

# CUBA

## The Sinking of the "13 de Marzo" Tugboat on 13 July 1994

On 13 July 1994 at least 35 men, women and children were lost at sea when the vessel on which they and others were attempting to flee Cuba sank some seven miles out from Havana. The 31 survivors were eventually picked up by coast guards and taken to shore where the 20 male survivors were detained. Several of the survivors allege that their vessel sank after it had been pursued and assaulted by three other vessels, apparently acting under official instructions, and that those on board were given no opportunity to surrender. The Cuban Government denied any responsibility for the sinking of the tugboat or for the loss of life, alleging that it was an accident caused by the irresponsible actions of those on board. However, Amnesty International has received compelling evidence, including eyewitness testimony from several of the survivors, indicating that those on board the three pursuing vessels employed excessive force disproportionate to the actual situation and seemed to be taking orders from a fourth vessel. They allege that their pursuers deliberately rammed the "13 de Marzo" and undertook other aggressive actions which deliberately put at risk the lives of those on board, none of whom, from the information so far available, even from government sources, were armed or in a position to seriously resist capture. If this was the case, Amnesty International believes that those who perished in the incident were the victims of extrajudicial execution.

On 21 July 1994 Amnesty International called on the Cuban authorities to conduct a full and impartial investigation into the incident and to make the findings public, and that if the investigation revealed that any government official or agent acting on their behalf committed an offence, to bring them to justice and to give them a fair trial. It also called for the release of any survivors detained as a result of the incident unless they were charged with a recognized criminal offence and urged that no reprisals be taken against those who spoke out about what happened. Since then, despite calls to do so from human rights defenders inside Cuba and international human rights bodies, the Cuban authorities have not only failed to carry out an adequate investigation of the incident but have also continued to harass and intimidate those inside Cuba who have sought to peacefully protest the sinking of the "13 de Marzo" or commemorate the lives of those who died.

### Context

It is important to describe the context in which the sinking of the "13 de Marzo" took place. In order to leave the country, either to emigrate or simply to travel and return to Cuba, Cuban citizens have to obtain an official exit permit. Those who seek permission to emigrate have to be in possession of a visa for another country and fulfill a series of other requirements, including the payment of certain fees. In practice, it is very difficult for most Cubans to meet such conditions. Many resort to trying to leave by illegal means, usually by sea, often floating on homemade rafts or inner tubes of tyres. Over the years many people have reportedly perished trying to make the 90-mile crossing to the United States over the Straits of Florida. Sometimes,

even if those wishing to emigrate have fulfilled the necessary conditions, the authorities arbitrarily refuse to let them leave or give permission to some family members and not others. Being caught trying to leave illegally is punishable by imprisonment or a fine but if violence is employed, a more serious charge of "piracy" can be brought.

The desire to emigrate is in itself seen by the Cuban authorities as tantamount to a rejection of the Cuban political system<sup>1</sup> and those who seek to do so are often labelled as "counter-revolutionaries" or "traitors". In the two or three years leading up to the sinking of the "13 de Marzo", when economic conditions in Cuba had seriously deteriorated, there had been a significant increase in the number of Cubans attempting to leave Cuba by sea to try to reach the United States which had until that time had a policy of permitting those Cubans who reached its territory to remain in the USA. At the same time, despite having agreed in 1984 to accept up to 20,000 Cubans who sought to emigrate by legal means, the US authorities had in practice reduced the number of visas it granted to Cubans. The Cuban Government therefore claimed that, by withholding visas, the US authorities were encouraging Cubans to resort to illegal means to leave. They also accused them of inciting such action via radio and television broadcasts directed at Cuba by the US government-funded Radio and TV Martí. Given the traditional hostility that has existed between the Cuban and US Governments since the Cuban revolution in 1959 which brought President Fidel Castro Ruz to power, the argument over Cuban migration in effect became yet another political battleground between the two countries with those who were seeking to leave Cuba caught as pawns in the middle.

