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HUMAN RIGHTS ACTIVISTS BEHIND BARS IN CUBA

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As Cuba approaches the 36th anniversary of its revolution, it is engaged in an extended crackdown on independent peaceful activity and its human rights practices continue to be subject to the whim of the executive. Among the targets of this crackdown are newly-emerged human rights groups, whose establishment in recent years had given the appearance of greater openness in Cuba. Today, at least twenty-one human rights activists are believed to be held, with or without charge, for infractions of Cuban law such as producing a human rights newsletter and attempting to form a political party.

The crimes under which human rights monitors are charged are considered common crimes punishable by up to one year in prison and tried at the municipal court level. Under Cuban law, defense attorneys are "not indispensable" in a municipal trial and many of the human rights monitors recently convicted of "clandestine printing" or "illicit associations, gatherings and demonstrations" have not had legal representation.

The recent highly-publicized trial of top military and intelligence officers on drug-trafficking and corruption charges has served to reinforce the atmosphere of increased repression in Cuba. General Arnaldo Ochoa Sánchez and three others were executed by firing squad on July 13, less than three weeks after Defense Minister Raúl Castro first demanded "exemplary punishment" in testimony to his military subordinates before the actual trial began. Americas Watch condemned the executions in light of the gross denials of due process during the trial. In particular, we objected to the participation of Raúl Castro as a prosecution witness as a violation of the rights of the defendants. Second only to his older brother, Raúl Castro is the embodiment of the Cuban government, and his participation in the military court of honor hearing amounted to a political demand by the Cuban government for the imposition of the death penalty. Yet there was no indication that he had direct evidence that any court should consider. It violates every principle of due process for the death sentence to be imposed in response to such political demands in the guise of courtroom testimony.

During the course of the trial, a Reuters correspondent based in Havana was expelled after citing a source "close to the family of Communist Party Politburo member Osmany Cienfuegos (who) said he had sought the protection of the Venezuelan Embassy...." The article noted that "the report could not be independently confirmed."

The present human rights situation sharply contrasts with that of last year. On the eve of a visit by the United Nations Commission on Human Rights in September 1988, Cuba's human rights practices seemed to be improving. Long-serving political prisoners were being released, prison conditions were being upgraded, and delegations from abroad were gaining access to the prisons, several of which had been refurbished for the occasion. The human rights community enjoyed a relatively relaxed environment. Although human rights and other independent activists continued to be harassed and one was being held in a psychiatric hospital, none were imprisoned, despite the heightened activism that accompanied the increased tolerance.

The Cuban government succeeded in its considerable effort to avoid criticism by the U.N. In March 1989, the United Nations Commission on Human Rights decided to cease its scrutiny of human rights conditions in Cuba, even though by then some twenty-two human rights activists -- detained during and following the week of the U.N. visit -- were serving prison terms of up to one year, were being held for months without charge, or had been placed under house arrest. Although some of these activists have since been released, the majority remain behind bars. Others were briefly detained and released without charge during this period.

There were further arrests at the time of General Secretary Mikhail Gorbachev's first trip to Cuba in April. More than two dozen human rights activists were reportedly arrested in two separate sweeps. Almost all of these monitors were subsequently released.

Activists Arrested on Charges of "Clandestine Printing"

Article 210 of the Cuban criminal code provides for punishment of anyone "who produces, disseminates or directs the circulation of publications without indicating the press or the place of printing, or without complying with the rules established to identify an author or source..." Also subject to punishment is anyone who "reproduces, stores or transports" such publications. This provision, taken together with Article 52 of the Constitution which states that "the press, radio, television, movies and other organs of the mass media are state or social property," makes it impossible to produce legally publications that are not approved by the government. It has been used in the past to curb the activities of Jehovah's Witnesses. In the last six months it has been invoked especially to suppress the Human Rights Party's activities. The Human Rights Party, one of the small number of unofficial groups trying to carve out a space for independent activity under Castro, has been particularly hard hit by the arrests of its members. The Cuban Human Rights Party was founded in 1988. In addition to producing the newsletter *Franqueza* (Frankness), the Human Rights Party has been collecting the signatures of Cubans who favor a plebiscite on Fidel Castro's rule.

