

**National Lawyers Guild International Committee
Presentation to the United Nations Decolonization Committee
Hearings on Puerto Rico
June 23, 2014**

The National Lawyers Guild was founded in 1937 as an alternative to the American Bar Association, which did not admit people of color. 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 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 the Philippines, among others. Guild members, including myself, have a long history of defending activists in the Puerto Rican independence movement. Our 2013 annual convention was held in Puerto Rico, where our members learned first hand about the colonial situation and committed to educating the membership regarding the colonial situation of Puerto Rico and the political prisoners who remain in U.S. prisons.

I. Colonial status

The unresolved status of Puerto Rico continues to generate controversy. Reports from the White House Office of Management and Budget,¹ the U.S. General Accounting Office,²

¹CB Online Staff, “White House OMB report shows status costing PR billions in federal funding,” *Caribbean Business*, March 14, 2014, <http://www.caribbeanbusinesspr.com/news/white-house-omb-report-shows-status-costing-pr-billions-in-federal-fundi>

speculation about yet another non-binding “plebiscite,”³ disputes about whether Puerto Rico can join international organizations such as CELAC,⁴ all lead to what one perceptive journalist aptly called “uncertainty”⁵ and ongoing turmoil.

The colonial status must be resolved according to international law, allowing the Puerto Rican people to exercise its inalienable right to self-determination, without intervention by the U.S., as this Committee has repeatedly resolved for the past three decades.

II. Economy

The current conditions in Puerto Rico demonstrate that colonialism is not economically viable. A \$70 billion public debt,⁶ a debt lowered to junk status,⁷ a constitution that requires

ng-94725.html.

²“Puerto Rico: Information on How Statehood Would Potentially Affect Selected Federal Programs and Revenue Sources, GAO-14-31: Published: Mar 4, 2014. Publicly Released: Mar 31, 2014, <http://www.gao.gov/products/gao-14-31>.

³“Puerto Rico Plebiscite Is A Waste Of Money, Rightwing Think Tank Says,” *Huffington Post*, January 21, 2014, Updated January 25, 2014, http://www.huffingtonpost.com/2014/01/21/puerto-rico-plebiscite-heritage_n_4639314.html.

⁴Kevin Mead, “US has final say on PR’s role in international organizations,” *Caribbean Business*, January 31, 2014, <http://www.caribbeanbusinesspr.com/news/state-department-us-has-final-say-on-prs-role-in-international-organizations-93194.html> (“a State Department spokesperson said that because Puerto Rico is a U.S. territory, the federal government is responsible for the foreign relations of Puerto Rico, including decisions related to its membership or other participation in international organizations.”).

⁵José A. Delgado, “Incertidumbre,” *El Nuevo Día*, April 7, 2014, <http://www.elnuevodia.com/blog-incertidumbre-1747715.html>.

⁶David Cho, “Puerto Rico may have \$70 billion in debt. But it didn’t have a problem getting a loan,” *Washington Post*, March 12, 2014, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/03/12/puerto-rico-may-have-70-billion-in-debt-but-it-didnt-have-a-problem-getting-a-loan/>.

⁷“S.&P. Lowers Puerto Rico Debt to Junk Status,” *New York Times*, February 4, 2014, http://dealbook.nytimes.com/2014/02/04/s-p-lowers-puerto-rico-debt-to-junk-status/?_php=true&_type=blogs&emc=edit_tnt_20140204&tntemail0=y&_r=0.

payment of the debt before payment of government workers,⁸ a long-lasting recession, rising unemployment – above 15% – and falling wages,⁹ an ever-increasing cost of living (especially utilities),¹⁰ and 51% of the population on some form of assistance,¹¹ characterize the situation.

As a consequence of its colonial relationship with the U.S., Puerto Rico cannot go bankrupt,¹² and the White House refused to offer a bail out.¹³ Washington did, however, dispatch a flurry of advisors to the Island to “offer strategic advice to assist Puerto Rico in promoting its economic development and maximizing the impact of existing federal funds flowing to the island,” all the while insisting it was “not a federal intervention.”¹⁴

⁸Yana Kunichoff, “Puerto Rico Unions Threaten Strike Against Austerity Budget,” *In These Times*, June 9, 2014, http://inthesetimes.org/working/entry/16814/puerto_rico_unions_threaten_strike_against_austerity_budget.

⁹Kevin Mead, “BLS: Employment, wages drop in PR,” *Caribbean Business*, May 12, 2014, <http://www.caribbeanbusinesspr.com/news/bls-employment-wages-drop-in-pr-96784.html>; Cindy Y. Rodriguez, “Why more Puerto Ricans are living in mainland U.S. than in Puerto Rico,” *CNN*, March 24, 2014, <http://www.cnn.com/2014/03/22/us/puerto-rico-migration-economy/>.

¹⁰Cindy Y. Rodriguez, “Why more Puerto Ricans are living in mainland U.S. than in Puerto Rico,” *CNN*, March 24, 2014, <http://www.cnn.com/2014/03/22/us/puerto-rico-migration-economy/>; Lizette Alvarez, “Economy and Crime Spur New Puerto Rican Exodus,” *New York Times*, February 8, 2014, http://www.nytimes.com/2014/02/09/us/economy-and-crime-spur-new-puerto-rican-exodus.html?_r=0.

