

**National Lawyers Guild • International Committee
Presentation to the United Nations Decolonization Committee
Hearings on Puerto Rico
June 18, 2012**

The National Lawyers Guild was founded in 1937 as an alternative to the American Bar Association, which did not admit people of color. The National Lawyers Guild is the oldest and largest public interest/human rights bar organization in the United States. With headquarters in New York, it has chapters in every state. From its founding, the National Lawyers Guild has maintained an internationalist perspective, with international work a critical focus for the Guild. Its International Committee has organized delegations to many countries throughout the world, and Guild members are involved in international organizations such as the International Association for Democratic Lawyers and the American Association of Jurists. Presently, active subcommittees exist for Cuba, the Middle East, Korea, Haiti, Palestine, Iran, Puerto Rico, indigenous American peoples, and other nations. Guild members, including myself, have a long history of defending activists in the Puerto Rican independence movement.

I. Continuing Absence at the International Table

Due to its continuing status as a U.S. colony, Puerto Rico is unable to participate in most international fora alongside its sister nations in Latin America. The latest example is last April's Summit of the Americas, where all the nations in the continent — except Puerto Rico and Cuba (and for very different reasons) — sat to discuss issues important to all. Addressing Puerto Rico's exclusion, an independence party activist noted that, "all our neighbors and Latin American brothers are meeting with the United States and Canada to discuss the most transcendental problems of our region, including the movement of drugs and the economic and

commercial relations among the countries. It's shameful that in the 21st century, because of the meanness of the defenders of colonialism and the interests of the United States, Puerto Rico is still a colony and cannot express itself among the countries of the region.”¹

II. Status/Plebiscite

In 2011, the U.S. President's Task Force on Puerto Rico's Status issued a report recommending that a plebiscite take place, while acknowledging that it would have no binding effect on the U.S. Congress, which holds Puerto Rico's sovereignty hostage, and which continues to refuse to acknowledge Puerto Rico's illegal colonial status under international law.² As suggested by the report, the pro-statehood governor at the end of 2011 signed a law mandating a plebiscite with two questions: whether to maintain the current status, and if not, then whether the preferred status would be independence, U.S. statehood, or continuation as a “free associated state.”³ The society is rife with dissension about the legitimacy of the process, whether and to

¹Inter News Service, “Ausente Puerto Rico de la Cumbre de las Américas: El tema principal es el tráfico de la droga hacia Estados Unidos,” *El Nuevo Día*, April 14, 2012, <http://www.elnuevodia.com/ausentepuertoricodelacumbredelasamericas-1236141.html>; “Lamenta el PIP ausencia de PR en Cumbre Américas,” *NotiCel*, April 14, 2012, <http://www.noticel.com/noticia/122110/lamenta-el-pip-ausencia-de-pr-en-cumbre-americas.html>; “Ortega, ausente de la Cumbre, critica la exclusión de Cuba: El mandatario advirtió que el gobierno de La Habana debe estar presente en “las mal llamadas Cumbres de las Américas,” *El Nuevo Diario*, April 14, 2012, <http://www.elnuevodiario.com.ni/politica/248125> (Nicaraguan president Daniel Ortega “recalled that at the last presidential Summit, which took place in Trinidad Tobago, he criticized the exclusion of Cuba and Puerto Rico, the latter, he said, occupied by the United States, and thus, he said, he didn't feel represented at the summit. Now, how could I show up at this summit (in Cartagena de Indias) after having said that I don't feel represented because Cuba and Puerto Rico are excluded.”).

²http://www.whitehouse.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_Report.pdf.

³“Puerto Rico: Status Vote Set as Crime, Unemployment Rise,” *Weekly News Update on the Americas*, January 3, 2012, <http://weeklynewsupdate.blogspot.com/2012/01/wnu-1111-police-commander-arrested-in.html>.

what extent to participate,⁴ as well as who can participate.⁵ One thing is clear: the exercise will not resolve the status question, because the result is not binding on the U.S., and because it ignores the mandates of international law.

