

ESCAPE TO PRISON

On 4 April 2003, Cuban Judge Armando Torres Aguirre wrote the following verdict:

NOTIFICATION: We must sentence, and in the name of the Cuban people sentence, the accused [...] Juan Adolfo Fernández Sainz, guilty of punishable offenses according to law number 88 regarding protection of national independence and the Cuban economy, to 15 years imprisonment.

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“Everything began at the beginning of the 1990s. What got me to take a stand and finally pulled me into the dissident movement was an interview with one of the communists who had participated in an *acto de repudio* – a denunciation – against the poet Maria Elena Cruz Varela. The communist was interviewed on television and said that they had not struck Maria Elena Cruz Varela, but that they had forced papers with her writings into her mouth and made her swallow them. Even if they did not say it, I understood of course that someone had held her arms, and others her legs and head. Someone must have also held her nose to make her open her mouth, and then they must have closed it and held it shut to make her swallow.

“The interview was very important in getting me to take a position. It was the last straw.

“About the same time, a neuritis epidemic was underway. It made people blind followed by loss of mobility of parts of the body. The government said nothing about

the disease, but people talked of course. Time passed, but the origin and cause of the disease were never made clear. About the same time, an old friend from Pinar del Rio, the city where I also was born, died, and I deeply mourned the fact that such a young person would not experience the death of communism.

“The entire process of coming out as a dissident is long and difficult. It is not that they exile you because of statements you made against the system. Instead, they are always trying to convince you that you should stay in the party and continue to believe in the revolution. It is, therefore, difficult, and you have to make a lot of decisions. You get close to the edge, look over, and pull back. It is too far to jump. But when you pull back, the things that bothered you before still bother you, and so you go and look over the edge again. This happened to me many times. I carefully calculated what I would lose, and if they would put me in prison. What was missing was something well-defined, something that I could grab hold of and fight against, and which would lift me out of the hole the state wanted me to live in.

“I grabbed hold of the neuritis problem. At a meeting with the party section at work in April 1993, I asked for the floor. I stood up and explained that the way the government was handling the entire neuritis problem was irresponsible. People were losing their sight, having difficulty walking, and everyone was talking about it, but that the government and the press were saying absolutely nothing. It was disrespectful to those who were suffering. My strategy was to criticize the government’s policy, not the government itself.

“It is very possible the government says a Swedish physician found the cause of the disease, as you say. But it is not especially improbable that it was caused by malnutrition of the affected Cubans. Cuban doctors could also have figured that out. I even believed then that they had. If people ate things they never ate before, and also lacked protein and many other essential elements, why is it odd that they got sick? At the meeting, they thought I was right, but that we had to wait.

“A few weeks later, the newspapers started to write about the problem and blamed the CIA and other international circumstances. But they said nothing about the shortage of food. So at the next party meeting, I asked for the floor again and once again criticized the newspapers’ way of analyzing the situation and explained that I didn’t think it was the CIA that was guilty. They again tried to convince me that we should wait, but I was stubborn and continued to argue until a woman stood up and said, ‘Listen, buddy. You must have faith in the revolution!’ I answered that that was exactly what I did not have.

“After that, they called me to a party meeting at the municipal level. Because the party rules say that all members must believe in the revolution, and I no longer did, they were technically forced to expel me. When the meeting started, they told me that it could take five minutes or five hours – everything depended on me. They asked me if I stood by my position, and I said, ‘I stand by it.’ They then asked me for my membership card and I was expelled. It took five minutes. When I left, I thought that someone from the security police would be waiting for me, but nothing happened. They didn’t even take my job away.

“At the beginning of the 1990s, many people thought that the government was beginning to lose power. Everyone listened to Radio Martí and talked a lot about it. For me, the Gulf War was pivotal. At work, we had access to all American newspapers and magazines, and I read everything. At lunchtime, we often talked about Cuba’s position of not condemning Iraq’s invasion, but of just criticizing the United States. In those discussions, I was very confident discussing and saying what I really thought. That self-confidence I later used in the meetings with the party, and it made me dare to stand up for myself.

“And because of the climate at that time – people believed that change was on the way – I was scared to death that the revolution would come, and that they would arrest me because I had a party membership card in my pocket. I didn’t want to be one of those people who only say the right thing at the right time. I wanted to be one of those who cause it to happen. When they later asked me to participate in volunteer work, I said no. Two weeks in the country twice a year is disrespectful to well-educated people.

“At that time, people also talked about how Cuba was becoming *Cambodiaized*. Because there was no gasoline, the country’s public transportation was becoming worse. I started coming to work late, but when they complained and said that I had to get up earlier, I said that the problem was not mine, but the city’s, which could not provide the service it was responsible for. They did not take any action against me for that either, but instead gave me work to do at home: translations that I could turn in a week later. I also stopped paying union membership dues, which is serious, but nothing happened after that either.

