**'Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996,'
or 'Helms-Burton Act'**

One hundred fourth Congress of the United States of America, at the second session.
H.R. 927, 3 January 1996.

First and foremost, the Helms-Burton law tightens the US embargo against Cuba. Under section 109 it also allows the US president to "furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba," including through

- provision of published materials to independent democratic groups in Cuba;
- humanitarian assistance to victims of political repression and their families;
- support for democratic and human rights groups in Cuba; and
- support for visits and permanent deployment of international human rights monitors in Cuba.

The law also sets out 'requirements and factors for determining a transition government' (section 205) as well as 'requirements for determining a democratically elected government' (section 206).

The ATitle III: Protection of property rights of United States nationals" provision of the law would allow US nationals whose property was confiscated by Cuba to seek compensation in US courts from any foreign national who bought that property from Cuba=s government; this provision has been consistently waived, and has yet to come into force.

The Helms-Burton Act has been explicitly condemned by members of the international community, but has not been repealed. In February 1997 the European Union filed a formal petition with the World Trade Organization challenging the Helms-Burton law as restricting the principle of free trade. The US argued that it was an issue of national security, and in April 1998 the EU dropped the effort. The law has continued to be a source of tension, in spite of subsequent negotiations and agreements.

The text of law 80 provided for the adoption of further measures necessary to protect Cuba from the effects of the Helms-Burton Law. Just over two years later, those further measures were codified in Law 88.

b. Provisions of Law 88

In February 1999 Cuba's National Assembly passed tough legislation providing for stiff prison terms for those guilty of supporting United States policy against Cuba as laid out in the Helms-Burton Law:

Whereas, the Government of the United States has dedicated itself to promoting, organizing, financing and directing counterrevolutionary and imperialist elements inside and outside the territory of the Republic of Cuba. For four decades it has invested significant financial and material resources to carry out numerous covert activities in order to destroy the independence and economy of Cuba, using to such end individuals recruited within the national territory, as has been recognized by the Central Intelligence Agency since 1961 according to a report released in 1998.⁷⁷

The text of the law further details US legislative measures to finance counterrevolutionary activities in Cuba:

through the Law of 12 March 1996 known as the Helms-Burton Law, the United States expanded, intensified and codified its economic war against Cuba and detailed how such assistance would be given to individuals who would be used in the national territory to carry out the subversive and imperialist objectives of the Empire ... the Federal Budget Law, passed on 21 October 1998 by the Government of the United States, set a minimum of two million dollars to support counterrevolutionary activities in Cuba ...⁷⁸

In this way, financing subversive activities within Cuba is portrayed, in addition to the embargo, as part of the US 'economic war' against Cuba. The introductory text concludes that it is "an inescapable duty to respond to this aggression against the Cuban people,"⁷⁹ and proceeds to detail the types of behaviour that would be considered as facilitating US policy and the penalties for them (see text box).

⁷⁷ Law No. 88 For the Protection of National Independence and the Economy of Cuba, published in the Official Gazette of the Republic of Cuba, Special Edition, Number 1, dated 15 March 1999. Unofficial translation.

⁷⁸ Ibid. Unofficial translation.

⁷⁹ Ibid. Unofficial translation.

Penalties included in Law 88

Article 4 of the law provides for seven to 15 years' imprisonment for **passing information** to the United States government or its agents that could be used to bolster anti-Cuban measures such as the US embargo or related destabilising activities within Cuba. This would rise to 20 years if the information is acquired with the participation of two or more persons; is passed on in order to receive personal gain; or is acquired surreptitiously or in a work context. Similarly, the penalty would be aggravated if the Cuban economy were ultimately to be harmed by the information being passed or if, as a result, the United States government were to take punitive measures against Cuban or foreign enterprises.

Article 5 provides for penalties of three to eight years, and/or a fine, for those who **seek out classified information** to be used in this way, which would rise to twelve years in the aggravating circumstances outlined above.

Under article 6 the legislation also sanctions with three to eight years and/or a fine the introduction into Cuba, ownership, distribution or reproduction of '**subversive materials**' from the US government that would facilitate US economic aggression or related destabilising activities within Cuba. The penalties are more severe for those who do so for personal gain or who cause damage to the Cuban economy.

It proposes in article 7 terms of imprisonment of up to five years for collaborating with radio and TV stations, printed publications or other **media** deemed to be assisting US policy; accredited foreign journalists are exempt. Again, the penalties are more severe if the individual profits by the activity.

Also punishable by up to five years' imprisonment are acts which **disturb public order** for the benefit of the US economic war on Cuba, according to article 8; the penalties increase for organisers of such events.

Article 9 outlaws '**any act intended to impede or prejudice the economic relations** of the Cuban state' with penalties of up to 15 years. This can be extended if violence, blackmail or other illegal means are used; if private profit is obtained as a result; or if the United States government takes punitive measures in reprisal. The remaining articles cover **incitement** of others to commit any of the above acts; **distribution of US funds or materials** for these activities; and **collaboration with third states** sympathetic to US aims in Cuba.

c. Application of Law 88 in the recent trials

Cuban authorities have consistently presented the crackdown as a response to US aggression; in a recent press conference, for example, Foreign Minister Pérez Roque maintained that Cuba had until now deliberately refrained from applying the strict measures of Law 88, passed in 1999, out of a 'spirit of tolerance:'

the laws which were applied to try the mercenaries who act in the service of the power that is attacking its people, are laws dating from the end of the 90s and that had not been applied, in a spirit of tolerance; they were our response to Helms-Burton; but we have been placed in a situation where we had no other option, and we have acted.⁸⁰

In this way, Law 88 itself is presented as a Cuban response to perceived US aggression, and the crackdown a reaction to a US-led rather than a domestic threat. In another press conference, the Foreign Minister spelled the connection out clearly, concluding a review of the provisions of Law 88 as follows:

It is the North American Interests Section in Havana, and this has been fully proven in the trials, that creates, directs, finances, stimulates, protects the creation and the subversive work of its agents in Cuba. How does it do this ? In fulfillment of the Helms-Burton Law.⁸¹

Human rights concerns with regard to the charges

Though passed in 1999, this crackdown marks the first time that the provisions of Law 88, described in detail above, have been applied in criminal proceedings in Cuba. This development is of grave concern, as elements of the law, mirroring other aspects of the Cuban legal framework, appear to place unlawful restrictions on internationally-recognised rights.

International standards make clear that the exercise of the right to freedom of expression, among other rights, shall only be subject to restriction on a well-defined

⁸⁰ "Conferencia de prensa ofrecida por el canciller cubano Felipe Pérez Roque, a la prensa nacional y extranjera, sobre los resultados de la votación en la Comisión de Derechos Humanos de Ginebra, en el MINREX, el 18 de abril del 2003." Transcript in *Granma*, 22 April 2003, año 7, número 112. Unofficial translation.

⁸¹ "Conferencia de prensa ofrecida por el canciller Felipe Pérez Roque con relación a los juicios del 3,4,5 y 7 de abril. Ciudad de La Habana, 9 de abril de 2003." Transcript in *Juventud Rebelde*, 10 April 2003. Unofficial translation.

and exceptional basis. Article 19 of the International Covenant on Civil and Political Rights defines these restrictions as

such as are provided by law and are necessary:

(a) for the respect of the rights or reputations of others;

(b) for the protection of national security or of public order (*ordre public*), or of public health or morals.⁸²

The Human Rights Committee's General Comment on the implementation of article 19 specifies that "when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself."⁸³ International jurisprudence has affirmed that any restriction must be strictly proportionate to the threat posed to national security or other legitimate interest, and must not exceed what is strictly necessary to fulfill that aim.

In contrast, as outlined in section 2.3.b above, the Cuban Constitution places clearly excessive limitations on the exercise of fundamental freedoms:

none of the liberties recognised for the citizens can be exercised against what is established by the Constitution and the laws, or against the existence and objectives of the socialist state, or against the decision of the Cuban people to construct socialism and communism.⁸⁴

In this way, the exercise of fundamental freedoms in ways which are perceived to be in any way "against" the system is not Constitutionally protected. Law 88, and other laws within the Cuban system, place further restrictions on these freedoms, in violation of international standards.

Concerns about unlawful restriction of fundamental freedoms lead to related ones with regard to arbitrary detention,⁸⁵ whether arrests have taken place under the provisions of Law 88 or article 91 of the Penal Code covering acts against the independence or territorial integrity of the state.

⁸² International Covenant on Civil and Political Rights (adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 23 March 1976), article 19.

⁸³ Human Rights Committee, CCPR General comment 10, 29 July 1983.

⁸⁴ Constitution of 1976, article 62, unofficial translation.

⁸⁵ Arbitrary deprivation of liberty is expressly prohibited by article 9 of the Universal Declaration of Human Rights and article 25 of the American Declaration of the Rights and Duties of Man, among other instruments.

The United Nations Working Group on Arbitrary Detention (WGAD) has established criteria for determining when detention is arbitrary under international standards. These criteria include when there is no legal grounds for detention; when the deprivation of freedom relates to the exercise of certain freedoms or rights protected by international law; or when the right to fair trial has not been respected.⁸⁶ Since its creation in 1991, the WGAD has raised a number of individual cases with the Cuban Government, and has determined that more than twenty individuals were arbitrarily deprived of liberty. The most frequent reason was the criteria pertaining to the exercise of fundamental freedoms and rights. In an open letter on 3 April, the International Federation for Human Rights informed the Cuban government that it was bringing the mass arrests and trials to the attention of the Working Group.⁸⁷

The text of law 88 may be determined to lead to arbitrary detention in some or all cases, in that it imposes unjustifiable limits on freedom of expression, association and assembly based on the potential foreign reaction to or possible economic ramifications of such acts, in violation of international standards as described above.

Equally worrying, the descriptions of a number of the proscribed acts seem so general and vague as to risk being interpreted subjectively and in a manner damaging to fundamental freedoms: such could be the case with article 9 of Law 88 outlawing 'any act intended to impede or prejudice' Cuba's economic relations or the 'subversive material' prohibited in the law's article 6. Similarly, with regard to article 91 of the penal code regarding 'an act with the objective of damaging the independence or territorial integrity of the Cuban state,' the behaviour which the article is meant to prohibit is ill-defined and open to subjective interpretation, potentially opening the door to arbitrary detention.

4.2. Prosecutions: the case against the dissidents

Amnesty International has reviewed trial documents for 51 of the 75 dissidents prosecuted. The section on individual cases below contains information on the specific charges against given individuals. In general, the prosecutors' briefs accuse the dissidents of

⁸⁶ Report of the Working Group on Arbitrary Detention to the United Nations Commission on Human Rights, E/CN.4/1992/20, Annex I, 21 January 1992.

⁸⁷ Open letter from the International Federation for Human Rights to Fidel Castro, President of the Republic of Cuba, 3 April 2003.

- receiving funds and/or materials from the United States government, either through its agencies or third parties,
- in order to engage in a number of activities which the authorities perceived as subversive and damaging to Cuba's internal order and/or beneficial to the embargo or other punitive measures by the US against Cuba.

As mentioned above, the Helms-Burton Law provides for US funding for individuals and groups to support "democracy-building" efforts in Cuba. In addition, the US funds other initiatives, such as Miami-based *Radio Martí*, aimed at disseminating within Cuba views critical of Castro and the Cuban system. Foreign Minister Felipe Pérez Roque made extensive references to this funding in his 9 April press release on the trials of the dissidents.⁸⁸ Security agents of the Cuban state who had infiltrated dissident groups, and who later testified against some dissidents at their trials, reported regularly receiving and handling funds from various groups in the United States that were in turn financed by agencies of the US government.⁸⁹ The text box provided here gives a sample of the information publicly available on such funding.

As also mentioned above, Cuba has consistently expressed outrage at these practices, declaring them, with the US embargo, acts of aggression against Cuba. Cuba has moreover accused the US of an escalation of provocations against Cuba following the posting of James Cason as head of the US Interests Section in Havana.

The dissidents were not charged under articles of the Penal Code covering spying or revelation of secrets concerning state security (articles 95-97), and the evidence given does not point to such activity. None of them held sensitive positions of authority through which they would have access to privileged information. Whatever the merits of the Cuban government's argument with the United States over its practices in Cuba, a review of the limited information contained in the trial documents indicates that the specific behaviour for which dissidents were prosecuted was non-violent and seemed to fall within the parameters of the legitimate exercise of fundamental freedoms rather than those of any recognisable criminal activity.

⁸⁸ "Conferencia de prensa ofrecida por el canciller Felipe Pérez Roque con relación a los juicios del 3,4,5 y 7 de abril. Ciudad de La Habana, 9 de abril de 2003." Transcript in *Juventud Rebelde*, 10 April 2003. Unofficial translation.

⁸⁹ "Agent gained trust of Cuban dissidents," Associated Press, 22 April 2003.

According to the trial documents available, the activities on which the prosecutions were based included, among others,

- publishing articles or giving interviews, in US-funded or other media, said to be critical of economic, social or human rights matters in Cuba.
- communicating with international human rights organisations.
- having contact with entities or individuals viewed as hostile to Cuba's interests, including US functionaries in Cuba and hardline figures or groups in the Cuban exile community in the United States and Europe.⁹⁰
- distributing or possessing material, such as radios, battery chargers, video equipment or publications, from the US Interests Section in Havana.
- being involved in groups which have not been officially recognised by the Cuban authorities and which were accused of being counterrevolutionary, including among others unofficial trade unions, professional associations such as doctors' and teachers' associations, academic institutes, press associations and independent libraries.

Despite the Cuban government's claims that such acts threatened national security and therefore warranted prosecution, the above activities constitute legitimate exercise of freedoms of expression, assembly and association, and cannot in themselves justify the authorities' repressive reaction.

⁹⁰ One example of mass arrests following dissident contact with foreign diplomats took place around the 1999 Ibero-American Summit. The Ibero-American Summit is an annual event begun in 1991 to bring together the heads of state of the Spanish- and Portuguese-speaking nations of Europe and America to discuss issues of common concern. The 1999 meeting was held in Havana. Prior to and following the summit, some 260 dissidents were detained. Most were released without charge shortly thereafter, but a number were brought to trial and served prison sentences.

Some examples of US government funding for Cuba

Radio Martí was established by the the 1983 Radio Transmissions for Cuba Act. It began broadcasting from the US into Cuba in 1985, with a budget for this fiscal year of US\$ 15,000,000. (Source: www.martinoticias.com/mision.asp)

The **United States Agency for International Development (USAID)** provides funds for work on Cuba pursuant to the 1992 Cuban Democracy Act and the 1996 Cuban Liberty and Solidarity ('Libertad') Act (Helms-Burton Act). The goal of the program is to "promote rapid, peaceful transition to democracy in Cuba, helping develop civil society." The program description states that USAID policy precludes recipients from using grant funds to provide cash assistance to any person or organisation in Cuba.