¹¹Ellie Ismailidou and Francesca Trianni, “The Next Financial Catastrophe You Haven’t Heard About Yet: Puerto Rico,” *Time Magazine*, March 12, 2014, <http://time.com/20416/the-next-financial-catastrophe-you-havent-heard-about-yet-puerto-rico/>.

¹²Stephen J. Lubben, “Answer to Puerto Rico’s Debt Woes? It’s Complicated,” *New York Times*, February 6, 2014, http://dealbook.nytimes.com/2014/02/06/answer-to-puerto-ricos-debt-woes-its-complicated/?_php=true&_type=blog&emc=edit_tnt_20140206&tntemail0=y&_r=0.

¹³Mark Felsenthal, “White House not considering Puerto Rico bailout, official says,” *Reuters*, January 22, 2014, <http://www.reuters.com/article/2014/01/22/usa-puertorico-finances-idUSL2N0KW1U620140122>; Kevin Mead, “White House again says no PR bailout,” *Caribbean Business*, February 5, 2014, <http://www.caribbeanbusinesspr.com/news/white-house-again-says-no-pr-bailout-93423.html>.

¹⁴CB Online Staff, “US-PR advisory meetings underway,” *Caribbean Business*, December 3, 2013, <http://www.caribbeanbusinesspr.com/news/us-pr-advisory-meetings-underway-91553.html>.

In addition to looking to Washington, the colonial administration is hoping to lure foreign investment, hosting a summit to highlight the benefits of investing in Puerto Rico, “including a law that allows new residents to avoid taxes on capital gains, the main revenue source for many high-end investors.”¹⁵ Prime property is being swept up by billionaire hedge-fund managers and other wealthy foreign investors.¹⁶

Meanwhile, the colonial administration – the island’s largest employer – imposed an austerity program perceived by many as an attempt to foist on to working people the responsibility for balancing the budget. The program includes “pension reform” for public sector workers, resulting in teacher strikes and litigation.¹⁷ The recently passed Fiscal Sustainability Act will allow the government to exercise “emergency powers,” including renegotiating public employees' contracts, freezing salaries, privatizing the utility companies, and closing 100 public schools.¹⁸ Public employee unions have authorized a general strike.¹⁹

¹⁵Danica Coto, AP, “Puerto Rico Seeks To Lure Wealthy Investors To Help Economic Crisis,” *Huffington Post*, April 25, 2014, http://www.huffingtonpost.com/2014/04/25/puerto-rico-lure-investors_n_5212238.html.

¹⁶Katherine Burton, “John Paulson Calls Puerto Rico Singapore of Caribbean,” *Bloomberg News*, April 24, 2014, <http://www.bloomberg.com/news/2014-04-24/john-paulson-says-puerto-rico-to-become-singapore-of-caribbean.html>.

¹⁷CB Online Staff, “Teachers strike over pension reform,” *Caribbean Business*, January 14, 2014, <http://www.caribbeanbusinesspr.com/news/teachers-strike-over-pension-reform-92621.html>.

¹⁸Yana Kunichoff, “Puerto Rico Unions Threaten Strike Against Austerity Budget,” *In These Times*, June 9, 2014, http://inthesetimes.org/working/entry/16814/puerto_rico_unions_threaten_strike_against_austerity_budget.

¹⁹“Puerto Rican Unions Threaten General Strike,” *Latin American Herald Tribune*, June 4, 2014, <http://www.laht.com/article.asp?ArticleId=2329072&CategoryId=14092>; Ricardo Cortés Chico, “¿Por qué protestan las uniones? Dos sindicatos aprobaron hoy voto de huelga,” *El Nuevo Día*, June 17, 2014, <http://www.elnuevodia.com/porqueprotestanlasuniones-1795332.html>.

This economic instability has motivated an unprecedented exodus, causing a drastic reduction in the population of the island.²⁰ More Puerto Ricans live in the United States than in the Island, mainly as a result of the failing economy.²¹ The departure of many in the professional sector has led to the use of the term “brain drain.”²²

These details hardly interest mainstream United States. Rather, what consumes the attention of the media, and U.S. commercial interests, is their investments.²³ Said one commentator, “In short, it won’t be easy. But it might be interesting, at least for those of us who are on the outside looking in. For the residents of Puerto Rico, though, it will probably just be painful.”²⁴

²⁰José A. Delgado, “Se vacía la Isla: Cerca de 3,000 personas abandonan el País cada mes y los nacimientos han bajado en 2,000 por año, *El Nuevo Día*, January 27, 2014, <http://www.elnuevodia.com/sevacialaisla-1698148.html>; CB Online Staff, “PR’s plunging population in spotlight,” *Caribbean Business*, January 7, 2014, <http://www.caribbeanbusinesspr.com/news/prs-plunging-population-in-spotlight-92420.html>; CB Online Staff, “Enrollment dropping at PR public schools, universities,” *Caribbean Business*, May 9, 2014, <http://www.caribbeanbusinesspr.com/news/enrollment-dropping-at-pr-public-schools-universities-96728.html>.

²¹Cindy Y. Rodriguez, “Why more Puerto Ricans are living in mainland U.S. than in Puerto Rico,” *CNN*, March 24, 2014, <http://www.cnn.com/2014/03/22/us/puerto-rico-migration-economy/>.

