

# CUBA

## Dissidents Imprisoned or Forced into Exile

This document updates the information contained in *Cuba: Government Crackdown on Dissent*, AMR 25/14/96, April 1996, which detailed the recent actions taken by the Cuban Government to prevent members of *Concilio Cubano*, Cuban Concilium or Cuban Council, a forum of some 140 unofficial groups, including human rights defenders, government opponents, lawyers, journalists, trades unionists, environmentalists and others, from freely exercising their rights to freedom of association, assembly and expression.

From October 1995 when *Concilio Cubano* was established, dozens of people belonging to groups participating in the forum, were detained for short periods and warned that they would face various charges, including “*asociación ilícita*”, “illegal association”; “*desacato*”, “disrespect”; “*peligrosidad*”, “dangerousness”; “*propaganda enemiga*”, “enemy propaganda”; and even terrorism and drugs trafficking, if they did not give up their activities or leave the country. *Concilio Cubano* planned to hold a national meeting in Havana starting on 24 February 1996. However, from 15 February the authorities began to round up members of the groups supporting the forum, including most of the national leadership, and the meeting was eventually banned. Although most of those detained were held for only short periods, at least four members of *Concilio Cubano* have remained imprisoned (see below for details). **Dr Leonel Morejón Almagro, Lázaro González García, Juan Francisco Monzón Oviedo and Roberto López Montañéz** have been tried and sentenced to imprisonment. Others have been tried and sentenced to pay fines. For example, on 10 April in Camajuaní, Villa Clara, **Cecilio Monteagudo**, of the *Movimiento Cubano Reflexión*, Cuban Reflection Movement, was fined 300 pesos after being convicted on charges of “*resistencia*”, “resistance”, and “disrespect”. Dozens of people are said to have turned up at the court to support him. Others were released, in many cases with charges still pending against them if they do not take immediate steps to leave the country. Two independent journalists, **Rafael Solano** and **Roxana Valdivia**, and one prominent member of *Concilio Cubano*, **Eugenio Rodríguez Chaple**, whose cases are described in detail below, have so far succumbed to the pressures and left Cuba. Several others are reported to be in a similar situation and are considering their options. They include the national vice-delegate of *Concilio Cubano*, **Mercedes Paradas Antunes**, who has been threatened with imprisonment on several charges but has so far been allowed to remain at liberty, reportedly for health reasons. Some reports indicate that the pressures on her to leave the country include preventing her from obtaining adequate treatment for her health problems. Also reported to be under pressure to leave is **Alberto Perera Martínez**, an alternate member of the National Coordinating Committee of *Concilio Cubano*. He had been fined for “disrespect” following his arrest in February 1996. Subsequent reports indicated that he was also facing a further charge of “*asociación para delinquir*”, “associating with others to commit a crime”, and possibly others.

### Confinement or internal exile

Since March 1996, members of groups belonging to *Concilio Cubano* have continued to suffer frequent harassment and short-term detention. In one recent case, **Nestor Rodríguez Lobaina** and **Radames García de la Vega**, president and vice-president respectively of **Jóvenes por la Democracia**, Young People for Democracy, who were arrested on 6 June 1996 in Havana and charged with “disrespect” and “resistance”, were sentenced respectively to twelve and six months’ “*limitación de*

*libertad*”, “restricted liberty”<sup>1</sup>, as well as to “*destierro*”, internal exile or confinement<sup>2</sup>, for a period of five years. They were ordered to return to their home towns in eastern Cuba and to remain there. The arrest of the two men was reportedly related to their attempts to organize a movement for university reform in Havana. The sentence of “*destierro*” is believed to have been imposed to prevent them from returning to the capital to carry on with their activities. They remained in Havana after the trial and appealed against the sentence. The hearing was reportedly due to take place on 4 July in the provincial court. However, on 25 June they were re-arrested in Havana and taken to a police station in Vedado, Havana, where they were reportedly beaten. Next day, they were taken to a municipal court for a second hearing. It is believed that the purpose of this was to re-consider the punishment imposed as a result of the earlier hearing. There, Nestor Rodríguez was again beaten, while handcuffed, by a State Security official in the presence of relatives, lawyers and others when he and his co-defendant attempted to complain about the treatment they had received in the police station. One of them had reportedly arrived at the court showing clear marks of injury on his face. The court ordered their immediate transfer to Santiago de Cuba. After being briefly held at the State Security headquarters in Santiago de Cuba, they were escorted to their respective homes, Nestor Rodríguez to Baracoa, Guantánamo province, and Radames García de la Vega to Palma de Soriano, in the province of Santiago de Cuba, both of which are several hundred miles from Havana where the appeal hearing was expected to take place. It was feared that they may not be able to return to Havana for the appeal hearing, the date of which was not known at the time of writing, and that it would be difficult for them to remain in contact with their lawyer who is also based in Havana.

In the past few months several independent journalists have been subjected to “*destierro*”, internal exile or confinement, on the orders of police (see below). This is the first time in recent years Amnesty International has come across it as a punishment imposed by the courts. It contravenes article 13.1 of the Universal Declaration of Human Rights which states that “Everyone has the right to freedom of movement and residence within the borders of each State”.

### Other recent arrests

Amnesty International is also investigating the situation of **Osmel Lugo**, vice-president of the *Partido Democrático 30 de Noviembre*, 30 November Democratic Party, and his sister **Maritza Lugo**, who is responsible for religious affairs in the same party. On 15 May 1996, they were reportedly

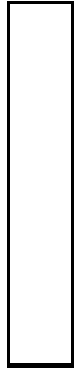
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<sup>1</sup> Article 34 of the Penal Code - this measure can be imposed for up to three years, during which time the person concerned may not move house without permission, is not permitted to receive promotion or a salary increase in their place of work, must appear before the court to explain their conduct if summoned to do so and must maintain “an honest attitude towards work, in strict accordance with the law and with respect for the norms of socialist life” [”*una actitud honesta hacia el trabajo, de estricto cumplimiento de las leyes y de respeto a las normas de convivencia socialista.*”]

