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## **Introduction**

Amnesty International is concerned about mass arrests of known dissidents that took place in Cuba in February and December 2002, particularly since many of the detainees remain imprisoned, some without charge. A number of them were detained solely for peacefully exercising their right to freedom of expression, association or assembly, and are considered prisoners of conscience. They are **Yosvany Aguilar Camejo, José Aguilar Hernández, Oscar Elias Biscet, Leonardo Miguel Bruzón Avila, Rafael Corrales Alonso, Carlos Alberto Domínguez González, Emilio Leyva Pérez, Carlos Oquendo Rodríguez, Ricardo Ramos Pereira, Lázaro Miguel Rodríguez Capote and José Enrique Santana Carreira.**

In addition, Amnesty International is reviewing a number of other cases, including those of **Raúl Arencibia Fajardo, Virgilio Marante Güelmes and Orlando Zapata Tamayo** to determine whether they too are prisoners of conscience.

## **February 2002 arrests following Mexican embassy incident**

On the night of 27 February 2002, a group of 21 Cuban men drove a commandeered public bus through the perimeter gate and into the compound of the Mexican Embassy in Havana in an apparent attempt to secure asylum and leave Cuba. The incident set off a chain of arrests, not just of the twenty-one and others present at the scene, but of numerous known dissidents. The dissidents were generally arrested in their homes or neighbourhood, in sweeps by state security officials. One year later a number are still in detention awaiting trial. Many of them have been arrested in the past, and a number of their cases are related in some way.

### **Background to the incident**

According to reports, on Monday 25 February 2002 the Foreign Relations Minister of Mexico, Jorge Castañeda, told press sources in Miami that the doors of the Mexican embassy were open to Cubans. The reference, apparently transmitted to Cuba via the US Government-funded anti-Castro radio station *Radio Martí*, sparked rumours that the embassy would help Cubans to leave the island. Castañeda had visited Cuba earlier in the month with Mexican President Vicente Fox, and had had meetings with authorities as well as with some Cuban dissidents.

After the bus crashed into the embassy grounds, passersby and others reportedly gathered at the scene, as did members of the security forces.

According to the information received, the correspondent and camera man for the news agency *Reuters* were hit with batons by police and State Security officials while they were covering the incident at the embassy. The camera was reportedly confiscated. According to the same reports, a large number of people were arrested during confrontations between those watching the events and the police and State Security officials; official Cuban sources spoke of 150 arrests. Other sources indicated that several hundred people had been detained, though most of them were soon released.

On 1 March, the 21 occupants of the bus were removed from the embassy by Cuban police and detained. Mexican authorities' role was unclear. Five of the group, believed to be minors, were released, but the remaining 16 are believed to continue in detention.<sup>1</sup>

Following these events, a number of individuals known for belonging to unofficial groups or participating in peaceful demonstrations to protest various policies of the state were allegedly targeted for arrest. Others were arrested several days before the Mexican Embassy incident; it is believed that the decision not to release them may have been influenced by the events at the embassy.

Amnesty International wrote to the Cuban authorities in March, May and July 2002,<sup>2</sup> respectfully requesting information on the situation and legal status of those detained. However, no reply has been received. In light of the information in its possession, Amnesty International considers the detainees below (listed alphabetically) to be prisoners of conscience, detained solely for peaceful exercise of freedom of expression, assembly or association. The organisation strongly urges the Cuban authorities to release them immediately and unconditionally.

**Yosvany Aguilar Camejo** and two other well known activists, José Aguilar Hernández and Carlos Oquendo Rodríguez (see below), were reportedly detained by police on 28 February as they approached a cordon which had

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<sup>1</sup> According to reports, they are Michel Iroy Rodríguez Ruiz, Pedro Plascencia Achón, Besmar Echevarría Moreno, Carlos Mateo López, Héctor Viñetas Reyes, Alexei Leal Carrera, Serguei Cruz Rodríguez, Osvaldo Ineraity Calvo, Yanset Miguel Sánchez Montalvo, Ramón Enrique Méndez Sosa, Reynaldo Abrey Alfonso, Henry Urrutia Pérez, Yirban Gilberto Escobar Torres, Alexsarais Pérez Alcina, Darel Vasallo Barzola and Leonardo Alfonso Hernández.

