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HUMAN RIGHTS IN CUBA: REPORT OF A DELEGATION OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

EDITORS' NOTE

The editors would like to express their appreciation to fellow law student Antonio Garcia-Crews for bringing the following report of the Association of the Bar of the City of New York on the human rights situation in Cuba to the attention of the Inter-American Law Review. Mr. Garcia-Crews' personal foreword precedes the actual report, which has been reprinted below as furnished by the Association.

FOREWORD

BY ANTONIO GARCIA-CREWS†

As a former Cuban political prisoner who suffered numerous human rights abuses, and now as a law student at the University of Miami, I am honored to introduce this report on the present situation of human rights in Cuba. I had the opportunity to meet with one of the Report's drafters, Alice Henkin, just prior to the Delegation's flight to Cuba. I have analyzed the Report thoroughly and, in light of my personal experience as a prisoner of conscience and student of the law, the findings of the Delegation are credible and objective.

At this juncture, an explanation of my experience in Cuba is necessary. I was captured by the Cuban political police on November 24, 1960 while attempting to join the rebel forces fighting the Castro regime. I was held in isolation for twenty-one days, and subsequently informed that I would be executed by firing squad.

† B.A., University of Havana, J.D. Candidate, University of Miami School of Law.
However, ultimately I was tried, convicted, and sentenced with thirty-one co-defendants to twenty years in prison. The attorney who represented me was in constant fear for his personal safety. (Interestingly, it was observed by the Delegation that almost thirty years later, the same fears remain among Cuban public defenders.) With regard to my “trial,” there were no witnesses for the defense, there was no cross examination of prosecution witnesses, and the sentences had been decided well in advance. It was a fiction of due process.

For almost sixteen years I was taken from prison to prison. I was beaten, at times held in isolation, and forbidden to have visitors. However, in the midst of all of this misery, some of the inmates interested in politics managed to study, albeit under circumstances that were most difficult. Within the prison underground we created a type of “university” as a way of keeping current with the ever-changing outside world. This was part of my personal experience of the treatment of human rights in Cuba. In the *Report*’s conclusion, the Delegation states that Cuba continues to violate human rights in the investigated areas. There exists no true separation of state powers, thereby precluding judicial review of human rights abuses engaged in by the regime. Moreover, the independence of legal counsel in general, and public defense counsel in particular, is completely unknown to the Cuban justice system. There is virtually no organized political opposition and long prison sentences are usually imposed on the few who dare to dissent. Free labor unions are nonexistent and there is no freedom of association.

After analyzing the evidence presented in the *Report* in the context of my personal experience, I concur absolutely with the Delegation’s findings. In my opinion, *Human Rights in Cuba: Report of a Delegation of the Association of the Bar of the City of New York* is fair and truthful. It goes to the heart of the problems without being impressed by appearances. Ultimately, the *Report* is a courageous contribution to the struggle for the respect of derechos humanos (human rights) throughout the world.

**PREÁMBULO**

de Antonio Garcia-Crews††

Como ex-presó político cubano que sufrió numerosas violaciones a sus derechos humanos y actualmente es estudiante de der-

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echo en la Universidad de Miami, me siento honrado de poder intro-ducir este reporte sobre la actual situación de los derechos humanos en Cuba. Yo tuve la oportunidad de reunirme con uno de los escritores de este reporte, Alice Henkin, poco antes del vuelo de la delegación a Cuba. He analizado el reporte detalladamente a luz de mi experiencia personal como prisionero de conciencia y como estudiante de derecho; la investigación realizada por la delegación es objetiva y digna de credibilidad.

Antes de continuar, una explicación de mi experiencia es necesaria. Yo fui capturado por la policía cubana el 24 de noviembre de 1960 cuando intentaba unirme a las fuerzas rebeldes alzadas contra el régimen de Castro. Fui mantenido incomunicado e informado que iba a ser ejecutado frente a un pelotón de fusilamiento. Sin embargo posteriormente fui juzgado con treinta y una personas más y condenado a treinta años de prisión. El abo-gado que me representaba se encontraba muy temeroso por su seguridad personal (interesantemente fue observado por la delega-ción que casi treinta años después los mismos temores existen ac-tualmente entre los defensores públicos cubanos). En relación con mi "juicio" no hubo testigos de la defensa, no hubo interrogatorios por parte de la defensa a los testigos del estado y las condenas fueron decididas antes del juicio. Fue una ficción de procedimiento legal.

Por casi 16 años fui llevado a través de muchas carceles y fui golpeado algunas veces, incomunicado otras y sin recibir visitas mucho tiempo. Sin embargo, en medio de toda miseria, algunos de los presos interesados en política pudimos estudiar. Dentro de la prisión creamos una universidad clandestina como la mejor manera de mantenernos en contacto con la siempre cambiante realidad ex-terior. Lo anterior ha sido parte de mi experiencia personal en rela-ción con los derechos humanos en Cuba.

En las conclusiones del reporte, la delegación deja claramente establecido que Cuba continúa violando los derechos humanos en las areas investigadas. No existe una verdadera separación de los poderes del estado por lo cual no existe la posibilidad de revisión de las violaciones de derechos humanos cometidas por el régimen. Debo añadir que en general no existen consejeros legales inde-pendientes del gobierno, como tampoco defensores públicos inde-pendientes. Tampoco existe una oposición legal al gobierno, y largas condenas son impuestas a aquellos que se atreven a discrepar. No existen sindicatos obreros independientes y libres,
tampoco existe ninguna libertad de asociación.

Después de analizar la evidencia presentada en el reporte a la luz de mi experiencia personal, estoy completamente de acuerdo con él. En mi opinión Los Derechos Humanos en Cuba: El Reporte del Colegio de Abogados de la Ciudad de Nueva York es veraz y objetivo. El informe va a la esencia del problema sin dejarse engañar por las formas y apariencias externas. Finalmente considero que el reporte es una valiente contribución a la lucha permanente por los derechos humanos a través del mundo.
HUMAN RIGHTS IN CUBA: REPORT OF A DELEGATION OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK*

ALICE H. HENKIN, MARY JANE CAMEJO, RICHARD J. HILLER, MICHAEL H. POSNER, STEPHEN J. RITCHIN1 AND KENNETH ROTH

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* Reprinted with permission from The Record of the Association of The Bar of The City of New York, Volume 43, Number 7 (November 1988).
1. Stephen J. Ritchin was the principal drafter of this report.
PREFACE

During the winter of 1986-87, representatives of The Association of the Bar of the City of New York met, on several occasions, with the Honorable Oscar Oramas, Cuban Ambassador to the United Nations, and members of his staff. As a result of those meetings, on May 20, 1987, Ambassador Oramas came to the House of the Association to speak at a joint meeting of the Association’s Committees on International Human Rights and Inter-American Affairs about current conditions in Cuba and the relations between the United States and Cuba. Subsequently, the Government of Cuba invited the Association to send a delegation to visit Cuba.

The invitation offered an opportunity to continue a series of missions to investigate human rights around the world. The invitation was accepted, and the Association named as its delegates the authors of this report.

Before leaving for Cuba members of the delegation met with Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Schifter, Linda Gresham, Kenneth Skoug and David Rogus at the U.S. Department of Justice; Randy Levine of


3. Alice H. Henkin is a lawyer, Chair of the Association’s Committee on International Human Rights and Director of the Justice and Society Program at the Aspen Institute of Humanistic Studies; Mary Jane Camejo is the principal Cuba researcher for Americas Watch and acted as translator for the delegation; Richard J. Hiller is a member for the law firm of Teitelbaum & Hiller, P.C. and a member of the Association’s Committee on International Human Rights; Michael H. Posner is a lawyer, a member of the Association’s Committee on International Human Rights and Executive Director of the Lawyers Committee for Human Rights; Stephen J. Ritchen is associated with the law firm of Berle, Kass & Case and Secretary of the Association’s Committee on International Human Rights; and Kenneth Roth is a lawyer, a member of the Association’s Committee on International Human Rights and Deputy Director of Human Rights Watch, the parent organization of Americas Watch.
the U.S. Department of Justice; Manuel Davis of the Cuban Interest Section in Washington; Professors Pamela Falk and Alejandro Garro of Columbia University; Aryeh Neier, Vice Chairman of Americas Watch; Professor Wayne Smith of the School of Advanced International Studies at Johns Hopkins University; Barry Sklar, a staff member of the Senate Foreign Relations Committee; Tom Quigley of the U.S. Catholic Conference and Arlene Alligood of the International Center for Development Policy. Scott Peterson, a student at Columbia University Law School, provided research assistance on Cuban law. On our way to Cuba we met with members of the Cuban-American community in Miami.4

The delegation visited Cuba from February 7 through 14, 1988.5 In Havana, we met with law school faculty,6 government officials,7 prison officials,8 leaders of the Cuban lawyers associations,9 private attorneys, political prisoners and former prisoners, members of prisoners' families, representatives of the foreign press in Cuba and members of Cuba's fledgling human rights organizations.10 Several members of the delegation also met with members of the United States Interest Section in Havana.11 Angel Victor Gonzales Perez of the Ministry of Foreign Affairs assisted the delegation, with remarkable patience, in arranging many of our meetings and visits in Cuba. We are grateful to all those who gave of their time and energy to the delegation, both in the United States

4. Among those with whom we met were Angel Cuadra, Eloy Gutierrez Menoyo and Jorge Valls, as well as members of the support committees for the Cuban Committee for Human Rights and the Cuban Commission for Human Rights and National Reconciliation.