<sup>2</sup> Article 42 of the Penal Code - this measure can be imposed for up to ten years on anyone whose continued presence in a place is considered to be “socially dangerous” [”*socialmente peligrosa*”]. It can be used to forbid someone to reside in a specific place or to force them to remain in a specific place.

summoned by immigration officials and offered the possibility of leaving the country even though they had not requested permission to do so. Both refused the offer and were subsequently arrested, Osmel on 22 May and Maritza on 3 June. Maritza was released on 5 June. At the time of writing, **Osmel Lugo** is still in detention at the Havana headquarters of the *Departamento Técnico de Investigaciones (DTI)*, Technical Investigations Department. Both were reportedly threatened with a charge of “associating with others to commit a crime”. According to some reports, the charge is connected with activities they had allegedly undertaken to protest at the recent eviction of people from shanty towns which have developed around Havana in recent years. Another report suggested that the arrest of **Osmel Lugo** was related to a letter he is alleged to have sent to the US President, Bill Clinton, supporting the Helms-Burton Law which recently tightened the US trade embargo on Cuba.

## FORCIBLE EXILE



**Figure 1** Luis Grave de Peralta Morell from former prisoner of conscience **Luis Grave de Peralta Morell**, released into exile in February 1996 after serving four years of a thirteen-year sentence for “rebellion”.

*“A mi me ofrecieron salir del país. El jefe de la Seguridad del Estado de Santiago de Cuba me dió a escoger: “O sales del país ó te quedas preso”. Nunca se me propuso ser liberado dentro de Cuba... Yo había expresado varias veces que si se me daba a escoger entre ser deportado o excarcelado dentro del país, yo siempre escogería estar libre dentro de mi país, pero que entre estar preso o ser un deportado prefería ser un deportado. Repito, no se me dió ninguna alternativa.”* [Translation: “They offered me the chance to leave the country. The head of State Security from Santiago de Cuba told me to choose: “Either you leave the country or you stay a prisoner”. They never proposed releasing me inside Cuba... I had said several times that if they gave me the choice of being deported or released inside the country, I would always choose to be free inside my own country, but that given the choice of being a prisoner or being deported, I would prefer to be deported. I repeat, they gave me no other alternative.”]

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policy and new tactic on the part of the Cuban authorities to force known dissidents to go into exile abroad by threatening them with imprisonment if they do not do so. The majority of those detained during the recent crackdown have reported that they have been put under severe pressure to leave the country by officials from the Department of State Security. Amnesty International is aware of three cases so far where those concerned have found themselves subjected to persistent and frequent threats of imprisonment and other reprisals from State Security officials, leaving them with no other realistic option than to succumb to the pressure and accept to go into exile abroad (see below). Many others are reported to be considering their options after receiving similar threats from security officials and being subjected to persistent and frequent harassment of various kinds.

The government of President Fidel Castro has consistently imposed restrictions of one kind or another on the movement of Cuban citizens, often in an arbitrary fashion, sometimes preventing certain people from leaving or returning to the country, at other times actively encouraging or forcing so-called “counter-revolutionaries” to go. Members of certain professions such as doctors, government officials and former members of the armed forces are usually prevented from emigrating. Others who wish to leave, either temporarily or permanently, have to seek permission to do so from the Cuban authorities as well as obtain a visa for another country. Sometimes, in the case of known dissidents or former political prisoners, even when they obtain a visa, the authorities simply refuse to let them leave or delay their departure for no apparent reason. Such limitations have forced many people to resort to leaving without permission, usually by sea. Those who seek to emigrate or flee the country by illegal means are generally considered by the authorities to have betrayed the Cuban Revolution in doing so. Those who are caught trying to flee illegally can be imprisoned under articles 216 and 217 of the Penal Code for up to three years, if they have not used violence or up to eight years if force or intimidation is used<sup>3</sup>, though in the

<sup>3</sup> In more serious cases where passenger vessels or aeroplanes are hi-jacked, the charge is usually one of “piratería”, “piracy”, which carries a maximum sentence of death if there is loss of life or

former case it would appear that these days a non-custodial sentence is more usual if it is a first offence. On the other hand, at certain times, for example at the time of the so-called Mariel exodus in 1980<sup>4</sup> and during the mass exodus of “rafters” in 1994<sup>5</sup>, the Cuban authorities have clearly taken a decision to lift such restrictions and permit those who wish to do so to leave. At the time of the August 1994 exodus, however, not all such departures were voluntary: Amnesty International received reports that some known dissidents were in fact put under pressure to take the opportunity to leave or in some cases were even physically taken and put on boats or rafts.

Those who go into exile, either voluntarily or forcibly, have been largely prevented from returning to Cuba except in some cases for short family visits for which they have to apply for a visa. However, the Cuban authorities have recently started issuing multiple entry permits for a period of two years to exiles who have not participated in hostile acts against Cuba. Those who have temporarily left Cuba by legal means are sometimes also prevented from returning, especially if while abroad they have expressed views not to the liking of the government. For example, former prisoner of conscience and independent journalist, **Yndamiro Restano Díaz**, who left Cuba on 29 September 1995 to visit Norway in connection with his journalistic work, having been granted permission to leave Cuba temporarily, has been prevented from returning, despite his attempts to do so, because of his activities on behalf of the *Buró de Periodistas Independientes de Cuba (BPIC)*, Bureau of Independent Journalists of Cuba, which he set up just prior to his departure. If someone who has been granted permission to travel abroad remains outside Cuba beyond the agreed period (usually a maximum of eleven months), they are considered to have relinquished their right to return and their home and other belongings are confiscated by the state. Refusal to permit the return of Cuban nationals who have gone abroad violates article 13.2 of the Universal Declaration of Human Rights which states that “Everyone has the right to leave any country, including his own, and to return to his country”. In contrast to these limitations on the right of return, others who have requested permission to travel abroad temporarily to take up invitations to attend conferences and other events have been prevented from leaving the country, yet again because of their political views. Recent cases include the following, all members of unofficial groups of different kinds: prominent human rights activist **Elizardo Sánchez Santa Cruz**, president of the *Comisión Cubana de Derechos Humanos y Reconciliación Nacional*, Cuban Commission for Human Rights and National Reconciliation; **Vladimiro Roca**, president of the *Corriente Socialista Democrática*, Democratic Socialist Current; **Oswaldo Payá Sardíñas**, president of the *Movimiento Cristiano Liberación*, Christian Liberation Movement; and **Raúl Rivero**, president of the independent press agency *CubaPress*. All have had requests to travel to attend meetings abroad turned down in recent months.