<sup>2</sup> See open letters from Amnesty International to the Cuban authorities: TG AMR 25/02.09 of 27 July 2002; TG AMR 25/02.04 of 3 May 2002 and TG AMR 25/02.03 of 5 March 2002.

been placed at a distance of about two kilometres around the Mexican Embassy. Sources indicate that they had been worried by reports of police brutality during the disturbances, and had gone to the area to investigate. Personnel on the police cordon reportedly checked their identity cards and, upon ascertaining who they were, placed them under arrest. Though they have been held for almost a year, the three men have apparently yet to be formally charged.

Yosvany Aguilar is president of the unofficial *Movimiento Hermanos Fraternal por la Dignidad*, Fraternal Brothers Dignity Movement. He had been arrested on several previous occasions following involvement in dissident activities; in one instance he was among those detained for trying to commemorate the 52<sup>nd</sup> anniversary of the Universal Declaration of Human Rights on International Human Rights Day, 10 December 2000. He is currently being held in El Pitirre Prison (Unit 1580), Havana.

**José Aguilar Hernández**, arrested on 28 February with Yosvany Aguilar, is national coordinator of the *Movimiento Opositor 13 de Julio*, 13 July Opposition Movement. He has been detained numerous times in the past for his dissident activities.<sup>3</sup> He was previously declared a prisoner of conscience by Amnesty International, after being arrested while participating in a peaceful march to a religious shrine on 17 December 1999.<sup>4</sup> The arrest occurred in the context of a government crackdown on dissent around the time of the 1999 Ibero-American Summit<sup>5</sup> in Havana. He is currently being held in El Pitirre Prison (Unit 1580).

**Leonardo Miguel Bruzón Avila**, president of the unofficial *Movimiento Pro Derechos Humanos 24 de Febrero*, 24 February Human Rights Movement, was arrested on 22 February 2002. The arrest was apparently carried out in order to prevent him from taking part in activities to commemorate the anniversary

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<sup>3</sup> See, *inter alia*, Amnesty International Press Release “Cuba marks Human rights day with mass detentions and sentences for dissidents” (AI Index AMR 25/026/2000, News Service Nr. 236), 14 December 2000. In that instance José Aguilar Hernández was detained without trial from October 2000 to February 2001, reportedly after having participated in a peaceful activity on behalf of Cuban prisoners of conscience.

<sup>4</sup> See, *inter alia*, “CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana” (AI Index: AMR 25/02/00), January 2000.

<sup>5</sup> This annual event was begun in 1991, with the goal of bringing together the heads of state of the Spanish- and Portuguese-speaking nations of Europe and the Americas to discuss issues of common concern.

of 24 February 1996, when two planes belonging to a Cuban exile group were shot down by the Cuban airforce.<sup>6</sup> On 1 April, an attorney filed a *habeas corpus* petition on Bruzón's behalf since, although the attorney had been permitted to see him, he had not been given access to the case file, including information on motives for his arrest, charges against him and the circumstances of his detention. The petition was rejected on 4 April by the provincial court, the *Tribunal Popular Provincial*, of Havana.

On 12 December 2002 Leonardo Bruzón was reportedly transferred from Quivicán Prison to Combinado del Este Prison in Havana. According to reports, he has not yet been charged or a date set for a trial. Leonardo Bruzón, who is over 60 years old, is reportedly suffering from ill health including severe weight loss, weakness and bruising, due to a nearly two-month hunger strike in protest at his detention. He ended the strike on 23 October. Due to his ill health he was temporarily transferred from the prison to the Carlos J. Finlay Military Hospital.