Recipients under the project for "Building solidarity with Cuba's human rights activists" include:

- Freedom House: Cuban Democracy Project (\$1,325,000): "promotes the formation of civil and political leadership in Cuba by linking professional organizations in Cuba to one another and to those in free democracies."
- Grupo de Apoyo a la Disidencia (Dissidence Support Group) (\$2,700,000): "provides humanitarian assistance and informational materials to political prisoners and their families and other victims of repression."
- International Republican Institute (\$2,174,462): "helps create and bolster international solidarity committees in Latin America and Europe to provide material, moral and ideological support for democratic activists in Cuba."

Recipients under the "Giving voice to Cuba's independent journalists" project include:

- Cuba Free Press (\$280,000 - completed): "published the work of professional and independent writers and journalists inside Cuba."
- CubaNet (\$833,000): "expanding its comprehensive internet on-line coverage of Cuba's independent journalists, and other national and international press reports on Cuban human rights and economic issues."

The "Helping develop independent Cuban NGOs" project recipients include:

- Pan American Development Foundation (\$553,500): "establishes linkages between Cuban NGOs and counterpart NGOs operating elsewhere in the Americas, to demonstrate how NGOs function within democratic societies. Provides information and material assistance to Cuba's independent libraries."
- University of Miami: developing civil society (\$320,000 – completed): "facilitated access to information and training for Cuban NGOs and individuals."
- Florida International University: NGO development (\$291,749): "trains Cuban NGO leaders in management and delivery of social services."

The "Planning for transition" project recipients include:

- US-Cuba Business Council (\$852,000 – completed): "surveyed US private sector resources and plans to assist the eventual reconstruction of the Cuba economy. Conducted a conference series on Cuba's democratic free market future."
- University of Miami: Cuba transition planning (\$1,545,000): "analyzes challenges that will face a future transition government in Cuba, including: legal reform, political party formation, privatization and foreign investment, combating corruption, education reform, economic policy reform, international donor coordination."

(Source: USAID webpage, www.usaid.gov/regions/lac/cu/upd-cub.htm).

4.3. The trials: summary justice

As mentioned previously, the treatment of those detained in the March mass arrests was different from those caught up in previous crackdowns in February and December 2002. In the earlier arrests, dissidents were either released after a short period or held for long stretches without trial. One factor of note about the March arrests was the speed with which trials were organised and held; the majority of trials were concluded by the end of the first week of April.

As Amnesty International and other human rights organisations have previously noted, the right to a fair trial is severely limited in Cuba, with the courts and prosecutors under government control. Article 75 of the Constitution states that Cuba's National Assembly should elect the President, Vice-President and the other judges of the People's Supreme Court, as well as the Attorney General and the Deputy Attorney General.⁹¹ According to Article 121 of the Constitution, the courts are hierarchically subordinate to the National Assembly and the Council of State. This raises concerns with regard to the internationally-recognised right to trial by an independent and impartial tribunal.⁹²

The full exercise of the right to defence is also problematic, as lawyers are employed by the Cuban state and as such may be reluctant to challenge prosecutors and the evidence presented by the security apparatus. This raises concern with regard to respect for the right to an effective defence.⁹³

The dissidents' trials were generally held in provincial courts. Once the prosecution has prepared its case, the defendant is meant to be allowed access to a defence lawyer, although this was reportedly not respected in these cases. In instances where the

⁹¹ "The attributes of the National Assembly of Popular Power are ... m) to elect the President, Vice Presidentes and other Judges of the Supreme Popular Tribunal; n) to elect the Attorney General and the Vice Attorneys General of the Republic." Constitution of 1976, article 75. Unofficial translation.

⁹² This right is recognised under article 10 of the Universal Declaration of Human Rights, article 14.1 of the International Covenant on Civil and Political Rights and article XXVI of the American Declaration of the Rights and Duties of Man, among others. See also Basic Principles on the Independence of the Judiciary (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985).

⁹³ See Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

defendant did not appoint a lawyer, an *abogado de oficio*, ex-officio advocate, was assigned. Family members and colleagues of the accused charged that the authorities denied the attorneys access to the defendant and said that as a result they had been unable to prepare their defense, in violation of international fair trial standards.

The hearings took place in front of panels of judges. Although some family members and others were allowed to attend, foreign diplomats and some journalists were barred from entering.

Foreign Minister Pérez Roque defended Cuba's recourse to summary trials in these cases, and denied claims that the right to an adequate defense had not been respected. In a press release following the trials, he noted that 54 attorneys took part in the 29 trials, representing 75 dissidents; and that of these 44 were named by the defendants or their families. He maintained that foreign diplomats had no reason to attend the trials.

A total of twelve reported state security agents testified at the April trials; they had been involved in the dissident movement for a number of years, and several of them had become prominent leaders of groups of journalists or other activists.⁹⁴ Some observers expressed the opinion that the fact that the government was willing to reveal so many of its agents indicated the seriousness of the crackdown.

In a recorded 9 April press conference, Foreign Minister Felipe Pérez Roque presented journalists with a series of pieces of evidence from the dissidents' trials. Copies of these were distributed at the United Nations Human Rights Commission, and a copy is attached here as Appendix 1. The evidence includes:

- A copy of an open entry badge to the US Interests Section in the name of dissident Oscar Elías Biscet.
- A list entitled 'Summary of shipments carried out' from what appears to be an account based in Coral Gables, Florida, USA, for Frank Hernández Trujillo, reportedly head of the US-based *Grupo de Apoyo a la Disidencia*, Group for Support to Dissidence. The list contains dates; dispatch numbers; names and identity card numbers of recipients, some of whom were caught up in the crackdown; and the type of goods. These included money, videos, lamps and telephones.

⁹⁴ 'Agente Tania,' dissident Odilia Collazo Valdés, was president of the *Partido Pro Derechos Humanos de Cuba*, a group that she reportedly joined in 1990. She was among the dissidents who were harassed by the Cuban authorities, and at one point was declared a possible prisoner of conscience by Amnesty International. After revealing herself as a state agent, she testified that in her human rights work, she helped dissidents to dissimulate being the victims of repression so that they could eventually gain a US visa. (See "Otra vez Odilia," *Juventud rebelde*, 12 April 2003.)

- Two photos of James Cason with what appears to be the same group of individuals; the captions say "James Cason founds the 'youth wing of the Liberal Cuban Party'" and "James Cason shares snacks with the 'future' of subversion." A third photo shows Cason with prominent dissident Marta Beatriz Roque Cabello.
- A photocopy of what appears to be the cover of a magazine, '*De Cuba: Revista de la Sociedad de Periodistas Manuel Márquez Sterling, miembro de la Red Internacional de Reporteros sin Fronteras*,' From Cuba: Magazine of the Journalists Society 'Manuel Márquez Sterling', member of the International Network of Reporters sans frontières, dated December 2002. The subtitle says that the magazine was printed in the US Interests Section.
- A handwritten signed note on letterhead of the 'Bibliotecas independientes de Cuba,' 'Independent Libraries of Cuba,' apparently referring to the receipt and spending of US dollars.
- Three handwritten notes, apparently to dissident Osvaldo Alfonso, on letterhead marked 'Carlos Alberto Montaner.'⁹⁵ The text of the notes indicate that two were accompanied by a sum of US\$ 200 and the third by 30,000 Spanish pesetas. The text of one says that "everyone has as an outlook the death of Fidel. Afterwards, we'll see." The text of another mentions the Varela Project. The explanatory note gives the full text as "Very soon some high level Spanish friends will call you to talk about the Varela Project. I suggested five names to found this new idea," although only the beginning of the second sentence is visible in the photocopy provided.

Again, despite the Cuban authorities' claims that this evidence demonstrated a threat to national security and therefore warranted prosecution, the evidence in itself is not indicative of any obvious criminal activity, and cannot in itself justify the authorities' repressive reaction.

4.4. Sentencing

For many of the defendants, the prosecution called for the upper limit of the prescribed sanction. A number of defendants faced calls for life imprisonment, on the basis of 1999 revisions to the penal code:

⁹⁵ Carlos Alberto Montaner is a prominent anti-Castro exile. He has strongly denied the accusations made against him by Cuban authorities during the trials. "Montaner dice no pertenece a la CIA ni fundó Proyecto Varela," EFE, 10 April 2003.

The sanction of life imprisonment can be imposed as the principal sanction in crimes for which it is expressly provided or alternatively in those which provide for the death penalty.⁹⁶

In one instance, that of José Daniel Ferrer García, prosecutors reportedly called for the death penalty.⁹⁷ At sentencing, one activist received a sentence of six years; the rest received between ten and 28 years.

⁹⁶ Law no. 87, modifying the Penal Code, 1999. Article 30.2.

⁹⁷ "Piden pena de muerte en Cuba a un activista pacífico," *El Nuevo Herald*, 7 April 2003.

5. Individual case summaries: the faces of the dissident movement

The 75 dissidents caught up in the crackdown represent all facets of the dissident movement in Cuba. They include longtime activists, some well-known and some less so. Below are summaries, based on past Amnesty International work and the available information, of their backgrounds and involvement in the dissident movement. Where available, the summaries conclude with an overview of the accusations against them in the trial documents. The text box includes descriptions of some important initiatives in the recent history of peaceful dissent in Cuba, which may be helpful in tracing the activities of some of the individuals targeted in the crackdown.

The case summaries below have been arranged alphabetically. The 75 individuals described were all arrested in the March crackdown, and have subsequently been sentenced to harsh prison terms following summary trials. Amnesty International considers them to be prisoners of conscience, detained solely for the peaceful exercise of fundamental freedoms.

The information contained in these summaries is current as of this document going to print.

The *Concilio Cubano*, Cuban Council, was a forum of some 140 unofficial groups including human rights groups, political opposition groups, and groups of journalists, lawyers, women, young people, economists, engineers, ecologists and trade unionists. It was established in October 1995 to work for political change through peaceful means. Its aims included an amnesty for political prisoners; respect for the Constitution; fulfillment of Cuba's international human rights obligations; lifting of labour restrictions; and movement towards more free and open direct elections.⁹⁸

Concilio Cubano members were subjected to a government crackdown in late 1995 and early 1996; a planned national meeting scheduled for 24 February 1996 was eventually banned by the authorities.⁹⁹ Scores of people were arbitrarily detained; though most were released shortly thereafter, four were sentenced to prison terms and were considered prisoners of conscience by Amnesty International.

The "**Todos Unidos**," "All Together" movement of dissident groups was formed in the runup to the 1999 Ibero-American Summit. Their Joint Declaration on the occasion of the Summit was, over the next years, signed by a growing number of individuals representing a significant number of dissident groups across the island. In March 2001, 117 "Todos Unidos" signatories issued a proclamation in favour of the Proyecto Varela referendum movement (see below), and "Todos Unidos" members were instrumental in gathering signatures and support for Proyecto Varela. In December 2002, the "Todos Unidos" movement released a series of Proposals for measures to resolve the crisis, including a range of economic, labour, social and legal measures to reform national life.

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, and signatures were collected by a broad range of organisations. In March 2002 project organisers reported having collected the 10,000 signatures constitutionally required to hold a referendum; these were submitted to the National Assembly. In December 2002 Oswaldo Payá received the European Union's top human rights award, the Sakharov Prize, named after the late Soviet dissident.

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; several of the initiative's leaders were arrested in the recent roundup.

⁹⁸ For more information see Amnesty International, *CUBA: Government crackdown on dissent* (AI Index AMR 25/14/96), April 1996.

⁹⁹ Amnesty International, *CUBA: Dissidents imprisoned or forced into exile* (AI Index: AMR 25/29/96), July 1996.

1. Nelson Alberto Aguiar Ramírez, aged 57, is president of the unofficial *Partido Ortodoxo de Cuba*, Cuba Orthodox Party, and a member of the recent initiative, *Asamblea para Promover la Sociedad Civil*, Assembly to Promote Civil Society. He is an electrician by profession, and has been involved in activities critical of the government for a number of years. In one example, in December 1999 he was detained during a mass arrest of dissidents aimed at preventing them from participating in celebrations commemorating the 10 December anniversary of the Universal Declaration of Human Rights.

He was detained on 20 March 2003,¹⁰⁰ and his house was carefully searched, with a number of documents reportedly confiscated. The prosecution claimed that he had been involved in anti-governmental activities since the 1990s, that he had received funds from the US government and that he had been a member of the unofficial *Confederación de Trabajadores Democráticos de Cuba*, Confederation of Democratic Workers of Cuba, since 2000.

Nelson Aguiar was charged under articles 6.1 and 11 of Law 88.¹⁰¹ He received a 13-year sentence.¹⁰² He is currently serving his sentence in Boniato provincial prison in Santiago de Cuba.

2. Osvaldo Alfonso Valdés, aged 38, is president of the unofficial *Partido Liberal Democrático*, Liberal Democratic Party. He has been a member of the "*Todos Unidos*," "All Together" movement, and the steering committee of the *Proyecto Varela* initiative.

Osvaldo Alfonso was arrested on 18 March 2003. The verdict against him referred to his alleged ties to the United States Agency for International Development, USAID:

The accused ALFONSO VALDES was called to the US Interests Section in Havana by a USAID functionary to verify whether he was receiving the aid destined for them, in money, equipment, books and other materials, to promote and develop their work.¹⁰³

The verdict also states that

¹⁰⁰ Amnesty International, "CUBA: Massive crackdown on dissent," (AI Index AMR 25/008/2003), April 2003. Please note that in this document his name was incorrectly given as Nelson Aguilar Ramírez.

¹⁰¹ Case 12/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹⁰² Sentence 7/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 4 April 2003 (case 12/2003).

¹⁰³ Sentence 6/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 6 April 2003 (case 11/2003). Unofficial translation.

Equally, the accused ALFONSO VALDES, PALACIOS RUIS [sic] and CANO RODRIGUEZ wrote and signed on 19 December 2002 in Havana a document called 'Cuba: proposals for measures to solve the crisis,' created by the union of different illegal organisations called 'Todos Unidos.' The document was disseminated abroad, a clear means of implementing the measures established by the Helms Burton law to increase the US blockade against Cuba, as the proposals in the two texts are very similar.¹⁰⁴

This document, which was available on a number of websites, is described in the textbox at the beginning of this section. It proposed a number of economic, labour, social and legal measures to reform national life.

Oswaldo Alfonso was convicted under article 91 of the Penal Code, with “*actos contra la independencia o la integridad territorial del Estado*,” “acts against the territorial independence or integrity of the state,” as well as under articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88.¹⁰⁵ The trial verdict claimed that he had confessed to some of the activities of which he had been accused, and he received an 18-year sentence. The prosecution had asked for a life sentence for him.¹⁰⁶ He is currently being held in Guanajay prison, Havana province.