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serious risk to the lives of others.

<sup>4</sup> More than 100,000 Cubans were permitted to leave Cuba in 1980 when the authorities temporarily lifted restrictions on emigration after some 10,000 occupied the Peruvian Embassy in Havana asking for political asylum

<sup>5</sup> See “*United States/Cuba: Cuban “Rafters” - Pawns of Two Governments*”, AMR 51/86/94, October 1994.

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Forcible exile contravenes article 9 of the Universal Declaration of Human Rights which states that “No one shall be subjected to arbitrary arrest, detention or exile”. Amnesty International opposes forcible exile:

- C where there is an intention on the part of the authorities to force people out of the country or, if they have already left, to prevent their return, *and*
- C where the exile is on account of their political, religious or other conscientiously-held beliefs, or their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status.

Though not a new phenomenon in the context of Cuba, the mode of its application has changed. On several occasions in the past, and most recently in March of this year when three prisoners were released following a visit by US Congressman Bill Richardson<sup>6</sup>, the Cuban Government has acceded to requests from foreign governments and visiting dignitaries to release some political prisoners early but only on condition they leave the country. However, the tactic of putting pressure on dissidents to go into exile while under threat of trial and imprisonment is relatively new. In the past it was extremely unusual for dissidents to be given the choice between imprisonment and exile before they had been sentenced or even charged. Those pending trial after being detained for political reasons were hardly ever released to await the trial hearing and therefore did not have the possibility of seeking a visa for another country, even if they wanted to. While most people might well prefer exile to prolonged imprisonment, if that is the only choice available to them, Amnesty International considers that releasing people from prison on condition that they go into exile or making a person choose exile rather than imprisonment is a grave violation of their right to freedom of conscience and expression and freedom from discrimination in that it just as effectively excludes them from being able to act in public life in their own country. Amnesty International believes that this new tactic of effectively expelling dissidents from the country is designed to rid the country of so-called “counter-revolutionaries” and thereby stifle dissent. Together with the also new tendency to charge peaceful government opponents with less overtly political offences if they are to be brought to trial, it would appear to be an attempt to give the impression to the international community that there has been an improvement in the human rights situation in Cuba. While there does appear to be a slight reduction in the number of prisoners of conscience convicted for State Security offences such as “enemy propaganda” or “rebellion”, the number of dissidents imprisoned on account of their peaceful political activities but convicted on other kinds of charges, often of a spurious nature, as in the case of the *Concilio Cubano* activists, is on the increase.<sup>7</sup> Furthermore, there has been no relaxation of the limitations on the rights of Cuban citizens to freedom of expression, association and assembly.

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<sup>6</sup> Prisoners of conscience Luis Grave de Peralta Morell and, Carmen Arias Iglesias and political prisoner Eduardo Prida.

<sup>7</sup> It is difficult to estimate the total number of prisoners of conscience imprisoned at present in Cuba because of lack of official public information on the subject and the restrictions imposed on independent human rights monitoring. However, Amnesty International believes that there are some 600 prisoners of conscience currently imprisoned for reasons related to their attempts to peacefully exercise their rights to freedom of expression, association and assembly, as well as several hundred others serving sentences for more serious state security offences, often of a violent nature. Trials in all cases fall far short of international standards for a fair trial.



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## PRISONERS OF CONSCIENCE

### Dr Leonel Morejón Almagro

**Dr Leonel Morejón Almagro**, a 31-year-old-lawyer, is one of the founders and leading members of *Concilio Cubano*. In February 1996 he was elected as the National Delegate of the organization's five-person secretariat. He is currently serving a fifteen-month sentence in Ariza Prison, Cienfuegos, on charges of “*resistencia*”, “resistance”<sup>8</sup> and “*desacato*”, “disrespect”<sup>9</sup>.

Since the establishment of *Concilio Cubano* in October 1995, **Dr Morejón** has been arrested and harassed on several occasions. On 14 November 1995 he was detained for twelve hours, together with his wife, in Havana. They were reportedly questioned at the State Security headquarters at Villa Marista, Havana, about two alleged telephoned bomb threats made in the name of *Concilio Cubano*. Officials told them that the group would not be allowed to exist and that **Dr Morejón** was not to communicate with foreign journalists or broadcasters or with Cuban exile groups and that he should not meet with other dissidents in Cuba.

On 12 January 1996 **Dr Morejón** was arrested again, along with nine other members of *Concilio Cubano* including **Lázaro González Valdés** (see below), when they were getting ready to hold a meeting of Commission 1 of *Concilio Cubano* to elect their two representatives to the national committee. They were reportedly told by the authorities that they were under suspicion of selling meat illegally. All were released shortly afterwards and reportedly carried out the vote in the entrance of the police station they had been taken to.

As 24 February 1996 - the date of the national meeting *Concilio Cubano* was planning to hold - approached, the Department of State Security intensified its actions against those involved. On 15 February 1996 several people were arrested, including **Dr Morejón**, who was detained as he arrived at the office of the *Buró de Periodistas Independientes de Cuba (BPIC)*, Bureau of Independent Journalists of Cuba, where a meeting of *Concilio Cubano* was taking place. He was taken to a police station in Central Havana where he reportedly went on hunger strike and was put under pressure by the



**Figure 2** Dr Leonel Morejón Almagro

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<sup>8</sup> Article 143 of the Penal Code - Anyone who resists an official in the exercise of his duties can be imprisoned for between three months and a year or fined. If the official is attempting to capture a criminal or recapture someone who has escaped from prison, the punishment is from two to five years' imprisonment.