Leonardo Bruzón has been repeatedly detained and harassed. In one instance, he was among a group, which also included Yosvany Aguilar Camejo, detained to prevent them taking part in a demonstration to celebrate Human Rights Day in December 2000. He was detained for two months before being released. On another occasion, reports indicate that on 5 September 2001 he was arrested, and his family threatened with eviction from their home, apparently because they had set up an independent video library for children in Havana; he was released several days later.<sup>7</sup>

**Rafael Corrales Alonso**, a municipal delegate of the *Partido Democrático 30 de Noviembre*, 30 November Democratic Party, was arrested on 28 February. It is reported that he was detained to prevent him from taking part in activities around the Mexican Embassy events. He is believed to have been subjected to harassment and short-term detention in the past, in relation to peaceful dissident activities. The public prosecutor has reportedly requested that he be sentenced to seven years and ten months' detention for 'public disorder',

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<sup>6</sup> See, *inter alia*, "CUBA: New prisoners of conscience and possible prisoners of conscience" (AI Index AMR 25/008/2002), November 2002. Cuban authorities claim that this was an act of self defence prompted by violation of its airspace, while supporters of the exile group maintain that it was an act of aggression committed over international waters. Amnesty International has noted with concern that dissidents' efforts to commemorate the anniversary are often repressed by security forces.

<sup>7</sup> See Amnesty International Urgent Actions AI Index 25/007/01 of 12 September 2001, and AMR 25/015/2001 of 13 September 2001. See also "CUBA: The situation of human rights in Cuba" (AI Index AMR 25/002/2002), May 2002.

'*desorden público*', 'disrespect', '*desacato*', and 'resistance', '*resistencia*' following a dissident activity on 24 January 2002 during which Ricardo Ramos Pereira and José Enrique Santana Carreira (see below) were also detained. Rafael Corrales, who is 35 years old and is married with two children, is reportedly being held in Valle Grande Prison.

**Carlos Alberto Domínguez González**, an independent journalist with the unofficial *Cuba Verdad* agency, was arrested on 22 February 2002 at his home by members of State Security, *Seguridad del Estado*. The motives for his arrest are not clear, though in the days preceding his arrest he had reportedly attended several Catholic masses on behalf of political prisoners in Cuba.<sup>8</sup> Carlos Domínguez, who has three children, is currently being held in Valle Grande Prison and is reported to be suffering from ill health including migraines and hypertension. According to reports he has been charged with 'disrespect' and 'public disorder'.

**Emilio Leyva Pérez**, aged 37, is acting president of the unofficial *Partido Pro Derechos Humanos de Cuba*, Cuban Pro Human Rights Party, affiliated with the Andrei Sajarov Foundation. He was reportedly arrested on 22 February with Lázaro Miguel Rodríguez Capote (see below). Like several others, it was believed that they were taken into custody to prevent them from participating in activities to commemorate the 1996 plane downing incident. Among other activities, over the last year Emilio Leyva and Lázaro Rodríguez were reported to be active members of the *Proyecto Varela* campaign for a referendum on constitutional human rights reforms in Cuba. Both men were reportedly held in custody for several hours in early February following a prayer service on behalf of political prisoners, in which Leonardo Bruzón was also said to have taken part.<sup>9</sup>

**Carlos Oquendo Rodríguez**,<sup>10</sup> who was detained on 28 February along with Yosvany Aguilar and José Aguilar (see above), is president of the 13 July

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<sup>8</sup> See, *inter alia*, "CUBA: New prisoners of conscience and possible prisoners of conscience" (AI Index AMR 25/008/2002), November 2002 and Amnesty International's open letter to the authorities, TG AMR 25/02.06 of 21 May 2002.

<sup>9</sup> See, *inter alia*, "CUBA: New prisoners of conscience and possible prisoners of conscience" (AI Index AMR 25/008/2002), November 2002.

<sup>10</sup> See, *inter alia*, Amnesty International Press Release "Cuba marks Human Rights Day with mass detentions and sentences for dissidents" (AI Index AMR 25/026/2000, News Service Nr. 236), 14 December 2000; "Cuba: short term detention and harassment of dissidents" (AI Index: AMR 25/004/2000), March 2000; and "CUBA: The situation of human rights in Cuba" (AI Index: AMR 25/002/2002), May 2002.

