

# Memorandum to the Libertarian National Committee (LNC) Regarding Jailed Libertarian Activists

UPDATED 23 FEB 2017

This memorandum seeks to clarify facts and provide documentation for the situation surrounding the arrest and imprisonment of two Cuban libertarian activists.

Ubaldo Herrera Hernandez and Manuel Velazquez Visea were arrested on February 2. To be absolutely clear, these men are Cuban citizens.

The founder of Mises Cuba, Joisy Garcia Martinez, posted about their arrest on the Mises Cuba Facebook page.<sup>1</sup> My awareness of the issue began when Garcia directly asked me for help. I have been in regular contact with Garcia, a Cuban national who currently lives in Miami as a political refugee. Joisy Garcia has previously been recognized for his activism by Students for Liberty's Spain branch.<sup>2</sup>

Mises Cuba is an independent unaffiliated organization based on the Mises Institute in Auburn, Alabama. Mises Cuba consists of 14 activists: 7 basic members and 7 volunteer staff members including one volunteer in Argentina (Mamela Fiallo). Herrera is a member of Mises Cuba whereas Velazquez was in the process of recruitment.

**These libertarian activists have no one to speak for them. International libertarians are it.**

I have collected and translated Garcia's testimony (see Appendix A). I also collected and translated the testimony of Nelson Rodriguez Chartrand, a Cuban lawyer and member of Mises Cuba (see Appendix B). The following summary was compiled from both testimonies. The events of February 2 are as follows:

On the night of February 2, Herrera and Velázquez were approached by an agent from State Security, the secret police. The agent was an undercover operative dressed in civilian clothes and did not identify himself, but demanded Herrera and Velázquez show ID. The two men refused to identify themselves to a man in civilian clothes.

The man returned later with agents of State Security and the National Police. Herrera and Velázquez were both arrested at 8pm. They were arrested in Mayabeque Province and were for an unknown amount of time being detained at a facility in Quivicán. Both men were detained on falsified charges of attempted assault. Garcia asserts that this is a

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<https://www.facebook.com/misescuba/photos/a.918766948198688.1073741828.898210033587713/1332134443528601/?type=3&theater>

<sup>2</sup> <http://esflspain.org/un-paso-adelante-para-cuba/>

common tactic for silencing dissidents in Cuba, since he was previously arrested, detained, and tortured on similar charges.

According to Garcia, the dissident activities the two men were targeted for are the same peaceful activities we Libertarians do on a regular basis: meeting in a room and discussing limited governments, free markets, and libertarian theory.

**The LNC needs to understand that this situation involves the night-time arrest of political dissidents by the secret police in a third world Communist country. There is no documentation of the arrest or detention. We are forced to rely on testimonies and documentation from past incidents.**

On February 14<sup>th</sup>, the Editor and Community Manager of Mises Cuba, Mamela Fiallo, sent me a video which was also uploaded to Mises Cuba's Facebook page. In the short video, Ubaldo Herrera's mother claims she has no knowledge of what transpired with her son. Other activists and family friends in the video further explain the situation, namely that the elderly woman had not been allowed to see her detained son at all.<sup>3</sup> Nelson Rodriguez Chartrand is the main speaker in the video.

On February 16, I collected and began translating the written testimony of Nelson Chartrand (see Appendix B). Chartrand is also a victim of the regime.

On February 22, Mises Cuba published the breaking news from Nelson Chartrand that Herrera and Velazquez were transferred to a prison facility called "Melena II" (or Melena Numero 2) outside of Melena del Sur, on the border of Havana and Mayabeque provinces.

Based on known information from publications by news outlets, human rights groups, and from survivor testimonies, Melena II is one of several facilities in Cuba's equivalent to the Soviet Union's Gulag. Their transfer from a detention facility to the prison also suggests both men were convicted of attempted assault in a non-public criminal trial.

**Because no documentation exists of the libertarian activists' arrest and imprisonment, other forms of documentation must be adopted. This documentation consists of survivor or eyewitness testimonies, publications from human rights groups, and news reports about relevant items. All forms of documentation beside the firsthand testimonies are meant to verify the reputation of mentioned persons, verify elements of the story, or to provide standards for weighing the credibility of the testimonies. The firsthand testimonies have so far remained consistent with news stories, human rights publications, and other reputable publications.**

Previous publications available online confirm Ubaldo Herrera Hernandez's status as a Cuban dissident and political activist.

