

**February 25, 1991**

# **CUBA**

## **Attacks Against Independent Associations March 1990 - February 1991**

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## **INTRODUCTION**

**"We did not obey that resolution and we say this right now. Do not even dream that we are going to comply. That is it. Do not even dream that we are going to follow a single rule of that resolution. It is true they amended it and softened it. I will now see who comes to request information. If they think that by doing this they are going to stir up the treacherous counterrevolutionaries and create friction, they are mistaken. They are mistaken if they think there is going to be impunity for those who betray the fatherland. There will be no impunity for counterrevolutionaries."**

**-- Fidel Castro, discussing resolution on  
Cuba passed in March 1990 by the U.N.  
Commission on Human Rights<sup>1</sup>**

**President Fidel Castro's dismissive attitude toward the resolution on Cuban human rights abuses adopted last year by the U.N. Commission on Human Rights (UNCHR) reflects the latest chapter in a continuing and disappointing deterioration in Cuban human rights over the past three years. In 1987 and early 1988, Cuba responded to pressures from the UNCHR in a more constructive manner, permitting an opening in Havana for the emergence of a small community of human rights and independent activists. Political prisoners were released in large numbers; steps were taken to improve prison conditions; and prison doors were opened to monitoring by independent observers, including multiple visits by Americas Watch representatives.**

**Beginning with the arrival in September 1988 of a delegation of investigators sent by the UNCHR, the Cuban government began to renounce the rudimentary tolerance that it had started to show. A series of arrests since then, coupled with what for a time at least were increasingly lengthy prison terms, has decimated substantial portions of the small human rights community that had begun to emerge in Cuba. Several independent organizations have ceased to exist; others find key leaders in prison; all suffer harassment and threats by members of Cuba's security forces.**

**The most recent round of repression began on March 6, 1990, just as the UNCHR was calling upon the Cuban government "to honor its repeated guarantees to the representatives of the Commission who visited Cuba in September 1988...that individuals who attempted to present information to these representatives would not be subject**

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<sup>1</sup> FBIS-LAT-90-046, March 8, 1990, quoting speech delivered on March 7, 1990 at the closing session of the Fifth Congress of the Federation of Cuban Women.

to reprisals, detention, or negative consequences of any nature whatsoever." The intended beneficiary of this appeal was the fledgling community of human rights monitors, many of whom had provided testimony to the UNCHR delegation.

That week, at least twelve members of the Cuban Human Rights Party, activists whom the Cuban President calls "treacherous counterrevolutionaries," were arrested by Cuban state-security police. Three were soon released from detention without charge. Eight were held for six months in state-security detention cells without access to lawyers; two months later, they were tried and convicted of "illicit association" – after taped "confessions" of two of the detainees were broadcast on state-controlled television – and were sentenced to terms of up to one year of "limited liberty." The remaining activist was held in state-security detention for eleven months, when he was tried and convicted of "rebellion" and sentenced to three year's "limited liberty."

At the same time, other human rights activists were assaulted by mobs of insult-hurling, slogan-shouting people in government-organized "acts of repudiation." A string of these supposedly spontaneous, day-long demonstrations, involving hundreds of government-selected partisans, were staged over the course of the last week of the UNCHR's 1990 session. The homes of two leaders of the Cuban Committee for Human Rights were vandalized. Three human rights activists who attempted to escape during one demonstration were surrounded by the mob and verbally and physically abused for some two hours.

These mob actions were followed several months later by the sentencing of pro-democracy activists to terms as long as seven years in prison, and by the application of "enemy propaganda" and "rebellion" charges in numerous other cases in 1990. This recent repression came on top of some twenty other human rights monitors who were already in detention or serving prison sentences for their peaceful monitoring activities.

The totality of the display of furor unleashed on the human rights community in 1990 produced a disturbing reminder of the human rights climate during the dark days of the early 1980s.<sup>2</sup> The renewal of repressive practices, and its accompanying pressure on Cuba's besieged "civil society," was particularly disappointing, coming as it did on the heels of the period of relative optimism that had accompanied the small political opening of late 1987 and early 1988.

The Cuban government's tone in the course of this crackdown has only heightened the sense of disappointment. The government has increasingly flaunted its suppression of internal dissent. News items about the trials of dissidents on charges of "illicit association" or "insulting high officials" regularly appear in the Communist Party newspaper, *Granma*. Acts of repudiation are televised.

President Castro in his speeches, as well as his brother Raúl, refer to human rights activists in pejorative terms, such as "fifth-column," "lumpen" and "worms." In one speech on the 30th anniversary of the founding of the Committees for the Defense of the Revolution (CDRs) – Cuba's grassroots surveillance network – President Castro said: "[I]n difficult times, the worms would like to lift their heads; we must fight them and tell them: 'Worm, back to your hole! Worm, back to your garbage; worm, to your manure; worm, to your decay, and shut your mouth!' The good civic and combative virtues of the CDRs should never be lost."<sup>3</sup>

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<sup>2</sup> For background, see Americas Watch *Human Rights in Cuba, The Need to Sustain the Pressure*, January 1989.

<sup>3</sup> *Granma* (Resumen Semanal), October 14, 1990.

## **The Fourth Party Congress**

In a seeming paradox, Communist Party leaders called on Cubans in March 1990 to debate freely and openly a variety of economic and political issues to be raised at the 1991 Fourth Communist Party Congress. However, this *llamamiento*, or call to the Cuban people, coming only a week after the publicized arrests and attacks on human rights activists, was initially met with silence. Only after a certain amount of official coaxing did Cubans begin candidly to voice their opinions and their grievances in their workplaces and at meetings of mass organizations.

Nevertheless, the *llamamiento* was not to be mistaken for an unqualified political opening. The Party quickly made clear that free discussion was permitted only within the confines of the unchallenged acceptance of a one-party system under the leadership of Fidel Castro.<sup>4</sup> The critical issue of political power was out of bounds.

With laws in force against spreading "false information," "insulting high government officials," and "changing the economic, political and social rule of the socialist State"; with human rights advocates in prison for belonging to "illicit associations"; with independent public demonstrations outlawed; and with the domestic press entirely under government control, the prospects for unrestrained public debate in Cuba remain dim. Political discourse continues to exist only at the grace of the government.

## **The embassy crisis**

In July, a wave of asylum-seeking in a number of foreign embassies in Havana underscored the Cuban government's harsh restrictions on freedom of travel. The two-month-long episode started when a small group of dissidents entered the Embassy of the Czech and Slovak Republics. As the crisis progressed, various other groups of Cubans managed to enter that embassy, as well as the Embassy of Spain, inexplicably eluding police cordons that were supposed to guard against further asylum attempts. This second round of asylum-seekers, believed by some to have been secret-police infiltrators, took hostages and destroyed property, thus discrediting even the genuine asylum-seekers. Cuban police later forcibly entered the grounds of the Spanish Embassy and removed and detained one man who appeared to be a true asylum-seeker.