On January 23, Manuel González González (Jr.), his mother Lidia González García, and his wife Isis Pérez Montes de Oca were detained at their home in Havana and taken to a police station of the National Revolutionary Police (PNR). The Human Rights Party had conducted meetings in the González home. The

next day, police also arrested **Manuel González Sr.** The four were held in detention until their trial on January 26. They were tried in the municipal court of Central Havana, reportedly after 6:00 p.m., with neither a lawyer nor witnesses present. They were charged with clandestine printing for producing copies of *Franqueza*. Manuel González Sr., Lidia González García, and Manuel González González (Jr.) were sentenced to prison terms of one year, nine months, and six months respectively; Isis Pérez was fined and released.

Lidia is serving her sentence at the women's prison in Havana (Centro de Reeducción de Mujeres del Occidente). The men were reportedly first held in Combinado del Este prison in Havana, then transferred to Havana's Valle Grande prison, where they are allowed to work in a factory and to go home three days each month.

Police arrested Human Rights Party members **Leonardo Rubio Montalvo** and **Roberto Pagán Díaz** in their homes on February 11 and held them overnight. In a search of their homes, the police found Human Rights Party materials and newsletters, as well as flyers reportedly announcing a meeting to discuss an article on perestroika that had appeared in the Spanish-language Soviet journal *Sputnik*. On February 13, they were tried and sentenced to prison terms of nine months each for clandestine printing. They were tried in a municipal court and had no lawyer. They are currently serving their sentences in Quivicán prison with common prisoners. Rubio and Pagán are teachers at the Eduardo Soliz Rente technical and professional school in San José de las Lajas in Havana province.

Four days before Mikhail Gorbachev's April 1989 visit to Cuba, police arrested eight members of the Human Rights Party, the first of two sets of arrests in as many weeks. Police detained the activists at the home of **María Esther de Céspedes**, while she was making typewritten copies of *Franqueza*. The police searched the premises and confiscated Human Rights Party documents, carbon paper, and other supplies used to produce the newsletter. That issue contained an editorial about Gorbachev's forthcoming visit.

The police arrested **de Céspedes, Samuel Martínez Lara, María Elena Otero, David Moya Alfonso, Carlos Pablo Segrera Martín, Gloria Soto Díaz, Gila Stuart de Céspedes, and Raúl Núñez de Céspedes**, as well as 10-year-old **Audrey Miguel Stuart de Céspedes**, at approximately 6:30 p.m. on March 29. They were taken to a PNR station in central Havana. The four women and one child were released late that evening, but were asked to report back to the police the next morning. The men were held overnight. A human rights lawyer who reportedly attempted to see the detainees at the police station was denied access to them because he did not belong to one of Cuba's official collective law offices. The eight were tried March 30 in the municipal court in central Havana without a lawyer. According to human rights monitors who observed the trial, the prosecution presented as evidence, among other things, the fourth issue of *Franqueza*, which reportedly contained the names and addresses of the leaders of the Human Rights Party. The defendants were charged with clandestine printing.

María Esther de Céspedes, Samuel Martínez Lara, and David Moya Alfonso were convicted and each fined 300 pesos; **Carlos Segrera Martín and Raul Nuñez de Céspedes** were each fined 200 pesos. (The average monthly salary in Cuba is said to be 150-170 pesos.) **María Elena Otero, Gila Stuart de Céspedes and Gloria Soto Díaz** were acquitted. They were all released from custody.

On March 28, the day before the arrests, the Human Rights Party, together with the Cuban Commission for Human Rights and National Reconciliation (CCDHRN) and the Martí Committee for Human

Rights -- all independent, unofficial groups -- held a press conference in support of the "democratic changes" in the Soviet Union.

Arrests on Charges of "Illicit Associations, Gatherings, and Demonstrations"

Cubans have the right to participate in a variety of social, political, labor, cultural, and other "mass organizations" under the control of the government. Through participation in these officially-imposed structures, Cubans may demonstrate their level of "integration" in the society, i.e., their level of support for the government. It is virtually impossible legally to participate in similar activities independent of those organizations prescribed by the government.

Under Articles 208 and 209 of the current penal code, Cubans can be sentenced to one to three months in prison for "illicit associations, gatherings and demonstrations," for belonging to an unregistered association, or for participating in unauthorized gatherings or demonstrations. Leading an unregistered association, or organizing unauthorized gatherings or demonstrations, can bring three months to one year in jail.