5. Funding for this trip came from a larger grant to the Association from the Ford Foundation and the J. Roderick MacArthur Foundation for a series of missions of inquiry into the human rights situation in various parts of the world.

6. Dr. Jose A. Grillo Longora and Dr. Mercellino Diaz Pinillo at the University of Havana Law School.

7. Juan Escalona, Minister of Justice, Raul Amaro Salup, President of the Cuban Supreme Court, Aroldo Lores Roce, Chief of the penal division of the Fiscalia General (Attorney General's Office) and Lic. Miguel Angel Garcia Alzugaray, of the Fiscalia's department of international relations.

8. Major Manuel Sanchez of Combinado del Este prison and Director Yvonne Valdes Azcu of the Centro del Reeducacion Para Mujeres de Occidente, a women's prison.


10. We met with Ricardo Bofill Pages and Elizardo Sanchez Santa Cruz, heads of the two human rights organizations in Havana, as well as many of their colleagues.

11. John Taylor, Head of the U.S. Interest Section, Thomas Gerth, deputy head, and Jerry Scott, public information officer for the Section.
and Cuba.\textsuperscript{12}

In correspondence with the Cuban authorities prior to the visit we requested meetings with, but were not given an opportunity to speak with, the Cuban Minister of the Interior, the head of the department of state and judicial organs of the Cuban Communist Party, Vice President Carlos Rafael Rodriguez and President Fidel Castro Ruz.

\section*{Introduction}

Serious abuses of human rights in Cuba have occurred throughout the period since Fidel Castro came to power in 1959,\textsuperscript{13} and during the rule of his predecessors, including Fulgencio Batista. The focus of this report, however, is primarily on the current condition of human rights in Cuba.

We write with an awareness that our time in Cuba was brief. We have not attempted, therefore, to provide a comprehensive analysis, but instead have written on those subjects about which we, as lawyers, have a special concern and expertise. In particular, our investigation and this report deal with the role of lawyers in the administration of justice; the conditions in the prisons; the extent to which freedom of expression and association are observed; and, finally, the freedom of Cuban citizens to leave and to return to their country.

Although there have been significant improvements in recent months with respect to several aspects of human rights, violations persist.\textsuperscript{14} We observed completely dark cells where prisoners are

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\textsuperscript{12} The individuals in Cuba who provided information are identified whenever it is possible to do so without endangering them.


\textsuperscript{14} The reasons for these changes are difficult to ascertain. In discussions with numerous Cubans and others, several explanations emerged. Cuban officials explain that because the government is stronger, it now can afford to allow greater dissent. It can also, they say, correct some of the revolution's errors through a campaign that they call "rectification." Non-governmental sources cite three reasons for the changes. One is Mikhail Gorbachev's campaign of "glasnost"; Gorbachev's greater tolerance for dissent sets an example for Cuba. A second reason offered by non-governmental sources concerns Castro's sensitivity about his reputation on human rights and the United States' campaign against Cuba on those issues in the United Nations. A final explanation given is that Cuba's on-going economic difficulties, accentuated by a possible cut in Soviet aid, have made Cuba more interested than ever in normalizing economic relations with the U.S. According to this view, Cuban officials recognize that in the minds of many Americans a prerequisite to such open trade is greater political tolerance at home.
kept for extended periods as punishment, in violation of recognized international standards. We heard several reports that prisoners have been beaten in recent months. Prison guards who beat prisoners appear not to be prosecuted for their acts. Some prison sentences, particularly for political crimes, are inordinately prolonged.

Freedom of speech and association have been almost entirely absent from Cuba until recently, and to the extent that they now exist, they do so only by virtue of executive grace. The law provides no meaningful protection for speech; rather it affords numerous means of punishing dissenting speech. Such speech is also virtually certain to be reported because government monitors are ubiquitous. Those who have recently formed groups to speak out about human rights gather, as well as speak, under the watchful eye of the government, and there are at least some efforts to disrupt their meetings. They also act in the expectation that they may be arrested and sent to prison, where many of them have already served time because of their activities.

There is no right freely to emigrate from Cuba. While the legal requirements for emigration are nominally procedural, they in fact are used to prevent departure.

Finally, there is no independent bar in Cuba to protest abuses of these and other rights. Lawyers work either for the state or in law offices controlled by the state, and their ranks appear to have been culled of those considered politically suspect. A vigorous defense of individuals charged with crime seems the exception, rather than the norm, particularly when the defendant is charged with a political crime.

As we stated earlier, there have been noteworthy changes in the Cuban posture on several human rights issues. Most striking of these positive changes is the government's apparent tolerance of criticism of its human rights record by a few Cubans who have spoken openly and have not, so far as we are aware, been imprisoned as a result. Prison conditions also appear to have improved generally in recent months, and some long-term political prisoners have been released. The Cuban government has opened its doors more broadly to foreign visitors concerned with human rights, permitting our visit and informal visits by officials of human rights

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15. A list of prisoners whose recent release has come to our attention is included in Appendix A.
groups such as Americas Watch and Amnesty International. The government has also, most recently, allowed the International Committee of the Red Cross to conduct a visit to Cuba's prisons.

I. Lawyers and the Legal System

A. Relevant Standards

Article 14 of the International Covenant on Civil and Political Rights provides that:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: . . (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him. . . .

These rights, and many other procedural and substantive guarantees, become meaningful only if lawyers are free to defend their clients vigorously. Thus the Association, which the delegation represented, has adopted a resolution providing that:

The Association of the Bar of the City of New York affirms its support for the Rule of Law in the international community and its recognition of the need for an independent judiciary and for the independence of lawyers; [and] that the Association notes with concern the reported interference with the human rights and professional responsibilities of lawyers in an increasing number of foreign countries . . . .

17. Similarly, Article 8 of the American Convention on Human Rights guarantees "(d) the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel; (e) the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law; (f) the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts. . . ."
The delegation approached the issue of independence of lawyers in two ways. We inquired into the position of lawyers generally, particularly the connection between political beliefs and one's status as a lawyer. We also attempted to gather information about the vigor with which defendants were represented. Before turning to either of these inquiries, however, it is useful to describe briefly the basic framework of the Cuban court system.

B. The Cuban Courts

Raul Amaro, President of the Cuban Supreme Court, and two professors at the University of Havana Law School — Dr. Jose A. Grillo Longora and Dr. Mercellino Diaz Pinillo — described the Cuban court system. The courts are divided into three levels: municipal courts, provincial courts and the Supreme Court. The jurisdiction of the municipal courts is limited to family matters, small civil claims and crimes punishable by up to nine months imprisonment. Provincial courts hear more serious criminal cases and civil cases involving larger sums of money, as well as appeals from the municipal courts. Four of the provinces have special sections of the provincial court for the trial of state security cases. We were told that these special panels were going to be abolished because there was no longer a significant number of state security cases. Any remaining such cases would then be tried in the regular provincial courts. The Supreme Court is the country's highest court and is itself divided into special panels to hear labor, military, criminal and state security matters.

In each court cases are heard by panels composed of professional and lay judges. Municipal court cases are heard by two lay judges and one professional judge and provincial courts have panels of two lay and three professional judges. The Supreme Court has a total of 27 professional judges and 154 lay judges, divided into five-judge panels. Each panel is composed of two lay and three professional judges.

Lay judges work full time for a total of two months of each year and are otherwise engaged in their regular employment. They receive 30 to 45 days of training when they become judges, and participate in periodic seminars given by professional judges. Lay and professional judges are elected by the Assemblies of People's Power, which are the legislative arms of the government at the mu-
nicipal, provincial and national levels. Professional judges are elected to terms of five years, and lay judges to two and a half year terms.

About 43 percent of Cuba's professional and lay judges are members of the Cuban Communist Party, with a higher percentage of party members represented on the Supreme Court. President Amaro told the delegation that all four of the professional judges on the Supreme Court's military panel, all four professional judges on the state security panel, three of the four professional judges on the labor panel and five of the seven professional judges on the criminal panel are members of the Party.

The Cuban Constitution makes it clear that the judicial branch is not equal to, or independent of, the other branches of government. Article 122 of the Constitution provides that the courts are "subordinate to the National Assembly of People's Power and the Council of State." This, plus the short term of office, is unlikely to encourage judicial independence by Cuban judges.

C. The Status of Cuban Lawyers

The legal profession has been viewed with disfavor in Cuba during much of the time since Castro came to power. Dr. Menelao Mora Travieso, Secretary General of the National Union of Cuban Jurists, a professional organization for all law school graduates, told the delegation that in the years following the revolution the legal profession was held in low esteem. Students were encouraged to pursue technical rather than legal careers. He said that from 1960-70 the country had only one law school and during some years in the 1960s there were as few as five law students in the entire country. Dr. Mora and other government representatives with whom we met indicated that this negative view of the legal profession was fed, in part, by a history of graft and incompetence among Cuban lawyers.

18. The Law of the Organization of the Judicial System, Title 3, Chapter 3, Section 1, Article 74 and Title 3, Chapter 3, Section 2, Article 75.
19. The Law of the Organization of the Judicial System, Title 3, Chapter 3, Section 3, Article 76.
20. The Law of the Organization of the Judicial System, Title 3, Chapter 3, Section 3, Article 77.
In 1973, the Cuban government promulgated a law\textsuperscript{22} eliminating the private bar and requiring all attorneys who did not work as state prosecutors or for state enterprises to join collective law offices called \textit{bufetes colectivos}, which are controlled by a national organization. The \textit{bufetes colectivos} were reorganized in 1984 under a law requiring all members to reapply for admission and to show that they "possess moral qualities in accord with the principles of our society."\textsuperscript{23}

According to the leaders of the National Organization of Bufetes Colectivos (NOBC), approximately 110 of the 800 former members of the \textit{bufetes colectivos} were denied readmission to the reorganized \textit{bufetes}, precluding them from practicing law other than with a state enterprise. We were told that those denied readmission were afforded a face-to-face meeting at which they were informed of the reasons for the denial and given the right to appeal to the Minister of Justice.