The Cuban government refused to grant any asylum-seekers safe passage out of the country, and by early September, all had left the embassies. In the meantime, the government aired on Cuban television the taped "confessions" of five dissidents – all of whom had recently served prison terms, including two who had been in state-security detention since March and throughout the embassy affair. All five confessed to cooperating with or having knowledge of an alleged plot by the U.S. Interests Section and the Czech and Slovak Embassy, among others, to set off

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<sup>4</sup> For example, on June 23, 1990, Havana Radio Rebelde Network reported the following Communist Party Politburo "agreement" governing discussion of the Fourth Party Congress:

An unavoidable value that is not open to question is, of course, the socialist option as a historic determination of the Cuban people, which is the result of its struggles since the last century and an advanced program of social justice. In our particular conditions, it indissolubly involves the principles of the revolution, socialism, and national independence. Likewise, we openly reaffirm the idea of a sole, Marti-style, Marxist-Leninist Party which is organized and operates on the basis of democratic centralism, in its broadest sense, and carries out the leadership role through example, the permanent tie with the people, and the deep understanding of its responsibilities to the entire society.

FBIS-LAT-90-122, June 25, 1990.

**an avalanche of asylum-seekers, similar to the recent events in Eastern Europe.<sup>5</sup>**

**Cuban authorities continue to take reprisals against family members of Cubans who have sought asylum outside Cuba. Alexander, the 15-year-old son of José Alberto Menéndez Suárez, who sought political asylum in Panama in 1987, is persistently harassed by Cuban police and has been repeatedly denied permission to emigrate.**

**By contrast, toward the end of 1990, the Cuban government announced that it was loosening travel restrictions by lowering the age limits for those who wished to travel abroad and return to Cuba. Prior to the announcement, only women over the age of 50 and men over the age of 55 were allowed to travel outside Cuba. In October, the age limit was lowered to 40 for women and to 45 for men.**

### **Suspension of ICRC visits to Cuban prisons**

**1990 also marked the suspension by the Cuban government of a 1988 agreement with the International Committee of the Red Cross (ICRC) under which that organization was to be permitted to conduct periodic prison visits on an on-going basis – a crucial form of protection designed to guard against mistreatment of political prisoners. The opening of Cuban prisons to the ICRC had been warmly welcomed by the international human rights community.**

**The ICRC conducted its first series of visits to Cuban jails in June 1988 and reported visiting 395 security prisoners in 12 detention centers throughout the country. A year later, in May 1989, it visited 257 prisoners in 10 detention centers throughout the country including the Mazorra psychiatric hospital in Havana. The ICRC visits prisoners in custody for political and security offenses; its mandate does not extend to prisoners held for refusing to perform military service. These figures also do not include those imprisoned for attempting to leave the country illegally.**

**No ICRC visits have taken place since May 1989, although the ICRC is reportedly continuing to negotiate renewed access to Cuba's prisons.**

**The suspension of ICRC visits parallels a similar restriction on prison visits by independent human rights organizations. In early 1988, Americas Watch representatives and other independent international human rights monitoring organizations were permitted to visit a range of Cuban prisons and to meet confidentially with prisoners of their choice. Requests since then to visit Cuban prisons have been rebuffed, including a request by a representative of Americas Watch in Havana in September 1990 to attend the U.N. Crime Congress. (Crime Congress delegates were given guided tours of prisons near Havana, but repeated requests to meet privately with prisoners were rejected, as were requests to visit punishment cells and the areas where political prisoners were detained.)**

**With this curtailment of independent monitoring of the treatment of prisoners, there is cause for concern. Reports have emerged from Cuban prisons of beatings by prison authorities, occasional denials of medical attention, frequent searches and confiscation of personal belongings of prisoners, and the continued use of punishment and isolation cells, sometimes accompanied by a reduction in food rations for the mildest infractions of prison rules.**

**At the end of 1990, according to prisoner Angel Donato Martínez, several security offenders in Combinado del**

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<sup>5</sup> The Cuban government was apparently especially intent on discrediting the new government in Prague because a few months earlier Czechoslovak President Vaclav Havel publicly called for the release of a group of imprisoned pro-democracy Cuban activists (see the Movement for Democratic Integration, below) and all other Cuban political prisoners.

Este prison in Havana province were confined in the Detachment 47 punishment cells – known as the "rectangle of death" -- after prison guards during a search (*requisá*) found written denunciations about mistreatment in the prison bearing their signatures. All of those who had signed the denunciations -- more than 40 -- reportedly had their family visits suspended.

In addition, two prisoners in Kilo 7 prison, Israel López Toledo and Orlando Azcuy, were reportedly brutally beaten and tied to the bars of their prison cells for trying to remove their uniforms as a sign of protest, in the tradition of the *plantados*. Americas Watch has also received numerous reports of visiting family members being subjected to degrading and humiliating body searches by prison authorities. There is also evidence that political and human rights activists have been selectively transferred to prisons far from their homes as punishment for peaceful, independent activity within prison.

In August, Cuban Attorney General Ramón de la Cruz Ochoa announced that Cuba's prison population was at approximately 40,000, fewer than 200 of whom were serving sentences for "'counterrevolutionary' crimes."<sup>6</sup>

### **The U.N. Crime Congress in Havana**

In August and September, Havana hosted the Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders. Three Cuban human rights activists -- Yndamiro Restano, Antonio de Varona and Jorge Bacallao -- who were asked by the International League for Human Rights to participate as part of its delegation were not only refused permission by Cuban authorities to enter the conference center, but were also briefly detained by Cuban police. A member of the League's delegation, the American journalist Robert Cox, was reported in *Granma* as having "devoted himself to meeting with counterrevolutionaries."<sup>7</sup> A number of other delegates attending the crime congress reported near constant surveillance -- particularly when they attempted to make contact with Cuban human rights monitors -- and one delegate had notes stolen from his hotel room.

### **The U.N. Commission on Human Rights**

The U.N. Human Rights Commission's commendable 1990 resolution on Cuba, requesting from both the Cuban government and U.N. Secretary General Pérez de Cuellar concrete and specific information about human rights practices in Cuba, amounted to a resumption of significant scrutiny of the Cuban government's practices. The resolution, which calls on the Cuban government to respond to "the unanswered questions put to the Cuban authorities by representatives of this Commission" in their 1989 report on Cuba, requires the Cuban government to account for many of the restrictions on human rights embedded in its laws. For example, the report asked:

- o What is meant by "socialist legality" and by "safeguarding the economic, social and political regime established in the Constitution?"
- o On the basis of what criteria do the authorities determine the falsity of an item of information and the extent to which information which is indeed false may "disrupt international peace" or "endanger the prestige or

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<sup>6</sup> "Cuba Says It Has Less Than 200 Political Prisoners," Reuters, August 17, 1990.

<sup>7</sup> Carlos Cabrera, "Creció cooperación internacional frente al delito en reunión de La Habana," *Granma*(Resumen Semanal), September 10, 1990.

credit of the Cuban State or its good relations with another State?"

- o What form of political criticism might be defined as not offensive and not insulting to the political authorities?

In light of the ongoing persecution of Cuban human rights monitors, the Secretary General's report on his contacts with the Cuban government, which is to be presented to the Commission in accordance with the 1990 resolution as well as the open-ended resolution 113 of the Commission's 1989 session, will help focus attention on the plight of peaceful activists who are being subjected to reprisals for their human rights work, as well as on the severe restrictions on civil and political rights that continue to affect all Cubans.

### **MARCH 1990 CRACKDOWN ON HUMAN RIGHTS MONITORS**

#### **"Acts of Repudiation," Against the Cuban Committee for Human Rights (CCPDH)<sup>8</sup>**

On March 5, the Cuban government, through its mass organizations such as the Committees for the Defense of the Revolution and the Federation of Cuban Women, staged the first of several "acts of repudiation" (*acto de repudio*) that week against leaders of the Cuban Committee for Human Rights (CCPDH) and other human rights monitors. Hundreds of government supporters, including workers, housewives, hospital workers, teachers and school children, were "mobilized" -- reportedly transported in trucks -- to hold a day-long demonstration outside the home of human rights activists.