3. Pedro Pablo Alvarez Ramos, 55 years old, is President of the unofficial *Consejo Unitario de Trabajadores Cubanos (CUTC)*, United Cuban Workers Council. The CUTC is affiliated with regional and international labour bodies such as the *Central Latinoamericana de Trabajadores (CLAT)*, Latin American Workers Office, and the *Confederación Mundial de Trabajadores*, World Confederation of Labour. He served as a vice delegate in the 1995-96 *Concilio Cubano* initiative, and became involved with the *Proyecto Varela* in 2002.

Pedro Pablo Alvarez has been subjected to harassment and detention for his trade union activities since at least 1996. He was put under house arrest, summoned and interrogated on a number of occasions, during waves of mass arrests or harassment of *Concilio Cubano* activists.¹⁰⁷

He was again detained in August and October 2000, apparently in relation to his work in preparing the first CUTC congress, planned for 20-21 October. Several other trade union members and dissidents were arrested with him on 13 October, and other leaders

¹⁰⁴ Ibid. Unofficial translation.

¹⁰⁵ Ibid.

¹⁰⁶ Case 11/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹⁰⁷ Amnesty International, "Cuba: Government crackdown on dissent," (AI Index: AMR 25/14/96), April 1996.

of the CUTC were visited and threatened with arrest should they attend the CUTC conference. He was subsequently held in detention for over three months, during which time he was formally charged with resisting arrest in November 2000.¹⁰⁸ He was released on 26 January 2001. The trial verdict indicated that he did not have a prior criminal record.¹⁰⁹

On the morning of 19 March 2003 Pedro Pablo Alvarez' house was searched, and all the books of the private library there, the '*Biblioteca sindical Emilio Máspero*,' were confiscated. He received a 25-year sentence under article 91 of the Penal Code¹¹⁰ and is currently imprisoned in the *Prisión Provincial de Ciego de Avila*, Ciego de Avila Provincial Prison (called "*Canaleta*").

4. Pedro Argüelles Morán, 55 years of age, is a member of the *Cooperativa de Periodistas Independientes*, Cooperative of Independent Journalists. He is also a member of the *Comité Cubano Pro Derechos Humanos*, Cuban Committee for Human Rights, in Ciego de Avila. Neither organisation has been recognised by the Cuban authorities.

Pedro Argüelles has reportedly been harassed periodically for his activities since 1997, including through threats, warnings and short term detentions.¹¹¹

Pedro Argüelles was sentenced under articles 6.1, 6.3b, 7.1, 7.3 and 11 of Law 88 to 20 years' imprisonment.¹¹² He is currently being held in the provincial prison in Santa Clara.

5. Víctor Rolando Arroyo Carmona, aged 52, is vice-president of the unofficial group *Foro por la Reforma*, Forum for Reform, as well as a member of the unofficial *Unión de Periodistas y Escritores Cubanos Independientes (UPECI)*, Union of Independent Cuban Journalists and Writers.

In January 2000 Víctor Arroyo was sentenced to six months' imprisonment, reportedly for buying, with money sent by exile groups in Miami, toys for distribution to

¹⁰⁸ Amnesty International press release, "*Cuba marks Human rights day with mass detentions and sentences for dissidents*," (AI Index: AMR 25/026/2000), 14 December 2000.

¹⁰⁹ Sentence 10/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 13/2003).

¹¹⁰ *Ibid.*

¹¹¹ Amnesty International, "*Cuba: Some releases but repression and imprisonment continue*," (AI Index: AMR 25/05/99), February 1999.

¹¹² Sentence 2/2003, *Tribunal Provincial Popular*, People's provincial Court, Ciego de Avila, 4 April 2003 (case 1/2003).

disadvantaged children.¹¹³ The arrest took place during a period of clampdown on dissidents, in the aftermath of the 1999 Ibero-American Summit in Havana. He was released on 20 July 2000, and continued his activities, in spite of reported incidents of harassment.

Víctor Arroyo was arrested on 18 March 2003. On 5 April 2003 he was convicted of criminal activity under article 91 of the penal code and sentenced to 26 years in prison.¹¹⁴ The text of the verdict noted, among other accusations against him, that he had been awarded the Hellman/Hammet human rights prize by Human Rights Watch. Although Víctor Arroyo lives and was tried in Pinar del Río, on the west end of Cuba, he has been transferred to the other end of the island and is currently being held in the provincial prison in Guantánamo.

6. Mijail Barzaga Lugo, aged 35, was reportedly detained on 20 March 2003, and charged with infractions under articles 4.1, 4.2b, 7.1 and 7.3 of Law 88.¹¹⁵ He was sentenced to 15 years.¹¹⁶

According to the trial verdict, Mijail Barzaga had worked as an 'independent journalist' and was paid by US government funds:

It has been proved that the accused Mijail Barzaga Lugo, in 2002, wrote, as an 'independent journalist' in different websites like Cubanet, Cubaliberal and Payolibre (the first of which is financed by the North American government agency USAID), different articles of a subversive and counterrevolutionary type, with the obvious objective of their being used in campaigns to discredit the Cuban socialist state.¹¹⁷

Mijail Barzaga was tried in Havana, but is being held in the provincial prison in Santa Clara province.

¹¹³ Amnesty International Urgent Action (AI Index: AMR 25/01/00), 18 January 2000 and Amnesty International, "CUBA: Prisoners of Conscience: New convictions overshadow releases," (AI Index: AMR 25/21/00), October 2000.

¹¹⁴ Sentence 1/2003, *Tribunal Provincial Popular*, People's provincial Court, Pinar del Rio, 5 April 2003 (case 2/2003).

¹¹⁵ Case 12/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹¹⁶ Sentence 7/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 4 April 2003 (case 12/2003).

¹¹⁷ *Ibid.* Unofficial translation.

7. Oscar Elías Biscet González, 41 years old, president of the unofficial *Fundación Lawton de Derechos Humanos*, Lawton Human Rights Foundation, has been detained over two dozen times in the past. In one instance, he was arrested on 3 November 1999 and served a three year sentence, charged with 'insult to the symbols of the homeland,' 'ultraje a los símbolos de la patria,' 'public disorder,' '*desorden público*,' and 'incitement to commit an offence', '*instigación a delinquir*.' During his imprisonment he was considered by Amnesty International to be a prisoner of conscience.¹¹⁸ He was released on 31 October 2002 from a maximum security prison in Holguín province, and reportedly gave a press conference denouncing prison conditions a short time afterwards.

On 6 December 2002 Oscar Biscet was re-detained with 16 other dissidents after they attempted to meet at a home in Havana to discuss human rights.¹¹⁹ When police prevented them from entering the home, Oscar Biscet and the others reportedly sat down in the street in protest and uttered slogans such as "long live human rights" and "freedom for political prisoners." The group was then arrested, though most of them were released shortly afterwards.

In spite of the fact that he was already in detention during the crackdown, Oscar Biscet was tried together with a number of dissidents who were arrested in March. He was sentenced under article 91 of the Penal Code to 25 years in prison.¹²⁰ Although he lives and was tried in Havana, he is currently imprisoned in Kilo 5 1/2 prison in Pinar del Río province.

8. Margarito Broche Espinosa, aged 45, was reportedly tried and fined after trying to leave the country illegally in 1992, and was said to have been harassed on several occasions in recent years.

He was arrested on 18 March 2003. According to the trial verdict, after his own attempt at leaving the country, Margarito Broche founded a group called *Asociación Nacional de Balseros, Paz, Democracia y Libertad del Centro Norte de Cuba*, the National Association of Rafters, Peace, Democracy and Liberty of North Central Cuba. The group was accused of having as its aims

¹¹⁸ Amnesty International, "CUBA: Prisoners of conscience: new convictions overshadow releases" (AI Index: AMR 25/21/00), October 2000.

¹¹⁹ Amnesty International, "CUBA: Continued detentions following mass arrests in February and December 2002" (AI Index: AMR 25/001/2003), February 2003.

¹²⁰ Sentence 16/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 8 April 2003 (case 15/2003).

To render homage to boat people who went missing or were returned [to Cuba] following attempts to leave the country secretly, and through this, to sabotage the migration accords signed between the governments of Cuba and the United States, creating a favourable atmosphere for the North American authorities to violate those accords and to search for justifications for toughening its policies against our people.¹²¹

Margarito Broche received a 25-year sentence under article 91 of the penal code.¹²² He is currently being held in Guanajay prison in Havana province.

9. Marcelo Cano Rodríguez, 38 years old and a medical doctor, is National Coordinator of the unofficial *Colegio Médico Independiente de Cuba*, Cuban Independent Medical Association, an association of medical professionals around the island. He is also a member of the unofficial *Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)*, Cuban Commission for Human Rights and National Reconciliation.

Marcelo Cano was arrested on 25 March 2003 in Las Tunas, reportedly as he was investigating the arrest of another March detainee, Jorge Luis García Paneque. He had no previous criminal record. The activities which the prosecution cited against this human rights defender included visiting prisoners and their families as part of his work with the CCDHRN, and maintaining ties to the international organisation *Médicos sin Fronteras*, Doctors without Borders.¹²³

Marcelo Cano was tried and convicted under article 91 of the Penal Code and articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88 to 18 years in prison.¹²⁴ Although he lives and was tried in Havana, he was transferred and is serving his sentence in the *Prisión Provincial de Ciego de Avila*, Ciego de Avila Provincial Prison (called "*Canaleta*").

¹²¹ Sentence 3/2003, *Tribunal Provincial Popular*, People's provincial Court, Villa Clara, 7 April 2003 (case 1/2003). Unofficial translation.

¹²² *Ibid.*

¹²³ Case 11/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹²⁴ Sentence 6/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 6 April 2003 (case 11/2003).

10. Juan Roberto de Miranda Hernández, aged 57, is vicepresident of the unofficial *Colegio de Pedagogos de Cuba*, Teachers College of Cuba. He has reportedly been harassed and detained numerous times in the past for being involved in activities critical of the government.

On 7 September 1998 he was detained for three days during the most significant crackdown on anti-government activism since the January 1998 visit of the Pope to Cuba. The arrest occurred when he was taking part in a demonstration outside the court where another activist, Reinaldo Alfaro García, was being tried.¹²⁵ He was again briefly detained following a demonstration outside the trial of dissident Mario Julio Viera González in November 1998;¹²⁶ harassment against him and his family reportedly continued in subsequent years.

Following his March arrest, Roberto de Miranda received a 20-year sentence under the state security provisions of article 91 of the Penal Code.¹²⁷ The prosecution had requested a sentence of 25 years.¹²⁸

The trial verdict contained one sentence regarding supposed links between Roberto de Miranda and an individual said to be connected to Alpha 66, a US-based Cuban exile group which has admitted carrying out violent attacks in Cuba in the past. However, aside from the assertion itself, there was no substantive information or evidence provided, and no accusation that Roberto de Miranda had plotted, encouraged or engaged in violent behaviour. As with the other cases, the activities for which he was tried appeared to amount to peaceful exercises of freedom of association and expression, for example the following:

In 1996 he created the illegal and counterrevolutionary College of Independent Teachers of Cuba, of which he named himself head. He also dedicated himself to intentionally and maliciously criticising the objectives of the Cuban education system, and tried to minimise the achievements in this area of our revolutionary process.¹²⁹

¹²⁵ Amnesty International, "*CUBA: Some releases but repression and imprisonment continue*" (AI Index: AMR 25/05/99), February 1999.

¹²⁶ *Ibid.*

¹²⁷ Sentence 8/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 16/2003).

¹²⁸ Case 16/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹²⁹ Sentence 8/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 16/2003). Unofficial translation.

For this reason Amnesty International considers that based on the available information, Roberto de Miranda, like the others tried following the crackdown, is a prisoner of conscience. He is currently imprisoned in Agüica prison, in the municipality of Colón in Matanzas province, though he was reportedly sent briefly to a military hospital on 20 April with heart problems. He also reportedly suffers from high blood pressure and kidney ailments.

11. Carmelo Agustín Díaz Fernández, 65 years old, is a member of the unofficial *Unión Sindical Cristiana Cubana*, the Christian Cuban Workers Union, and president of the also unofficial *Agencia de Prensa Sindical Independiente de Cuba (APSIC)*, the Independent Union Press Agency. He is the Cuban correspondent for the Venezuelan magazine *Desafíos*, and his articles have also appeared on a number of websites. He has been reportedly harassed and threatened with imprisonment for his work as a journalist and trade unionist.

Carmelo Díaz was sentenced to 16 years under article 91 of the Penal Code.¹³⁰ He is currently being held in Guanajay prison in Havana province.

12. Eduardo Díaz Fleitas, aged 51, belongs to a number of groups in his province of Pinar del Río, including the unofficial *Movimiento 5 de Agosto*, 5 August Movement. A farmer by profession, he reportedly worked for the state as a young man, but joined the opposition movement at the beginning of 1990s. Since then, he has been subjected to regular harassment, including summons, interrogations, house searches and periods of detention.

On 10 November 1999 he was arrested together with another activist at a demonstration that had begun in Dolores Park, in the run-up to the IX Ibero-American Summit.¹³¹ During the march the pair were reportedly injured by government supporters in the presence of the international press. After more than three months in detention, during which time he reportedly suffered medical problems and was moved to a military hospital, Eduardo Díaz was sentenced to a year's restricted freedom and house surveillance on 25 February 2000 for "desorden público," or public disorder.

Eduardo Díaz was convicted under articles 4.1, 4.2a-b, 6.1, 6.3a-b, 7.1, 7.3 and 11 of Law 88, and received a 21-year sentence.¹³² According to the trial verdict,

¹³⁰ Sentence 10/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 13/2003).

¹³¹ Amnesty International, "CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana" (AI Index: AMR 25/02/00), January 2000; Urgent Action update 161/99 (AI Index: AMR 25/05/00), 23 February 2000.

¹³² Sentence 1/2003, *Tribunal Provincial Popular*, People's provincial Court, Pinar del Río, 5 April 2003 (case 2/2003).

It is known by everyone in the area that he directs an opposition group of so-called 'human rights,' carrying out activities and meetings, using our national flag and showing posters asking for freedom for political prisoners and prisoners of conscience, in a frank challenge to the judicial, political and social system.¹³³

He is serving his sentence in Villa Marista, the headquarters of the Department of State Security.

13. Antonio Ramón Díaz Sánchez, 40 years old, is a member of the unofficial *Movimiento Cristiano Liberación*, Christian Liberation Movement, and has been active in the *Proyecto Varela* initiative. He is an electrician by profession.

Antonio Díaz was given a 20-year sentence for infractions under article 91 of the Penal Code.¹³⁴ This was the sentence requested by the prosecution.¹³⁵

Although he lives and was tried in Havana, he has reportedly been transferred to the provincial prison of Holguín at the other end of the island to serve his sentence.

14. Alfredo Rodolfo Domínguez Batista, is also a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, and has been involved in the *Proyecto Varela* initiative in Las Tunas province.