III. Unceasing U.S. Intervention/Penetration

Meanwhile, the U.S. inserts itself into Puerto Rican life on an almost daily basis, disingenuously posing as “the knight in shining armor,” be it to conduct anti-drug and anti-gang raids,⁶ monitor the schools,⁷ or prosecute fraud.⁸ As one pro-statehood proponent recognized,

⁴CB Online Staff, “Battles lines drawn on status plebiscite,” *Caribbean News*, February 20, 2012, http://www.caribbeanbusinesspr.com/news03.php?nt_id=68282&ct_id=1&ct_name=1; Rosita Marrero, “Expertos no le ven el uso al plebiscito,” *Primera Hora*, January 28, 2012, <http://www.primerahora.com/expertosnolevenelusoalplebiscito-607339.html>; Pedro Pierluisi, “Puerto Rico Status Referendum is Historic,” *Jurist*, February 17, 2012, <http://jurist.law.pitt.edu/hotline/2012/02/pedro-pierluisi-referendum.php>; Rafael Cox-Alomar, “Setting the Record Straight on the Puerto Rican Plebiscite,” *Jurist*, March 7, 2012, <http://jurist.org/hotline/2012/03/rafael-cox-alomar-status.php>; Rubén Berríos Martínez, “El por qué y el para qué del plebiscito,” *El Nuevo Día*, May 1, 2012, <http://www.elnuevodia.com/columna-elporqueyelparaquedelplebiscito-1247177.html>; Cándida Cotto, “Noel Colón Martínez: Proyecto para desorientar la opinión pública,” *Claridad*, October 11, 2011, <http://www.claridadpuertorico.com/content.html?news=F4B1E2D29FE915427740A791CDF8ED31>.

⁵Kevin Mead, “Serrano: Extend plebiscite to states,” *Caribbean Business*, October 6, 2011, http://www.caribbeanbusiness.pr/news03.php?nt_id=62965&ct_id=1&ct_name=1.

⁶Frances Rosario, “Federales desarticulan 18 puntos de gangas violentas en el residencial Aristides Chavier: Policía ocupará residencial para devolverle la tranquilidad a la comunidad, informó el gobernador,” *El Nuevo Día*, March 8, 2012, <http://www.elnuevodia.com/federalesdesarticulan18puntosdegangasviolentasenelresidencialaristideschavier-1207811.html>; Limarys Suárez Torres, “Operativo federal en el área metropolitana: Pesquisa contra un grupo de personas dedicadas a crímenes violentos,” *El Nuevo Día*, March 28, 2012, <http://www.elnuevodia.com/operativofederalenelareametropolitana-1223176.html>.

⁷Keila López Alicea, “Federales supervisan escuelas boricuas: Visitan para cerciorarse de que se usan los fondos federales adecuadamente,” *El Nuevo Día*, March 26, 2012, <http://www.elnuevodia.com/federalessupervisanescuelasboricuas-1221606.html>.

⁸Inter News Service, “Barceloneta mayor charged and jailed for extortion,” *Puerto Rico Daily Sun*, February 16, 2012, <http://www.prdailysun.com/news/Barceloneta-mayor-charged-and-jailed-for-extortion>; “Servicio Postal realiza arrestos por fraude: Organización cambiaba giros postales que producía en una máquina impresora de la agencia,” *El Nuevo Día*, May 3, 2012, <http://www.elnuevodia.com/serviciopostalrealizaarrestosporfraude-1249045.html>.

“Every part of the colonial, economic, and juridical life of Puerto Ricans is regulated by the federal government: health, medical, Social Security, communications, banks, the mail, the ports, maritime cargo, and even the IRS. There is no human activity in Puerto Rico that isn’t covered by some federal agency.”⁹ Yet that pervasive presence is ever-expanding, to the point that the pro-statehood governor has ceded to the U.S. government the responsibility to prosecute most local felonies and touts an inter-agency agreement to that effect as the solution to rampant crime in Puerto Rico.¹⁰

IV. Abusive Police

Although the U.S. may hold itself out as a “knight in shining armor,” this is a sham, completely belied by events. September of 2011 revealed what the *New York Times* called “a blistering condemnation” of the Puerto Rico Police Department, in a report by the U.S. Department of Justice [DOJ]. The report noted a “profound” and “longstanding” pattern of civil rights violations and other illegal practices that have left the Police Department “broken in a number of critical and fundamental respects.”¹¹ The Justice Department found that the police were systematically “using force, including deadly force, when no force or lesser force was called

⁹Hernán Padilla, “La federalización de Puerto Rico,” *El Nuevo Día*, November 14, 2011, <http://www.elnuevodia.com/columna-lafederalizaciondepuertorico-1118618.html>.