The first target of these attacks was **Sebastian Arcos Bergnes**, a leading member of CCPDH. According to witnesses, the mob broke down the door of Arcos's home, though without entering, broke windows, and shouted revolutionary slogans like "socialism or death" and insults like "cockroaches" and "worms." With Sebastián Arcos inside the house, on the outskirts of Havana were his brother **Gustavo Arcos Bergnes** (see below), **Armando Alonso Romero** and **Oscar Peña Martínez**, of CCPDH; **Domingo Hernández Copero** (see below) and **Samuel Martínez Lara** (see below), of the Cuban Human Rights Party<sup>9</sup>; and **Yndamiro Restano** of Cuban Commission for Human Rights and National Reconciliation (CCDHRN).<sup>10</sup> These representatives of Cuba's main human rights groups were holding a meeting to

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<sup>8</sup> The Cuban Committee for Human Rights (*Comité Cubano Pro-Derechos Humanos*), which was the first independent organization in Cuba dedicated to monitoring and promoting human rights, was created in 1976. The Committee was reorganized in 1984 inside Combinado del Este prison where most of its leaders had been imprisoned for their dissident activities. CCPDH organized a network of prisoners and former prisoners to gather and smuggle out information on political prisoners and prison conditions. CCPDH remains an illegal organization, despite numerous attempts to register it officially.

<sup>9</sup> The Cuban Human Rights Party (*Partido Pro Derechos Humanos de Cuba*, PPDHC) is an independent organization founded in 1988 to promote human rights. It is a principal proponent of holding a plebiscite on President Castro's rule. The Cuban government has not legally recognized PPDHC.

<sup>10</sup> The Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional*, CCDHRN), a leading independent human rights-monitoring organization, was formed in October 1987. Its repeated efforts to secure legal recognition from the government have been rebuffed.

devise ways to increase cooperation among the various groups. The acts of repudiation at Sebastian Arcos's home reportedly continued for several days.

On March 8, the central Havana home of **Gustavo Arcos Bergnes**, head of the Cuban Committee for Human Rights, was subjected to a similar act of repudiation. According to the Cuban press, "the demonstration began spontaneously around noon, and has exceeded all preliminary calculations of the number of people. By the end of the afternoon it had become an insistent avalanche that forcefully sang and chanted in support of socialism and Fidel, so a climate of revolutionary reaffirmation was created."<sup>11</sup> Cubans were later able to watch the mobs on state-controlled television as they vandalized the Arcos home.

Four other CCPDH members, **Rodolfo González González, Jesús Yánes Pelletier, Oscar Peña Martínez** and **Aida Valdés Santana**, were at Gustavo Arcos's home in Havana at the time. When González, Peña and Yánes tried to leave, they were surrounded by the hostile mob, which shouted, among other things, "to the firing squad." The three were held captive in front of the house for about two hours. According to witnesses, at one point two policemen came, checked identification cards, and left, offering the three no protection.

The mob, still surrounding the three activists, walked them to the U.S. Interests Section,<sup>12</sup> several blocks away. Along the way, stones and eggs were reportedly thrown at the activists. When the three spotted a police car, they approached it, looking for refuge, and were told to get in. The crowd reportedly started to pound and rock the car, nearly overturning it, before it drove off to a nearby police station. González, Peña and Yánes later left the police station after receiving a warning from a state security agent: "The rules of the game have changed. No more meetings of the Committee. No more human rights activities. Next time we will let the people crush you."

#### **March 7 arrests of Cuban Human Rights Party (PPDHC) members**

Cuban Human Rights Party members **Juan Betancourt Morejón, Horacio Casanova** and **Nelson Torres Pulido** were detained by state-security police, following searches of their homes in San Miguel del Padrón, Havana province, in the early-morning hours of

March 7, 1990. They were held for some five days in Villa Marista state-security detention facility in Havana and released without charge.

Betancourt was re-arrested on May 21, and is being held without charge in Quivicán prison in Havana province.

#### **March 10 arrests of Cuban Human Rights Party members**

**Tania Díaz Castro** and **Samuel Martínez Lara**, two PPDHC leaders, were arrested in Havana on March 10 along with seven other PPDHC members: **José Luis Bárzaga, Emérta Elojalde Serracón, Eduardo Hoyos Ortiz, Rolando Pagés**

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<sup>11</sup> "Another Demonstration Held at a Dissident's House," Havana Radio Rebelde Network, March 9, 1990, FBIS-LAT-90-047, March 9, 1990.

<sup>12</sup> One of the Cuban government's main tactics in attempting to discredit human rights activists is to depict them as working for the U.S. Interests Section.

**Navarro, Pablo Roberto Pupo Sánchez, Mario Remedios Rodríguez and Cecilia Romero Acanda.** The sweep of arrests was only the latest incident in the government's two-year campaign against this group, during which successive leaders and many members of the PPDHC have been imprisoned.

The arrests came as an especially hard blow to three of the PPDHC activists who had recently served prison sentences. Díaz had been released from a one-year prison term only three months earlier; Martínez had been released two weeks earlier after serving ten months in prison; and Pupo, who was also affiliated with the Association for Free Art (APAL),<sup>13</sup> had been released only one month earlier after spending sixteen months in prison.

Two days later, the Cuban media reported that the nine PPDHC activists would be charged with "illicit associations, meetings and demonstrations" (Articles 208 and 209 of the criminal code), one of a variety of accusations that would be made against them during six months of pretrial detention. According to Radio-Rebelde, their crime was to send "warm congratulations to the U.S. delegation that presented the draft resolution against Cuba at the U.N. Human Rights Commission in Geneva. But not only this. To show even more their flagrant and unpatriotic servility, these individuals also extended their congratulations to the countries that co-sponsored and voted in favor of the inflammatory document."<sup>14</sup>

In April, the nine were accused of the more serious offense of belonging to a "counter-revolutionary organization...with the intention of changing the economic, political and social rule of the socialist state," and of acting "in accordance with the interests of the United States government."<sup>15</sup>

In July, the accusation escalated to that of cooperating with or having knowledge of an alleged plan of the U.S. Interests Section in conjunction with the Czech and Slovak, Spanish, Canadian and West German embassies to set off the wave of asylum-seeking in several of those embassies in Havana that began in July 1990. These accusations were based on taped confessions, later televised, of five activists, all of whom had recently served prison terms, including Díaz, Pupo -- both of whom had been in state security detention since March 10 -- and three others who had actually entered the embassy of the Czech and Slovak Republics on July 9: Lázaro Cabrera Puentes, Jorge Luis Mari Becerra and Carlos Novoa Ponce.

Finally, the Cuban government attempted to link a group of youths convicted of terrorism and rebellion in July 1990 to the Human Rights Party. There are questions as to whether the group, the Youth Association for Human Rights -- which is not known to be a human rights monitoring group -- was convicted on trumped-up charges. Regardless, the Cuban Human Rights Party is not known ever to have engaged in or advocated violence.

