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# CUBA

## Silencing the voices of dissent

### GENERAL BACKGROUND

The present Cuban Government, under the leadership of President Fidel Castro Ruz, came to power on 1 January 1959 after overthrowing the dictatorship of General Fulgencio Batista. Two years' later, President Castro publicly announced that he was a Marxist-Leninist and that Cuba was building a socialist state. Shortly afterwards, a new pro-government party was established as the sole legal political party. At that time known as the **Partido Unido de la Revolución Socialista Cubana (PURSC)**, United Cuban Socialist Party of the Revolution, it changed its name to the **Partido Comunista de Cuba (PCC)**, Cuban Communist Party, in October 1965. The country had been ruled by decree since 1959 when the 1940 Constitution was suspended but in 1976 a new constitution was introduced after being submitted to the first PCC Congress in 1975 and subsequently approved in a popular referendum. Under the new constitution, the country was declared to be a socialist state and the PCC was confirmed as "the highest leading force of society and the State". The **Asamblea Nacional de Poder Popular**, National Assembly of People's Power, was established as the "supreme organ of the state" to be elected every five years by **Asambleas Municipales de Poder Popular**, Municipal Assemblies of Popular Power. The National Assembly chose the members of a new **Consejo de Estado**, Council of State, with Fidel Castro as its President and therefore Head of State and Head of Government. This structure of government has remained in force until the present time. In July 1992, the constitution was amended, partly to take into account the effect on Cuba resulting from the changes which have taken place in the Soviet Union and Eastern Europe (see p.3 for details).

The Cuban judicial framework is subject to the prevailing ideology and although certain rights and freedoms are provided for in the constitution and laws, article 61 of the Constitution states: "None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and law, or contrary to the existence and objectives of the socialist state, or contrary to the decision of the Cuban people to build socialism and communism. Violations of this principle can be punished by law." Such an approach has therefore seriously limited in practice the exercise of freedom of expression, association and assembly, in particular. As far as international law is concerned, Cuba has not ratified major international instruments enshrining fundamental human rights such as the International Covenant on Civil and Political Rights although it has signed the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In 1962, the Organization of American States (OAS) 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. However, the Inter-American Commission of Human Rights (IACHR) has continued to produce periodic reports on the situation of human rights in Cuba. It considers that since Cuba has not denounced the OAS Charter, it is obliged to respect the principles upheld in it, specifically the respect for the fundamental rights of the individual. Moreover, the IACHR considers that exclusion from the Inter-American System applies to the Cuban Government but not to the Cuban state as a member of the OAS. This position is not unanimously held, and there are those who believe that it does not fall within the IACHR's competence to study the human rights situation in Cuba.

## Recent Political Developments

In 1962, following the economic and political blockade imposed on Cuba by the United States of America, the Soviet Union and the communist states of Eastern Europe became Cuba's main political allies and trading partners. The changes that have taken place in those countries in the past few years have therefore had severe economic repercussions in Cuba, which is still subject to the US trade embargo. From 1989 onwards, when the Soviet block began to disintegrate, Cuba came under increasing pressure from many quarters, but particularly from abroad, to initiate similar changes to those taking place there. In the face of this sudden and radical disruption of its economy and continued pressure from the USA and some of its allies, the Cuban Government has responded by stressing its continued commitment to socialism and the single party system and hardening its attitude to those who oppose the official line. It blames the US Government for its continuing and increased political isolation and accuses it of giving support and encouragement to Cuban exiles based in the USA who wish to overthrow the government of President Fidel Castro. In 1991, in response to the economic situation the country found itself in, the government declared a so-called "special period in time of peace" and suspended the process of "rectification of errors" which had been initiated after the Third Communist Party Congress in 1985<sup>1</sup>.

The Fourth Congress of the Cuban Communist Party was held in October 1991. There was expectation in some quarters that it would introduce significant political or economic reforms but in the event only minor reforms were introduced, some of which were later incorporated into the amendments made to the 1976 Constitution by the National Assembly of Popular Power at its July 1992 session. The Congress agreed, among other things, to allow for the first time religious believers to join the Communist Party and to introduce free, direct and secret elections for deputies to the National Assembly and members of provincial assemblies - in the past, only the municipal assemblies had been elected directly by the people. Such elections were originally scheduled to take place in October 1992 but they have since been postponed. The National Assembly was due to meet in October to discuss and approve the mechanisms for such elections. Carlos Aldana, then a senior member of the Central Committee of the Cuban Communist Party<sup>2</sup>, announced shortly after the Fourth Congress that any citizen "fully exercising his civilian rights" and without ideological limitations may stand for election. However, the candidate would have to stand as an individual and not as a representative of any unofficial group or party and the person would have to be proposed as a candidate by the electors in a particular community. He added that decisions were still pending about precisely how candidates would be chosen but said that it was likely that "social sectors, forces and structures, as well as neighbourhood and municipal assemblies" (most of whom have been traditionally controlled by the Communist Party) would be involved.

Most of the reforms made to the 1976 Constitution by the National Assembly in July 1992 related to the need to remove references to the Soviet Union from the old text, stressing instead the country's links with its neighbours in the Caribbean and Latin America. The new text generally reaffirms its ideological base and specifies the construction of Communist society as its final objective. Important new paragraphs guaranteeing religious freedom and prohibiting discrimination on the grounds of religious beliefs were

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<sup>1</sup> See **Cuba: Recent Developments affecting the Situation of Political Prisoners and the Use of the Death Penalty**, AMR 25/04/88, September 1988, for further details of how this affected the judicial and prison systems.

<sup>2</sup> At the time of writing, it has emerged that Carlos Aldana has been dismissed from his post as Head of the Departments of Ideology, International Relations, and Education, Science and Culture of the Central Committee of the Communist Party as a result of "serious personal mistakes".

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introduced. New constitutional powers were also granted to the President, including the right to declare a state of emergency. In such an event, a National Defence Council, of which the President would be leader, would assume control of the country.

## Government Opposition

As already stated, freedom of expression, association and assembly have been severely limited under the present government. Although there was a brief period in 1988/89 when it seemed that government attitudes in this respect were changing to the extent that the activities of certain unofficial groups were generally tolerated, the situation was rapidly reversed thereafter. In the current climate, any sign of dissent from the official government line is liable to be punished. People can be arrested and imprisoned for simply shouting or writing slogans critical of the government or lose their jobs for criticizing the worsening working and living conditions. Those who try to get together in unofficial groups and/or attempt to demonstrate their discontent in the streets may also face arrest for a variety of offences. Even those already in prison who try to make public their complaints about their own cases or prison conditions in general or criticize the government are sometimes accused of enemy propaganda and given additional sentences.

Over the past three or four years, a number of small unofficial groupings of varying tendencies, some overtly advocating general political change and others concerned more specifically with respect for religious, trade union or general human rights, have emerged in Cuba. None have received official recognition from the Cuban authorities. To obtain such recognition, groups have to apply to the Ministry of Justice. Several have formally requested such recognition but have received no response. For a brief period in 1988/89, the activities of such groups appeared to be generally tolerated by the authorities. However, from the second half of 1989 onwards, the government attitude hardened and the level of harassment and arrests began to increase. Such groups have, nevertheless, continued to exist and to slowly proliferate. As of the end of 1991, according to government figures, there were approximately 50 such groups in the country, comprising some 1,000 people. They are usually labelled by the authorities as "counter-revolutionary". A senior government official said in late 1991 that even if such groups maintained positions that were "totally adverse" to the government, they would not be persecuted or harassed because of it as long as they obey the law. The activities of such groups have so far been largely peaceful and most have consistently stressed their opposition to the use of violence to bring about their aims. Despite this, since mid-1991 the authorities have taken increasingly strong measures to counter any signs of dissent and many members of dissident organizations have been arrested or otherwise harassed for carrying out peaceful legitimate activities related to freedom of expression, association and assembly as guaranteed under international law. In particular, the leaders of several of the most prominent groups have been arrested and imprisoned on charges ranging from illegal association, defamation and enemy propaganda to rebellion and revealing state security secrets. The latter refers to the case of Dr Omar del Pozo and three others, including a state security agent, who are alleged to have revealed the identity of state security agents who have infiltrated dissident groups (see p.41 for details). The authorities have made no secret of the fact that government agents have infiltrated unofficial groups. At some trials of dissidents, people who were active in such groups and in some cases achieved senior positions within them have appeared as witnesses for the prosecution and revealed that from the start they were working for the authorities. Other group members have appeared in court for the prosecution, apparently as the result of pressure exerted on them by the authorities. These practices have contributed to a climate of distrust amongst dissidents and have led to numerous splits within the different groups, most of which are

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loosely united in one or other of two coalition groupings of differing political tendencies - the **Concertación Democrática Cubana**, Cuban Democratic Convergence, and the **Coalición Democrática Cubana**, Cuban Democratic Coalition. Both want to see political change in Cuba but differ in how this is to be achieved.

At the end of 1991 and beginning of 1992, several senior government officials made statements indicating that they would not hesitate to use the full force of the law in dealing with "counter-revolutionary" crimes, which by their definition include not only political but also economic crimes such as sabotage, speculation, hoarding and black market activities.

In a speech to the National Assembly on 27 December 1991, Carlos Aldana said that the 50 or so "counter-revolutionary" groups in the country were all directed by the US Central Intelligence Agency (CIA). He described them as "squalid, counter-revolutionary garbage, whose current characteristic... is that not a few of them are completely alienated from reality...". He warned that the appropriate authorities would not hesitate to act against such groups with maximum severity but within the framework of current legislation. However, he ended by quoting Cuban hero José Martí who, in the context of the struggle for Cuban national independence in the nineteenth century, called on the leaders to summarily punish anyone who proposed surrender or agreements that might affect the absolute independence of Cuba "with the penalty established for traitors to the nation". Although treason as such is not a specific offence in the Cuban Penal Code, the Cuban Constitution states that "Treason against one's country is the most serious of crimes; those who commit it are subject to the most severe penalties."

On 10 January 1992 at the funeral of three policemen killed by so-called "counter-revolutionaries" (see p.56), First Vice-President Raúl Castro publicly stated that the authorities would consider bringing back the **Tribunales Revolucionarios**, Revolutionary Courts, set up in the wake of the 1959 revolution which brought the present administration to power to deal with government opponents and members of the overthrown Batista government. He said, "Let all counter-revolutionaries both inside and outside the country know that those who live by the sword die by the sword... (and that) we will not hesitate to bring back, if necessary, the revolutionary courts." Trials that took place in such courts were extremely summary and often resulted in execution by firing squad<sup>3</sup>. In a subsequent interview with a Spanish journalist, however, the Minister of Justice, Carlos Amat Forés, said that the restoration of revolutionary courts "would only be imaginable in the case of invasion or imminent danger of war, but not now". He said that the death penalty would only be used in accordance with present Cuban law as an exceptional measure but that they would not hesitate to use it where they deemed it necessary to set an example or in cases "that might have social consequences... We will do so. But not with pleasure. Here no one is interested in mass-producing death penalties, although it will be applied in circumstances that require it. When the international situation is less tense and the attacks against Cuba have ceased, our courts can deal with such a penalty with ability and political vision."

### New Measures to deal with "Counter-revolutionaries"

Measures have been taken to step up security in the face of potential threats, both internally and from

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<sup>3</sup> Reliable figures for the number of people executed at that time are not available. According to government figures provided to Amnesty International in 1988, 237 people were executed between 1959 and 1987, the majority in the early years. However, reports from other sources suggest that the number of those executed in the first few years after 1959 was much higher and that many people were summarily executed without any trial at all.

abroad. According to the Armed Forces Chief of Staff, General Ulises Rosales del Toro, over half the population (more than six million) are trained and organised to defend the country in the event of external attack. Furthermore, many workers have been armed to combat economic crime which is reportedly on the increase. One of the recent amendments to the constitution states that "All citizens have the right to fight by all means, including the armed struggle when there is no other possible resource, against anyone who tries to overthrow the political, social, and economic order established by this constitution." The different branches of the security forces, which come under the jurisdiction of the Ministry of the Interior, and the Communist Party mass organizations involved in defence (such as the **Comités de Defensa de la Revolución (CDR)**, Committees for the Defence of the Revolution) have been brought together in a **Sistema Unico de Vigilancia y Protección (SUVP)**, Unified Vigilance and Protection System, to link them in the fight against crime and "to safeguard the achievements of the Revolution".

In June 1991, at a meeting between President Fidel Castro and representatives of several Communist Party organizations, it was agreed to set up **Destacamentos Populares de Respuesta Rápida**, People's Rapid Response Detachments, popularly known as **Brigadas de Respuesta Rápida**, Rapid Response Brigades. Their principal aim was stated to be the following: "to defend the country, the Revolution and socialism in all circumstances, by confronting and liquidating any sign of counter-revolution or crime", wherever it might appear. According to a document sent out to Communist Party organizations by the Ministry of the Interior, "The detachment is not a military organization... (it) is an organization for ideological and political combat, for revolutionary combat. The detachment is a revolutionary army in the political sense...". Supporters of the government were urged to volunteer for such units which are organized at neighbourhood level under the jurisdiction of the Communist Party and in coordination with the Ministry of the Interior. It was recommended that the detachments only take action when they outnumber those whom they are going to confront. However, "that does not rule out the duty of every revolutionary to defend the Revolution, even if alone or in a minority, given our belief that "I am the Revolution, my country, the defence of socialism" and the principle that as long as there is still one combatant alive, the struggle for the defence of the country will continue." Despite the supposed voluntary nature of these brigades, reports have been received that some people are coerced into participating. According to one report, students are given forms to sign to show their willingness to participate in the brigades and if they refuse to do so, they are unable to pursue their studies.

In late 1991 and early 1992, numerous reports were received of incidents involving the alleged participation of such brigades. Such incidents, known as "**actos de repudio**", "acts of repudiation", involved serious harassment of human rights activists and dissidents leading on several occasions to the arrest of those under attack and, in some cases, injury. On several occasions, large groups of people went to the homes of known dissidents and verbally and physically attacked those present. On other occasions, dissidents were attacked by groups of individuals while walking along the street. One of the worst incidents of this kind, other examples of which are given on pp.11-20, took place in November 1991 and culminated in the arrest and imprisonment of Maria Elena Cruz Varela and six other members of an unofficial group called **Criterio Alternativo**, Alternative View. In a speech to the National Assembly, a senior government official later accused her and other dissidents of writing "offensive, slanderous pamphlets, ranging from calling for demonstrations... to questioning this assembly". He said that if such pamphlets, which sometimes gave the name and address of the person who had written them, were received by "a party member, a communist", they should "go find that person and call them to account for it".