¹⁰Combined Wire Services, “Gov. federalizes more local crimes,” *Puerto Rico Daily Sun*, September 21, 2011, <http://www.prdailysun.com/news/Gov-federalizes-more-local-crimes>; Luis G. Fortuño, “Compromiso con la Seguridad Pública,” *El Nuevo Día*, June 14, 2012, <http://www.elnuevodia.com/columna-compromisoconlaseguridadpublica-1278381.html>.

¹¹Charlie Savage and Lizette Alvarez, “Police in Puerto Rico Are Accused of Abuses in Justice Dept. Report,” *New York Times*, September 8, 2011, <http://www.nytimes.com/2011/09/08/us/08police.html?emc=tnt&tntemail1=y>; Editorial: “Unconstitutional Policing,” *New York Times*, September 14, 2011, http://www.nytimes.com/2011/09/15/opinion/unconstitutional-policing-in-puerto-rico.html?_r=1&emc=tnt&tntemail1=y.

for,” unnecessarily injuring hundreds of people and killing “numerous others.”¹² The DOJ condemned nearly every aspect of the force — its hiring and training practices, the way it assigns and promotes officers, and its policies governing officer behavior and accountability for misconduct. Significantly, it noted police excessive force and other misconduct designed to suppress supposedly protected constitutional rights such as expression and assembly.¹³

Many saw great hypocrisy in the U.S. Justice Department’s harsh criticism of the Puerto Rico police, given that agents of the U.S. Federal Bureau of Investigation (FBI) — Pedro Toledo and José Figueroa Sancha — have held the position of superintendent of the police department for 14 of the last 20 years, and given the close relationship between the colonial and metropolitan law enforcement agencies. Indeed, on the heels of the report, the colonial administrator named yet another former FBI agent, Héctor Pesquera, to lead the department out of the mire,¹⁴ this one bringing his controversial past, including, *inter alia*, allegations of misconduct and loyalties to right wing Cubans.¹⁵ While his nomination stirred outrage among the independence movement,¹⁶

¹²U.S. Department of Justice Civil Rights Division, Investigation of the Puerto Rico Police Department, September 5, 2011, Findings Letter, http://www.justice.gov/crt/about/spl/documents/prpd_letter.pdf; Executive Summary, http://www.justice.gov/crt/about/spl/documents/prpd_exec_summ.pdf.

¹³Ángel Rosa, “Contundente informe federal,” *El Nuevo Día*, September 12, 2011, <http://www.elnuevodia.com/columna-contundenteinformefederal-1064556.html>.

¹⁴Associated Press, “Former Puerto Rico FBI director nominated to lead island’s beleaguered police department,” *Washington Post*, March 29, 2012, http://www.washingtonpost.com/world/the_americas/former-fbi-director-to-lead-puerto-ricos-beleaguered-police-department/2012/03/29/gIQAZpmEjS_story.html.

¹⁵“Historial controversial de supuesto sustituto de Díaz Colón,” *Telemundo Puerto Rico*, March 29, 2012, <http://www.telemundopr.com/telenoticias/ultimas-noticias/Historial-controversial-de-supuesto-sustituto-de-Diaz-Colon-144854675.html?m=y&smobile=y>; Editorial, “Un nombramiento desesperado y peligroso,” *Claridad*, April 3, 2012, <http://www.claridadpuertorico.com/content.html?news=7923B18ABED994D8899F5BEF2A234598>.

¹⁶Aura N. Alfaro, “Fortuño names ex FBI agent Pesquera Police chief,” *Puerto Rico Daily Sun*, March 30, 2012, <http://www.prdailysun.com/news/Fortuo-names-ex-FBI-agent-Pesquera-Police-chief> (reporting what the daily

the pro-statehood dominated Senate nevertheless quickly confirmed him.¹⁷

Many also saw irony, given the report of the colonial government's Civil Rights Commission on the FBI's extrajudicial execution of legendary independentista Filiberto Ojeda Ríos,¹⁸ finding, *inter alia*, that the operation which resulted in his "illegal death"¹⁹ was "characterized by the use of excessive and abusive force," and noting:

It is a historical fact that during the past decades, the FBI has represented a model for the Puerto Rico Police, related to operation and strategies to follow in the field of so-called law enforcement. That body, additionally, has constituted an important source of training for police officials in Puerto Rico. Given the FBI's relapse in the excessive use of force and abuse of authority, we recommend that the Puerto Rico Police consider alternative models for its operation and training.²⁰

Further irony was noted in light of the FBI's refusal to seriously investigate the 1970's murders of the Santiago Mari Pesquera, son of leading independence advocate Juan Mari Bras, and of Carlos Muñiz Varela, a Cuban resident of Puerto Rico and an activist against the U.S.

newspaper termed his "questionable actions" and his history of close relationships with the Cuban right wing in Miami).