²²CB Online Staff, “Data: PR ‘brain drain’ rate picked up,” *Caribbean Business*, February 3, 2014, <http://www.caribbeanbusinesspr.com/news/data-pr-brain-drain-rate-picked-up-93282.html>; Ely Acevedo Denis, “Cambia el emigrante puertorriqueño es más educado y con más ingresos,” *Noticel*, February 1, 2014, <http://www.noticel.com/noticia/155091/cambia-el-emigrante-puertorriqueno-es-mas-educado-y-con-mas-ingresos-documento.html>.

²³CB Online Staff, “Moody’s analysis: PR’s credit risk widens as ‘economic turmoil deepens’,” *Caribbean Business*, April 23, 2014, <http://www.caribbeanbusinesspr.com/news/moodys-analysis-prs-credit-risk-widens-as-economic-turmoil-deepens-96056.html>.

²⁴Stephen J. Lubben, “Answer to Puerto Rico’s Debt Woes? It’s Complicated,” *New York Times*, February 6, 2014, http://dealbook.nytimes.com/2014/02/06/answer-to-puerto-ricos-debt-woes-its-complicated/?_php=true&_type=blog&emc=edit_tnt_20140206&tntemail0=y&r=0.

III. Federal intervention

U.S. intervention into the daily lives of the Puerto Rican people continues to be a constant. The pattern doesn't seem to change: Federal Bureau of Investigation [FBI] and Drug Enforcement Administration [DEA] raids for fraud,²⁵ corruption²⁶ and drugs,²⁷ and Washington funding projects,²⁸ all to insinuate that Puerto Rico cannot properly manage its own affairs. Indeed, the new director of the FBI field office in San Juan as much as said so.²⁹

²⁵See, e.g., CB Online Staff, "Feds probe ticket fraud scheme at DTOP," *Caribbean Business*, January 16, 2014, <http://www.caribbeanbusinesspr.com/news/feds-probe-ticket-fraud-scheme-at-dtop-92718.html>; CB Online Staff, "Feds continue to target PR health fraud," *Caribbean Business*, May 9, 2014, <http://www.caribbeanbusinesspr.com/news/feds-continue-to-target-pr-health-fraud-96714.html>.

²⁶See, e.g., Kevin Mead, "Feds: Mafia of dirty PR cops 'sold' badges for organized crime spree," *Caribbean Business*, May 22, 2014, <http://www.caribbeanbusinesspr.com/news/feds-mafia-of-dirty-pr-cops-sold-badges-for-organized-crime-spre-97171.html>.

²⁷See, e.g., Alex Figueroa Cancel, "DEA realiza operativo por narcotráfico: Ejecutan varias órdenes de arresto en la zona metropolitana," *El Nuevo Día*, May 15, 2014, <http://www.elnuevodia.com/dearealizaoperativopornarcotrafico-1773528.html>; Danica Coto, AP, "Feds to target drug kingpins in PR," *Caribbean Business*, September 27, 2013, <http://www.caribbeanbusinesspr.com/news/feds-to-target-drug-kingpins-in-pr-89328.html>.

²⁸See, e.g., CB Online Staff, "\$2.5M in fed funds for training in PR," *Caribbean Business*, September 18, 2013, [http://www.caribbeanbusinesspr.com/news/\\$2.5m-in-fed-funds-for-training-in-pr-89025.html](http://www.caribbeanbusinesspr.com/news/$2.5m-in-fed-funds-for-training-in-pr-89025.html); CB Online Staff, "EPA \$3M to clean Superfund site," *Caribbean Business*, November 6, 2013, [http://www.caribbeanbusinesspr.com/news/epa-\\$3m-to-clean-superfund-site-90726.html](http://www.caribbeanbusinesspr.com/news/epa-$3m-to-clean-superfund-site-90726.html); Kevin Mead, "PR gets \$104M for public housing work," *Caribbean Business*, March 20, 2014, [http://www.caribbeanbusinesspr.com/news/pr-gets-\\$104m-for-public-housing-work-94985.html](http://www.caribbeanbusinesspr.com/news/pr-gets-$104m-for-public-housing-work-94985.html).

²⁹"Secretario de Justicia deplora expresiones hechas por el jefe del FBI en Puerto Rico: César Miranda rechazó las críticas hechas por Carlos Cases al sistema de ley estatal y a la manera en que a veces se procesan casos de criminales," *El Nuevo Día*, March 13, 2014, <http://www.elnuevodia.com/secretariodejusticiadeploraexpresioneshechasporeljefedelfbienpuertorico-1731306.html>; Alex Figueroa Cancel, "Dura crítica federal a acciones estatales que culminan en libertad delincuentes violentos: Carlos Cases, jefe del FBI en la Isla, recordó casos de asesinos convictos que cumplieron apenas meses por los homicidios que cometieron," *El Nuevo Día*, March 13, 2014, <http://www.elnuevodia.com/duracriticafederalaaccionesestatalesqueculminanenlibertaddelincuentesviolentos-1731265.html>.