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Despite attempts by the authorities to try to represent the "acts of repudiation" as the spontaneous action of ordinary citizens in defence of the Cuban revolution, there is clear evidence that at least in some cases they are planned in advance by Communist Party organizations, that the security forces are integrally involved in instigating them and allowing them to be carried out without interference, and that the mass media have in some instances played a part in inciting people to participate in such acts. To Amnesty International's knowledge, while those under attack have frequently ended up in detention, in some cases only briefly, in no case have any of those perpetrating the attacks been arrested.

Dozens of members of unofficial groups have been taken in for questioning by the **Departamento de Seguridad del Estado (DSE)**, Department of State Security, on repeated occasions and held for several hours or days before being released without charge, sometimes with an official warning not to continue their activities or with the threat that an "**expediente de peligrosidad**"<sup>4</sup>, "dangerousness file", will be opened on them. In one recent case, after an "act of repudiation" had been staged at his home, a man was taken handcuffed to a police station and forced to pay a fine. Some have reported that they have been subjected to abusive language and threats against their physical integrity or that of their relatives. Some dissidents have also reported receiving telephoned death threats. Other people, including several university professors and other professionals, have lost their jobs after speaking out against government policies and/or calling for peaceful political change. In such cases, the person concerned is frequently subjected to what is known as a "**mitín de repudio**", "repudiation meeting", in the presence of their work colleagues.

At the end of September 1992, General Sixto Batista Santana, the head of the Committees for the Defence of the Revolution, told the annual conference of the Committees that current circumstances required that the Cuban authorities "put revolutionary vigilance first and act against internal and external enemies". A number of incidents involving dissidents had taken place in the previous three weeks. On 8 September a man and a woman were reportedly dragged out of a mass at a Catholic Church in Regla, Havana, by police and government supporters after they had shouted "Free Political Prisoners" and were taken away in a police car. The man was said to have been beaten by the crowd. It is not known what happened to them. On 11 September, five members of an unofficial trade union group were reportedly attacked by government supporters when they attempted to hand over a letter calling for political reforms at the official trade union headquarters in Havana. One of the five, Juan Guarino Martínez Guillen, was later arrested. On 25 September about eleven dissidents, including Dr María Valdez Rosado (see p.20), were arrested and three of them beaten up outside the church of la Virgen de las Mercedes, also in Havana. It is not known whether they are still in detention.

## The Cuban Government and Amnesty International

Amnesty International's longstanding concerns in Cuba have generally remained the same in recent years, although they have varied in scale and seriousness at different stages. Direct contact with the authorities, however, has been irregular. Amnesty International has regularly reported its concerns to the Cuban

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<sup>4</sup> Articles 72-90 of the Penal Code, entitled **El Estado Peligroso y las Medidas de Seguridad**, The Dangerous State and Security Measures, permits the authorities to apply special measures to certain groups of people whose behaviour is considered anti-social and who may have a "special proclivity" to commit crimes. Such measures may consist of therapy, police surveillance or "re-education". The latter may consist of internment in a specialised work or study establishment for a period of one to four years. The place of internment can be changed to prison by a government order. Such measures are usually imposed by **Tribunales Municipales Populares**, People's Municipal Courts, where defendants have little or no possibility to defend themselves (see p.24). There are indications that such measures are frequently taken against people for political reasons. AI Index: AMR 25/26/92 Amnesty International December 1992



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authorities though frequently without response. However, on two occasions, in 1977 and 1988, representatives of the organization were invited to visit Cuba to discuss human rights issues with government officials. Amnesty International delegates to the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, which took place in Havana in August 1990, were also able to meet with some senior government officials. Since then, however, little substantive response has been received by the organization to its enquiries and a request for a further visit, made in a letter to Vice-President Carlos Rafael Rodríguez in July 1992, has so far received no response.

## Access to other international human rights monitoring bodies

During 1988, which was a shortlived period of limited openness, a number of international human rights bodies were permitted to visit Cuba. Apart from Amnesty International, these included the UN Commission on Human Rights (see below) and the International Committee of the Red Cross (ICRC). The latter was able to establish an agreement with the Cuban authorities that enabled them to carry out periodic inspections of Cuban prisons. However, in June 1990, this agreement was suspended by the Cuban Government. To Amnesty International's knowledge, no independent international human rights monitors have been allowed to visit the country in the past two years.

## United Nations Commission on Human Rights

In September 1988, a delegation from the UN Commission on Human Rights visited Cuba at the invitation of the Cuban Government. Following the visit, a report was presented to the Commission and the Cuban Government agreed to maintain contact with the UN Secretary General concerning the issues contained in the report. In 1991 the Commission adopted a resolution proposed by the US delegation requesting the UN Secretary-General to designate a Special Representative to "maintain direct contact with the Government and citizens of Cuba on the issues and questions contained in, and associated with, the report of the mission which took place in Cuba". At this point, the Cuban Government announced that it would "continue to collaborate with all United Nations institutions and especially with the Secretary-General" but that it considered "the the Commission and its anti-Cuban decision" to be "null and void because it is the monstrous spawn of blackmail and pressure". The Special Representative who was appointed by the Commission, Colombian diplomat Mr Rafael Rivas Posada, was unable to visit Cuba and did not receive a response from the Cuban Government to any of the communications he submitted to them. In his report to the 48th Session of the Commission in March 1992, it was pointed out that he "had to limit his activity to receiving information supplied by the citizens of Cuba. Since it was not possible for him to establish direct contact with Cuban citizens in their own country, he maintained contact with Cubans living outside Cuba and used the information that Cuban citizens living in the country had been sending abroad... For the reasons given, the Special Rapporteur was seriously hampered in carrying out his mandate." UN Commission Resolution 1192/61, "commends and endorses the report...", "notes that the report is incomplete because the Special Representative was unable to meet with the people or the Government of Cuba", "deplores the decision of the Government of Cuba not to permit the Special Representative the opportunity to fulfil his mandate..." and "regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report and expresses particular concern at governmentally organized mob action against human rights activists". The Chairman of the Commission was requested to designate the Special Representative as its Special Rapporteur to review and report on the situation of human rights in Cuba. As before, the Special Rapporteur was requested "to maintain direct contact with the Government and citizens of Cuba....

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concerning the issues and questions contained in and associated with the report of the [1988] mission to Cuba as well as the report of the Special Representative". The resolution, which had been introduced by the US delegation, was adopted by 23 votes to 8, with 21 abstentions. The Cuban Government rejected the Special Representative's report saying that it considered his mandate "spurious, null and void, and lacking in political and moral validity". The Deputy Foreign Minister rejected any attempt "to impose on us discriminatory treatment which does not reflect the reality of a situation that compares favourably with that of any other Member State". The Cuban Government made it clear on many occasions that their lack of cooperation with the Commission was based on the fact that in their view the main instigator of the attempts to bring the situation of human rights under the Commission's scrutiny was the Government of the United States of America whose motivation, according to the Cuban Government, has been political rather than humanitarian.

While regretting the excessive politicization of the debate on Cuba at the UN Commission on Human Rights over the past few years, Amnesty International believes that the human rights situation in Cuba at present deserves scrutiny and hopes that the Cuban Government will in future cooperate with the Special Rapporteur as it has continued to do with, among others, the 728F/1503 procedure of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities<sup>5</sup> and the UN Working Group on Arbitrary Detention. Following the passing of the resolution in March 1992, Rafael Rivas Posada resigned from the post for personal reasons. In August 1992 it was announced that Swedish diplomat Carl Johann Groth, who was Swedish Ambassador to Cuba between 1969 and 1971, was to replace him.

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<sup>5</sup> This is a confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, the replies to which are therefore not available to the public.

## AMNESTY INTERNATIONAL'S CURRENT CONCERNS

Amnesty International's main concerns in Cuba at present are: the short-term arrest and harassment of members of unofficial groups, the imprisonment of prisoners of conscience and probable prisoners of conscience and the continued use of the death penalty. Amnesty International is also concerned about the increasing number of allegations of ill-treatment, including in some cases deaths in detention, and occasional incidents of apparent unlawful killings by members of the security forces. An overriding concern in all areas is the lack in practice of judicial safeguards, particularly relating to access to defence lawyers and the possibility of a fair hearing, in accordance with international standards for a fair trial. Under each heading below, a few examples of the cases that have been brought to the attention of the organization are given to illustrate the pattern that has been detected in each case.

The most detailed reports of arrests and harassment tend to come from the city of Havana but others have also been received from Havana Province, Santiago de Cuba, Holguín, Pinar del Río, Villa Clara and the Isle of Youth.

### SHORT-TERM ARREST AND HARASSMENT OF MEMBERS OF UNOFFICIAL GROUPS

Since mid-1991, dissidents of all kinds who have managed to escape long-term imprisonment have been increasingly subjected to many different forms of harassment. Such methods include: short-term arrest, frequent questioning by the police, fines, threats against themselves and their families, loss of employment, and physical attacks, usually in the form of "acts of repudiation" involving the so-called Rapid Response Brigades. Reports suggest that, while in detention, the security officials often try to pressurize dissidents to work for them or at least provide information about fellow dissidents in exchange for no criminal charges being brought against them personally.

Threats of reprisals are also frequently made against relatives and close friends of dissidents in an apparent attempt to put pressure on those concerned to cease their political activities. In some cases, they are carried out. For example, Xiomara González Figueroa, the wife of prisoner of conscience Fernando Velázquez Medina (see pp.31-32), was reportedly sacked from her job at the magazine **Juventud Rebelde**, Rebel Youth, where she had worked for 23 years following her husband's imprisonment. The reason given was that she was no longer suitable to work for a publication of a political organization. Mayra González Castellanos, who is a close friend of prisoner of conscience Sebastián Arcos Bergnes (see p.28), was removed from her job at the **Instituto Nacional de Investigación de la Caña de Azúcar**, National Institute for Research into Sugar Cane, in April 1992 because of "lack of trust". The justification for this measure was that she had "a close relationship with a citizen opposed to socialism and who puts the ideas of capitalism above human rights in Cuba". Teresa Peña Pupo, the wife of ADDEPO activist Jorge Daniel Pita Santos, who is the brother of prisoner of conscience Luis Alberto Pita Santos (see p.35) and also a member of ADDEPO, was reportedly sacked from her job at a children's nursery in February 1992 because of her links with a "counter-revolutionary".

A number of foreign journalists have been attacked or expelled for trying to report on the activities of dissidents over the past two years. In May 1992, Bertrand de la Grange, a Canadian journalist working for the French newspaper **Le Monde**, was attacked in the street by civilians believed to be acting for the Amnesty International December 1992AI Index: AMR 25/26/92

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government (see p.16).

In 1990, journalists from Mexico and Hungary were expelled after filing reports critical of the Cuban Government. Cuban journalists have also been expelled from Communist Party organizations and/or lost their jobs after being accused of involvement in dissident activities.

### 1. Gustavo Arcos Bergnes and Jesús Yanes Pelletier

In January 1992, crowds went to the home of **Gustavo Arcos Bergnes**, Secretary General of the unofficial **Comité Cubano Pro Derechos Humanos (CCPDH)**, Cuban Committee for Human Rights, and shouted abuse at him and his family after his name and address and those of two other members of the group were shown in large letters on the screen during a television program purporting to link them with Eduardo Díaz Betancourt who was sentenced to death and later executed for terrorism (see p.56). Gustavo Arcos Bergnes, together with his brother **Sebastián Arcos Bergnes** and **Jesús Yanes Pelletier**, were subsequently arrested and taken to the State Security headquarters at Villa Marista. Gustavo Arcos Bergnes and Jesús Yanes Pelletier were released the next day after being given an official warning about their activities. Sebastián Arcos Bergnes, the Vice-President of the CCPDH, was kept in detention and is at present awaiting trial on a charge of "enemy propaganda" (see p.28).

On 15 February 1992, 75-year-old Jesús Yanes Pelletier was attacked in the street by a group of 15 people, who by their clothing appeared to him to be construction workers. One of them grabbed him by the neck and shook him, accusing him of writing "counter-revolutionary letters". The group had visited the home of Gustavo Arcos Bergnes about an hour earlier trying to find out if the two of them were there. On 20 July 1992, Jesús Yanes Pelletier was visited in his home by several local leaders of Communist Party organizations who told him that they had come to warn him "on behalf of the masses that they represent" to stop carrying out so-called "subversive activities", such as making telephone calls and receiving visits from foreign journalists. They told him that telephones were only for "revolutionaries". When he complained about the use of the word "subversive", they changed it saying instead that he was carrying out "anti-government activities". He told them that the police had also given him similar warnings but that he had pointed out to them that the foreign journalists who had visited him were accredited with the Ministry of Foreign Relations and that they had permission to visit dissidents.

### 2. Francisco Chaviano González

One of the most recent "acts of repudiation" was carried out on 14 July 1992 at the Havana home of **Francisco Chaviano González**, President of the unofficial **Consejo Nacional por los Derechos Civiles en Cuba**, National Council for Civil Rights in Cuba. On 11 July, three local Communist Party activists had reportedly painted an offensive slogan opposite his home. He reported the matter to the police but they apparently took no action. In the early morning of 14 July, leaflets insulting him and his family were scattered near the house. On this occasion, Francisco Chaviano responded by painting his own slogans<sup>6</sup>, reportedly saying such things as "Long live Chaviano and human rights" and "Only cowards write anonymously". At this point the police came and took him to a local police station where they told him that he had to remove the slogans that afternoon. At 7pm a crowd of some 150 people, reportedly led by local Communist Party members, went to the house and shouted personal insults against Francisco Chaviano and his family. By about 8pm a group of some 30 or 40 friends of Chaviano had turned up and one of the leaders of the pro-government supporters gave orders to disperse. As far as Amnesty

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<sup>6</sup> It is not clear whether these were on his own property or elsewhere.  
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International is aware, no further action has been taken against Francisco Chaviano or indeed his attackers.