¹⁷Alba Y. Muñiz Gracia, "Senado confirma a Héctor Pesquera como Superintendente de la Policía de Puerto Rico," *El Nuevo Día*, April 10, 2012, <http://www.elnuevodia.com/senadoconfirmaahectorpesqueracomosuperintendentedelapoliciadepuertorico-1232366.html>.

¹⁸Comisión de Derechos Civiles, Estado Libre Asociado de Puerto Rico, Informe Final sobre la investigación de los sucesos ocurrido en el Municipio de Hormigueros el 23 de septiembre del 2005 donde resultó muerto el ciudadano Filiberto Ojeda Ríos, October 13, 2011, <http://www2.pr.gov/agencias/cdc/Documents/Informes%20Especiales/Informe.pdf>.

¹⁹NotiCel/CyberNews, "'Muerte ilegal' la de Filiberto Ojeda," *Noticel*, February 2, 2012, <http://www.noticel.com/noticia/117553/muerte-ilegal-la-de-filiberto-ojeda.html>.

²⁰Comisión de Derechos Civiles, Estado Libre Asociado de Puerto Rico, Informe Final sobre la investigación de los sucesos ocurrido en el Municipio de Hormigueros el 23 de septiembre del 2005 donde resultó muerto el ciudadano Filiberto Ojeda Ríos, October 13, 2011, <http://www2.pr.gov/agencias/cdc/Documents/Informes%20Especiales/Informe.pdf>, at p. 11 of Executive Summary.

embargo and for normalization of relations with Cuba.²¹

V. Supreme Court

The pro-statehood administration's court-packing and fast-tracking implemented last year has, in the words of respected legal scholars, "weaken[ed] the people's trust in the judicial branch and create[d] an unprecedented constitutional crisis,"²² in effect erasing the notion of separation of powers. Three examples illustrate this situation: the statehood controlled Senate's refusal to re-appoint judges whose judicial opinions are contrary to the prevailing statehood leaders' positions;²³ the Senate's baseless investigation into the expenditures of the chief judge, who is a supporter of the status quo commonwealth;²⁴ and the court's interference with a voting recount amid allegations of massive fraud, as more fully detailed below.

VI. Election fraud

Following allegations by the pro-statehood and commonwealth electoral parties of widespread voter fraud in the March 2012 primaries for legislative and mayoral races, the

²¹See, e.g., José A. Delgado, "FBI tenía pistas de los asesinos de Carlos Muñiz Varela: Familiares y amigos del fenecido líder estudiantil le recordarán hoy, a las 12:30 p.m., en un acto en el cementerio de San Juan," *El Nuevo Día*, April 30, 2012,

<http://www.elnuevodia.com/fbiteniapistasdelosasesinosdecarlosmunizvarela-1246507.html>. Some call the FBI an accomplice to the murder of Muñiz Varela, as recently declassified documents reveal that the FBI knew almost immediately the identity of the right wing Cuban terrorists involved, but refused to divulge the information so that the killers could be prosecuted. See, "MINH tilda de 'cómplice' al FBI en muerte de Carlos Muñiz Varela," *Primera Hora*, June 4, 2012,

<http://www.primerahora.com/minhtildadecomplcealfbienmuertedecarlosmunizvarela-656073.html>.

²²Rafael R. Díaz Torres, "Judicial Branch's independence is in jeopardy: Law professors claim there is a constitutional crisis in Puerto Rico," *Puerto Rico Daily Sun*, February 10, 2012, <http://www.prdailysun.com/news/Jurists-Judicial-Branchs-independence-is-in-jeopardy>.

²³Editorial, "Sumidos los jueces en la indefensión," *El Nuevo Día*, May 4, 2012, <http://www.elnuevodia.com/editorial-sumidoslosjuecesenlaindefension-1249365.html>.