He was arrested on 19 March, tried and sentenced to 14 years. He began serving his sentence in "El Típico" provincial prison in Las Tunas, with four other men arrested in the crackdown. However, they were all transferred, reportedly after they had staged a protest in the prison. Alfredo Rodolfo Domínguez is now being held in Holguín provincial prison.

15. Oscar Manuel Espinosa Chepe, aged 62, is a former employee of the National Bank of Cuba. He also worked for the Cuban government as economic counsellor for the Cuban Embassy in Belgrade. Later, after expressing criticism of government policies, he became a journalist reporting on economic and other matters.

¹³³ Ibid. Unofficial translation.

¹³⁴ Sentence 8/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 16/2003).

¹³⁵ Case 16/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

Since being detained Oscar Espinosa has suffered health problems. He is believed to be suffering from a liver condition, a thoracic hernia, persistent hyper-tension and weight loss. On 20 April he was transferred to a military hospital, though his family maintains that medical treatment was withheld.¹³⁶

Oscar Espinosa was convicted under article 91 of the Penal Code and articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88 to 20 years in prison.¹³⁷ He was accused, among other activities, of "having a regular program on Radio Martí called 'Talking with Chepe,' where he gave distorted information on the Cuban economy."¹³⁸

Oscar Espinosa lives and was tried in Havana but has been transferred to Guantánamo provincial prison in eastern Cuba to serve his sentence. His health problems reportedly continue, and he was said to have again been taken to hospital in late May.

16. Alfredo Felipe Fuentes is a member of the *Consejo Unitario de Trabajadores Cubanos (CUTC)*, United Cuban Workers Council, and other organisations. He is said to have been active in collecting signatures for the *Proyecto Varela* initiative in Artemisa, Havana province, where he lives.

Alfredo Felipe was reportedly sentenced to 26 years. He is being held in Guamajal prison in the municipality of Santa Clara.

17. Efrén Fernández Fernández, age 54, is secretary of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, and was active in the *Proyecto Varela* signature drive in Havana.

Efrén Fernández was convicted of state security violations under article 91 of the Penal Code and sentenced to 12 years.¹³⁹ The prosecution had requested 15 years.¹⁴⁰ He was tried in Havana and is serving his sentence in Guanajay prison in Havana province.

¹³⁶ Urgent Action (AI Index: AMR 26/016/2003), 24 April 2003.

¹³⁷ Sentence 6/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 6 April 2003 (case 11/2003).

¹³⁸ *Ibid.* Unofficial translation.

¹³⁹ Sentence 8/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 16/2003).

¹⁴⁰ Case 16/2003, *Tribunal Provincial Popular*, Havana, 31 March 2003.

18. Juan Adolfo Fernández Sainz, 54 years old, is a trained English language translator, and reportedly worked in this field first with official structures and then with unofficial groups. He is also a journalist with the unofficial agency *Patria*, Fatherland.

In July 2002, the Cuban government reportedly denied him and three other dissidents permission to leave the country to participate in a seminar "Cómo democratizar Cuba desde dentro," "How to democratise Cuba from within," at the European Parliament in Strasbourg, France.

Adolfo Fernández was found guilty of infractions under articles 4.1, 4.2b, 7.1 and 7.3 of Law 88.¹⁴¹ He was sentenced to 15 years imprisonment,¹⁴² and has been transferred from Havana to the prison in Holguín province, eastern Cuba.

19. José Daniel Ferrer García¹⁴³ is an active *Proyecto Varela* supporter and regional co-ordinator for the *Movimiento Cristiano Liberación*, Christian Liberation Movement, in Santiago Province.

José Daniel Ferrer has reportedly been detained and harassed on numerous occasions for his work. He was briefly detained in November 2000 together with other dissidents, apparently to prevent them from attending the trial of fellow dissidents. On 22 January 2002, he and other *Proyecto Varela* activists were said to have been forced from the bus in which they were travelling and beaten by the police. Referring to the incident and to his *Proyecto Varela* work, he told a US-based reporter, "we're for peaceful change as allowed under our Constitution. We aren't breaking any laws by collecting those signatures, and they know it. They know it."¹⁴⁴

José Daniel Ferrer was sentenced to 25 years. The prosecution had reportedly requested the death sentence for him. He is serving his sentence in Kilo 5 1/2 prison in Pinar del Río in western Cuba, though he lives and was tried in Santiago de Cuba, at the other end of the island.

¹⁴¹ Case 12/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 31 March 2003.

¹⁴² Sentence 7/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 4 April 2003 (case 12/2003).

¹⁴³ NOTE: his last name was incorrectly given as Ferrer Castillo in earlier Amnesty International documents.

¹⁴⁴ "In Cuba, nothing is what it seems," *Sun Sentinel*, 14 April 2002.

20. Luis Enrique Ferrer García, aged 27, is the brother of José Daniel Ferrer García. He also is a member of *Movimiento Cristiano Liberación*, Christian Liberation Movement.

Luis Enrique Ferrer has been harassed and detained on numerous occasions. In December 1999 he was reportedly sentenced to 6 months' restricted freedom for his refusal to pay a fine which he claimed was imposed upon him unfairly.

During his trial, Luis Enrique Ferrer's family members were said to have been denied access to the court room, instead having to wait in the corridor. At the end of the trial, members of the public were said to have insulted and displayed physical aggression against the family members, reportedly pushing Luis Enrique Ferrer's mother to the floor.

Luis Enrique Ferrer was sentenced to 28 years' imprisonment. He was transferred from "El Típico" provincial prison in Las Tunas to Combinado del Este, reportedly after being involved in a protest with other activists caught up in the March crackdown.

21. Orlando Fundora Alvarez, 47 years old, is president of the unofficial *Asociación de Presos Políticos 'Pedro Luis Boitel'*, or 'Pedro Luis Boitel' Political Prisoners Association. His wife, Yolanda Triana, is director of a private library and is also an active dissident. Orlando Fundora reportedly lived in the US for a period after the 1980 Mariel boatlift. He was accused of illegal entry into Cuba on 27 July 1991 and sentenced to two years' imprisonment. He was released in 1993.

Orlando Fundora and his wife have reportedly been subjected to frequent harassment in recent years, including short-term detention and interrogation. Their house has reportedly been attacked by unknown assailants.

Following his March arrest, Orlando Fundora was tried and sentenced under article 91 of the Penal Code to 18 years in prison.¹⁴⁵ He is being held in Combinado del Este prison in Guanabacoa municipality in Havana province. Since his detention, there have been concerns for his health, as he is said to suffer from hypertension and heart problems.

22. Próspero Gaínza Agüero is the delegate for Holguín province of the unofficial *Movimiento Nacional de Resistencia Cívica 'Pedro Luis Boitel'*, 'Pedro Luis Boitel' National Civil Resistance Movement.

¹⁴⁵ Sentence 16/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 8 April 2003 (case 15/2003).

Próspero Gaínza reportedly took part in a number of activities critical of the government, and in 2002 was said to have been briefly detained for his participation in a protest by members of his group to demand to release of a detainee charged with 'public disorder.'

He was detained on 18 March 2003, and believed to have been charged under Law 88, on the basis of 'subversive' activities and material found during a search of his house. He was tried in Holguín on 3 April 2003 and shortly after, sentenced to 25 years in prison. He is serving his prison sentence in Boniato provincial prison in Santiago de Cuba, and is said to be in poor health.

23. Miguel Galván Gutiérrez is 38 years of age. He was born and lives in the town of Güines, Havana province, and is an engineer by profession. He has reportedly written articles for the unofficial press agency Havana Press and served as president of the unofficial *Colegio de Ingenieros y Arquitectos de Cuba*, College of Engineers and Architects of Cuba. He is also the area coordinator for *Proyecto Varela*.

In recent years Miguel Galván was reportedly harassed on numerous occasions, including through interrogation and short term detention. He was arrested on 18 March 2003, reportedly charged under Law 88 and Article 91 of the Penal Code and sentenced to 26 years in prison. He is serving his prison sentence in Agüica prison in the municipality of Colón in Matanzas province. Miguel Galván is said to be physically handicapped due to the effects of a past traffic accident, and his family has reportedly expressed concerns for his health.

24. Julio César Gálvez Rodríguez, aged 58, lives in Havana and works as a journalist. In 2001, he was allegedly sacked from the official radio stations *Radio Ciudad de La Habana* and *Radio Cadena Habana* for collaborating with the unofficial organization Cuba Free Press.

He reportedly continued his unofficial journalism work and was detained on 19 March 2003. He was sentenced under articles 4.1, 4.2b, 6.1, 6.3b, 7.1, 7.3, and 11 of Law 88, to a penalty of 15 years' imprisonment.¹⁴⁶ Although he is resident and was tried in

¹⁴⁶ Sentence 5/2003, *Tribunal Provincial Popular*, People's provincial Court, Havana, 5 April 2003 (case 14/2003).

Havana, he was transferred to the provincial prison in Santa Clara to serve his sentence. There are concerns for his health, as he is reported to suffer from high blood pressure.

25. Edel José García Díaz, 57 years old, worked as director of an unofficial press agency in Havana, and reportedly took part in a workshop on journalistic ethics held just before the crackdown.

According to reports Edel José García was harassed repeatedly during 1997, 1998 and 1999, including through short term detention, interrogation and official warnings.

Edel José García was convicted under articles 4.1, 4.2b, 6.1, 6.3b, 7.1, 7.3, and 11 of Law 88 and received a sentence of 15 years.¹⁴⁷ He was accused of writing articles about, among other topics, the poor physical condition of a school building in Havana, "accompanying this article with a photo of the state of this installation."¹⁴⁸ He is being held in Boniato provincial prison in Santiago, on the other side of the island from his home.

26. José Luis García Paneque, 38 years of age, lives in the province of Las Tunas. He is a plastic surgeon by training and a member of the unofficial *Colegio Médico Independiente de Cuba*, Cuban Independent Medical Association. He has also been involved in journalism, as director of the independent news agency *Libertad* and member of unofficial *Sociedad de Periodistas*, Journalists' Society, "*Manuel Marquez Sterling*." He was also reportedly involved in the *Proyecto Varela* initiative as well as directing a private library. In 2002, he was reportedly arrested and detained together with other journalists, but was later released.

José Luis García was detained on 18 March 2003. Following a search of his house, materials, correspondence and medical equipment were reportedly confiscated. He was said to have been charged and tried under Law 88 and Article 91 of the Penal Code, and given a 24-year sentence, even though the prosecution had called for a lesser sentence of 18 years. He is being held in Villa Clara prison, having reportedly been transferred from "El Típico" provincial prison in Las Tunas following a protest with other prisoners arrested in the March crackdown.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

27. Ricardo Severino Gonzales Alfonso, 53, is president of the unofficial *Sociedad de Periodistas "Manuel Marquez Sterling"*, "Manuel Marquez Sterling" Journalists' Society, and correspondent in Cuba of the international nongovernmental organization Reporters Without Borders. He also has a private library called the 'Jorge Mañach' Library in his home.

Ricardo Gonzales has been detained on many occasions. In October 1997 he was reportedly arrested for distributing reports of alleged human rights violations in the Santa Clara area. He was released without charge after two days but warned that if he did not stop writing such articles, he would have to choose between imprisonment and exile. Amnesty International believed him to be a prisoner of conscience.¹⁴⁹

In 2001, Amnesty International received reports that he had been detained on 16 February, allegedly to prevent a seminar entitled "Ethics and Journalism" from being held in the library of which he is director. On that occasion, as on similar occasions on 22 February and 15 July 2001, he was apparently released after being questioned for several hours.

Ricardo Gonzales was arrested on 18 March and sentenced to 20 years' imprisonment under article 91 of the Penal Code.¹⁵⁰ The prosecution had called for life imprisonment, on charges that he was responsible for "aggressive and untrue publications against the Cuban Government."¹⁵¹ The sentence document stated that:

"he wrote this type of information for the *Fundación Hispano Cubano Americana*, Cuban American National Foundation, based in Spain, for which he received sums of money from its president, Orlando Fondevila, who is of Cuban origin, he managed to get his articles, which were subversive and misleading in nature with regard to the Cuban system, published in various newspapers and magazines such as *Encuentros en la Red* and Reporters Without Borders, among others, from whom he received sums of money for his articles."¹⁵²

¹⁴⁹ Urgent Actions: AI Index: AMR 25/37/97, 17 October 1997, AI Index: AMR 25/38/97, 21 October 1997 and AI Index: AMR 25/39/97, 30 October 1997.

¹⁵⁰ Sentence 4/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 10/2003).

¹⁵¹ Case 10/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

¹⁵² Sentence 4/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 10/2003). Unofficial translation.

Ricardo Gonzales is serving his sentence in Kilo 8 Provincial Prison in the province of Camagüey despite the fact that he lives with his family in the city of Havana.

28. Diosdado González Marrero has been an activist for several years and has been detained on several occasions. In January 2000 he was considered a prisoner of conscience by Amnesty International when he was detained during the government crackdown on dissidents during the Ibero-American Summit held in Havana in November 1999.¹⁵³ On that occasion he spent over six months in prison.

Diosdado González, who was arrested at the end of March, was reportedly convicted under Law 88. He is serving a 20-year sentence in Kilo 5½ Prison in the province of Pinar del Río. According to his family, he is being held in solitary confinement in a punishment cell from which he is only taken out for one hour a day to get some sunlight. He is also reportedly only allowed to receive restricted visits from members of his family.

29. Léster González Pentón, 26, is a member of the *Movimiento pro Derechos Humanos Razón, Verdad y Libertad*, Reason, Truth and Freedom Human Rights Movement, and delegate of the *Confederación de Trabajadores Democráticos de Cuba*, Cuban Confederation of Democratic Workers, in Santa Clara. Neither group has been recognized by the authorities.

Léster González had suffered police harassment in the past. For example, on 5 August 2002 state security officials apparently prevented him from leaving his house to stop him from participating in events organized by dissidents. In addition, on 9 July 2001 he was said to have been questioned by police and threatened with imprisonment if he did not work, despite the fact that he had reportedly been sacked from his job as a baker because of his activities with the *Confederación de Trabajadores Democráticos de Cuba*.

Léster González was arrested on 18 March and sentenced to 20 years' imprisonment for breaching article 91 of the Penal Code.¹⁵⁴ He is serving his sentence in Boniato Provincial Prison, in the municipality of Santiago de Cuba.

¹⁵³ Amnesty International, CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana (AI Index: AMR 25/02/00), January 2000.

¹⁵⁴ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Villa Clara, 7 April 2003 (case 1/2003).

30. Alejandro González Raga is 45 years old and lives in Camaguey. According to reports, he is a journalist and helped to collect signatures for the *Proyecto Varela*, Varela Project.

Alejandro González was sentenced to 14 years' imprisonment for breaching article 91 of the Penal Code.¹⁵⁵ He is serving his sentence in "Canaleta" Provincial Prison in the municipality of Ciego de Avila.