Although the U.S. has historically directed and trained the Puerto Rico Police [PRP] – former FBI agents administered the PRP for most of the past two decades – the U.S. Department of Justice continues its legal intervention with the corrupt, violent and mismanaged Puerto Rico Police Department, after having issued a report finding, *inter alia*, that police committed acts of discrimination, used excessive and unwarranted deadly force, conducted unlawful searches and seizures, and regularly used tactics to intimidate demonstrators rather than to address legitimate threats to public safety.³⁰ Implementation of reforms – among the most extensive ever achieved by U.S. DOJ –³¹ has stagnated as a series of monitors and police chiefs have withdrawn or resigned from the difficult and expensive task.³²

IV. Death penalty

Although the Puerto Rican constitution prohibits the death penalty in Puerto Rico,³³ consistent with its long term ban prior to the constitution, and no one has been executed in Puerto

³⁰Belén Fernández, “Puerto Rico’s outlaw police force: Police in the US territory have been accused of civil rights abuses and overzealous crackdowns on peaceful protests,” *Aljazeera*, June 26, 2012, <http://www.aljazeera.com/indepth/opinion/2012/06/2012620112025706894.html>; American Civil Liberties Union, “Island of Impunity: Puerto Rico’s Outlaw Police Force,” June 2012, https://www.aclu.org/files/assets/islandofimpunity_20120619.pdf.

³¹John Marino, “Holder, García Padilla announce accord to reform Police Department,” *Caribbean Business*, July 17, 2013, <http://www.caribbeanbusinesspr.com/news/holder-garcia-padilla-announce-accord-to-reform-police-department-86752.html>.

³²“District Court Approves Selection of Arnaldo Claudio as Technical Compliance Advisor to Oversee Critical Reforms of Puerto Rico Police,” U.S. Department of Justice, June 5, 2014, <http://www.justice.gov/opa/pr/2014/June/14-crt-604.html>; Kevin Mead, “Top cop: PR Police Department reform will cost \$200M over the next decade,” *Caribbean Business*, May 9, 2014, [http://www.caribbeanbusinesspr.com/news/top-cop-pr-police-department-reform-will-cost-\\$200m-over-the-next-decade-96692.html](http://www.caribbeanbusinesspr.com/news/top-cop-pr-police-department-reform-will-cost-$200m-over-the-next-decade-96692.html); CB Online Staff, “Still no monitor for PR police reform,” *Caribbean Business*, May 15, 2014, <http://www.caribbeanbusinesspr.com/news/still-no-monitor-for-pr-police-reform-96940.html>.

³³The constitution came about as part of U.S. Public Law 600, which specified that it would only come into effect after certification by U.S. Congress. See, César J. Ayala and Rafael Bernabe, *Puerto Rico in the American Century: A History Since 1898* (University of North Carolina Press, Chapel Hill, 2007), pp. 163-165.

Rico since 1927,³⁴ it is one of the jurisdictions with the highest number of cases certified by the U.S. Department of Justice for the death penalty.³⁵ In each of the six trials in which the U.S. has sought the death penalty, Puerto Rican juries have refused to impose that sentence,³⁶ while civic and religious groups consistently maintained vigils outside the courthouse.³⁷

It is good to know that “the whole world is watching:” the 12th General Assembly of the World Coalition just took place in San Juan, at the invitation of the Puerto Rico Bar Association, featuring a Puerto Rican death row exoneree and many skilled Puerto Rican attorneys and activists.³⁸

V. Vieques

Eleven years after the closing of the former live-missile and bombing range owned and operated by the U.S. Navy – a cessation won by decades of struggle and a massive campaign of civil disobedience – the U.S. continues to fail to clean up the toxic and lethal substances its military left behind at this Superfund site. Recently adopted legislation (promoted by Puerto

³⁴Limarys Suárez Torres, “Casos de pena de muerte en Puerto Rico: Desde el 2003, el tribunal federal ha visto cuatro casos para decidir si se imparte el castigo letal,” *El Nuevo Día*, March 23, 2013, <http://www.elnuevodia.com/casosdepenademuerteenpuertorico-1476345.html>.

³⁵Editorial, “A pasar la página de la pena capital,” *El Nuevo Día*, April 28, 2013, <http://www.elnuevodia.com/editorial-apasarlapaginadelapenacapital-1499552.html>.

³⁶Caribbean Business Online Staff, “PR cop killer dodges death penalty,” *Caribbean Business*, April 12, 2013, <http://www.caribbeanbusinesspr.com/news/pr-cop-killer-dodges-death-penalty-83186.html>. The U.S. courts operate in the English language, thus excluding the vast majority of Puerto Ricans from eligibility for jury duty.

³⁷See, e.g., “Concilio de Iglesias reanuda vigiliyas contra pena de muerte,” *Telemundo*, March 14, 2013, <http://www.telemundopr.com/telenoticias/puerto-rico/Concilio-de-Iglesias-reanuda-vigiliyas-contra-pena-de-muerte-197962361.html?m=y&smobile=y>.

³⁸Inès Oulmokhtar, “AGM focuses on mental health and progress in the Caribbean,” World Coalition Against the Death Penalty, May 16, 2014, <http://www.worldcoalition.org/agm-abolitionist-death-penalty-caribbean-mental-illness-puerto-rico.html>; EFE, “Puerto Rico acogerá reunión anual de Coalición Mundial contra Pena de Muerte,” *Univisión*, June 10, 2014, <http://puertorico.univision.com/ultima-hora/puerto-rico/article/2014-06-10/puerto-rico-acogera-reunion-anual>.