²⁴"Choque de ideología divide al Tribunal Supremo de Puerto Rico," February 4, 2012, <http://www.puertoricoexpresa.com/2012/02/choque-de-ideologia-divide-al-tribunal-supremo-de-puerto-rico/>.

electoral commission ordered a recount — the first time in history for a primary election.²⁵

The Puerto Rico Supreme Court entered into the fray by preventing a specialized trial-level court mandated to deal with election matters from holding any hearings on the matter. The highly politicized court acted upon a petition of the pro-statehood party to take the matter away from the more independent trial-level court, via the "certification" method, which it has used time and again in recent history in order to favor the interests of the governing party.

After much wrangling in the courts, the recount has been allowed to proceed, and an investigation revealed votes by people who did not go to the polls and even by people who were no longer living. Public confidence in the electoral process is seriously eroded.²⁶

VII. Economy

The effects of the economic downturn are felt in magnified form in Puerto Rico, including because of the massive layoffs of government employees that marked the beginning of the pro-statehood administration.²⁷ At the beginning of this year, the reported unemployment rate

²⁵CB Online Staff, "Top court clears way for electronic vote count," *Caribbean Business News*, May 1, 2012, http://www.caribbeanbusinesspr.com/news03.php?nt_id=71088&ct_id=1. The Republican Party primary is similarly under investigation for the artificially inflated number of voters, alteration of voting lists, falsification of signatures, and possible alteration of votes. Israel Rodríguez Sánchez, "Héctor Conty investiga la primaria republicana en Puerto Rico: Atiende Conty las posibles irregularidades," *El Nuevo Día*, May 19, 2012, <http://www.elnuevodia.com/hectorcontyinvestigalaprimariarepublicanaenpuertorico-1260150.html>.

²⁶Susanne Ramírez de Arellano, "Puerto Rico's Growing Voter Fraud Scandal," *Fox News Latino*, April 23, 2012, <http://latino.foxnews.com/latino/politics/2012/04/23/puerto-rico-growing-voter-fraud-scandal/>.

²⁷Antonio R. Gómez, "Desempleo por las nubes en la Isla: Los municipios de la zona sur y de la montaña son los más perjudicados," *Primera Hora*, January 16, 2012, <http://www.primerahora.com/desempleoporlasnubesenlaisla-602598.html>.

was a whopping 25%,²⁸ compared to an unemployment rate in the U.S. of 8.1%;²⁹ while the labor employment rate in Puerto Rico was 39.9%,³⁰ compared to a labor employment rate in the U.S. of 64.3%.³¹ The consequences to the Puerto Rican people include the development of a new population of homeless families,³² and, not surprisingly, a continuing exodus, as Puerto Ricans flee to the United States in search of work.³³ Prospects for the future of the colonial economy do not bode well for the Puerto Rican people. Moody's Investors Service, the bond credit rating business, recently stated that "Puerto Rico's ongoing recession continues to have an adverse impact on its financial institutions," noting "weak prospects for a sustainable recovery in the coming years."³⁴

²⁸Id.

²⁹Betsi Fores, "Labor force participation rate lowest in 30 years, despite lower unemployment," *Daily Caller*, May 7, 2012, <http://dailycaller.com/2012/05/07/labor-force-participation-rate-lowest-in-30-years-despite-lower-unemployment/#ixzz1uoSV20Z4>.

³⁰"PR labor participation rate falls again," *Caribbean Business*, April 23, 2012, http://www.caribbeanbusiness.pr/news03.php?nt_id=70778&ct_id=1.

³¹Betsi Fores, "Labor force participation rate lowest in 30 years, despite lower unemployment," *Daily Caller*, May 7, 2012, <http://dailycaller.com/2012/05/07/labor-force-participation-rate-lowest-in-30-years-despite-lower-unemployment/#ixzz1uoSV20Z4>.

³²Gerardo Cordero, "Afloran las familias deambulantes: Surgen cada vez con más frecuencia grupos familiares que pernoctan en las calles y preocupa la falta de hogares de emergencia para ubicarlos," *El Nuevo Día*, April 29, 2012, <http://www.elnuevodia.com/afloranlasfamiliasdeambulantes-1246116.html>.

³³Patricia Vargas Casiano, "Artistas que cambian de profesión: La falta de trabajo en el ambiente artístico los lleva a buscar otra manera de ganarse la vida," *El Nuevo Día*, April 29, 2012, <http://www.elnuevodia.com/artistasquecambiandeprofesion-1245926.html>.