The sinking of the "13 de Marzo" increased the general level of discontent that clearly already existed in Havana at the time and sparked off further escape attempts as well as anti-government protests. In the days that followed, the Cuban authorities apparently took a conscious decision to cease preventing illegal departures and the numbers of people trying to leave Cuba illegally by sea soared. In some instances, large groups of people tried to hi-jack public ferries and other vessels, in some cases by violent means. On 19 August 1994, in response to the exodus that ensued, the US Government ordered the US Coast Guard to prevent undocumented Cubans from reaching US territorial waters. As a result, between 19 August and mid-September 1994, some 32,000 Cubans were intercepted by the US Coast Guard and taken to the US naval base at Guantánamo Bay, Cuba<sup>2</sup>. On 9 September 1994, the two governments announced that they had come to an agreement on how to deal with migration issues for the

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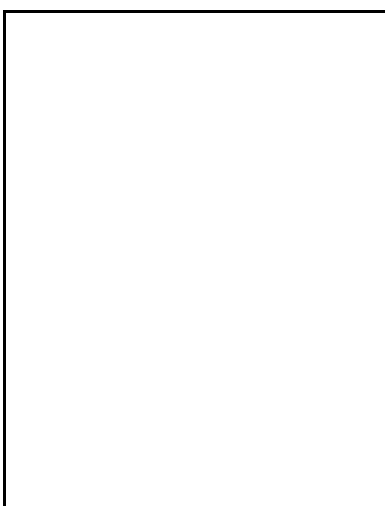
<sup>1</sup> The Cuban Constitution declares Cuba to be a socialist state. Only one political party - the *Partido Comunista de Cuba (PCC)*, Cuban Communist Party - is permitted to exist.

<sup>2</sup> The USA maintains the naval base at Guantánamo Bay on the mainland of Cuba under the terms of an agreement reached in 1903 when the country was under US occupation. The lease was renewed in 1934 and although the current Cuban Government, which came to power in 1959, objects to the presence of the base on Cuban territory, it has continued to remain there.

future. As part of the agreement, the Cuban authorities said it would take "effective measures in every way it can to prevent unsafe departures, using mainly persuasive methods". For further information, see "United States/Cuba: "Rafters" - Pawns of Two Governments", AMR 51/86/94, October 1994.

It is important to note that the escape attempt by those on board the "13 de Marzo" took place at a point when the Cuban authorities were actively seeking to deter and prevent such illegal departures. It is also relevant to point out that it is not the first time, either before or since, that Amnesty International has received reports of apparently excessive force being used by the Cuban authorities to prevent illegal departures by sea where the lives of unarmed civilians, often women and children, appear to have been put at risk.

### Accounts by survivors



Victims: Estrella Suárez Esquivel,  
Miralis Fernández Rodríguez and  
12-year-old Eliecer Suárez García

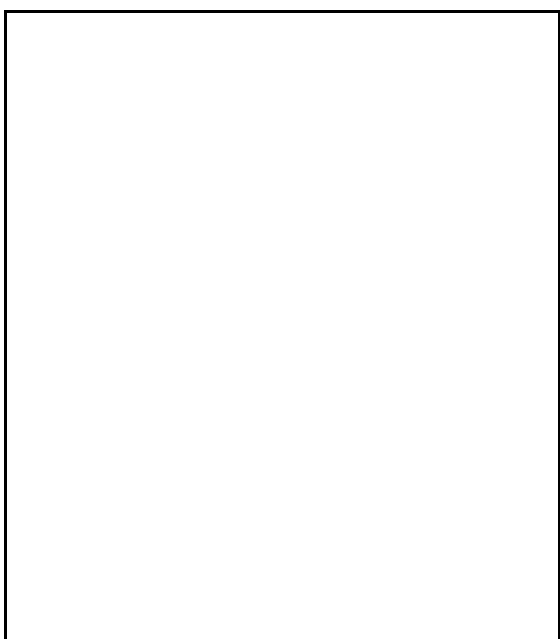
According to an account compiled by an unofficial Cuban human rights group on the basis of interviews carried out with some of the survivors on the day after the sinking of the "13 de Marzo" took place, events took place as follows:

"The boat left [the port of Havana] at about 3.00am. About 45 minutes later, having advanced nearly seven miles out to sea, they were intercepted by another Japanese-made tugboat which started to ram them in order to make them capsize. Another tugboat soon appeared and, taking over from the first one, continued doing the same thing. All [the passengers] were trapped between these two boats, which then began to direct water at them with high-pressure hoses. The force of this tore the clothes off the women, knocked them down, and forced the children out of their arms.