<sup>9</sup> Article 144 of the Penal Code - “Anyone who threatens, slanders, defames, insults, harms or in any way outrages or offends, verbally or in writing, the dignity or honour of an authority, public official, or their agents or auxiliaries, in the exercise of their functions or because of them” can be imprisoned for between three months and one year or fined or both. If the deed is directed at the President or other senior officials, the punishment is from one to three years' imprisonment.



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authorities to sign incriminating statements. He was later transferred to the headquarters of the *Departamento Técnico de Investigaciones (DTI)*, Technical Investigations Department, also in Havana.

On 23 February 1996 the trial of **Dr Morejón** took place at the *Tribunal Municipal Popular*, People's Municipal Court, in La Palma, Arroyo Naranjo, Havana. He was sentenced to six months' imprisonment for resisting an official in the exercise of his duties, reportedly on the grounds that when plain-clothed State Security police arrested him, he requested them to identify themselves and asked whether they had a warrant. His lawyer, **Dr José Angel Izquierdo González**, was only given access to his client and the details of the case against him a few hours before the trial took place. After the trial, **Dr Izquierdo**, who himself is a member of the *Corriente Agramontista*, a lawyers' group which is part of *Concilio Cubano*, was reportedly fined for saying that the trial was "a sham".

On 8 March 1996, following an appeal at the *Tribunal Provincial Popular*, People's Provincial Court, in Havana, **Dr Morejón** was given an additional nine-month prison sentence on a charge of "disrespect", for showing lack of respect for an official, making a total sentence of fifteen months. The appeal had been lodged by the prosecution, reportedly on the grounds that the six-month sentence imposed on him for "resistance", the maximum possible for that offence, was not sufficient punishment for him.

Following his trial on 23 February, **Dr Morejón** had been transferred to Valle Grande Prison, Antonio de los Baños, Havana Province. However, two days later, he was transferred back to Villa Marista where he was again reported to be subjected to intensive questioning for reasons that are not yet clear. After over three months at Villa Marista, on 11 June he was returned to Valle Grande Prison. On 15 July, he was transferred to Ariza Prison in the province of Cienfuegos.

In December 1995, ten years after applying to register an ecological organization called *NaturPaz* of which he was president, **Dr Morejón** had received a reply from the Ministry of Justice rejecting his application. In 1991 he had reportedly been briefly detained, together with one other person, after they organized a demonstration in the name of *NaturPaz* outside the UNESCO office in Havana to protest at the Iraqi invasion of Kuwait. He said that he was told at that time that the existence of independent groups would not be permitted and that it was the task of the Cuban Communist Party to establish policies regarding peace and ecological matters.

### **Lázaro González Valdés**

**Lázaro González Valdés** is President of the *Partido Pro Derechos Humanos en Cuba (PPDHC)*, Party for Human Rights in Cuba, and a national vice-delegate of the secretariat of *Concilio Cubano*. He is currently serving a fourteen-month sentence in El Pitirre Prison (also known as "Unit 1580"), San Miguel del Padrón, Havana, on charges of "disrespect" and "resistance".

Along with **Dr. Morejón** and eight other members of *Concilio Cubano*, **Lázaro González** was arrested on 12 January 1996 (see above) but released shortly afterwards without charge.

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When the serious crackdown began on 15 February 1996, **Lázaro González** was arrested by members of the security forces who forced their way into his home which they searched. He was initially taken to a police station in Arroyo Naranjo, Havana, where he reportedly went on a hunger strike, and was subsequently transferred to the headquarters of the DTI in Havana.

On 22 February 1996 **Lázaro González** was tried at the *Tribunal Municipal Popular*, People Municipal Court, in La Palma, Arroyo Naranjo, Havana, on charges of “disrespect” and “resistance”. At the trial, which lasted three hours, **Lázaro González** was found guilty and sentenced to fourteen months’ imprisonment. The charge of “disrespect” is believed to have been based on the fact that he had continued with his political activities despite having received several warnings from the authorities not to do so. The charge of “resistance” was reportedly based on claims by members of the security forces that the family took more time than they should have (reportedly only some two or three minutes) to open the door when they went to arrest him, obliging them to force their way in. Witnesses for the defence reportedly refuted the version of events described by the security officials. **Lázaro González’s** lawyer, **Dr José Angel Izquierdo González**, was reportedly only informed of the substance of the charges against his client an hour or two before the trial and was only able to speak to him minutes beforehand. There was reportedly a large police operation around the court building for the trial and the presence of civilians, believed to belong to the so-called *Brigadas de Respuesta Rápida*, Rapid Response Brigades<sup>10</sup>, was also reported.

**Lázaro González** was subsequently transferred to El Pitirre Prison. On 8 March 1996, following an appeal hearing at the People’s Provincial Court in Havana, his sentence of fourteen months’ imprisonment was confirmed.

### **Juan Francisco Monzón Oviedo**

**Juan Francisco Monzón Oviedo**, a 44-year-old teacher with a degree in physics and mathematics, is President of the *Partido Demócrata Cristiano*, Christian Democratic Party, and is an alternate member of the *Consejo Nacional Coordinador*, National Coordinating Council, of *Concilio Cubano*.

**Juan Monzón** was arrested on 18 March 1996 in Mariel, Havana. He was sentenced to six months’ imprisonment on a charge of “*asociación ilícita*”, “illegal association”<sup>11</sup>, following a summary trial on 21 March 1996. According to reports, although he had designated a lawyer, she did not come to the trial. It is not clear whether he was therefore assigned a lawyer by the court (*abogado de oficio*).

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<sup>10</sup> These were set up in 1991 “to defend the country, the Revolution and socialism in all circumstances, by confronting and liquidating any sign of counter-revolution or crime” and were subsequently involved in numerous violent confrontations with dissidents. Their activities have appeared to be less frequent in recent years.

<sup>11</sup> Articles 208-209 of the Penal Code - Anyone belonging to an unregistered association can be fined or imprisoned for between one and three months. The promoters or leaders of such an association can be fined or imprisoned for between three months and a year. Anyone who participates in illegal meetings or demonstrations can be fined or imprisoned for between one and three months. The organizers of illegal meetings or demonstrations can be fined or imprisoned for between three months and a year.