31. Jorge Luis González Tanquero, 32, is reportedly a member of a group called *Movimiento Independentista Carlos Manuel de Céspedes*, Carlos Manuel de Céspedes Independence Movement, which is not recognized by the authorities. He also helped to collect signatures for the *Proyecto Varela* in Las Tunas.

Jorge Luis González was arrested on 19 March 2003 and has reportedly been sentenced to 20 years' imprisonment. He is being held in Guanajay Prison in Havana Province.

32. Leonel Grave de Peralta Almenares is a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, in the province of Santa Clara. He reportedly helped to gather signatures for the *Proyecto Varela* in that region. He is also said to have a private library called the "Bartolomé Massó" Library.

According to the *Movimiento Cristiano Liberación*, Leonel Grave de Peralta was reportedly subjected to harassment in September 2002 when his home was besieged by members of the *Brigadas de Respuesta Rápida*, Rapid Response Brigades.¹⁵⁶

Leonel Grave de Peralta was tried at the same time as other members of the *Movimiento Cristiano Liberación*. The alleged basis of the charge against him was that he had been involved in activities related to the *Proyecto Varela*. He was reportedly sentenced to 20 years' imprisonment for breaching Law 88. He is imprisoned in Kilo 5½ Prison in Pinar del Río.

¹⁵⁵ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Camaguey, 4 April 2003 (case 2/2003).

¹⁵⁶ These brigades were first set up in 1991 to deter crime and counter-revolutionary activities.

33. Iván Hernández Carrillo is 32 years old. He reportedly belongs to several groups: he is a member of the *Partido por la Democracia "Pedro Luis Boitel," "Pedro Luis Boitel" Democracy Party*, has worked as a journalist for several agencies, including the "*Patria*", "Fatherland", agency, and has a private library in his house in the province of Matanzas.

According to reports received by Amnesty International, Iván Hernández has been repeatedly subjected to harassment involving short-term detention, searches and being called in for questioning. For example, he was apparently visited by police officers on two occasions in January 1997, arrested in February 1997 and again arrested in November 1999. On 23 June 2002 he was said to have been arrested with other members of his group to prevent them from attending a meeting of the "Pedro Luis Boitel" Democracy Party in the municipality of Perico.

He was arrested on 18 March 2003. The evidence submitted against him at his trial included a computer allegedly sent from the United States and invoices for moneys said to have been received by the private library. Witnesses for the prosecution stated that cars belonging to the diplomatic corps had visited his home. Iván Hernández Carrillo was sentenced to 25 years' imprisonment on the basis of articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 7.3 and 8.2 of Law 88.¹⁵⁷ He is being held in Holguín Provincial Prison.

34. Normando Hernández González, 32, from the province of Camagüey, is the director of the *Colegio de Periodistas Independientes*, College of Independent Journalists. He has been subjected to harassment on many occasions over the past few years: in February and March 2001, for example, he was reportedly detained and released several miles from his home on at least two occasions, and on 8 March 2002 members of the police apparently threatened to imprison him for his journalism work. He has also reported other types of harassment as well, including that his telephone has been cut off since 15 June 2002 despite having paid the required bills.

Normando Hernández was arrested on 24 March 2003. According to reports, on the day of his arrest the police confiscated documents permitting him and his wife to leave Cuba.

¹⁵⁷ Sentence 2/2003, *Tribunal Provincial Popular*, People's Provincial Court, Matanzas, 4 April 2003 (case 8/2003).

According to the verdict, the activities for which Normando Hernández has been convicted include writing articles on various issues relating to daily life. He was accused of the following activities, among others:

He prepared one hundred and sixteen reports for the ill-named Radio 'José Martí', some of which were untrue and others tendentious, with the aforementioned aim of creating conditions in which our national integrity would be put at risk, reports which were transmitted by those radio stations and monitored in Cuba, and in which he attacked the health system [and] the education provided in this country, questioned the justice system, tourism, culture, agriculture, fishing....¹⁵⁸

Normando Hernández was sentenced to 25 years' imprisonment for breaching article 91 of the Penal Code.¹⁵⁹ He is being held in Boniato Provincial Prison in the province of Santiago de Cuba.

35. Juan Carlos Herrera Acosta, 36, is a member of the *Movimiento Cubano de Jóvenes por la Democracia*, Cuban Movement of Young People for Democracy, and the *Asociación de Presos Políticos 'Pedro Luis Boitel'*, 'Pedro Luis Boitel' Political Prisoners Association.¹⁶⁰ Neither organisation has been recognised by the authorities. He also works as a journalist in the province of Guantánamo.

Between September 1997 and 2001, Juan Carlos Herrera had served a four-year prison sentence in Combinado de Guantánamo Prison for trying to leave the country illegally. On that occasion he was reportedly held in a punishment cell with no light because of his activities in defence of prisoners' rights and for refusing to cooperate with the prison's re-education program.¹⁶¹

He was detained on 19 March 2003 and later tried together with Manuel Ubals González. Despite being accused of having links with '*Comandos F-4*', a Miami-based organization which has reportedly claimed to have committed acts of violence in Cuba, no evidence of this or that they had acted violently or incited others to use violence

¹⁵⁸ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Camagüey, 4 April 2003 (case 2/2003). Unofficial translation.

¹⁵⁹ *Ibid.*

¹⁶⁰ This group, created in 1997 by prisoners in Combinado de Guantánamo Prison, was known at that time as *Presidio Político 'Pedro Luis Boitel'*, 'Pedro Luis Boitel' Political Prisoners Group.

¹⁶¹ Medical Action, Political prisoners in need of medical attention (AI Index: AMR 25/40/99), 12 October 1999.

was presented. The activities for which they were convicted in the verdict appear to have been peaceful in nature and related solely to the exercise of fundamental freedoms. According to the information it has received, Amnesty International believes that the two men, like the other dissidents arrested in March, are prisoners of conscience.

Juan Carlos Herrera was sentenced to 20 years' imprisonment for breaching articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 7.3 10 and 11 of Law 88.¹⁶² He is serving his sentence in Boniato Provincial Prison in the municipality of Santiago de Cuba.

36. Regis Iglesias Ramírez, 33, is a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement, in Havana. He has been involved in work related to the *Proyecto Varela*. According to the prosecution, he had no previous convictions.¹⁶³

Regis Iglesias was arrested at the end of March and tried on 3 April. He was sentenced to 18 years' imprisonment under article 91 of the Penal Code.¹⁶⁴ He is serving his sentence in Kilo 8 Provincial Prison in the municipality of Camagüey.

37. José Ubaldo Izquierdo Hernández runs the private "Sebastián Arcos Bergnes" Library and works as a journalist for an agency called "*Grupo Decoró*."

José Ubaldo Izquierdo has reportedly been a victim of harassment on several occasions. On 8 March 2002, for example, he was apparently arrested when he was on his way to participate in an event connected with International Women's Day and that same night his house was stoned by unknown individuals. On 4 December 2002 he was said to have been threatened with imprisonment if he attended festivities in honour of the Virgin of Santa Bárbara in Güines, Havana province. When he was returning home from the event on his bicycle, he was hit by a car, reportedly suffering injuries to his abdomen and legs.

José Ubaldo Izquierdo was arrested at the end of March, tried in the San Antonio Provincial Court on 3 April and sentenced to sixteen years' imprisonment. He is serving his sentence in Kilo 5½ Prison in the municipality of Pinar del Río.

¹⁶² Sentence 2/2003, *Tribunal Provincial Popular*, People's Provincial Court, Guantánamo, 3 April 2003 (case 8/2003).

¹⁶³ Case 16/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

¹⁶⁴ Sentence 8/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 16/2003).

38. Reinaldo Miguel Labrada Peña, aged 40, is a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement. He has been involved in the work around the *Proyecto Varela* initiative.

Reinaldo Labrada was arrested on 19 March in Las Tunas. The prosecution reportedly sought a ten-year sentence. He was sentenced to six years, the shortest sentence imposed on any of the dissidents arrested during the crackdown. He was transferred from "El Típico" Provincial Prison in Las Tunas following a protest with other activists arrested in the March crackdown, and is being held in the provincial prison in Guantánamo.

39. Librado Ricardo Linares García, 42 years old, is president of the unofficial *Movimiento Cubano Reflexión*, Cuban Reflection Movement, in the town of Camajuaní, Villa Clara province. He is an engineer by training and, after reportedly being expelled from the Communist Party in 1992 for calling for economic reforms, has been involved in dissident activities for a number of years.

Librado Linares was harassed, arrested and fine several times in the crackdown against *Concilio Cubano* activists in late 1995 and 1996.¹⁶⁵ In November 1999, he was reportedly detained for several days to prevent him from taking part in activities around the *Cumbre Iberoamericana*, the Inter-American Summit in Havana.¹⁶⁶

He was arrested on 18 March 2003, and a number of items including a bicycle were reportedly confiscated from his house by the agents who searched it. He was tried in Villa Clara, where he was sentenced to 20 years in prison under article 91 of the penal code.¹⁶⁷

The trial verdict accused Librado Linares and the four other men from Villa Clara province with whom he was tried of using human rights work as a front for alleged counterrevolutionary activities such as meetings, conferences and seminars:

¹⁶⁵ Amnesty International, *CUBA: Government crackdown on dissent* (AI Index AMR 25/14/96), April 1996.

¹⁶⁶ Amnesty International, *CUBA: Short term detention and harassment of dissidents* (AI Index AMR 25/04/00), March 2000.

¹⁶⁷ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Villa Clara, 7 April 2003 (case 1/2003).

They acted in agreement, meeting to take organizational measures on how to carry out their struggle against the Revolution, sheltering behind the facade of simple human rights defenders.¹⁶⁸

Librado Linares is incarcerated in Combinado del Este prison in the municipality of Guanabacoa, Havana province.

40. Marcelo Manuel López Bañobre, is 39 years old and a tugboat captian by profession. He joined the *Comisión Cubana de Derechos Humanos y Reconciliación Nacional* (CCDHRN), Cuban Commission for Human Rights and National Reconciliation, after the 1994 sinking of the "13 de Marzo" tugboat,¹⁶⁹ later becoming its spokesman. He was initially involved in tracking the detentions of other dissidents as the crackdown began. At the time, he wrote

The wave of searches, confiscations and especially detentions that began on March 18 is the most serious I have witnessed ... at the Cuban Commission for Human Rights and National Reconciliation, where I am spokesman, we are busy trying to establish lists of those detained and their whereabouts. It is not easy; people are afraid to speak up because they do not know their own rights, and also simply because transportation is a nightmare, there are constant blackouts and the telephone is virtually useless.¹⁷⁰

By the time the article was printed, Marcelo López had been detained. He was arrested on 25 March 2003 on the street in Havana. He was tried on 4 April along with five other dissidents, including his CCDHRN colleague and fellow human rights defender Marcelo Cano Rodríguez.

Marcelo López was convicted under article 91 of the Penal Code and articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88 to 15 years in prison.¹⁷¹ He is currently held in Guanajay prison in Havana province.

According to the trial verdict, Marcelo López was penalised for his association with Amnesty International and other international human rights organisations:

¹⁶⁸ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Villa Clara, 7 April 2003 (case 1/2003). Unofficial translation.

¹⁶⁹ In this incident at least 35 people died, according to witness reports after having been rammed by an official vessel. The Cuban authorities denied responsibility for the tugboat's sinking. However, that incident has never been fully and impartially investigated, in spite of government commitments to do so.

¹⁷⁰ Marcelo Lopez Bañobre, "Collateral Damage in Cuba," *Washington Post*, 16 April 2003.

¹⁷¹ Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003).

The accused MARCELO MANUEL LOPEZ BANOBRE carries out activities as 'spokesman and secretary' of the illegal Cuban Commission for Human Rights and National Reconciliation, dedicating himself to sending information to international organisms like Amnesty International and Human Race [sic], notifying them of people given the death penalty in this country, but without explaining the motive for its imposition. This distorts the information, making the penalty look like extrajudicial assassination by the Cuban State, which helps condemn our country before the Human Rights Commission in Geneva.¹⁷²

Marcelo López was also accused of "approaching the families of those condemned to death so that they will address the aforementioned international organisations."¹⁷³

The Cuban authorities are well aware of Amnesty International's work on the death penalty; as recently as 18 April 2003, for instance, Foreign Minister Felipe Pérez Roque read extensively from an Amnesty International report on the use of the death penalty in the United States during his press conference on the results of the Human Rights Commission vote in Geneva.¹⁷⁴ As such, the authorities are aware that Amnesty International opposes the death penalty in all cases, regardless of the 'motive for its imposition,' and that questions of alleged distortion of case information are irrelevant to the organisation's response to death sentences, in any country where they occur.

Amnesty International is deeply disturbed that allegations of contact with this organisation are viewed as grounds for Cuban authorities to sanction human rights defenders. Ironically, Cuban officials have repeatedly cited Amnesty International's work on human rights violations by the US and its allies to support their accusations against these countries.¹⁷⁵

41. Héctor Fernando Maseda Gutierrez, 60, is reportedly an engineer and physicist by profession. Since becoming involved in dissident activities, he has written many

¹⁷² Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003). Unofficial translation.

¹⁷³ *Ibid.* Unofficial translation.

¹⁷⁴ "Conferencia de prensa ofrecida por el canciller cubano Felipe Pérez Roque, a la prensa nacional y extranjera, sobre los resultados de la votación en la Comisión de Derechos Humanos de Ginebra, en el MINREX, el 18 de abril del 2003." Transcript in *Granma*, 22 apr 2003, año 7, número 112.

¹⁷⁵ For example, in his 25 April speech on the recent events in Cuba, President Castro cited Amnesty International's work in reference to the April 1999 NATO attacks on Serbian state media stations.

articles, especially on history, economy and culture, which have been published in different sites.

Héctor Maseda has been repeatedly harassed for his activities. He was reportedly detained as part of a sweep at the beginning of September 1997, while in May 2000 he was threatened with prison if he attended a conference on the theme of 'culture and globalisation.'

Héctor Maseda was arrested at his house on 18 March 2003, and some of his journalistic writings, a type writer, a fax and books were confiscated. He was convicted under article 91 of the Penal Code and articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88, and sentenced to 20 years in prison.¹⁷⁶

In the trial he was accused, among other activities, of "maintaining relations with the International University of Florida, which receives funds from USAID, that is, from the US government, for subversion in Cuba."¹⁷⁷

Héctor Maseda is currently being held in Manacas prison in the municipality of Manacas.

42. José Miguel Martínez Hernández, aged 39, is from Quivicán in Havana province. He is an area representative for the unofficial political group *Movimiento 24 de Febrero*, 24 February Movement. He has been active with the *Proyecto Varela* and has a private library, the "General Juan Bruno Zayas" library, in his house.