The leadership of the NOBC said that the reasons for excluding lawyers from the \textit{bufetes} included failure to prepare cases, alcoholism, "living off the work of others," and other failings in the quality of lawyer's work or his or her moral character. No lawyers were denied readmission because of their political beliefs, we were assured.

Several private lawyers who were denied readmission and with whom we met, however, painted quite a different picture. They said that while incompetents and drunks were certainly among those denied readmission, so too were lawyers who had been active in defending political cases, as well as several older lawyers who had been practicing since before 1959, and whose loyalty to the revolution was therefore somewhat suspect. At least one of these private lawyers, Dr. Antonio de Varona, also told the delegation that he was not afforded all the procedural guarantees that were supposed to accompany denial of an application for readmission to the \textit{bufete}. Dr. de Varona said that he never was told why his application was denied, and was never afforded a face-to-face meet-

\textsuperscript{22} Law No. 1250, Organization of the Judicial System, promulgated June 23, 1973. Private attorneys with whom the delegation spoke referred to the effective year of this law as 1974.

\textsuperscript{23} Decree-Law 81, "The Practice of Law and the National Organization of Collective Law Offices," Art. 16(a) (our translation). There are 16 \textit{bufetes colectivos} in the city of Havana, each one having 20-25 lawyers. In smaller cities there are 5-6 lawyers in a \textit{bufete}. 
ing at which he could ask about the denial. A request for information about Dr. de Varona's case elicited no response from either the NOBC or the Minister of Justice.

Another case of concern to us is that of Pablo Llabre Raurell. A 37-year-old graduate of the Law Faculty at the University of Havana, Llabre is widely regarded as having been a vigorous and skilled defender of those accused of political and common crimes during most of his 13 years of practice. He was expelled from his bufete colectivo in February 1987 and disbarred four months later in what appears to have been, at least in part, retaliation for his vigorous defense of a sensitive case. Mr. Llabre is a member of the Cuban Committee for Human Rights.

According to Justice Minister Juan Escalona and the leadership of the National Organization of Bufetes Colectivos who made the decision to discipline Llabre, the reason for his expulsion and disbarment was his admitted falsification of certain financial records. Under an experimental system of payment in force in Llabre's office, attorneys were to be paid based on the number of cases they completed in a given month, up to a specified maximum. Having completed the maximum number of cases in December 1986, Llabre reported that he had finished a particular case in January 1987, thereby easing his burden for the latter month.

While this misdeed was serious and worthy of discipline, there are indications that those deciding Llabre's fate were not impartial. According to Llabre, the expulsion and disbarment came in the midst of a defense he was presenting that was particularly embarrassing to the NOBC leadership. Llabre was defending 2 of 14 real estate brokers charged with fraud in connection with the purchase of 10 buildings by the NOBC. In the course of cross-examining a prosecution witness, Llabre reported, he elicited testimony that while 7 of the buildings were going to be used for new bufetes colectivos, 3 were intended for the personal use of the NOBC leadership — an allegation that, if true, would constitute an obvious misuse of the NOBC's funds. Llabre's expulsion and disbarment prevented him from pursuing this defense.

Under the circumstances, there is reason to believe that the decision to discipline Llabre in such a serious manner was not taken by impartial arbiters. The same body that initially imposed

24. Dr. de Varona did tell us that he appealed the decision to the Minister of Justice. This appeal was denied.
such severe punishment, the NOBC leadership, had a strong incentive to curtail Llabre's spirited defense. By contrast, prosecutorial authorities, who had no such personal stake, declined to pursue criminal charges against Llabre. They dismissed a charge of fraud that initially had been filed against him for his falsification of records.

D. The Role of Lawyers in the Legal System

For those who act as defense lawyers in Cuba, zealous representation of a client is not considered to be the primary interest that he or she must serve. The report of the Provisional Board of Directors of the National Organization of Bufetes Colectivos to the General Assembly of the same organization makes clear the other interests that a lawyer must bear in mind:

The concept that must not prevail among us is that the best attorney is he who attains the acquittal of his client or places the client's interests above the law and morality. Rather, the best attorney is he who through his actions, talent and ability contributes to the victory of the law and the humanist principles of our justice. This is the foundation of the professional prestige of our attorneys and the only concept recognized and admired by our nation of workers. To depart from this is to identify oneself with those of yesteryear who represented and defended the interests of the exploiting class.25

During the early years following the revolution, the client's interests appear to have been considered almost entirely subservient to those of the state, with defense of political prisoners a perfunctory matter, if any defense was presented at all.26 The delegation was told of trials during the first few years following Castro's revolution in which hundreds of defendants were tried together in a few hours, with adequate time only to announce the guilt of those accused. Prosecutors also apparently made little or no effort to implement procedural protections for the accused. Juan Escalona, Cuba's Minister of Justice, reported that there were times when the prosecutors acted solely as an arm of the military and did not play an active role in enforcing socialist legality.

In more recent years as well, it appears that attorneys are unwilling to pursue a substantial defense of those accused of political crimes. Enrique Hernandez Mendez, a former member of Cuba's diplomatic corps and a former professor at the University of Havana, was tried for attempting to leave Cuba illegally in 1980. Mr. Hernandez told us that he had received a pass guaranteeing safe conduct out of Cuba from the Peruvian Embassy, as well as all the other necessary documentation. When he arrived at the airport, however, his documents were confiscated and he was not permitted to leave. A few days later, Mr. Hernandez used an air cushion in an attempt to reach a boat a short distance off shore, but he was arrested and prosecuted.

Mr. Hernandez's attorney defended him on grounds of impossibility, arguing that he could not have left Cuba simply by riding an air cushion. The attorney refused, however, to make the argument that his client did nothing illegal, having already received permission to leave. His lawyer was afraid to defend him too vigorously, Mr. Hernandez said.

Prisoners with whom several members of the delegation met described even more perfunctory defenses. Two prisoners who were also tried for attempting to leave the country told us that they were not permitted to be represented by the attorney of their choice. The government-appointed lawyer never met with them prior to trial and his only statement on their behalf was a plea for mercy on the ground that one of the defendants was young.

We did not observe any political trials, but several members of the delegation attended three ordinary criminal trials on February 10 in Havana Provincial Court. The conduct of these cases raised doubts about the vigor with which allegations of state abuse of a client's rights are pursued even in non-political cases. During one of the trials a defendant charged with burglary alleged that he had been beaten in order to coerce a confession. None of the lawyers present and none of the judges asked the defendant any questions about the allegation. Nor did anyone question the police officer about the defendant's allegation. The police officer told us later, outside the court, that he was never asked about the allegation at any other time. In addition, he said that in his 12 years on the police force neither he nor anyone he knew had been investigated for alleged mistreatment of a prisoner.

Even when no question of the government's abuse of human rights was raised, aggressive advocacy on behalf of a criminal de-
defendant appeared to be atypical. During the three trials we witnessed, involving a total of six different defense attorneys, only one approached the task with any vigor. Ironically, even that exception to a set of otherwise lackadaisical performances illustrated what appeared to be uniformly low expectations with respect to the bar’s defense function. Representing a Communist Party member accused of criminal negligence in connection with a serious motorcycle accident, the attorney conducted a forceful, though respectful, ten-minute cross-examination of the prosecution’s witness, discrediting his testimony in significant respects. At the end of this exercise the presiding judge chided: “You’ve asked so many questions of the witness, it’s as if he’s the accused.” The comment made it clear that effective advocacy on behalf of a criminal defendant fell outside ordinary standards of conduct, at least in the mind of the presiding judge in the court we visited.

In sum, the evidence gathered by the delegation left us with serious doubts about the independence of the bar in Cuba. Control of lawyers appears to have been ensured during the past 15 years through the process of requiring all attorneys who are not employed by the state to belong to, and then apply for readmission to, the bufetes colectivos. Defense lawyers do not vigorously defend those charged with political crimes. If the trials we observed are representative, even defendants in non-political cases rarely receive a zealous defense. The absence of attorneys independent of the state and willing forcefully to challenge a prosecutor, particularly in political cases, removes what is in many countries an important source of protection for human rights.

II. Prisons

The delegation visited Combinado del Este prison, a major facility for male prisoners in Havana, and a women’s prison, Centro de Reeducacion para Mujeres de Occidente. At both places we met with prison officials, toured the facilities and spoke in private, outdoors beyond the presence of the guards, with political prisoners whom we had requested, in advance, to see. In addition, we met with many former prisoners and families of prisoners during our week in Cuba.27

27. Because we did not canvass the Cuban prison system, we make no effort to estimate the number of political prisoners in Cuba. A list of prisoners believed still incarcerated whose cases have come to our attention is included in Appendix B.
A. The Legal Framework

International standards for the treatment of prisoners are expressed in general terms in Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 5 of the American Convention on Human Rights adds the requirement that “[a]ll persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.”

More precise standards are articulated in the “Standard Minimum Rules for the Treatment of Prisoners” which were recommended to member states by the United Nations’ General Assembly in 1971. The rules state that they “set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.”