"The mothers screamed and implored the attackers to stop directing the water hoses at them because they might cause the young ones to drown. The perpetrators continued using the hoses against the citizens, including the children, trying to drown them by suffocation. Many of the men, women and children on board were injured by the pressure of the water which threw them against the bulwarks of the boat. Seconds later, a third tugboat appeared and attacked forcefully from behind, splitting the boat in two

since it was an old Second World war boat which had been repaired and was called "13 de Marzo".

"All those on board were submerged in the water including those who had taken refuge in the engine room where they were trying to hang on to poles, ropes and whatever they could find. After nearly an hour of battling in the open sea, the other boats circled round the survivors, creating a whirlpool so that they would drown. As a result many disappeared into the sea and lost their lives."



Victims: Julia Caridad Ruiz with three-year-old son,  
Angel René Abreu

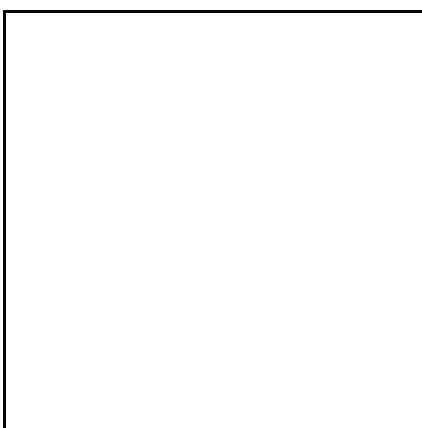
The following are extracts from the testimony of survivor **Janette Hernández Gutiérrez**, now living in the USA, which was provided to an unofficial human rights group in Cuba in the days immediately after the incident occurred:

"As we were leaving the bay, we saw two tugboats at the mouth of the bay. As we left, they also left and started directing jets of water at us. Constantly. They would not stop, even though they knew there were children on board... the pressurized water jets were really powerful. We were holding the children, afraid that they would fall. The men were standing behind us, afraid that we would fall. But so that they would see that there were women and children on board, we had to go out on deck, so that they would be certain of that

and would not commit murder ... At no time did they shoot at us neither did they at any time

order us to halt with the loudspeaker. They simply let us leave the bay and attacked us seven miles out where there are no witnesses... They sent one of the tugboats, the biggest one, which was green with a red line along it, behind us and it hit us from the stern and broke our boat in half ... When that happened the boat started to drift because the captain... was forced into the sea from the pressure of the water jets.... he disappeared just like that and when Raúl saw that we were drifting, he assumed responsibility and ran upstairs..... By then we knew we were going to sink, it was something I just knew, I had a feeling they were going to kill us because otherwise they would have stopped . Raúl stopped the engine... and when they saw that Raúl had stopped it, they did not forgive that or respect what Raúl did. They sank us in the following way: the tugboat which had split our stern went ahead and split us from the prow. That meant

there was no way to keep the tugboat afloat, it was sinking, because the weight was all in the middle... But they did not throw us lifebelts or try to help us in any way... Then a "griffin" [coastguard vessel] arrived, it was the only one which helped us by throwing us lifebelts but the tugboats stood by doing nothing, they did not help at all. Later a small speedboat arrived and picked up about seven people..."



Victims: Omar Rodríguez Suárez with two-year-old daughter Sixdy Rodríguez Fernández

