



PUBLIC

AI Index: AMR 25/045/2003  
Distrib: PG/SC

To: Health professional coordinators  
From: Medical team / Americas program  
Date: 19 September 2003

## MEDICAL ACTION

### Six physicians who are prisoners of conscience Cuba

**Key words** ill-health / ill-treatment / physician / prisoner of conscience

**Reference document:** *Cuba: "Essential measures"? Human rights crackdown in the name of security* (AMR 25/017/2003, 3 June 2003). See:  
<http://web.amnesty.org/library/Index/ENGAMR250172003>

#### Summary

In March 2003, in the space of several days, the Cuban authorities arrested 75 men and women who were critical of the government (*disidentes* or "dissidents"). They were subjected to summary trials and were sentenced to long prison terms of up to 28 years. Among the detainees were six physicians. This action gives details on their cases. The mass arrests are detailed in *Cuba: "Essential measures"? Human rights crackdown in the name of security* (AMR 25/017/2003). The arrests represented the most concerted attack against dissident political expression since the 1960s.

Amnesty International is calling on all six doctors to be released unconditionally. AI regards them all as prisoners of conscience prosecuted for the legitimate exercise of their political views.

#### The cases

**Oscar Elías Biscet González**, 41 years old, president of the unofficial *Fundación Lawton de Derechos Humanos*, Lawton Human Rights Foundation<sup>1</sup> and anti-abortion activist, has been detained over two dozen times in the past. In one instance, he was arrested on 3 November 1999 and served a three year sentence, charged with 'insult to the symbols of the homeland,' '*ultraje a los símbolos de la patria*,' 'public disorder,' '*desorden público*,' and 'incitement to commit an offence', '*instigación a delinquir*.' During his imprisonment he was considered by Amnesty International to be a prisoner of conscience.<sup>2</sup> He was released on 31 October 2002

<sup>1</sup> The name comes from the Lawton district in Havana.

<sup>2</sup> Amnesty International, "*Cuba: Prisoners of conscience: new convictions overshadow releases*" (AI Index: AMR 25/21/00), October 2000.

from a maximum security prison in Holguín province, and reportedly gave a press conference denouncing prison conditions a short time afterwards.

On 6 December 2002 Oscar Biscet was re-detained with 16 other dissidents after they attempted to meet at a home in Havana to discuss human rights.<sup>3</sup> When police prevented them from entering the home, Oscar Biscet and the others reportedly sat down in the street in protest and uttered slogans such as “long live human rights” and “freedom for political prisoners.” The group was then arrested, though most of them were released shortly afterwards.

In spite of the fact that he was already in detention during the crackdown, Oscar Biscet was tried together with a number of dissidents who were arrested in March. He was sentenced under article 91<sup>4</sup> of the Penal Code to 25 years in prison. Although he lives and was tried in Havana, he is currently imprisoned in Kilo 5 1/2 prison in Pinar del Río province.

**Marcelo Cano Rodríguez**, 38 years old, is National Coordinator of the unofficial *Colegio Médico Independiente de Cuba*, Cuban Independent Medical Association, an association of medical professionals around the island. He is also a member of the unofficial *Comisión Cubana de Derechos Humanos y Reconciliación Nacional (CCDHRN)*, Cuban Commission for Human Rights and National Reconciliation.

Marcelo Cano was arrested on 25 March 2003 in Las Tunas, reportedly as he was investigating the arrest of another March detainee, Dr Jorge Luis García Paneque [see below]. He had no previous criminal record. The activities which the prosecution cited against this human rights defender included visiting prisoners and their families as part of his work with the CCDHRN, and maintaining ties to the international organisation *Médicos sin Fronteras*, Doctors without Borders.

Marcelo Cano was tried and convicted under article 91 of the Penal Code and several articles of Law 88<sup>5</sup> and sentenced to 18 years in prison. Although he lives and was tried in Havana, he was transferred and is serving his sentence in the *Prisión Provincial de Ciego de Avila*, Ciego de Avila Provincial Prison (called “*Canaleta*”).

**Orlando Fundora Alvarez**, 47 years old, is president of the unofficial *Asociación de Presos Políticos 'Pedro Luis Boitel'*, or 'Pedro Luis Boitel' Political Prisoners Association. He is a surgeon. His wife, Yolanda Triana, is director of a private library and is also an active dissident. Orlando Fundora reportedly lived in the USA for a period after the 1980 Mariel boatlift<sup>6</sup>. He was accused of illegal entry into Cuba on 27 July 1991 and sentenced to two years' imprisonment. He was released in 1993.

