

**OPINION No. 9/2003 (CUBA)**

Communication addressed to the Government on 8 April 2003.

Concerning: Nelson Aguiar Ramírez and 78 others.

**The State is not a party to the International Covenant on Civil and Political Rights**

1. (Same text as paragraph 1 of opinion No. 15/2002.)
2. The Working Group conveys its appreciation to the Government for having provided the requested information in good time.
3. (Same text as paragraph 3 of opinion No. 15/2002.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source, which formulated its comments and observations thereon. The Working Group is now in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. The communication, a summary of which was sent to the Government, refers to the cases of:
  - (a) Nelson Aguiar Ramírez, a member of the Assembly for the Promotion of Civil Society, city of Havana, arrested at 6 a.m. on Thursday, 20 March 2003;
  - (b) Osvaldo Alfonso, president of the Liberal Democratic Party, a member of the rapporteur committee of All United, and of the Varela Project Citizens Committee, arrested on Tuesday, 18 March 2003. On 7 April 2003 he was reportedly sentenced to 18 years' imprisonment;
  - (c) Pedro Pablo Álvarez Ramos, general secretary of the Unified Council of Cuban Workers (CUTC). His home was entered and searched. Books from the Emilio Máspero trade union library were seized. Charges are reported to have been formulated under articles 9.1, 6.1 and 6.3 of Act No. 88 on the Protection of the National Independence and Economy of Cuba;
  - (d) Pedro Argüelles Morán, director of the Ciego de Ávila Cooperative of Independent Journalists press agency;
  - (e) Víctor Rolando Arroyo, a journalist in the Union of Independent Cuban Journalists and Writers (UPECI), and an activist in the Reform Forum in Pinar del Río. Member of the rapporteur committee of All United;
  - (f) Mijail Bárzaga Lugo, a member of the 30 November Movement, arrested on Thursday, 20 March;
  - (g) Alfredo Domínguez Batista, a member of the Varela Project Citizens Committee in Puerto Padre;

- (h) Margarito Broche, a member of the Association for Peace, Democracy and Freedom, in Caibarién, Villa Clara, arrested on Tuesday, 18 March;
- (i) Marcelo Cano Rodríguez, an activist with the Cuban Human Rights and National Reconciliation Commission, Havana. On 7 April 2003 he was reportedly sentenced to 18 years' imprisonment;
- (j) Carmelo Díaz Fernández, a member of CUTC;
- (k) Eduardo Díaz Fleites, a dissident in Pinar del Río, arrested on Tuesday, 18 March;
- (l) Antonio Díaz Sánchez, a member of the executive of the Christian Liberation Movement, city of Havana;
- (m) Alfredo Domínguez Batista, a member of the Christian Liberation Movement in Las Tunas, arrested on Wednesday, 19 March;
- (n) Mario Enríquez Mayo, a journalist in Camagüey, with the independent Félix Varela press agency, arrested on Wednesday, 19 March;
- (o) Oscar Espinosa Chepe, an independent journalist in the city of Havana, arrested on Wednesday, 19 March. He was reportedly charged under articles 7 and 11 of Act No. 88, and on 7 April 2003 sentenced to 20 years' imprisonment;
- (p) Alfredo Felipe Fuentes, a member of the Varela Project Citizens Committee in Artemisa;
- (q) Efrén Fernández Fernández, a member of the national executive of the Christian Liberation Movement, arrested on Tuesday, 18 March;
- (r) Adolfo Fernández Saíenz, an independent journalist and member of the Democratic Solidarity Party;
- (s) José Daniel Ferrer Castillo, a member of the national executive of the Christian Liberation Movement, Santiago de Cuba, arrested on Wednesday, 19 March. He has reportedly been charged under articles 4.1 and 6.1 of Act No. 88;
- (t) Luis Enrique Ferrer García, Varela Project coordinator in Las Tunas, arrested on Wednesday, 19 March;
- (u) Orlando Fundora Álvarez, a member of the Pedro Luis Boitel Association, city of Havana, arrested on Tuesday, 18 March;
- (v) José Ramón Gabriel Castillo, a member of the Independent Institute for Culture and Democracy and an independent journalist in Holguín, arrested on Wednesday, 19 March;
- (w) Próspero Gaínza Agüero, a member of the National Civic Resistance Movement, Holguín, arrested on Wednesday, 19 March;