José Miguel Martínez has reportedly been harassed and detained on a number of occasions in connection with his activism. In one example, in June 2001 he was said to have been taken into custody by state security agents and driven out of Quivacán for interrogation. He was later released.

After being arrested in March, José Miguel Martínez was tried and sentenced to 13 years' imprisonment. He is currently being held in Kilo 8 prison in Camagüey municipality.

¹⁷⁶ Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003).

¹⁷⁷ Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003). Unofficial translation.

43. Mario Enrique Mayo Hernández, 38, is a lawyer by profession. He has worked as a journalist, publishing articles in a number of media, and is the director of the unofficial press agent "Félix Varela" in Camagüey.

In November 2000 Mario Enrique Mayo was reportedly visited in his house by a state security agent, who threatened him and insisted that he give up his dissident activities.

Mario Enrique Mayo was arrested on 19 March and tried in Camagüey. The trial verdict refers to a number of 'counterrevolutionary' articles Mario Enrique Mayo allegedly wrote, covering topics such as health care, prison conditions, and the situation of families of political prisoners. He is accused of doing so with the intention of "creating in this way the conditions necessary for our country to be condemned in the Human Rights Commission, and consequently creating conditions favourable for a 'humanitarian' intervention into our territory."¹⁷⁸

Mario Enrique Mayo was sentenced to 20 years in prison under article 91 of the Penal Code.¹⁷⁹ He is currently being held in the provincial prison in Holguín.

44. Luis Milán Fernández is reportedly a medical doctor by profession. He is a member of the unofficial *Colegio Médico de Cuba*, Cuban Medical Association.

In June 2001 he and his wife, also a doctor, signed a document called '*Manifiesto 2001*,' calling among other measures for recognition of fundamental freedoms in Cuba. Together with other health professionals they carried out a one-day hunger strike to call attention to the medical situation of detainees and other issues.

Luis Milán was reportedly sentenced to 13 years in prison. He is currently being held in the provincial prison of Ciego de Avila (called "*Canaleta*").

45. Nelson Moliné Espino, 38 years old, is president of the unofficial *Confederación de Trabajadores Democráticos de Cuba*, Confederation of Democratic Workers of Cuba, and a member of the unofficial *Partido 30 de noviembre*, 30 November Party.

¹⁷⁸ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Camagüey, 4 April 2003 (case 2/2003). Unofficial translation.

¹⁷⁹ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Camagüey, 4 April 2003 (case 2/2003).

Nelson Moliné had previously been harassed by the authorities for his activities. In May 2002, for instance, he was reportedly called into the local police station in San Miguel del Padrón, Havana province, and threatened with arrest if he did not give up his trade union work.

On 20 March 2003 Nelson Moliné's home was searched and he was detained. The indictment states that at his home "many books and magazines containing subversive material", "*múltiples libros y revistas de contenido subversivo*", were found. The indictment also claims that he "mixes with people dedicated to subversive activity, and leads a comfortable life due to the monetary rewards of his subversive activity," "*Se relaciona con personas dedicadas a la actividad subversiva, y lleva un modo de vida holgado por las cuantiosas entradas monetarias derivadas de la actividad subversiva.*"¹⁸⁰

Nelson Moliné was convicted on the basis of article 91 of the Penal Code to 20 years' imprisonment.¹⁸¹ He is currently being held in Kilo 8 prison in Pinar del Río municipality, a distance which reportedly makes it difficult for his wife and four year old daughter to visit. He is reportedly suffering from ill health due to rapid weight loss and low blood pressure.

46. Angel Juan Moya Acosta, aged 38, is president of the *Movimiento Opción Alternativa*, Alternative Option Movement, in Matanzas province, as well as a member of the *Consejo Nacional de Resistencia Cívica*, National Council of Civic Resistance, both organisations which have not been recognised by the authorities. He was active in the "*Todos Unidos*," "All United" umbrella movement.

Angel Moya has been imprisoned several times in the past and has previously been considered to be a prisoner of conscience by Amnesty International. He was detained on 15 December 1999 after participating in a peaceful demonstration to celebrate the 51st anniversary of the Universal Declaration of Human Rights, and was eventually released without having been tried.¹⁸² In December 2000 he was sentenced to one year's imprisonment and 10 years' confinement to his home province, Matanzas,

¹⁸⁰ Case 12/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

¹⁸¹ Sentence 7/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 4 April 2003 (case 12/2003).

¹⁸² Amnesty International, "*CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana*" (AI Index: AMR 25/02/00), January 2000 and Amnesty International, "*CUBA: Prisoners of Conscience: New convictions overshadow releases*," (AI Index: AMR 25/21/00), October 2000.

charged with "disrespect," "*desacato*." The sentence was reportedly imposed because, in the course of a mass celebrated at his home in November 2000, prayers were said for political prisoners and prisoners of conscience, including calls for them to be amnestied. He was released on 4 December 2001.¹⁸³

Angel Moya was arrested in the March crackdown and tried on 7 April in the Tribunal Popular de 10 de Octubre, *10 October Popular Tribunal*, in Havana. He was found guilty and sentenced under article 91 of the Penal Code to 20 years in prison.¹⁸⁴ He is currently held in the Holguín provincial prison.

47. Jesús Miguel Mustafa Felipe, aged 58, is a member of the *Movimiento Cristiano Liberación (MCL)*, Christian Liberation Movement. He was involved in collecting signatures for the *Proyecto Varela* in his home town of Palma Soriano, Santiago de Cuba province.

Jesús Mustafa had been detained on 17 December 2002 along with Robert Montero Tamayo, after they went to a police station to find out about the detention of fellow MCL member, Ramuel Vinajera Stevens. Both men were released a few days later but on 19 February 2003 they were tried and sentenced to 18 months' imprisonment, charged with "disobedience," "*desobediencia*" and "resistance," "*resistencia*." Amnesty International wrote to the Cuban authorities about these events but did not receive a reply.

Jesús Mustafa was apparently tried again in the context of the March crackdown. He is reported to have received a 25-year sentence, after the prosecution had requested a life sentence. He is currently held in Combinada del Este prison in Havana province.

48. Félix Navarro Rodríguez, 49 years old, is a member of the unofficial *Partido Solidaridad Democrática*, Democratic Solidarity Party, in Matanzas province and works as a journalist. He was reportedly fired from his position as a school headmaster in the city of Perico in 2001 after being arrested in connection with dissident activities. He has reportedly been active in the *Proyecto Varela* campaign and the "*Todos Unidos*" umbrella movement.

¹⁸³ Amnesty International, "*CUBA: The situation of human rights in Cuba*" (AI Index: AMR 25/002/2002), May 2002.

¹⁸⁴ Sentence 16/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 8 April 2003 (case 15/2003).

Félix Navarro has been subjected to harassment and detention for his dissident activities since at least 1992. According to reports he was detained in December 1992 for putting up pro-democracy posters on the street, and in November 1996 he was taken for questioning for activities such as not paying his union dues and having an issue of the US-published "*El Nuevo Herald*" newspaper at work. He was reported to have been detained briefly in November 1999, and again in September 2001 for participating in a commemoration of two political prisoners who were said to have died in custody. In February 2002 he was apparently briefly detained again; during the search of his house, State Security agents reportedly confiscated materials for the *Proyecto Varela* initiative.

Félix Navarro was arrested in the March crackdown and tried in Matanzas. The activities on which his conviction was based included the following: "he received, among other things, leaflets and literature; the latter was proved by the confiscation of aggressive and corrosive writings and printed material from his house."¹⁸⁵

Félix Navarro was sentenced to 25 years under articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 7.3 and 8.2 of law 88.¹⁸⁶ He is being held in Guantánamo provincial prison.

49. Jorge Olivera Castillo, 41, a former national television editor, is director of the unofficial Havana Press agency. The agency's articles have been featured on the US-based *Nueva Prensa Cubana*, New Cuban Press, website.

Jorge Olivera has been repeatedly detained and harassed during the course of his reporting activities. He was said to have been expelled from his house in the Lawton neighbourhood of Havana in February 1997 in retribution for his contacts with foreign press, and arrested in September 1997 after trying to cover the trial of dissident Maritza Lugo Fernández in the municipality of Playa, Havana province. In the weeks preceding the Ibero-American Summit in Havana in November 1999, President Castro reportedly mentioned Jorge Olivera and other journalists by name during a television broadcast, accusing them of counterrevolutionary activities.

Jorge Olivera was convicted under articles 4.1, 4.2b, 6.1, 6.3b, 7.1, 7.3, and 11 of Law 88 and received a sentence of 18 years.¹⁸⁷ Though he was tried in Havana, he was

¹⁸⁵ Sentence 2/2003, *Tribunal Provincial Popular*, People's Provincial Court, Matanzas, 4 April 2003 (case 8/2003). Unofficial translation.

¹⁸⁶ *Ibid.*

¹⁸⁷ Sentence 5/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 14/2003).

transferred to the other extreme of the island to begin serving his sentence in a prison in Guantánamo province.

50. Pablo Pacheco Avila, 31, works for the unofficial agency *Cooperativa Avileña de Periodistas Independientes (CAPI)*, Avileña Cooperative of Independent Journalists, in Ciego de Avila.

Pablo Pacheco has been subjected to harassment in the past. In one example, in November 2002 he was reportedly detained for six hours after attempting to video police officers ill-treating two women, and in March 2002 he was reportedly detained for the third time in a month for providing news coverage on the meeting of an unofficial group.

He was sentenced under articles 6.1, 6.3b, 7.1, 7.3 and 11 of Law 88 to 20 years imprisonment.¹⁸⁸ He is currently being held in Agüica prison in the municipality of Colón in Matanzas province. He is reportedly suffering from high blood pressure and migraines, for which he is said to have received some treatment.

51. Héctor Palacios Ruiz, aged 61, is director of the unofficial *Centro de Estudios Sociales*, Centre of Social Studies, and secretary of the reporting committee of the "*Todos Unidos*," "All United," coalition.

Héctor Palacios is a well-known and longstanding figure among Cuban dissidents, and has been considered by Amnesty International to be a prisoner of conscience following arrests in 1994, 1997 and 1999. In August 1994, he was among a group of activists targeted for arrest in the wake of violent clashes between police and protesters who had gathered on the Havana shore following a spate of attempted armed hijackings of local ferries.¹⁸⁹ In January 1997, when he was president of the unofficial *Partido Solidaridad Democrático (PSD)*, Democratic Solidarity Party, and member of *Concilio Cubano*, Cuban Council, he was detained and sentenced to 18 months imprisonment for "disrespect," "*desacato*," following an interview with a German television station in which he criticised the Cuban government. He was released in February 1998 following Pope John Paul II's visit to Cuba.¹⁹⁰

¹⁸⁸ Sentence 2/2003, *Tribunal Provincial Popular*, People's Provincial Court, Ciego de Avila, 4 April 2003 (case 1/2003).

¹⁸⁹ Urgent Action 296/94 (AI Index: AMR 25/10/94), 11 August 1994.

¹⁹⁰ Amnesty International, "*CUBA: Prisoner of conscience - Héctor Palacios Ruiz*" (AI Index: AMR 25/02/97), January 1997; "*CUBA: Prisoner of conscience Héctor Palacios Ruiz sentenced to 18 months*'

Héctor Palacios was detained on 20 March 2003 and subsequently tried in Havana. He was convicted under article 91 of the Penal Code and articles 4.1, 4.2a-b, 6.1, 6.2a-b, 7.1, 7.2, 7.3, 8.1, 8.2, 9.1, 9.2, 10 and 11 of Law 88 to 25 years in prison.¹⁹¹ The prosecution had called for life imprisonment.¹⁹²

Hector Palacios was accused, among other activities, of

having in his home one of the so-called independent libraries, a program created at the request of the already mentioned organisations based in Miami that financed this project with money received by USAID, in other words the United States government, the majority of the books sent being subversive and counterrevolutionary.¹⁹³

Héctor Palacios is currently imprisoned in Kilo 5 1/2 prison in Pinar del Río province. His wife, Gisela Delgado Sablón, was reportedly refused permission to visit him in May and threatened with imprisonment if she participated in public demonstrations on his behalf.

52. Arturo Pérez de Alejo Rodríguez is president of the unofficial organisation *Frente Escambray de Derechos Humanos*, Escambray Human Rights Front. He was also involved in the *Proyecto Varela* initiative in Villa Clara province. In January 2003, he was said to have been briefly detained for handing out copies of the UN Declaration of Human Rights.

Arturo Pérez de Alejo was arrested on 18 March 2003. He was tried, found guilty and sentenced to 20 years in prison. He is currently imprisoned in Kilo 5 1/2 prison in Pinar del Río province.

53. Omar Pernet Hernández, 57, lives in Placetás in Santa Clara province and is a leader of the unofficial *Movimiento Nacional por los Derechos Humanos*, National

imprisonment" (AI Index: AMR 25/35/97), October 1997; and *"Cuba: Some releases but repression and imprisonment continue,"* (AI Index: AMR 25/05/99), February 1999.

¹⁹¹ Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003).

¹⁹² Case 11/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

¹⁹³ Sentence 6/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 6 April 2003 (case 11/2003). Unofficial translation.

Movement for Human Rights, "*Mario Manuel de la Peña*." He is active in a number of other organisations and in the *Proyecto Varela* in the area.

Omar Pernet Hernández received a 25 year sentence under article 91 of the penal code.¹⁹⁴ The accusations upon which he was convicted included

carrying out subversive activities through denunciations of supposed human rights violations in Cuba, which were disseminated by counterrevolutionary stations based in the territory of the United States of North America [sic], such as the mis-named Radio Martí, Radio Mambí and "La Poderosa," that have as their only objective to provoke the North American government into intensifying its aggressive policy towards our country.¹⁹⁵

Omar Pernet Hernández is imprisoned in Guanajay prison in the province of Havana.

54. Horacio Julio Piña Borrego, aged 36, lives in Sandino in the province of Pinar del Río. He has been involved with the *Proyecto Varela* for the region as well as being a provincial delegate for the *Partido Pro Derechos Humanos en Cuba*, Party for Human Rights in Cuba, which is affiliated with the Sajarov Foundation. He had been briefly detained by security forces in May 2001.

He was arrested on 19 March 2003, during the wave of arrests. He was tried and convicted under articles 4.1, 4.2a-b, 6.1, 6.3a-b, 7.1, 7.3 and 11 of Law 88.¹⁹⁶ He received a 20-year sentence and is currently being held in the Pinar del Río provincial headquarters of the Department of State Security.

55. Fabio Prieto Llorente lives on the Isla de Pinos and works for the island's unofficial news agency, *Agencia de Prensa Independiente de Isla de Pinos*.

Fabio Prieto Llorente was involved in independent journalism since at least November 1999. He was said to have received regular visits, threats and warnings from police and other security agents to discontinue his activities. In January 2002, he was briefly detained, and harassment reportedly continued throughout that year.

