

CUBA 1959 TO PRESENT: AT LEAST 147 ENFORCED DISAPPEARANCES

Update of March 29, 2017

On February 2nd 2009, Cuba ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which the United Nations considers to be an expression of the political will to end enforced disappearance and protect its citizens from this practice. The Convention defines enforced disappearances as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

All States parties are obliged to submit reports to the Committee on Enforced Disappearances (CED), a United Nations body of independent experts, regarding the implementation of the Convention. (See <http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx>). The Committee examines each report and issues “concluding observations” with its findings and recommendations. Cuba has been reviewed in 2012 and, after issuing its most recent periodic report, the CED released its findings on March 17th (2017).

The CED noted that Cuba did not meet compliance standards and issued a resounding critique of the structure of the Cuban legal system. Among the list of deficiencies cited are that Cuba’s laws do not recognize forced disappearance as a crime against humanity (as required by the Convention), that its judicial system lacks independence, and that there is no mechanism in place for regular visits to locations where persons are kept in detention. Among its many recommendations are that Cuba ratify the Protocol Against Torture and the International Pacts on Civil and Political Rights.

It is heartening that a U.N. body has insisted on addressing Cuba’s lack of compliance --at least on paper-- with its international legal obligations. But, it is unfortunate that the actual *practice* of forced

disappearance was not addressed, as specific cases were not cited in any of the official documents, including Cuba’s report and the CED findings. This lack of historic oversight and the corresponding impunity afforded Cuba by U.N. human rights’ bodies --and the international community at large-- is beyond the scope of this document.

The fact is that the Cuban government has, for decades and to the present, been implicated in many and varied crimes against humanity, including of enforced disappearance. It is, thus shameful --though not surprising-- that the Cuban government insists on its usual lies and deceptions in official documents to the CED. Fragantly, Cuba declares: “The rights to life, liberty and security of person have always been mainstays of the Cuban Revolution, its authorities and society at large ...” Furthermore, it again states, as in its 2012 report to the CED, that “there have been no cases of enforced disappearance in Cuba since 1959.” (The Castro regime came to power January 1, 1959.)

Of course, Cuba’s military dictatorship is not known to have *overtly* disappeared many people in its almost six decades in power. As regime defectors have reported, now deceased Fidel Castro, its historic leader, believed that disappearances were to be avoided; since families never stop looking for their loved ones, it is preferable to kill. Nonetheless, the Cuban regime is evidently implicated in the disappearance of at least 147 individuals and, likely, thousands more.

Of these 147 documented disappearances strongly believed to have been at the hand of state agents, 5 as recently as 2013, the majority were in exit attempts from the country. Article 215 of Cuba’s Penal Code forbids citizens from leaving the country without prior authorization from the government; doing so is “illegal” and punishable with years of prison. As a result, thousands of Cubans have paid for foiled escape attempts with long prison sentences -- including some who are currently still held—and, worse, with their lives.

Cuba Archive has documented 166 cases of extrajudicial killings in exit attempts, including in several massacres, primarily from shootings or deliberate sinking of sea vessels by state authorities. In addition, 40 civilians disappeared attempting to escape to the U.S. Naval Base at Guantánamo, some or many who may have been killed by Cuban authorities; 6 more died by mine explosion in Cuban territory surrounding the U.S. base.

890 additional disappearances of individuals attempting to flee Cuba by sea have been documented, although tens of thousands more are believed to have occurred; most go unreported for the lack of systematic collection of this information. Given the historic practice of the Cuban regime of stopping those fleeing –including children– with deadly force, an undetermined number of those never found are reasonably presumed to be enforced disappearances.

Further, the families of several hundred resistance members and insurgents against the Castro Communist regime who in the 1960s were reported killed or missing in combat or executed were denied information and, usually, remains. Thus, these constitute enforced disappearances.

It should also be noted that the practice of arbitrary detention continues and often involves enforced disappearance; it is used by Cuban authorities to intimidate and harass peaceful opponents. In 2016 alone there were at least 9,351 such arbitrary detentions. (See <https://observacuba.org/grafico-detenciones-arbitrarias-en-cuba-durante-2016/>). In most cases, the detainees are taken by State Security without presenting judicial documents or charges and are kept from contacting their families for long hours –or days– and from consulting a lawyer. Families often report spending days facing evasive or deceptive explanations from authorities. Eventually, most victims are set free without charges; some are released in remote locations without money or means of communication.