Eight of the nine PPDHC members, who had no access to lawyers during their detention, were released from Villa Marista on September 4, 1990, after serving nearly six months in detention. The ninth, Samuel Martínez Lara, remained in detention until his February 5, 1991 trial (see below). On November 26, 1990, the eight PPDHC activists other than Martínez Lara were tried in the Municipal Court of Central Havana and convicted of "illicit association" for

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<sup>13</sup> The Association for Free Art (*Asociación Pro Arte Libre*, APAL), founded in August 1988, advocates free expression and freedom of artistic creation. A formal application for official recognition of the group was submitted to the Ministry of Justice but still has not been acted upon. Within a few months of forming, most of APAL's members were arrested and issued prison sentences.

<sup>14</sup> "'No Softness' for Arrested 'Counterrevolutionaries,'" Havana Radio Rebelde Network, March 12, 1990, FBIS-LAT-90-049, March 13, 1990.

<sup>15</sup> In the column De Cuba, "Desmienten información sobre detenidos," *Granma*, April 29, 1990.

belonging to PPDHC. According to *Granma*, a state-security agent, Jorge Valdés, who had infiltrated the group, testified against them at the trial and denounced them for having been manipulated by the U.S. Interests Section.<sup>16</sup> All eight were sentenced to terms of "limited liberty":<sup>17</sup> Díaz, for one year; Elejalde, Hoyos, Pagés, Pupo and Remedios, for ten months; Romero, for nine months; and Barzaga, for three months. The time they had spent in pretrial detention was counted toward their sentences.

The Cuban press reported that the case was connected to "the creation of the illegal Human Rights Party in 1988 for the purpose of reporting on alleged violations of human rights on the island. It was proven, however, that the main reasons for the party's creation were political – to attack the revolution and destroy the socialist system."<sup>18</sup>

**Tania Díaz Castro has since renounced her human rights activities.**

In January 1991, **Samuel Martínez Lara**, the last remaining detainee of the group arrested on March 10, 1990, was charged with rebellion (Articles 98 and 99 of the criminal code), a very serious charge, carrying a heavy penalty, which has been leveled against a number of independent activists in Cuba in 1990 -- apparently in an effort to discredit them (see the Movement for Democratic Integration, below). Martínez was tried in the Provincial Court of the City of Havana on February 5, 1991, convicted of rebellion, and sentenced to three years of limited liberty. Martínez's first contact with his lawyer came eight months after his arrest -- a 15-minute session on November 21, 1990.

The rebellion charge filed against Martínez Lara was apparently based on statements made by Tania Díaz Castro and Pablo Roberto Pupo Sánchez (see above) while in state-security detention and at the time of their trial. They are reported to have made allegedly incriminating statements against Martínez, linking him to the Youth Association for Human Rights, several members of which were convicted of terrorism and rebellion in July 1990.

However, in a conversation with Tania Díaz Castro in Havana in September 1990 -- two days after her release from detention and while she was still awaiting trial -- an Americas Watch representative was told by her that Martínez was never in favor of violent activities. She said that Martínez supported a "radical change" of government, but not through violent means. She also made clear, based on videotaped interrogations of Martínez Lara and the two leading members of the Youth Association which state-security officials showed her, that all denied any knowledge by Martínez of the allegedly violent activities of the Association.

The three-year limited liberty sentence that Martínez must serve, though perceived as lenient, is a harsh punishment for an outspoken human rights defender who has been repeatedly penalized solely for his non-violent human rights advocacy and for expressing his political opinions.<sup>19</sup>

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<sup>16</sup> "Juzgados ocho cubanos por asociación ilícita," *Granma* (Resumen Semanal), December 9, 1990.

<sup>17</sup> Under Article 34 of the criminal code, "limited liberty" (*limitación de libertad*), which can be substituted for a prison sentence, entitles one to live at home and continue working, but without being eligible for promotion or salary raises. In addition, one cannot change one's residence without the permission of the court; must appear before the court whenever called to do so; and must obey the law and respect the "norms of socialist co-existence" -- a vague standard which easily can be used to curtail dissident activities. The official mass organizations, in coordination with the police, supervise the limited liberty sentence. If one violates the terms of limited liberty, one serves the remainder of the sentence in prison.

<sup>18</sup> "'Illegal' Human Rights Party Members Sentenced," Havana International Service, November 28, 1990, FBIS-LAT-90-229, November 28, 1990.

<sup>19</sup> Martínez, a psychiatrist, had been arrested two other times in the prior year, causing him to spend most of that year in jail. On

### **March 22 arrests of Cuban Committee for Human Rights members in Villa Clara**

Ten members of the Cuban Committee for Human Rights were reportedly arrested on March 22, 1990 by state-security police in the province of Villa Clara. **Miriam Agullera, Ernesto Díaz Nodarse, Rubén Hoyos Ruiz, Leonolma Magulodo, Omar Pérez, Félix Rodríguez Ramírez and Fidel Vila** were arrested in the city of Sagua La Grande; and **Juan Ramón Llorens, Abelardo Tenreiro and Mérida Pérez Fuentes** were arrested in the city of Santa Clara. Although detailed information about these arrests has been difficult to obtain, reports received by Americas Watch indicate that the human rights activists were tried in mid-September 1990 on charges of "enemy propaganda" (Article 103 of the criminal code, see below) and "illicit association" for their activities in connection with CCPDH. Hoyos, Vila and Rodríguez were reportedly convicted of enemy propaganda and sentenced to prison terms of six years, five years and 4-1/2 years, respectively. Tenreiro and Llorens were reportedly convicted of enemy propaganda and sentenced to house arrest for two years and 18 months respectively. Pérez was reportedly convicted of illicit association and sentenced to a two-year prison term. Díaz was convicted on both charges and reportedly sentenced to two years in prison. It is unclear whether the others were convicted on these charges.

### **Other Cuban Committee for Human Rights cases**

**José Irene Padrón Dueñas**, a CCPDH member, was arrested by state security police in Havana on September 4, 1990 and is currently being held in Villa Marista. He went on a hunger strike to protest the authorities' failure to inform him of the charges against him.

**Felipe Alexis Morejón Rodríguez**, who is believed to be a CCPDH member in Ciego de Avila province in eastern Cuba, was arrested on November 21, 1989, and tried and convicted on charges of "enemy propaganda" on June 21, 1990. He was sentenced to two years in prison and is reportedly confined in the Ciego de Avila provincial prison.

**Oscar Peña Rodríguez**, a CCPDH activist and Jehovah's Witness from Santiago de Cuba, was confined in the Jagua Psychiatric Hospital on December 12, 1989, reportedly for "dangerousness."<sup>20</sup>

### **LONG PRISON TERMS FOR PRO-DEMOCRACY ACTIVISTS**

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March 29, 1989, he was arrested along with other Human Rights Party members for producing copies of the group's newsletter, *Franqueza* ("Frankness"). The next day, he was tried, convicted of "clandestine printing," fined 300 pesos and released.

Five days later, in the pre-dawn hours of April 4, 1989 during General Secretary Mikhail Gorbachev's visit to Havana, Martínez was arrested at his home for planning a peaceful demonstration later that day. The demonstration never materialized, but Martínez was sentenced to nine months in prison for "illicit association." He served his term, and was held an additional month until his release on February 22, 1990.

<sup>20</sup> "Dangerousness," under Articles 72-90 of the criminal code, allows for preventive detention and is applied to those who engage in "anti-social behavior" or violate "socialist morality." It has been used to punish peaceful dissenters.