- (x) Miguel Galván Gutiérrez, a journalist with the independent press agency Havana Press in Güines, province of Havana;
- (y) Julio César Gálvez, an independent journalist in Havana;
- (z) Edel José García Díaz, an independent journalist with the Norte Central Press, who reportedly took part in the recent national workshop on ethics;
- (aa) José Luis García Paneque, director of the Libertad independent press agency in the province of Las Tunas, all of whose communication equipment and some medical equipment was reportedly confiscated;
- (bb) Ricardo González Alfonso, president of the Manuel Márquez Esterling Society of Journalists, and editor of *De Cuba* magazine in Havana;
- (cc) Diosdado González Marrero, a political activist in Matanzas;
- (dd) Léster González Pentón, an independent journalist in Villa Clara, arrested on Tuesday, 18 March;
- (ee) Alejandro González Raga, an independent journalist in Camagüey, member of the Christian Liberation Movement, arrested on Tuesday, 18 March;
- (ff) Jorge Luis González Tanquero, a member of the Carlos Manuel de Céspedes Independence Movement, in Amancio, Las Tunas, arrested on Wednesday, 19 March;
- (gg) Leonel Grave de Peralta, a member of the Varela Project Citizens Committee in Palma Soriano, reportedly charged under articles 4.1 and 6.1 of Act No. 88;
- (hh) Normando Hernández González, an independent journalist, member of the Camagüey College of Journalists in Vertientes, reportedly charged under article 91 of Act No. 62, embodying the Criminal Code;
- (ii) Iván Hernández Carrillo, a journalist with the Patria independent press agency, in Colón, Matanzas;
- (jj) Juan Carlos Herrera Acosta, an independent journalist in Guantánamo, arrested on Wednesday, 19 March;
- (kk) Regis Iglesias, a spokesman for the Christian Liberation Movement, city of Havana;
- (ll) José Ubaldo Izquierdo Hernández, an activist in the city of Havana;
- (mm) Reinaldo Labrado Peña, a dissident in Las Tunas, arrested on Wednesday, 19 March;
- (nn) Librado Linares García, president of the Cuban Reflection Movement, in Camajuaní, Villa Clara, arrested on Tuesday, 18 March;

(oo) Marcelo López, spokesman for the Cuban Human Rights and National Reconciliation Commission, who allegedly distributed press releases describing arrests to the foreign press, arrested on 24 March. On 7 April 2003 he was reportedly sentenced to 10 years' imprisonment;

(pp) Héctor Maceda Gutiérrez, an independent journalist in the city of Havana, arrested on Wednesday, 19 March. On 7 April 2003, he was reportedly sentenced to 20 years' imprisonment;

(qq) José Miguel Martínez Hernández, an activist in the province of Havana;

(rr) Luis Milán Fernández, an activist in Santiago de Cuba;

(ss) Rafael Millet Leyva, an activist on Isla de la Juventud;

(tt) Roberto de Miranda Hernández, a journalist and president of the College of Independent Educators, city of Havana;

(uu) Rafael Mollet Leyva, an activist on Isla de la Juventud;

(vv) Nelson Molinet Espino, a member of the Assembly for the Promotion of Civil Society, arrested at 6 a.m. on Thursday, 20 March;

(ww) Félix Navarro Rodríguez, a member of the Pedro Luis Boitel Party for Democracy, Mantanzas, member of the rapporteur committee of All United;

(xx) Jorge Olivera Castillo, director of the independent Havana Press agency in the city of Havana;

(yy) René Oñate, member of the project on plastic arts for interior spaces, Pinar del Río, arrested on Tuesday, 18 March. Reportedly under house arrest;

(zz) Héctor Palacio Ruiz, director of the Centre for Social Studies and member of the rapporteur committee of All United, arrested at 6 p.m. on Thursday, 20 March. Charges have reportedly been brought under article 91 of Act No. 62, of the Criminal Code. Reportedly sentenced on 7 April 2003 to 25 years' imprisonment.