Opposition Movement. Like his colleagues, he has been detained numerous times. He was considered a prisoner of conscience by Amnesty International in December 1999 after having been arrested with José Aguilar and others for participating in a march calling for the release of political prisoners. After being held for five months he was released without charge.<sup>11</sup> On a more recent occasion, he was declared a prisoner of conscience after having been sentenced to over two years' imprisonment in January 2002 for 'public disorder,' 'resistance' and 'disrespect' after having publicly expressed criticisms of Fidel Castro. The most recent arrest, after the Mexican Embassy events, apparently occurred when he was awaiting notification from the municipal court, the *Tribunal Popular Municipal de Jaruco*, that he should present himself to begin serving the sentence decreed in January 2002.

There are concerns for Carlos Oquendo's health. He is said to be suffering from serious chest pain.<sup>12</sup>

**Ricardo Ramos Pereira**, 31 years old, is spokesperson of the 30 November Democratic Party. He was also reportedly arrested on 28 February 2002 near his home. Like the others, it was believed that his arrest was intended to prevent participation in the Mexican Embassy events. The public prosecutor has reportedly requested that he be sentenced to six years' imprisonment for 'public disorder', 'disrespect' and 'resistance', following a dissident activity on 24 January 2002 at which Rafael Corrales (see above) and José Enrique Santana Carreira (see below) were also detained.

**Lázaro Miguel Rodríguez Capote** is a leader of the unofficial Cuban Pro Human Rights Party. He was reportedly arrested on 22 February 2002, with Emilio Leyva Pérez (see above). Like several others, it was believed that they were taken into custody to prevent them from participating in activities to commemorate the 1996 plane downing incident. He is reported to be held in Valle Grande Prison. Among other activities, over the last year Emilio Leyva and Lázaro Rodríguez were reported to be active members of the *Proyecto Varela* campaign for a referendum on constitutional human rights reforms in Cuba. Both men were reportedly held in custody for several hours in early

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<sup>11</sup> See, *inter alia*, "CUBA: Eleven remain in detention following government crackdown on dissent during the Ibero-American Summit in Havana" (AI Index: AMR 25/02/00), January 2000.

<sup>12</sup> See AI Medical Action, "Ill health of Cecilio Reinoso Sánchez and Carlos Oquendo Rodríguez: CUBA" (AI Index AMR 25/011/2002), December 2002.



February 2002 following a prayer service on behalf of political prisoners, in which Leonardo Bruzón was also said to have taken part.<sup>13</sup>

**José Enrique Santana Carreira**, aged 26, is national coordinator of the 30 November Democratic Party. He was arrested near his home on 28 February and has been in custody since. The public prosecutor has reportedly requested that he be sentenced to six years' imprisonment for 'public disorder', 'disrespect' and 'resistance', following a dissident activity on 24 January 2002 at which Rafael Corrales and Ricardo Ramos (see above) were also detained.

According to reports, five others who were detained in February 2002 have recently been released. They are **Javier Carmona Cevallos, Frank García Llerena, José Hernández Herrera, José Manuel Pereira Hernández** and **Fernando Sarria Fernández**.

#### **December 2002 arrests of Oscar Elias Biscet González and 16 other dissidents**

On 6 December 2002 Oscar Elias Biscet González,<sup>14</sup> president of the unofficial *Fundación Lawton de Derechos Humanos*, Lawton Human Rights Foundation, was detained with 16 other dissidents after they attempted to meet at a home in Havana to discuss human rights.<sup>15</sup> This meeting was reportedly part of an effort by Dr. Biscet to form a grassroots project for the promotion of human rights called "Friends of Human Rights." When police prevented them from entering the home, Oscar Biscet and the others reportedly sat down in the street in protest and uttered slogans such as "long live human rights" and "freedom for political prisoners." They were then arrested and taken to the Tenth Unit of the National Revolutionary Police, *Décima Unidad de La Policía Nacional Revolucionaria (PNR)*, in Havana.