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Under Cuban law, the presence of a defence lawyer is not indispensable in cases tried by municipal courts. Following the trial, he was transferred to Guanajay Prison in Havana province to serve his sentence.

### **Roberto López Montañéz**

**Roberto López Montañéz**, a 43-year-old member of the executive of the *Movimiento Opositor Pacífico "Panchito Gómez Toro"*, Panchito Gómez Toro Peaceful Opposition Movement, and of the *Alianza Democrática Popular*, Popular Democratic Alliance, both unofficial groups belonging to *Concilio Cubano*, is currently being held in Valle Grande Prison, Havana province, where he is serving a sentence of one year and three months charged with "*desacato*", "disrespect", for allegedly calling Fidel Castro a traitor, and "*falsificación de documentos*", "falsifying documents" (articles 250-260 of the Penal Code), reportedly on the grounds that he used his photograph illegally on some kind of identity card. The prosecutor had requested one year's imprisonment for the first offence and a fine for the second. However, following his trial which took place on 16 July 1996 at the People's Municipal Court in Boyeros, he was sentenced to one year for "disrespect" and three months for "falsifying documents".

Amnesty International is seriously concerned for the health of **Roberto López**. He had suffered two heart attacks prior to his arrest on 23 February 1996, one only a few days beforehand. He has had ongoing heart problems while in detention and is also believed to be suffering from asthma, angina and a stomach ulcer. Following his arrest, he went on a hunger-strike for a few days in protest at his arrest and his weight dropped to just 80 pounds. Until recently he was being held in a special cell at Valle Grande Prison for prisoners suffering from malnutrition. Although such prisoners are reportedly given slightly more food than other prisoners, it was feared that the quantity and quality of the food may still have been insufficient for a person in his physical condition. Amnesty International receives frequent reports that diet and sanitary conditions in many Cuban prisons are very poor, resulting in widespread serious health problems. Despite the presentation of dozens of medical certificates documenting the health problems of **Roberto López**, his lawyer, **Dr José Angel Izquierdo González**, was unable to obtain his provisional release before the trial took place.

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## DISSIDENTS AND JOURNALISTS FORCED INTO EXILE

The state newspaper, *Granma Internacional*, in an article in its 17 April 1996 edition, accused dissident journalists who set up news organizations and offices of breaking the law and violating the Constitution. It said that they were dissidents “disguised” as journalists and that they were financed with money from the United States. An earlier article in February 1996 accused the USA of trying to create a “fifth column” of dissident groups inside Cuba. At a meeting of the Central Committee of the Cuban Communist Party in March 1996, Vice-President Raúl Castro warned that there would be no “glasnost” in Cuba. He claimed that it was “the handing over of the mass media, one by one, to the enemies of socialism” which had undermined the Soviet Union and other socialist countries. He said that it was necessary to ensure that the Cuban mass media did not become tools or mouthpieces of ideas and concepts inconsistent with those advocated and defended by the Revolution and claimed that even some articles that had appeared in the state-controlled media scarcely differed from those written by US academics who are “enemies of the Revolution”. He went on to say that “we are simply not going to continue allowing these activities” and called on the party to raise the level of its ideological work. On the subject of censorship generally, the Minister of Culture also recently told Cuban intellectuals that a statement made by President Fidel Castro 35 years ago - “*With the revolution everything, against the revolution nothing*” - still remained in full force as a guide to artistic expression. In this context, journalists attempting to operate outside of the state-controlled media have continued to be subjected to frequent harassment, internal banishment, threats of imprisonment and even forcible exile.

So far, since May of this year, three people - two journalists and one prominent member of *Concilio Cubano* - have been forced into exile. Their cases are described below:

### Rafael Solano

Forty-four-year-old **Rafael Solano** is the director of an independent press agency called *Havana Press*, Havana Press, which he founded in mid-1995. He had previously worked for the official media and had won numerous awards for his work, including two major awards from Spain. On 8 May 1996 he arrived in Spain, having been effectively expelled from Cuba by the Cuban Government.

During the year leading up to his forcible exile, **Rafael Solano** had been detained at least six times and warned that he would be imprisoned if he did not cease his journalistic activities or leave the country. On 12 July 1995 he was detained by State Security officials and held at a police station in San Miguel del Padrón for 15 hours, during which time he was accused of distributing anti-government propaganda. He was told that if he continued to give information to foreign media, he would be brought to trial on a charge of “enemy propaganda”<sup>12</sup>. The officials said they would be monitoring short-wave radio broadcasts to see whether he continued with his activities.

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<sup>12</sup> Article 103 of the Penal Code - Anyone who “incites against the social order, international solidarity or the socialist state” by means of verbal, written or any other kind of propaganda, or who makes, distributes or possesses such propaganda, faces between one and eight years’ imprisonment. Anyone who spreads “false news or malicious predictions likely to cause alarm or discontent amongst the population, or public disorder”, faces one to four years’ imprisonment. If, in either case, the mass media are used, the sentence can be from seven to fifteen years’ imprisonment.

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On 15 September 1995 **Rafael Solano** was again detained, together with *BPIC* founder **Yndamiro Restano**. Both were interrogated about their activities by State Security officials before being released without charge.

On 14 January 1996 **Rafael Solano** was detained by police in Cojímar, Havana, and taken to a police station in San Miguel del Padrón. He was reportedly questioned at length by State Security officials about allegations he had transmitted to contacts abroad the contents of leaflets dropped on Havana from a small plane by a Cuban exile group. **Rafael Solano** reportedly said later that he was threatened with imprisonment and strongly encouraged to leave the country. If not, “acts of repudiation”<sup>13</sup> would be carried out against him. He was released after a few hours but summoned to return the next day.

On 17 February 1996 three individuals armed with knives went to the *BPIC* offices looking for **Rafael Solano**, who was not there at the time. They claimed he owed them money that had been sent from abroad for them. Two days later he was detained for several hours before being released with the usual warnings to stop his activities, in particular that he could face a charge of “disrespect”.

On 24 February 1996, the day that the proposed *Concilio Cubano* conference was to have started, police reportedly surrounded the homes of several prominent members. Several people were detained, including **Rafael Solano**, who was held for fifteen hours.