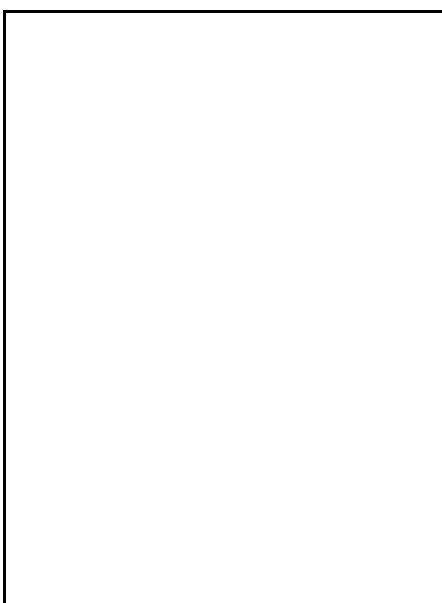
Amnesty International has received similar accounts from interviews it has carried out with other survivors who were eventually able to leave Cuba during the August 1994 exodus (see above). In September 1994, an Amnesty International delegation visited the US Naval Base at Guantánamo Bay, Cuba<sup>3</sup>, where thousands of Cubans were in detention after being picked up by the US Coast Guard while trying to reach the USA by sea. One of the men interviewed by the delegation was one of about five people in the camps said to be among the 31 survivors of the sinking of the "13 de Marzo" and who had subsequently again tried to flee from Cuba. According to his account of events on 13 July 1994, the "13 de Marzo" had already been detected by the authorities as it was leaving the port of Havana and three vessels, all also tugboats, started to pursue it

straightaway. However, they were able to continue into open sea. The first pursuing vessel began to direct jets of water at them. Then two of the pursuing tugboats deliberately rammed the "13 de Marzo" while the third, despite their protestations that there were women and children on board, continued to persistently direct jets of water into the hold. Once the "13 de Marzo" started sinking, the other three boats backed off but did not immediately attempt to rescue those on board. He himself was by this time in the water. At a certain point he got the impression that orders were given to pick them up. He was picked up by what he described as the "least aggressive" of the three vessels. He said that those on board the three attacking vessels were dressed in civilian clothes but he did not believe, as the Cuban authorities alleged, that they were ordinary dockworkers, especially as several of the crew of one boat appeared to be suffering from seasickness. He was arrested, along with the other male survivors, and held at Villa Marista for 13 days before being released into house arrest. At the time he left Cuba, another detainee, **Raúl Muñoz García**, was still in detention accused of being in charge of the tugboat and organizer of the escape attempt. However, he said that in fact Raúl Muñoz was only

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<sup>3</sup> See footnote 2. Amnesty International has been unable to conduct an investigation inside Cuba itself because the Cuban authorities have not permitted the organization to visit the country to carry out research since 1988.

second-in-command and that the man in charge<sup>4</sup> had drowned. Raúl Muñoz was reportedly released into house arrest after eight months in detention but is said to have been subjected to police surveillance and harassment ever since.



Victim: eleven-year-old Yousel Pérez  
Tacaronte

Another survivor interviewed by Amnesty International in the USA in May 1996, **Sergio Perodin Pérez**, said that their departure was detected by the port authorities as they were leaving the port and that passers by on shore had also noticed what was happening. However, the "13 de Marzo" was allowed to continue on its way for about seven miles. He pointed out that one of the effects of everything inside the tugboat being drenched with water from the pressurized water jets was that their communications equipment no longer worked and they were unable to call for help. In fact, he believes, from information that he and other survivors were able to obtain from various sources, including people working in the Port of Havana, after the incident took place, that the authorities had found out about the escape attempt some time beforehand and were lying in wait for them. At no point did the pursuing vessels warn those on board what they were going to do or give them any opportunity to give themselves up. When a foreign cargo boat came

within some 800 metres of where the "13 de Marzo" was sinking, the vessels which were attacking it temporarily suspended their activities. After he and some 40 other people had been forced into the water, the three attacking tugboats surrounded them, causing a whirlpool. At one point, he said he heard one of the occupants of the attacking vessels say, "Let's see what you are going to do now, you sons of whores". A coastguard vessel which had followed the "13 de Marzo" and the other three tugboats out of the port, and which appeared to be directing operations by radio, eventually picked him and others up. However, rather than taking them straight to shore for medical attention, the boat continued sailing around for some six hours until it was given the order to go to Jaimanitas on the western outskirts of Havana, where they were received by 50-60 Interior Ministry officials. The survivors, who were brought to land on two or three different vessels, were desperate to know what had happened to the others who were on board the "13 de Marzo". When they asked the authorities who else had survived, they were simply told that if they could not see them, then the sharks had eaten them. The women and children were allowed to go home later that day but the men were handcuffed and

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<sup>4</sup> Fidelio Ramel Prieto Hernández, the former head of operations at the Port of Havana as well as a Communist Party official.

questioned until evening when they were transferred to the State Security headquarters at Villa Marista in Havana. For the first two days, they were not allowed to sleep much and had to sleep on the floor but once the women survivors started speaking out about what had happened, their treatment improved. He said that the authorities tried by various means to persuade them to change their story. In his case, a psychologist was brought in to work with him. Another of the survivors was reportedly offered a job working with State Security outside of Cuba which he refused to do.