Rican members of Congress representing New York districts) requires the Pentagon to disclose the process of decontamination and reveal what weapons they used.³⁹

The people of Vieques filed a petition before the Inter-American Commission on Human Rights (IACHR) against the United States for human rights violations,⁴⁰ and continue to demand in every possible forum: 1) environmental clean up and decontamination – thousands of unexploded bombs and other military artifacts still litter beaches, mangrove lagoons and the coral reefs/ocean floor around the eastern portion of the island;⁴¹ 2) return of ex-Navy lands to the Puerto Rican people (most of the land was transferred to the jurisdiction of U.S. Interior Department’s Fish and Wildlife Service);⁴² 3) sustainable development; and 4) attention to Vieques’ health crisis (the island suffers 30% more cancer than the rest of Puerto Rico, exaggerated levels of diabetes, hypertension, cardiovascular ills and other catastrophic diseases).⁴³

³⁹José A. Delgado, “Aprueba la Cámara baja federal pedir cuentas sobre Vieques y Culebra: La medida incluye lenguaje del congresista Serrano que pide informe sobre limpieza y armas utilizadas,” *El Nuevo Día*, <http://www.elnuevodia.com/apruebalacamaraabajafederalpedircuentassobre%C2%A0vieques%C2%A0yculebra-1798137.html>.

⁴⁰Joel Cintrón Arbasetti, Centro de Periodismo Investigativo de Puerto Rico, “Estados Unidos demandado ante la OEA por violar derechos humanos en Vieques,” *Claridad*, October 1, 2013, <http://www.claridadpuertorico.com/content.html?news=948AF4C4FEA469E2E41891B918739812>.

⁴¹See, e.g., EFE USA, “Avanza ley para que Pentágono informe sobre la limpieza de Vieques y Culebra,” *EFE*, June 10, 2014, <http://www.efe.com/efe/noticias/usa/puerto-rico/avanza-ley-para-que-pentagono-informe-sobre-limpieza-vieques-culebra/5/50034/2340771>; Editorial, “Reparación de daños en una laguna viequense,” *El Nuevo Día*, June 15, 2014, <http://www.elnuevodia.com/editorial-reparaciondedanosenunalagunaviequense-1793466.html>.

⁴²See, e.g., Juan C. Dávila, Frutos Fílmicos, “Vieques, una batalla inconclusa,” (documentary film), <https://www.youtube.com/watch?v=oFR79w7u5n8>.

⁴³See, e.g., Radio Vieques, launched June 30, 2013: “Public radio WVQR will provide cultural-educational programming related to the struggles that continue in the eastern region of Puerto Rico for decontamination, return of the lands occupied by the U.S. Navy for more than a half-century, as well as for the health of the communities and sustainable development.” <http://www.radiovieques.net/>.

VI. Political prisoners

At 71 years of age and having served 33 years in remote prisons, far away from his country, accused of seditious conspiracy, but never having been found guilty of shedding any blood, Oscar López Rivera is the symbol of a flagrant dishonor for his jailers and an affront to democracy that fails to respect human rights.

Thus began an editorial in Puerto Rico's main daily newspaper on the 33rd anniversary of his arrest on May 29 of this year.⁴⁴ Oscar López Rivera has served an unprecedented 33 years in U.S. prisons for his commitment to the independence and self-determination of Puerto Rico, achieving the unenviable distinction of being the longest held political prisoner in the history of Puerto Rico's independence movement.

At the same time, he has become a unifying force for the people of Puerto Rico, from elected officials to religious leaders to college students, who all agree that it is time for him to come home – a consensus that only continues to broaden and deepen. His name and his face are omnipresent, on murals throughout the Island, on banners on stage at recent university graduations,⁴⁵ on teeshirts, buttons and bracelets.⁴⁶

⁴⁴Editorial, "Traiciona la democracia la prisión de Oscar López," *El Nuevo Día*, June 1, 2014, <http://www.elnuevodia.com/editorial-traicionalademocracialaprisiondeoscarlopez-1783974.html>.

⁴⁵David Cordero Mercado, "La IUPI celebra sus actos de graduación," *Diálogo Digital*, June 11, 2014, <http://m.dialogodigital.com/index.php/La-IUPI-celebra-sus-actos-de-graduacion.html#.U6OJqJSJHw0>; "Más de 50 nuevos artistas: Celebran graduación de la Escuela de Artes Plásticas mientras estudiantes y profesores pedían la excarcelación de Oscar López Rivera," *El Nuevo Día*, June 20, 2014, <http://www.elnuevodia.com/masde50nuevosartistas-1797503.html>.

⁴⁶The Stream Team, "Puerto Ricans to demonstrate for release of Oscar López," *Al Jazeera America*, November 22, 2013, <http://america.aljazeera.com/watch/shows/the-stream/the-stream-officialblog/2013/11/22/puerto-ricans-todemonstrat eforreleaseofoscarlopez.html>.