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<sup>13</sup> See, *inter alia*, "CUBA: New prisoners of conscience and possible prisoners of conscience" (AI Index AMR 25/008/2002), November 2002.

<sup>14</sup> See, *inter alia*, "CUBA: Prisoner of conscience: new convictions overshadow releases" (AI Index: AMR 25/021/2000), October 2000 and "CUBA: The situation of human rights in Cuba" (AI Index: AMR 25/002/2002), May 2002.

<sup>15</sup> The other individuals arrested were Juan Antonio Agüero Pérez, Raúl Arencibia Fajardo, Juan Felipe de la Torre Requeijo, Luis Góngora Pérez, Pablo Hernández Mayarí, Yoenis Junco Sardiñas, Yosvany Junco Sardiñas, Virgilio Marante Guelmis, Enrique Pérez Hernández, José Antonio Pérez Morel, Juan Armando Rodiles Rebillá, Julián Rodríguez Trujillo, Justo Julio Sierra Silva, Guido Sigler Amaya, Ariel Sigler Amaya and Orlando Zapata Tamayo.



All but four of the 16 have since been released. In addition to Oscar Biscet, those still in detention are **Raúl Arencibia Fajardo**, said to be linked to Oscar Biscet's Lawton Human Rights Foundation; **Virgilio Marante Güelmes**, believed to belong to the 24 February Human Rights Movement; and **Orlando Zapata Tamayo**, reportedly a member of a group called *Movimiento Alternativa Republicana*, Alternative Republican Movement. The organisation is reviewing the situation of these three men to determine if they are prisoners of conscience. As far as Amnesty International is aware, none of those arrested on 6 December 2002 has been charged. According to reports, Oscar Biscet was injured during the arrest and is also suffering from a gum infection. He has reportedly not received the required medical treatment. According to the information received, he is currently being held in Combinado del Este prison.

Oscar Biscet has been detained over two dozen times in the past. Most recently, he was arrested on 3 November 1999 and served a three year sentence, charged with 'insult to the symbols of the homeland,' '*ultraje a los símbolos de la patria*,' 'public disorder' and 'incitement to commit an offence', '*instigación a delinquir*.' During his imprisonment he was considered by Amnesty International to be a prisoner of conscience. He was released on 31 October 2002 from a maximum security prison in Holguín province.

## Recommendations

### With regard to the February 2002 arrests

- In the area of alleged ill-treatment by police and state security officers during the Mexican embassy events, Amnesty International respectfully reminds the Cuban authorities of their obligation under international human rights standards to respect the right to physical integrity and to guarantee all those whose rights have been violated an effective remedy.
- Amnesty International also urges the authorities to ensure, as required under international human rights law, that the 16 men currently in detention after having entered the Mexican embassy benefit from judicial guarantees for a fair trial, including immediate access to a lawyer of their choice.
- Amnesty International urges the immediate and unconditional release of **Yosvany Aguilar Camejo, José Aguilar Hernández, Leonardo Miguel Bruzón Avila, Rafael Corrales Alonso, Carlos Alberto Domínguez González, Emilio Leyva Pérez, Carlos Oquendo Rodríguez, Ricardo Ramos Pereira, Lázaro Miguel Rodríguez Capote and José Enrique Santana Carreira** on the grounds that they are prisoners of conscience detained solely for the peaceful exercise of fundamental freedoms.
- This organisation further urges that national legislation be brought into line with international human rights standards, especially those relating to the exercise of the fundamental freedoms.

### With regard to the December 2002 arrests

- Amnesty International urges the immediate and unconditional release of **Oscar Elias Biscet**, on the grounds that he is a prisoner of conscience detained solely for the peaceful exercise of fundamental freedoms.
- In addition, Amnesty International urges the Cuban authorities to review the situation of **Raúl Arencibia Fajardo, Virgilio Marante Güelmes and Orlando Zapata Tamayo**. If their detention is, like Oscar Biscet's, due solely to the peaceful exercise of their right to freedom of expression, assembly and association, the organisation calls for their immediate and unconditional release.