

I. STATEMENT OF THE CASE

This Petition presents the claim under international law of eleven named Puerto Rican freedom fighters, captured in the course of their deployment for an armed action which was part of the historic struggle of the Puerto Rican people to free their country from illegal colonial domination by the United States. These eleven captives hereby petition the United Nations to formally recognize their legal status as Prisoners of a Decolonization War, and to take all appropriate measures to secure their release from detention and imprisonment in the United States.

Petitioners have made clear their Prisoner of War claim from the moment of their arrest by civilian police in the United States on April 4, 1980. Nonetheless, they are being held and tried in the United States as common criminals. The charges against them range from possession of weapons and stolen vehicles, and armed robbery, to conspiracy, and a homicide which allegedly occurred in the bombing of the Mobil Oil Co. building in New York City, in August, 1977, when company officials refused to order the building cleared after a telephone warning.

The U.S. government and press have repeatedly asserted that Petitioners are members of "Las Fuerzas Armadas de Liberacion Nacional Puertorriquenas" (FALN), an armed clandestine organization which has taken credit for nearly two hundred armed actions against colonialist government and corporate targets inside the United States. While refusing to disclose to the enemy their membership

in any particular organization or fighting unit, or their participation in any specific action, Petitioners unequivocally state that they are soldiers and combatants in the armed clandestine movement for the liberation of the Puerto Rican nation.

Fierce resistance has marked the struggle of the Puerto Rican people from the moment of U.S. military invasion and conquest in 1898. During the 20th Century, the independence movement has repeatedly been violently repressed by U.S. military and economic power. Today, learning from this history and from liberation struggles in Cuba, Algeria, Vietnam, and around the world, Puerto Rican patriots dedicated to the overthrow of U.S. colonialism have begun to implement a guerilla strategy designed to provide the initiative and nucleus for development of successful peoples' war. Petitioners' claim of Prisoners of War status and the right to release is based upon their active involvement in this armed clandestine movement.

Regardless of all attempts to cover up the true facts, it is undeniable, as the United Nations has recognized, that Puerto Rico is maintained as a colony by the United States. The United Nations has declared that further continuation of colonialism "in any form or manifestation" is a crime under international law. It has likewise confirmed the absolute right of colonized peoples to fight for their independence and national liberation "by all available means, particularly armed struggle" and this includes the right to conduct armed actions inside the metropolitan

borders of the colonial power. This strategic imperative, established by the Algerian people as a legitimate component of a decolonization war, is essential to the Puerto Rican struggle, since nearly half of all Puerto Ricans have been forced to migrate to the U.S., where they are subject to an "internal" colonial oppression. These Petitioners avow their dedication to the liberation of the entire Puerto Rican nation, and invoke the right of the entire Puerto Rican people to self-determination.

Since Petitioners have been captured while fighting for independence, United Nations resolutions dictate that they be treated as Prisoners of War. Moreover, since they are waging a just struggle against the crime of colonialism, they are entitled under recent resolutions of the General Assembly to release from all forms of detention or imprisonment imposed by U.S. authorities. The refusal by the United States to recognize Petitioners' status is part of an attempt to criminalize their actions, in order to discredit the cause they represent.

Because of Puerto Rico's strategic military, economic, and political position within a faltering and disintegrating empire, the U.S. is at special pains to cover up its illegal colonial control. United Nations recognition of Petitioners' status as Prisoners of a Decolonization War will do much to unmask the reality of U.S. colonial rule and advance the Puerto Rican struggle for national liberation, and will contribute significantly to this body's efforts to rid the world of colonialism" in all its forms and manifestations".