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<sup>3</sup> [https://m.facebook.com/story.php?story\\_fbid=1339719902770055&id=898210033587713](https://m.facebook.com/story.php?story_fbid=1339719902770055&id=898210033587713)

**F.A.C.E. Cuba**, a human rights watch group, reports that Ubaldo Herrera Hernández was previously arrested and detained simply to prevent him from appearing in public during the official week of mourning for Fidel Castro.<sup>4</sup>

The **University of Miami's Institute for Cuban-American Studies** reports that on April 7, 2015, Herrera was arrested and detained for 8 hours for hanging up posters with anti-government slogans.<sup>5</sup> He was arrested again 11 days later for participation in dissident activities.<sup>6</sup>

The **Cuban Commission for Human Rights and National Reconciliation** reports Herrera was previously arrested in Havana on January 1, 2015 for dissident political activities<sup>7</sup> (likely for distributing literature).

Herrera was also arrested a year prior on January 15, 2014. In this incident, he and other dissidents were detained for the day and then left stranded on the outskirts of the metropolitan area.<sup>8</sup>

The **Pan-American Post** in Miami covered the initial arrest of Herrera and Velazquez, confirming the story of their confrontation with undercover State Security.<sup>9</sup> It also confirms that Mises Cuba members who were threatened with arrest include Caridad Ramírez Utria, Heriberto Pons Ruíz, Eduardo Ramos Balaguer, Miguel López Santos, and Nelson Rodríguez Chartrand. Heriberto Pons Ruiz and Nelson Rodríguez Chartrand reported the political prisoners' transfer to Melena II.

(See Appendix C for documentation and details of the prison Melena II. Various documented human rights abuses in that prison make it part of Cuba's equivalent to the Soviet Union's 'Gulag archipelago'.)

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<sup>4</sup> <http://www.facecuba.org/cuba-on-track-for-10000-politically-motivated-arrests-by-end-of-year/>

<sup>5</sup> Page 3, <http://webcache.googleusercontent.com/search?q=cache:http://ctp.iccas.miami.edu/HumanRightsViolationsinCuba-April-June2015.pdf>

<sup>6</sup> Page 10, <http://webcache.googleusercontent.com/search?q=cache:http://ctp.iccas.miami.edu/HumanRightsViolationsinCuba-April-June2015.pdf>

<sup>7</sup> Page 2, <http://ccdhrn.org/wp-content/uploads/2015.01-CCDHRN2.pdf>

<sup>8</sup> Page 6, <http://ccdhrn.org/wp-content/uploads/2015.01-CCDHRN2.pdf>

<sup>9</sup> <https://es.panampost.com/sabrina-martin/2017/02/08/cuba-regimen-detiene-libertario/>

The Cuban government and Communist Party of Cuba have been formally condemned for the arrest of Herrera and Velazquez by the Libertarian state parties of Nevada<sup>10</sup>, New Hampshire<sup>11</sup>, Oklahoma<sup>12</sup>, Indiana<sup>13</sup>, and New Mexico.<sup>14</sup>

Apart from the state party affiliates, the **Libertarian Party of Spain (P-LIB)** has also denounced the Cuban government and demands the safe release of the jailed libertarian activists.<sup>15</sup>

Some members of the LP have expressed concerns about Americans interfering in the affairs of other nations. Quite the contrary. No one is advocating trade sanctions on Cuba or sending the Marines to Havana. Instead the LP would be calling international attention to a human rights violation. There is very little we can physically do for Herrera and Velazquez—even Edward Snowden is still a refugee—but we can at least ensure that neither these libertarians nor Mises Cuba are abandoned.

Paraphrasing the words of Pastor Martin Neimoller, “if we do not stand up for those we disagree with... there will be no one left to stand up for you and I when they come for us.”<sup>16</sup>

Zach Foster

Senior Contributor

LP Nevada

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<http://www.lpnevada.org/libertarian-party-of-nevada-lpn-condemns-cuban-government-for-arresting-libertarian-activists>

<sup>11</sup> <https://www.lpnh.org/lpnh-condemns-cuban-government-for-arresting-libertarian-activists/>

<sup>12</sup> <https://www.facebook.com/OklahomaLP/posts/1295316517184989>

<sup>13</sup> <http://lpin.org/stand-strong-for-jailed-cuban-libertarians/>

<sup>14</sup> <http://lpnm.us/wp/2017/02/20/resolution-condemning-cuban-arrest-of-u-h-hernandez-and-m-v-visea/>

<sup>15</sup> <http://www.p-lib.es/internacional/condena-del-p-lib-ante-el-encarcelamiento-de-dos-libertarios-cubanos/>

<sup>16</sup> Paraphrased in LP Indian’s condemnation of the Cuban government

# Appendix A

## The Testimony of Joisy Garcia Martinez

My friend has asked me to write my experiences, even though I had fortunately almost forgotten about my short stay of 21 days in "100 and Aldabó." I think it's a very good idea. The community of Cubans who have gone through what someone called "little shop of the horrors of the Cuban regime" is not short or lazy, and evidently breaks the ice on the many stories that have happened in this center of psychological breakdowns and social terror.