¹⁹⁴ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Villa Clara, 7 Abril 2003 (case 1/2003).

¹⁹⁵ Ibid. Unofficial translation.

¹⁹⁶ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Pinar del Rio, 5 April 2003 (case 2/2003).

He was arrested on 18 March 2003, tried and sentenced to 20 years in prison. As of this writing he is being held in Guanajay prison in Havana province.

56. Alfredo Manuel Pulido López, 42, lives in Camagüey. He worked as a journalist for the unofficial news agency *El Mayor* in Camagüey. In addition, he was reportedly a member of the *Movimiento Cristiano Liberación* and was involved in *Proyecto Varela* activities.

Alfredo Pulido was arrested on 18 March 2003. He was sentenced to 14 years in prison under article 91 of the Penal Code.¹⁹⁷ He was transferred from his home province and is currently being held in Combinado del Este prison in the municipality of Guanabacoa, Havana province.

57. José Gabriel Ramón Castillo¹⁹⁸ is said to be a trained teacher. He is the director of the unofficial *Instituto Independiente Cultura y Democracia*, Independent Culture and Democracy Institute, based in Santiago de Cuba. He also works as an independent journalist and has had articles and news items published in a variety of websites include CubaNet. He was repeatedly subjected to persecution and harassment by the authorities from the beginning of his involvement in these activities.

José Gabriel Ramón was detained on 19 March 2003 and tried in the first week of April 2003. He was convicted and sentenced to 20 years in prison. He is currently being held in the provincial prison in Santa Clara.

58. Arnaldo Ramos Lauzerique, 60 years of age, lives in the city of Havana and is a member of the *Instituto Cubano de Economistas Independientes*, the Cuban Institute of Independent Economists. He is also a member of the umbrella group *Asamblea para promover la sociedad civil*, Assembly to promote civil society.

¹⁹⁷ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Camagüey, 4 April 2003 (case 2/2003).

¹⁹⁸ His name was erroneously given as José Ramón Gabriel Castillo in Amnesty International's 3 April 2003 document on the wave of arrests.

After being detained during the wave of arrests in March 2003, he was tried under article 91 of the Penal Code. He received a sentence of 18 years.¹⁹⁹ He is being held in the provincial prison in Holguín.

59. Blas Giraldo Reyes Rodríguez, aged 46, lives in Sancti Spiritus. He is a member of the steering committee of the *Proyecto Varela* in Sancti Spiritus and director of a private library located in his residence.

Following his arrest in March 2003, he was tried and sentenced to 25 years in prison. He is being held in Agüica prison in the municipality of Colón in Matanzas province.

60. Raúl Rivero Castañeda is a 57-year-old poet and journalist. He was founder, and serves as director, of the unofficial press agency *Cuba Press*.

Raúl Rivero has been detained and threatened many times in the past. For example, in January 1996 he was detained for one day and threatened with imprisonment if he did not stop his work with *Concilio Cubano*, of which *Cuba Press* had just become a member.²⁰⁰ In February 1996 he was again detained, in a roundup of *Concilio Cubano* activists.²⁰¹ In July 1997 he was detained, following an article he wrote about dissident Vladimiro Roca, and he was again arrested in August 1997.²⁰² In March 1999 after Law 88 came into force, Raúl Rivero was reportedly interrogated for three hours. The officers reportedly told him that he would be one of the first to whom the new law would be applied if he did not stop his journalistic work.²⁰³

Raúl Rivero was detained on 18 March 2003 and tried on 4 April 2003, along with journalist Ricardo Severino González.

Raúl Rivero was accused under article 91 of the Penal Code. The indictment accused him of carrying out unspecified "*actividades subversivas encaminadas a afectar la*

¹⁹⁹ Sentence 7/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 4 April 2003 (case 12/2003).

²⁰⁰ Urgent Action 08/96 (AI Index: AMR 25/01/96), 16 and 17 January 1996.

²⁰¹ Update to Urgent Action 08/96 (AI Index: AMR 25/05/96), 20 February 1996; Amnesty International, "*CUBA: Government crackdown on dissent*" (AI Index: AMR 25/14/96), April 1996.

²⁰² Urgent Action 273/97 (AI Index: AMR 25/27/97), 14 August 1997 and update of 18 August 1997; Amnesty International, "*CUBA: Renewed crackdown on peaceful government critics*," (AI Index: AMR 25/29/97), August 1997.

²⁰³ Amnesty International Report 2000.

independencia e integridad territorial cubana,” “subversive activities, aimed at affecting the territorial independence and integrity of Cuba.” It also stated that he disseminated “*falsas noticias para satisfacer los intereses de sus patrocinadores del gobierno norteamericano*,” “false news to satisfy the interests of his sponsors of the North American government.”²⁰⁴

He was found guilty and received a 20-year sentence.²⁰⁵ The trial verdict highlighted his contacts with international organisations:

The accused RIVERO CASTANEDA, in addition to the facts already described, from 2000 began disseminating information via the *Encuentro en la Red* webpage belonging to the International Press Society. [The information] was all of a nature destabilising to the Cuban state.²⁰⁶

The verdict also accused him of working as a paid correspondent for *Agence France Presse* and of having contacts with the international organisation Reporters without Borders.

Raúl Rivero is currently being held in the provincial prison of Ciego de Avila (called “*Canaleta*”).

61. Alexis Rodríguez Fernández, aged 33, is a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement. He was involved in the *Proyecto Varela* initiative.

Alexis Rodríguez had been detained several times in the past. For example, when he was municipal delegate of the unofficial group *Movimiento de Jóvenes Cubanos por la Democracia*, Movement of Cuban Young People for Democracy, he was reported to have been temporarily detained on 14 October 1997. In January 2002, after collecting signatures for the *Proyecto Varela* he was attacked and threatened, reportedly by plain clothes state security agents, and later abandoned in a remote area.

Alexis Rodríguez was arrested in the March crackdown and tried in early April. He was sentenced to 15 years’ imprisonment and is currently imprisoned in Agüica prison in the municipality of Colón in Matanzas province.

²⁰⁴ Case 10/2003, *Tribunal Provincial Popular*, People’s Provincial Court, Havana, 31 March 2003.

²⁰⁵ Sentence 4/2003, *Tribunal Provincial Popular*, People’s Provincial Court, Havana, 5 April 2003 (case 10/2003).

²⁰⁶ *Ibid.* Unofficial translation.

62. Omar Rodríguez Saludes, aged 37, is director of the unofficial *Nueva Prensa* news agency. In addition to reporting, he is also a photographer.

He has been arrested several times in the past. In December 1998, he was among a group of dissidents apparently detained to prevent them from taking part in activities to commemorate the anniversary of the Universal Declaration of Human Rights.²⁰⁷ He was also said to have been detained in February and November 1999 and November 2000. On 17 January 2002 he was temporarily detained after reporting on a meeting between a visiting Spanish official and some dissidents. He was reportedly interrogated for several hours and told that his work was illegal and counter-revolutionary.

In 2002 he is reported as telling *The New York Times*, "We know the risks we are taking... The risk is even in our homes. The government knows what we do and it watches. They know our lives better than we do." Due to restrictions on freedom in Cuba, he said that he had never seen the webpage that runs his photographs, or seen the photos themselves except as negatives. "I am a blind photographer," he stated.²⁰⁸

Omar Rodríguez was convicted on the basis of accusations such as "he photographed places that, because of the state they were in, gave a distorted image of Cuban reality, and he sent them to be published in the foreign, mainly counterrevolutionary, press."²⁰⁹

Omar Rodríguez was convicted under state security charges in article 91 of the Penal Code and given a penalty of 27 years.²¹⁰ The prosecution had argued for a sentence of life imprisonment.²¹¹ He is imprisoned in Kilo 8 prison in Camagüey municipality.

63. Marta Beatriz Roque Cabello, aged 57, has been recognised by Amnesty International as a prisoner of conscience in the past. She is an economist who heads the unofficial *Instituto Cubano de Economistas Independientes*, Cuban Institute of Independent Economists. She is also the head of the *Asamblea para promover la sociedad civil*, Assembly to promote civil society, an umbrella organization of

²⁰⁷ Amnesty International, "Cuba: Some releases but repression and imprisonment continue" (AI Index: AMR 25/05/99), February 1999.

²⁰⁸ "Cuban reporter travels a bumpy path to deadline," *The New York Times*, 31 May 2002.

²⁰⁹ Sentence 8/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 16/2003). Unofficial translation.

²¹⁰ *Ibid.*

²¹¹ Case 16/2003, *Tribunal Provincial Popular*, Havana, 31 March 2003.

dissident groups created in October 2002 to call for democracy and greater respect for freedoms.

Marta Beatriz Roque previously served out a 3 1/2 year prison sentence following her arrest on 16 July 1997.²¹² She was sentenced along with three other members of the *Grupo de Trabajo de la Disidencia Interna para el Análisis de la situación Socio-Económica Cubana*, Internal Dissidents' Working Group for the Analysis of the Cuban Socio-Economic Situation. They were all charged with "*otros actos contra la seguridad del estado*," "other acts against state security" (Article 125 (c) of the Cuban Penal Code) in relation to a charge of "*sedición*," sedition (Art 100 (c) of the Cuban Penal Code). Their arrest took place one month after a press conference attended by foreign press during which they criticised an official discussion document and gave journalists a copy of their own critique of the document, entitled "*La Patria es de Todos*," The Homeland is for Everyone. The latter document advocated peaceful democratic changes in the country. She was released on 23 May 2000. The other three members were released later, and have not been re-arrested in the recent crackdown.

Marta Beatriz Roque was most recently arrested on 20 March 2003.

The indictment against her charges that she carried out unspecified "*acciones dirigidas a subvertir el orden interno del Estado Cubano, provocar su desestabilización y la pérdida de su independencia, actividades por las que recibió cuantiosos recursos monetarios del Gobierno de Los Estados Unidos*", "activities aimed at subverting internal order of the Cuban State, provoking its destabilisation and the loss of its independence, activities for which she received substantial monetary funds from the US Government." It also states that she had links with the head of the US Interests Section, James Cason, who paid visits to her house.²¹³

Marta Beatriz Roque was found guilty, among other activities, of having

Created a website on a North American internet server, for use by the self-proclaimed Institute of Independent Cuban Economists 'Manual Sanchez Herrero,' which she used to put out propaganda articles and work that disfigured the economic reality ... for the execution of the abovementioned activities, the

²¹² See, *inter alia*, Amnesty International, "CUBA: Prisoners of Conscience: New Convictions overshadow releases," (AI Index: AMR 25/21/00), October 2000; Amnesty International, "Cuba: One year later and four members of the 'Grupo de Trabajo' still imprisoned without being informed of any charges" (AI Index: AMR 25/16/98), July 1998; and Amnesty International, "CUBA: Imminent trial of four members of the Grupo de Trabajo" (AI Index: AMR 25/24/98), October 1998.

²¹³ Case 12/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

incriminated Roque Cabello received enough financing and considerable material assistance, fundamentally from the United States Agency for International Development.²¹⁴

The prosecution requested a life sentence.²¹⁵ She was convicted under article 91 of the Penal Code and received a 20-year sentence.²¹⁶ She is currently being held in Manto Negro Prison in the municipality of La Lisa, Havana province.

64. Omar Moisés Ruiz Hernández, aged 56, is a journalist for the unofficial *Grupo de Trabajo Decoro*, Decoro Working Group.

Previously Omar Rodríguez was vice delegate of the *Partido Solidaridad Democrática*, Democratic Solidarity Party, in Villa Clara. During this time he was reportedly arrested several times, for example in January and March 1996. Similarly, he was said to have been summoned and interrogated in October 1997. Such harassment was ongoing as he continued to carry out his activities.

Omar Ruiz Hernández was sentenced to 18 years under article 91 of the penal code.²¹⁷ He is currently being held in Guantánamo provincial prison.

65. Claro Sánchez Altarriba, 49, is a member of the unofficial *Movimiento de Jóvenes Cubanos por la Democracia*, Movement of Cuban Young People for Democracy, in Santiago de Cuba. He had suffered some prior harassment for his activities, including a short-term detention and a fine in October 2002.

Claro Sánchez was detained on 19 March 2003. He was tried and was sentenced to 15 years in prison under articles 4.1, 6.1 and 7.1 of Law 88.²¹⁸ He is imprisoned in Kilo 8 prison, Camagüey municipality.

²¹⁴ Sentence 7/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 4 April 2003 (case 12/2003). Unofficial translation.

²¹⁵ Case 12/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 31 March 2003.

²¹⁶ Sentence 7/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 4 April 2003 (case 12/2003).

²¹⁷ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Villa Clara, 7 April 2003 (case 1/2003).

²¹⁸ Sentence 3/2003, *Tribunal Provincial Popular*, People's Provincial Court, Santiago de Cuba, 4 April 2003 (case 3/2003).

66 and 67. Ariel and Guido Sigler Amaya were detained on 18 March 2003. (Their brother Miguel is also in prison, as mentioned in the chapter below, and is facing a range of charges apparently relating to different incidents.) Ariel and Guido Sigler are both members of the unofficial *Movimiento Opción Alternativa*, Alternative Option Movement, in Matanzas Province.

The Sigler brothers have been detained and harassed several times in the past. They were declared prisoners of conscience by Amnesty International following their detention in December 1999 after participating in a peaceful demonstration to celebrate the 51st anniversary of the Universal Declaration of Human Rights.²¹⁹ Guido was released in July 2000 and Ariel in August 2000.²²⁰ Most recently, in December 2002 Ariel and Guido were detained along with Oscar Elías Biscet and 14 other dissidents after they attempted to meet at a home in Havana to discuss human rights. Ariel and Guido were later released.²²¹

Ariel Sigler Amaya, 39, received a 20-year sentence under articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 8.1, 8.2, 8.11 of Law 88.²²² He is being held in the Ciego de Avila provisional prison, 'Canaleta.' Guido, aged 46, was like Ariel sentenced to 20 years in prison under articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 8.1, 8.2, 8.11 of Law 88.²²³ He is currently imprisoned in Combinado del Este prison in Guanabacoa municipality, Havana province. Family members have reported that both men are being held in solitary confinement. There are concerns about their health, particularly that of Guido, and the family has requested that he receive specialised medical attention for a prostate condition.

68. Ricardo Silva Gual is a medical doctor and a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement. He has reportedly suffered a number of forms of harassment related to his activities.

²¹⁹ Amnesty International, "CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana" (AI Index: AMR 25/02/00), January 2000.

²²⁰ Amnesty International, "CUBA: Prisoners of Conscience: New convictions overshadow releases" (AI Index: AMR 25/21/00), October 2000.

²²¹ Amnesty International, "CUBA: Continued detentions following mass arrests in February and December 2002" (AI Index: AMR 25/001/2003), February 2003.

²²² Sentence 9/2003, Tribunal Provincial Popular, People's Provincial Court, Matanzas, 5 April 2003 (case 7/2003).

