

£CUBA

@PRISONERS OF CONSCIENCE

The number of prisoners of conscience and probable prisoners of conscience in Cuba has risen sharply over the past few months. It is difficult to obtain specific figures, both because of the lack of public official statistics about political imprisonment and the restrictions on independent human rights monitoring. However, there are believed to be at least several hundred political prisoners of whom up to three hundred may be prisoners of conscience or probable prisoners of conscience. They include members of unofficial political and human rights groups who have been detained as a result of their attempts to peacefully exercise their rights to freedom of expression and association and people believed to be held for trying to leave the country without obtaining authorization. However, some reports suggest that many of those in this latter category who did not commit any other crimes in their attempt to flee may have been released following the relaxation of government policy concerning emigration during 1991.

Amnesty International is concerned at the increasingly harsh measures being taken by the Cuban authorities against those who have been advocating political change by peaceful means and at the apparent encouragement being given to pro-government supporters to harass and intimidate such people. However, the majority of the arrests of political and human rights activists brought to the attention of Amnesty International in recent months have come about as a result of their attempts to peacefully exercise their rights to freedom of expression and association in accordance with the Universal Declaration of Human Rights. Many such arrests have been made following so-called "**actos de repudio**", "acts of repudiation" - large groups of government supporters, sometimes armed with sticks, stones and other blunt instruments, are transported to the homes of known dissidents where they verbally or even physically abuse those present and cause damage to property. Police are usually present but fail to intervene to stop the assaults. Such incidents frequently involve what are known as **Destacamentos Populares de Respuesta Rápida**, People's Rapid Response Detachments. These were set up in June 1991 and are composed of Communist Party volunteers whose task is to deal with any sign of "counter-revolution".

The charges most frequently brought against members of unofficial groups in Havana, where most dissident and human rights groups are based, have been for public order offences such as **asociación ilícita**, illegal association; **clandestinidad de impresos**, clandestine printing; **desórdenes públicos**, public disorder; and **instigación a delinquir**, incitement to commit a crime. Other offences include **desacato**, disrespect, and **difamación**, defamation. Such cases are normally heard within days of arrest in a municipal court where access to defence lawyers is non-existent or extremely limited. Charges of a more serious nature such as **propaganda enemiga**, enemy propaganda, and **rebelión**, rebellion, fall under the jurisdiction of the **Departamento de Seguridad del Estado (DSE)**, Department of State

Security. In such cases, the detainee is held for several weeks or months in the local headquarters of the DSE while the charge is being investigated. During this period the detainee has little or no access to a defence lawyer. There is evidence to suggest that psychological pressure is sometimes brought to bear on the detainee during this period to sign false confessions. Whether such trials take place in a municipal or state security court, interference in the work of the judiciary by political authorities is routine.

Amnesty International has also become increasingly concerned at the general deterioration of the conditions in which prisoners, once convicted, are being held. Food, medicines and other essential provisions are in very short supply. This has coincided with the general deterioration in living conditions within the country resulting from the current economic crisis. However, there are indications that political prisoners are being singled out for particularly harsh treatment. For example, some of those arrested in recent months have been sent to prisons far away from their homes. Shortages of petrol have led to a serious deterioration in public transport services and relatives therefore find it almost impossible to visit imprisoned family members and take them additional supplies. There are also reports that some political prisoners who have tried to disseminate information about prison conditions outside the prison have been threatened with additional sentences. Reports of unprovoked beatings of prisoners by prison guards have also become much more frequent.

The number of short-term arrests of prisoners of conscience has also increased. Among recent cases were the following:

Roberto LUQUE ESCALONA, a writer and former journalist who had a book criticizing President Fidel Castro published abroad, was arrested on 19 July 1991 during an "act of repudiation" that was carried out at his house in Havana. He was held by the **Departamento Técnico de Investigaciones (DTI)**, Technical Investigations Department, apparently under investigation on a charge of **desacato**, disrespect. He was released on 21 August 1991. It was thought that he was to be brought to trial but so far no further action has been taken against him. He is a member of an unofficial group called **Criterio Alternativo**, Alternative View, and had signed in June 1991 a so-called "Statement by Cuban Intellectuals" [**Declaración de Intelectuales Cubanos**] listing five measures he and others believed to be required "to promote and ensure broad national debate" [**para promover y asegurar un amplio debate nacional**].

María Celina RODRIGUEZ, President of an unofficial religious group called **Libertad y Fé**, Freedom and Faith, was arrested on 2 August 1991, together with her three-year-old son, after being accosted in the street by a group of people who chanted abuse and physically assaulted her and her son. She was initially taken with her son to a police station but was then reportedly taken to several places belonging to the DSE, including one in the city of Santa Clara. She was later transferred to the Havana

Psychiatric Hospital¹ while her son was taken to a nursery. She was released without charge about three weeks after her arrest.

Rafael GUTIERREZ SANTOS, the leader of an unofficial trade union, aged 55, was arrested on 10 January 1992 after a group of civilians believed to be members of a People's Rapid Response Detachment went to his home in Luyanó, Havana. He was not there but they came across him nearby and reportedly physically assaulted him and tried to force him to swallow documents issued by the trade union before forcing him into a private car and taking him away. He was later located at the 10th police unit in Avenida de Acosta where his family were told he would be kept for some time. However, he was released on 14 January 1992. It is not clear whether there are any charges pending against him. Rafael Gutiérrez is the president of the founding committee (**comité gestor**) of the **Unión General de Trabajadores de Cuba (UGTC)**, General Union of Cuban Workers.

The UGTC was set up in 1991 and requested official recognition from the Ministry of Justice on 3 October 1991. No reply has been received. Since 1959, only one trade union, the **Central de Trabajadores de Cuba (CTC)**, the Cuban Workers Federation, has been allowed to function in Cuba. Rafael Gutiérrez had formerly been a CTC leader for 22 years at the Havana docks where he worked. In July 1990 he and three other dock workers were sacked from their jobs after being briefly arrested for investigation of "**delitos contra los poderes del estado**", "crimes against state authorities" in connection with their alleged membership of an unofficial political group. Rafael Gutiérrez was removed from his CTC post in July 1990.

Appendices

Attached at Appendix I are the details of 30 cases of prisoners of conscience and 26 probable prisoners of conscience currently awaiting trial or already convicted. The list is not exhaustive but comprises those cases which have been most well-documented. In many other cases, only scant details such as the name, place of detention and charge are known.

Attached at Appendix II is a list of unofficial political or human rights groups mentioned in this document. Several of the groups have joined forces to form two separate groupings with similar names: the **Concertación Democrática Cubana**, Cuban Democratic Convergence, and the **Coalición Democrática Cubana**, Cuban Democratic Coalition. Other groups such as the **Comité Cubano Pro Derechos Humanos (CCPDH)**, Cuban Committee for Human Rights, have so far stayed outside either grouping.

¹ According to Cuban law, detainees can be referred upon arrest to psychiatric institutions for tests in order to establish whether they are fit to stand trial. While this is a routine procedure and can in genuine cases benefit the detainee, Amnesty International fears that, in some cases, particularly those involving political prisoners, the procedure may be open to abuse.