(aaa) Pablo Pacheco Ávila, an independent journalist, and member of the Ciego de Ávila Cooperative of Independent Journalists (CAPI);

(bbb) Arturo Pérez de Alejo, an activist in the Independent Human Rights Organization, Escambray, Manicaragua, arrested on Tuesday, 18 March;

(ccc) José Antonio Pérez Moré, a dissident in Pinar del Río, arrested on Tuesday, 18 March. Reportedly under house arrest;

(ddd) Omar Pernet Hernández, member of the Mario Manuel de la Peña National Human Rights Movement, Placetás, Villa Clara, arrested on Wednesday, 19 March;

(eee) Horacio Julio Piña Borrego, member of the Varela Project Citizens Committee in Sandino, Pinar del Río, arrested on Wednesday, 19 March;

(fff) Fabio Prieto Llorente, independent journalist on Isla de Pinos, arrested on Wednesday, 19 March;

(ggg) Alfredo Pulido López, member of the Christian Liberation Movement in Camagüey, arrested on Tuesday, 18 March;

(hhh) José Gabriel Ramos Castillo, an activist in Santiago de Cuba;

(iii) Arnaldo Ramos Lausirique, a member of the Cuban Institute of Independent Economists;

(jjj) Blas Giraldo Reyes Rodríguez, coordinator of the Christian Liberation Movement in Sancti Spiritu, arrested on Wednesday, 19 March;

(kkk) Raúl Rivero Castañeda, director of CubaPress, representative of Cuba in the Inter-American Press Society, arrested at 6 p.m. on Thursday, 20 March. He has reportedly been charged under Act No. 88, and sentenced on 7 April 2003 to 20 years' imprisonment;

(lll) Alexis Rodríguez Fernández, coordinator of the Christian Liberation Movement in Palma Soriano, reportedly charged under articles 4.1 and 6.1 of Act No. 88;

(mmm) Omar Rodríguez Saludes, director of the independent New Press agency in Havana and member of the Christian Liberation Movement, arrested on Wednesday, 19 March;

(nnn) Marta Beatriz Roque Cabello, director of the Cuban Institute of Independent Economists and coordinator of the Assembly for the Promotion of Civil Society, arrested at 6 a.m. on Thursday, 20 March. She has reportedly been charged under article 6.3 of Act No. 88;

(ooo) Claro Sánchez Altariva, a dissident in Santiago de Cuba, arrested on Wednesday, 19 March;

(ppp) Miguel Sigler Amaya, Alternative Choices activist from Pedro Betancourt, Matanzas, arrested on Tuesday, 18 March;

(qqq) Guido Sigler Amaya, Alternative Choices activist from Pedro Betancourt, Matanzas, arrested on Tuesday, 18 March;

(rrr) Ariel Sigler Amaya, Alternative Choices activist from Pedro Betancourt, Matanzas. The home of the three brothers was reportedly raided in a joint police operation involving members of the rapid reaction brigades. The mother of the Sigler brothers, Dr. Gloria Amaya, reportedly had to be taken to Jovellanos hospital with signs of a heart attack. Ariel Sigler Amaya was arrested on Tuesday, 18 March;

(sss) Ricardo Silva Gual, member of the Christian Liberation Movement in Palma Soriano, Santiago de Cuba, arrested on Tuesday, 18 March and reportedly charged under articles 4.6 and 6.1 of Act No. 88;