### 3. Rafael Gutiérrez Santos and others

Trade union leader **Rafael Gutiérrez Santos** was arrested on 10 January 1992 after a group of civilians believed to be members of a Rapid Response Brigade went to his home in Luyanó, Havana. He later described what happened: He was at home when a crowd of people came and banged on the door. Fearing what was about to happen, he left the house by another exit but the crowd caught up with him outside and surrounded him. They asked him if he was Rafael Gutierrez and where he lived. They then began to jostle and insult him. One of them took a piece of paper from Rafael's pocket, which happened to be a document related to human rights, and displayed it like a trophy saying "Look what we have here". The person then asked Rafael if he had ever eaten paper and proceeded to try to force the crumpled up paper into his mouth while others held on to him. However, they were unable to make him swallow it. Some eyewitnesses began to protest at what was happening. The attackers continued to insult him and to accuse him of various things which he denied. Then a person in authority (believed to be a member of the security forces) grabbed him in an arm lock and took him to a building nearby and searched him. The person who had tried to force the paper into his mouth then ordered him to be taken away in a police car. He was handcuffed very tightly and pushed into the car. The policeman sitting next him started to hit Rafael. He hit him in the face and chest and also twisted his nose. This continued all the way to the police station. He was taken to the Luyano police unit. When they arrived, he was pushed out of the car and fell on the road. The policeman who had been hitting him before, together with the driver of the car, picked him up two or three times and dropped him to the ground again. He was then taken inside the police station where he was kept in an office for a while before being taken to the 10th Police Unit in Avenida de Acosta. He said that at no time was he told why he had been detained or where they were taking him, although one policeman asked him questions about his trade union. He was left incommunicado in a cell with ten other people for three days. Then on the morning of 14 January he was removed from the cell and told that he was to be released. His belongings were returned to him and he was allowed to go. He was released without charge or official warning and was at no time given any official explanation for what had happened to him.

At the time of his arrest, 55-year-old Rafael Gutiérrez was the president of the **comité gestor**, founding committee, 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 was 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 detained for investigation of "**delitos contra los poderes del estado**", "crimes against state authorities", believed to be in connection with their alleged membership of an unofficial political group called the **Movimiento de Armonía**, Harmony Movement. Rafael Gutiérrez was removed from his CTC post in July 1990. One of his fellow UGTC members, **Alfredo González Poey**, was attacked in the street on 30 June 1991 by a group of about ten people, believed to be members of the security forces. They approached him after he had attended mass at Las Mercedes Church in the Havana dock area, beat him up and then took him to a nearby office of the official union which had reportedly been temporarily taken over by the police specifically to keep watch on the dissident trade unionists. Alfredo González Poey was released the same

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day but was reportedly unable to work for two weeks after the attack due to the injuries he had received.

Other members of the founding committee of the UGTC have recently been subjected to harassment. On 4 August 1992, **Lázaro Corp Yeras**, the Secretary General of the group, was detained by police and warned to stop his activities. He is said to have been subjected to insults and threats to his personal safety before being released a few hours later. At least four other members of the group reportedly received similar threats at around the same time.

Political differences reportedly led to a split in the UGTC and Rafael Gutiérrez has since become President of the **Unión Sindical de Trabajadores de Cuba (USTC)**, Cuban Workers' Trade Union. He has reportedly continued to be subjected to harassment because of his activities. On 15 May 1992 he was summoned to the office of a Committee for the Defence of the Revolution in Luyanó, Havana, where various members of the security forces and Communist Party officials referred to the attack on him in January 1992 and again warned him to stop his independent trade union activities, calling him an "enemy of the revolution".

#### 4. Osvaldo Payá Sardiñas and others

**Osvaldo Payá Sardiñas** is the founder and coordinator of the unofficial **Movimiento Cristiano "Liberación"**, "Liberation" Christian Movement. In November 1990 he submitted a request to the National Assembly calling for a national referendum relating to constitutional reform. He subsequently called on people to go to his home to sign a petition supporting this idea - according to Cuban law, 10,000 signatures are required before the National Assembly can consider such a request. On 11 July 1991 a crowd of some 200 people, said to be members of a Rapid Response Brigade, went to his home. Neither he nor his family were present but one of his supporters, **Dagoberto Capote Mesa**, was there. The apartment was ransacked and papers and petitions destroyed. Dagoberto Capote was pushed out of the apartment into the street and insulted and threatened. Graffiti was also painted in the walls inside the apartment. Capote was taken into custody by the police, allegedly for his own protection, and released shortly afterwards.

Following the decision of the Fourth Communist Party Congress to allow direct elections to the National Assembly and to permit the candidature of non-party members as long as they fulfilled the necessary requirements and did not represent any unofficial organization, Osvaldo Payá announced his intention to put himself forward as a candidate for deputy to the National Assembly for the municipality of Cerro, Havana. Since then, he and members of his organization have reportedly been subjected to frequent questioning and short-term detention. For example, on 26 May 1992 **Luis Enrique González Pérez** was reportedly summoned to a police station in Lawton, Havana and accused of being a member of **Liberación**, collecting signatures for the referendum request, and participating with others in the distribution of "clandestine propaganda". The police are said to have tried to encourage him to collaborate with them by trying to get him to make statements that would discredit Osvaldo Payá. He was released with a warning that strong action would be taken against members of the movement. Another man, **Juan Antonio Rodríguez Avila**, reportedly lost his job after twelve years for disagreeing with Communist Party policy and supporting Payá's request for a referendum.

#### 5. Rolando Prats

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Former university professor **Rolando Prats** was attacked by five men in civilian clothes as he was riding his bicycle in the Vedado district of Havana late in the evening of 29 May 1992. He was pushed off the bicycle and suffered minor injuries to his face and other parts of his body. The attackers showed particular interest in papers he was carrying which related to the so-called **Proyecto de Programa Socialista Democrático para Cuba**, Draft Democratic Socialist Program for Cuba, which he had been working on together with seven other dissidents. When some passersby tried to intervene to help him, the attackers told them that it was just a question of some "problems with a counter-revolutionary who was carrying enemy propaganda" and they should not interfere.

### 6. Vladimiro Roca

**Vladimiro Roca**, another member of the group who have been working on the Draft Democratic Socialist Program for Cuba, was subjected to an "act of repudiation" at his home in Nuevo Vedado, Havana, on 20 February 1992. During the incident, which lasted about four hours, stones were thrown at the house reportedly causing considerable damage. Some of the participants, who were said to number several hundred, were carrying iron bars and sticks. Roca, who is the son of the late Blas Roca, founder of the Cuban Communist Party, had been sacked from his job a few weeks earlier after it was known he had worked on the above-mentioned political program. On 23 May, a Canadian journalist, Bertrand de la Grange, was attacked by two civilians outside the home of Vladimir Roca. The attackers escaped in a car without number plates when Roca's wife unexpectedly arrived on the scene. He was left half-conscious on the ground and had to have six stitches in his face. He lodged an official complaint with the police for assault and robbery of his bag and video camera, for which he believed the security forces to be responsible.

## 7. Gregorio Rueda Claro

**Gregorio Rueda Claro** is president of the unofficial **Comité Paz, Progreso y Libertad**, Peace, Progress and Freedom Committee, which is part of the **Coalición Democrática Cubana**, Cuban Democratic Coalition. An "act of repudiation" took place at his house in Cotorro, Havana, on 12 January 1992. According to eyewitness reports, the incident took place after representatives of various Communist Party organizations and members of the Committees for Defence of the Revolution in the Cotorro area held a meeting in the early morning to plan the event. A loudspeaker was erected outside Gregorio Rueda's house through which the attackers shouted insults against him and other occupants of the house. A crowd of some 600 or 700 people, including members of the security forces, as well as people who were simply observing what was going on, began to gather at about 12.45pm. Many had been brought to the place in trucks. The organizers accused Gregorio Rueda and other occupants of the house of being "counter-revolutionaries", suggesting that they were hiding someone inside the house or that some of them were armed. They appeared to be trying to link them with the three Cuban exiles who had recently arrived from the USA with weapons (see p.56). The "act of repudiation", during which stones and fruit were thrown at the house, breaking one window, continued for several hours. Some reports suggest that those participating were being given alcoholic drinks and food by the organizers to encourage them and that some were drunk. The occupants of the house were being urged to come out. As the crowd grew larger filling several surrounding streets, fights broke out between pro-government supporters and others who were not happy with what was going on. In mid-afternoon, state security agents reportedly called to Gregorio Rueda through a window and told him that the situation had got out of hand and that they had been ordered to save his life. They tried to persuade him to leave with them and assured him that they would protect him from the crowd. They said that the crowd would not disperse until he had left the house. Eventually, a Communist Party official told the crowd to leave, saying that they had won a victory because the occupants of the house had asked for clemency. At no point did the security forces give any official reasons for their interest in Gregorio Rueda, they simply said that "the people" had come for him as if it was a spontaneous act. Several people in the crowd were reportedly beaten for shouting anti-government slogans or for criticizing what was going on and at least two people were briefly detained.

## 8. Elizardo Sánchez Santa Cruz

**Elizardo Sánchez Santa Cruz** is the President of the unofficial **Comisión Cubana de Derechos Humanos y Reconciliación Nacional**, Cuban Commission for Human Rights and National Reconciliation, which is part of the **Concertación Democrática Cubana**, Cuban Democratic Convergence. He is also a former political prisoner and was adopted as a prisoner of conscience by Amnesty International<sup>7</sup>. Since his release from prison in April 1991, he has been subjected to harassment and short-term detention on several occasions.

◆ On 2 November 1991, rotten eggs were thrown at his house after a meeting of the executive council of the **Concertación Democrática Cubana** had taken place there.

◆ On 21 November 1991 he was briefly detained when he attempted to visit the house of María Elena Cruz Varela during the "act of repudiation" that resulted in her arrest (see p.31).

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<sup>7</sup> See **Cuba: The Human Rights Situation**, AMR 25/07/90, December 1990 for further details of his case.  
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◆Next day, 22 November, his home was searched by police and he and his brother **Gerardo Sánchez Santa Cruz**, also an active member of the CCDHRN, were taken to the 5th police unit. While they were held in detention, an "act of repudiation" involving some 200 people was staged at their home while their mother and sister were inside. After about four hours, they were brought home and were subjected to physical abuse by the crowd as they tried to get into the house.

◆On 16 January 1992, the day after several US citizens, including two former US presidential advisers, who were in Havana to attend an official conference had visited his home, a crowd of some 300 pro-government supporters besieged the house. Some of the crowd, who were reportedly armed with sticks, stones and iron bars, smashed down the door to the garage where the CCDHRN has its office, took away documents and painted insults and pro-government slogans on the walls of the building. Others reportedly shouted abuse and threatened violence to the occupants of the house who comprised Elizardo Sánchez Santa Cruz, his brother Gerardo and their 79-year-old mother, together with a Cuban journalist who happened to be visiting them. According to observers, the majority of those who participated in the "act of repudiation", which lasted at least fourteen hours, were students from a Communist Party college who were transported to the site in buses. The area had been cordoned off by police and several carloads of security officials were parked nearby. However, none of them intervened to prevent the attack and at least one security official was reportedly heard to be inciting the crowd to physically attack Elizardo Sánchez. Others were said to be encouraging him to come out of the house "for his own protection". People from the neighbourhood were encouraged to join in and at least three who refused to do so were beaten up. Foreign journalists who were trying to film the incident also alleged that they were beaten. **María Celina Rodríguez**, who is president of an unofficial religious group called **Libertad y Fé**, Freedom and Faith, and who had herself been briefly detained in August 1990, is also said to have been beaten as she tried to reach the house with her young child. As far as is known, the occupants of the house were not themselves physically assaulted. However, some structural damage was caused to the exterior and interior of the house.

◆On 4 March 1992, Elizardo Sánchez was arrested as he was on his way to the home of **José Luis Pujol Irizar**, the President of an unofficial group called **Proyecto Apertura de la Isla (PAIS)**, Project for Opening up the Island, for a meeting of the **Concertación Democrática Cubana**. As he was approaching, he realized that an "act of repudiation" was taking place there. Police recognized him and took him to a local police station where he was questioned for about half an hour. He was then taken through the crowd outside the house where the "act of repudiation" was taking place and was beaten and insulted. He reportedly sustained injuries to his left eye, head, back and arms. He was then taken to the police station at Cojímar in Habana del Este. Two hours later, José Luis Pujol and another activist, **Lázaro Loreta Perea**, the acting President of the unofficial **Asociación Defensora de Derechos Políticos (ADDEPO)**, Association for the Defence of Political Rights, were brought in. They were all held there overnight and on the afternoon of 5 March, Elizardo Sánchez was taken to hospital because his eye would not stop bleeding. After treatment he was released. He was not charged or given any official warning but he later reported that he had been threatened that next time they would kill him. Lázaro Loreta was released at about the same time. However, José Luis Pujol was kept in detention (see p.37).

◆On 9 October 1992, Elizardo Sánchez was arrested as he was leaving the home of a Spanish diplomat and taken to the headquarters of the **Departamento Técnico de Investigaciones (DTI)**, Technical Investigations Department, in Havana. His home was searched and a number of items confiscated, including tape recorders, typewriters and goods such as toothpaste, lentils and rolls of toilet paper.

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According to the search warrant, the authorities were looking for goods not normally available to Cubans but which can be obtained at special shops by diplomats and tourists who pay for them in foreign currency. He was released without charge at about midnight on 12 October. According to statements made upon his release, he was questioned while in detention about his relations with foreign governments.

### 9. Aída Valdes Santana and others

Several known dissidents were taken in for questioning in mid-June 1992 by the Technical Investigations Department of the police, after Jean-Guy Trepannier, a Canadian citizen visiting Cuba as a tourist but said to be a freelance journalist, was arrested at the home of **Aída Valdés Santana**, a member of the executive of the CCPDH. The dissidents, including Aída Valdés, were released with warnings to cease their activities. Jean-Guy Trepannier was expelled from Cuba on the grounds that he had gone to Cuba on behalf of Cuban exile groups to make contact with dissident groups and to give them instructions and supply them with resources.

### 10. María Valdez Rosado

**Dr María Valdez Rosado** is President of the unofficial **Movimiento Cubano Demócrata Cristiano (MCDC)**, Cuban Christian Democrat Movement. According to her own testimony, she was called in for questioning at the 2nd police unit in Havana on 25 January 1992, the second time in less than a month. The previous time was after a mass she had attended at Havana Cathedral on 1 January. On that occasion, she said that she was threatened that she would lose her license to practice as a doctor. When she reported to the police station on 25 January, she says that she was warned that if she held meetings of more than four people in her home, she would be subjected to an "act of repudiation"; that she would not be allowed to head any so-called pacifist group because, according to them, it was made up of terrorists, traitors and counter-revolutionaries; that she should give up her activities and leave the country, otherwise she would be tried, imprisoned or even shot; and that they would not be merciful with her and her colleagues. They referred to what had happened to other government critics such as María Elena Cruz Varela, the Arcos brothers and Elizardo Sánchez Santa Cruz.