Among the 20 male survivors arrested were: **Raúl Muñoz García, Sergio Perodin Pérez, Modesto Almanza Romero, Daniel González Hernández, Juan Gustavo Martínez Gutiérrez, José Fabian Valdés, Arquimides Ledreijo Gamboa, Román Lugo Martínez, Fidel González, Eugenio Fuentes Díaz, Ivan Prieto Suárez, Daniel Prieto Suárez and Jorge Luis Cuba Suárez.** They were reportedly detained at Villa Marista, with no access to lawyers. All except Raúl Muñoz García, who was detained for eight months (see above), were held for approximately one month before being released into house arrest. It is not clear whether any formal charges were brought against any of them. One female survivor, **María Victoria García Suárez**, who lost thirteen relatives in the tragedy and who the day afterwards made statements to foreign journalists contradicting the official version, was twice taken into custody for questioning in the days immediately following the incident. She is said to have been severely traumatized by what happened and to have spent some time in the Havana Psychiatric Hospital. She and other survivors who have remained in Cuba have reportedly been kept under police surveillance and been subjected to limitations on their freedom of movement. All have been repeatedly warned not to speak out about what happened to them.

The vessels which attacked the "13 de Marzo" were reportedly identified as belonging to the Ministry of Transport and are called "Polargo 2", "Polargo 3" and "Polargo 5". According to survivors, "Polargo 5" was the vessel which acted most aggressively towards them. The fourth vessel which followed along behind them and which appeared to be directing operations was believed to belong to the Cuban Coast Guard, which is part of the Ministry of the Interior.

### **The victims**

Estimates of the number of victims have varied. Most survivors concur that there were some 70-72 people on board the tugboat when it departed. According to the Cuban Government, 32 people drowned and 31 were rescued. However, an investigation carried out by an independent human rights group inside Cuba found that at least 37 people were missing. So far Amnesty International has received the names of 35 people who were lost at sea. Most came from four areas of Havana - Cotorro, Guanabacoa, Marianao and Arroyo Naranjo. Many were members of the same family.

**NAMES OF THOSE WHO DIED****Arroyo Naranjo:**

*Angel René ABREU Ruiz, 3*  
*Jorge Arquimides LEBRIGIO Flores, 28*  
*Julia Caridad RUIZ Blanco, 35*

**Cotorro:**

*Pilar ALMANZA Romero, 30*  
*Yaltamira ANAYA Carrasco, 22*  
*Marta CARRASCO Tamayo, 45*  
*Yuliana ENRIQUEZ Carranza, 23*  
*Sindy RODRIGUEZ Fernández, 2*  
*Manuel GAYOL, 58*  
*Caridad LEYVA Tacoronte, 4*  
*Reinaldo MARRERO, 48*  
*Helen MARTINEZ Enríquez, 6 months*  
*Marjolís MENDEZ Tacoronte, 17*  
*Odalys MUÑOZ García, 21*  
*José Carlos NIKEL Anaya, 3*  
*Leonardo NOTARIO Góngora, 27*  
*Yousel Eugenio PEREZ Tacoronte, 11*  
*Yasse (or Yasser) PERODIN Almanza, 11*  
*Marta Caridad TACORONTE Vega, 33*

**Guanabacoa:**

*Ernesto ALFONSO Loureiro, 25*  
*Lissette María ALVAREZ Guerra, 24*  
*Giselle (or Lissette) BORGES Alvarez, 4*  
*Lázaro BORGES Briel, 34*  
*Joel GARCIA Suárez, 24*  
*Armando GONZALEZ Raíz (or Raizes), 50*  
*Augusto Guillermo GUERRA Martínez, 45*  
*Mario GUTIERREZ, 35*  
*Elio Juan GUTIERREZ García, 10*  
*Fidelio Ramel PRIETO Hernández, 50*