In November of 2013, thousands marched through the streets of San Juan, calling on the U.S. president to release him.⁴⁷ Actors, musicians and giant puppets enacted Obama signing Oscar's commutation, and Oscar reuniting with his daughter.⁴⁸ The main daily newspaper's editorial which coincided with the march, urged his release:

It is a decision the president should take already, because every minute of prolonging that unjust imprisonment is an act by the United States government that constitutes an affront to decorum and a contempt for dignity. This cause transcends social, political, religious, community, and even international barriers.⁴⁹

In the spirit of the Madres de la Plaza de Mayo, a group of 33 women mobilize the last Sunday of every month "hasta su regreso," until his release, for 33 minutes, organizing women in every sector of society to join them: one month it was 33 women teachers;⁵⁰ another month, 33 women artists,⁵¹ yet another month, 33 religious women; at Christmas time, even little girls joined the fray.⁵² The enthusiastic example of women in Puerto Rico inspired creation of a

⁴⁷Cándida Cotto, "Miles reclaman a Obama: 'Navidad con Oscar en casa'," *Claridad*, November 27, 2013, <http://www.claridadpuertorico.com/content.html?news=05C39B98083303CBE32006C969B30778>; Tatiana Pérez Rivera, "Las caras del recorrido: Cabezudos lideran la petición de excarcelación del preso político boricua que lleva 32 años en EEUU," *El Nuevo Día*, November 23, 2013, <http://www.elnuevodia.com/lascarasdelrecorrido-1650130.html>.

⁴⁸Puerto Rico: Total éxito de la marcha por la liberación de Oscar López, *Contra Injerencia*, November 24, 2013, <http://www.contrainjerencia.com/?p=78090>.

⁴⁹Editorial, "Obama, Excarcele Ya a Oscar López," *El Nuevo Día*, November 23, 2013, <http://www.elnuevodia.com/editorial-obamaexcarceleyaaoscarlopez-1650144.html>.

⁵⁰"Maestras piden excarcelación de Oscar López," *Univisión*, November 24, 2013, <http://puertorico.univision.com/ultima-hora/puerto-rico/video/2013-11-24/mestras-piden-excarcelacion-oscar-lopez>.

⁵¹"Mujeres en el mundo de las artes por la libertad de Oscar," *Claridad*, August 27, 2013, <http://www.claridadpuertorico.com/content.html?news=85974F889D019B3046DE4D08D14DF2C6>.

⁵²En Rojo, "32 niñas exigen la excarcelación del prisionero político Oscar López Rivera," *Claridad*, December 30, 2013, <http://www.claridadpuertorico.com/content.html?news=9FECCAB3B654EC73A8257C91E1ED48C8>.

similar group in New York City.⁵³

Oscar's letters to his granddaughter, published regularly in the main daily newspaper, have generated much support and have served as the source of creativity. In one letter, he spoke of how he missed the ocean, which he hadn't seen in over 35 years,⁵⁴ which inspired for the 33rd anniversary of his imprisonment, a dramatic symbolic homecoming via the ocean: a giant puppet head of Oscar, escorted by a fleet of sailboats and kayaks, disembarked in Old San Juan and proceeded to a concert facing the sea, "Al Mar X Oscar (To the Sea for Oscar)."⁵⁵

In another anniversary project organized and supported by the country's finest athletes and a human rights organization, a core group walked 333 miles between 33 towns in 33 days.⁵⁶ Often escorted by the town mayors,⁵⁷ always housed, fed and entertained by townspeople of all

⁵³ Andre Lee Muñiz, "33 Mujeres NYC x Oscar In The Bronx," *La Respuesta*, May 1, 2014, <http://larespuestamedia.com/33-mujeres-nyc-x-oscar-in-the-bronx/>.

⁵⁴ "Donde respira el mar," *El Nuevo Día*, September 14, 2013, <http://www.elnuevodia.com/cartadeoscarlopezdonderespiraelmar-1595817.html>; "Where the Sea Breathes': A Letter from Puerto Rican Political Prisoner Oscar López Rivera," *Global Voices*, posted December 9, 2013, <http://globalvoicesonline.org/2013/12/09/where-the-sea-breathes-a-letter-from-puerto-rican-political-prisoner-oscar-lopez-rivera/>.

⁵⁵ Juan R. Costa Rivera, "Estela de embarcaciones por la liberación de Oscar López Rivera," *Noticel*, May 25, 2014, <http://www.noticel.com/noticia/160900/estela-de-embarcaciones-por-la-liberacion-de-oscar-lopez-rivera-galeria.html>; Rebecca Banuchi, "Exigen libertad para Oscar López Rivera por mar y tierra," *El Nuevo Día*, May 25, 2014, <http://www.elnuevodia.com/exigenlibertadparaoscarlopezriverapormarytierra-1780157.html>.

⁵⁶ "33 pueblos en 33 días por la liberación de Oscar López," *NotiUno*, April 22, 2014, <http://notiuno.com/33-pueblos-en-33-dias-por-la-liberacion-de-oscar-lopez/>; Elliot Castro, "Deportistas por la libertad de Oscar," *Claridad*, June 18, 2014, <http://www.claridadpuertorico.com/content.html?news=D6928CF5A6C2E17B9DA8A1B8925229C6>.