Among the particular UN Standard Minimum rules relevant to a discussion of Cuban prisons are the following: Rule 6(1), which provides that “[t]here shall be no discrimination on grounds of . . . political or other opinion”; Rule 11, which provides that “[i]n all places where prisoners are required to live or work, (a) the windows shall be large enough to enable the prisoners to read or work by natural light . . . (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight”; Rule 21(1), which provides that “[e]very prisoner who is not employed in out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits”; and Rule 31, which provides that “[c]orporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.”

The rules governing the treatment of prisoners in Combinado del Este were explained to the delegation by Major Manuel Sanchez, second in command at the prison. Of special interest were those rules forbidding placement of any prisoner in a punishment cell for more than 21 days, the requirement that visits be permitted at least once every three months (although visits can be can-

celed as a form of punishment), and the requirement that prisoners be outdoors in the sun every week.

Aroldo Lores Roce, the head of the criminal division in the office of Cuba’s Fiscalía General (the equivalent of the Attorney General’s Office in the United States), told the delegation that in each province there is a department for the “control of legality,” and officers from that department are expected to spend the better part of three or four days of each week visiting prisons. These officers examine prison documents, interview inmates and tour the facilities so they can observe any violation of prison rules. In addition, if allegations of mistreatment within a prison yield evidence of a crime the Fiscalía’s office conducts its own investigation and takes appropriate action, Mr. Lores said. However, neither he nor the President of the Cuban Supreme Court, with whom the delegation met separately, could recall a single case in which a prison guard or policeman had been prosecuted for mistreating a prisoner.

B. Past Conditions

Many of the current prisoners with whom we met have suffered through horrendous prison conditions in prior years. Conversations with dozens of current and former prisoners left little doubt that many of the international standards and the relevant Cuban standards for the treatment of prisoners have been systematically violated in the past. Former prisoners described physically debilitating labor, months and years spent sleeping on the floor, inadequate and substandard food and water, the withholding of medical attention, months and years without visits or access to fresh air, frequent physical beatings by guards and the failure to release prisoners upon the expiration of their sentences. Among those who have described all of these conditions is Jorge Valls, who was first imprisoned for his political activities under Batista and then spent the years 1964 through 1984 in prison under Castro, an experience eloquently described in a book entitled “Twenty Years and Forty Days: Life in a Cuban Prison.” Our conversations with other prisoners and former prisoners confirmed Valls’s account.30

Valls’s prison memoir chronicles the plight of his fellow

“presos políticos plantados,” the stubborn political prisoners, who have been subjected to severe mistreatment during almost three decades in prison. These prisoners were tried for armed and unarmed opposition to the Castro government before Revolutionary Tribunals — military courts in which summary trials lacked any semblance of due process — and sentenced to twenty-to thirty-year prison terms. To confirm their political status they maintain a rebellious attitude: conducting hunger strikes, refusing to wear the regular prison uniform — wearing, instead, only underwear or pajamas — and engaging in other forms of non-violent protest.31

Alberto Fibla Gonzalez, a medical doctor, had been imprisoned for 26 years when we met him in Combinado del Este prison.32 He had been sentenced in 1962 to 30 years in prison for participating in a plot to overthrow Castro. For eight of his 26 years in prison he was permitted no visitors at all. Dr. Fibla diagnosed his fellow plantados while he was still in prison. According to him, 90% of these long-term prisoners suffer from medical problems — including joint disease, prostatitis, hemorrhoids and ulcers — that naturally result from the conditions in which they have been confined for more than 20 years, such as sleeping on damp floors for extended periods, prolonged periods of tension, and poor diet. Many have reduced vision from inadequate lighting.

We were told by another prisoner that during parts of 1981 and 1982 prisoners were beaten every day in a building at Combinado del Este known among the prisoners as “the rectangle of death,” and some were made to crawl on the ground and scream “Long live Fidel.” We heard reports that during the same time period prisoners arriving at the rectangle of death were required to read the rules aloud and then were beaten. Another prisoner recounted watching from a window in another building as those on their way to the rectangle of death were forced to run a gauntlet of guards who beat the prisoners with sticks as they passed.

Treatment of prisoners appears to have varied somewhat over the past several decades, sometimes as a result of conflicts between the prison guards or administration and the prisoners, particularly

31. There is also a new group of approximately 27 prisoners in Combinado del Este prison who call themselves the “nuevos plantados,” the new plantados. Imprisoned primarily since the early 1980s, they also reject re-education in the tradition of the “plantados historicos.”

32. Dr. Fibla was released from prison in May 1988 and currently resides in the U.S.
the political prisoners. Antonio Lopez Munoz, a former *plantado* whom we met in Havana and who spent 27 years in prison because of his participation in an armed rebellion shortly after Castro came to power, described one particular confrontation between the guards and the long-term political prisoners in Boniato Prison, in eastern Cuba, in 1982. A group of these prisoners were brought to Boniato and went on a hunger strike to protest the fact that they were being treated as common prisoners. The administration responded by building another unit within the prison for the political prisoners, called Boniatico. In November 1982, what Mr. Lopez Munoz called a "softening plan" was instituted to break the political prisoners. The guards took away the prisoners' clothes and belongings, gave them food "fit only for dogs," withheld medical attention and separated the prisoners into isolation cells. He described the cell he was placed in as so dark that it was impossible to tell if it was day or night. Sheet metal on top of the bars prevented any natural light from entering; the only light came from a bulb controlled by the guards. The toilet consisted of a hole in the floor of the cell. Mr. Lopez Munoz said his bed was taken away six months after he entered his cell, and he had no bed for three and a half years. For the same period of time he did not see the sun. Prisoners would sometimes beat on the bars of their cells, Mr. Lopez Munoz said, and the guards responded with loud, high frequency sound that caused some prisoners to suffer a loss of hearing.

C. *Combinado del Este Prison*

Combinado del Este, the men's prison just outside of Havana, opened in 1976. Prison officials told us that Combinado can hold 3,400 inmates and had prison population of 3,122 at the time of our visit. Three four-story buildings house the bulk of the prisoners. A separate building contains the prison's medical facilities.

The delegation's tour of Combinado del Este, on February 11, was initially incomplete, in part because of time limitations, but also by design of the officials who conducted the tour. While not openly hostile, they clearly wanted to hide parts of the prison, particularly a unit known as the rectangle of death, Major Sanchez having previously denied that this building existed when he spoke to us. The supposedly complete tour that we were given omitted

33. Mr. Lopez Munoz now resides in the U.S.
this building and we had to discover where it was by talking to
prisoners. When we asked about the building that had been identi-
fi ed for us by the prisoners, we were told it was the kitchen; we
were also initially told by the guards conducting the tour that they
had no authority to take us inside the building.

We ultimately visited part of the rectangle of death and were
stunned by what we saw. Cells are very small, about four feet
wide and nine or ten feet long. The cells we saw housed up to two
prisoners in this cramped space, and had triple bunks that could
accommodate a third. The toilet consists of a hole in the floor at
the back of the cell. A former prisoner told us that the toilet be-
comes clogged on occasion, flooding the cell with excrement. Many
of the cells have two doors. The internal door is made of metal
bars partly covered by sheetmetal; approximately two feet in front
of the barred door is a wooden door that opens onto the corridor
and which, when closed, blocks all light that might enter the cell. A
dim electric bulb hanging just inside the wooden door, out of reach
of the prisoner and controlled by the guards, provides the only
light. We were told by several former prisoners that it is so dark in
these cells that it is impossible to see one’s own hands. The contin-
uous lack of light has a powerfully disorienting effect, depriving
prisoners of any sense of time. Even with the outer doors open,
during the middle of the day, these cells were dim, with inadequate
light to allow reading.

There are punishment cells within the rectangle of death
where the inner door is almost completely covered with sheet
metal so that light never enters these cells in any appreciable
amount. Only a small slot allows the passage of food into the cell.
The one prisoner whose face we glimpsed through the slot of a
punishment cell did not have any clothes on, according to the
guards.

Hinges on the wall indicated that the outer wooden doors had
been removed from some of the cells in the rectangle of death.
Prisoners with whom the delegation talked later said that the re-
moval of the wooden doors coincided with visits by foreign
delegations.

Following our tour of the prison facilities, we met in private
with seven prisoners, all of whom we had requested to see in ad-

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34. We subsequently learned from former prisoners that there are three wings in the
rectangle of death. We visited only one. The three wings hold a total of 99 cells.
vance. All of the seven were in prison for politically-related crimes, and some of them have assumed the role of monitors inside the prison. Various infractions of prison discipline apparently can lead to time in the rectangle of death. Among these are hunger strikes, according to several of the prisoners with whom we spoke. One of them, Ariel Hidalgo Guillen, a former teacher who was sentenced to eight years for “enemy propaganda,” was put in a punishment cell in the rectangle of death in December 1987, because he went on hunger strike to commemorate human rights day and to protest the treatment of another prisoner.*

We asked the prisoners whether officers from the Fiscalia’s office for the “control of legality” ever came to the prison, and were told that there are visits to the common prisoners, but never to the political prisoners. At least one request from a political prisoner to see a representative of the Fiscalia’s office went unanswered. For those with whom we met, conditions had improved in the few months before our visit, including better food and a cessation of beatings.