**Marianao:**

*Miralís FERNANDEZ Rodríguez, 27*  
*Eduardo SUAREZ Esquivel, 35*  
*Eliecer SUAREZ García, 11*  
*Estrella SUAREZ Esquivel, 45*  
*Yolindis RODRIGUEZ Rivero, 2*  
*Omar RODRIGUEZ Suárez, 30*



### Government version of events

Conflicting reports of the incident appeared in the Cuban media, which are entirely state-controlled, some alleging that the “13 de Marzo” sank simply because it was very old and not seaworthy and others saying that it sank because it had accidentally collided with the pursuing vessels. On 14 July 1994, the day after the tragedy, *Granma*, the official Communist Party newspaper, in an article entitled “Capsized Tugboat robbed by Anti-Social Elements” described what happened as an “irresponsible act of piracy promoted and stimulated by counter-revolutionary radio stations, the most reactionary elements of the [Cuban exile] nest of maggots in Miami, and by the well-known failure of the United States to abide by migration agreements”. On 16 July 1994 it published a note from the Ministry of the Interior saying that the appropriate authorities had investigated circumstances surrounding the sinking of the tugboat and found that it had taken place as a result of a collision between the “13 de Marzo” and another tugboat which was attempting to catch up with it. It said that those involved in the escape plan had known that the “13 de Marzo” had been leaking before its departure and that they had behaved irresponsibly by going ahead anyway. It admitted that the manoeuvres of the three vessels belonging to the Ministry of Transport in trying to intercept it and prevent its highjacking had provoked “the unfortunate accident” but said that two coast guard units on patrol nearby immediately rushed to the aid of the people on board and that the three Transport Ministry vessels also joined in the rescue effort. It said that, given the conditions of navigation and the force of the currents (Force 3) in the early hours of the morning, only 31 people were rescued alive. The rest of the persons belonging to the group had been lost at sea and the principal leader was being detained.

An article published in *Granma* on 23 July 1994 alleged that **Fidencio Ramel Prieto Ramos**, said to be the organizer of the escape attempt, who was on duty as operations officer of the Havana port authority, stole the “13 de Marzo” after knocking out the night watchman with a drug which he had put in his drink. It claimed that the boat, which was made of wood, had been built in 1879, that it was known to leak and that too many people were on board. It then went on to cite statements supporting the official version of events allegedly made by four of the male survivors, who were at the time still in detention without access to lawyers. From its interviews with two of the male survivors (see above), Amnesty International believes that there is reason to believe that these statements were made under duress. In one of the statements, said to have been made by **Raúl Muñoz García** [see above], he admitted trying to ram one of the pursuing tugboats early on in the chase. All four appeared to admit that it was irresponsible of them to have attempted to undertake the journey in the first place in such a vessel.

The Cuban authorities have never made public any further information relating to the circumstances of the sinking of the "13 de Marzo". According to unofficial sources, a very limited police investigation may have taken place but was reportedly filed in the Havana prosecutor's office, *Fiscalía Provincial de la Ciudad de la Habana*. In response to requests by family members and lawyers, the prosecutor's office reportedly responded in mid-1995 that there were no plans to initiate legal proceedings in connection with the sinking of the "13 de Marzo". Relatives of the victims were also told by the authorities that it had not been possible to locate and recover the bodies of the victims or the boat itself. It is not clear whether any concerted effort was made by the authorities to do so. However, from unconfirmed reports some survivors have received from people who were involved in the rescue, they believe that some of the bodies may have been located and disposed of or hidden by the authorities.

### **Calls for investigation from within Cuba**

On 19 July 1994, the Archbishop of Havana and President of the Conference of Catholic Bishops of Cuba, Monsignor Jaime Ortega Alamino, expressed his sorrow for the loss of so many lives and said that "the sinking of the vessel, which was carrying women and children, and the difficulties of the rescue of the survivors do not appear to be in any way accidental. This adds to the sorrow a feeling of astonishment and a need for the facts to be clarified and responsibilities to be established.. What can lead a human being to set off on such risky ventures except a certain degree of desperation or despair? What can lead other human beings to use such unusual force against their brothers other than a violent mentality?"