II. THE PUERTO RICAN PEOPLE AT WAR WITH UNITED STATES COLONIALISM

A. Puerto Rico Wins Autonomy From Spain.

From 1508 until 1897, Puerto Rico was a colony of the Spanish Empire. During the Nineteenth Century, as Spanish world dominance disintegrated, the Puerto Rican economy and population expanded rapidly, and early popular movements arose in opposition to slavery and the harsh Spanish colonial rule. Led by Mariana Bracetti and Ramon Emeterio Betances, military-political units organized in clandestinity staged an armed uprising at Lares, September 23, 1868 and proclaimed the first Republic of Puerto Rico. The revolutionary insurrection of Lares was savagely suppressed by Spanish troops, but many insurgents escaped into the central mountains, and continued to wage guerrilla actions and build the movement opposed to Spanish rule. El Grito de Lares, (The Cry of Lares) has remained a powerful symbol of the continuing struggle for national liberation.

After Lares, armed guerrilla bands ranged up and down the central cordillera of Puerto Rico, and the pressure of their operations helped to force Spain to end slavery on the island in 1873. The insurgents controlled the countryside around Lares, Jayuya, Villalba, Ciales and other towns, where they constantly attacked and harrassed the Spanish troops.

Spain was finally forced to grant autonomy to Puerto Rico in 1897. The Charter of Autonomy was a concession won by the Puerto Rican people as a direct consequence of the revolutionary armed movement led by Bracetti and Betances, and of the political assassination of Conovanas Castillo, the Spanish Prime Minister, by a Catalan anarchist in solidarity with the liberation struggle of Puerto Rico. The Charter, a covenant negotiated between representatives of the Puerto Rican people and the Spanish Crown, granted a series of important powers and rights to the insular government of Puerto Rico. Puerto Rico acquired the authority to establish its own currency and postal system, determine tariffs on products entering from abroad, enter into commercial treaties, and reject or approve treaties negotiated by Spain which would affect the economic interests of Puerto Rico. Most significantly, Article 44 of the Charter provided that the Charter could not be amended except at the request and with the approval of the Puerto Rican parliament.

B. The United States Conquers Puerto Rico and Establishes Its Colonial Rule.

The United States, which since the early Nineteenth century had come to look upon the Caribbean as a natural arena for its own territorial expansion, saw in Spain's weakened position an opportunity to establish hegemony over Cuba and Puerto Rico, as well as the Phillipines. The United States declared war on Spain on April 23, 1898. For the following three months United States forces concentrated their efforts on crushing the last enclaves of Spanish

resistance in Cuba. On July 25, 1898, United States Army troops led by General A. Miles, renowned slaughterer of American Indians, invaded Puerto Rico. Throughout the island the people resisted fiercely, often with only machetes as weapons. Bands of armed guerillas, scattered throughout the island, continued to raid U.S. based and businesses for years afterwards. In August 13, 1898, the second Republic of Puerto Rico was proclaimed in Ciales.

The United States conquerors informed the people of Puerto Rico that they had come "to bestow upon you the immunities and blessings of the liberal institutions of our government..." The existing Puerto Rican government was ignored and a military regime was established. United States Senator Henry Cabot Lodge crowned this imperialistic endeavor with the following words:

"With its population and advantageous strategic position, the island of Puerto Rico, the easternmost and most beautiful of the Antilles, had constantly been on the minds of the Army and Navy from the very moment the war had begun; and this war was to constitute the last step in an inexorable movement begun by the United States a century ago to expel Spain from the Antilles."

By the Treaty of Paris, Spain ceded Puerto Rico to the United States on December 10, 1898. The Treaty provided that "the civil rights and political condition of the territories here ceded to the United States will be determined by (the U.S.) Congress." Even though the Charter of Autonomy provided by its own terms that it could not be amended except at the request and approval of the Puerto Rican Parliament, the United States and Spain negotiated away the fundamental sovereign rights of the Puerto Rican nation

without any representatives from Puerto Rico present. For this reason, the provisions of the Treaty with respect to Puerto Rico were and are null and void under international law.*

In 1900, the United States Congress replaced direct military rule with a civilian colonial administration, keeping all power in the hands of officials appointed by the U.S. The Foraker Act, which became the legal basis for Puerto Rican political and economic life, made all United States laws applicable to Puerto Rico. It required that all laws passed by the Puerto Rican legislature be submitted to the U.S. Congress for approval, put stringent restrictions on who could vote, and prohibited Puerto Rico from making commercial treaties with other nations or setting its own tariffs. The Act gave the U.S. Congress ultimate power over all laws and trade relations affecting the Puerto Rican nation.