Due to the low cultural level of the police officers and their lack of professionalism, it is not to be forgotten that the cruel and degrading treatment that we have suffered and suffered in the process has been for [the purpose of terror].

My father, Carlos B. Ocampo, had left the island on the so-called stampede that ended up transforming the U.S. Naval Base at Guantanamo into a gigantic field of gray tents and refugees. They fled for different reasons, incomprehensible until now for those who are already awakening from the ill-known phenomenon: "Revolution."

I lived with my father, who with a coronary infarction and everything, decided to believe [in pursuing better opportunities], before the many political pressures we experienced, because the former lawyer's status was reduced to peasant and security guard working at a place close to home.

[At the time I was 22 and went out on weekends.] That's how I met Iván, a fun guy to hang out with, but it turns out had been stealing from his work place by taking more than what is officially allowed by government rations. I say "officially" because we're poor and everyone here survives by "stealing."

I was already aware (by some good neighbors) that the police had been prowling and asking about me in the area. That intrigued me enormously, but our house was always clear of any illegality...

We could not avoid the fruitless records [searches] in which they found nothing, but that intimidated the whole neighborhood. There had already been two instances, and in the last of them, the one who was my partner courageously did not let them inside until I arrived, claiming that she lived elsewhere and was just visiting.

I never got there on time and they left leaving the verbal guidance that I should present myself the first hour of the other day at the Punta Brava police station.

It was cold, and a neighbor ... at his own convenience led me to the old police station that was on the side of the fire station. There they [either] knew nothing of the matter or they did not tell me, and they simply locked me up in a cell. About two or three meters from me, I saw by a crack someone I knew whom the police were taunting.

An alleged “instruction” [interrogation] sergeant was named: Vladimir, whom I think was discharged, because not long after I saw him dressed as a worker of TRASVAL, an agency within the Ministry of the Interior that is dedicated to transporting money from the Foreign Exchange Collecting Houses, as they call them here.

The customary ritual of intimidation and coercion began at great speed and at a very young age, all very unpleasant. I was accused (I could only know later) of being an accessory to grand theft in an Interior Ministry unit where Ivan worked, which is located near the house and stored products for workers at the Prison of Mujeres Manto Negro.

Then they changed their accusation to the one of "receiving stolen items", but I did not know anything and they always educated me in not stealing, which is one of God's commandments.

They passed me first through some offices of that prison unit of the Interior Ministry. They remained in the back of the room, where I infer that it was discussed (in my humble opinion) the arbitrary and brutal procedure. But they had bet on trying to soften me over time and blame me through rigid interrogations that I was not accustomed to.

I remember a huge building about four or five stories tall. At his entrance was a sign that forced us to read, were the prison rules of 100 and Aldabó, a huge list of military disciplinary rules.

Next I was sent to remove my shoelaces, my belt and all my belongings. Amazingly, without a belt and without laces, we all climbed as far as the third floor. In the right wing was an iron door with about five people on the other side, who would be from that moment my cell mates.

My name had changed, and I don't really remember if there were 4 or 5 digits. The truth is that my name stopped being Joisy García Martínez and became a number. My companions of misfortune constantly reminded me when they shouted the number to go to what they called the “process of instruction” or *interrogation*.

I spent the first seven days without a mattress and very cold, constantly under interrogations. I slept on slabs on the floor in front of the stinking toilet-hole.

I knew nothing of Iván in a long time. They had nothing to blame me for as far as complicity, theft, or unauthorized sales. In all of the interrogations, which thank God lasted for only seven days, they treated me unsatisfactorily and blamed me for the “crimes” without ever presenting evidence or at least a [face-to-face] confrontation with Iván or whoever my accuser was as I demanded.

I noticed that in the interrogations, which are first prolonged, the air conditioners had no button. In my opinion, they were at a minimum temperature, because the guards left us waiting for the “instructors” in that horrendous cold longer than necessary, as a reminder that you were in their hands and that you were no longer a person. [We were beaten often.]

All visits with people from outside the prison were every seven days for ten minutes and with an official present.