On 27 February 1996 **Rafael Solano** was again detained and taken to the State Security headquarters in Havana. His family were warned that this time he would not return. On the day of his arrest, he received anonymous phone calls threatening his life and those of his family and other opposition members.

From 27 February to 8 April 1996 **Rafael Solano** was held in detention at Villa Marista, charged with “*asociación para delinquir*”, “associating with others to commit crimes”<sup>14</sup>, which carries a maximum prison term of three years. He was also threatened with having other charges brought against him such as “enemy propaganda” and “*difusión de falsas informaciones contra la paz internacional*”, “dissemination of false information against international peace”<sup>15</sup>. While in Villa Marista, he said that he

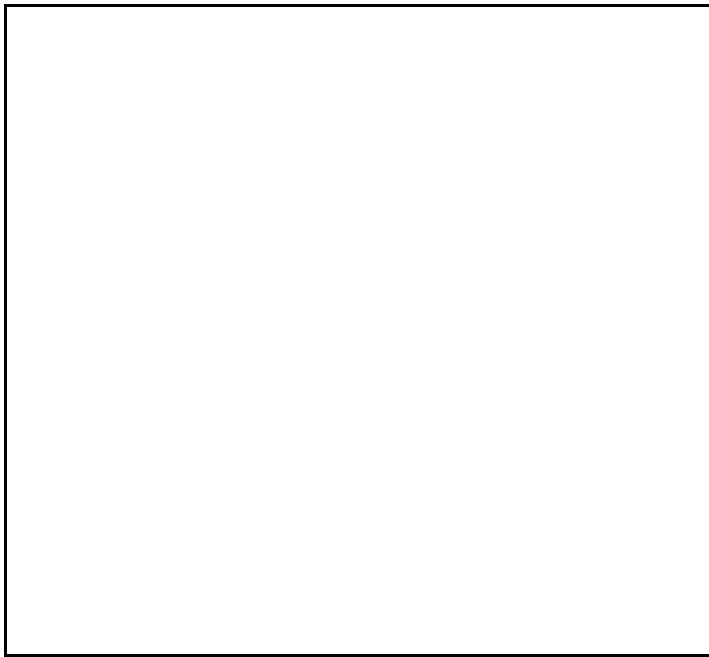
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<sup>13</sup> “*Actos de repudio*” - these are meetings or demonstrations organized by government officials or mass organizations supporting the government at which the person or persons concerned are subjected to criticism and abuse, sometimes physical, because of their so-called “counter-revolutionary” views or activities.

<sup>14</sup> Article 207 of the Penal Code - If three or more people meet together in a band created to commit crimes, they can be imprisoned for between one and three years, simply for meeting together. If the only aim of the band is to provoke disorder or interrupt family or public parties, spectacles or other community events or to commit other anti-social acts, the punishment is a fine or a prison sentence of between three months and one year.

<sup>15</sup> Article 115 of the Penal Code - Anyone who spreads false news with the aim of disturbing international peace or putting in danger the prestige or credit of the Cuban State or its good relations with another state can be imprisoned for between one and four years.

was not physically ill-treated but that he came out feeling psychologically battered [*“psicológicamente muy deteriorado”*]. He was held in a cell with constant artificial lighting and no windows for 45 days, which caused him to lose all notion of time. He was also brought food or taken for questioning at irregular intervals, with questioning sometimes taking place every two or three hours. He was not permitted access to a lawyer but did receive weekly visits from members of his family. Such visits take place in the presence of officials and it is forbidden to talk about anything relating to the reasons for the arrest of the detainee.



**Figure 3** Rafael Solano (left) speaking at a press conference organized by *Periodistas sin Fronteras*, Reporters without Frontiers upon his arrival in Spain. (c. *Periodistas sin Fronteras*)

**Rafael Solano** was conditionally released on 8 April 1996 to await trial, together with **Eugenio Rodríguez Chaple** (see below). Following an invitation from the Spanish Ministry of Foreign Affairs to spend three months in Spain, he decided to take up the offer and applied to leave the country temporarily. However, when his passport was returned to him the day before he was due to leave, he found that the authorities had given him a final exit stamp (*“salida definitiva del país”*). Faced with a choice of leaving or facing possible imprisonment, he opted to leave. Upon his departure at Havana Airport he was warned by a State Security official not to try to return to Cuba. He is divorced with an 11-year-old son who has remained in Cuba.

### **Roxana Valdivia Castilla**

Thirty-six-year-old **Roxana Valdivia Castilla** is the founder and President of the independent press agency *Patria*, which is based in Ciego de Avila and is part of *BPIC*. On 4 June 1996 she arrived in Miami, USA, following months of harassment and threats from the Cuban authorities that if she did not give up her journalistic activities or leave the country, she would be imprisoned. On arriving in Miami she is reported to have said *“Me hicieron la vida imposible y finalmente me amenazaron con que si no salía definitivamente del país me encarcelarían”* [translation: “They made my life impossible and in the end threatened to imprison me if I didn’t leave the country”].

**Roxana Valdivia** had been previously arrested in December 1993 and spent four months in detention under investigation on a charge of spreading “enemy propaganda”. Due to ill health, she was released to await trial. When the trial took place, she was sentenced to one year’s imprisonment, which was changed to “restricted liberty” because of her poor state of health.

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On 3 October 1995 **Roxana Valdivia** was detained, together with her husband, by State Security officials in Havana. She had reportedly gone to Havana to visit **Yndamiro Restano Díaz** to discuss her role as *BPIC* coordinator for the province of Ciego de Avila. The authorities held her for 28 hours before forcibly returning her to her home in Ciego de Avila where she was ordered to remain. She was warned that if she returned to Havana or attempted to remain in contact with **Yndamiro Restano**, who set up *BPIC*, she would face imprisonment.

On 23 November 1995 **Roxana Valdivia** was detained by police for two days in a small town called Venezuela in Ciego de Avila. She was warned that she faced a possible charge of “disrespect” for having publicly denounced her last arrest. She was also told that four people were prepared to testify that she had insulted members of the security forces at the school her son attends, an allegation which she denied. She was reportedly warned that she would be charged if she did not leave the country as soon as possible, without her family. However, the authorities subsequently told her that they were prepared to temporarily suspend proceedings against her to give her the opportunity to make arrangements to leave Cuba. On release she was forbidden to leave the city of Ciego de Avila.

