

CUBA

Ill-treatment of Three Political Prisoners in Combinado de Guantánamo Prison

Amnesty International is concerned that, according to reports, political prisoners **Jorge Luis García Pérez** (nicknamed "Antúnez"), **Nestor Rodríguez Lobaina** and **Francisco Herodes Díaz Echemendía**, were ill-treated in Combinado de Guantánamo Prison, Guantánamo Province, in September 1997. It is also concerned that they were being, and may still be, held in conditions that amount to cruel, inhuman and degrading treatment or punishment.

According to reports, on 10 September 1997 over 30 prison guards at Combinado de Guantánamo Prison kicked and punched the three prisoners while they were handcuffed. Jorge Luis García Pérez was beaten on the face, neck, abdomen, ribs and back; Nestor Rodríguez Pérez was beaten around the face and ribs, as well as being kicked so hard in the stomach that it caused him to defecate; Francisco Díaz Echemendía suffered injuries to his left arm and was also beaten on the neck, ribs, back and face, causing his nose and lip to split open. On 15 September 1997 Jorge Luis García Pérez and Nestor Rodríguez Lobaina were reportedly beaten again.

As of mid-October, the three were reportedly being held in a punishment cell in the area of the prison known as "La Sola". These cells are said to be very small with no light and no furniture and just a small hole in the centre for the prisoners to urinate and defecate, and are often infested with rats, mice and cockroaches. The prisoners are usually not permitted to wear any clothing and are not given any bedding. The three men were also reportedly being deprived of medical treatment. On 24 October when Jorge Luis García's sister went to try to visit him at the prison, she was told by a State Security official that she could not do so because he was on a hunger strike. However, the official would not tell her on what date he had stopped eating. When she asked the official why her brother was being punished she was told that he had not been complying with prison discipline such as carrying out military honours or standing up straight when passed by the guards. She handed over to the prison authorities a copy of a letter dated 20

October which she had sent to the local and national military prosecutors about her brother's treatment. There is no further information about the conditions of the three prisoners or whether an investigation has been opened into the reports of ill-treatment.

In August 1997 the three prisoners reportedly set up a political prisoners' organization within the prison known as the Presidio Político Pedro Luis Boitel. It is believed that the beatings may have been inflicted, at least in part, in reprisal for having done so. The three have also reportedly participated in protests and breached prison discipline on several occasions in the past. While Amnesty International recognises that the prison authorities have a responsibility to maintain discipline and order in penal establishments and are entitled to establish appropriate rules and regulations, any measures taken to punish breaches of discipline should nevertheless conform to international standards including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Cuba ratified in 1995 (see below) and the UN Standard Minimum Rules for the Treatment of Prisoners, which states that:

Article 31: Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

Article 32 (1): Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.
(2): The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.
(3): The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Furthermore, no prisoner should be punished unless he has been informed of the offence alleged against him and given a proper opportunity to present his defence.

BACKGROUND INFORMATION ON INDIVIDUAL PRISONERS:

Francisco Herodes Díaz Echemendía

Francisco Herodes Díaz Echemendía was detained on 9 August 1990. He was sentenced to 20 years and nine months' imprisonment, accused of "*sabotaje*", "sabotage", "*terrorismo*", "terrorism", and "*otros actos contra la seguridad del Estado*", "other acts against state security". He was recently transferred from Boniato Prison, Santiago de Cuba province, to Combinado de Guantánamo Prison.

Jorge Luis García Pérez

Jorge Luis García Pérez was arrested on 15 March 1990. He was originally sentenced to five years' imprisonment, charged with "*propaganda enemiga*", "enemy propaganda". In October 1992 he escaped from "Las Grimás" Prison in Placetas, Villa Clara province, but was recaptured shortly afterwards. In May 1993 he was sentenced to an overall total of 15 years' imprisonment (taking into account the previous sentence) on new charges of "enemy propaganda", "*tentativa de sabotaje*", "attempted sabotage", and illegal possession of a weapon, allegedly committed while he was at liberty. In addition, in December 1993 he was sentenced to at least one year's imprisonment, for the escape attempt. His total combined sentence is between 15 and 18 years, although the exact number is not absolutely clear. Amnesty International believes that at the time of his first arrest and imprisonment in 1990 Jorge Luis García was a prisoner of conscience. The organization is continuing to seek further information about the basis of the new charges brought against him in 1993 following his escape.

He is said to have been beaten by guards on several occasions. In September 1993 he was called as a witness to the trial of prisoners of conscience Amador Blanco Hernández and Joel Mesa Morales. When he was brought into court, Jorge Luis García is said to have started shouting from the witness box that he had been tortured and lifted his shirt to show the scars he said occurred while handcuffed, dogs were set upon him. He also showed marks where he said guards had beaten him with rubber hoses. Following the incident, Amnesty International asked the Cuban authorities to investigate his allegations but no further information was received. He has also undertaken hungerstrikes on several occasions. There have been frequent reports that he has not received adequate medical attention while in prison (for further information see Medical Action Cuba: Political prisoners in need of medical attention, AMR 25/07/97, 28 May 1997). In July 1997 he was transferred from Kilo 8 Prison, Camagüey province, to Combinado de Guantánamo Prison after threatening to go on hunger strike, together with other political prisoners, in protest at an international youth festival that was taking place in Havana.