### 11. Other measures taken against dissidents

Regular reports have been received of people all over the country being expelled from professional associations and Communist Party organizations and, in many cases, also sacked from their jobs because of their political views.

◆ In August 1991 poet and former diplomat Manuel Díaz Martínez was expelled from the **Unión Nacional de Escritores y Artistas de Cuba (UNEAC)**, National Union of Cuban Writers and Artists, after he had signed a document entitled "**Declaración de Intelectuales**", "Intellectuals' Declaration", calling for democratic reform. He was later allowed to leave Cuba for Spain. Another signatory of the statement, Angel Mas Betancourt, was also removed from his job as a theatre director for the same reason. Journalist Nancy Estrada also lost her job as a graphic designer on the magazine **Mujeres**, Women.

◆ On 7 November 1991 a letter signed by 17 employees of the José Martí National Library was sent to

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the Secretary General of the Communist Party at the library asking for a meeting of all the employees to discuss the outcome of the Fourth Communist Party Congress. The 17 were accused of being "counter-revolutionaries", threatened with losing their jobs and told that the resolutions passed by the Congress were to be accepted, not discussed.

◆ Manuel Monteagudo, university professor and deputy department head at the Faculty of Mechanical Engineering of the **Instituto Superior Politécnico "José Antonio Echeverría"**, was reportedly removed from his post in November 1991 on the orders of the Minister of Higher Education solely because he had resigned from the Communist Party following the Fourth Congress in October.

◆ Nine professors and researchers were expelled from the same college in February 1992 after they had signed a statement calling for, among other things, respect for human rights, democratic reforms and an amnesty for prisoners of conscience. The statement clearly rejected the use of violence by either the government or its opponents. Six other professors had already been expelled from the college for the same reasons in January. In June 1992 Néstor Castellanos, one of the people expelled in February, was reportedly warned by the security forces to stop his activities and in the first week of August 1992, 26 academics and intellectuals, including some of those who had signed the February statement, were summoned to the State Security headquarters in Havana after they sent a letter to the heads of state and government who were meeting at the Second Iberoamerican Summit in Madrid in late July asking them to call on the Cuban Government to recognize the existence of dissident groups, respect the right to freedom of expression and facilitate dialogue between all Cubans. The police reportedly opened a file on all 26, some of whom reported that they were subjected to serious verbal abuse and threats to their physical integrity while being questioned.

## POLITICAL IMPRISONMENT

It is difficult to estimate the number of prisoners of conscience and probable prisoners of conscience or indeed the total number of political prisoners in Cuba. The authorities do not provide public information about them, human rights monitoring within the island is severely restricted and international organizations involved in human rights monitoring have not been given access for some time. However, Amnesty International believes that there are currently at least three to five hundred prisoners of conscience or probable prisoners of conscience, possibly half of whom include those imprisoned solely for trying to peacefully exercise their right to leave their own country. In addition, there are believed to be at least three to five hundred other political prisoners, including many arrested in the early 1980s on state security charges and serving sentences of up to thirty years' imprisonment for crimes such as terrorism, sabotage and espionage. Although Amnesty International does not call for the release of this latter category of prisoners, the organization is concerned that many of them may not have received a fair trial for the reasons described in the section below relating to state security offences. They are usually held together in high security prisons such as Combinado del Este in Havana, Boniato in Santiago de Cuba and Kilo 7 in Camagüey.

Most offences for which prisoners of conscience and probable prisoners of conscience are imprisoned relate to their attempts to exercise their rights to freedom of expression, association and assembly. They generally fall into one of three categories: crimes against state security, crimes against administration and jurisdiction, and crimes against public order. The detention and judicial procedures followed in each category vary.

### ◆ State security offences

In the case of crimes against state security [**delitos contra la seguridad del estado**], the trial takes place in a state security court at provincial level. The detainees are kept in the custody of the Department of State Security without access to a lawyer and without being properly informed of the reasons for arrest while the prosecution carries out its preliminary investigations. Weekly family visits are usually permitted during this period. The investigation often lasts several weeks or even months. Once the prosecution has prepared its case, the defendant is allowed limited access to a defence lawyer, in some cases only one or two consultations of about half an hour in the presence of a security official. If the defendant does not appoint a lawyer, what is known as an **abogado de oficio**, ex-officio advocate, is assigned to the case. The hearing of the case takes place in front of a panel of judges and is usually open to the public. However, relatives of prisoners and human rights monitors frequently report that it is impossible to get into the court to attend the hearing because the public gallery of the courtroom has been filled by state security agents. Sentence is usually announced a few days or weeks later. The defendant then has three days in which to lodge an appeal against the sentence.

From its analysis of cases over a number of years, Amnesty International believes that these procedures fall well short of international standards in a number of respects. The defendant frequently does not have adequate time and facilities for the preparation of his/her defence and to communicate with counsel of his/her choosing. Furthermore, during the period of investigation, that is before being permitted access to a lawyer, detainees are frequently subjected to prolonged periods of questioning at the end of which they are persuaded to sign incriminating statements. Frequent allegations are received that such interrogations can involve threats of physical violence as well threats to arrest or harm relatives. Some detainees have

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said that the lights in their cells are left on for 24 hours a day and that they have been kept for long periods in very cold cells. While there are few reports of physical violence actually being used against the detainee during the period of pre-trial detention, such psychological pressures are undoubtedly serious and severely exacerbated by the lack of adequate access to a lawyer.

The types of state security offences for which prisoners of conscience are most often imprisoned are: **propaganda enemiga**, enemy propaganda (article 103 of the Penal Code) and **rebelión**, rebellion (articles 98 and 99).

#### ◆ Public Order Offences

People accused of public order offences [**delitos contra la orden pública**] are usually arrested by the **Policía Nacional Revolucionaria (PNR)**, National Revolutionary Police, or the **Departamento Técnico de Investigaciones (DTI)**, Department of Technical Investigations. They are usually held initially in local police stations or at DTI detention centres. However, in the case of **salida ilegal del territorio nacional**, illegal exit from national territory, detainees are usually held in the custody of the Department of State Security before trial.

Trials for public order offences are held in municipal courts and often, though not always, take place within days of arrest. The Code of Penal Procedure [**Ley de Procedimiento Penal**] states that a defence lawyer is "not indispensable" in such cases but that a detainee may appoint one if s/he wishes. However, in practice, the defendants have little opportunity to do so since they or their relatives are rarely informed of when the trial is to take place. Again, Amnesty International believes that such trials fall far short of international standards for a fair trial.

The kinds of public order offences of which prisoners of conscience are most frequently accused are: **desórdenes públicos**, public disorder (art. 200 and 201), **incitación a delinquir**, incitement to commit a crime (art. 202), **difamación de las instituciones y organizaciones y de los héroes y mártires**, defamation of institutions and organizations and heroes and martyrs (art. 204), **asociaciones, reuniones y manifestaciones ilícitas**, illegal associations, meetings and demonstrations (art. 208 and 209), **clandestinidad de impresos**, clandestine printing (art. 210) and **salida ilegal del territorio nacional**, illegal exit from national territory (art. 216).

The charge of defamation can be brought against people who have simply publicly criticized or insulted President Fidel Castro or other members of the government. For example, **Angel Reinaldo Guerra Areas** was sentenced to one year's imprisonment in September 1991, reportedly after shouting insults against the President, including that he was starving the Cuban people to death. The sentence document, of which Amnesty International has received a copy, clearly states that he did not have a lawyer at his trial in San Nicolás municipal court.

Charges such as clandestine printing can be brought against members of unofficial groups who produce leaflets and documents. As well as members of political and human rights groups, these can include members of the religious sect, the Jehovah's Witnesses, certain of whose practices frequently conflict with Cuban law. For example, **Evasio Cruz Mesa** and his 20-year-old son **Ariel Cruz Figueredo** were reportedly arrested in October 1991 and were sentenced to three years' and seven months' imprisonment respectively after so-called "religious propaganda" relating to the Jehovah's Witnesses was found at their

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home in Havana.

◆ **Offences against Administration and Jurisdiction**

Procedures against those accused of offences against administration and jurisdiction [**delitos contra la administración y la jurisdicción**] are believed to be the same as those followed for public order offences. The offence under this heading for which prisoners of conscience are most frequently imprisoned is **desacato**, disrespect (art. 144). This is similar to the offence of defamation in that it can be applied to anyone who insults or offends in any way, either verbally or in writing, government officials. A sentence of up to three years can be imposed if the official concerned is the President or any other senior official. One recent case that came to the attention of Amnesty International was that of **Eduardo Pérez Sánchez** (62) and his son **Eduardo Pérez León** who were arrested for shouting slogans against President Fidel Castro during the funeral of a young man who had been shot dead by police in circumstances that remain unclear in December 1991. The prosecution were reportedly seeking sentences of three years and eight months respectively but no further news has been received.

## PRISONERS OF CONSCIENCE

The following cases are among the most well-documented cases that have come to the attention of Amnesty International since September 1991:

### 1. Marco Antonio Abad Flamand and Jorge Crespo Díaz

Film-maker **Marco Antonio Abad Flamand** was arrested in Alamar, East Havana, on 20 November 1991 as he was trying to videotape the "act of repudiation" that was taking place at the home of María Elena Cruz Varela (see p.31). His home was searched and possessions, including paintings and documents, were confiscated. He was initially held under investigation by the State Security police at its Havana headquarters in Villa Marista. Three weeks later, on 7 December 1991, **Jorge Crespo Díaz**, a lawyer and friend of Marco Antonio Abad, was arrested when he went to visit the latter's wife. He was also taken to Villa Marista. Initial reports indicated that they were both under investigation on a charge of **desacato**, disrespect. However, a charge of **propaganda enemiga**, enemy propaganda, was also later added and it was reported that a 15-year sentence was to be sought. The prosecution's case is said to rest on the fact that the two made a documentary film called "**Un Día Cualquiera**", "Just Any Old Day", in which it is alleged that they repeatedly insulted the integrity of President Fidel Castro. The film was shown publicly in Costa Rica in September 1991 and, according to the authorities, provoked negative press coverage for the Cuban Government. At the trial hearing, which began on 14 October 1992, the prosecution requested a sentence of eight years' imprisonment. The outcome of the trial was not known at the time this document was completed. Marco Antonio Abad is said to be currently held in Combinado del Este Prison in Havana after being previously held in Valle Grande Prison. Jorge Crespo is thought to be in Guanajay Prison.

Both Marco Antonio Abad and Jorge Crespo are said to be members of an unofficial group called **Arte y Derecho (AR-DE)**, Art and Law. Marco Antonio Abad, who is 28 years old, reportedly resigned from the **Instituto Cubano del Arte y la Industria Cinematográfica (ICAIC)**, Cuban Institute of Art and the Cinema Industry, in mid-1990 after criticizing the government and the official cultural establishment in a meeting of artists and intellectuals held in advance of the Fourth Communist Party Congress. He is also said to have been expelled from another artists' group in October 1990 after entering two of his films in a US film festival without seeking official permission. Jorge Crespo, also believed to be in his 20's, is a lawyer by profession and is said to have acted as legal adviser to several unofficial groups. Shortly before their arrest, they had both signed, together with María Elena Cruz Varela and other dissidents, the so-called "Intellectuals' Statement", calling for a national debate on the situation in the country and calling on the government to, among other things, hold direct elections to the National Assembly and to grant an amnesty to all prisoners of conscience.

### 2. Sebastián Arcos Bergnes

**Sebastián Arcos Bergnes** was arrested on 15 January 1991, together with his brother Gustavo and Jesús Yáñez Pelletier (see p.12 for circumstances of arrest). While Gustavo Arcos Bergnes, the Secretary General of the **Comité Cubano Pro Derechos Humanos (CCPDH)**, Cuban Committee for Human Rights, and Jesús Yanes Pelletier, a member of the CCPDH executive, were released 24 hours later with an official warning, Sebastián Arcos, the Vice-President of the group, was kept in detention at Villa Marista under investigation initially on a charge of rebellion. However, in May 1992 it was revealed that

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he was to be tried on a charge of enemy propaganda and that the prosecution was going to request a six-year prison sentence. The trial hearing took place on 5 October 1992 at the Court of Crimes against State Security for the City of Havana and lasted twelve hours. Detailed information about the trial is not yet available. One report indicates that he has been sentenced to six years' imprisonment but this has not

yet been confirmed. During the period of pre-trial detention, he was reportedly able to talk to his defence lawyer on a few occasions for short periods but always in the presence of a security official. His lawyer is said to have tried unsuccessfully to get him released on bail.

Sebastián Arcos, who is 61 years old, is said to have had a number of medical problems while in detention. After reportedly being denied treatment for two months, he was eventually transferred to hospital to have surgery for an abscessed tooth. He is also said to have been suffering from jaundice which has caused him to lose a lot of weight. According to most recent reports, he is being held in Valle Grande Prison where hygiene conditions and the quality of food are said to be poor.

Amnesty International believes Sebastián Arcos Bergnes to be a prisoner of conscience detained solely because of his peaceful human rights and political activities. The CCPDH executive has consistently dissociated the group from the use of violence to achieve political change in Cuba and has called for dialogue with the authorities.

Both Sebastián and Gustavo Arcos Bergnes had supported the Cuban Revolution in 1959. Gustavo served as Ambassador to Belgium in the early 1960s and Sebastián, who is also a dentist, was a junior government minister. Both later changed their views and ceased to hold any official posts. The two brothers were arrested in 1981, together with Sebastián's son, also called Sebastián, as they were trying to flee the country without authorization. Gustavo was sentenced to seven years' imprisonment, his brother to six years and the son to one year. Following their release, Sebastián in May 1987 and Gustavo in March 1988, they became active members of the CCPDH and have been the object of several "acts of repudiation" over the past two or three years.