During the recent period of greater access to Cuba by international human rights organizations, a number of Cubans took advantage of the protection afforded by these visits to test the limits of the Castro government's tolerance of an independent and peaceful civil society. Groups that had until recently operated "underground," cautiously and discreetly, have openly held unofficial gatherings and have increased their contact with the press and with the diplomatic and international human rights communities. In 1988, a number of new groups, such as the Human Rights Party, formed and assumed a public posture from the outset.

Cuban authorities arrested at least 21 human rights activists during Gorbachev's trip to Cuba, the second such round-up in the two weeks surrounding the visit. Of the 21, five were tried and convicted in connection with a peaceful demonstration they planned to stage in front of the Soviet Embassy on April 4. Police prevented the demonstration from materializing.

Four members of the Human Rights Party -- Samuel Martínez Lara and David Moya (both of whom had been arrested a week earlier), along with Hiram Abi Cobas and Edita Cruz Rodríguez, were arrested at their homes in the early morning hours of April 4. Samuel Martínez Lara had replaced Tania Díaz Castro as President of the Human Rights Party after she was sentenced to one year in prison in November 1988 on charges of "public disorder." (See *Human Rights in Cuba: The Need to Sustain the Pressure*, Americas Watch, January 1989.) In addition, Roberto Bahamonde Masot, a member of both the Human Rights Party and the CCDHRN, was detained before dawn on April 4. Police held the four incommunicado for several days until their trial. (Under Cuban law, detainees may be detained incommunicado for up to 10 days.) Police transferred Hiram Abi Cobas, who suffers from heart ailments, to the Havana del Este naval hospital, where he was placed in intensive care under police custody. His wife was permitted a 10-minute visit in the hospital in the presence of police officers.

The foreign media, present for the Gorbachev visit, reported the arrests widely. However, the trial, which took place two days after Gorbachev and the press left, was closed to the public. Without the presence of defense lawyers, the municipal court of Plaza in Havana sentenced the five activists on April 7. Martínez Lara was sentenced to nine months and is serving his term in Aguica prison in Matanzas province; Moya, also sentenced to nine months, is serving his term in Cinco-y-medio prison in Pinar del Río province; Bahamonde was sentenced to three months, served that term, and is now serving another term in Combinado del Sur prison in Matanzas (see below); Abi Cobas was released on three months suspended sentence because of his health, as was Edita Cruz Rodríguez.

Two other Human Rights Party members arrested on April 3 and 4, **Ernesto Alfonso Rivas** and **Pedro Álvarez Martínez**, were believed to have been held for several days and then released without charge. Three members of the CCDHRN -- **Esteban González González**, **Yndamiro Restano Díaz**, and **Gerardo Sánchez Santa Cruz** -- were briefly detained as well. González, who was arrested on April 3 at the school where he teaches, was held in the state security facility Villa Marista. He and Restano were suspected of planning to attend the demonstration. Restano, who is also affiliated with the newly-formed Association of Independent Journalists of Cuba, was fined 60 pesos.

In spite of the arrests, a number of human rights activists and sympathizers went to the Soviet Embassy to stage the demonstration as planned. Police turned them away without incident, according to one witness. Police arrested several erstwhile demonstrators, including **Gerardo Sánchez** (see above), **Enrique Aponte Costa**, **Radamés Cabrera Osorio**, **Orlando Charnicharo Hernández**, **José Miguel Fernández Crespo**, **Eduardo Rubón Hoyo**, **Juan Pablo Martínez Mariblo** (also arrested in March), **Arturo Montanó Ruiz**, **Rolando Pagés Navarro**, **Manuel Pozo Montero**, and **José Verdoña Domínguez**. Police reportedly released all of them without charge after several hours.

Bahamonde, while serving his three-month prison term in connection with the planned demonstration at the Soviet Embassy, was sentenced to an additional year in prison for working as a photographer without official permission. He was tried on June 9, on charges of "illicit economic activities" under Article 228 of the criminal code, which makes it a crime to engage in economic activity without a license. His lawyer's defense consisted of asking for the minimum sentence of a fine. Police apparently noticed Bahamonde's photography equipment during a search of his home at the time of his arrest in April. Initially, Cuban authorities reportedly accused him of robbery for possessing a camera without proof of ownership. When his family presented the proper documentation to refute this accusation, the charge was changed to illicit economic activity.