*The case against the provisions of the Treaty concerning Puerto Rico was threefold: a) that the Charter of Autonomy of 1897 had conferred upon the island full sovereign powers (Puerto Rican judicial personality achieved international recognition upon being accepted as a member of the Universal Postal Union); b) that according to its own wording the Charter could not be altered except at the request of the popularly elected Puerto Rican Parliament; and c) that the transfer of Puerto Rico to the United States resulting from Article Two of the Treaty of Paris violated the basic principles of international law since Puerto Rico was not res in commercium. See, Petition for a Writ of Certiorari, filed by Don Pedro Albizu Campos, Esq., in People of Puerto Rico, Petitioner v. Luis F. Velasquez, Respondent, October Term, U.S. Supreme Court, 1935, #243.

On the eve of World War I, the United States further consolidated the colonial status of Puerto Rico through the Jones Act, which imposed U.S. citizenship on all Puerto Ricans, en masse. This Act, against the expressed will of the legislative representatives of the Puerto Rican people, permitted wholesale conscription of Puerto Rican men to fight in the U.S. Army. The second-class nature of this involuntary citizenship became clear in 1922 when the U.S. Supreme Court ruled that Puerto Rico "belongs to, but is not part of" the United States, so that the protections provided by the U.S. Constitution still did not apply to Puerto Ricans. Balzac v. People of Puerto Rico, 258 U.S. 298 (1922).

The Foraker and Jones Acts, known as the Organic Acts, provided a "legal" framework for the development of a dependent colonial economy. At the time of the U.S. invasion, Puerto Rican people owned over 93 per cent of the land in their country. Puerto Rico had a prosperous, diversified, self-sufficient agricultural economy, with coffee as a profitable export, and incipient industry.

During the following period, U.S. corporations and the colonial government colluded to expropriate most of the land of Puerto Rico for sugar plantations and military bases. The colonial government imposed U.S. currency, and in the process effectuated a 40 per cent devaluation of the Puerto Rican peso. In the immediate aftermath of a hurricane which destroyed Puerto Rico's entire coffee crop and left one-quarter of the population homeless, the government imposed a confiscatory tax enabling it to foreclose on the land of thousands of farmers. At the same time, colonial courts nullified

the property rights of further thousands of Puerto Rican farmers when they could not prove legal title to the courts' satisfaction, and the U.S. government set prohibitive tariffs on foreign trade so that Puerto Rican farmers and small business people were forced to deal exclusively with U.S. firms on terms set by them.

Through the combination of these and other legal and extra-legal methods, a one-crop economy was imposed on Puerto Rico. Most of the small independent farmers who had made up the great mass of the Puerto Rican population were forced off their land to form a new rural proletariat. Four giant U.S. corporations took control of Puerto Rico's entire sugar industry and extracted enormous profits from the land and labor of the Puerto Rican people.

C. Pedro Albizu Campos And The Nationalist Party Lead Mass Struggle For Puerto Rican Independence.

The Puerto Rican people continued throughout this period to resist U.S. colonial rule. Significant organization leadership emerged in 1930, when Pedro Albizu Campos transformed the Puerto Rican Nationalist Party into a militant anti-imperialist force for independence. Albizu Campos identified Puerto Rico as a "militarily intervened nation" which has an absolute right to independence by any means necessary, including force of arms. "Nationalism", he declared, "is the nation organized to recover its sovereignty."

Under Albizu Campos, the Nationalists pursued the strategy of retraimiento, a deliberate policy of non-recognition and non-participation in all the institutions of colonial government imposed on Puerto Rico by the U.S. Don Pedro Albizu Campos argued that the military intervention of the U.S. in Puerto Rico's affairs, and the subsequent illegal cession of Puerto Rico to the U.S. by Spain, meant that a state of war still existed between Puerto Rico and the U.S.