In January 1996 **Roxana Valdivia** was summoned for questioning at the State Security headquarters in Havana, where she was cautioned for having met another *BPIC* journalist, **Luis Solar Hernández**, at her home which was being kept under constant surveillance.

Between January and June 1996 she was kept under close surveillance and was unable to travel freely or continue with her journalistic work. In early March she was told by State Security that she had until the end of March to make arrangements to leave the country. On 19 March, State Security officials surrounded her home and on 22 March she was granted a visa to travel to the USA. Nevertheless, the necessary arrangements could not be completed until the end of May. She arrived in Miami on 4 June together with her husband and two children.

### **Eugenio Rodríguez Chaple**

**Eugenio Rodríguez Chaple**, president of the *Bloque Democrático José Martí*, José Martí Democratic Block, arrived in Spain on 4 July 1996, together with his wife **Lázara Herrera Portelles** and their two children. They had been forced to leave Cuba after years of harassment and intimidation and, more recently, concrete threats of imprisonment because of their political activities.

Amnesty International had first expressed concern for the safety of the couple and their children in February 1994 when a crowd of some 30 people forced their way into their Havana home shouting pro-government slogans and hurling insults at them<sup>16</sup>. Two of the crowd were said to have held **Eugenio Rodríguez** while others beat his wife, in the presence of the children, with a metal pipe, causing injuries to her shoulders, back and head. The crowd then proceeded to smash up the contents of the house. The security forces did not intervene and when **Eugenio Rodríguez** went to report the incident at the local police station, he was given a hostile reception and informed that such things did not happen in Cuba. He

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<sup>16</sup> See *Urgent Action 57/94, AMR 25/03/94, 17 February 1994 - Fear for Safety - Eugenio Rodríguez Chaple, Lázara Herrera Portelles and their two children.*

left without being able to make an official complaint. In the months prior to that attack, the family had been the object of intimidation and ill-treatment on other occasions: **Lázara Herrera** was reportedly detained for three days in November 1993 and beaten while in detention; on another occasion, **Eugenio Rodríguez** was knocked off his bicycle by a car while the occupants shouted insults at him; on 2 December 1993, he was detained and searched by the occupants of two Lada cars who then beat him up and left him almost unconscious; and on two occasions, a man and a woman reportedly attempted to kidnap the couple's two children from school.

More recently, **Eugenio Rodríguez** was detained in the context of the clampdown on *Concilio Cubano*. He was arrested on the night of 18/19 February 1996 and taken to the DTI headquarters in Havana where he was held until 24 February. He was re-arrested two days later after making a statement during a telephone call to Cuban exiles in the USA condemning the shooting down by the Cuban Air Force on 24 February of two small planes belonging to a Cuban exile group, which resulted in the loss of four lives<sup>17</sup>. He was in fact arrested as he was listening to a US radio broadcast in which his statement was being broadcast. His wife was also reportedly threatened with a charge of "disrespect" after she protested his arrest. On this occasion, **Eugenio Rodríguez** was at first taken to a police station, then to the DTI headquarters and eventually to the headquarters of the Department of State Security at Villa Marista. While there, he was told that he was to be brought to trial in the same case as **Rafael Solano** and that he would face charges of "associating with others to commit a crime", "rebellion", "illegal association" and "enemy propaganda", for which he would risk a minimum of fifteen years in prison. Despite refusing to sign a statement drawn up for him by the authorities, he was provisionally released on 8 April 1996, pending trial. On 11 April he was summoned by the Department of State Security and reportedly told that if he did not leave the country as soon as possible, his life would be at risk. He and his family reportedly applied for visas to travel to the USA but were told by Cuban officials that they should go to Spain as it would be quicker. Unusually the paperwork required from the Cuban side in such situations was reportedly speeded up. The Cuban authorities subsequently accused the family of delaying their departure and again warned them of the possible consequences if they did not go soon. On 25 June, **Lázara Herrera** is said to have received minor injuries after a man on a motorcycle, believed to be a State Security official known to the family, collided with her bicycle, at the same time issuing threats and insults. After that the security presence around their home increased and **Eugenio Rodríguez** was told that if they did not leave on 4 July, an arrest warrant would be issued for him on 5 July. The family were again subjected to insults from security officials when they went to Havana airport to catch their plane for Madrid on 4 July. They were also reportedly warned not to try to return to Cuba.

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<sup>17</sup> The planes belonged to a group called *Hermanos al Rescate*, Brothers to the Rescue, who claimed that they were searching the Straits of Florida looking for people trying to escape from Cuba by sea so that they could provide them with assistance. The Cuban authorities alleged that they were shot down in Cuban airspace because they were a threat to their internal security. The US authorities claimed that the two planes were shot down in international airspace. At the request of the UN Security Council, an investigation was carried out by the International Civil Aviation Organization (ICAO). At the time of writing, the full report has not yet been published but press reports indicate that the investigation concluded that the two planes were shot down by Cuban Government aircraft without due warning outside Cuban airspace. The ICAO and the UN Security Council are reportedly considering what action, if any, will be taken against the Cuban Government who dispute the findings of the report.



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## Others at risk

Amnesty International is concerned that the following people working with or supporting independent press agencies may be at risk of imprisonment as prisoners of conscience or forced into exile abroad:

- C **José Rivero García**, who is the Vice-President of *CubaPress*, has been threatened with imprisonment on several occasions if he does not cease his work as an independent journalist or leave the country. Most recently, on 9 June 1996 State Security officials came to the home of **José Rivero** and warned him that he would be forced to leave Cuba if he continued with his activities. They also confiscated a file full of press articles and threatened to cut off his telephone if he spoke on the radio again. He had recently begun participating by telephone in a program transmitted to Cuba by *Radio Martí*, a US-based radio station funded by the US Government.
  