A sign carved into the cell wall, apparently with a spoon, told us: "Don't trade days for years, we are all innocent." On that principle we talked about everything on a daily basis, identified (to pass the time) famous places, historical [persons], etc. As if we were a panel of "Write and Read", a television program in Cuba. Of course not everyone understood because of their ignorance and low educational level, but it was useful and we learned.

Whenever a colleague was taken out to be questioned, we all repeated: "Remember that we're innocent until they show us the opposite. Don't trade days for years," and it was in this way that I came across several cases...

I remember a boy who was drunk and on drugs, and as a consequence of intoxication, suffered a mental imbalance and with the shears of the neighborhood barber, he ran amok around town and cut more than 15 people. Because he had mental health problems, I gave him my shoes so that he could leave For the Combinado del Este prison. In the prison slang we called this "*cordillera*" [*mountain range*], because it's said to be better off in any prison than in 100 and Aldabó. I also met an alleged Havana marijuana dealer, the closest to a real delinquent.

My first family visit was at the seven days mark and only for ten minutes. The day before the jailers asked if I wanted to shave. I personally did not want to look brutalized in front of my mother, so I accepted. For my misfortune and error, I was given terrible service and torture.

After the constant psychological breakdowns, this was the best physical torture they inflicted on me. I was still handcuffed and being roughly shaved with a dull blade, without ever having passed the razor by the sharpener. My tears flowed like a waterfall, a clear expression of contempt for the neighbor. I only thought of giving the best impression to my mother, which did not happen anymore, because I determined not to ever shave in 100 and Aldabó with that son-of-a-bitch executioner.

Of the food menu, I can say that in the morning they gave us a tiny piece of bread with water and sugar. At noon a boiled egg, rice, a broth (we called snail soup), peas or watery beans.

And in the afternoon the same thing: rice, snail soup, peas and a mass of croquettes in the oven that constituted the main dish in all my time in prison, that is, the specialty of the house-prison, which produced a chronic gastritis Which I still carried and kept as a souvenir. All these supposed rations were well-rationed, of course.

The little hotel was just the opposite of what its "tourists" wanted, an obvious socialist machinery to censor and intimidate. I can point out that I had never known a punch or a dog bite. But one person who came in looking handsome, in the evening, the guards made him take off all his clothes. We all heard the show and felt like throwing a bucket of water

in the cell [to distract them]. It was quite cold and in the morning they asked him: are you going to remain undisciplined? He answered no.

Thus passed my 21 days of captivity in 100 and Aldabó. All my relatives and neighbors knew this: no one who comes out of those horrible experiences hides them. This mark stays and hurts forever.

On leaving, an old best friend that I have, whom I had not seen for some time, invited me to eat. We had lunch together. I will never forget that avoidable odyssey in a country without a minimum guarantee of legal rights for its population. Without explanations or apologies, and with the simple words: "We're letting you go," I saw the sun again.

When I left the prison, without charges and without having denounced anything or anyone, I was received in my neighborhood as a whole being who had been through the worst experience of the moment. I remember a neighbor told me, "you graduated a man." Contrary to what others had already said, if jail is not for the political, then it is shamefully for shit-eaters.

I saw Iván again. He has a wonderful family and a beautiful child, but he doesn't want to remember any of what happened, any of the pain and humiliation.

My phone number is 786.830.7489.

*Translator's note: Joisy Garcia currently lives in Florida. He chose not to go into greater detail on his detainment. According to Mises Cuba's Mamela Fiallo, his spine is permanently bent from interrogative torture. Keep in mind he was ultimately never tried or convicted, so he was released after 3 weeks. According to the report of Nelson Rodriguez Chartrand and Heriberto Pons Ruiz, Herrera and Velazquez actually have been convicted. They are currently at the Gulag prison called Melena II.*



## Appendix B

### The Testimony of Nelson Rodriguez Chartrand

My name is Nelson Chartrand and I take responsibility for the news. Here it is difficult to prove things. Political prisoners are not recorded in the police records; it's like a kidnapping. In this case if it is known that [Ubaldo] is detained in the police station at San Jose de las Lajas in the province of Mayabeque. [*This was before Herrera's transfer to the Gulag was known.*]

Mamela Fiallo has a short video of Ubaldo's mother. He is still detained with the other libertarian brother. They falsely accused him of the crime of attack. On the first visit, the mother could not see him. Yesterday was the second attempt to visit. Today I will go to the mother to know.

The Cuban dictatorship in my opinion has been the most intelligent of all time. It has fooled many people, even those who suffer. [Because of my libertarian activism, I'm unable to find work.]