“In 1994, I became active in a humanitarian group that worked with political prisoners. We gave them Bibles and tried to instill hope. The group was very small but we had similar opinions, and through solidarity we could convince ourselves that it wasn’t us who were crazy. After a while, we met *Partido Solidaridad Democrática* (PSD), and even if I sought a more Christian Democratic organization at the time –

I was a big admirer of Oswaldo Payá who was the leader of the Christian Democrats – I discovered many interesting people in PSD and liberalism, and a party that was big enough to be worth joining. Besides, our whole group was invited to join at once.

“The first time I spoke on Radio Martí, I finally got fired from my job. But the formal reason for firing me, which can be read in the decision, is nothing more than a farce. They acknowledged all the good work I had done during the years that I translated for the government, but because I had had ‘contact with a third party,’ they were forced to let me go.

“Three years after I lost my job I applied for a license to teach English privately. I didn’t think they would give it to me. I had even prepared an appeal that I would have sent to ILO, which contended that it was a case of discrimination and that they did not have any other reason to deny me a license other than my political convictions. But they gave me the license without a problem. They want everything to appear normal, you see. That’s why they try to keep you in the party and at work, and not provoke conflict. Conflicts cause people to take positions and say what they think.

“Today, I regret nothing. I will never again wear a mask and be part of the system. Once you’re outside it, it’s a relief. You must be honest with yourself, say what you think, and not lie. If people would start saying openly what they think, the system would not survive very long.”

Adolfo Fernández Sainz told me this in the lobby of the Hotel Inglaterra in Old Havana on 24 October 1998. I had asked how a person becomes a dissident. I later posed the same question to another 20 or so democracy activists and everyone said the same thing: The driving force is to be rid of dishonesty, and the goal is to be free. When the flight from shame and double standards begins, you bow, wriggle, crawl, hesitate, and try to avoid your disgust with the system in one way or another. But in the end, you realize that the only thing that works is to stand up straight, challenge the system, and take the consequences. But it is not enough to criticize. It is when you start pushing for change that the authorities respond.

During the 1990s, the government weakened and the democracy movement grew strong with people like Adolfo, who in time became one of the movement’s sharpest opposition politicians and journalists. In spring 2003, the government had had enough. Seventy-five democracy activists were arrested and put on trial. The trial against Adolfo and four other people was over in a few hours on April 4. Armando Torres Aguirre, who as previously mentioned was the trial judge, wrote a paragraph about each defendant. Adolfo was number four:

FIRST DECISION:

[...]

Fourth paragraph

Proven, that the accused Juan Adolfo Fernández Sainz during a period spanning from 2002 to the first months of 2003 on a website on the Internet, which one can access via the electronic address www.nuevaprensa.com, and which is on a North American server, published a number of journalistic articles with subversive content about various subjects in Cuban society, with the apparent motive that they be used by opponents of the revolution, among which can be included the government of the United States, in dirt-throwing campaigns against the Cuban state.

Likewise, that the accused Fernández Sainz has persisted in his counterrevolutionary intentions during 2002 and 2003. He has given several interviews and made statements with biased and distorted information about Cuba and its state institutions on the reactionary radio channel Radio Martí. All this was done in compliance with a dictate and policies to discredit the Cuban state by the United States government, which is trying to sustain its goal of confusing public opinion and undermining the Cuban revolution.

The accused Juan Adolfo Fernández Sainz's other general circumstances, which precede the prosecutor's decision, is that he is not a member of any mass organization in his neighborhood, does not have a job, lives an idle life, but has previously been unpunished.

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After the verdict of 15 years in prison, Amnesty International soon declared Adolfo and the other 74 democracy activists to be prisoners of conscience.

The democracy movement experienced a setback at first. But in time, relatives organized a national network to support each other in the very demanding work of visiting and providing food and medicine to the imprisoned. Previously passive wives and children have become engaged and for every prisoner of conscience, two, three, and four new activists have been born who conduct protests and write letters about prison conditions.

Every two or three months I get such letters from Joana Fernández Nuñez, Adolfo's daughter. She sends them to human rights organizations around the world in the hope that her father's situation becomes known:

Date: 9 January 2006

From: "Joana C. Fernández" <chisy_00@yahoo.com>

Subject: Witness testimonial from family visit to Adolfo Fernández Sainz in Canaleta provincial prison by Julia Nuñez and Joana Fernández (wife and daughter of prisoner of conscience)

Last Friday, 6 January, Adolfo Fernández Sainz was allowed a visit from his family in Canaleta provincial prison in Ciego de Ávila province.

The first person we met when we came to the institution was a military official who identified himself as a member of the security police and who said that his name was Daniel. He brought us to an open room where he and three other military officials, together with everyone else who happened to pass by, went through correspondence, literature, and food that was intended for Adolfo.

They then brought us to a room with a cement table and a worn out wooden bench where the actual family visit would be conducted. A few minutes before the visit was supposed to begin, the head of the prison's medical unit came in and explained to Adolfo what dosage he needed to continue his high blood pressure medication.

