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# amnesty international

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## CUBA

# Newly declared prisoners of conscience

SC/CC/CO/GR

AI Index: AMR 25/002/2004

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In June 2003 Amnesty International declared 75 new prisoners of conscience after they were detained in a massive government crackdown on dissent which began on 18 March 2003. Most of the detainees were subjected to hasty and unfair trials, and, just weeks after their arrest, were given long prison terms of up to 28 years. Having reviewed the trial verdicts and other documents of most of the 75 dissidents sentenced, Amnesty International declared that they were prisoners of conscience, imprisoned solely for the peaceful exercise of fundamental freedoms. Amnesty International's detailed report on the crackdown also mentioned eight other possible prisoners of conscience, **Rafael Ernesto Avila Pérez, Javier García Pérez, Félix Jaime González Martínez, Rolando Jimenez Posada, Rafael Millet Leyva, Miguel Sigler Amaya, Pablo Solís Cubilla and Orlando Zapata Tamayo**<sup>1</sup>. The organization has been following these cases closely and has now declared four of them to be prisoners of conscience (**Rolando Jimenez Posada, Rafael Millet Leyva, Miguel Sigler Amaya and Orlando Zapata Tamayo**). The other four were reportedly released (**Rafael Ernesto Avila Pérez, Javier García Pérez, Félix Jaime González Martínez and Pablo Solís Cubilla**).

Details of the four new prisoners of conscience are as follows:

**Rolando Jiménez Posada**

Date of arrest: 25 April 2003

Charges/Sentence: No formal charges yet.

Rolando Jiménez Posada, aged 33, is a lawyer and Director of the *Centro Democrático Pínero de Derechos Humanos*, Pinos Democratic Human Rights Centre, in Isla de Pinos, which was created in July 2002. In January 2002 he was dismissed from his job as legal adviser of a veterinary medicine company, reportedly due to his problems with state security.

He has been detained and threatened numerous times over the past few years. For example, according to reports, on 10 December 2001, while taking part in a peaceful celebration to commemorate the anniversary of the Universal Declaration of Human Rights, he and several others were reportedly beaten and pushed into police vehicles and then dumped in remote areas of Isla de la Juventud. On 12 June 2002, after taking part in a peaceful march calling for

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<sup>1</sup> See Cuba: "Essential Measures"? Human rights crackdown in the name of security (AI Index: AMR 25/017/2003), page 85.

the release of political prisoners, he was temporarily detained and threatened with imprisonment if he continued carrying out opposition activities. On 31 July 2002 he was said to have been threatened at his home in Nueva Gerona, capital of Isla de la Juventud, after handing out copies of the Universal Declaration of Human Rights. On 25 August 2002 he was again reportedly threatened at his home by State Security who told him that he would be imprisoned if he continued carrying out public activities in support of political prisoners.

Most recently, he was detained on 25 April 2003 when his home was searched by the Department of State Security and police officers. They reportedly confiscated printed materials, including a book containing addresses of anti-Castro exile groups. He was initially said to be held at the Ministry of the Interior headquarters in Nueva Gerona. An official there reportedly told his wife and mother of their four year old son that if she abandoned her husband, she would get economic help and a good job.

In June 2003 it was reported that Rolando Jiménez would be tried along with Rafael Millet Leyva at a court in Isla de la Juventud, charged with “*propaganda enemiga*”, “enemy propaganda”, “*desacato*”, “disrespect” and “*espionaje*”, “espionage”, allegedly for writing anti-government slogans on public buildings. However, as yet no formal charges have been made or a trial taken place.

He is currently imprisoned in Guayabo Prison, Isla de la Juventud.

### **Rafael Millet Leyva**

Date of arrest: 21 March 2003

Charges/Sentence: No formal charges yet.

Rafael Millet Leyva, aged 33, is President of the *Movimiento de Resistencia Cívica "Martin Luther King"*, “Martin Luther King” Civic Resistance Movement in Isla de los Pinos.

He has been detained several times in the past. For example, on 10 December 2001 he, like Rolando Jiménez Posada, was reportedly pushed into a police vehicle and beaten and dumped in a remote area, after attempting to participate in an event celebrating the Universal Declaration of Human Rights; in June 2002 he was temporarily detained.

Most recently he was arrested on 21 March 2003 when his home was searched and books and documents, including the Universal Declaration of Human Rights, were confiscated by officials of the Department of State Security and police. He was said to be charged with “*propaganda enemiga*” and “*desacato*”, for writing anti-government slogans on public buildings in Nueva Gerona, along with Rolando Jiménez Posada. However, as yet no formal charges have been made.