There is no law that says we can't work, but when you go to look for work that asks you which organizations you belong to and respond to them, they never let you know, and they leave you waiting. And if you say that you are, for example a libertarian, that you write for independent magazines that denounce the injustices of the government, etc., possibly they [arrest you and] give you a beating. You can't imagine the needs we bear, but it's better not to talk about it, it really depresses me.

We're dealing with [the issue of Herrera's family]. The theme is that Ubaldo belongs to our project. Manuel, through Ubaldo's recruitment wanted to join, but he did not have the time to [before the arrest]. Nevertheless, we are in solidarity with him, in short, he is a potential [Mises Cuba member] who was defending his right to respect his person. We are looking for the [address or contact information] of their relatives to go visit them as we did with the mother of Ubaldo. Both are libertarians and we have to defend them.

We are aware of [the American Libertarians' response to this outrage] and have already made it known to the mother of Ubaldo and many brothers in Cuban civil society. People are astonished at the solidarity of libertarians. No independent Cuban political party has experienced such solidarity. The latter is confidential, but those are the words of many political affiliates. What the libertarians of the world have done, especially *you*, this show of effective solidarity has left many people impressed on the island. God willing, society will realize that libertarianism is the future of humanity.

A hug to all, and you do not know how happy we are for the solidarity we have had. My phone number is 535.559.2500. Sincere hugs from the Cuban libertarians of Mises Cuba and the Benjamin Franklin Library project.

## Appendix C

### Melena II

Mises Cuba volunteer **Nelson Rodriguez Chartrand** and **Heriberto Pons Ruiz** both testify that Herrera and Velazquez have been transferred to Melena II, a labor prison outside of Melena del Sur, near Havana. Thanks to refugees like **Esteban Marcial Mosqueda**, whose testimony was published by retired U.S. immigration judge **Susan Yarbrough**, we know exactly what conditions the two jailed libertarian activists are facing.<sup>17</sup>

"There were no beds and no sheets so I slept on the floor with the other men. The toilet was a hole in the floor, and it overflowed every day. At night the rats and roaches came through it, and sometimes a snake. Our food was beans once a day, and it was always filled with insects and worms. We got a pail of water every other day; it was for drinking, but it was so dirty it made us sick... Many months and many guards went by. Most of them would call me *negro azul* [blue-black, *because of his dark skin*]... I was very thin by then, and it was very easy for them to pull down my pants."

In 2011 the **Committee to Protect Journalists** confirmed the existence of Melena II, and the labor prison's appalling conditions.<sup>18</sup> The Spanish-language Cuban-American news venue **Let's Talk Press** reported appalling conditions and human rights abuses in the Melena II prison as recently as 2015.<sup>19</sup>

The Spanish-language Cuba news venue **Café Fuerte** reports on the forced labor conditions. "'We are subjected to a twelve-hour work day in the sun, melting and raising blocks or working in the field,' said a labor convict at the Melena II prison's collective farm... The Melena II prison houses more than 600 convicts, mostly young black men. They work by making cement blocks."<sup>20</sup>

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<sup>17</sup> Page 6, [https://books.google.com/books?id=ITWbXmka-e0C&pg=PA8&lpg=PA8&dq=melena+ii+prison&source=bl&ots=0DCXhfhz8Q&sig=tvVhSI9VrtVYAeeArC1w4I\\_gyq8&hl=en&sa=X&ved=0ahUKEwiQ58StyaTSAhVNWGMKHYq\\_An8Q6AEILTAH#v=onepage&q=esteban%20marcial%20mosqueda&f=false](https://books.google.com/books?id=ITWbXmka-e0C&pg=PA8&lpg=PA8&dq=melena+ii+prison&source=bl&ots=0DCXhfhz8Q&sig=tvVhSI9VrtVYAeeArC1w4I_gyq8&hl=en&sa=X&ved=0ahUKEwiQ58StyaTSAhVNWGMKHYq_An8Q6AEILTAH#v=onepage&q=esteban%20marcial%20mosqueda&f=false)

<sup>18</sup> <https://cpj.org/2011/04/ending-dark-era-cuba-frees-last-jailed-journalist.php>

<sup>19</sup> <https://translate.google.com/translate?hl=en&sl=es&u=http://www.cihpress.com/2015/01/cuba-denuncian-abusos-contr.html&prev=search>

<sup>20</sup> <http://cafeuerte.com/cpolitica/1516-prisioneros-denuncian-explotacion-laboral-en-las-carceles/>