Adolfo said that he also suffered from numbness in one of his legs, which the doctor said was a circulation disorder. The doctor also explained what medicine Adolfo should take and promised to make sure that Adolfo got it later on.

The family visit occurred for the next two hours. We found that Adolfo had lost more weight since we had seen him a month ago when he had just arrived there, which means that he is very thin. He said that it sickened him to eat because of the innumerable flies that cover his food tray before he gets to it.

When the visit was over, we were brought to an office. A female military official went through our purses, which were already empty, and which we only were going to take home with us. But to our surprise, that was not all. She suddenly explained to us in a strange and overly polite way that she needed a moment alone with one of us. The two male military officials who had been in the room left and the woman closed all the windows without further explanation. She finally told us her purpose: "that it was necessary to do a personal body search" (i.e. that we should undress). Each of us said no, of course.

The military official left the room obviously irritated and explained in a loud voice that she was going to get another guard. After a few minutes, the member of the security police came and asked our military official if she had "finished everything with us." We repeated our refusal to cooperate with the aforementioned body search, after which we were allowed to go. A prison institution has no right to demand this of relatives who are visiting family, and even more so after the visit is finished. We find this treatment degrading and disgraceful, and we are willing (as is Adolfo) to forgo

the opportunity to meet if similar affronts are to be a requirement.

We want to tell what happened to the other families of prisoners of conscience so that they, aware of their rights, will be forewarned about the unpleasant surprises they may experience when they visit a family member in prison. We also want to tell the rest of the Cuban people and the world.

Julia Nuñez (wife of prisoner of conscience Adolfo Fernández Sainz)

Joana Fernández (daughter of prisoner of conscience Adolfo Fernández Sainz)

Date: 10 March 2006

From: "Joana C. Fernández" <chisy_00@yahoo.com>

Subject: Adolfo Fernández Sainz. Current situation.

Dear friends, I am taking this opportunity to report on the latest visit we made to Adolfo Fernández Sainz at Canaleta prison in Ciego de Avila and update you on the situation at present. His health is still poor. All his illnesses have arisen since his imprisonment and are caused by it. At a check up the authorities did a year ago, they found pulmonary emphysema, enlarged prostate, arthrosis, a kidney cyst, a hiatus hernia, and high blood pressure. He has lost a lot of weight relative to his ideal weight and complains of circulation problems (numbness in his right leg to the top of his calf). When he came to Canaleta prison they informed him (as they did Antonio Diaz who was transported with Adolfo from the prison in Holguin) that they would take him to the doctor every week on Friday. This has not happened. He sees the doctor very seldom. When, after three or four weeks, they took him to the doctor, the doctor once again noted his illnesses in his journal and the medicines he should get, but which never come.

We, his family, have brought the medications he needs for blood pressure (Captopril) and in this way he has been able to manage the problem. However, they do no check his blood pressure regularly. At the last visit on March 6, we brought medication for his circulation problem (Rutascorbín), for which he had waited several months. But he was not allowed to take it because they had just given it to him.

The vitamins we had with us (C and multivitamins) were forbidden. This is a humiliation and a new form of torture because until now, there had never been a problem with these, neither in the provincial prison in Holguin nor the current Canaleta, and there is no reason to protest access to multivitamin pills, which he can take himself every day. It is very well-known that the bad prison diet does not include minimum amounts of necessary vegetables and fruit and other important foods, which multivitamin pills to a certain degree would compensate for, even if artificially. But the authorities concerned at the prison decided the opposite at their own discretion. We cannot believe that this is other than a measure to create unpleasantness.

His family visits are planned for every other month and conjugal visits every third month. The annual planning of visits was delayed two months without explanation. Finally my father was forced to strongly protest the absence of a visitation plan. In the plan, the dates for the family and conjugal visits are very close to each other, which means that his family must make a huge effort to get money for tickets and food for him for the conjugal visits and then eight days later (the next time is May 5) repeat this tremendous feat of traveling 400 kilometers in Cuba. Even though Adolfo Fernández has asked that he be allowed to make changes in the schedule so that the visits would be even closer to each other, or farther apart, the prison authorities have said that this is impossible.

Broadly speaking, these are his circumstances and those of his family. We very much value your work to condemn this prolonged injustice, which began with the arrest in March 2003, and through the sophisticated methods described above, is repeated and intensified every day for these prisoners of conscience and their families.

That is all. I wish you all success in your work,

Joana C. Fernández Nuñez, daughter of Adolfo Fernández Sainz

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In Cuba, you must choose between freedom of the body and freedom of conscience. Either way you are hungry, especially in prison. When Adolfo is especially beset by hunger, I imagine that he cuts thick slices of pride and eats them with salt. If you are strong enough, pride replenishes itself like the mythological Norse pig, which is eaten one day but reappears the next.

Erik Jennische

Secretary General, Swedish International Liberal Centre (SILC)

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