### 3. Daniel Azpillaga Lombard

**Daniel Azpillaga Lombard**, his brother, **Tomás**, and two others, **Basilio Alexis López Iribarne** and **Rigoberto Martínez Castillo**, were arrested on 6 September 1991 while participating in a demonstration calling for the release of political prisoners outside the State Security headquarters at Villa Marista. The demonstration had been called by the unofficial **Movimiento Cubano Pacifista Solidaridad y Paz**, Solidarity and Peace Cuban Pacifist Movement, of which Daniel Azpillaga is the President and his brother Tomás the Vice-President. As soon as the demonstrators, who numbered no more than 20, started trying to assemble, they were mobbed by crowds of people, believed to be members of a Rapid Response Brigade, who hurled insults at them and jostled them. At least one was kicked and pushed to the ground. The four who were arrested were taken to the 10th Police Unit in the suburb of Víbora and brought to trial six days later in a local municipal court. Relatives were not reportedly told that the trial was to take place and the defendants were only assigned a lawyer at the last minute by the court. Daniel Azpillaga Lombard was found guilty of **desórdenes públicos**, public disorder (article 200 of the Penal Code), and **instigación a delinquir**, incitement to commit a crime (article 202 of the Penal Code), and sentenced to two years' imprisonment which he is believed to be serving in Taco-Taco Prison in the province of Pinar



del Río. The other three were found guilty only of public disorder. Rigoberto Martínez Castillo was sentenced to eleven months' imprisonment and Tomás Azpillaga Lombard and Basilio Alexis López Iribarne were both sentenced to ten months' imprisonment. The three were released from prison either before or upon completion of their sentences.

#### 4. Reinaldo Betancourt Alvarez, Aníbal Cruz Martínez and Jorge Julián Reyes García

**Reinaldo Betancourt Alvarez, Aníbal Cruz Martínez and Jorge Julián Reyes García** were among a group of fourteen dissidents arrested in October 1991. On 7 October 1991 in Havana, the unofficial **Concertación Democrática Cubana**, Cuban Democratic Convergence, a coalition of several dissident groups, held a press conference at the home of Elizardo Sánchez Santa Cruz, the President of one of the affiliated groups. At the press conference, they called on the Fourth Communist Party Congress which was about to take place to instigate radical political reforms and to protect human rights. Activists also reportedly attempted to distribute leaflets outlining their demands to delegates who were on their way to the congress which was to take place in Santiago de Cuba. Between 8 and 10 October, fourteen members of groups affiliated to the Cuban Democratic Convergence were arrested. Most of them were held for between several hours and several days before being released without charge<sup>8</sup>. However, Reinaldo Betancourt Alvarez, Jorge Julián Reyes García and Aníbal Cruz Martínez, all three members of the **Asociación Defensora de los Derechos Políticos (ADDEPO)**, Association for the Defence of Political Rights, were kept in detention and brought to trial in a municipal court on 16 October on charges of **clandestinidad de impresos**, clandestine printing, **asociación ilícita**, illegal association, and **incitación a delinquir**, incitement to commit a crime. Reinaldo Betancourt and Jorge Reyes were sentenced to three years' imprisonment and Aníbal Cruz to two years' three months. They are all believed to be serving their sentences in Combinado del Sur Prison in Matanzas. According to a report dated early August 1992, Reinaldo Betancourt was being held in a cell which was completely dark and was not being taken out for exercise or fresh air. The same report stated that prison staff had described him as a "terrorist" in what he felt was a deliberate attempt to get other prisoners to ostracise him.

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<sup>8</sup> Two others were also kept in detention: Luis Alberto Pita Santos, the President of ADDEPO, and Jorge Quintana Silva - see pp.35 and 38 respectively for information on them.

## 5. María Elena Cruz Varela and six other members of *Criterio Alternativo*

**María Elena Cruz Varela**, the President of **Criterio Alternativo**, Alternative View, also a part of the Cuban Democratic Convergence, was arrested in November 1991 after she and other leading dissidents had met with the President of the Government of Asturias in Spain who had been on an official visit to Havana. Between 20 and 24 November, seven other members of **Criterio Alternativo** were arrested although one, Elvira Baró, was released shortly afterwards.

María Elena Cruz Varela, who is also a prize-winning poet, was detained after a large "act of repudiation" was held at her home between 19 and 21 November in the course of which several individuals reportedly entered the house and physically attacked her, trying to force her to swallow documents found there. She was brought to trial on 28 November 1991 at a municipal court, together with **Jorge Aracelio Pomar Montalvo**, **Gabriel Aguado Chávez** and **Pastor Herrera Macurán**. She was sentenced to two years' imprisonment on charges of **asociación ilícita**, illegal association, and **difamación**, defamation, which she was serving in Combinado del Sur Prison, Matanzas. She was transferred to Carlos J. Finlay Military Hospital in April or May 1992 for treatment for gynaecological problems. For a certain period while being held there, she was reportedly subjected to long hours of questioning by state security officials. She is still believed to be held there at the time of writing.

Jorge Pomar, who is a translator, was also sentenced to two years on the same charges and is held in Ariza Prison, Cienfuegos; Gabriel Aguado was sentenced to one year six months for illegal association and clandestine printing and is in Agüica Prison, Colón, Matanzas; and Pastor Herrera was sentenced to one year four months, also for illegal association and clandestine printing, and is in Kilo 5½ Prison, Pinar del Río.

The other three members of the group detained at the same time were brought to trial on 4 December 1991, also in a municipal court, and sentenced as follows: **Fernando Velázquez Medina**: two years for illegal association and defamation, which he is serving in Alambradas de Manacas Prison, Villa Clara; **Hubert Luis Matos Sánchez**: one year four months for illegal association and clandestine printing, which he is serving in Guanajay Prison, Havana Province; and **Eliécer Aguiar López**: one year for illegal association and clandestine printing, which he is serving in Taco-Taco Prison, Pinar del Río Province.

## 6. Joel Dueñas Martínez and Bienvenida Cúcalo Santana

**Joel Dueñas Martínez** was arrested in Havana on 31 December 1991, together with **Bienvenida Cúcalo Santana**, the Secretary General of the unofficial **Movimiento Femenino Humanitario Cubano**, Cuban Humanitarian Women's Movement, and Arturo Garnica Torres. Both Joel Dueñas and Arturo Garnica are said to be members of the same organization. Arturo Garnica Torres was released shortly afterwards, apparently without charge, although the exact date is not known. Bienvenida Cúcalo Santana was provisionally released, apparently on medical grounds, on 9 May 1992.

Upon arrest Joel Dueñas Martínez was taken to the 10th Police Unit [**unidad de policía**] in Havana where he is said to have suffered several epileptic fits, reportedly as many as 21 on one single day, without being given adequate medical attention. A few days later he was transferred to the State Security headquarters at Villa Marista, where he was held for over three months. While there he was transferred for a short period to the Havana Psychiatric Hospital for reasons that are not known. He was later transferred to the Carlos J. Finlay Military Hospital in Marianao, Havana. It appears that he spent long periods without adequate medication which caused the authorities to complain about his rebellious attitude. According to his mother, such symptoms are typical of those exhibited by epileptics if they are taken off their usual medication. He was later transferred to Combinado del Este Prison and thence to Taco-Taco Prison in the province of Pinar del Río, many miles from Havana, where it is difficult for his mother to visit him and where the amount and quality of the food is said to be very poor. The most recent reports dating from July 1992 indicate that he was having to sleep on the floor and was still not being given the drugs that he needs to control his epilepsy. When his mother tried to take him medicines that had been prescribed for him before his imprisonment, she was reportedly told that he did not need them because the prison hospital was able to supply what he needed. As well as epilepsy, he is said to suffer from high blood pressure and diabetic problems.

Joel Dueñas Martínez and Bienvenida Cúcalo Santana were brought to trial in early September 1992. Little information is so far available about the trial but it is believed they were tried for enemy propaganda. Joel Dueñas was reportedly sentenced to four years' imprisonment and Bienvenida Cúcalo Santana to three years. However, it is not yet clear whether the latter is serving her sentence in prison or has been granted "**libertad limitada**"<sup>9</sup>, "restricted liberty". No further details are so far available of the trial.

The **Movimiento Femenino Humanitario Cubano** was set up in 1991 and has been providing assistance to the relatives of political prisoners. A few days before she was arrested, Bienvenida Cúcalo and several other women reportedly went to the Council of State to hand over a letter addressed to President Fidel Castro in which they asked for the release of all political prisoners, as well as his resignation. To Amnesty International's knowledge, the group has not advocated violence or been involved in any activities of a violent nature.

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<sup>9</sup> According to article 34 of the Cuban Penal Code, the following restrictions are applied to people sentenced to "restricted liberty": they cannot move house without permission of the court; they are not allowed to be promoted or receive salary increases in their place of employment (note: in political cases, those concerned are unlikely to be in employment); they are obliged to appear before the court if they are summoned to explain their conduct; they must have an honest attitude to work, strictly obey the law and respect the socialist way of life. They are supervised by the mass and social organizations in the neighbourhood in which they live, in coordination with the National Revolutionary Police. If they do not abide by these conditions, the court can order them to complete the remaining part of the sentence in prison.

## 7. Adriano González Marichal

On the evening of 6 January 1992, members of the State Security police went to the home of Angela Herrera in Havana and arrested her and sixteen other people, including **Adriano González Marichal**, who were holding a meeting there of the unofficial **Coalición Democrática Cubana**, Cuban Democratic Coalition. All except Adriano González Marichal, who is Vice-President of the **Movimiento Pacifista Cubana "Solidaridad y Paz"**, "Solidarity and Peace" Cuban Pacifist Movement, one of the groups belonging to the coalition, were released shortly afterwards. He was taken to the State Security headquarters at Villa Marista and held there until 12 March. According to one report, he was subjected to prolonged periods of questioning and on one occasion was beaten. He was also reported to be suffering from skin problems which was said to be due to the intense humidity in his cell at that time.

On 12 March he was transferred to Micro 10 Prison in Alamar and then later to Quivicán Prison in Havana Province. On 1 May, he was again transferred, this time to Ganuza Prison in San José de las Lajas where he was said to be sharing with three others a small cell normally allocated to one person and where he had to sleep on the floor. It appears that he was sent there as punishment because he had complained about the poor food and the way prisoners were being treated in Quivicán Prison, where he had threatened to go on hunger strike. On 5 May, he was returned to Quivicán Prison and next day was reportedly attacked in his cell by a prisoner who accused him of being a "counter-revolutionary" - Adriano González believes that the prisoner was incited to attack him by prison officials. At the time of writing he has still not been brought to trial. However, latest reports indicate that the prosecution have completed their investigations and are intending to bring him to trial on a charge of enemy propaganda on the grounds that he sent reports of human rights abuses abroad. He is believed to have served eighteen months' imprisonment in the past, also for enemy propaganda.

## 8. Luis Alberto Pita Santos

**Luis Alberto Pita Santos**, the President of ADDEPO, was arrested on 9 October 1991 at the same time as Reinaldo Betancourt Alvarez and two other ADDEPO members (see p.30). He was initially held at the 6th Police Unit. He was then transferred to the **Sala Carbó Serviá**, Carbó Serviá Ward, of the Havana Psychiatric Hospital, apparently to be subjected to tests to determine whether he was fit to stand trial. After being held there for about a month, he was returned to the police station, having been diagnosed as "not mentally ill". However, shortly after that he was transferred to the psychiatric wing of the Carlos J. Finlay Military Hospital where he went on hunger strike for an unknown period, and from there to Valle Grande Prison in Havana Province.

He was originally under investigation for **desacato**, disrespect, **asociación ilícita**, illegal association and **incitación a delinquir**, incitement to commit a crime. However, he was eventually brought to trial at the end of April 1992 on the first two charges plus **clandestinidad de impresos**, clandestine printing. The outcome of the trial was not known until mid-June when it was announced that he had been sentenced to five years' imprisonment.

On 21 July he was taken for unknown reasons from Valle Grande Prison to the state security headquarters at Villa Marista in Havana and from there to Boniato Prison in Santiago de Cuba, nearly 1,000 kilometres from Havana and his family.

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On 9 September 1991, Luis Alberto Pita Santos had been summoned by the **Fiscal Provincial de la Habana**, Havana Provincial Prosecutor, and warned that if ADDEPO continued its activities, he would be charged with illegal association since the organization had not been granted permission to operate by the Ministry of Justice - ADDEPO had earlier requested official registration in accordance with Cuban law. As a result of this warning, he reportedly lodged an official complaint accusing the prosecutor of coercion and of making threats against him. Shortly before his arrest, he issued a call for peaceful demonstrations in favour of democratic change to take place in the capitals of the fourteen provinces of Cuba on 25 October and sought official permission in writing from the Ministry of the Interior for such demonstrations. No response was received and, following the arrests on 8-10 October, ADDEPO called off the planned demonstrations.

Luis Alberto Pita Santos is about 45 years old and is a former professor of Marxist-Leninism at the **Instituto Superior Pedagógico de la Educación Técnica y Profesional**, a higher education college in Havana. He has been arrested and referred for psychiatric tests on several occasions in the past few years and has made a series of official complaints about the treatment he has received. He has consistently maintained that he is not suffering from any kind of psychiatric illness and that such action has been taken against him because of his anti-government views.

On 31 January 1992 an "act of repudiation" was held at his home which is opposite the Carlos J. Finlay Military Hospital where he was then being held. Several of his relatives, including his parents, were in the house at the time. The crowd, believed to be members of a Rapid Response Brigade, shouted insults and physically attacked some of those present. Several members of the family, as well as others who happened to be in the house, were arrested. They included: Luis Pita (Luis Alberto Pita's father), Nivaldo and Jorge Daniel Pita Santos (his brothers), Orlando Johns (his father-in-law), Lázaro Loreta Perea (the acting President of ADDEPO while Luis Alberto Pita is in detention), Fernando Núñez, Angel Viera and Rafael García. All were released without charge several hours later. It is believed that the incident was carried out in order to intimidate Luis Alberto Pita and to persuade him to cooperate with the authorities.

## 9. José Luis Pujol Irizar

**José Luis Pujol Irizar**, who is a founder member of two dissident groups, **Criterio Alternativo**, Alternative View, and **Proyecto de Apertura de la Isla (PAIS)**, Opening of the Island Project, was arrested on 3 March 1992 during an "act of repudiation" that took place at his home in Habana del Este and taken to Cojimar police station. Two other dissidents, Elizardo Sánchez Santa Cruz, President of the **Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)**, Cuban Commission for Human Rights and National Reconciliation, and Lázaro Loreto Perez, acting President of ADDEPO, who were on their way to his house for a meeting of the Cuban Democratic Convergence, were also detained but released 24 hours later (see also p.19). According to Elizardo Sánchez, at the time of their arrest the three were led through a hostile crowd who physically attacked them while shouting anti-government slogans. They were told that the police would not allow "counter-revolutionary meetings" to be held.

José Luis Pujol was transferred shortly afterwards to the headquarters of the DTI, Technical Investigations Department, and from there to Micro-10 Prison in Alamar on the outskirts of Havana. He was not brought to trial until September 1992 when he was sentenced to three years' imprisonment on a charge of **desacato**, disrespect, apparently on the grounds that he had criticized President Fidel Castro in a letter to a Cuban exile leader. No information is so far available concerning the trial.

After being held for a period in Micro-10 Prison, he was transferred to Combinado del Este Prison. His eyesight is said to have seriously deteriorated while in detention. Only days before he was arrested he had had an operation on both eyes for a detached retina. According to one report, he has received no treatment for his eyes while in detention and is sometimes unable to see at all.

## 10. Jorge Quintana Silva

**Jorge Quintana Silva** was one of the fourteen activists arrested following the press conference given by the Cuban Democratic Convergence on 7 October 1991. He is a member of the unofficial **Proyecto Apertura de la Isla (PAIS)**, Opening of the Island Project, and had previously been arrested in January 1990 when he was a mathematics student at Havana University. After being held in detention on that occasion for ten months, he was brought to trial, together with fellow student Carlos Ortega, on a charge of **desacato**, disrespect, on the grounds that he had criticized President Fidel Castro in a letter to the **Unión de Jóvenes Comunistas (UJC)**, Communist Youth Union, of which both were members at that time. The two were given non-custodial sentences of three and two years' "restricted liberty".

When Jorge Quintana was re-arrested on 9 October 1991 after participating in the press conference, no new charges were brought against him but he was sent to Kilo 8 Prison in Pinar del Río Province to complete his earlier sentence, which is now believed to be due to expire in January 1993.

## 11. Yndamiro Restano Díaz and María Elena Aparicio

**Yndamiro Restano Díaz**, the President of the unofficial **Movimiento de Armonía (MAR)**, Harmony Movement, also a part of the Cuban Democratic Convergence, was arrested on 20 December 1991 as he was leaving his parents' home in Vedado, Havana. Three other MAR members - **Jorge Egaña**, **Iraída Montalvo Miranda** and **Berenice Morales** - were arrested on 26 December 1991. All were taken to the

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headquarters of the DSE at Villa Marista. His relatives were informed that he was under investigation on a charge of rebellion, a state security crime, the penalty for which can range from seven to 15 years' imprisonment or, in more serious cases involving armed uprising or the advocacy of such, from four to 20 years' imprisonment or death. Since its creation in 1990, MAR has stressed its rejection of the use of violence to achieve its aims and, to Amnesty International's knowledge, has used only peaceful means in the course of its work. It also sought to register as an official organization with the Ministry of Justice. Its declared aim is to help towards "the transition from state socialism to democratic socialism" and at the time of the Fourth Communist Party Congress in October 1991 it called for, among other things, an end to the one-party system, an amnesty for all political prisoners, the legalization of human rights groups and political opposition groups, the establishment of a constituent assembly and elections for all government posts. Yndamiro Restano is a former radio journalist who lost his job in 1985 after being briefly detained following an interview he gave to a US journalist. He had been briefly detained several times before his arrest in December 1991, the previous occasion being on 30 June 1991 when he and several other MAR members were arrested. They were all released two days later with an official warning to cease their activities or face charges of illegal association, enemy propaganda and incitement to rebellion.

The trial hearing in the case against Yndamiro Restano was held on 20 May 1992 at the **Tribunal Popular Provincial de la Ciudad de la Havana**, Havana City Provincial People's 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 Centres, said to be the coordinator of MAR for the city of Havana. It is not clear when she had been arrested. At the trial, the prosecutor alleged that Yndamiro Restano 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 régime by forming clandestine cells to carry out civil disobedience and sabotage and attacks on police officers and leading political figures. According to independent reports of the trial, no evidence was produced to back up the allegations that the group was planning to engage in violent activities. In fact, during the trial three prosecution witnesses reportedly retracted incriminating statements they had earlier signed against Yndamiro Restano and one described him as a pacifist, comparing him to Mahatma Gandhi. Both defendants were also accused of producing and distributing documents and pamphlets criticizing Cuban government policies. Yndamiro Restano, who was able to speak in his own defence at the trial, took the opportunity to express his political views and to criticize the trial, saying that his guilt was assured before the hearing had taken place. He had reportedly had only limited access to his defence lawyer before the hearing. He was sentenced to ten years' imprisonment and Maria Elena Aparicio to seven years. An appeal was presented on behalf of Yndamiro Restano on 29 May 1992 but the outcome is not known. It is not known whether María Elena Aparicio appealed against her sentence. Yndamiro Restano is imprisoned in Guanajay Prison in Havana Province. The place of detention of María Elena Aparicio has not been confirmed but it is likely to be the Women's Prison in Havana.

## PROBABLE PRISONERS OF CONSCIENCE

On the basis of information so far available, it appears probable that the following political prisoners are prisoners of conscience. Again, these are only a few examples of the many recent cases of possible prisoners of conscience that have come to Amnesty International's attention.

### 1. Pedro Antonio Castillo Ferrer

University professor **Pedro Antonio Castillo Ferrer** was arrested at the **Instituto Superior de la Agricultura de Ciego de Avila**, Ciego de Avila Higher Institute of Agriculture, where he worked on 23 January 1992 and taken to the state security headquarters in Ciego de Avila. During a search of his house, a copy of the Universal Declaration of Human Rights was reportedly confiscated. On 14 February he was transferred to Canaleta Prison where he was said to be held in a punishment cell. It subsequently emerged that he was to be tried for enemy propaganda. As of mid-June 1992, he had reportedly not been able to talk to his lawyer. The trial was due to take place in August but so far no further news has been received. Pedro Antonio Castillo Ferrer was only released from prison in August 1991 after serving eighteen months for an earlier conviction for enemy propaganda.

### 2. Dr. Omar del Pozo Marrero and three others

**Dr Omar del Pozo Marrero**, President of a dissident group called the **Unión Civica Nacional (UCN)**, National Civic Union, was arrested on 19 April 1992 at his home in Havana. Two other people, **Carmen Arias Iglesias**, aged 27 and said to be press secretary for a group called **Luchadores por la Libertad y la Independencia de Cuba**, Fighters for the Freedom and Independence of Cuba, and **Victor Reinaldo Infante**, were arrested at around the same time. All were initially held at the State Security headquarters at Villa Marista but no information was available concerning the charges to be brought against them until a few days before their trial took place on 1 August. They were tried, together with Sub-Lieutenant Julio César Alvarez, a member of the State Security police, in a military court accused under article 95 of the Penal Code of revealing state security secrets. Only one member of each of the accused's families was allowed to attend the hearing. No public information was provided about the details of the case either before or after the court hearing. However, Amnesty International has been able to obtain a copy of the provisional conclusions presented by the prosecution. The state security official was accused of making contact with Victor Reinaldo Infante, whom he had known for several years, with whom he discussed, among other things, his disagreement with government policy on dealing with opposition groups, thus (according to the document) violating the standards of political and moral conduct expected of members of the Cuban military institutions. Victor Reinaldo Infante is said to have introduced Sub-Lieutenant Alvarez to Omar Del Pozo, to whom the security official allegedly later revealed the identity of government agents who had infiltrated dissident groups, which the prosecution alleged put the lives of those concerned in danger. Sub-Lieutenant Alvarez is said to have subsequently had contact with Carmen Arias Iglesias concerning whether or not a member of her group was also a government agent. The state security official was convicted of **insubordinación**, insubordination (article 7 of the **Ley de Delitos Militares**, Law of Military Crimes) and of **revelación de secretos concernientes a la seguridad del Estado**, revelation of state security secrets (article 95 of the Penal Code), and was sentenced to nineteen years' imprisonment. Dr Del Pozo and Victor Reinaldo Infante were convicted under article 95 of the Penal Code only and sentenced to fifteen years' imprisonment, in the case of the former, and 13 years, in the case of the latter. Carmen Arias was convicted of being an accomplice to the actions of the two



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civilians and sentenced to nine years. At the time of writing, news has been received that a re-trial has been ordered because the procedures established in the **Ley de Procedimiento Penal Militar**, Law of Military Penal Procedure, were not adhered to although it is not clear in what way. The new hearing was due to take place on 26 September but was adjourned to a later date for reasons that are not known.

Amnesty International is seeking further information about the case and has requested further details from the Cuban Government. So far no response has been received. However, on the basis of the information so far available, the organization believes that the three civilians are probably prisoners of conscience. Political opposition groups inside Cuba have so far showed little sign of seriously resorting to violent methods to achieve their aims and the argument that by revealing the identity of the government infiltrators, the security official was putting their lives in danger is questionable. The three civilians were merely recipients of information of legitimate interest to them in that it directly affected the security of the members of their organizations.

### 3. Pablo Reyes Martínez

**Pablo Reyes Martínez**, a member of the executive of the unofficial **Unión Cívica Nacional (UCN)**, National Civic Union, was arrested on 5 April 1992 following a search of his home in Alamar, Eastern Havana. According to an official report of the search, a number of things were confiscated including tape recorders, a camera, notebooks, photographs and documents drawn up by dissident groups, as well as several copies of the Universal Declaration of Human Rights. He was taken to the state security headquarters at Villa Marista. It later emerged that he was to be tried for enemy propaganda. According to the provisional conclusions of the prosecution, he was said to have broadcast on Cuban exile radio stations information which the authorities claim was untrue or that he had distorted. The trial has not yet taken place but it is understood that a ten-year sentence is to be requested.

### 4. Three people arrested in Santiago de Cuba

A number of Roman Catholics from Christian communities in Santiago de Cuba and El Cobre (the site of the national sanctuary to the Patron of Cuba, la Virgen de la Caridad) were arrested in early 1992, reportedly after they had been helping to gather signatures for a petition to change the Cuban Constitution which had been initiated by Osvaldo Payá Sardiñas, the President of the **Movimiento Cristiano "Liberación"**, "Liberation" Christian Movement (see p.15). Three men, all said to be members of the group, were kept in detention and brought to trial on a charge of enemy propaganda. **Dr Eduardo Vidal Franco**, a medical doctor, was sentenced to six years' imprisonment and **Rigoberto Carcelles Ibarra** and **Jorge Vazquez Mendez** were each sentenced to five years. All are believed to be held in Boniato Prison in Santiago de Cuba. The precise basis of the charge against them is not clear but some reports indicate that the charge relates to an offence committed in 1990, thus suggesting that it may have been a pretext to punish the three for their legitimate activities related to the gathering of signatures for the petition.

### 5. Eleven people imprisoned in Pinar del Río

In late January/early February 1992 a group of about fourteen people were said to have been arrested in Pinar del Río. All were believed to be members of either the **Partido Pro Derechos Humanos en Cuba (PPDHC)**, Party for Human Rights in Cuba, and/or the **Comité Cubano Pro Derechos Humanos (CCPDH)**, Cuban Committee for Human Rights. At least eleven of them are said to be still in detention

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in Pinar del Río Provincial Prison awaiting trial on a charge of enemy propaganda. One of them, **Juan Graverán Piloto**, said to be the provincial representative of the PPDHC, is thought to also be facing a charge of disrespect. According to one source, a crate of oranges with a false bottom containing anti-government propaganda was sent to the home of brothers Juan and José Graverán Piloto and their 80-year-old father Tomás Graverán (who was also initially arrested but later released on bail). Very shortly afterwards, state security officials reportedly arrived at the house and searched the crate.

Amnesty International has received reports that this group of detainees has been subjected to psychological pressure while in detention and in some cases beatings and that members of their families have also been subjected to harassment by State Security officials.

## 6. People arrested for trying to leave Cuba without permission

Large numbers of people have been imprisoned over the years for trying to leave the country without permission. Although it is now possible for many Cuban citizens to emigrate if they can obtain visas, there are still restrictions on certain people, particularly government officials and members of certain professions, such as doctors, whose skills are highly valued. Some apply for political asylum while on official visits abroad but many others, often young men trying to avoid military service which is obligatory in Cuba, frequently try to cross the 90 miles to Florida, USA, on homemade rafts and inner tubes of tyres, often drowning in their attempts. Many are picked up by Cuban coastguards and arrested. When no other serious offence is involved and as long as the person concerned has not used violence in the attempt, Amnesty International considers such prisoners to be prisoners of conscience imprisoned solely for trying to exercise their right to leave their own country as stated in the Universal Declaration of Human Rights. It is often difficult to obtain detailed information about such cases and it is impossible to say how many people are currently in detention for this reason. However, among recent cases of this kind that have come to the attention of Amnesty International are the following:

### a) Lorenzo Rodríguez Marrero and Fabián Rodríguez Guerra

On 4 February 1992, six people are said to have put to sea in Jaimanitas Bay with the aim of reaching Florida. A few days later, two of them, **Lorenzo Rodríguez Marrero** and **Fabián Rodríguez Guerra**, were picked up near the coast of Matanzas and handed over to the authorities. They were reportedly taken to the hospital at Combinado del Sur Prison in Matanzas. It is feared that the other four perished. There has so far been no news of the legal proceedings against the two in detention.

### b) Alejandro Fuentes García

**Alejandro Fuentes García**, said to be a former lieutenant in the Department of State Security, was reportedly arrested in 1991 as he tried to leave the country by boat from the coast of Villaclara. He was taken to the State Security headquarters in Santa Clara where he was said to have been badly beaten causing serious damage to his kidneys. He was transferred to Villaclara Provincial Prison where he is said to have suffered cardiac arrest after trying to hang himself. A doctor who was also in detention is said to have saved him while the prison doctor reportedly refused to treat him. In the 1992 Annual Report of the United Nations Special Rapporteur on Torture, the Cuban Government is said to have acknowledged that he was arrested in June 1991, together with five others, while trying to leave the country illegally, and stated that he was awaiting trial. They said that he had suffered from a kidney ailment for several years and that, during his detention, he had suffered from nephritic colic but at all times had received proper medical care and was never ill-treated or tortured. According to a subsequent report in the form of a letter smuggled out of Villaclara prison dated 21 May 1992, when Alejandro Fuentes García was transferred to Combinado del Este Prison in order to attend the court hearing of his case, he was removed from his cell and again beaten by guards causing injury to his right eye. His injuries were said to be such that the hearing reportedly had to be postponed. There has been no further news of his case.