Thousands of Cubans offer unlicensed services such as plumbing or electrical repair, sewing or manicures to neighbors who prefer not to seek those services through the often inefficient government bureaucracy. The government has tolerated this activity despite its most recent "rectification" campaign. Under rectification, Cubans are encouraged to work for moral rather than economic incentives and licenses are said to be much harder to obtain. Americas Watch believes the Cuban authorities have applied this law selectively against Bahamonde because of his independent activities. An agronomist, Bahamonde has had no prospects for a government job in his field since the mid-1970s when he was detained twice for writing a letter to Fidel Castro recommending reforms in the government's economic and agriculture policies.

Human Rights Activists Held Without Charge or Trial

Five people believed to be affiliated with the Association for Free Art, a group advocating free expression and freedom of artistic creation founded in August 1988, have been detained without charge since October 1988 (see *Human Rights in Cuba: The Need to Sustain the Pressure*). They were transferred to various prisons from the state security facility, Villa Marista, in February. **Pablo Roberto Pupo Sánchez** and **Gilberto Plasencia Jiménez** are currently held in Alamar prison in Havana; **Ramón Obregón Sarduy** and **Lázaro Cabrera Puentes** are currently held in Quivicán prison in Havana province; **Juan Enrique García** is currently held in Guanajay prison in Havana province. Cuban authorities have recently informed the defendants' families that unspecified charges were brought against them in the Provincial Court of Havana during the week of July 10.

Cuban human rights activists **Carlos Novoa Ponce** and **Jorge Luis Mari Becerra** are currently in their sixth month of detention without charge or trial. Novoa is said to be recovering from nearly a two-month hunger strike to protest their continuing detention without charge and is said to be in poor health.

Mari and Novoa were arrested at their homes on January 27 and 28, after they had distributed a document announcing their plan to form a Christian Democratic Party committee. They were initially held in the Havana state security police facility, Villa Marista. In March they were transferred to Quivicán prison in Havana province where they were held with common prisoners. In early July, Novoa was transferred to the Guanajay prison hospital in Havana province. Mari is reportedly being held in a punishment cell in Quivicán prison, apparently because he too participated in a hunger strike.

Mari and Novoa are also believed to be members of the Association For Free Art, which was decimated by the October 1988 arrests of most of its principal members. Novoa was also said to have been briefly detained in September 1988 for his attempt to meet with the United Nations Commission on Human Rights delegation.

Police detained CCDHRN member **Juan José Morono Reyes** at his home in Holguín on February 14. After holding him in a police station for about two days and confiscating human rights material found in his possession, they released him without charge.

Human Rights Party members **Kaleox Gort Valenzuela**, **Juan Pablo Martínez Mariblo**, and **Ariel Reyes Gila** were detained on March 22 for possession of Human Rights Party documents. They were reportedly released without charge one or two days later.

On April 15, state security police detained **Elizardo Sánchez**, head of the CCDHRN, while he was waiting to meet a representative of the Latin American labor organization, CLAT, in the lobby of the Hotel Habana Libre. The security police verbally abused and threatened Sánchez during his hour-long detention in a hotel room. One officer told him to leave the country, because "Cuba is for revolutionaries only."

The government did not grant Sánchez permission to visit the U.S. in June. **Enrique Acosta Ruiz**, **Lázaro Rosa Arbolay**, and **Sergio Raúl de la Vega Gómez** -- all of whom were reportedly briefly detained for attempting to see the UN delegation visiting Cuba last September -- were re-arrested in mid-April 1989. They were held initially in Villa Marista and later transferred to Combinado del Este prison in Havana. They continue to be held without charge. It is unclear whether they are members of a particular human rights group.

Police arrested human rights activist Alfredo Quinzán Martínez and searched his home on June 24. He is believed to have been released without charge the next day.

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Americas Watch was established in 1981 to monitor and promote the observance of internationally recognized human rights. Americas Watch is one of the five regional divisions of Human Rights Watch. The Chair of Americas Watch is Peter D. Bell; Vice Chairs, Stephen L. Kass and Marina Pinto Kaufman; Executive Director, Juan E. Mendez; Associate Directors, Cynthia Arnson and Anne Manuel.

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