On 10 July 1995, lawyer René Gómez Manzano, who has faced problems from the authorities on several occasions before and since then because of his political views and his professional activities in defence of political prisoners<sup>5</sup>, wrote to the Minister of Justice expressing his surprise that over a year after the incident, the courts had not carried out an investigation to determine how it had happened. On 20 July 1995, a group of seven other lawyers, including Dr Leonel Morejón Almagro<sup>6</sup>, and two members of the public also sent an open letter to the Minister of Justice and the Attorney General requesting that a criminal investigation be opened into the events surrounding the sinking of the "13 de Marzo". Both letters questioned in particular why no investigation had been opened under article 184 of the Cuban Penal Code, "Offences committed in the course of Rail, Air and Maritime Traffic" which provides for the punishment of anyone who causes an accident by failing to abide by the relevant laws and regulations. The second letter ended as follows: "... until the suspicious deaths of the innocent are clarified, there will be no light in our country, or in our justice... There is no excuse for silence, silence cannot be forgiven. Nothing justifies crime, even [if it is carried out] in the

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<sup>5</sup> See "Cuba: Government Crackdown on Dissent", AMR 25/14/96, April 1996

<sup>6</sup> Idem.

name of the Revolution. That reminds us of when people have been killed in the name of God... We are waiting for justice to act." As far as Amnesty International is aware, the authorities did not respond to either of the letters.

### **International condemnation of the incident**

In October 1996 the Inter-American Commission on Human Rights of the Organization of American States condemned the sinking of the tugboat saying that there was clear evidence that it was not an accident but "a premeditated and intentional act". It concluded that it constituted a violation of the rights to life, physical integrity, free movement and justice. It recommended that the Cuban Government carry out a full investigation and punish those responsible, compensate the survivors and relatives of the victims, and take steps to recover the bodies and the wreck of the boat.

In 1996, in his report to the 52nd Session of the UN Commission on Human Rights<sup>7</sup>, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated that he had transmitted allegations concerning the case to the Cuban Government in June 1995 and expressed deep concern that he had not received a reply. He urged that the allegations be properly investigated, the perpetrators brought to justice and the victims' families compensated. The UN Special Rapporteur on Cuba, in his interim report to the UN General Assembly dated 7 October 1996, also expressed serious concern "about the fact that an event of this magnitude, in which 37 people died, has not been investigated"<sup>8</sup>.

### **Subsequent arrests and other violations relating to the incident**

In the days immediately following the tragedy, the authorities attempted to prevent any protest or public demonstration of grief. A mass for the victims had to be cancelled and people wearing black armbands as a sign of mourning were also reportedly detained briefly. Relatives of the victims were also reportedly prevented from throwing flowers into the sea on the grounds that that is only usually done for "martyrs of the Revolution". On 23 July 1994 **Aida Rosa Jiménez** of the *Movimiento de Madres Cubanas Por la Solidaridad*, Movement of Cuban Mothers for Solidarity, which had called on Cuba women to wear black or purple ribbons for three days as a sign of mourning, was arrested at her home and taken to State Security headquarters at Villa Marista. She was reportedly told by officials that it was because of her efforts to encourage people to attend a mass in commemoration of the victims of the tugboat sinking. Seven other human rights activists, **Nelson Torres Pulido, Odilia Collazo Valdés, Oscar Gutiérrez, Lázaro Rodríguez, Martha Losada, Horacio Casanova and Nelida Vera**

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<sup>7</sup> E/CN.4/1996/4

<sup>8</sup> A/51/460, 7 October 1996

**Pérez**, all members of the unofficial *Partido Pro Derechos Humanos en Cuba (PPDHC)*, Party for Human Rights in Cuba, who were trying to investigate the events, were also detained on 22 July 1994 and held for three days before being released without charge.

