

EXTERNAL (for general distribution)

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**PLEASE ORGANIZE UP TO TWENTY APPEALS PER SECTION**

UA 208/91 Possible Prisoner of Conscience

14 June 1991

CUBA: David MOYA ALFONSO, aged 24

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Amnesty International has learned that on 31 May 1991 David Moya Alfonso was brought to trial and convicted on a charge of desacato, disrespect, under article 144 of the Penal Code. Article 144 states that "anyone who threatens, slanders, defames, insults, damages or in any way outrages or offends, orally or in writing, the dignity or honour of an authority, public official, or their agents or auxiliaries, in the exercise of their functions or on the occasion of or because of them" [El que amenace, calumnie, difame, insulte, injurie o de cualquier modo ultraje u ofenda, de palabra o por escrito, en su dignidad o decoro a una autoridad, funcionario público, o a sus agentes o auxiliares, en ejercicio de sus funciones o en ocasión o con motivo de ellas] can be sentenced to between three months and one year's imprisonment or a fine or both. If the abuse is directed at the President of the Council of State, Consejo del Estado, [Fidel Castro], the President of the National Assembly of Popular Power, Asamblea Nacional de Poder Popular, members of the Council of State or the Council of Ministers or deputies in the National Assembly of Popular Power, the sanction is from one to three years' imprisonment. The charge against David Moya was brought after he had failed to answer a summons issued in December 1990 following a press conference he gave in Havana concerning the situation of human rights in Cuba. At the trial he was sentenced to a fine of 200 pesos or, if he does not pay it by the end of June, 180 days' imprisonment. He was reportedly unable to be defended by a lawyer of his choice and instead was assigned a state lawyer, abogado de oficio. According to reports, the trial lasted four hours and during it, eleven policemen testified that David Moya had publicly and offensively called President Fidel Castro a violator of human rights.

Amnesty International believes that, if imprisoned, David Moya Alfonso would be a prisoner of conscience imprisoned for peacefully expressing his opinions concerning the Cuban human rights situation.

#### **BACKGROUND INFORMATION**

David Moya Alfonso was first arrested when he was 16 years old and sentenced to four year's imprisonment for trying to leave the country illegally [intento de salida ilegal del territorio nacional]. Shortly after his release, he was arrested again on the same charge and sentenced to a further year's imprisonment.

He subsequently became Executive Secretary of the unofficial Partido Pro Derechos Humanos de Cuba (PPDHC), Party for Human Rights in Cuba. No independent human rights groups have been granted official permission to operate in Cuba. Despite this, several groups have continued to operate unofficially and, although such activities have been tolerated up to a point, human rights monitors frequently face harassment, and occasionally imprisonment. On 4 April 1989, he was arrested, with a number of other PPDHC members, for trying to organize a demonstration outside the Soviet Embassy during a visit to the country by Soviet leader Mikhail Gorbachev. He was sentenced to nine months' imprisonment on a charge of illegal association, demonstration and meeting [asociaciones, reuniones y manifestaciones ilícitas]. While serving that sentence, he was given an additional sentence for disrespect, desacato, after

the authorities accused him of inciting fellow prisoners to disobedience. It is thought that the real motive was that he was trying to gain support for the PPDHC within the prison. He was conditionally released in October 1990. In December 1990, he was given the Reebok Human Rights Award - Reebok is a well known manufacturer of sportswear and equipment. He has continued with his human rights activities since his release and is reported to have expressed the wish to leave Cuba because of repeated harassment from the authorities.

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

- stating that Amnesty International believes that, if imprisoned as a result of his recent conviction for "*disrespect*", "*desacato*", David Moya Alfonso would be a prisoner of conscience, imprisoned for the peaceful exercise of his right to freedom of expression;
- urging that the charge against him be immediately dropped and that he should not be imprisoned, whether or not he has paid the fine imposed by the court;
- requesting that he and other independent human rights monitors be permitted to carry out their legitimate human rights activities.

**APPEALS TO:**

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

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

Dr Carlos Amat Forés  
 Ministro de Justicia  
 Ministerio de Justicia  
 Calle O No. 216, 8vo piso  
 entre 23 y Humboldt  
 Vedado, Ciudad de la Habana  
 Cuba  
**Telegrams: Ministro Justicia, Havana, Cuba**  
**Telexes: 511 331 MINJU CU**

**COPIES TO:**

CODEHU  
 1040 S.W. 27 Ave  
 Miami  
 FL 33135  
 USA

(Coordinating Body of Human Rights in Cuba, which includes the PPDHC)

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 26 July 1991.