Orlando Fundora and his wife have reportedly been subjected to frequent harassment in recent years, including short-term detention and interrogation. Their house has reportedly been attacked by unknown assailants.

Following his March arrest, Orlando Fundora was tried and sentenced under article 91 of the Penal Code to 18 years in prison. He is being held in Combinado del Este prison in Guanabacoa municipality in Havana province. Since his detention, there have been concerns

---

<sup>3</sup> Amnesty International, “*Cuba: Continued detentions following mass arrests in February and December 2002*” (AI Index: AMR 25/001/2003), February 2003.

<sup>4</sup> Article 91 provides: “he who, in the interest of a foreign state, commits an act with the objective of damaging the independence or territorial integrity of the Cuban state, incurs the penalty of ten to twenty years imprisonment or death.”

<sup>5</sup> Law 88 is entitled ‘A Law for the Protection of the National Independence and Economy of Cuba’.

<sup>6</sup> In the period April-September 1980, the Cuban government allowed some 125,000 Cubans, including a number of criminals as well as persons with mental illness, to leave Cuba, predominantly from Mariel Bay.

for his health, as he is said to be convalescing from a myocardial infarct, has a high cardiovascular risk, stomach ulcer and hypertension.

**Luis Milán Fernández** is reportedly a medical doctor by profession. He is a member of the unofficial *Colegio Médico de Cuba*, Cuban Medical Association.

In June 2001 he and his wife, also a doctor, signed a document called '*Manifiesto 2001*,' calling among other measures for recognition of fundamental freedoms in Cuba. Together with other health professionals they carried out a one-day hunger strike to call attention to the medical situation of detainees and other issues.

Luis Milán was reportedly sentenced to 13 years in prison. He is currently being held in the provincial prison of Ciego de Avila (called "*Canaleta*").

**Ricardo Silva Gual** is a medical doctor and a member of the *Movimiento Cristiano Liberación*, Christian Liberation Movement. He has reportedly suffered a number of forms of harassment related to his activities.

Ricardo Silva was detained on 18 March 2003 and was reportedly sentenced to 10 years' imprisonment under articles 4.1 and 6.1 of Law 88. He is currently being held in the Guantánamo provincial prison.

**José Luis García Paneque**, born 1965, is married with four children. He is a plastic surgeon and member of the unofficial *Colegio Médico de Cuba*, Cuban Medical Association. He is also active in journalism and is the director of the independent press agency, *Libertad*.

He was arrested on 18 March 2003 in his home city, Las Tunas, in the east of Cuba, and was sentenced to 24 years' imprisonment under Law 88 and Article 91 of the Penal Code. He is currently in Villa Clara prison – some 500 km from his home -- having reportedly been transferred from "El Típico" provincial prison in Las Tunas following a protest with other prisoners who were arrested in the March 2003 crackdown.

### **Amnesty International's recommendations**

The six doctors whose cases are documented above are prisoners of conscience. Amnesty International is calling on the Cuban authorities to release them. The government should release all other prisoners of conscience and ensure that freedom of assembly and expression are protected in Cuba.

### **Recommended actions**

Please write letters in Spanish, English or your own language to the addresses below (without mention of Amnesty International);

- Stating that you are writing about the cases of six colleagues on the basis of your impartial concern for human rights
- Expressing concern that the six (you should name them) have been arrested and sentenced to long periods of imprisonment for peacefully expressing their political views
- Urging the government to release them and the other men and women who are now prisoners of conscience following their arrests in March 2003
- Seeking assurances that the doctors named above will have their rights to freedom of assembly and expression respected and their security guaranteed
- Seeking information on the health of Orlando Fundora Alvarez and asking for details of the medical treatment he is receiving.

## **Addresses**

Dr Fidel Castro Ruz  
Presidente de los Consejos de Estado y de Ministros  
Palacio de la Revolución  
La Habana, Cuba Email: f\_castro@cuba.gov.cu

Attorney General  
Dr. Juan Escalona Reguera  
Fiscal General de La República  
San Rafael No. 3,  
La Habana, Cuba  
Faxes: +53 7 669 485 or +53 7 333 164

Interior Secretary  
General Abelardo Coloma Ibarra  
Ministro del Interior y Prisiones  
Ministerio del Interior  
Plaza de la Revolución  
La Habana, Cuba  
Fax: + 53 7 8301 566

## **Copies**

Please send a copy of your letter to your medical association with a covering letter asking them to use their good offices to seek the release of these prisoners of conscience.

Send another copy of your letter to the nearest Cuban diplomatic office.