⁵⁷ See, e.g., Edgar Torres, "Cayeyanos reclaman la libertad de Oscar López Rivera," *Inter News Service*, May 5, 2014, <http://mprnoticias.com/2014/05/05/cayeyanos-reclaman-la-libertad-de-oscar-lopez-rivera/>.

political persuasions,⁵⁸ they walked the last few miles into San Juan accompanied by hundreds of people calling for Oscar's release.⁵⁹

Also on the 33rd anniversary, the Senate of Puerto Rico passed yet another resolution calling on Obama to release him, declaring, "His prolonged imprisonment, far from serving any legitimate purpose, has become a signal of inhumanity and injustice."⁶⁰ The main daily newspaper published yet another editorial – this one calling his ongoing imprisonment "a betrayal of democracy."⁶¹

Building on this solid consensus on the Island, support in the United States continues to grow. U.S. based unions, including the AFL-CIO – representing more than 11.5 million workers –,⁶² passed resolutions calling for his release,⁶³ and churches similarly expressed support.⁶⁴ In

⁵⁸See, e.g., Brenda I. Peña López, "Claman desde San Lorenzo por la liberación de Oscar López: Un centenar de personas se unió a la Caminata Nacional 33 en 33 X Oscar," *El Nuevo Día*, April 28, 2014, <http://www.elnuevodia.com/clamandesdesanlorenzoporlaliberaciondeoscarlopez-1762264.html>.

⁵⁹Michelle Estrada Torres, "Reclaman excarcelación de Oscar López al cumplir 33 años preso," *Primera Hora*, May 29, 2014, <http://www.primerahora.com/noticias/puerto-rico/nota/reclamanexcarcelaciondeoscarlopezalcumplir33anospreso-1012554/>.

⁶⁰Cyber News, "Senado aprueba resolución por Oscar López," *Radio Isla 1320*, May 29, 2014, <http://www.radioisla1320.com/?p=38221>; Jorge Gelpí Pagán, "Resolución en el Senado por Oscar López," WAPA TV, May 30, 2014, [http://www.wapa.tv/noticias/politica/resolucion-en-el-senado-por-oscar-lopez_20131122240506.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+WapatvNoticias+\(WAPA.TV%3A+Noticias\)](http://www.wapa.tv/noticias/politica/resolucion-en-el-senado-por-oscar-lopez_20131122240506.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+WapatvNoticias+(WAPA.TV%3A+Noticias)).

⁶¹Editorial, "Traiciona la democracia la prisión de Oscar López," *El Nuevo Día*, June 1, 2014, <http://www.elnuevodia.com/editorial-traicionadademocracialaprisiondeoscarlopez-1783974.html>.

⁶²See, <http://www.unionfacts.com/union/AFL-CIO>.

⁶³"AFLCIO reclama liberación de Oscar López Rivera: Se une a la campaña a favor de excarcelar al prisionero político puertorriqueño," *El Nuevo Día*, September 11, 2013, <http://www.elnuevodia.com/aflcioreclamaliberaciondeoscarlopezrivera-1593736.html>.

⁶⁴The Rev. Geoffrey Black and the Rev. Linda Jaramillo, "Commentary: A Word on Freedom," *United Church of Christ News*, December 15, 2013, <http://www.ucc.org/news/commentary-freedom-Oscar-Lopez-Rivera.html>.

November, hundreds marched in New York City,⁶⁵ and just this month, the New York City Puerto Rican Day Parade honored Oscar with a special contingent featuring “a succession of banners” calling for his release.⁶⁶ A parade board member articulated, “we are proud to raise consciousness about his case and mobilize our community to support the movement for his freedom.”⁶⁷ In the U.S. on the occasion of the 33rd anniversary of his imprisonment, demonstrations, rallies, bannered and/or pickets took place in many cities, including Chicago, New York City, Detroit, Philadelphia, Cleveland, Orlando, and Fitchburg, MA.⁶⁸

The solid foundation in Puerto Rico has also inspired much international solidarity. In a recent meeting with Obama, Uruguay’s president José Mujica advocated for Oscar’s release.⁶⁹ As Venezuelan consulates in Antigua, Barbuda, Argentina, Barbados, Colombia and Paraguay called for Oscar’s release, Venezuelan president Nicolas Maduro recognized Oscar as “a Caribbean Mandela, he is our Nelson Mandela,” and called on Obama to release him, “because his only

⁶⁵Zaira Cortés García, “Calle 13 marcha en NYC por libertad de Oscar López Rivera: René Pérez, vocalista del grupo, encabezó una caminata de más de una hora a lo largo del Puente de Williamsburg junto a líderes comunitarios y activistas,” *El Diario/La Prensa*, November 24, 2013, <http://www.eldiario.com/rene-perez-vocalista-calle-13-marcha-nyc-libertad-presos-politico-oscar-lopez-rivera>.

⁶⁶Vivian Yee and Julie Turkewitz, “A Proud Swirl of Sound and Spectacle: After Scandal, Puerto Rican Day Parade Goes ‘Back to Its Roots,’” *New York Times*, June 8, 2014, http://www.nytimes.com/2014/06/09/nyregion/after-scandal-puerto-rican-day-parade-goes-back-to-its-roots.html?_r=1#.

⁶⁷“El desfile nacional puertorriqueño rinde homenaje a oscar lópez rivera como patriota boricua,” National Puerto Rican Day Parade, Inc., April 29, 2014, <http://www.nprdpinc.org/el-desfile-nacional-puertorriqueno-rinde-homenaje-oscar-lopez-rivera-como-patriota-boricua/#more-559>.