³⁴"Moody's Warns of Bank Downgrades in Puerto Rico (STD, BBVA, BPOP)," *24/7 Wall St. Wire*, April 11, 2012, <http://247wallst.com/2012/04/11/moodys-warns-of-bank-downgrades-in-puerto-rico-std-bbva-bpop/>.

VIII. Death penalty

While the death penalty is falling into disfavor throughout the United States,³⁵ and while the Constitution of Puerto Rico — approved by U.S. Congress in 1952 — prohibits the death penalty, the United States continues to push for the death penalty in cases before the federal court in Puerto Rico,³⁶ despite strong anti-death penalty sentiment, as articulated in an editorial in the island’s most widely circulated daily newspaper: “As a matter of principle, we condemn and reject this type of sentence, because it clashes with our constitutional tradition and our values as a people.”³⁷

IX. Environment

The colonial administration’s 92 mile gas pipeline project, awaiting approval by the U.S. Army Corps of Engineers, “wasted more than fifty million dollars on a project that was never needed, was never practical and was never supported by the public,” according to a member of

³⁵Dalina Castellanos, “Fight against death penalty gains momentum in states: Connecticut will be the fifth in five years to do away with it. The high cost to taxpayers is increasingly a factor,” *Los Angeles Times*, April 14, 2012, <http://www.chicagotribune.com/news/nationworld/la-na-death-penalty-20120415,0,4532410.story>.

³⁶Benjamín Torres Gotay, “Pena de muerte a la pena de muerte: La fiscalía federal insiste en aplicar aquí la pena capital,” *El Nuevo Día*, April 15, 2012, <http://www.elnuevodia.com/penademuertealapenademuerte-1236154.html>; Edgardo Román, “Listado de Casos de Elegibles Pena de Muerte Corte de Distrito Federal Distrito De Puerto Rico Pendientes de Adjudicación al 31 de Mayo de 2012,” revealing two certified cases and 14 cases pending certification.

³⁷Editorial, “Rotundo No a la Pena Capital,” *El Nuevo Día*, April 17, 2012, <http://www.elnuevodia.com/editorial-rotundonoalapenacapital-1237448.html>.

U.S. Congress.³⁸ The pipeline endangers human life,³⁹ and, “the impact on the environment, on our rivers, on our communities is enormous,” according to the organizers leading the massive, united protest against the project.⁴⁰

Others battle to stem the onslaught of “development,” including fighting construction of incinerators which would create toxic ash and dangerous mixtures of gas that would threaten the health and safety of those living nearby;⁴¹ erection of windmills on some of the most arable land in the country,⁴² and devastation of the Northeast Ecological Corridor, eliminating the designation of nature reserve and permitting construction of roads and residential, commercial and high-end tourism projects.⁴³

³⁸José A. Delgado, “Gutiérrez cuestiona por qué autoridades federales siguen evaluando el Gasoducto: Ante las dudas sobre el proyecto, cree que el plan del gobierno de Fortuño debería detenerse,” *El Nuevo Día*, February 15, 2012, <http://www.elnuevodia.com/gutierrezcuestionaporqueautoridadesfederalessiguenevaluandoelgasoducto-1191329.html>.

³⁹María Miranda, “Study: Vía Verde endangers lives in 11 municipalities,” *Puerto Rico Daily Sun*, April 25, 2012, <http://www.prdailysun.com/news/Study-Va-Verde-endangers-lives-in-11-municipalities>.

⁴⁰Lizette Alvarez, “Puerto Rico’s Plan for Natural Gas Pipeline Has Many Critics,” *New York Times*, October 21, 2011, <http://www.nytimes.com/2011/10/22/us/puerto-ricos-plan-for-gas-pipeline-has-many-critics.html>.

⁴¹Keila López Alicea, “Truenan contra el incinerador de Arecibo: Experto en química asegura que los desperdicios no deben quemarse, sino reusarse y reciclarse,” *El Nuevo Día*, January 20, 2012, <http://www.elnuevodia.com/truenancontraelincineradordearecibo-1169848.html>; CyberNews, “Familias de Barceloneta demandan por propuesta incineradora de basura,” *Telemundo*, January 18, 2012, <http://www.telemundopr.com/telenoticias/puerto-rico/Familias-de-Barceloneta-demandan-por-propuesta-incineradora-de-basura-137560633.html>.