Seven members of the Movement for Democratic Integration (*Movimiento Integracionista Democrático*, or MID), an independent, nongovernmental organization based in Havana which seeks to promote human rights and democracy in Cuba through peaceful means, stood trial on June 20, 1990 on charges that brought them up to seven years in prison. **Marlo Fernández Mora, Esteban González González, Isidro Ledesma Quijano, Edgardo Llompert Martín, Arturo Montané Ruiz, Manuel Pozo Montero and Manuel Regueiro Robaina** were convicted of rebellion for their peaceful activities.

Esteban González González, who was also head of the Cuban Pro-Amnesty Group,<sup>21</sup> was sentenced to and is currently serving a seven-year prison term; Mario Fernández Mora, a six-year prison term; Manuel Pozo Montero and Manuel Regueiro Robaina, five-year prison terms; Edgardo Llompert Martín and Arturo Montané Ruiz, three-year prison terms; and Isidro Ledesma Quijano, three years of "limited liberty."

Five of the seven were arrested at their homes by state security police on September 24 and 25, 1989, except Ledesma and Regueiro, who were arrested in November 1989. All were held in the Havana state-security facility, Villa Marista, until December 22 when they were transferred to Combinado del Este prison in Havana province. They were charged with rebellion (Article 99 of the criminal code) and "other acts against state security" (Article 125) on April 25, 1990.

The imprisoned MID members were not accused of armed or violent rebellion. Created in early 1989, the MID advocates peaceful activism to encourage the establishment of independent civic and political institutions that can serve to promote and protect human rights in Cuba. In its written platform, the MID explicitly states that it "does not authorize and repudiates, within [its] ranks, all terrorist activity and...condemns terrorism by the State, groups or individuals..." Its "methods of struggle will be NON-VIOLENCE and CIVIL DISOBEDIENCE, no matter what the reprisals by the government," according to its platform. The MID favors reforms such as:

"Unrestricted respect for the Universal Declaration of Human Rights, which would be integrated into the new Constitution."

"Promulgation of an Electoral Law that guarantees direct and secret vote and limits the office of the executive to no more than two consecutive terms of six years each."

"The separation and reform of the Legislative, Executive and Judicial branches."

"The abolition of institutions, organizations and others that control and monitor private life and the elimination of the Identity Card (*Carné de Identidad*) and the Population Register (*Registro de Población*)."

"Free access to University with no prerequisites other than to have achieved the level of education required by its programs."

"The eradication of exclusive establishments for international tourism and privileges for government officials (hotels, stores, beaches, and others)."

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<sup>21</sup> The Cuban Pro-Amnesty Group (*Grupo Cubano Pro-Amnistía*) campaigned for a general amnesty for all political prisoners and the abolition of the death penalty. The group made efforts to gain legal recognition of the government beginning in May 1989, but received no response to its inquiries.

The Cuban state-security police's findings, which served as the basis for the prosecutor's charges, included, as the most serious accusations, allegations that the MID had produced and distributed a written platform, held a press conference and recruited new members. The prosecutor's report focused on the following alleged activities:

MID member Esteban González produced a written platform for the group which stated its intention "not only to report on presumed human rights abuses, but also to advocate civil disobedience [and] radical changes in the economic, political and social structure of the country";

"In March 1989, taking advantage of the visit of the Soviet leader Mikhail Gorbachev to Cuba and the presence of a large quantity of foreign correspondents, [the MID] held a press conference with journalists from the west"; and provided the journalists with copies of the MID's program, the contents of which were reported in "the *New Herald*/*El Nuevo Herald*, the Spanish-language edition of *The Miami Herald*, *The New York Times* and the Costa Rican press";

The MID produced "propaganda containing the objectives of the organization which are to oust the Revolutionary Government in Power, constitute a provisional Government, call a plebiscite, derogate the current Constitution, introduce a multi-party system, introduce private property, eliminate General Military Service, prohibit proletarian internationalism, among other things"; and

The MID was in contact with other Cuban human rights groups and distributed its platform to representatives of the Human Rights Party in the provinces of Pinar del Río and Las Villas.

The prosecutor's report concluded that the MID's rebellion plans were foiled when Mario Fernández Mora was arrested, and his "mimeograph machine, stencils, paper, ink, etc." were confiscated.

These peaceful efforts to effect change in Cuba are considered illegal. Under Cuban law, any preparation to attempt to "impede the functioning of the superior organs of the State, in total or in part, even temporarily"; to "change the economic, political and social policy [*régimen*] of the socialist State"; or to "change, totally or partially, the Constitution or the form of Government established therein" through the use of violence or "*other illicit means*" (emphasis added) may constitute rebellion and is punishable by seven to fifteen years in prison. Proposing to other individuals to commit a "crime against the interior security of the state," i.e., rebellion, arranging to commit that crime with others, or inciting others verbally or in writing, publicly or privately, to commit that crime constitutes "an *other crime against state security*" and is also punishable as an attempt or a preparatory act to commit that crime. These laws are incompatible with well-established international human rights standards that protect freedom of expression and freedom of association and assembly.

In August 1990, Esteban González was confined in a "rectangle of death" punishment cell in Combinado del Este prison for ten days for writing about the case of long-term prisoner (*plantado*) Mario Chanes.

#### **UPDATE ON OTHER HUMAN RIGHTS MONITORS**

Despite the ongoing persecution of Cubans who engage in peaceful activities independent of the official, government or Communist Party-sponsored "mass organizations," a variety of independent groups have formed over the last several years. None of them has been granted legal status. All defend, promote and attempt to exercise their rights to free expression and association. However, they have been unable to invoke those freedoms without risking reprisals – from regular visits by state-security police "minders," to official warnings, to long terms of imprisonment

imposed after trials lacking due process by courts that uphold "socialist legality."

**Cuban Commission for Human Rights and National Reconciliation,  
Cuban Human Rights Party, Martí Committee for Human Rights<sup>22</sup>**

The leaders of three of Cuba's independent human rights groups -- **Elzardo Sánchez Santa Cruz** of the Cuban Commission for Human Rights and National Reconciliation (CCDHRN), **Hiram Abl Cobas Nuñez** of the Cuban Human Rights Party (PPDHC), and **Hubert Jerez Maríño** of the Martí Committee for Human Rights -- continued to serve sentences in 1990 for their human rights reporting. The three, who were arrested on August 6, 1989, were convicted on charges of "dissemination of false news" (Article 115 of the criminal code). Sánchez is serving a two-year term in Aguica prison in Matanzas province, where he was initially confined in an isolation cell for seven weeks. He is due to be released in August 1991. Cobas was serving a 1-1/2-year term in Combinado del Este prison, until November 27, 1990, when he was released two months early because of his poor health. He emigrated to the United States in February 1991. Jerez served a 1-1/2-year term in an isolation cell in Kilo-7 prison in Camagüey province. Jerez was subjected to two 42-day periods of punishment -- in each case made up of two consecutive 21-day periods -- for writing letters and poetry which were confiscated from his cell in arbitrary searches by prison guards. During Jerez's periods of punishment his food rations were reduced by one-half, family visits were suspended, his bed was removed from his cell daily from 6 a.m. to 8 p.m., and he was denied reading and writing materials. Jerez completed his sentence and was released from prison on February 1, 1991.

**Alvaro Alvarez Batista**, a member of the Martí Committee for Human Rights, was arrested by state-security police on December 17, 1989 and remained without charge in Villa Marista, the state-security detention center in Havana, until his reported release in November 1990.