### c) Michael Pérez Pérez and ten others

On 26 March 1992 Cuban coastguards picked up a group of young people aged between 18 and 25, all  
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believed to be from Havana, from a homemade raft off the coast near Mariel, Havana Province. Initial reports said that there were thirteen people arrested. However, Amnesty International has the names of only ten remaining in detention - an eleventh, Maydez Cruz López (female), was said to be under house arrest because she is a minor. All of those arrested were initially taken to the State Security headquarters at Villa Marista and later transferred to Micro-10 Detention Centre in Alamar. However, subsequent reports indicate that at least one of them, **Michael Pérez Pérez**, aged 20, was again transferred to Combinado del Este Prison.

There were conflicting reports about the charges that were to be brought against the group. Two of them, **Joani Fiffe Pino** and **Ignacio Alberto Almarant**, are officers in the Cuban Air Force. Unconfirmed reports suggest that they were to be tried for illegal exit from the country and **malversación**, misappropriation, the latter charge on the grounds that they stole the wood used to build the raft from the State, as well as a compass. According to reliable sources, the only so-called weapons that the group had with them were flares to be used in case they got into difficulties at sea. At the time this document was completed, reports had been received that the trial took place in early June and that Joani Fiffe Pino had been sentenced to five years, reportedly for attempted illegal exit from the country. It is so far not known what happened to the other defendants.

### d) Humberto Colón and others

On about 16 May 1992, a group of people tried to leave the country illegally in a fishing boat. They were reportedly intercepted by coastguards a few miles from the coast of Matanzas. After calling on the fishing boat to halt, the coastguards are said to have fired on the vessel for several minutes, killing Orlando Fernández Formel, who was said to have been hit several times in the back. Two others, **Humberto Colón** and a young woman called **Ivonne**, who was reportedly four months pregnant, were also said to have been wounded and were taken to hospital. Three others, a man called **Vladimir**, his wife **Tania** and their three-year-old son, **Hector**, were also travelling on the boat and are believed to have been taken into custody. No further news has been received so far. It is not known whether the people trying to escape were armed.

### e) Three young people who tried to seek asylum

On 9 June 1992 **Esteban Fernández Suárez**, aged 19, **Alexis Cuello**, aged 18, and another young man also believed to be called **Alexis** entered the Canadian Embassy in Havana and asked for political asylum. The embassy staff reportedly persuaded the three to leave the premises of their own free will. However, upon withdrawing they were immediately arrested by state security police and taken to their headquarters at Villa Marista where they were still held at the end of June. No further news has been received. It is not clear how the three got into the embassy nor what charges may be pending against them.

## PRISON CONDITIONS

Prison conditions in Cuba have generally deteriorated over the past year or so. The amount and quality of the food provided is said to be extremely poor, sometimes consisting of a little rice with some watery soup or sugared water. Many prisoners are said to be suffering from ailments such as anaemia, diarrhoea and parasites because of the poor quality of the food and the poor sanitary conditions caused by the lack of water, toiletries and other basic necessities. The quality of medical attention has also deteriorated, at least in part due to the lack of medical supplies. Conditions are said to be particularly bad in the smaller prisons in the provinces. For example, a report emanating from Canaleta Prison in the Province of Ciego de Avila said that as of June 1992 more than 400 of a total of some 1500 prisoners were said to be sleeping on the floor with no mattresses or bedclothes, no light bulbs and inadequate clothing. While the general deterioration of economic conditions in the country resulting in shortages of many kinds is undoubtedly the cause of many of these deficiencies, there is some indication that prisoners considered to be opposed to the government and those who attempt to complain about their conditions are treated more harshly than others. There are also indications that conditions in the maximum security areas of prisons such as Destacamento 47 in Combinado del Este Prison, which had undergone noticeable improvements in 1988, have again worsened. Prisoners who have breached prison discipline can be held in small dark cells for periods of up to 21 days. Prisoners facing a possible death sentence are also held in these areas while awaiting trial and, if condemned to death, prior to execution.

Many political prisoners have also been transferred to prisons far from their families, thus seriously limiting in practice the possibility of regular family visits. Long-distance travel has been severely affected by the economic crisis because of lack of fuel and spare parts for vehicles and many relatives complain that they are unable to make visits. They are thereby prevented from taking to the prisoner much needed food, medicines and other basic essentials which are in short supply in the prisons.

Reports have been received that several dozen prisoners held in Combinado del Este Prison have AIDS or the HIV virus. They are believed to be held in cells apart from other prisoners. Many are said to have acquired the infection while in prison. Amnesty International is concerned at reports that some of them may not be receiving adequate medical attention and diet. According to a report emanating from other prisoners in Combinado del Este Prison dated 10 June 1992, **Domingo Piña Montes de Oca**, a common prisoner with AIDS, was sent to a punishment cell in Destacamento 47, the maximum security area of the prison, for reasons that were not given. While he was there his food quota was cut by half and the diet which he had been recommended by doctors was withdrawn, seriously affecting his health. After three weeks he was transferred to a hospital outside the prison where he died. In another letter dated 14 September 1992 that was smuggled out of the same prison by a group of political prisoners, it was reported that a number of prisoners with AIDS rioted on 19 August demanding better food and medical attention. Guards reportedly intervened to put down the riot using rubber batons, wooden sticks and other blunt instruments and an unknown number of prisoners were injured. Several of those involved in the riot were reportedly transferred to Destacamento 47 as punishment. No further details are so far available.

## RECENT RELEASES

Following the intervention of Manuel Fraga Iribarne, the President of the Regional Government of Galicia, Spain, who visited Cuba in October 1991, the Cuban Government agreed to grant early release to eleven political prisoners on condition they left the country. They included three prisoners of conscience

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adopted by Amnesty International: Esteban González González, Manuel Pozo Montero and Manuel Regueiro Robaína, all members of the unofficial **Movimiento Integracionista Democrático (MID)**, Movement for Democratic Integration,<sup>10</sup> who were released on 28 April 1992 to go to Spain. A fourth MID member, Arturo Montané Ruiz, was not willing to accept the condition that he left the country and opted to complete his sentence which was due to expire in September 1992. However, he was also released in July 1992 and is still in Cuba.

Amnesty International welcomes the early release of prisoners of conscience but believes that such releases should not be contingent upon the person concerned leaving the country.

Other prisoners of conscience and probable prisoners of conscience<sup>11</sup> who have been released in recent months, either upon expiry of their sentence or slightly earlier if they have behaved well in prison, are: Tomás Azpillaga Lombard (released 21 May 1992); Basilio Alexis López Iribarne (released 1992); Rigoberto Martínez Castillo (released 1992); Ernesto Bonilla Fonseca (released July 1991); Ricardo Filgueira Castro (believed released in February 1992 or before); Felipe Alexis Morejón Rodríguez (released July 1991); Juan Pablo Moreno Tapia (released mid-1992); and Abelardo Tenreiro Alvarez (released July 1992). The following are believed to have been released on or before expiry of their sentence although definite confirmation has not been received: Angel Luis Alemán Almeida (sentence expired March 1992); Juan Ramón Llorens Hurreta (sentence expired September 1991); Omar Aleída Pérez Morales (sentence expired March 1992); Roberto Ríos Alduncín (sentence expired June 1992). The following were released shortly after arrest, believed to be without charge: Jorge Egaña, Arturo Garnica Torres, Iraída Montalvo Miranda and Berenice Morales.

At the time of writing, news has been received that, following President Fidel Castro's visit to Galicia in July 1992 and his further meeting with Manuel Fraga Iribarne, nine more political prisoners are to be released to go to Spain, including Silvio Aguila Yanes (see p.52).

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<sup>10</sup>See **Cuba: The Human Rights Situation** (AMR 25/07/90, December 1990) for further details of their cases.

<sup>11</sup> Details of all these cases can be found in **Cuba: Prisoners of Conscience** (AMR 25/12/92, January 1992).  
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## ALLEGATIONS OF ILL-TREATMENT

Amnesty International has been concerned at an apparent increase in reports of ill-treatment by members of the security forces and rapid response brigades at the time of arrest and by security officials and prison guards in detention centres and prisons. There have also been disturbing reports of deaths of apparently unarmed people in circumstances suggesting excessive use of force on the part of members of the security forces and deaths of prisoners in detention after being ill-treated by prison guards or as the apparent result of lack of adequate medical care. However, given the difficulties in verifying such reports and the lack of official information on such cases, it is hard to draw specific conclusions as to whether such incidents represent official government policy or are simply isolated examples of excesses on the part of those involved. Nevertheless, the seriousness and increased frequency of such allegations are such that Amnesty International feels obliged to cite some examples of cases that have been brought to its attention over the past year or so. On some occasions, it appears that some action is taken against those responsible. However, the majority appear to go unpunished. Amnesty International believes that all such incidents should be thoroughly investigated and those responsible be brought to justice.

### a) Use of force at time of arrest

Reports have been received suggesting that the police have on some occasions beaten up unarmed young people whom they have caught or suspect of committing crimes. For example, three young men were said to have been stopped by police as they were cycling on Santa Fé beach in April 1992 and asked for the identity cards. As two of them did not have them, they were taken to Santa Fé police station. On route, one of the policemen accused one of the boys of stealing the bike he was riding and began to kick and punch him. Once inside the police station, another of the boys was punched in the stomach. When he said he was going to denounce their treatment to human rights groups, he was reportedly beaten again with rubber truncheons and punched in the face, ending up with a broken nose. The three were released a few hours later after each having to pay a fine.

In another case, a man waiting for a bus in Sancti Spiritus bus terminal was reportedly beaten up by a policeman and two men in civilian clothes after making a comment about living conditions. His injuries were such that he had to be taken to hospital. When he was discharged, he was taken to a police station where he had to pay a fine.

**William Santiesteban**, aged 26, from San José de las Lajas, was reportedly arrested on 5 December 1991 because he was speaking publicly against the government with his neighbours. He was said to have been beaten when detained and again when anti-government leaflets were found on him at the police station. He was also said to have been beaten repeatedly while being interrogated by a state security official. He was later transferred to Ganuza Prison where he was still being held as of June 1992, apparently without having been brought to trial and without having had access to a lawyer.

Other incidents of a similar nature have involved members of Rapid Response Brigades. On 29 June 1992 **Armando Hernández Abascal** was reportedly caught painting anti-government slogans on a shop in Santiago de las Vegas by three members of a Rapid Response Brigade who beat him up. The police subsequently intervened and took him to a medical centre to receive treatment for his injuries. He was later taken to a police station for questioning and subsequently transferred to the State Security headquarters where he was still held as of 8 July 1992. No further news has been received.

### b) Shootings by security officials

There has also been an increase in reports of incidents involving the use of firearms by police against apparently unarmed victims. For example, police are said to have shot dead a boy of 13 and injured another of 15 when they were caught trying to steal mangos from a farm in San José de las Lajas in the early hours of 2 June 1992. In another incident in July 1992, a plainclothed policeman approached **Joel Matos** as he was selling religious stamps outside San Lázaro Church in the municipality of Boyeros, Havana, and asked him for his identity card. An argument ensued and the policeman took out a pistol and shot Joel Matos in the left arm. He was subsequently sentenced to six months' imprisonment for selling goods illegally.

On 7 July 1992, **Orelvis Martínez Limonta**, aged 21, was shot dead by a railway security guard in Santa Clara station when he caught him eating sugar which had fallen to the ground from the trains. The security guard was reportedly taken into custody.

**José Francisco González Campo**, aged 26, was reportedly shot dead by police on 10 May 1992 in the municipality of Arroyo Naranjo, Havana. He had reportedly been arrested by two policeman in connection with an accident involving his bicycle a few hours earlier and was being taken along the street at gunpoint. The sector chief of police then arrived on the scene and, pointing his pistol at the detainee, hit him in the head pushing him to the ground. When he asked why he was being hit, given that he was already under arrest, and began to get up, the police chief shot him in the chest. He died later in hospital.

### c) Ill-treatment in detention

Amnesty International has consistently received reports that some prison guards regularly use excessive violence against prisoners while in detention. However, such reports have increased over the past two years. While in some instances the prisoners may themselves have behaved violently, many reports reaching Amnesty International suggest that the attacks by guards are unprovoked and that in some cases the detainee is beaten while handcuffed or tied up. Such treatment is tantamount to cruel, inhuman and degrading treatment and, in some isolated cases, torture.

On 8 June 1992 an incident took place in Alambradas de Manacas Prison in the province of Villaclara involving political prisoner **Bienvenido Martínez Bustamante** who was awaiting trial on a charge of disrespect. While his hands were tied, three prison guards reportedly beat him causing injuries all over his body. His face was said to have been disfigured and he lost consciousness. Despite this, he reportedly received no immediate medical attention.

Fifteen-year-old **Javier Rueda Nogueira** was arrested on 10 October 1991 after being caught trying to steal mangos from a farm. He was taken to El Combinadito Prison for Minors where he was reportedly subjected to a severe beating causing injury to his right leg for which surgery was recommended by doctors in the prison. However, as of June 1992, his relatives had reportedly been unable to obtain the medical treatment he requires.

Political prisoner **Silvio Aguila Yanes**, aged 30, was reportedly suffering from serious health problems after having been on hunger strike for 22 days in January 1992. He was said to be being held in a damp



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cell without window or light in the maximum security area of Guanajay Prison in Havana Province and the prison authorities had reportedly refused to transfer him to hospital, against the recommendations of medical personnel. The Cuban authorities denied the reports and it is not clear what has happened to him since. He had been protesting by refusing to wear his prison uniform since January 1991<sup>12</sup> and had reportedly been held for a period of at least 17 days in the maximum security area of Boniato Prison in Santiago handcuffed to his bed, except at mealtimes. He is serving a 30-year sentence for the attempted hijacking of a boat in July 1980, in the course of which several people died.

Political prisoner **Ivelise Camejo Moleiro**, who is serving a five-sentence for terrorism, rebellion and other crimes in Guanajay Prison, was allegedly beaten by guards after writing a letter to the authorities complaining because he had been put in solitary confinement, with no water and no correspondence. He was reportedly handcuffed and dragged and beaten while forcibly having his hair cut, causing injuries to his face, mouth and one hand.

### d)Deaths in detention

Several deaths in detention have been reported in recent months, some as the apparent result of denial of adequate medical attention and hunger strikes and others as a result of alleged ill-treatment.

**Francisco Díaz Mesa** reportedly died in Alambradas de Manacas Prison on 1 February 1992 after being denied medical attention. He had reportedly been suffering from pneumonia but when he banged on the bars of his cell to call for assistance, he was beaten by the guards instead of being provided with the care he needed.