The improved treatment for those political prisoners whom we saw does not mean, however, that all harsh treatment has ended. For many of these political prisoners poor prison conditions and inadequate or delayed medical care have resulted in lingering medical problems. We were told that two common prisoners, both of whom were described as having some mental problems, had been severely beaten in the two months before our visit. One of them, who apparently refused to enter his cell, was beaten by three guards and dragged along the floor by his testicles. A few months earlier, another prisoner who is in Combinado on charges of “enemy propaganda” for writing placards that said “Down With Fidel,” was placed in a punishment cell and received water only once a day, and half rations of food, according to his mother, with whom we met in Havana. He was also forced by a guard to take off his pants and bend over as a means of humiliating him, and when she saw him in December 1987, her son had unexplained bruises on his face. In addition, there have been reports that a prisoner was beaten to death in Combinado in 1987.35

Finally, recent reports indicate that the respite for political

* Shortly after the release of this report, Ariel Hidalgo was freed from prison and sent to the United States.

prisoners may be over. Three former prisoners who arrived in Miami — Ramon Guin Diaz, Edmigio Lopez Castillo and Enrique Hernandez Mendez, all of whom we met in Havana — reportedly carried a handwritten note, smuggled out of Combinado del Este, in which 18 political prisoners stated that they had witnessed guards beatings four inmates on May 16 for staging a hunger strike.\[^{36}\] We also have had a report from a former \textit{plantado} who was released from Combinado del Este Prison to the U.S. in June, describing beatings that occurred in Combinado del Este on May 30, 1988. The beatings followed an incident in which a group of 44 \textit{plantados} discovered and removed microphones that were hidden in their cells. They were taken to the prison hospital to be subjected to body searches and x-rays. Some were forced to take laxatives by prison officials trying to locate the microphones. Those who resisted were beaten and taken to newly refurbished cells in Building 3, where they commenced a hunger strike when two of their number were sent to the rectangle of death for punishment. The \textit{plantados} also were reportedly protesting being moved to the refurbished cells in what they charged was an attempt to mislead visitors from the International Committee of the Red Cross and the United Nations. After six days the two \textit{plantados} were released from the rectangle of death and the hunger strike was called off.

D. The Women's Prison

We visited the prison for women, Centro de Reeducacion para Mujeres de Occidente, in Havana Province, on February 12, where we were escorted through the facilities by the director, Yvonne Valdes Azcuy. As was apparent from her comments, we were not the first nor would we be the last foreign delegation to which she was assigned. The women's prison is in many respects a show-case prison and Ms. Valdes the model warden. At the time of our visit there were 644 inmates housed in clean, dormitory-style cells. We toured the workshops where prisoners were employed at making various types of clothing; visited rooms that we were told were for conjugal visits; examined the health care facility and maternity ward where several new mothers were caring for their babies; and attended the polished musical review at which talented prisoners, led by one who was formerly a member of the Tropicana Revue

troupe, performed for an enthusiastic audience of inmates, guards and visitors. The warden’s familiarity and intimacy with the lives of many of the prisoners, the authority she commands and the almost childlike admiration and obedience she elicits suggested to us the possibility that there is substantial control of the prisoners’ lives. We did not find any specific evidence of abuse. However, in private conversations that members of the delegation had with several political prisoners, they displayed palpable anxiety and were reluctant to discuss seemingly innocuous details of prison life.

In sum, conditions in prisons have generally improved in the recent past, but substantial violations of human rights remain, particularly in Combinado del Este. The cells we saw in the rectangle of death violate the United Nations’ minimum standard rule requiring sufficient light to read, even when the outer doors are open. The punishment cells we saw certainly violate the rule forbidding placement in a dark cell as punishment. Beatings, while less frequent than in the past, appear to continue to be used as punishment, in violation of the prohibition on corporal punishment.

Darkened punishment cells throughout Combinado, and throughout the Cuban prison system, should be closed, or physically altered to permit adequate light to enter the cells. The rectangle of death should be closed and torn down.

No physical change can prevent guards from beating prisoners. The only mechanism to control that and other kinds of abuse of prisoners is a system that makes the guards accountable for their actions. Guards who violate prisoners’ rights should be prosecuted and imprisoned. And international humanitarian organizations with expertise in prison conditions, such as the International Committee of the Red Cross, should be permitted to visit Cuban prisons regularly and without forewarning. That kind of monitoring would create accountability and would hopefully lead to more humane conditions, on a consistent basis, in all of Cuba’s prisons.

III. Freedom of Expression and Association

A. The Legal and Social Framework

Article 19 of the Universal Declaration of Human Rights provides that “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas
through any media and regardless of frontiers." In addition, Article 20 provides that "[e]veryone has the right to freedom of peaceful assembly and association."  

The protections for freedom of expression and association found in Cuban law, however, are severely limited. The Cuban Constitution provides that citizens have freedom of speech and of the press only "in keeping with the objectives of socialist society." And individual rights in Cuba cannot "be exercised . . . contrary to the existence and objectives of the socialist state, or contrary to the decision of the Cuban people to build socialism and communism." 

A powerful mechanism for detecting dissenting speech is made evident by a walk around Havana. On virtually every block one house or apartment has a sign announcing the presence of the Committee for the Defense of the Revolution (CDR). While the CDRs have several tasks, they have been described as "essentially an instrument of control." Their primary function is to exercise revolutionary "vigilance" against the enemies of the regime. Between 1977 and 1981 the committees reportedly sent an average of 123 daily reports to the Ministry of the Interior, the agency which, among other functions, runs the prisons. Indeed, our visits to the homes of Cubans sometimes produced a face at the window of the nearest residence with the sign of the CDR in front of it.

A. The Government's Response to Critical Speech

1. "Enemy Propaganda"

As a practical matter, speech that is critical of the government appears to have virtually no legal protection at all. The members of the delegation spoke with Dr. Grillo and Dr. Diaz at the University of Havana Law School about the crime of "enemy propa-

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37. Similar language in Articles 13 and 16 of the American Convention on Human Rights also protects these rights.
41. Id.
42. Id.
ganda," which is punishable by one to eight years in prison. The offense consists of incitement "against social order, international solidarity or the socialist state, by means of oral, written or any other kind of propaganda," and prohibits "making, distributing or possessing propaganda of the kind mentioned in the previous paragraph." Those who make use of mass media for this purpose are penalized with a prison term of seven to fifteen years.\(^4\)

Dr. Grillo claimed that this statute does not prohibit expressions of opinion. A number of examples put to the professors, however, revealed that protected expressions of opinion, if they exist at all, comprise a very short list. A cartoon making fun of President Castro, for example, would be enemy propaganda, Dr. Grillo said, because it demeans the head of the Cuban revolution. And efforts to persuade others that Cuba should take its troops out of Angola would also be enemy propaganda, he said, because the speaker is probably inciting listeners to oppose Cuban foreign policy.

The lengths to which the Cuban government has been willing to go to suppress critical speech, and one of the legal tools used to control such speech, are illustrated by the case of Ariel Hidalgo, with whom we met, as noted above, at Combinado del Este prison. He told us that in 1980 the government began "purges" of those who wanted to leave the country. Hidalgo's opposition to this policy attracted the attention of agents of State Security, the Cuban political police, who began to scrutinize his students' notebooks for unorthodox teachings. He was followed, Mr. Hidalgo said, and on July 3, 1980 his home was searched and he was arrested. He was detained for three days in Villa Marista, a pretrial detention facility run by State Security, and threatened with prosecution.

Mr. Hidalgo then applied for permission to leave Cuba and lost his job. A year later, on August 19, 1981, Mr. Hidalgo's home was again searched and he was again arrested. He was tried and sentenced to eight years for "enemy propaganda." His crime, Mr. Hidalgo said, consisted of writing an analysis of Cuban society from a Marxist perspective. Four copies were made of the manuscript, which reportedly criticizes the Cuban government for creating a new ruling class instead of establishing a true egalitarian state. In our discussions with Cuban government officials, including the Minister of Justice, none of these facts concerning the basis for Mr. Hidalgo's imprisonment was disputed.

\(^4\) Cuban Penal Code of December 1987, Art. 103.
Following his second arrest, Mr. Hidalgo was taken to Villa Marista again, and then to a psychiatric hospital in Havana. He reported that he spent ten days in the psychiatric hospital, in a large room enclosed by metal bars with 80 to 100 severely disturbed and dangerous mental patients. It was impossible to sleep for any substantial period of time because of fear about what one of the patients might do. They might, for example, use one's bed as a toilet, or set one's socks on fire, Mr. Hidalgo said.

In November 1981 Mr. Hidalgo was brought to Combinado del Este prison and taken directly to the rectangle of death where he was confined for one year without ever leaving. For the second six months he slept on the floor because there was no bed or mattress. He has been returned to the rectangle of death since that time as punishment for hunger strikes, and also has been in that building's punishment cells. He, like the prisoner we saw, was left naked while in the punishment cells.

Mr. Hidalgo's treatment, while not as bad as that of some other prisoners (he was, for example, never physically beaten), indicates how harshly dissent is sometimes punished in Cuba, even dissent that never seems to have reached a large audience. Others whose non-violent speech reached similarly small audiences also have been prosecuted and imprisoned for "enemy propaganda." We were told, for example, that another prisoner received a five-year sentence in 1980, when he was 16 years old, for "enemy propaganda" after making posters at school bearing the words "Down With Fidel" and other similar slogans.