**Pedro Alvarez Martínez**, a member of the Cuban Human Rights Party (PPDHC) in Pinar del Río province, was arrested in December 1989. He was tried on June 25, 1990 and sentenced to five years in prison for charges that reportedly included "clandestine printing" (Article 210 of the criminal code), based on copies in his possession of an illegal document produced by another independent organization, the Movement for Democratic Integration (see above).

**Roberto Bahamonde Massot**, a member of CCDHRN and PPDHC, was arrested in Havana on April 4, 1989 and served a three-month prison sentence for "illicit association" and an additional one-year term for "illicit economic activities" (Article 228 of the criminal code) for working as a photographer without a license. He reportedly had begun work as a photographer after being blacklisted in his chosen profession as an agronomist because he allegedly had tried to emigrate. He was released on July 2, 1990, reportedly on the condition that he refrain from political activity.

**Edita Cruz Rodriguez** of PPDHC had been arrested on April 4, 1989 for participating in a peaceful protest during Mikhail Gorbachev's visit, was given a three-month suspended sentence for "illicit association" and released because of ill-health. She was re-arrested on November 11, 1989 and forced to serve the suspended prison term after she helped to organize a gathering planned by human rights activists at a mass at the Cathedral of Havana in support of a long-term political prisoner, Alfredo Mustelier Nuevo. She served her term in the Havana women's prison and was released

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<sup>22</sup> An independent human rights group formed in 1989, the Martí Committee for Human Rights (*Comité Martiano por los Derechos del Hombre*) has been working in cooperation with the Cuban Commission for Human Rights and National Reconciliation (CCDHRN) and the Cuban Human Rights Party (PPDHC). The three groups together are known as the *Coordinadora de Organizaciones de Derechos Humanos en Cuba*, or CODEHU. The Cuban government has yet to legally recognize these groups, singly or jointly.

on February 8, 1990.

**Manuel González**, a PPDHC member who was arrested in January 1989, was released from prison upon completion of his one-year term for "clandestine printing."

**Ernesto Naza Tejera**, a PPDHC member, is serving a one-year prison sentence for "public disorder" (Articles 200 and 201 of the criminal code), in Aguica prison in Matanzas province. The basis for the charge is not known.

**Domingo Hernández Copero** and **Danilo Valdés**, PPDHC members, were detained on the street by state security police on January 27, 1990 in San Miguel del Padrón in Havana. Earlier in the day their homes had been searched. They were released without charge five days later.

**Victor Eladio Moreno Fonseca**, a CCDHRN member in Manzanillo, Granma province, in eastern Cuba, was reported in January 1991 to be under persistent harassment by the local police.

**David Moya Alfonso**, a PPDHC leader, was arrested on April 4, 1989 and sentenced to a nine-month prison term for "illicit association." While in prison, he was sentenced to an additional one-year term for "contempt." He was serving his sentences in Cinco-y-medio prison in Pinar del Río until May 1990, when he was reportedly transferred to Villa Marista. He was released on October 16, 1990.

In December 1990, he was named a recipient of the Reebok Human Rights Award. He was denied permission by the Cuban government to visit Boston, Massachusetts to accept his award and return to Cuba.

**Luis Alberto Pita Santos**, a CCDHRN member, was arrested by Cuban police on April 27, 1990, held overnight in a police station and released without charge the next day. His home in Havana was searched by the police in the pre-dawn hours of May 1, 1990 and documents, including human rights materials, were confiscated. He was re-arrested, but immediately granted provisional liberty. Pita was tried in July 1990 and acquitted of "clandestine printing."

He was re-arrested by state-security police on August 28, 1990 and detained in Villa Marista. On September 3, 1990, he was transferred to the Mazorra National Psychiatric Hospital in Havana. Pita was released without charge 26 days later.

**Roberto Ríos Alducín**, affiliated with CCDHRN, was arrested on July 28, 1989 on unknown charges. He is currently being held in Taco Taco prison in Pinar del Río province. In 1987, Ríos had been convicted and sentenced to six years in prison for "enemy propaganda," "other acts against state security," and "falsification of documents" -- all for putting up posters and propaganda against the government -- but was released later that year as a "Special Case" under "Order 24" of the Ministry of Interior.<sup>23</sup> It is believed that he may currently be serving the remainder of his previous sentence, although no reasons for the revocation of his release have been given.

**Alfredo Suárez Muñiz**, a CCDHRN member, was warned to cease his human rights activities by two state-security agents who visited his home in Havana on July 29, 1990. He was told "we know about your activism. If you don't abandon it, we are waiting for orders to detain you."

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<sup>23</sup> Under "Order 24," the Ministry of Interior has granted parole to a number of Cuban prisoners in an effort to reduce the prison population. In a troubling practice, however, the Interior Ministry has retained the unfettered discretion to revoke parole and force service of the remainder of a sentence. There is concern that the Interior Ministry appears to be revoking parole to further penalize peaceful dissent.

### **José Martí National Commission for Human Rights**

**Amador Blanco Hernández**, a leader of an independent group, the José Martí National Commission for Human Rights, in Caibarien in the province of Villa Clara, was arrested in May 1990 and tried in July on reportedly trumped-up and apparently politically motivated charges of "illegal entering" (Article 287 of the criminal code). He was sentenced to 3-1/2 years in prison. He and two other members of the group, Juan Luis Delgado and Santiago Torres, had been previously detained in Havana on November 17, 1989, when they attempted to attend the trial of Elizardo Sánchez, Hiram Abi Cobas and Hubert Jerez. All three had been warned against continuing their activities by local authorities in Caibarien in December 1989 and were labeled as "anti-social" and "counter-revolutionary" and as having "ideological problems."

### **Indio Feria Democratic Union**

**Aurea Feria Cao** and **Jesús Contreras** of the Indio Feria Democratic Union, an independent group that promotes human rights, were reportedly arrested by state-security police on January 22, 1990. They were initially held in state-security detention in Villa Marista. Feria was later transferred to the Havana women's prison. On November 13, they were tried along with four other members and convicted on charges of "enemy propaganda." At the trial, a government agent who had infiltrated the group, and whose name had appeared on communiqués calling for the release of political prisoners in Cuba, reportedly testified that the group was in contact with the U.S. Interests Section. The state prosecutor also accused Union members of planning to distribute "counter-revolutionary" pamphlets.

### **Liberación**

**Oswaldo Payá Sardañas**, head of Liberation, a small independent group of Catholic lay people which promotes social change and human rights, was detained in mid-March along with two colleagues – Santiago Cárdenas García and Rolando Sabín – following searches of their homes in Havana by state-security police. They were released without charge two days later. Payá had testified on religious freedom before the U.N. Human Rights Commission's delegation in September 1988. State-security police have repeatedly questioned and warned him and others close to him about his independent activities.

### **Association for Free Art (APAL)**

**Lázaro Cabrera Puentes**, **Jorge Luís Mari Becerra**, **Carlos Novoa Ponce** and **Gilberto Plasencia Jiménez**, APAL members who had been arrested in October 1988 and held without trial until September 1989 when they were convicted of "illicit association," were released in 1990, after serving their prison terms. Cabrera was released from Quivicán prison in February 1990 after serving 16 months in custody; Mari Becerra and Novoa were released from Quivicán prison and Guanajay prison, respectively, in May 1990 after serving 19 months in detention; and Plasencia was released in early February 1990 upon completion of his sentence. Plasencia had also been convicted of illegal possession of a weapon.