- C **Julio Restano Suárez**, the 75-year-old father of *BPIC* founder **Yndamiro Restano**, was questioned for about ten hours at Villa Marista on 2 May. He was warned not to allow further meetings of *BPIC* at his home, where the *BPIC* office was based. On 26 April the authorities had confiscated from the office all equipment and material, including a computer and files, belonging to the group.
  
- C **Lázaro Lazo Alfonso**, who is the interim president of *BPIC* in the absence of Yndamiro Restano, was held for four days in Villa Marista after being detained on 24 May 1996. He was told to stop his activities or leave the country. He was again summoned for questioning on 25 June, together with *BPIC* colleague **Norma Brito**, apparently in connection with their contacts with Suzanne Bilello, program coordinator for the Americas of the US-based *Committee to Protect Journalists (CPJ)*. Suzanne Bilello was detained and expelled from Cuba on 20 June after meeting with reporters and editors of five independent news agencies. The authorities also seized her notebooks, photographs and other possessions. While in detention, Suzanne Bilello was reportedly accused by Interior Ministry officials of “fomenting rebellion”. They claimed that gifts she had brought of notebooks, pens and medicines, as well as small advance payments from private sources to help underwrite their newsgathering costs, constituted support for “rebellion” and “counter-revolutionary activities”.
  
- C **Olance Noguerras Rofes**, the *BPIC* correspondent in Cienfuegos who has been detained on several occasions over the past year<sup>18</sup>, was detained on 23 April 1996 as he was reportedly on his way to try to meet Danielle Mitterand, president of the Paris-based human rights group *France-Libertés*, who was visiting the city. He was verbally accused of “inappropriate behaviour and disobedience” [“*conducta inapropiada y desobediencia*”] but released three days later, apparently without charge. He was again detained briefly at the trial of a human rights activist in Cienfuegos in late May but again released. Several charges are believed to be pending

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<sup>18</sup> See *Further information on Urgent Action 175/95*, (AMR 25/08/95, 14 July 1995), AMR 25/13/95, 25 October 1995, and follow-ups AMR 25/14/95, 1 November 1995; and AMR 25/15/95, 2 November 1995.

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against him if he does not stop his activities or leave the country which he has reportedly said on several occasions that he will not do voluntarily. He has also been warned on several occasions not to leave Cienfuegos.

- C **Ana Luisa López Baeza**, vice-president of *CubaPress*, was reportedly detained briefly by State Security officials in mid-May 1996. They confiscated her personal telephone book and press cuttings about the case of **Humberto Real Suárez**, who was sentenced to death in April 1996 on a charge of murder.<sup>19</sup>
- C **Joaquín Torres Alvarez**, who took over the presidency of *Habana Press* when Rafael Solano was forced into exile, was reportedly threatened with imprisonment by two State Security officials who visited him at his home on 31 May 1996. He later said that he was told that he would be charged with “associating with others to commit a crime”, “illegal association”, “spreading false news” and “enemy propaganda” if he did not give up his activities and was warned that he could face up to fourteen years’ imprisonment.
- C **Héctor Peraza**, co-director of *Habana Press* in Pinar del Río, was detained between 23 and 26 February 1996 in Havana and warned that he faced several charges related to the case opened against **Rafael Solano** (see above). He was ordered to return to Pinar del Río in the province of the same name and not to leave the province, even to visit his relatives in Quivicán, Havana Province.

Others at risk include: **Raúl Rivero**, the founder of *CubaPress*; **Bernardo Fuentes**, the director of *Patria* in Camagüey; and **Nestor Baguer** and **María de los Angeles González** of the *Asociación de Periodistas Independientes de Cuba (APIC)*, Cuban Association of Independent Journalists.

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<sup>19</sup> See UA 443/94 (AMR 25/15/94, 14 December 1994) and follow-ups AMR 25/17/94, 21 December 1994, AMR 25/21/96, 10 April 1996, and AMR 25/23/96, 7 May 1996.

## CONCLUSIONS AND RECOMMENDATIONS

Amnesty International believes that the four imprisoned members of *Concilio Cubano* are prisoners of conscience detained solely for peacefully exercising their rights to freedom of expression, association and assembly. It believes that the forcible exile abroad of **Rafael Solano, Roxana Valdivia** and **Eugenio Rodríguez Chaple** and the measures imposed on **Nestor Rodríguez Lobaina** and **Radames García de la Vega**, as well as the restrictions on the right to return to Cuba of **Yndamiro Restano Díaz**, were applied for similar reasons. The organization is concerned that many other dissidents may face imprisonment, internal banishment or forcible exile abroad for such activities.

Amnesty International therefore makes the following recommendations to the Cuban Government:

- C That **Dr Leonel Morejón Almagro, Lázaro González Valdés, Roberto López Montañéz** and **Juan Francisco Monzón Oviedo** be immediately and unconditionally released on the grounds that they are prisoners of conscience detained solely for peacefully attempting to exercise their rights to freedom of expression, association and assembly.
- C That as long as he remains in detention, **Roberto López Montañéz** be given all necessary medical treatment and an adequate diet.
- C That the restrictions on movement imposed on **Nestor Rodríguez Lobaina** and **Radames García de la Vega** be immediately lifted.
- C That all Cuban citizens be guaranteed their legitimate rights to freedom of expression, association and assembly, in accordance with the Universal Declaration of Human Rights.
- C That independent journalists be permitted to carry out their legitimate work without interference.
- C That, in accordance with article 9 of the Universal Declaration of Human Rights, the Cuban Government should immediately cease to imprison, force into exile abroad or otherwise punish those who attempt to peacefully exercise their rights to freedom of expression, assembly and association.
- C That no one should be arbitrarily prevented from exercising their right to return to Cuba.
- C That **Yndamiro Restano Díaz** be permitted to return to Cuba without risk of imprisonment or other reprisals, should he wish to do so.
- C That the Cuban Government ratify the International Covenant on Civil and Political Rights of the United Nations

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**Note:** Amnesty International does not take a position on the political aims of *Concilio Cubano* or other independent groups in Cuba but supports the right of all Cuban citizens to peacefully exercise their legitimate rights to freedom of expression, association and assembly without undue interference from the Cuban authorities.