A statute that labels non-violent dissenting speech as "enemy propaganda" and prohibits and punishes such speech, violates the internationally recognized rights of freedom of speech and association. Sentencing persons convicted under the statute to one to eight years in prison violates other international human rights standards as well. Punishment that is grossly excessive in relation to the gravity of the offense violates the prohibition on cruel and inhuman punishment.44 Surely it is cruel and inhuman to impose severe sentences for acts which by international standards should not be punished at all.45

44. Universal Declaration of Human Rights, Art. 5.
45. See also Universal Declaration of Human Rights, Art. 9. "No one shall be subjected to arbitrary arrest, detention . . . ." The authoritative Restatement, Third, of the Foreign Relations Laws of the United States (1987), Sec. 702, declares that a state that practices "prolonged arbitrary detention" violates the customary international law of human rights,
2. Illegal Printing

Another mechanism used by the Cuban government to restrict free expression is the prohibition against "clandestine printing." The prohibition seems to be used to forbid publication of literature that, while not anti-government, is nonetheless officially disfavored.

The Cuban Constitution restricts unofficial printing by providing the right to a free press only so far as it is "in keeping with the objectives of socialist society." The "[m]aterial conditions for the exercise of that right" are provided by "the fact that the press, radio, television, movies and other organs of the mass media are state or social property and can never be private property." The Constitution notes that "[t]his assures their use at the exclusive service of the working people and in the interest of society." 46

To discourage attempts to circumvent this ban through clandestine publishing, Article 210 of the Penal Code decrees a prison term of from three months to one year (formerly three to nine months) for anyone who "produces, diffuses or directs the circulation of publications without indicating the press or the place of printing, or without following the rules established to identify an author or origin," or for anyone who "reproduces, stores or transports" such publications.

We learned of this prohibition being applied to curtail the possession of religious literature by Jehovah's Witnesses, a sect that has been the subject of considerable persecution because its members have refused to perform military service. Two members of a family we interviewed in Havana had been imprisoned for six and seven months respectively, for possessing single copies of unauthorized religious texts. In addition, several members of the family and others in their congregation had been repeatedly harassed by the police through a series of threats and searches.

3. Loss of Employment

Punishment less severe than imprisonment also appears to be

commonly used to stifle dissent. A recurring pattern described by the Cubans with whom we spoke was a loss of one's job as a consequence of criticism. Nicolas Guillen Landrian, who was a filmmaker, told members of the delegation that he was expelled from Cuba's Institute of Cinematography after making a movie in which Castro was shown climbing a mountain while the song "Fool on the Hill" played in the background. A journalist, who is now a member of the Cuban Committee for Human Rights, told us that he was fired from his job and permitted only to drive a truck. Enrique Hernandez Mendez lost his university teaching job after voicing dissent. He then became a park-keeper and subsequently lost that job as well. Since the State controls the economy, for those who lose their jobs because of official displeasure there is no alternative source of work.

C. Human Rights Monitors

The full range of government efforts to suppress speech has been employed against those Cubans who have publicly criticized Cuba for its abuse of human rights. Until last year, human rights monitoring was an extremely dangerous pursuit, typically resulting in imprisonment. In the past year, however, the government has permitted two small human rights groups to operate.

The story of the government's response to human rights activists is illustrated by the case of Ricardo Bofill Pages, a former professor at the University of Havana, who is the leader of one of Cuba's human rights groups. He is now, and has been for several years, the head of a group that calls itself the Cuban Committee for Human Rights (CCHR).

Mr. Bofill was first arrested in 1967 and served five years of a twelve-year sentence for his alleged involvement with a group of orthodox Marxists known as "La Microfraccion." Subsequently, he served another two years in prison, from 1980 to 1982, as a result of his efforts to emigrate. He was subjected to continued surveillance after his release. In April 1983 Mr. Bofill sought asylum in the French Embassy. He left the embassy after the French Ambassador was assured that Mr. Bofill would be permitted to leave Cuba without further delay. Permission to leave was denied and Mr. Bofill was arrested again, five months later, in September 1983, after meeting with French journalists. He served two years in prison, and the journalists were arrested, held for ten days, and
then expelled from Cuba.

In August 1986, Mr. Bofill again sought refuge in the French Embassy. In September, other members of the CCHR spoke to the press about human rights in Cuba. Once again, the reporters were expelled from the country and those who spoke with them were detained by the police. Mr. Bofill remained in the French Embassy until January 31, 1987, when he was permitted to return to his apartment. The members of the CCHR who had been arrested were released from detention.

In July 1987 Mr. Bofill and other CCHR members again met with the press, including reporters from the New York Times, Los Angeles Times and the Miami Herald. To the surprise of both the reporters and the Cubans with whom they spoke, no one was expelled or punished.47

Since that time, Bofill has spoken to the press on several occasions. We were present at a press conference in Havana called by the CCHR on February 13, 1988, which was held in a private home in conjunction with an art exhibit sponsored by the group. Bofill's message then, as on the other occasions when we spoke with him, was to ask the Cuban government to respect human rights. He introduced others who described their own or their relatives' harsh treatment by the authorities.

According to journalists and diplomats with whom we met, the art show itself was an unprecedented event in Castro's Cuba. A private art show sponsored by a group such as a committee for human rights simply was not conceivable even six months earlier. The show focused on the slaves who were brought to Cuba from Africa. An artist who spoke said that the theme of slavery was apt, because all works of art are enslaved in Cuba. Many of the exhibits

47. The CCHR has suffered damage internally since last summer. During the fall, personal and political differences led Mr. Bofill's former deputy, Elizardo Sanchez Santa Cruz, to set up his own human rights group, called the Cuban Commission for Human Rights and National Reconciliation. This discord is, perhaps, a sign of the enormous pressure under which all Cuban human rights activists function. The Commission is smaller, claiming several dozen members, compared with over 100 claimed by the CCHR. The Commission also prefers, unlike the CCHR, to redress complaints of human rights abuses by privately bringing them to the attention of government officials. The Commission is substantially more confrontational. It criticizes the government frequently and, so far as we are aware, has no private contacts with government officials. The government's response to the CCHR has been substantially harsher than its response to the Commission. Neither group, however, has ever received replies to their requests for recognition as legally constituted organizations.
were accompanied by brief biographies of their creators, which often recounted loss of status, or liberty, as a result of artistic expression critical of the government.

While the exhibit did not result in any arrests of which we are aware, tolerance of it was far from complete. Mr. Bofill announced that many members of the press and diplomatic corps who had been invited to the exhibit received phone calls shortly before the exhibit’s scheduled starting time from unidentified people who said that the exhibit had been canceled. A member of the U.S. Interest Section in Havana told us that he received such a call.

The most astonishing response to the CCHR, however, was not the government’s apparent willingness to allow the group to speak to reporters or to hold an art exhibit, but its response, in the press, to some of the group’s charges. On February 14, 1988, the English language weekly version of *Granma*, the Cuban Communist Party newspaper, included an article entitled “Cuba Refutes Reports on Alleged Human Rights Violations.” The article described a press conference in which an official of the Foreign Ministry responded to charges made by the CCHR with respect to specific individuals. Less significant than the dispute between the CCHR and the government about these individuals is the fact that the government has chosen to respond to the CCHR through the press, rather than by imprisoning its members. This, obviously, is an encouraging change.

It would be more encouraging, however, were it clear that the Cuban government will continue to respond to criticism with words, rather than threats and harassment. The *Granma* article responding to the CCHR charges ends with the vaguely threatening assertion that the government’s data “shows that the members of this organization are slanderers with obvious intentions.” And we have received reports from Havana that, when the art exhibit was displayed again a few days after we had attended, a crowd of angry neighbors assembled outside the house, ostensibly spontaneously, to verbally assault those attending the exhibit. In mid-March the government launched a media campaign against Bofill, including several hostile articles in *Granma*, cartoons in a humor magazine ridiculing Bofill, and a three-part television series all apparently meant to discredit him and other members of the CCHR. The law school professors with whom we spoke about Bofill said that his criticism, in their minds, constitutes a crime. He is not being prosecuted, they indicated, only because the revolution is
strong enough now, and can afford to permit dissent. Juan Escalona, Cuba's Minister of Justice, expressed the same view.

In sum, freedom of expression and association have been virtually absent from Cuba until quite recently. The law provides no real protection; rather, it affords ample means for stifling dissent. And the presence of CDRs on each block ensures that few dissenting voices will go unnoticed.

The government's recent increased tolerance toward at least some dissent is welcome, but we came away with no sense that this change is secure. The establishment of institutions that help ensure protection for dissent, such as an opposition press, obviously would enhance the security of human rights monitors in Cuba. Until such institutions are created, and until the law protects critical speech, freedom of speech and association will be subject to the whim of the executive and will not, therefore, exist in any real sense at all.

IV. The Right to Leave the Country and Return

Article 13 of the Universal Declaration of Human Rights provides that "[e]veryone has the right to leave any country, including his own, and to return to his country."48

No such protection exists in Cuban law. Rather, Article 216 of the Cuban Penal Code makes it a crime, punishable by one to three years in prison, to leave the country, or to carry out acts with the intention of leaving "without complying with the legal formalities." In addition, if the person trying to leave uses violence or intimidation against persons, or force against things, the penalty is three to eight years in prison.

While nominally a procedural requirement, Article 216 serves as an absolute bar to emigration when applications are not processed. Many of those who have been critical of the government have difficulty in getting a prompt response to their applications to emigrate, or are denied permission to leave. The application often is made after the loss of a job, so there is a powerful economic impetus to leave the country. Despairing of the "legal formalities," they then try to leave the country clandestinely, or try to enter a foreign embassy and seek safe conduct out of the country. When

48. Similar language protects these rights in Article 12 of the International Covenant on Civil and Political Rights and Article 22 of the American Convention on Human Rights.
these efforts fail, imprisonment almost always seem to follow. And Cubans in good standing, who are not openly critical of the government, are inhibited from formally applying to emigrate since expressing the desire to leave can be seen as a sign of disaffection, which can lead to the loss of a job or other forms of retaliation.