(ttt) Fidel Suárez Cruz, a dissident in Pena del Río;

(uuu) Manuel Uval González, a dissident in Guantánamo, arrested on Thursday, 20 March;

(vvv) Julio Antonio Valdés Guerra, an activist from the province of Granma;

(www) Miguel Valdés Tamayo, a dissident in Pinar del Río, arrested on Wednesday, 19 March;

(xxx) Héctor Raúl Valle Hernández, an activist in the province of Havana;

(yyy) Manuel Vásquez Portal, a journalist with the Decoro Group independent press agency in the city of Havana, arrested on Wednesday, 19 March. Reportedly tried under Act No. 88;

(zzz) Antonio A. Villarreal Acosta, an activist in Villa Clara;

(aaaa) Ortlando Zapato Tamayo, a member of the Assembly for the Promotion of Civil Society, city of Havana, arrested at 6 a.m. on Thursday, 20 March.

6. According to information received, between 18 and 26 March 2003 security forces arrested and detained the 79 persons named above, as a result of their activities as human rights defenders, journalists, writers, leaders of opposition political movements, dissident social leaders or trade union leaders. It is stated that a common element linking many of the detainees was participation in the so-called Varela Project, which was merely the dissemination of a petition for the holding of a referendum on reform of the Cuban electoral and political systems.

7. The source reports that in many of the arrests excessive force was used. The homes of the persons arrested were raided and many of their personal possessions, in particular books, notebooks, diskettes and files, were confiscated. It is claimed that these persons were accused of participating in conspiracies with James Cason, director of the United States Government Interests Section in Havana. The Government of Cuba has reportedly stated that all the detainees will be tried. According to information received, they may face sentences of up to 30 years' imprisonment under, among other legal provisions, Act No. 88 on the Protection of the National Independence and Economy of Cuba.

8. The source reports that 33 of these persons were sentenced on 7 April 2003 to sentences of 15 to 27 years' imprisonment, after having been found guilty of imperilling State security and collaborating with a foreign Power. On 7 April 2003 Héctor Palacios was reportedly sentenced to 25 years' imprisonment. Oscar Espinosa Chepe, Héctor Maseda and Raúl Rivero have reportedly been sentenced to 20 years' imprisonment. Osvaldo Alfonso and Marcelo Cano have reportedly been sentenced to 18 years imprisonment, and Marcelo López to 10 years. The source states that this is the first time that the Public Prosecutor's Office has sought, and the judges imposed, such severe sentences for political or social activities.

9. The source also considers that these persons are being tried in summary judicial proceedings, in which the principles of due legal process have not been or are not being respected. It is claimed that these persons were not duly informed of the charges against them; that there was no proper contact with their families or lawyers; and that counsel had no access to the evidence submitted by the Public Prosecutor's Office against their clients or time to prepare their defence. It is also alleged that these persons were unable to call witnesses on their behalf or object to evidence submitted by the prosecution.

10. The Government, in its reply, which includes a statement in connection with these cases given at a press conference by the Minister for Foreign Affairs maintains that the description of the professions and alleged commitment to the defence of human rights of the persons in question is utterly false and that none of these persons is in actuality a journalist, human rights defender, political dissident or opposition figure, or exercises any other profession of interest or utility to society or the community. Of the 37 accused who for years had claimed to be "independent journalists" only 4 had actually studied journalism and had worked as journalists at some point; most of them deliberately avoided work, receiving support and personal enrichment from the Government of the United States of America and the Cuban-American terrorist mafia operating in United States territory; the persons were responsible for and the direct authors of mercenary acts aimed at subverting and overthrowing the constitutional and institutional order created by a referendum of the Cuban people, and reaffirmed by more than 99 per cent of Cubans with the right to vote.

11. With regard to the detentions, the Government states that on 24 February and on 12 and 14 March 2003 the head of the Interests Section of the United States of America in Havana, Mr. Cason, in activities organized by him, held conspiratorial meetings with a group of mercenaries. On 18 March 2003 the Government decided to arrest a group of 32 mercenaries who had attended meetings with him, and on the following day arrested a further 33 mercenaries who had been involved in providing disinformation, for which they were paid, to further the application of the Helms-Burton Act on the application of the embargo against Cuba.

12. With regard to the proceedings as such, the Government states that 29 trials were held in practically every province of the country. There were 75 accused, 74 of them men, and the courts handed down sentences of 6 to 28 years' deprivation of liberty.

13. The Government maintains that there was absolute respect for due process, as follows:

(a) They were informed of the charges against them and had an opportunity to make comments thereon before the trial was held;

(b) They exercised their right to defence counsel, which, under Cuban legislation, may be chosen by the accused, failing which counsel is assigned. Fifty-four defence counsel participated, 44 of them appointed by the accused or their families;

(c) They exercised their right to be heard in a trial conducted by previously constituted courts. In each case there was an oral hearing in which the accused took part, and exercised his right to intervene at various points in the proceedings, and which concluded with answers to questions put by the defence and prosecution, and at which witnesses and experts testified. Almost 3,000 people were called in the 29 trials, essentially family members and

hundreds of witnesses and experts, giving an average of some 100 people for each trial. As for attendance by foreign diplomats in Havana, the Government affirms that there is no reason for such attendance where the accused is not a national of their country. The courts themselves decided that there would be no access by the press, for reasons of security. In order to avoid any incidents, access was also denied to the thousands of revolutionaries who, indignant at the attitude of these individuals, wished to be present at the trials and were not;

(d) All the accused and their defenders exercised the right to submit in their favour the evidence that they selected, in addition to that submitted by the police investigators and prosecution, and to call witnesses. Of 28 witnesses not previously called by the prosecution, 22 were authorized by the courts while proceedings were being held to testify. All the defence counsel had prior access to the files of the accused;

(e) All have a right, as they were informed at the trials, to appeal sentences before a higher court than that in which they were sentenced, in this case, the Supreme Court; this is a right respected under Cuban legislation;

(f) There was the most transparent and scrupulous respect for the physical security and physical and psychological integrity of each of the accused at every stage of the trials. There is absolutely no evidence whatsoever of coercion, pressure or threats.

14. The Government states that application was made of article 92 of the Cuban Criminal Code, Act No. 62 of 1987, derived from the Spanish colonial Criminal Code, which provides that “a person who, in the interest of a foreign State, commits an act with intent to cause damage to the independence of the Cuban State or the integrity of its territory shall be punished by 10 to 20 years’ imprisonment or by death”. Further, application was made of various articles of Act No. 88 on the Protection of the National Independence and Economy of Cuba, including article 5.1: “Anyone who seeks information that may be used in application of the Helms-Burton Act and the embargo and prosecution of the economic war against our people intended to undermine the domestic order, destabilize the country and end the socialist State and independence of Cuba shall be liable to imprisonment”; article 6.1: “Anyone who accumulates, reproduces or disseminates subversive material from the Government of the United States of America or its agencies, offices, representatives or officials, or from any other foreign entity in support of the objectives of the Helms-Burton Act, the embargo and the war, is liable ...”, and article 7: “Anyone who with the purpose of achieving the objectives of the Helms-Burton Act supports the embargo and the economic war, collaborates in any way with radio or television stations, newspapers, magazines or other foreign media”.

15. The Government concludes that the Varela Project is part of the strategy of subversion against Cuba, conceived, funded and directed from abroad, with the active participation of the Interests Section of the United States of America in Havana; it forms part of the attempts at subversion, has absolutely no basis in Cuban legislation, and is a crude manipulation of the Constitution and laws of Cuba.

16. The source, in its comments on the reply by the Government, states that the 79 persons detained include members of the Cuban Human Rights and National Reconciliation Commission (an internationally recognized association, awarded the human rights prize of the French Republic in 1996, and a member of the International Federation of Human Rights) such as



Marcelo Cano Rodríguez and Marcelo López; members of the Cuban Institute of Independent Economists, such as Marta Beatriz Roque Cabello (director) and Arnaldo Ramos Lausirique; members of the Assembly for the Promotion of Civil Society, such as Marta Beatriz Roque Cabello (coordinator), Orlando Zapata Tamayo, Nelson Aguiar Ramírez and Nelson Molinet Espino a member of the Centre for Social Studies, Héctor Palacio Ruiz (director); a member of the Unified Council of Cuban Workers (CUTC), Pedro Pablo Álvarez Ramos (general secretary); independent journalists such as Ricardo González Alfonso, president of the Manuel Márquez Esterling Society of Journalists and director of *De Cuba* magazine in Havana, Raúl Rivero Castañeda, director of CubaPress Oscar Espinosa Chepe and Héctor Maceda Gutiérrez, independent journalists in the city of Havana; civil society activists involved in the Varela Project, including Osvaldo Alfonso, Alfredo Domínguez Batista, Alfredo Felipe Fuentes, Luis Enrique Ferrer García, Leonel Grave de Peralta and Horacio Julio Piña Borrego.

17. The source indicates that the arrest of a large number of persons for having taken part in the Varela Project, a campaign to obtain democratic change by constitutional means through the circulation of a petition calling for a referendum on political and electoral reform, constitutes a violation of the right to participate in political life. The proposal has reportedly been signed by 11,000 Cubans.

18. The source states that there have been violations of international norms of due process, since both the investigation and the oral hearings were rushed through considering the complexity of the cases, and the sentences handed down (15 to 25 years' imprisonment). Further, most of the lawyers were not able to meet their clients other than in the hearings, and as a result could not reasonably prepare and mount a defence; the sentences handed down were disproportionate for violations involving political and social views.

19. The Working Group recalls that on 9 April 2003 the United Nations High Commissioner for Human Rights issued a public statement of concern in connection with these cases as to the transparency and expedited nature of the trials in which these persons were convicted. Similarly, the Special Rapporteurs on freedom of expression of the United Nations and the Organization of American States issued a joint statement on 3 May 2003 in which they expressed their concern regarding the freedom of opinion and expression of these journalists, human rights defenders and opposition political activists, which indicates a high degree of interest in these cases.

20. Although the Government has stated that not all these persons are journalists or human rights defenders, or exercise any profession whatsoever, the Working Group notes that the exercise of rights recognized in the Universal Declaration of Rights is independent of such status, so that their non-status as such does not deprive them of the free exercise of their rights.

21. The Working Group observes that the Government has not denied the assertion by the source that all these individuals were arrested between 18 and 26 March in connection with the Varela Project. The Government in its reply states that it is part of the strategy of subversion against Cuba and reaffirms that these individuals had been arrested for having attended meetings with the Interests Section of the United States of America in Havana on 24 February and 12 and 14 March 2003.

22. It is not clear how the link represented by these meetings and the seeking of resources by the persons mentioned in the communication constitutes incitement to violence. Article 13 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in its resolution 53/144 of 9 December 1998, provides that “everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration”.

23. The Working Group considers that the Government has not contested the fact that the Varela Project concerns circulation of a petition for the holding of a referendum on reform of the Cuban electoral and political systems. The peaceful exercise of such activities is protected under articles 19 and 20 of the Universal Declaration of Human Rights, on freedom of expression, opinion and assembly, and article 21 on freedom of political participation.

24. As to whether in the proceedings followed in respect of these 79 individuals the total or partial inobservance of the norms of international law relating to an impartial trial was of such gravity that it would make these deprivations of freedom arbitrary, the Working Group, in the light of the information supplied by both the Government and the source, is not in a position to render an opinion. Nevertheless, it notes that the summary nature of the trials, which has been confirmed, must be proportionate to the offence and to the sentence imposed.

25. Independently of whether domestic law has or has not been respected, the Working Group considers that the legislation applied contravened the provisions of articles 19, 20 and 21 of the Universal Declaration of Human Rights, in that it limits the free exercise of the rights of opinion and expression, not to be harassed for holding opinions, to research and receive information and opinions, and to disseminate them, without limitation by national borders, by any means of expression, as well as the right of peaceful assembly and association and the right to participate directly in the government of the country.

26. In the light of the foregoing the Working Group renders the following opinion:

The deprivation of liberty of Nelson Aguiar Ramírez, Osvaldo Alfonso, Pedro Pablo Álvarez Ramos, Pedro Argüelles Morán, Víctor Rolando Arroyo, Mijail Bárzaga Lugo, Alfredo Domínguez Batista, Margarito Broche, Marcelo Cano Rodríguez, Carmelo Díaz Fernández, Eduardo Díaz Fleites, Antonio Díaz Sánchez, Alfredo Domínguez Batista, Mario Enríquez Mayo, Oscar Espinosa Chepe, Alfredo Felipe Fuentes, Efrén Fernández Fernández, Adolfo Fernández Saínz, José Daniel Ferrer Castillo, Luis Enrique Ferrer García, Orlando Fundora Álvarez, José Ramón Gabriel Castillo, Próspero Gaínza Agüero, Miguel Galván Gutiérrez, Julio César Gálvez, Edel José García Díaz, José Luis García Paneque, Ricardo González Alfonso, Diosdado González Marrero, Léster González Pentón, Alejandro González Raga, Jorge Luis González Tanquero, Leonel Grave de Peralta, Normando Hernández González, Iván Hernández Carrillo, Juan Carlos Herrera Acosta, Regis Iglesias, José Ubaldo Izquierdo Hernández, Reinaldo Librada Peña, Librado Linares García, Marcelo López, Héctor Maceda Gutiérrez, José Miguel Martínez Hernández, Luis Milán Fernández, Rafael Millet Leyva, Roberto de Miranda Hernández, Rafael Mollet Leyva,

Nelson Molinet Espino, Félix Navarro Rodríguez, Jorge Olivera Castillo, René Oñate, Héctor Palacio Ruiz, Pablo Pacheco Ávila, Arturo Pérez de Alejo, José Antonio Pérez Moré, Omar Pernet Hernández, Horacio Julio Piña Borrego, Fabio Prieto Llorente, Alfredo Pulido López, José Gabriel Ramos Castillo, Arnaldo Ramos Lausirique, Blas Giraldo Reyes Rodríguez, Raúl Rivero Castañeda, Alexis Rodríguez Fernández, Omar Rodríguez Saludes, Marta Beatriz Roque Cabello, Claro Sánchez Altariva, Miguel Sigler Amaya, Guido Sigler Amaya, Ariel Sigler Amaya, Ricardo Silva Gual, Fidel Suárez Cruz, Manuel Uval González, Julio Antonio Valdés Guerra, Miguel Valdés Tamayo, Héctor Raúl Valle Hernández, Manuel Vázquez Portal, Antonio A. Villarreal Acosta and Orlando Zapata Tamayo, is arbitrary, being in contravention of articles 19, 20 and 21 of the Universal Declaration of Human Rights, and falls within category II of the categories applicable to the consideration of cases submitted to the Working Group.

27. The Working Group, having rendered this opinion, requests the Government to take the necessary steps to remedy the situation, in accordance with the standards and principles set forth in the Universal Declaration of Human Rights, to study the possibility of amending its legislation to bring it into conformity with the Declaration and other relevant international norms accepted by the State, and to take appropriate steps with a view to becoming a State party to the International Covenant on Civil and Political Rights.

Adopted on 9 May 2003