Because the colonial government is an illegitimate authority, he urged Puerto Ricans to boycott colonial elections, refuse to serve in the U.S. military, deny the jurisdiction of the courts, and not participate in any of the superstructure of the colony in appointed, elected or voluntary capacities.

Popular support for the Nationalist Party spread throughout the island in the 1930's. The Party organized openly for anti-colonial insurrection and developed a paramilitary youth group, "Cadets of the Republic", which trained its members in the use of arms. In 1934, Albizu was asked to represent thousands of sugar cane workers in a major and successful strike.

As the influence and effectiveness of the Party grew, the United States directed the colonial government to step up its repression. In October, 1935, colonial police gunned down four Nationalist Party activists at a rally in Rio Piedras. In retaliation, two Nationalists, Hiram Rosado and Elias Beauchamp, assassinated Colonel Francis Riis, the U.S. Chief of Police on the island. These martyrs in turn were murdered in the police station after their arrest, and in 1936 the United States Government indicted President Albizu Campos, Secretary-General Juan Antonio Corretjer, and the other leadership of the Nationalist Party for conspiracy to overthrow the United States government in Puerto Rico. At that time Corretjer became the first Puerto Rican to assume the position of Prisoner of War by not recognizing the jurisdiction of the U.S. Grand Jury and courts in Puerto Rico. All the leaders of the Party were convicted by a hand-picked jury and sent to U.S. prisons, Albizu Campos for ten years.

In March, 1937, police operating under direct orders from the U.S. colonial governor, Winship, opened fire with machine guns on unarmed, peaceful demonstrators gathered in Ponce to protest the

jailing of the Nationalist leaders and commemorate the abolition of slavery in Puerto Rico. Police murdered twenty-one patriots and wounded 150 others in what became known as the "Ponce Massacre".*

The repression of the Nationalist Party continued throughout World War II as its members refused to be inducted into the United States Army, and many were rounded up and imprisoned. Even after completing five year sentences for refusing to serve, many Nationalists were drafted and imprisoned again.

Emerging victorious from World War II as the world's leading imperialist power, the U.S. Government developed a grand plan for total economic penetration of Puerto Rico. Under the guise of improving economic conditions in Puerto Rico, this "Operation Bootstrap" actually entailed a second disruption and transformation of the Puerto Rican economy to serve North American corporate and military interests. U.S. companies shifted from sugar production to light industry, mainly textiles, while the U.S. military consolidated control over more than ten per cent of Puerto Rico's arable land. These measures drove the sugar workers into urban centers and to the U.S. in search of a livelihood, dispersing what had been a main base of the independence movement.

The main obstacle to successful imposition of this new phase of colonial exploitation was the intransigence of the Nationalists. The Party secured observer status at the United Nations and had Puerto Rico placed on the organization's list of colonial territories.

*See Report of the Commission on Inquiry on Civil Rights in Puerto Rico, July 17, 1942 (Arthur Garfield Hays, General Counsel of the American Civil Liberties Union, Chairman.) condemning acts of Governor Winship and the police.

Don Pedro Albizu Campos was greeted by enthusiastic thousands when the colonial government finally was forced to let him return to Puerto Rico in December, 1947. In 1948 the administration of the University of Puerto Rico refused to let him speak and a militant five-month strike ensued. Hundreds of students and teachers were arrested, jailed and beaten. That same year, when the U.S. Congress "allowed" the Puerto Rican people for the first time to elect a "governor" to administer the island for the U.S. Government and under its direction, 41 per cent of the electorate boycotted at the urging of the Nationalist Party. The vast majority of those who did vote chose Luis Munoz Marin, a candidate whose platform seemed to favor independence through parliamentary means.

As the level of Nationalist agitation and support increased, the U.S. Government ordered a new round of repression. Under strong U.S. pressure, the Puerto Rican legislature made it a crime to advocate independence. In April, 1950, U.S. President Harry Truman sent his Secretary of Defense to confer with Munoz Marin to develop a coordinated plan to crush the Nationalist Party and once again arrest and jail its leaders.