SELECTED PROFILES OF VICTIMS OF REPORTED ENFORCED DISAPPEARANCES

Following is a selection of profiles of reported enforced disappearances from the 147 documented cases of individuals whose loved ones believe were

disappeared with state involvement. Case details may be viewed in the respective individual records part of the online database at www.CubaArchive.org.

These cases ought to all be investigated exhaustively by independent international experts with the cooperation of Cuban authorities.

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Maximiliano Abreu Becerra, Ramón Estrada Murcigo, Omar Pérez Hernández, Isidro Sánchez Vázquez, and Alfredo Torres Paz disappeared December 17, 2013 from Camagüey, Cuba.

Omar was persecuted by authorities for his independent journalist activities and sought to escape the country to avoid an expected arrest by State Security. He and four friends attempted to flee the island by boat and were never heard of again. Their relatives believe they were entrapped by State Security and forcibly disappeared.



Alberto Sigas Hernández, age 32, disappeared January 15, 2010 after his arrest in Havana, Cuba.

Alberto had become disaffected with the government working as a policeman, left the job, and eventually joined a peaceful civil society group. (All such groups are banned in Cuba.) In late 2009, agents of State Security (the political police), began harassing and threatening him with his disappearance unless he abandoned his opposition activities. One morning, he left home to visit his mother nearby. He was seen in the company of a man by the name Dalver, “El Herrero,” who the family later learned was a State Security collaborator or agent. Alberto never arrived at his mother’s home. His wife went looking for him at the local police station and three days later received a call from them that her husband was being held at Villa Marista State Security headquarters and would be released in 48-72 hours. He did not return and was never heard from again. The authorities deny knowing his whereabouts and claim he was not in detention. The family holds the government responsible. His wife was pregnant at the time of his disappearance and months later gave birth to a son.



Roberto Franco Alfaro, age 62, disappeared May 20, 2009 in Havana, Cuba.

Roberto was a declared opponent of the Castro regime and member of two opposition groups, which are banned in Cuba. He had been threatened by State Security with

his disappearance unless he abandoned his opposition activities. May 20th 2009 was the anniversary of Cuba's independence and the namesake for one of the opposition groups he belonged to. Very early that morning he left his home to go fishing from the shore nearby, telling his wife to expect him back by noon. He never returned and nothing is known of his whereabouts. He left behind an elderly mother, a wife, and 8 year-old son. His wife has requested an official investigation and claims the government is responsible, but the family is afraid to denounce the case publicly.



Idania Garcia

Noel Abreu García, Jorge and Leonel García Sánchez, Idania García Quesada, and Enrique Vázquez Escobar disappeared December 24, 2004 in southern Cuba.

On Christmas Eve, the group of five headed to the southern coast of the country to flee by boat. A day earlier, the wife of one of them had reported of their plan to Cuban authorities seeking to prevent her husband from leaving. Idania, a 32 year-old dentist, was a human rights' activist; she had been harassed and threatened by the political police, dragged through the streets by authorities for participating in public protests, and the victim of several repudiation



Noel Abreu

rallies. Relatives believe the group was arrested by authorities and disappeared.

Luis Alberto Couseau Rizo, disappeared November 23, 1996 in Santiago de Cuba.

Luis had been sentenced to prison for 'enemy propaganda' in 1993 and was granted a conditional release in 1995. Having to report to police regularly, he had been held in detention a few hours shortly before his disappearance. On November 23, 1996, an

unknown man appeared in a bicycle at his home after which Luis was never seen again. His mother looked for him frantically, writing to the Council of State and to the Ministry of the Interior (MININT), which administers prisons, but received no information. Rather, the MININT demanded that she exonerate them from responsibility. His two brothers publicly denounced his disappearance and were imprisoned for "disrespect," enduring torture.

Guillermo and Lyanella Alvarez Pérez, ages 29 and 24 respectively, disappeared with four others September 4, 1994 from Camaguey, Cuba.



At 17, Guillermo had served 1.5 years in prison for transporting a piece of beef (forbidden in Cuba). After his release, he became a fisherman and, having refused to

become an informant, endured years of constant harassment and threats by State Security agents. This led him to seek escaping from Cuba and in August 1994, he, his sister Lyanella, and some friends attempted to leave in his two fishing boats from the southern coast in their province of Camaguey. They were informed on and stopped by Cuban Border Guard vessels, the boats confiscated and the men detained for three days. The following month, he, his sister, and four others attempted leaving by raft from the same location. Around twenty days later, State Security informed Guillermo and Lyanella's parents that the group, except one survivor, had drowned after a storm pushed them into a coral reef. The parents flew there from Camaguey, but and were not allowed to see the remains or bring them home, were denied information, and were not allowed to talk to the survivor. He was the only one who was not a friend and, once back home in Camaguey, refused to talk when contacted and eventually left the province. The family believes he was probably a State Security agent informant or agent and that the group was likely killed by Cuban authorities. After the tragedy, the parents were harassed, threatened, persecuted, and subjected to systematic psychological torture for years as well as forbidden from seeking information on the case. In 2012, they left Cuba for the U.S. as

political refugees. The only information on the rest of the victims are first names Giovanni, Dennis, and Yodelski (a 15 year-old girl).



37 people, including 11 children, disappeared at high seas north of Cuba while escaping the country on a tugboat July 13, 1994.

A group of 68 family members and friends boarded the "13 de marzo" tugboat in the middle of the night seeking to escape to the United States. Infiltrators had apparently reported on their plan and, as they made their way out of Havana's harbor, three tugboats awaiting in the dark started to chase after them. They sprayed the fleeing boat relentlessly with high-pressure water jets, ripping children from their parents' arms and sweeping passengers off to sea, and finally rammed and sank it. Passengers who had taken refuge in the cargo hold were pinned down and wailed in horror as they went down. Survivors clung to pieces of the wreckage as the pursuing tugboats circled around creating turbulence to make them drown. The attack stopped suddenly when a merchant ship with Greek flag approached Havana Harbor and Cuban Navy ships picked up the 31 survivors and took them ashore. The stunned women and children were interrogated and sent home; the men were kept in detention for months and given psychotropic drugs. 37 went missing, no bodies were returned to their families for burial. Survivors and relatives of the dead were denied information and put under surveillance; many were dismissed from their jobs, systematically harassed by the authorities and, eventually, most left for exile. (See details at:

http://cubaarchive.org/home/images/stories/truth%20and%20memory/tugboat_massacre.pdf)



Otoniel Rey

Otoniel and Rubén Rey Terrero, ages 22 and 25 respectively, disappeared September 12, 1993 from southeastern Cuba.

The brothers left Santiago de Cuba for the U.S. naval base at Guantánamo to never be seen again. At the time, two of their brothers were in prison for attempting to escape Cuba. One, after serving a 5-year prison term, conducted his own investigation on what happened to Rubén and Otoniel, but State Security agents threatened to imprison him if he did not stop. He believes his brothers were assassinated by authorities.



Rubén Rey

Daniel Cosme Ramos, Miguel Guerra Mora, and Federico Martí Jiménez disappeared May 19, 1991 from Ciego de Avila, Cuba.

Miguel, a 36 year-old father of two, was a dredging technician waiting for the right moment for his escape from Cuba. On May 19th 1991, he and a fellow worker, commanded a boat at their workplace at the port of Palo Alto, joined by a friend. They were never heard from again. Miguel's family searched for them desperately, inquiring even in neighboring countries. Five years later, to relieve them of their agony, a member of the Cuban Border Guard sent word to the family confidentially that the men had been machine gunned down for trying to flee.



Miguel Guerra

The sinking of the Canimar River excursion boat at sea north of Cuba July 6, 1980: 61 disappeared.

A tourist excursion boat, the "XX Aniversario," had recently been inaugurated to navigate along the Canimar river, flowing into Matanzas Bay. On July 6, 1980, the boat full of passengers was commanded by three youngsters seeking to take it to the United States –Ramón Calveiro, age 15, and the brothers Silvio and Sergio Aguila, ages 18 and 19 respectively. Sergio, a sergeant in the Cuban Armed Forces had secured firearms for the hijacking. Most passengers screamed in approval, but the boat's security guard

shot at the hijackers, who returned fire and wounded him. Concerned for his wellbeing, they put him on a boat with a local fisherman. Once on shore, authorities were alerted. A command post was set up by the river and two high-speed Cuban Navy boats chased after them and opened fire, killing and wounding several passengers. A Cuban Air Force plane was also sent to open fire on the boat, leaving more passengers dead and wounded. Finally, a huge dredging boat rammed and sank the fleeing vessel. 72 persons were reportedly killed or disappeared, including over 20 children; 11 bodies were reportedly recovered. The government did not allow communal funerals for the victims and the survivors, reportedly 10, were ordered to stay silent and never gather in groups of more than two; for years, their activities were monitored. Sergio committed suicide to avoid capture. His brother Silvio and 15 year-old Roberto Calveiro were sentenced to 30 years of prison. Roberto served 12 years "plantado," refusing political reeducation, before his sentence was commuted with help from Spanish politicians. Today, he and Silvio both live in Spain. Four other youngsters, accused of helping with the plot, served 5 to 12 years of prison.

(See more on the Canimar River Massacre at:

http://cubaarchive.org/home/images/stories/truth%20and%20memory/canimar_massacre.pdf)



Roberto Pereda López, age 38, disappeared September 26, 1973 from Havana, Cuba.

Roberto was a research scientist with the state's Centro Nacional de Investigaciones Científicas (CENIC) in Havana. He had told his family he knew his life was at risk due to his friendship with a prominent scientist

who had sought asylum, for his refusal to carry out certain scientific work, and for openly declaring his opposition to the government. One day, he left for work and was never seen again. He left two sons, ages twelve and thirteen. His family believes he was disappeared by authorities.

Three Lazo children (siblings), names and ages unknown, disappeared at sea near Isla de Pinos, Cuba, in 1971.



Alberto Lazo

The children's father, Alberto Lazo Pastrana, had been a member of Castro's Rebel Army against the Batista dictatorship, but after the revolution came to power, he had grown disenchanted and joined the resistance. After serving a 10-year sentence at Isla de Pinos's prison for counterrevolutionary activities, he

was denied work as well as permission to leave the country. Desperate, he built a raft and attempted to flee Cuba with his wife and three children one night. A Cuban Border patrol boat spotted them and, ignoring their cries for mercy, rammed and sank their primitive vessel. The mother's body washed ashore the next day, partly devoured by sharks, and the children's bodies were reportedly never found. The father made it to shore exhausted, was captured and, despite his devastating grief, tortured and sentenced to 18 years in prison. Right before he was to be released in a general amnesty, he developed a colon ailment and was taken to the prison's hospital, where he died suddenly and mysteriously September 1, 1978.

Jean Baptiste Mauriras and Leonel Pérez Fernández disappeared October 9, 1966 from Havana, Cuba.

Mauriras, a French citizen, had worked in Cuba before the revolution in the construction of the tunnel under Havana bay; beginning in 1961, he worked at the French embassy. One day, he went fishing in calm seas with a Cuban friend, Leonel Pérez Fernández, age 35. They left in an outboard motor boat Mauriras kept at Tarará Beach Havana province. They disappeared, but the boat was found tied to a pier in Havana Harbor; it was rumored they had been taken to State Security headquarters for Mauriras' interrogation about his C.I.A. contacts. The French Embassy made inquiries and, told that "the seas are unpredictable," did not file a diplomatic note of protest. His widow and daughter returned to Europe. In January 1973, the secretary at the French embassy and wife of the French military attaché in Cuba, Ofelia Menocal was arrested and taken to State Security headquarters. Under interrogation, she was told that if she did not cooperate with the authorities she and her husband, also imprisoned, "would suffer the same fate as the Frenchman." They concluded that Mauriras and his friend had been assassinated by State Security.

Rubén Curbelo and Reinaldo Hidalgo disappeared in Pinar del Río Cuba, October 11, 1964.

The friends were part of a group from Havana that met in Pinar del Río province seeking to escape the country. They separated from the group to retrieve a boat they had hidden and bring it back for everyone to board. The group was detained and taken to prison and the two men disappeared. The families looked for them for months and people who lived in the area reported they had heard gunfire that night. The government never acknowledged their disappearance and their bodies were never recovered.



Andrew de Graux

Andrew De Graux, age 19, disappeared September 3, 1962 in Las Villas province, Cuba. Andy, a U.S. citizen born in Cuba, joined the anti-Communist insurgency before the age of 19. He was shot in a combat, captured, and taken to a hospital in Trinidad for medical

treatment. It was very close to his parents' home and they were notified. He was denied water and subjected to psychological torture before State Security ordered his transfer to a hospital in Cienfuegos, where he was reportedly operated on successfully. However, he disappeared. The family was told he had died and been buried in a common grave. It was rumored that he had been executed.

16 more cases of reported enforced disappearances

- Calixto Manuel Delgado Gutiérrez, 1966
- Diosdado and Luciano Díaz Iglesias, 1960s
- Mario Nelson Pérez Rodríguez, 1968
- Efrén Bello Fajardo, 1959
- Camilo Cienfuegos Gorriarán, 1959
- Luciano Fariñas Rodríguez, 1959
- Johnny Spiritus, 1961
- Arturo Roura, 1961
- Guillermo Valladares Borges, 1962
- Modesto Ruíz Alvarez, 1963
- Modesto Orlando Orozco Basulto, 1964
- Orlando Alayón, 1966
- Antonio Leal, 1990
- Wilfredo Baltazar, 1990
- Pedro Pérez, 1990
- Manolo Martínez, 1994

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