On 14 May 1992 **Felipe Timoneda**, aged 28, reportedly gave himself up at the 15th Police Unit in Alamar, Havana, after having escaped from custody the day before. Three days later, on 17 May, the police informed his relatives that he had died that day from an attack of epilepsy. However, according to the family, his body exhibited numerous bruises on the arms, legs and brow, as well as a wound in the back, a hole in the right eyelid and fractures to the wrists, where the marks of handcuffs were evident. The result of the official autopsy was "death from unknown causes". As far as Amnesty International is aware, no independent investigation was carried out.

**Lázaro Gutiérrez Franco**, aged 23, reportedly died after being beaten by police in a workcamp while he was wearing handcuffs. He had been sent to the workcamp for six months as punishment after failing to meet the conditions of a sentence of three months' house arrest but escaped briefly to see his relatives and to get food. The beating reportedly took place upon his return to the centre. He was operated on twice

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<sup>12</sup> In January 1991, thirteen political prisoners held in Combinado del Este Prison refused to wear their prison uniforms, demanding political change and respect for human rights. In response, the prison authorities transferred them to other prisons. Three prisoners taken to Kilo 7 Prison in Camagüey - **Orlando Domínguez de la Caba**, **Israel López Toledo** and **Orlando Azcué Rodríguez** - went on hunger strike and continued to refuse to wear uniform. As punishment they were reportedly held for more than seventeen days with their arms outstretched and chained to the iron bars of their cells. They were also said to have been deprived of drinking water for several days. Israel López and Orlando Azcué were reportedly beaten by guards at least three times while they were in chains. Amnesty International considered their treatment to constitute torture and cruel, inhuman and degrading treatment and urged an immediate investigation into the reports. In March 1991, a relative of one of the prisoners concerned was informed that the Ministry of the Interior had set up a commission to investigate what had happened in Kilo 7 Prison. However, no news has been received of the outcome. Orlando Azcué, whom Amnesty International considered to be a prisoner of conscience, was released in July 1991.

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for an abscess on the brain apparently caused by the blows but died on 29 April 1992.

Political prisoner **Alain Hermida Oviedo**, aged 17, is said to have died in Destacamento 47 of Combinado del Este Prison some time in early or mid-1992 after being beaten by a prison official while handcuffed behind his back.

**Felipe Achín** was arrested on 17 May 1992 because of a work problem and taken to the police station in Alamar, Havana. On 19 May he was certified to have died from unknown causes. An autopsy subsequently showed that death had been caused by blows causing an internal haemorrhage.

**Rodolfo Gómez Ramos**, aged 42, who was serving a four-year sentence for trying to leave the country illegally in Micro 4 Prison, Alamar, reportedly died for lack of medical attention in early March 1992. He was said to be suffering from an ulcer. The authorities were planning to transfer him to Agüica Prison and, despite his pleas for medical attention, put him in a vehicle ready for the transfer. He reportedly died four hours later while travelling to Agüica.

**Alfredo Díaz Ortiz**, aged 67, was arrested on 22 January 1992 in Holguín after a search of his home in which nothing compromising was reportedly found. However, when taken to the State Security headquarters in Holguín, he was accused of enemy propaganda. While in detention, he alleged that recordings of the voices of his son and daughter-in-law were played to him to make him believe that they too were in detention. When he was transferred to Holguín Prison, he declared himself on hunger strike in protest at his treatment. His health deteriorated rapidly and he was rushed to the Lenin Provincial Hospital where he died on 30 May without having been brought to trial. From the information available, Amnesty International believes that he was almost certainly a prisoner of conscience.

## THE DEATH PENALTY

The death penalty can be applied in Cuba for a wide range of offences established in the Cuban Penal Code, ranging from crimes against internal and external state security to murder, rape and robbery with violence, among others, as well as for several offences in the Code of Military Crimes.

Amnesty International is opposed to the death penalty in all circumstances. Its concerns relating to the use of the death penalty in Cuba have been exacerbated by the lack or inadequacy in practice of full judicial guarantees, including denial of access to lawyers before trial, restrictions on **habeas corpus** in practice, a judiciary which is not independent in political cases, coercion to confess, and inadequate time and facilities for a defence. In some instances, execution has taken place within two or three weeks of arrest. In other cases, detainees have been frequently held for several weeks or months by the Department of State Security before the trial hearing without access to lawyers. Frequently the defendant has only been able to speak briefly to the defence lawyer before the hearing. Once the death sentence has been passed in the first instance, it automatically goes for appeal to the People's Supreme Court. If confirmed, it then has to be ratified by the Council of State, which is presided by President Fidel Castro. The death penalty is carried out by firing squad.

The Cuban Government usually justifies the retention of the death penalty on the grounds that it is a weapon of defence against "an enemy that has not lost any opportunity to attack us", in apparent reference to the USA. Although it can be imposed for a wide range of offences, in recent years it has been used only occasionally and usually only in cases of common crime such as murder. One recent exception was the case of **General Arnaldo Ochoa** and three other senior army officers, described by the authorities as traitors, who were executed in July 1989 after being convicted by a court martial on a number of charges including hostile acts towards a foreign state, drug-trafficking and abusing their official positions. Between 1984 and 1987, according to government statistics, twelve executions took place (eleven for common crimes, mainly murder, and one for terrorism). In a number of other cases, the death sentence had been commuted on appeal. Two executions are known to have been carried out during 1991: **Jorge González Norona**, aged 23, who was executed in March or April 1991 after being convicted of strangling three women, and **Joaquín Dueñas Carbonell**, aged 37, who was executed in April or May 1991 after being convicted of killing two police officers. In early 1992, two dramatic cases received widespread publicity both in Cuba and abroad. The trials in the two cases concerned, which are described in detail below - one concerning three Cuban exiles who had landed on the Cuban coast with weapons and the other concerning a group of people accused of killing four security officials while trying to escape from Cuba - took place in a highly-charged political atmosphere and provoked concern that the Cuban authorities might resort to using such severe punishment more frequently to suppress all types of opposition and dissent. However, although stiff sentences have been meted out since then to people accused of rebellion and other serious offences, this fear has so far appeared to have been unfounded. No information has been received concerning death sentences passed during 1992 for crimes of a non-political nature. However, this does not necessarily mean that none have taken place since information on cases of this kind is not always public knowledge even inside the country.

### 1. Eduardo Diaz Betancourt

On 29 December 1991, three Cuban residents of the United States were captured by the Cuban authorities as they landed a dinghy on the coast near Cárdenas, Matanzas province, 150 km east of the capital,

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Havana. At the time of their arrest, they were reportedly in possession of weapons, ammunition and incendiary devices. According to the Cuban authorities, the three confessed to being members of a United States-based terrorist organization whose mission was to carry out sabotage attacks and terrorist actions and to distribute subversive propaganda against the government. They were brought to trial on 11 January 1992 (only thirteen days after their arrest) and sentenced to death in the first instance. Four days later on 15 January, the death sentences against two of them, **Eduardo Díaz Betancourt** and **Daniel Candelario Santovenia Fernández**, were upheld on appeal to the People's Supreme Court. The sentence against **Pedro de la Caridad Alvarez Pedroso** was commuted to 30 year's imprisonment. On 19 January the Council of State commuted the sentence imposed on Daniel Candelario Santovenia Fernández, also to 30 years' imprisonment, but refused to grant clemency to Eduardo Díaz Betancourt. He was executed by firing squad on 20 January - 23 days after arrest. After the execution had taken place, an editorial in the Communist Party newspaper *Granma* accused the US Government of maintaining "an aberrant and obstinate policy to destroy the Cuban Revolution" which acted as an encouragement to Cuban exile groups in Florida and to "dissident organizations, delinquents, outlaws and social garbage" inside Cuba. It said that "while this policy exists, there cannot be the slightest tolerance or flexibility".

## 2. Luis Miguel Almeida Pérez and René Salmerón Mendoza

On 9 January 1992, nine people were arrested following an attempt to steal a boat from a boatyard at Tarará, 15 km east of Havana, in order to flee the country. In the course of the attempt, four security officials were shot and killed, apparently after they had been caught and tied up. The nine were brought to trial in the first week of February and two of those involved - **Luis Miguel Almeida Pérez** (aged 24 and who was said by the authorities to have confessed to being the ringleader) and **René Salmerón Mendoza** - were sentenced to death. The sentences were upheld by both the People's Supreme Court and the Council of State and they were executed on 19 February - 41 days after arrest.

It was at the funeral of three of the security officials killed by the group that First Vice-President Raúl Castro made the comments already referred to above (see p.5) concerning the possibility of bringing back the Revolutionary Courts. He also said that responsibility for the deaths was shared by Cuban exile leaders living in the USA who "promoted desertion and treason" and by internal opposition groups in Cuba whom he said were morally to blame and played a role in "the counter-revolutionary strategy of the imperialists".

## RECOMMENDATIONS

Amnesty International regrets that the lack of direct access to the country, one where freedom of expression is severely limited, and the continuing lack of substantive response from the authorities to requests for information have meant that this report inevitably has had to be based solely on information obtained from unofficial sources and the little official information available in the Cuban press. The organization would have welcomed the opportunity to discuss its concerns directly with the Cuban Government and to have been able to present the government's response to the allegations made in the report.

Amnesty International is making the following recommendations to the Cuban Government:

- ◆All prisoners of conscience, that is, those detained solely for the peaceful exercise of their rights to freedom of expression, association and assembly or their right to leave their own country, should be immediately and unconditionally released, whether or not they have been charged and tried.
- ◆The sentences of all other political prisoners, both those convicted of state security offences and those convicted of other crimes of a political nature, should be reviewed to ensure that they received a fair trial in accordance with international standards.
- ◆Everyone should be informed, at the time of arrest, of the specific reasons for their arrest.
- ◆In accordance with international standards, all detainees should be permitted access to a lawyer of their choice immediately upon arrest and throughout the period of pre-trial detention, as well as to their family and, if necessary, a doctor.
- ◆Interrogation should take place in the presence of a defence counsel to ensure that statements taken in evidence from a detainee are given freely and not as a result of coercion.
- ◆International standards pertaining to the judiciary, including those contained in the UN Basic Principles on the Independence of the Judiciary, should be incorporated in Cuban law and legal practice.
- ◆Steps should be taken to ensure that prison conditions conform to the UN Standard Minimum Rules for the Treatment of Prisoners and, in particular, that adequate medical care is provided for all prisoners at all times.
- ◆The rule of law must apply to all citizens, whatever their views, and the government must protect those involved in monitoring human rights violations, including members of human rights organizations, family members, witnesses, lawyers and journalists.
- ◆The People's Rapid Response Detachments should be immediately disbanded or brought under the direct supervision of government officials and strictly regulated by law.
- ◆All individuals with legal police powers and authorized to bear arms should be trained in methods of law enforcement which do not violate human rights and should be given clear instructions to refuse to obey orders which would result in human rights abuses.

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- ◆Allegations of unlawful killings perpetrated by security force personnel must be fully and impartially investigated by an independent body and those responsible brought to justice.
- ◆Allegations of ill-treatment on the part of prison and/or security force personnel must be fully and impartially investigated by an independent body and those responsible brought to justice.
- ◆In all cases of deaths in custody, forensic investigations should conform to international standards including the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.
- ◆The authorities should ensure that detainees are able to exercise their right to present complaints about matters relating to their legal situation or treatment while in detention without fear of reprisal.
- ◆The government should commute any pending death sentences and immediately introduce legislation to abolish the death penalty.
- ◆Appropriate international human rights monitoring bodies should be allowed access to all Cuban political prisoners in order to make possible an independent and impartial assessment of the reasons for and conditions of their detention.

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## APPENDIX - List of acronyms and organizations mentioned in this document

(in alphabetical order by acronym or Spanish name)

**AR-DE**Arte y Derecho

Art and Law

**CCDHRN**Comisión Cubana de Derechos Humanos y de Reconciliación Nacional

Cuban Commission of Human Rights and National Reconciliation

**CCPDH**Comité Cubano Pro Derechos Humanos

Cuban Committee for Human Rights

**CDR**Comité de Defensa de la Revolución

Committee for the Defence of the Revolution

**CTC**Central de Trabajadores de Cuba

Cuban Workers' Federation

**Coalición Democrática Cubana**

Cuban Democratic Coalition

**Comité Paz, Progreso y Libertad**

Peace, Progress and Freedom Committee

**Concertación Democrática Cubana**

Cuban Democratic Convergence

**Consejo Nacional por los Derechos Civiles en Cuba**

National Council for Civil Rights in Cuba

**Criterio Alternativo**

Alternative View

**DSE**Departamento de Seguridad del Estado

Department of State Security

**DTI**Departamento Técnico de Investigaciones

Technical Investigations Department

**ICAIC**Instituto Cubano de Arte y la Industria Cinematográfica

Cuban Institute of Art and the Cinema Industry

**Libertad y Fé**

Freedom and Faith

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**Luchadores por la Libertad y la Independencia de Cuba**  
Fighters for the Freedom and Independence of Cuba

**MAR**Movimiento de Armonía  
Harmony Movement

**MCDC**Movimiento Cubano Demócrata Cristiano  
Cuban Christian Democrat Movement

**MID**Movimiento Integracionista Democrático  
Movement for Democratic Integration

**Movimiento Cristiano "Liberación"**  
"Liberation" Christian Movement

**Movimiento Cubano Pacifista "Solidaridad y Paz"**  
"Solidarity and Peace" Cuban Pacifist Movement

**Movimiento Femenino Humanitario Cubano**  
Cuban Humanitarian Women's Movement

**PAIS**Proyecto Apertura de la Isla  
Opening of the Island Project

**PCC**Partido Comunista de Cuba  
Communist Party of Cuba

**PNR**Policía Nacional Revolucionaria  
National Revolutionary Police

**PPDH**Partido Pro Derechos Humanos en Cuba  
Party for Human Rights in Cuba

**PUR**Partido Unido de la Revolución Socialista Cubana  
United Cuban Socialist Party of the Revolution

**SUV**Sistema Unica de Vigilancia y Protección  
Unified Vigilance and Protection System

**UCN**Unión Cívica Nacional  
National Civic Union

**UGT**Unión General de Trabajadores de Cuba  
General Union of Cuban Workers

**UJC**Unión de Jóvenes Comunistas

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Union of Young Communists

**UNEAC** **Unión Nacional de Escritores y Artistas de Cuba**

National Union of Writers and Artists of Cuba

**USTC** **Unión Sindical de Trabajadores de Cuba**

Cuban Workers' Trade Union