**Juan Enrique García Cruz** and **Ramón Obregón Sarduy**, all APAL members, were arrested in October 1988, held without trial until September 1989, and convicted of "illicit association," and compelled to serve a 15-month prison term in Guanajay prison and a 9-month prison term in Quivicán prison, respectively. García remains imprisoned in

Guanajay prison in Havana province, and Obregón also remains imprisoned in Quivicán prison in Havana province. As a result of his conviction for "illicit association," Obregón reportedly has been forced to serve the remainder of lengthy previous sentences from which he had been released in 1987 under Order 24 of the Ministry of Interior (see footnote 23, above).

### **José Martí Association**

**Julio Soto Angurel**, head of the José Martí Association of Independent Defenders of Human Rights and National Reconciliation,<sup>24</sup> was arrested on October 9, 1989 by Cuban police in Havana. He was tried on charges of "contempt" (*desacato*, Article 144 of the criminal code)<sup>25</sup> and possession of explosives, and remains in prison serving a two-year sentence. Although Americas Watch takes no position on the explosives charge, it views the "contempt" charge as an effort to penalize independent association and expression.

### **Other activists**

**Enrique Acosta Ruiz, Sergio Raúl de la Vega Gómez and Lázaro Rosa Arbolay**, who were briefly detained in September 1988 in connection with the visit by the U.N. Human Rights Commission delegation, were re-arrested in mid-April 1989 and remained in detention in Combinado del Este prison until they were reportedly released without charge on October 8, 1990.

## **ARRESTS ON CHARGES OF ENEMY PROPAGANDA**

The charge of "enemy propaganda," Article 103 of the criminal code, may be brought against anyone who "incites against social order, international solidarity or the socialist State" by producing, distributing or possessing oral, written or other "propaganda." Those found guilty may be imprisoned for one to eight years. In addition, "diffusing false news or malicious predictions that tend to cause alarm or discontent or public disorder" can yield prison terms of from one to four years; if the mass media are used to carry out these crimes, prison terms of seven to fifteen years can result; and a one- to four-year prison term is the consequence of permitting the use of the mass media for these purposes.

There was a significant increase in the number of enemy propaganda cases that were reported to Americas Watch in 1990. Aside from those listed above, the following reports were received:

**Esteban Bonilla Fuentes**, an electrical engineer and member of the Union of Communist Youth from Manzanillo near Bayamo in Gramma province, was reportedly arrested on April 3, 1990, tried on May 25 in the Provincial

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<sup>24</sup> The José Martí Association, formed in 1987, is a small group that advocates policies of reform such as perestroika and glasnost, which have been rejected by President Castro.

<sup>25</sup> *Desacato* is used to punish with up to one year in prison anyone who "threatens, slanders, defames, insults, injures, in any way outrages or offends, orally or in writing, the dignity or honor of an authority."

Court of Santiago de Cuba, and sentenced to 3 years in prison for enemy propaganda. He is currently serving his term in Las Mangas prison in Bayamo.

**Alexis Maestro Saborí**, age 22, is reportedly serving a 12-year prison sentence in Las Mangas prison in Bayamo for enemy propaganda. He was given a lengthy sentence because he was a repeat offender, having served an 18-month prison term on the same charge in 1988. He was accused of painting anti-government signs with chalk at the schools Escuela Revolución de Octubre and Escuela Rivero in Manzanillo. His mother has reportedly been harassed by Cuban authorities and threatened with the loss of her job as a cleaning woman at the Celia Sánchez Hospital.

**Ricardo Figueras Castro**, who was reportedly arrested in August 1989, is now serving a seven-year sentence for enemy propaganda and attempting to leave the country illegally. It is unclear where he is being held.

**Augustín Figueredo** is also imprisoned in Las Mangas prison for enemy propaganda. He had previously served a prison term on the same charge.

**Juan Mayo Méndez**, age 30, a math teacher in a secondary school in Las Tunas province, was reportedly arrested in April 1990 for painting anti-government signs. Mayo was reportedly beaten while in police custody. He was tried in the Provincial Court of Las Tunas and sentenced to six years in prison for enemy propaganda. The sentence was upheld on appeal. He is currently serving his term in Boniato prison in Santiago de Cuba.

#### **PERSECUTION OF STUDENT ACTIVISTS**

**Jorge Quintana Silva** and **Carlos Ortega Pinera**, mathematics students at the University of Havana who were arrested by state-security police on January 4, 1990, were convicted of "contempt" (*desacato*, Article 144 of the criminal code) and sentenced in November by the Provincial Court of Havana to three and two years of "limited liberty," respectively. According to *Granma*, they were arrested for their "active campaign of insults and slander against the principal leaders of the Cuban State."<sup>26</sup>

Ortega was a member of the Union of Communist Youth; he has since been expelled. Both Ortega and Quintana were members of an independent student group, *Seguidores de Mella*, or the Followers of Mella,<sup>27</sup> which calls for official recognition of all opposition and dissident organizations; multiparty elections; release of all political prisoners; and freedom to travel. Four other students from the University of Havana Economics Department were reportedly arrested on March 9, 1990 for statements they made at the university. They are believed to be **Domingo Figueroa**, **Mario Francisco Mesa**, **Román Sotolongo** and another whose first names are **Julio César**. They are reportedly being held in Combinado del Este prison.

According to an Agence France-Presse report, a group of students was arrested in early 1990 at the José Antonio Echeverría Higher Polytechnical Institute (ISPJAE).<sup>28</sup>

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<sup>26</sup> In the column De Cuba, "Condenados por desacato," *Granma*(Resumen Semanal), November 25, 1990.

<sup>27</sup> Julio Antonio Mella (1905-1929), a university student activist who later gained political prominence in the Communist Party in the 1920s, and was imprisoned under Cuban dictator Gerardo Machado.

<sup>28</sup> "State Reportedly Watchful of 'Contamination,'" Paris AFP, February 7, 1990, FBIS-LAT-90-027.

## **OTHER POLITICAL PRISONERS**

Two long-term prisoners (*plantados*), **Mario Chanes de Armas** and **Ernesto Díaz Rodríguez**, remain in Combinado del Este prison. The *plantados* were arrested during the early years of the Castro regime for armed and unarmed opposition to the government. They were tried before military courts, without any semblance of due process, and sentenced to prison terms generally ranging from twenty to thirty years.

The *plantados* resist the prison "re-education plan," a stance for which they have been punished harshly. They have refused to wear the uniforms of common prisoners, refused to work, and engaged in hunger strikes as a form of protest against their jailers.

**Mario Chanes** is now serving the last year of his 30-year sentence. **Ernesto Díaz** is in the 22nd year of his 40-year sentence.

In March 1990, **Alfredo Mustelier Nuevo**, another *plantado*, was released from Combinado del Este after serving twenty years in prison. After some difficulty, he and his wife -- a physician to whom the Cuban authorities were reluctant to grant permission to emigrate -- left Cuba at the end of 1990.

In addition to the *plantados* and other political prisoners serving sentences for crimes described above, such as "enemy propaganda," "rebellion" and "contempt," several hundred Cubans are believed to be imprisoned for attempting to leave the country illegally (*salida ilegal*, Articles 216 and 217 of the criminal code). According to a July 1990 list smuggled from Combinado del Este prison, 335 inmates were serving sentences for attempts to leave the country in that prison alone. In the Havana women's prison, as of September 1990, at least 17 were believed to be imprisoned for *salida ilegal*.