In December 1994, a woman who lost her daughter, her brother and two other relatives in the incident made an appeal to international human rights organizations and governments which concluded as follows: "This crime cannot remain unpunished. We who suffered their [the victims'] physical disappearance can only cry and be silent. We keep a vigil by their photos with Rapid Response Brigades<sup>9</sup> standing by. We have been warned not to put at risk the safety of those who survived. Everything is clear, we have to keep quiet. But you who are free to shout to the world that incidents like this should not be repeated must not forget this massacre... We only ask for the remains of our loved ones and that justice is done for this horrendous crime."

In July 1995, at the time of the first anniversary of the sinking of the "*13 de Marzo*", an extensive police operation was reportedly carried out in Havana to prevent any commemorative activities from taking place and a number of political and human rights activists were briefly detained. A mass in commemoration of the victims that was scheduled to take place at the Church of the Sacred Heart of Jesus was cancelled by the authorities and the church was closed.

On the second anniversary in 1996, the authorities again took action to prevent protests or activities commemorating the sinking of the "*13 de Marzo*". On 5 July 1996 **Isabel del Pino Sotolongo**, president of an unofficial group called *Seguidores de Cristo Rey*, Followers of Christ the King, was reportedly arrested in a Havana park where she was displaying the photos of the victims of the tugboat sinking and distributing leaflets containing quotes from the Bible. She was released later that day but warned that she was under investigation on several charges. **Aida Rosa Jiménez**, who was planning to hold a prayer meeting in a church on 13 July 1996, was told that she should pray at home. She was warned that if she tried to go to church that day, she would be arrested.

### **Conclusions**

Given the grave accusations of the survivors, the contradictory official accounts of the incident and the failure of the Cuban authorities to carry out a full and impartial investigation and to make

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<sup>9</sup> Government-organized groups of Communist Party members, participation of which is supposed to be voluntary, set up with the aim of "defending the country, the Revolution and socialism in all circumstances, by confronting and liquidating any sign of counter-revolution or crime", wherever it might appear. Amnesty International has received frequent reports of acts of intimidation and even physical violence carried out by such brigades against known dissidents. See "*Cuba: Silencing the Voices of Dissent*", AMR 25/26/92, December 1992 for further background.

the findings public, as well as the fact that those seeking such an investigation or even simply to commemorate the incident have faced intimidation and harassment, Amnesty International believes that there are serious reasons to doubt the official version of events. While acknowledging that those on board the "13 de Marzo" had committed a crime by stealing the tugboat, there is no evidence to suggest that they were armed or that they were in a position to offer any serious resistance to the pursuing vessels. Indeed, from many of the survivors' accounts, it appears that their pleas to surrender and to be rescued may have been deliberately ignored. Amnesty International has therefore concluded that at the very least the force employed by the pursuing vessels to prevent the departure of the "13 de Marzo" was disproportionate to the nature of the crime, especially taking into account the risk to the lives of those on board the "13 de Marzo" who included women and children. The Cuban authorities have argued that those on board the pursuing vessels were dock workers acting on their own initiative and not government or law enforcement officials. However, several of the survivors have doubted this assertion and have alleged that the whole operation appeared to be coordinated and directed by radio from a coast guard vessel. The Cuban coast guard service falls under the jurisdiction of the Ministry of the Interior. Amnesty International believes that there is sufficient evidence to indicate that it was an official operation and that, if events occurred in the way described by several of the survivors, those who died as a result of the incident were victims of extrajudicial execution.

### **Recommendations**

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

- C That a full and impartial investigation into the sinking of the "13 de Marzo" tugboat be carried out immediately, and that the findings be made public.
- C That such an investigation be carried out in accordance with international standards, including the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.
- C That anyone identified as being responsible for the loss of life be brought to justice in accordance with international standards for a fair trial.
- C That the families and dependents of the victims be granted fair and adequate compensation within a reasonable period of time.
- C That the relatives of the victims be fully informed of what efforts were made to locate the bodies of the victims and, if any were found, what happened to the remains.

- C That survivors or relatives of the victims be permitted to speak out about what happened without fear of reprisals.
- C That no further reprisals be taken against anyone who seeks to peacefully protest or commemorate the sinking of the "*13 de Marzo*".
- C That no one should be imprisoned for attempting to leave the country illegally if they have not committed any other recognizable criminal offence.
- C That strict orders be issued to law enforcement officials and agents acting on their behalf to abide at all times by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.