Rafael Millet is currently imprisoned in Guayabo Prison, Isla de la Juventud. He was due to be tried in December 2003 but as far as Amnesty International is aware, no trial has yet taken place.

### **Miguel Sigler Amaya**

Date of arrest: 18 March 2003

Charges/Sentence: 26 months’ imprisonment for “*desobediencia*”, “disobedience” and “*resistencia*”, “resistance”.

Miguel Sigler Amaya is Director of the *Movimiento Independiente Opción Alternativa*, Alternative Option Independent Movement, in Pedro Betancourt, Matanzas province. He has been detained many times in the past. For example, in October 2001 he wrote an article for the press stating that he had been arrested and threatened on numerous occasions and his home had been attacked. In December 2001 he also was arrested and dumped, in a remote area in Villa Clara, after trying to celebrate the Universal Declaration of Human Rights. In January 2002 he and his brothers (Guido and Ariel Sigler Amaya) were arrested, reportedly to prevent them from putting flowers in a central Havana park. In July 2002 Miguel Sigler and his two brothers were arrested when they attempted to carry out a remembrance for the victims of the 13 March Tugboat disaster. In August 2002 he and his brothers were temporarily detained.

Most recently, he was arrested on 18 March 2003. On 26 March 2003 he was sentenced to six months' imprisonment for "*desobediencia*" at the *Tribunal de Jovellanos*, Matanzas province. In April he was tried at the *Tribunal Popular Municipal* in Pedro Betancourt, Matanzas province, and sentenced to 20 months' imprisonment for "*desobediencia*" and "*resistencia*", which he is said to have committed at the time of his arrest. He is also said to be awaiting a third trial in which the prosecutor is asking for 15-25 years' imprisonment although it is not known what the charges are. He is reportedly being held in Agüica Prison, in the province of Matanzas, where he is said to be constantly threatened by the prison authorities and harassed by common prisoners. He is reported to be suffering from a respiratory infection and diabetes.

His two brothers, Guido and Ariel are also prisoners of conscience, sentenced to 20 years' imprisonment, following their detention on 18 March 2003.<sup>2</sup>

### **Orlando Zapata Tamayo**

Date of arrest: 20 March 2003

Sentence: No trial yet, but charged with "*desacato*", "*desordenes publicos*", "public disorder", and "*desobediencia*".

Orlando Zapata Tamayo is a member of the *Movimiento Alternativa Republicana*, Alternative Republican Movement, and a member of the *Consejo Nacional de Resistencia Cívica*, National Civic Resistance Committee.

He has been arrested several times in the past. For example he was temporarily detained on 3 July 2002 and 28 October 2002. In November 2002 after taking part in a workshop on human rights in the central Havana park, José Martí, he and eight other government opponents were reportedly arrested and later released. He was also arrested on 6 December 2002 along with Oscar Elías Biscet<sup>3</sup>, but was released on 8 March 2003.

Most recently, he was arrested on the morning of 20 March 2003 whilst taking part in a hunger strike at the *Fundación Jesús Yáñez Pelletier*, Jesús Yáñez Pelletier Foundation, in Havana, to demand the release of Oscar Biscet and other political prisoners. He was reportedly taken to the Villa Marista State Security Headquarters. He has not been tried yet, but the prosecutor is reportedly asking for three years' imprisonment for "*desacato*", "*desordenes publicos*", "public disorder", and "*desobediencia*".

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<sup>2</sup> See *Cuba: "Essential Measures"? Human rights crackdown in the name of security* (AI Index: AMR 25/017/2003), page 81.

<sup>3</sup> See *Cuba: Continued detentions following mass arrests in February and December 2002* (AI Index: AMR 25/001/2003).

He has reportedly been moved around several prisons, including Quivicán Prison, Guanajay Prison, and most recently, Combinado del Este Prison in Havana. According to reports, on 20 October 2003 he was dragged along the floor of Combinado del Este Prison by prison officials after requesting medical attention, leaving his back full of lacerations.

### **Recommendations**

Amnesty International once again urges the Cuban authorities

- to immediately and unconditionally release all prisoners of conscience, imprisoned solely for having peacefully exercised their rights to freedom of expression, association and assembly.
- to ensure that, pending their release, the four prisoners of conscience, **Rolando Jimenez Posada, Rafael Millet Leyva, Miguel Sigler Amaya and Orlando Zapata Tamayo**, arrested in March/April 2003 have access to appropriate medical care and that their conditions of detention meet international standards.
- to put an immediate end to all forms of harassment and intimidation directed against dissidents who are solely attempting to legitimately exercise fundamental human rights.

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM**