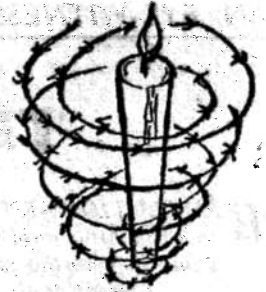




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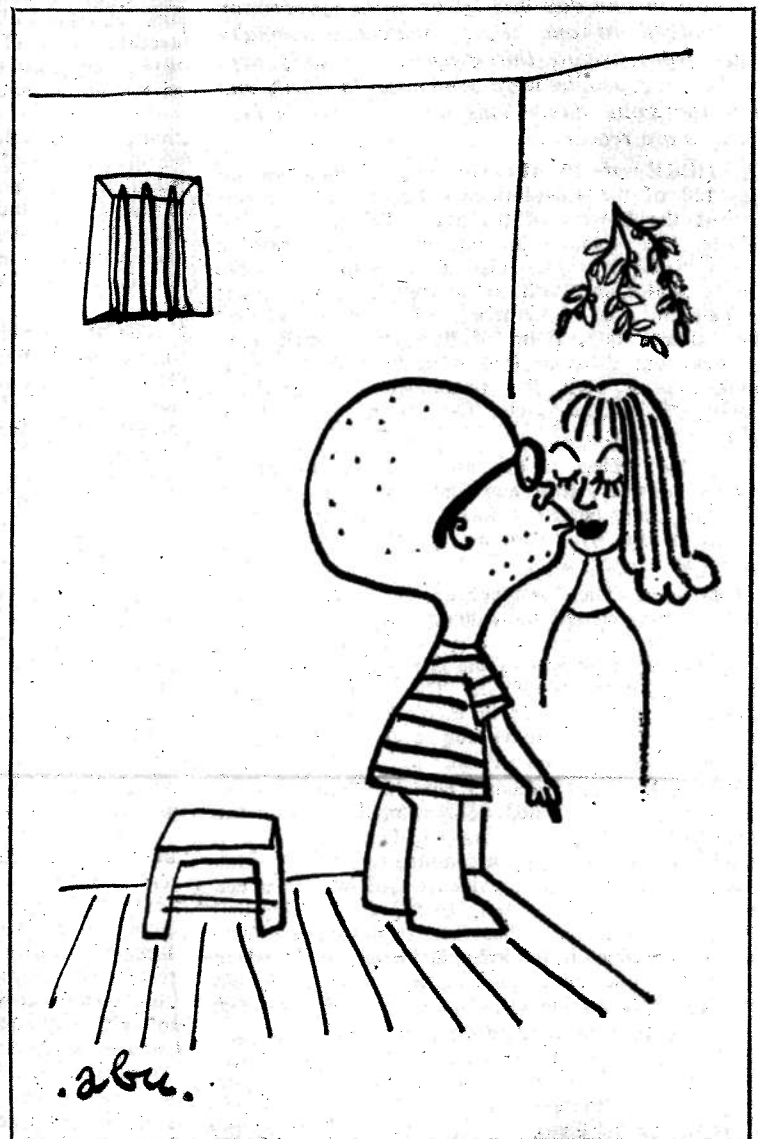


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AN EYE-WITNESS REPORT ON

The Cuban Tribunals

REVOLUTIONARY tribunals in Cuba have received little publicity although they are, on occasion, open to the public. Our correspondent, who was present at the trial described below, reports that sometimes six to eight of these tribunals are held in one day and 50 or more people may be charged at one time. Sentences normally range from five to thirty years. In early September five people were sentenced to death and shot the same day. This account reveals how verdicts are reached.

THERE were 20 prisoners—accused under Section 128 of the Revolutionary Legal Code of acts against the Powers of the State. This is a capital charge. The prisoners are alleged to have formed a group in the Marianao district to conspire with the United States and with counter-revolutionary groups to perform acts of terrorism, sabotage, etc., against the Cuban State. Four of five of the men were businessmen; three or four were employees such as book-keepers, etc.; the remainder were workers, chauffeurs, gardeners, etc. The following is a timetable of events:—

9.37 a.m. Clerk of the court, who was the prosecutor's assistant, rose and announced the number, date and other pertinent details of the case. He then swore in the five members of the Revolutionary Tribunal.

9.43 a.m. The President of the Tribunal called each of the accused individually to identify himself and to state the name of his defence counsel. Several working-class members of the group could not afford the fees for their defence. The Court, therefore, appointed a Teniente (poor man's lawyer) to act on their behalf. The remaining accused shared six defence lawyers between them.

9.51 a.m. The Prosecutor launched into his opening speech which lasted approximately 15 minutes, wherein he outlined the charges against the group as a whole and, in passing, mentioned that during the investigations conclusive evidence had been obtained against each of the accused. He ended by stating that the prosecution were therefore requesting the sentences as outlined in the individual *actas fiscales* which had been presented to each of the prisoners. He did not elaborate on the individual sentences requested.

10.05 a.m. The accused were individually brought to the witness stand and after identifying themselves to the President they turned and faced the Prosecutor, who accused them of the specific charges being brought against them. No attempt was made by the prosecution to support these charges with evidence.

The defence counsels were then permitted to question their clients. These questions were usually limited to eliciting whether the accused had even been in trouble before, whether they had ever participated in political activities of any nature, where and when they had been arrested and by whom, and whether they had any relations with other members of the group. The average length of appearance of each of the accused was 2½ minutes, the minimum being 37 seconds, the maximum 4 minutes and 14 seconds. The longest appearance was when one of the accused claimed that he was not the man listed in the indictment, who, he claimed, lived in the next street. The Prosecutor admitted that there may have been a clerical error in typing out the indictment, but he was convinced that they had the right man, and the trial therefore continued. The individual questioning of the accused continued until approximately 11.10 a.m.

* * *

The Prosecutor then made a brief speech stating that he would bring witnesses to prove his statements. The President then intervened to state that for practical purposes and in view of the fact that past experience had proved satisfactory, he proposed that each side would be allowed to introduce only three witnesses. He invited the defence counsels to consult among themselves and decide which three witnesses would appear for the defence. One of the defence counsels inquired of the President whether it would not be possible to introduce three witnesses from each of the counsel. The President stated that he hoped it would not be necessary to introduce too many witnesses. After further consultation the defence counsel submitted a short list of names to the Clerk of the Court. The Prosecution then called their first witness. He sat with his back to the Court, facing the Tribunal and mumbled his name quietly to the President of the Court when identifying himself; the remainder of his testimony was audible. It lasted two minutes and 31 seconds. He stated that he had investigated all of the accused and he was quite convinced that they were guilty as charged. The defence counsel had no difficulty whatever in pointing out the many contradictions in the witness's statement. The Prosecutor then defended his witness in a short impassioned speech in which he stated that the agent was a true revolutionary with the best interests of the State at heart, who was working day and night to protect the integrity of the State against attacks from mercenaries, counter-revolutionaries, etc. He was certain that the Tribunal would discount these mean and useless attempts of the defence to impugn the name of a Government official. The prosecution then rested its case.

(Continued on page 6)

THE CUBAN TRIBUNALS—An eye-witness report

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The defence then called their witnesses. There were ten in all and their average length of appearance was just under two minutes. As each witness was called he stood before the President and identified himself. The President then asked him whether he was prepared to swear to tell the truth; the witness was required merely to answer "yes"; he was also asked whether he was a friend, enemy or had any connection with any members of the group. With three exceptions, who said they worked for various accused, all answered in the negative. The defence counsels confined themselves to asking the witnesses whether they had ever heard any of the accused make counter-revolutionary statements, participate in counter-revolutionary activities, make any reference which would lead them to believe that they were not satisfied with the present Government, and, finally, whether they had any contact with any known counter-revolutionary. The Prosecution did not deign to cross-examine. Following this evidence, the Prosecutor, at 11.46, delivered his closing speech. This lasted for 12 minutes and was an impassioned political tirade which bore no relation whatever to the case until the final two sentences, when he reiterated that he was convinced that the accused were guilty because, in any case, he had documentary evidence to prove it. (These documents were not available to the defence counsels). His closing sentence was to reiterate his request for the penalties as specified in the *actas fiscales*.

* * *

At 11.58 the first of the defence counsel rose to make his closing speech. After three minutes he mentioned the word "liberty," whereupon the President of the Court rang his bell for silence. The President then rose and said that he considered this a suitable moment to reaffirm the Declaration of Havana, and therefore he called upon all present to rise to their feet while he re-read the Declaration. This took 22 minutes, at the end of which he then stated that he and all the members of the Tribunal proposed to sign the Declaration and invited all present to do likewise. After the Tribunal had signed, the prosecuting counsel and other Court officials signed the document. It was then passed to the defence counsel for their signature and thereafter each prisoner was given the opportunity of signing. It was then passed along the first two or three rows where the public were sitting. Forty-two minutes after the defence had been interrupted, the President announced that a table would be set up on the verandah outside the court room and all members of the public who had not yet done so but who wished to sign the Declaration could go to the verandah and sign. He then invited the defence counsel to resume his closing speech, 44 minutes after he, the President, had interrupted it.

The remaining six defence counsels made speeches of varying lengths. The *Teniente*, who was defending eight or nine accused, spoke for 4 minutes and 37 seconds. His speech consisted of informing the President of the names of the accused he was representing, and then stating that they were poor, misguided souls who, though they had undoubtedly performed the acts of which they were accused, could not be held responsible since they had been led astray by the others who were mercenaries, etc. The final speech by defence counsel ended at 1.46 p.m. The President then asked if any of the accused had anything further to say in their defence. The man who claimed that he was there because of mistaken identity attempted to re-introduce the subject. The President gave him short shrift. One of the other accused, a coloured boy who worked as a gardener, stated that he was not guilty of any of the acts of which he was accused, and that he had never been in contact with any counter-revolutionaries. The President then announced that the Tribunal would adjourn to consider the verdicts, which would be announced in due course.

One of the defence lawyers who specialises in acting at the Revolutionary Tribunals told me that this was the usual procedure. However, in view of the leniency of the Court during recent weeks, he thought that, in general, sentences would range from three to ten years, but that possibly two or three of the ring-leaders might get heavier sentences. He told me that the conclusions of the Court, and the final sentence passed, would be typed and a copy handed to the prisoner. This would probably be the only notification the accused would have of the sentence meted out to him, since during recent months it had not been the normal practice to reconvene the Court and bring back the accused for sentence.

* * *

The members of the Tribunal, with the exception of the President who made some attempt to pay attention, were quite openly bored with the whole procedure. They read newspapers, had their "elevenses" of coffee, beer, hot dogs, etc., answered a telephone which rang frequently, and, in general, took little part in the whole affair. One member asked one of the accused whether he had served with Fidel in Oriente. He had not and the *Teniente* promptly lost all interest. Another member of the Tribunal, a *Teniente* in militia uniform, asked one of the accused if he was in the militia, and if not, why not? The accused was not in the militia and could give no satisfactory reason for this lapse. His reply merited a brief note on the Tribunal's pad. Apart from these two questions no other member of the Tribunal spoke to the accused or witnesses.

