

EXTERNAL (for general distribution)

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Further information on UA 02/92 (AMR 25/01/92, 3 January 1992) and follow-up AMR 25/23/92, 30 April 1992 - Prisoners of Conscience/Legal Concern

CUBA: Yndamiro RESTANO DIAZ, aged 44, journalist and President of the Movimiento de Armonía (MAR), Harmony Movement and three other members of MAR:
Berenice MORALES (female)
Jorge EGAÑA
Iraída MONTALVO MIRANDA (female)

and new name:

María Elena APARICIO (female), also member of MAR

The trial of Yndamiro Restano Díaz took place on 20 May 1992 at the Tribunal Popular Provincial de la Ciudad de la Habana, City of Havana People's Provincial Court. He was brought to trial together with María Elena Aparicio, an employee of the Centro Nacional de Conservación y Museología, National Conservation and Museums Centre, belonging to the Ministry of Culture. Both were charged with rebellion under articles 98 and 99 of the Cuban Penal Code.

The prosecution alleged that Yndamiro Restano, President of the Movimiento de Armonía (MAR), Harmony Movement, had broken the law by recruiting members to his organization without first obtaining legal recognition for the group from the Ministry of Justice and that the group clearly intended to change the political, economic and social regime by forming clandestine cells to carry out civil disobedience and even sabotage and attacks on police officers and leading political figures. No evidence was produced to back up the allegations that the group, which has consistently rejected the use of violence, was planning violent activities. In fact, during the trial three prosecution witnesses reportedly retracted incriminating statements they had earlier signed against Yndamiro Restano. Both defendants were also accused of producing and distributing documents and pamphlets criticizing the Cuban government policies.

A sentence of twelve years was requested by the prosecution for Yndamiro Restano and eight years for María Elena Aparicio. In the event, they were sentenced to ten years and seven years respectively. It is not known at present whether the two intend to appeal against their sentences.

Yndamiro Restano was represented at the trial by a defence lawyer of his choice and was also allowed to speak in his own defence. He reportedly took the opportunity to express his political views and to criticize the trial, saying that he had been found guilty before the hearing had taken place. A number of foreign diplomats who attempted to attend the hearing were prevented from doing so but two foreign journalists were able to be present.

Amnesty International believes that Yndamiro Restano Díaz and María Elena Aparicio are prisoners of conscience who have been imprisoned solely for trying to carry out their legitimate non-violent political activities. MAR was set up in 1990 with the declared aim of "through our ideas helping with the transition from state socialism to democratic socialism in our country" [*"ayudar con nuestras ideas a la transición del socialismo del estado al socialismo*

democrático en nuestra patria"]. It is also part of a larger grouping of unofficial political and human rights groups called the Concertación Democrática Cubana, Cuban Democratic Convergence.

It appears that no proceedings are to be taken against Berenice Morales Jorge Egaña and Iraída Montalvo Miranda who were also arrested in December 1991 but were released shortly afterwards.

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FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters:

- expressing concern that Yndamiro Restano Díaz and María Elena Aparicio have been sentenced to ten and seven years' imprisonment respectively;
- urging that they be immediately and unconditionally released on the grounds that they are prisoners of conscience detained solely on account of their legitimate and peaceful political activities.

APPEALS TO:

1) President:

Su Excelencia Dr Fidel Castro Ruz
Presidente del Consejo de Estado
Ciudad de la Habana, Cuba

**Su Excelencia /
Your Excellency**

Telegrams: Presidente Castro, Havana, Cuba

Telexes: 511122 [Ministry of Foreign Affairs]

2) Attorney General:

Dr Ramón de la Cruz Ochoa
Fiscal General de la República
Fiscalía General de la República
San Rafael 3, Ciudad de la Habana, Cuba

**Señor Fiscal General /
Dear Attorney General**

Telegrams: Fiscal General, Havana, Cuba

Telexes: 511456 FISGE

3) Minister of Justice:

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

**Señor Ministro /
Dear Minister**

Telegrams: Ministro Justicia, Havana, Cuba

Telexes: 511331 MINJU CU

4) President of the People's Supreme Court:

Dr José Raúl Amaro Salup
Presidente del Tribunal Supremo Popular
Ciudad de la Habana, Cuba

**Señor Presidente /
Dear President**

Telegrams: Presidente Tribunal Supremo Popular, Havana, Cuba

Telexes: 511457 TSUPO

COPIES OF YOUR APPEALS TO:

Coordinating Body of Human Rights Organizations in Cuba:

CODEHU

1040 S.W. 27 Ave, Miami, FL 33135

USA

and to diplomatic representatives of CUBA in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 July 1992.