The case of Enrique Hernandez Mendez, whom we met in Havana, provides a telling example of this pattern. A member of Cuba's Socialist Youth during the 1950s, Mr. Hernandez was on Cuba's diplomatic delegation to the People's Republic of China, and was Charge d'Affaires in the Cuban Embassy in Pakistan during the early 1960s. He also worked for Cuba's Ministry of Foreign Trade and Ministry of the Interior, and then became a university professor, teaching statistical economics. Mr. Hernandez said he was ousted from the university in 1980, after expressing his view that Cuba and its Communist Party needed to become more democratic. Shortly thereafter, Mr. Hernandez said, he went to the Peruvian Embassy and obtained a pass guaranteeing safe conduct out of Cuba. A few weeks later he and his wife were summoned to the airport twice, on two successive days, and passed through emigration, where the safe conduct pass and other papers, such as passports and identification cards, were taken from them. The plane, however, never arrived.

A few days later the water supply and electricity to his home were cut, and its windows were broken. He and his wife were also threatened. They fled to his father-in-law's home, where they received a call from the CDR member on their block telling them not to return because they would be killed by the authorities. Someone he thought was a friend then encouraged him to leave the country by boat. But it was a set-up and shortly after he and his wife arrived at the beach, soldiers appeared and arrested them. They both served two-year sentences for attempting to leave the country illegally.

After being released from prison in 1982 Mr. Hernandez worked as a park-keeper. In August 1985 he applied for a visa from the French government and received it. A passport was issued on December 4, 1985 and he was dismissed from his job in anticipation of his departure from the country. Two weeks later, however, the passport was taken back and he was told he could not leave the country. Since then he has been without a job. His efforts to leave the country were unsuccessful until June 3 of this year, when he
arrived in Miami, more than eight years after first having been given permission to leave.

Other attempts to leave Cuba by entering a foreign embassy have led to even harsher punishment than that given Mr. Hernandez. We were told that in 1981, 14 people entered the Ecuadorian Embassy in an effort to leave Cuba. The Ecuadorian Ambassador’s request for food for the Cubans was refused. After seven days, while the Ambassador was away for the weekend, and despite his assurances of “safe conduct” upon his return, the police fired tear gas into the building and removed the Cubans. Eight of the 14 are still in prison, serving sentences ranging from 15 to 30 years. Another who tried to enter the embassy but did not succeed received an eight-year sentence. Apart from constituting restraint on the right to emigrate and seek asylum, the severity of these sentences also violates the international standards prohibiting cruel and unusual punishment.

These experiences, and those of many other Cubans with whom we spoke whose efforts to emigrate were unsuccessful, make it clear that there is no right to emigrate from Cuba. The nominally procedural requirements in the law are used to bar the departure of those who have fallen into disfavor. Cubans are permitted to leave only when the government decides, for its own reasons, to allow them to do so. In order to conform to international standards, the right to emigrate, and to return, should become part of Cuban law.

V. The State Department Annual Country Report

As is evident from the above discussion, there are substantial, ongoing abuses of human rights in Cuba. Many of these are described in the report of the Department of State on the status of human rights in Cuba during 1987. That report, however, also alleges that there are “secret executions,” “systematic torture” and “disappearances” in Cuba. We found no evidence of any of these practices.

None of the dozens of Cubans with whom we spoke described

50. Some are serving up to 45-year sentences for committing infractions of prison discipline.
51. See note 42 supra.
executions carried out in secret in 1987. Similarly, no one spoke of systematic torture; in particular, no one spoke of torturing prisoners by placing them in "drawers" in freezing cells or simulating executions during this period, as the State Department reports. While conditions in Cuba's prisons certainly violate international standards in significant respects, and some prisoners have been beaten, no prisoner, and no member of a prisoner's family, complained of the techniques of torture described by the State Department as having occurred during 1987.

Finally, no one spoke of "disappearances" in Cuba. While some Cubans may have lost their lives while trying to cross to Florida in small boats or on homemade rafts, to cite this loss of life, as the State Department does, as an example of "disappearances" is misleading. It has little in common with the governmental practice in many other Latin American countries of removing citizens from the streets or their homes and imprisoning, torturing and killing them without ever informing their families of their fate.

The State Department's country report, by making these allegations, deflects the discussion of human rights in Cuba from its proper focus — the serious abuses that have taken place during the past year.

Conclusion

Cuba continues to violate the international human rights standards in those areas that we investigated. Violations of particular concern to us as representatives of an association of lawyers include the suppression of freedom of speech, association and movement; heavy prison sentences for the exercise of those freedoms; harsh prison conditions for prisoners who refuse to be re-educated or who resist prison discipline; and the inhibition of lawyers from pursuing vigorous defenses of those charged with political offenses.

By contrast we welcome some positive developments. In recent months the Cuban government has become more tolerant of internal human rights monitoring groups. It has admitted foreign groups concerned with human rights and given them access to the prisons and the prisoners. And it has released a number of political prisoners. We hope that these steps are but the first on the way to rectifying those human rights abuses that remain. To that end we urge the Cuban government to:

* release unconditionally the remaining political prisoners who
are imprisoned for having written or spoken against the government or for having attempted to leave the country, as well as those, such as the *plantados*, who have served lengthy prison terms after trials that lacked any semblance of due process;

* guarantee the rights of free speech, press, association and assembly, and take the necessary legislative and other steps to ensure that no one else is imprisoned or punished for the peaceful exercise of these rights;

* respect the right of all Cubans to travel abroad, to emigrate freely, to seek asylum, and to come and go as they wish;

* close the “rectangle of death” in Combinado del Este prison, as well as similar punishment and segregation cells in Combinado and other facilities, in which prisoners are denied adequate light, fresh air, space, exercise, food and visits;

* aggressively investigate any instance in which a guard or other security or police official beats a prisoner, and prosecute those responsible for such beatings;

* ensure that no political criteria are applied in assessing the eligibility of attorneys to practice law, and that other criteria are not applied in a politically discriminatory manner;

* affirm that attorneys have the duty to defend their clients vigorously regardless of the client’s political persuasion;

* respect the right of local human rights groups, such as the Cuban Committee for Human Rights and the Cuban Commission for Human Rights and National Reconciliation, to investigate human rights practices and to publish their findings, and take steps to ensure that the members of these groups are not harassed or punished; and

* continue to permit international human rights and humanitarian organizations to visit Cuba and to have access to prisons and detention facilities, and the relevant records.

*July, 1988*
APPENDIX A

List of prisoners whose recent release has come to our attention.*

<table>
<thead>
<tr>
<th>Name</th>
<th>Year imprisoned</th>
<th>Crime charged where known</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alvarado Delgado, Jose Luis</td>
<td>1982</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Arcos Bergnes, Gustavo</td>
<td>1981</td>
<td>attempt to leave the country illegally</td>
</tr>
<tr>
<td>Betancourt Ramos, Pablo A.</td>
<td>1980</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Blanco Pena, Leonel</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
</tr>
<tr>
<td>Carillo Santana, Marcos</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Crespo Govea, Eduardo</td>
<td>1984</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Delgado Fernandez, Domingo J.</td>
<td>1981</td>
<td>attempting to act as attorney for those accused of seeking political asylum in the Embassy of Ecuador</td>
</tr>
<tr>
<td>Diaz Millo, Placido</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Escalada Montalvo, Guillermo</td>
<td>1961</td>
<td>plantado</td>
</tr>
<tr>
<td>Fernandez Guerra, Isnaldo</td>
<td>1965</td>
<td>plantado</td>
</tr>
<tr>
<td>Fibla Gonzalez, Alberto</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Garay Sendin, Eugenio</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Gonzalez Alvarado, Teodoro</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Gonzalez Martinez, Victor</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Hernandez Ramirez, J. Evelio</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Marquez Trillo, Manuel</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Mendoza Rojas, Miguel</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Nunez Acebo, Luis Antonio</td>
<td>1986</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Ortiz Gonzalez, Armando</td>
<td>1982</td>
<td>attempt to leave the country illegally</td>
</tr>
<tr>
<td>Pena Estrabao, Gregorio</td>
<td>1982</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Perdomo Diaz, Roberto</td>
<td>1960</td>
<td>plantado</td>
</tr>
<tr>
<td>Perez Benitez, Gregorio U.</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Perez Rodriguez, Reinaldo</td>
<td>1965</td>
<td>plantado</td>
</tr>
<tr>
<td>Pina Proto, Felix R.</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Piquero Delgado, Julio A.</td>
<td>1987</td>
<td>enemy propaganda</td>
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<tr>
<td>Prieto Castillo, Pablo</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Ramirez Hernandez, Juan L.</td>
<td>1987</td>
<td>enemy propaganda</td>
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<tr>
<td>Rivera Milian, Agapito</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Rodriguez Barrios, Elio</td>
<td>1962</td>
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* As of July 24, 1988, the date this report was released.
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<thead>
<tr>
<th>Name</th>
<th>Year</th>
<th>Status</th>
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<td>Salabarría Valdés, Juan</td>
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<td>San Roman Novo, Ramón</td>
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<td>plantado</td>
</tr>
<tr>
<td>Silva Gil, Eugenio</td>
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<td>plantado</td>
</tr>
<tr>
<td>Solares Teseiro, Andrés</td>
<td>1981</td>
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<tr>
<td>Soto Guevara, Juan</td>
<td>1968</td>
<td>plantado</td>
</tr>
<tr>
<td>Suárez Cruz, Raúl</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Suárez Fernández, Antonio</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Valdés Conde, José Alberto</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Valdés Terán, Juan</td>
<td>1963</td>
<td>plantado</td>
</tr>
<tr>
<td>Vasquez Roble, Félix R.</td>
<td>1960</td>
<td>plantado</td>
</tr>
<tr>
<td>Viera Izquierdo, Julio</td>
<td>1963</td>
<td>plantado</td>
</tr>
</tbody>
</table>
**APPENDIX B**