²²³ Ibid.

Ricardo Silva was detained on 18 March 2003 and was reportedly sentenced to 10 years' imprisonment under articles 4.1 and 6.1 of Law 88. He is currently being held in the Guantánamo provincial prison.

69. Fidel Suárez Cruz, 33, is a farmer and a member of the unofficial *Partido Pro Derechos Humanos en Cuba*, Party for Human Rights in Cuba, in Pinar del Río. He also heads the private library "*San Pablo*."

In 2000 he was sentenced to six months' restricted freedom for "*desobediencia*", "disobedience," for fishing in a restricted area; however, in December 2000 this sentence was reportedly changed to imprisonment after he was arrested for carrying out peaceful political activities. He was also believed to have been detained in 1999.

Fidel Suárez was arrested on 18 March 2003 and subsequently tried on 3 April at the *Tribunal Provincial*, Provincial Court, in Pinar del Río. He was convicted under articles 4.1, 4.2a-b, 6.1, 6.3a-b, 7.1, 7.3 and 11 of Law 88 and sentenced to 20 years in prison.²²⁴ He is being held at Agüica prison in Matanzas province.

70. Manuel Ubals González, 34, is President of the unofficial *Consejo por la Libertad de Cuba*, Council for the Freedom of Cuba. He lives in Guantánamo province.

In 1994 he was reportedly sentenced to three years' correctional work with internment for "*salida ilegal del territorio nacional*," "illegal exit from the national territory."

Manuel Ubals was detained on 20 March 2003 and subsequently tried on 3 April at the Provincial Court in Guantánamo province.

Although he, with Juan Carlos Herrera, was accused of links with '*Comandos F-4*,' a Miami-based organisation that, according to the information received, claims to have committed acts of violence in Cuba, there is no evidence given of such a link. Neither were Manuel Ubals and Juan Carlos Herrera accused of acting violently or inciting others to violence. The activities described in the verdict, on the basis of which they were convicted, amounted to the peaceful exercise of fundamental freedoms. Based on the information available, therefore, Amnesty International considers these two men, like the other dissidents tried after the recent crackdown, to be prisoners of conscience.

²²⁴ Sentence 1/2003, *Tribunal Provincial Popular*, People's Provincial Court, Pinar del Río, 5 April 2003 (case 2/2003).

Manuel Ubals was sentenced to 20 years under articles 4.1, 4.2a-b, 6.1, 6.3b, 7.1, 7.3 10 and 11 of Law 88.²²⁵ He is imprisoned in Agüica prison, in the municipality of Colón in Matanzas province.

71. Julio Antonio Valdés Guevara,²²⁶ aged 52, is director of the private library of an unofficial group, *Unión de Activistas y Opositores "Golfo de Guacanayabo"*, Union of Activists and Opponents "Gulf of Guacanayabo," in Manzanillo, Granma province.

Julio Antonio Valdés was reportedly detained on 19 March 2003, tried, and sentenced to twenty years' imprisonment.

He is believed to be suffering from high blood pressure, renal insufficiency and dizzy spells and is not receiving any medication. He is reportedly being held in the *Prisión Provincial de Ciego de Avila*, Ciego de Avila Provincial Prison (called "Canaleta").

72. Miguel Valdés Tamayo, aged 46, is vice president of the unofficial group "*Hermanos Fraternal por la Dignidad*", Fraternal Brothers for Dignity. At the time of his detention he was reportedly working as a television mechanic in a state run workshop in Havana province.

Miguel Valdés had previously been detained on 23 October 2002 in Havana, when he and other members of his organisation reportedly tried to light candles in a park.

He was detained on 19 March 2003, tried and sentenced under article 91 of the Penal Code to 15 years in prison.²²⁷ He is currently in prison in Kilo 8 prison in the municipality of Camagüey. He is reportedly suffering from a number of health problems including ulcer, high blood pressure and heart problems.

73. Héctor Raúl Valle Hernández, aged 35, is vice president of the unofficial *Confederación de Trabajadores Democráticos de Cuba*, Confederation of Democratic

²²⁵ Sentence 2/2003, *Tribunal Provincial Popular*, People's Provincial Court, Guantánamo, 3 April 2003 (case 8/2003).

²²⁶ NOTE: his last name was incorrectly listed as Valdés Guerra in Amnesty International, "*CUBA: Massive crackdown on dissent*" (AI Index: AMR 25/008/2003), April 2003.

²²⁷ Sentence 16/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 8 April 2003 (case 15/2003).

Workers of Cuba, and an activist of the unofficial *Partido Pro-Derechos Humanos*, Pro Human Rights Party, in San José de las Lajas.

He had previously been detained and harassed on several occasions. For example, on 16 November 2002 he was reportedly detained and taken to the police station in San José, Havana, where he was interrogated and told to stop his anti-government activities.

He was reportedly sentenced to 12 years' imprisonment, charged with infringing article 91 of the penal code. He is currently being held at *Combinado de Guantánamo* Prison, some 900km from his home.

74. Manuel Vázquez Portal, aged 51, is an independent journalist for the *Grupo de Trabajo Decoro*, Decoro Working Group. His articles have been published in CubaNet and other media sites. He also is a poet.

He had reportedly been detained temporarily before for his activities, for example in November 1999.

Manuel Vázquez was arrested on 19 March 2003. He was tried and found guilty under articles 4.1, 4.2b, 6.1, 6.3b, 7.1, 7.3, and 11 of Law 88, and received a sentence of 18 years.²²⁸ He is currently being held in Boniato provincial prison, Santiago.

75. Antonio Augusto Villareal Acosta was involved in collecting signatures for the *Proyecto Varela*. Amnesty International does not have information on his past activities. He was sentenced to 15 years' imprisonment and is currently being held in in Boniato provincial prison, Santiago.

²²⁸ Sentence 5/2003, *Tribunal Provincial Popular*, People's Provincial Court, Havana, 5 April 2003 (case 14/2003).

6. Additional arrests of concern

A number of additional dissidents were reportedly arrested during or around the time of the crackdown. The organisation is currently gathering information on their activities, the circumstances of their arrest and their current legal status, in order to determine if they too should be considered prisoners of conscience. They include **Rafael Ernesto Avila Pérez, Javier García Pérez, Félix Jaime González Martínez, Rolando Jimenes Posada, Rafael Millet Leyva, Miguel Sigler Amaya, Pablo Solis Cubilla and Orlando Zapata Tamayo.**

7. Death penalty: resumption of executions in Cuba

The three young men executed on 11 April 2003, Lorenzo Enrique Copello Castillo, Bárbaro Leodán Sevilla García and Jorge Luis Martínez Isaac, had been among a group of eleven who on 2 April had taken control of a Cuban ferry in Havana Bay with several dozen passengers on board and tried to force it to take them to the United States. When the ferry ran out of fuel 30 miles from Cuba, the men allegedly threatened the lives of passengers. The ferry was eventually escorted back to the Cuban shore by the Cuban coast guard. After a standoff, the matter was resolved without violence after Cuban security forces encouraged passengers to escape by jumping into the water. The hijackers were then apprehended. As a note issued at the time by the Cuban government stated, "all of those who were in the vessel were rescued and saved without a shot or a scratch."²²⁹

The hijackers were tried in summary procedures provided for in the Law of Criminal Procedure:

When exceptional circumstances warrant it, the Attorney General of the Republic can inform the President of the Supreme Popular Court, and the latter decide, to judge illegal conduct under summary procedures under the jurisdiction of any of the Courts of Justice.²³⁰

The three men were convicted under anti-terrorism legislation, *Ley Cubana contra Actos de Terrorismo*, dating from December 2001. It was believed that the legislation was adopted at least in part as a response to increased attention to terrorism-related topics following the 11 September 2001 events in the United States. Although the article on hostage-taking does not provide for the death penalty in cases in which there are no injuries, they received the death sentence. Their appeals to the Supreme Court and the Council of State were summarily dismissed, and the three were executed by firing squad less than a week after their trial began. The remaining eight received less severe sentences.

In an Official Note, the Cuban government maintained that the men were tried "with full respect of the fundamental guarantees and rights of the accused."²³¹ However, the speed with which they were brought to trial, found guilty and their appeals denied raises profound concerns about the fairness of the judicial procedure to which they were subjected.

²²⁹ Nota Informativa, *Granma*, 4 April 2003, año 7 / número 94. Unofficial translation.

²³⁰ Law no. 5, Law of Criminal Procedure, 1977. Unofficial translation.

²³¹ Nota Oficial, *Granma*, 11 April 2003, año 7 / Número 101. Unofficial translation.

The authorities did not offer a detailed justification of the death sentence. As stated above, the maximum penalty for hostage-taking in which no one is injured is 20 years:

He who seizes another person, or holds them against their will, and threatens to kill, wound or detain them, in order to oblige a State, an intergovernmental organisation, a natural or juridical person or a group of people, to carry out an action or an omission, as an explicit or implicit condition for the release of the hostage, incurs a penalty of ten to twenty years' imprisonment.

If, as a consequence of the facts described in the previous section, this results in the death or serious injury of one or more people, or the conditions demanded for the release of the hostage are achieved, the penalty will be from ten to thirty years imprisonment, or death.²³²

Once again the Cuban authorities used the US as a justification for their actions. On 17 April the Cuban ambassador to the European Union reportedly defended the executions, saying "we do not like implementing the death penalty," but indicating that for Cuba it was an act of "legitimate defence": "we are not the only ones in the world to pass the death penalty. It is often implemented in Texas, a state where George W. Bush was governor."²³³

Cuban authorities also justified the executions as a way of deterring further hijackings. In his 18 April press conference on the UN Human Rights Commission, Foreign Minister Pérez Roque clarified Cuba's longterm position on the death penalty. He pointed out that Cuba habitually abstains from the Commission resolution calling for the elimination of the death penalty, but justified the ongoing recourse to capital punishment as a defence against external aggression:

We see the death penalty as an extreme, totally extraordinary and undesired recourse, and one day, we hope, it will not be in our legislation; it is not consistent with our philosophy of life. But we have been a country under attack, we are a country facing an ongoing effort to destabilise us, and we have to use all resources in our reach ... the day that Cuba is not under blockade, the day that Cuba is not under attack; the day that there is no Helms-Burton, Torricelli, Cuban Adjustment Act; the day that the aggressions, plots and conspiracies cease; the day that Cuba is left in peace to pursue its own path;

²³² Law 93, *Ley Cubana contra actos de terrorismo*, 24 December 2001; articles 14.1 and 14.2.

²³³ (EU) CUBA: Cuban ambassador to the EU justifies repression by 'legitimate defence' and reaffirms Cuba's interest in the Cotonou Agreement, Brussels, 17/04/2003 (Agence Europe).

Cuba will not have to use drastic measures that it does not want, but that today are a duty." ²³⁴

Amnesty International is deeply concerned that, with the resumption of death by firing squad, the 52 prisoners remaining on death row may also face execution.

Even though Cuba is not formally a party to international mechanisms for the abolition of the death penalty, international standards apply to its treatment of death row prisoners. Those standards include explicit provisions, such as those for fair trial, which were not fully respected in the case of Lorenzo Enrique Copello Castillo, Bárbaro Leodán Sevilla García and Jorge Luis Martínez Isaac:

capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings. ²³⁵

In addition to grave concerns about the summary trial and appeals procedure used in this case, in contravention of international standards, Amnesty International is concerned about the regressive nature of the Cuban government's decision to end the *de facto* moratorium on executions in place since April 2000.

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, asserts that "abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights."²³⁶ It also maintains that "all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life."²³⁷ These standards serve as a benchmark, in spite of the fact that Cuba is not a signatory to the optional protocol or the covenant itself, and the decision to resume executions is therefore a deeply worrying one.

²³⁴ "Conferencia de prensa ofrecida por el canciller cubano Felipe Pérez Roque, a la prensa nacional y extranjera, sobre los resultados de la votación en la Comisión de Derechos Humanos de Ginebra, en el MINREX, el 18 de abril del 2003." Transcript in *Granma*, 22 apr 2003, año 7, número 112.

²³⁵ Safeguards guaranteeing protection of the rights of those facing the death penalty (adopted by Economic and Social Council resolution 1984/50 of 25 May 1984), para. 5.

²³⁶ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989).

²³⁷ *Ibid.*

8. Recommendations

8.1. Recommendations to the Cuban government

Based on its review of the information available, Amnesty International does not accept the Cuban government's portrayal of the 75 dissidents arrested as mercenaries or foreign agents. The organisation believes that the activities for which they have been arrested, tried and sentenced fall within the framework of the legitimate exercise of fundamental freedoms of expression, association and assembly. The organisation therefore calls on the Cuban government

- to order the immediate and unconditional release of all those arrested in the March crackdown as prisoners of conscience.
- to immediately and unconditionally release the 15 prisoners previously named by Amnesty International as prisoners of conscience.
- to immediately and unconditionally release anyone else who is detained or imprisoned solely for having peacefully exercised their rights to freedom of expression, association and assembly.

Amnesty International believes that the Cuban authorities have used the climate created by economic and political pressure from the United States to justify a repressive legal system which restricts fundamental freedoms in a manner which goes far beyond what is permissible under international human rights standards for the protection of national security and public order. The organisation urges the authorities

- to reform the Cuban legislation which facilitates the ongoing incarceration of prisoners of conscience by outlawing the legitimate exercise of fundamental freedoms, and to bring such legislation into line with international standards.
- to provide full judicial guarantees to ensure that, in accordance with international human rights standards, all detainees accused of politically-motivated offences have access to a fair trial, including immediate access to a lawyer of their choice.
- to suspend Law 88 and other similar legislation that facilitates the imprisonment of prisoners of conscience by unlawfully restricting fundamental freedoms.

Amnesty International opposes the death penalty in all countries where it exists, as a violation of the fundamental right to life. The organisation urges the Cuban government

- to reverse its regressive decision to resume executions, and to publicly commit itself to respecting the *de facto* moratorium in place prior to the April executions so that no further such state killings will be carried out.
- to immediately commute the sentences of those on death row to prison terms.
- to abolish the death penalty from its legal system, and to reform all laws and legal texts that refer to it accordingly.

In addition, Amnesty International urges the Cuban government

- to ratify the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

8.2. Recommendations to the US government

Given its grave concerns at the negative impact of the US embargo and related policies on the enjoyment of human rights in Cuba, Amnesty International calls on the United States government

- to immediately suspend decisions on any measures that could toughen the embargo.
- to review its foreign and economic policy towards Cuba, with an aim towards ending this damaging practice.
- to place enjoyment of the full range of human rights at the forefront of its concerns in developing new policy towards Cuba.

Appendices

Appendix 1: copies of 'evidence' distributed at the UN Human Rights Commission in Geneva

Appendix 2: map of Cuba showing location of prisons where those convicted in the crackdown are being held