⁴²“Convocan a protestar por proyecto de molinos de viento en Santa Isabel,” *Primera Hora*, October 20, 2011, <http://www.primerahora.com/convocanaprotestarporproyectedemolinosdevientoensantaisabel-569327.html>; Michelle Estrada Torres, “Continúa el martes la vista contra los arrestados por protestar molinos de Santa Isabel,” *Primera Hora*, February 4, 2012, <http://www.primerahora.com/continuaelmarteslavistacontralosarrestadosporprotestarmolinosdesantaisabel-610337.html>.

⁴³“Desmienten alegaciones del DRNA sobre Corredor del Noreste,” *NotiUno*, May 23, 2012, <http://www.notiuno.com/2012/05/desmienten-alegaciones-del-drna-sobre-corredor-del-noreste/>; “Coalición Pro Corredor Ecológico del Noreste desmiente al Secretario del DRNA,” May 23, 2012, <http://biodiversidadpr.wordpress.com/>.

Meanwhile the U.S. courts spurned the efforts of the people of Vieques, whose island was used for over 60 years by the U.S. Navy as a weapons-testing ground and firing range, to hold the U.S. government responsible for the rampant cancer and other ills caused by the Navy's presence.⁴⁴ It was no consolation for the Puerto Rican people to learn that the cleanup of the deadly contamination left by the U.S. military will take at least another decade, as the U.S. has not budgeted sufficient funds.⁴⁵

X. Political prisoners

We are honored to make this year's presentation in the presence of Carlos Alberto Torres, here with us after having served 30 years in United States prison for his commitment to the independence of Puerto Rico, released two years ago. His compañero Oscar López Rivera, however, remains behind bars, having now served an unbelievable 31 years behind bars.

What other country holds its political prisoners for such a long time? Nelson Mandela, perhaps the world's most internationally renowned political prisoner, was held for 27 years, and the world was aghast at the length of his imprisonment.⁴⁶

But the country that holds Oscar López Rivera, as well as Puerto Rican political prisoners Avelino González Claudio and Norberto González Claudio, is none other than the United States, the very same country that routinely uses the release of political prisoners as a measure of other

⁴⁴Terry Baynes, "U.S. court dismisses Puerto Ricans' suit over arms testing," *Reuters*, February 14, 2012, <http://www.reuters.com/article/2012/02/15/us-puertorico-lawsuit-vieques-idUSTRE81E07Y20120215>.

⁴⁵José A. Delgado, "Tardará por lo menos otra década la limpieza de Vieques; En Culebra, puede durar otros 40 años," *El Nuevo Día*, May 6, 2012, <http://www.elnuevodia.com/tardaraporlomenosotradecadalalimpiezadevieques-1251192.html>.

⁴⁶See, e.g., Reuters, "Mandela Expects to Be Released Soon, His Wife Says," *New York Times*, January 9, 1990, <http://www.nytimes.com/1990/01/09/world/mandela-expects-to-be-released-soon-his-wife-says.html> (long-imprisoned).

countries' compliance with human rights norms. Some examples, in just the year since this Committee's last hearing into Puerto Rico's status:

* The U.S. State Department urged China just this month to release those imprisoned in Tiananmen Square in 1989, in the context of urging protection of human rights generally.⁴⁷

* The U.S. State Department urged the government of Belarus "to immediately and unconditionally free all remaining political prisoners and ensure the full restoration of their civil and political rights," saying this would show "enhanced respect for democracy and human rights, [which] remains central to improving relations between the United States and Belarus."⁴⁸

* The U.S. president greeted Burma's decision to release hundreds of political prisoners as "a crucial step in Burma's democratic transformation and national reconciliation process," and "urge[d] the government to [...] free all remaining prisoners of conscience."⁴⁹

* When Cuba released some 2,900 prisoners, the U.S. State Department's response failed even to recognize the sweeping release, instead stating its disappointment that a State Department contractor, convicted of crimes against the state, should be returned to his family "where he belongs."⁵⁰

⁴⁷Mark C. Toner, Deputy Spokesperson, Office of the Spokesperson, Message on the Twenty-Third Anniversary of Tiananmen Square, Press Statement, June 3, 2012, <http://www.state.gov/r/pa/prs/ps/2012/06/191692.htm>. A Chinese government spokesman said the U.S. State Department call was "a gross intervention in China's internal affairs and a groundless accusation against the Chinese government." "China Rejects US Call to Release Tiananmen Prisoners," *VOA News*, June 4, 2012, <http://blogs.voanews.com/breaking-news/2012/06/04/china-rejects-us-call-to-release-tiananmen-prisoners-2/>.