⁶⁸“Diaspora-wide Demonstrations for Oscar López Rivera’s Freedom,” *La Respuesta*, May 29, 2014, <http://larespuestamedia.com/olr-33-anniversary/>.

⁶⁹José A. Delgado, “Presidente Mujica: ‘Puerto Rico es una de las naciones de América Latina’: Revela además que intervino a favor del prisionero político puertorriqueño Oscar López,” *El Nuevo Día*, May 12, 2014, <http://www.elnuevodia.com/presidentemujicapuertoricoesunadelasnacionesdeamericalatina-1771720.html>.

crime is to dream of his land being free and independent.”⁷⁰ In Cuba, the Organization of Solidarity of the Peoples of Africa, Asia and Latin America awarded him the Order of Solidarity El Mehdi ben Barka,⁷¹ which evoked from Ricardo Alarcón the observation that Oscar is “Obama’s Mandela.”⁷²

This year many internationalist individuals and organizations added their voices to those of Gabriel García Márquez, Desmond Tutu, Mairead Maguire, Adolfo Pérez Esquivel, and Miguel D'Escoto, calling for Oscar’s release, including the Non Aligned Movement (at the 16th Summit of Heads of State and Government), the American Association of Jurists, the International Association of Democratic Lawyers, the Congress of the Federation of Workers of the Universities of the Americas, and the Conference of Afro-Indigenous, Latin American and Caribbean Churches for Peace.

⁷⁰“Presidente Maduro abogó por libertad del luchador puertorriqueño Oscar López Rivera,” *Correo del Orinoco*, May 29, 2014, <http://www.correodelorinoco.gob.ve/politica/presidente-maduro-abogo-por-libertad-luchador-puertorriqueno-oscar-lopez-rivera/>. Indeed, on the 33rd anniversary of his arrest, the editorial in Puerto Rico’s main daily newspaper had this to say: “The government of the United States is morally impeded from intervening on behalf of any political prisoner, in any place in the world, while the president continues to mock the memory of Mandela, violate civil and political rights and Oscar’s right to freedom.” Editorial, “Traiciona la democracia la prisión de Oscar López,” *El Nuevo Día*, June 1, 2014, <http://www.elnuevodia.com/editorial-traicionalademocracialaprisiondeoscarlopez-1783974.html>. See also, Mariano Volcovich, “El Mandela americano: El puertorriqueño lleva 33 años detenido en Estados Unidos por reclamar la independencia de su país. Por qué Rigoberta Menchú, Maravilla Martínez y Calle 13, entre otras personalidades, piden por él,” *Revista Veintitrés*, June 20, 2014, <http://www.infonews.com/2014/06/20/mundo-150376-el-mandela-americano.php>.

⁷¹CyberNews, “Hija de Oscar López Rivera regresa de Cuba con distinción solidaria para el preso boricua,” *Noticel*, September 22, 2013, <http://noticel.com/noticia/148477/hija-de-oscar-lopez-rivera-regresa-de-cuba-con-distincion-solidaria-para-el-preso-boricua.html>.

⁷²Ricardo Alarcón de Quesada, “El Mandela de Obama,” *Claridad*, September 18, 2013, <http://www.claridadpuertorico.com/content.html?news=F8687F14FF42BBFE654BAC81BAC28001>.

Before concluding, I will pause for 33 seconds, in honor of the 33 years – a third of a century – Oscar has spent in the service of his people’s inalienable right to self-determination and independence. [PAUSE]. May our work for his release be successful, so that next year we won’t have to pause for 34 seconds.

“The calendar,” Oscar has confided in me, “is not my friend.” This January, on the occasion of his 71st birthday, he wrote to his daughter Clarisa:

I believe in my people and bet on them. They have a huge heart, are compassionate, valiant and really love justice and freedom. And it is that heart that has sustained us and that has made it possible for us to keep up the struggle. We will continue struggling for justice and freedom until the day we make of our Homeland a garden of Eden for our own enjoyment and for all of humanity. I live profoundly grateful to everyone who has come together to demand that the President of the nation that has colonized us for more than 115 years practice justice and liberty by releasing me. He’s not being asked for a favor; but rather, it is the people exercising an inalienable right to demand justice and freedom.⁷³

Consonant with the demand of the People, it is a propitious moment for this august body to once again urge the president of the U.S. to release Oscar López Rivera, after an unprecedented 33 years in U.S. prisons for having fought for his unwavering commitment to independence and self-determination.

VII. Conclusion

The National Lawyers Guild International Committee, incorporating the requests sought by the majority of the 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:

⁷³Oscar López Rivera, “Al cumplir mis 71,” *Claridad*, January 13, 2014, <http://www.claridadpuertorico.com/content.html?news=7C36928CBBEC7113F666D16227800DD8>.

* immediately cease the brutality, criminalization and harassment of, and attacks on, the Puerto Rican Independence Movement 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 33 years in U.S. custody, and Norberto González Claudio;

* identify and hold criminally liable all those responsible for the assassination of Filiberto Ojeda Ríos (2005), Santiago Mari Pesquera (1976), Carlos Muñiz 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 and agencies 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, foster and support a sustainable economy, 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.

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Respectfully submitted,

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