Nestor Rodríguez Lobaina

Thirty-two-year-old prisoner of conscience **Nestor Rodríguez Lobaina** is President of the *Movimiento de Jóvenes Cubanos por la Democracia (MJCD)*, Cuban Youth Movement for Democracy (an unofficial group). He was arrested on 8 April 1997 and brought to trial for "*desacato*", "disrespect", and "*resistencia a las autoridades*", "resisting authority", after criticising the Fourteenth Youth and Student Festival. He was sentenced to eighteen months' imprisonment which he is serving in Combinado de Guantánamo Prison.

While in prison, during the period when the World Youth Festival in Havana was taking place, between 28 July and 5 August 1997, Nestor Rodríguez went on hunger strike. In response, the authorities transferred him to a punishment cell where he was reportedly held in very cramped conditions for at least two months. According to reports, his state of health has deteriorated as a result of the hunger strike and he had to spend some time in the prison infirmary. He was also reportedly told that as a further punishment he would not be able to obtain early release on completion of two thirds of his sentence, as is customary in such cases.

Nestor Rodríguez had previously been detained, along with the vice-president of the MJCD, Radamés García de la Vega, on 6 June 1996 in Havana, and charged with “disrespect” and “*resistencia a la autoridad*”, “resisting authority”, reportedly in connection with the group’s peaceful attempts to organize a movement for university reform in the capital. Nestor Rodríguez was sentenced to 12 months’ “*limitación de libertad*”, “restricted liberty”, respectively, as well as “*destierro*”, internal exile or confinement, for a period of five years. He was ordered back to his home town of Baracoa, Guantánamo province.

Amnesty International believes that Nestor Rodríguez is a prisoner of conscience, detained solely for exerting his right to freedom of expression, association and assembly and is seeking his immediate and unconditional release.

GENERAL BACKGROUND

Cuba ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995 and presented its first report to the Committee against Torture (CAT), the body charged with monitoring implementation of the terms of the Convention by the States Party, in November 1997. In response to the report the CAT welcomed Cuba’s acknowledgement of universal jurisdiction for crimes against humanity, which included torture, and recognized that the imposition by the United States of a trade embargo undermined Cuba’s ability to provide appropriate nutrition and proper medical care to prisoners. However, it went on to express a number of concerns, including that Cuba had not established torture as a specific crime as required by the Convention. It also noted the failure of the Cuban authorities to respond to reports of violations of the Convention that had been documented by the UN Special Rapporteur on Cuba and non-governmental organizations (NGOs). Furthermore, it noted, among other things, the absence of specific training about the norms of CAT for law enforcement officials and others, the absence of adequate information about the investigation of complaints of torture and other inhuman and degrading treatment and the outcome of any such investigations, and the absence of satisfactory information as to the rights of victims to seek redress. Among the ten recommendations CAT made to the Cuban Government were: the criminalization of torture as defined by CAT by the creation of a specific crime

or crimes giving effect to every aspect of it; the establishment of a transparent permanent procedure for receiving complaints, the prompt examination of such complaints and bringing to justice those responsible; the setting up of a comprehensive program for educating and training law enforcement personnel and others; the establishment of a central register containing adequate statistical data about complaints of torture and other inhuman or degrading treatment or punishment and their follow-up and outcome; and the establishment of a compensation fund for victims. It also called on the Cuban Government to allow into the country human rights NGOs and to cooperate with them in identifying cases of torture and other inhuman and degrading treatment, as well as to urgently address complaints raised in NGO reports and the reports of the UN Special Rapporteurs.

RECOMMENDATIONS TO THE CUBAN GOVERNMENT

Amnesty International welcomes Cuba's ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in June 1995, but is concerned at reports that ill-treatment, sometimes amounting to torture, continues to occur.

The organization is calling on the Cuban Government to ensure:

- *that an independent and impartial inquiry is held into the allegations that Jorge Luis García Pérez (nicknamed "Antúnez"), Nestor Rodríguez Lobaina and Francisco Herodes Díaz Echemendía were subjected to ill-treatment in Combinado de Guantánamo Prison in September 1997.*
- *that those responsible be immediately suspended from duty and brought to justice.*
- *that the three prisoners be given access to any necessary medical attention.*
- *that prison guards be reminded of international standards for the treatment of prisoners and held accountable for their actions at all times.*
- *that Nestor Rodríguez Lobaina be immediately released on the grounds that he is a prisoner of conscience, detained solely for exerting his right to freedom of expression, association and assembly.*

- that the ten recommendations made by the CAT at its November 1997 session be implemented.