## **THE KILLING OF ANGEL GALVAN VANEGAS**

On September 28, 1990, the anniversary of the CDRs and the day on which Castro made the "worms, to your holes" speech, **Angel Galván Vanegas** was shot and killed by a Cuban police officer.

According to information received by Americas Watch, Galván cooperated with two independent groups, the Cuban Human Rights Party and the Lancheros Council (an independent group that campaigns on behalf of those who are imprisoned for attempting to leave the country illegally).

On the evening of the 28th, a group of police arrived in Jaimanitas, a Havana neighborhood, and arrested and handcuffed four young men, saying, according to one source, that they had orders to "clean up the neighborhood." One of those arrested was a son of Galván who had reportedly served a prison term for attempting to leave the country illegally. Galván tried to intercede to find out why his son was being arrested. He reportedly shouted, "you're violating my human rights!" By then, he and a policeman were said to have entered into a shoving match. The policeman then took out his gun and shot Galván in the chest. The policeman was pushed into the police vehicle by the other police officers. Handcuffs were removed from the four detainees and they were released; the police officers sped away.

The police officer who allegedly shot **Angel Galván Vanegas** has been identified as **Isaac Guilarte Rodríguez**. Police officer Guilarte was brought before the Provincial Military Court of Havana on January 28, 1991, in a trial that has since been denounced by Galván family members, in a letter to the Minister of Justice, as "an orchestrated farce." Only

fellow police officers were called as witnesses. No other witnesses to the shooting incident were called to testify, although several were present in the court room along with Galván's widow, Isabel González, and other family members. At this writing, the outcome of the trial is unclear.

Americas Watch does not have enough information about this case to evaluate it thoroughly. The Cuban government has not responded to our inquiries, which include the following: Has there been an investigation of the incident? If so, what was the outcome? How was the policeman who allegedly shot Mr. Galván dealt with? Did Mr. Galván endanger the police officers' lives? Did the police officers take any other measures to subdue him before resorting to fatal force?

### **EXPULSION OF FOREIGN JOURNALISTS**

In October, the Cuban government expelled a crew from the private Mexican TV station, "Televisa," for allegedly broadcasting "anti-Cuban material." The crew included reporter José Eduardo Campos and two cameramen, Roberto Ruvalcabo and Guillermo Gómez. According to a Notimex report, the expulsion came as a result of broadcasting "on October 16 an article from the Soviet daily *Komsomolskaya Pravda* that is considered an attack against the Cuban leadership." According to Notimex, the author of the article left his post as correspondent in Havana "after being harshly criticized by the daily *Granma* over some material on the Cuban economic crisis."<sup>29</sup>

In November, a Hungarian correspondent's accreditation was suspended by the Cuban government for lying "in a deliberate manner" in a dispatch in which he reported that he saw an Iraqi oil tanker leaving Havana harbor, suggesting that an oil shipment was made in violation of the U.N. embargo. Csaba Nagy of the Hungarian news agency MTI reportedly sought an official Cuban reaction for two days before filing the story which was published in the November 13 issue of *Nepszabadsag*.<sup>30</sup>

### **U.S. POLICY**

#### **U.N. Commission on Human Rights**

The pressure exerted by the United States government at the U.N. Commission on Human Rights in recent years has had the positive effect of bringing attention to human rights abuses in Cuba. While Cuba was under the spotlight, some of those abuses subsided. Although the long-term success of this effort was subverted to a significant extent by unsupportable and exaggerated charges made at the outset by the State Department and its representatives, recent reporting on Cuba has been substantially accurate. For example, the chapter on Cuba in the State Department's *Country Report on Human Rights Practices for 1990*, issued on February 1, 1991, provides a largely accurate account of Cuban abuses as it refrains from the exaggerations of polemics that characterized the reporting of several years earlier.

However, the value of this increasingly reliable human rights reporting continued through 1990 to be

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<sup>29</sup> "Government Expels Mexican Television Crew," Notimex, October 25, 1990, FBIS-LAT-90-208, October 26, 1990.

<sup>30</sup> Pablo Alfonso, "Cuba Por Dentro: Gobierno expulsa a periodista húngaro," *El Nuevo Herald/Miami Herald*, November 21, 1990.

undermined by the U.S. delegation's single-minded campaign against the Cuban government at the U.N. Commission on Human Rights in 1990. Although Cuba is fully deserving of criticism for its unyielding human rights repression -- and, as noted, has shown considerable responsiveness to such criticism in the recent past -- the U.S.-led campaign to condemn Cuba was marred by its widely perceived failure to devote similar energy to comparably abusive U.S. friends.

Moreover, a controversy involving U.S. Ambassador to the UNCHR Armando Valladares raised an additional concern that constructive U.S. advocacy regarding Cuba was being undermined. In a public statement in June 1990, Ambassador Valladares attacked an initiative by a leading Cuban human rights activist to promote respect for civil and political rights in Cuba through dialogue among all Cubans -- including the Cuban government and the Cuban exile community. To this appeal, Ambassador Valladares responded, "the statements of the [Cuban] Committee [for Human Rights], made by its leader Gustavo Arcos Bergnes and supported by its representatives in exile, are based on false suppositions and alterations of Cuban reality that benefit the dictatorship of Fidel Castro, and constitute *treason* to those who struggled, died and still remain for almost thirty years in prison" (emphasis added). Ambassador Valladares concluded by stating, "with the same enthusiasm that I offered support to these groups when I considered it useful to the cause, I now withdraw it totally for considering the contrary."

With the resignation of Ambassador Valladares in December 1990, the U.S. delegation to Geneva gained an important opportunity to ensure that its efforts in 1991 are more principled and consequently more credible and effective.

### **Restrictions on travel**

Just as the Cuban government curtails the right of Cubans to travel freely, the U.S. government also restricts the right of its citizens to travel. As a signatory of the 1975 Helsinki Final Act, the United States vowed to "facilitate wider travel." However, the U.S. continues to limit travel to a number of countries, including Cuba, for ideological reasons. The limits on travel to Cuba -- justified under the economic embargo imposed by the U.S. in 1962 -- are the most strict. Only certain categories of travelers are authorized by the U.S. Treasury Department to visit Cuba and spend U.S. dollars: U.S. or foreign government officials or officials of any intergovernmental organization of which the U.S. is a member; family members with relatives in Cuba; academics and researchers with Cuba-specific expertise; and news media personnel. Ordinary U.S. citizens who wish to visit Cuba as tourists are not permitted to do so.

The 1988 trade bill, which lifted embargo restrictions on the importation of informational materials, such as Cuban books, films and records, was an important step in the campaign for free trade in ideas. Unfortunately, the Treasury Department under the Bush Administration has excluded any form of travel from its interpretation of the legislation, even though the legislation's sponsor, Congressman Howard Berman, maintains that Congress had acted "with the understanding that travel would in many instances be essential to arranging such trade" in informational materials.

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**Americas Watch is a non-governmental organization that was created in 1981 to monitor human rights practices in Latin America and the Caribbean and to promote respect for internationally recognized human rights standards. The Chairman is Adrian DeWind; Vice-Chairmen, Peter Bell and Stephen Kass. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Research Associate, Mary Jane Camejo.**

**Americas Watch is part of Human Rights Watch, an organization that also consists of Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein; Vice-Chairman, Adrian DeWind. Aryeh Neier is Executive Director; Deputy Director, Kenneth Roth; Washington Director, Holly J. Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone.**