⁴⁸"Release of Political Prisoners in Belarus," Press Statement, Mark C. Toner, Deputy Spokesperson, Office of the Spokesperson, April 16, 2012, <http://www.state.gov/r/pa/prs/ps/2012/04/187953.htm>.

⁴⁹"President Barack Obama, Release Of Burmese Political Prisoners," January 13, 2012, <http://www.humanrights.gov/2012/01/13/release-of-burmese-political-prisoners-statement-by-president-obama/>.

⁵⁰Cuban Prisoner Release Announcement, Press Statement, Mark C. Toner, Acting Spokesperson, Office of the Spokesperson, December 24, 2011, <http://www.state.gov/r/pa/prs/ps/2011/12/179693.htm>; "US regrets Cuba's decision not to release Alan Gross," *BBC*, December 24, 2011, <http://www.bbc.co.uk/news/world-latin-america-16327408>.

* While acknowledging Sri Lanka's massive release of prisoners, the U.S. State Department urged the release of all those who remained in custody.⁵¹

During her visit to Burma, and after meeting with a celebrated political prisoner, U.S. Secretary of State Clinton was widely quoted as saying, "*We believe that any political prisoner anywhere should be released,*" and that "*One political prisoner is one too many in our view.*"⁵²

There should be no problem, then, with President Obama's compliance with this Committee's resolution to release the valiant Puerto Rican independentistas in U.S. custody, so that perhaps next year, Oscar López Rivera can stand at the side of his compañero Carlos Alberto Torres and speak in support of independence for his homeland.

XI. Conclusion

The National Lawyers Guild International Committee, incorporating the requests sought by other presenters before this Honorable Committee, urges the adoption of a resolution calling for the General Assembly to consider the case of Puerto Rico; and calling on the government of the United States to:

* immediately cease the brutality, criminalization and harassment of, and attacks on, the Puerto Rican Independence Movement, the students, and all those who exercise their fundamental rights to expression and association;

* immediately release Puerto Rican political prisoners: Oscar López Rivera, who has served more than 31 years in U.S. custody, and Avelino González Claudio and Norberto González Claudio;

⁵¹"US State Dept. urges GoSL to charge or release prisoners still in custody," *Transcurrents*, September 2, 2011, <http://transcurrents.com/news-views/archives/3673>.

⁵²Associated Press, "Clinton meets Suu Kyi, urges Myanmar to expand reforms; US secretary of state: 'We believe that any political prisoner anywhere should be released'," *MSNBC*, December 1, 2011, http://www.msnbc.msn.com/id/45504481/ns/world_news-asia_pacific/t/clinton-meets-suu-kyi-urges-myanmar-expand-reforms/#.T6IMd-gePW0.

* identify and hold criminally liable all those responsible for the assassination of Filiberto Ojeda Ríos (2005), Santiago Mari Pesquera (1976), Carlos Muñoz Varela (1979), and other militants of the Puerto Rican independence movement;

* withdraw the FBI, the U.S. court, and all other U.S. police, repressive and military forces from Puerto Rico;

* withdraw from Vieques, formally return legal property of the land to the people of Vieques, cease detonating unexploded ordnance, completely clean up the pollution left by the U.S. Navy's 60 year occupation through the use of proven, environmentally friendly clean-up methods, and compensate the people of Vieques for the damage to their health done to them by the same;

* cease and desist from the application of the death penalty in Puerto Rico;

* formally commit to negotiate in good faith with the people of Puerto Rico a solution to the colonial condition; and recognize the proposals that emanate from a Constitutional Assembly, initiated by the people of Puerto Rico, such as that called for by the Puerto Rico Bar Association, as the true expression of the aspirations of the people of Puerto Rico, and respond to them accordingly.

Dated: June 18, 2012

Respectfully submitted,

Jan Susler
People's Law Office
1180 N. Milwaukee
Chicago, IL 60642
773/235-0070
jsusler@gmail.com

On behalf of the National Lawyers Guild
International Committee
<http://www.nlginternational.org/>