List of prisoners believed still incarcerated whose cases have come to our attention.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Year imprisoned</th>
<th>Crime charged where known</th>
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<tbody>
<tr>
<td>Alonso Bretana, Lucio Lino</td>
<td>1985</td>
<td>enemy propaganda</td>
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<tr>
<td>Alvarez Cardentey, Miguel A.</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Alzamora Alvarez, Rafael</td>
<td>1964</td>
<td>plantado</td>
</tr>
<tr>
<td>Arguelles Garrido, Angel L.</td>
<td>1965</td>
<td>plantado</td>
</tr>
<tr>
<td>Arroyo Morgado, Armando</td>
<td>1961</td>
<td>plantado</td>
</tr>
<tr>
<td>Balanza, Mercedes Benita</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
</tr>
<tr>
<td>Benitez Ferrer, Francisco</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Benitez Gonzalez, Felipe</td>
<td>1968</td>
<td>plantado</td>
</tr>
<tr>
<td>Cabrera Adorna, Carlos</td>
<td>1976</td>
<td>plantado</td>
</tr>
<tr>
<td>Cabrera Osorio, Radames</td>
<td>1976</td>
<td>plantado</td>
</tr>
<tr>
<td>Camejo Loaces, Rolando F.</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
</tr>
<tr>
<td>Castillo Perez, Juan</td>
<td>1983</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Chanes de Armas, Mario</td>
<td>1961</td>
<td>plantado*</td>
</tr>
<tr>
<td>Chiong Perez, Jose M.</td>
<td>1961</td>
<td>plantado</td>
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<tr>
<td>Cuesta Valle, Ignacio</td>
<td>1959</td>
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<tr>
<td>Delgado Fernandez, Pascual O.</td>
<td>1981</td>
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<tr>
<td>Delgado Fernandez, Romulo J.</td>
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<td>seeking political asylum in the Embassy of Ecuador</td>
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<tr>
<td>Diaz Rodriguez, Ernesto</td>
<td>1969</td>
<td>plantado*</td>
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<tr>
<td>Diaz Tejeda, Raul</td>
<td>1987</td>
<td>enemy propaganda</td>
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<tr>
<td>Diaz Trujillo, Ricardo B.</td>
<td>1983</td>
<td>former diplomat charged with treason for attempting to defect</td>
</tr>
</tbody>
</table>

* Cases of special concern because their names have not been included on Cuban government lists of prisoners who are scheduled for early release.

** As of July 24, 1988, the date this report was released.
<table>
<thead>
<tr>
<th>Name</th>
<th>Year</th>
<th>Charges</th>
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<tbody>
<tr>
<td>Falcon Rodriguez, Pablo</td>
<td>1963</td>
<td>charged with espionage for submitting a statement to the Embassy of Venezuela regarding human rights violations</td>
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<tr>
<td>Fe Mirabal, Emiliano de la Fernandez Gonzalez, Jacinto</td>
<td>1981</td>
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<tr>
<td>Figueroa Galvez, Osvaldo</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Figueroa Galvez, Reinaldo</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Gala Mederos, Anselmo</td>
<td>1963</td>
<td>plantado</td>
</tr>
<tr>
<td>Garcia Arrieta, Isidoro</td>
<td>1963</td>
<td>plantado</td>
</tr>
<tr>
<td>Garcia Palomino, Enrique</td>
<td>1965</td>
<td>plantado</td>
</tr>
<tr>
<td>Garcia Plasencia, Orlando</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Gil Mieres, Roberto</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Gonzalez Alonso, Segundo</td>
<td>1983</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Gonzalez Migollo, Vicente</td>
<td>1967</td>
<td>plantado</td>
</tr>
<tr>
<td>Grau Sierra, Alberto</td>
<td>1964</td>
<td>plantado*</td>
</tr>
<tr>
<td>Hernandez Camejo, Nemesio</td>
<td>1974</td>
<td>plantado</td>
</tr>
<tr>
<td>Hernandez Hernandez, Celestino</td>
<td>1963</td>
<td>plantado</td>
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<tr>
<td>Hernandez Paez, Ramon</td>
<td>1987</td>
<td>enemy propaganda</td>
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<tr>
<td>Enrique</td>
<td>1981</td>
<td>enemy propaganda</td>
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<tr>
<td>Hidalgo Guillen, Ariel</td>
<td>1981</td>
<td>attempt to leave the country illegally</td>
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<tr>
<td>Izaguirre Aceituno, Alejandro</td>
<td>1981</td>
<td></td>
</tr>
<tr>
<td>Jane Padron, Alberto</td>
<td>1966</td>
<td>plantado</td>
</tr>
<tr>
<td>Lanza Lopez, Rafael</td>
<td>1982</td>
<td>enemy propaganda</td>
</tr>
<tr>
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<td>1959</td>
<td>plantado*</td>
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<td>Mariscal Legorburu, Carlos F.</td>
<td>1960</td>
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<tr>
<td>Marquez Rodriguez, Carlos M.</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
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<tr>
<td>Marrero Gonzalez, Francisco</td>
<td>1985</td>
<td>enemy propaganda and attempt to leave the country illegally</td>
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<td>Montenegro Sanchez, Roberto</td>
<td>1963</td>
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<tr>
<td>Moreno Balanza, Gilberto M.</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
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<tr>
<td>Name</td>
<td>Year</td>
<td>Description</td>
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<td>Moreno Balanza, Lazaro Omar</td>
<td>1981</td>
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<tr>
<td>Moreno Balanza, Maria Elena</td>
<td>1981</td>
<td>seeking political asylum in the Embassy of Ecuador</td>
</tr>
<tr>
<td>Morina, Jose Antonio</td>
<td>1980</td>
<td>attempt to leave the country illegally</td>
</tr>
<tr>
<td>Morina, Juan</td>
<td>1980</td>
<td>attempt to leave the country illegally</td>
</tr>
<tr>
<td>Mustelier Nuevo, Alfredo</td>
<td>1969</td>
<td>plantado*</td>
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<tr>
<td>Oviedo Alvarez, Eleno</td>
<td>1963</td>
<td>plantado</td>
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<tr>
<td>Pardo Mazorra, Angel E.</td>
<td>1964</td>
<td>plantado</td>
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<tr>
<td>Penalver Mazorra, Eusebio</td>
<td>1960</td>
<td>plantado</td>
</tr>
<tr>
<td>Perez Hernandez, Onofre</td>
<td>1960</td>
<td>plantado</td>
</tr>
<tr>
<td>Piloto Montano, Obel</td>
<td>1987</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Pujals Mederos, Jose L.</td>
<td>1962</td>
<td>plantado*</td>
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<tr>
<td>Quintana Perez, Luis B.</td>
<td>1962</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Rivas Porta, Guillermo</td>
<td>1967</td>
<td>plantado</td>
</tr>
<tr>
<td>Rodriguez Fernandez, Amado</td>
<td>1984</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Rodriguez Fernandez, Felix</td>
<td>1974</td>
<td>plantado</td>
</tr>
<tr>
<td>Rodriguez Rodriguez, Luis</td>
<td>1962</td>
<td>plantado</td>
</tr>
<tr>
<td>Ruidiaz Marichal, Nestor</td>
<td>1960</td>
<td>plantado</td>
</tr>
<tr>
<td>Ruiz Cabrera, Enrique</td>
<td>1981</td>
<td>enemy propaganda and attempt to leave the country illegally</td>
</tr>
<tr>
<td>Ruiz Pitaluga, Julio</td>
<td>1965</td>
<td>plantado</td>
</tr>
<tr>
<td>Salazar Lopez, Vicente</td>
<td>1967</td>
<td>plantado</td>
</tr>
<tr>
<td>Sol Diaz, Juan G. del</td>
<td>1961</td>
<td>plantado</td>
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<tr>
<td>Torres Socorro, Rafael</td>
<td>1984</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Uria Ramos, Martin</td>
<td>1959</td>
<td>plantado*</td>
</tr>
<tr>
<td>Valdes Cancio, Ricardo</td>
<td>1959</td>
<td>plantado</td>
</tr>
<tr>
<td>Vento Roberes, Julio</td>
<td>1982</td>
<td>enemy propaganda</td>
</tr>
<tr>
<td>Villalon Moreira, Fernando</td>
<td>1986</td>
<td>disrespect*</td>
</tr>
<tr>
<td>Zuniga Rey, Luis M.</td>
<td>1970</td>
<td>plantado</td>
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</table>
EDITORS' NOTE

"Legal Memoranda" is a regular section of the Review devoted to reports from corresponding law firms throughout the hemisphere. The reports are compiled, by the Review, but their accuracy is represented by the corresponding law firms, to which all inquiries should be directed.

We appreciate the contributions of our corresponding law firms, and invite other law firms interested in participating in this section to contact us.