Having learned of the U.S. plan, the Nationalists moved first, launching coordinated armed attacks in ten cities. On October 29, 1950, Nationalists led by Blanca Canales seized control of the Police headquarters in Jayuya, raised the Puerto Rican flag over the Post Office and proclaimed the first free territory of the Republic of Puerto Rico.

The U.S. Government and press painted a deliberately false picture of the insurrection as a civil war between Puerto Ricans when in fact the United States military was massively involved. In a

reminder of Guernica and a prelude to My Lai, the U.S. Air Force heavily strafed and bombed the people of Jayuya and Utuado. U.S. tanks patrolled the streets of Ponce and Mayaguez and battallions of U.S.-financed and -trained National Guardsmen, armed with U.S. machine guns, attacked towns and villages. The Nationalists were poorly equipped and greatly outnumbered. Hundreds were shot. More than 3,000, including Albizu Campos, were arrested and imprisoned.

In the U.S., Oscar Collazo, president of the New York branch of the Nationalist Party, and Griselio Torresola, undertook a dramatic action to bring to the attention of the American people and the world the brutal U.S. suppression of the Nationalist uprising. Collazo and Torresola launched an attack at the front of Blair House, then the temporary residence of U.S. President Truman. Their specific intent was not to assassinate Truman, as the U.S. Government claimed, but to carry out an armed action, at the possible sacrifice of their lives, which would force the American people to see what was happening in their beloved Puerto Rico.

Torresola and a Secret Service agent died in the attack, and Collazo was seriously wounded. He recovered, was tried and found guilty in an atmosphere of intense anti-communist hysteria, and was sentenced to death. Only through an international campaign was Truman forced to commute Collazo's sentence to life in prison.

With the 1950 revolution crushed and Albizu Campos back in jail, the U.S. Government moved quickly to try to cover up the continuing colonial status of Puerto Rico. In 1950, the U.S. Congress passed Law 600, which allowed the Puerto Rican people to write their "own" constitution, subject "only" to approval by the U.S. Congress and to call the colony a "Commonwealth" (or "Free Associated State").

In 1952, the U.S. conducted a referendum which posed the spurious choice between traditional colonial relation and the new "Commonwealth" status. Independence was not an option, and half the eligible voters stayed home, in adherence to the policy of retraimiento.

When those who voted chose "Commonwealth" as the lesser evil, the United States demanded that the United Nations remove Puerto Rico from its list of colonies and declare it to be a self-governing territory. Despite clear evidence that the new name meant no real change in the colonial relationship between Puerto Rico and the United States*, the U.S. was able by 1953 to use its economic and military power to force the United Nations, in a close vote of 26 to 16, with 18 abstentions, to remove Puerto Rico from its list of colonial possessions.**

Just when the United States Government believed it had finally repressed and covered up the demands of the Puerto Rican people for independence and freedom, a heroic action by four other Nationalist patriots again brought the colonial case of Puerto Rico to the attention of the world. On March 1, 1954, a commando Nationalist unit composed of Rafael Cancel Miranda, Irvin Flores and Andres Figueroa Cordero, and led by Lolita Lebron, attacked the U.S. House of Representatives. Firing shots from the gallery onto the House floor,

*Congressman Joseph Mahoney of the House Committee on Interior and Insular Affairs in explaining the Commonwealth status to his colleagues stated: "The U.S. Constitution gives the U.S. Congress complete control, and nothing in the Puerto Rican Constitution could affect or amend or alter that right." The Governor and legislature continue under Commonwealth status to function under the authority and subject to the approval of the U.S. Government and Congress. Puerto Rico is still required to use U.S. currency and postage, and is not allowed to have independent foreign trade or diplomatic relations. U.S. military obligations are still imposed. As of 1980, U.S. monopoly capital controls 80% of manufacturing in Puerto Rico, 60% of banking and 90% of exports. The U.S. military owns and uses 13% of Puerto Rico's arable land.

**The Ambassador to the United Nations from El Salvador, for example, after being forced to change his vote in favor of the United States, spoke in English as an act of protest.

Lolita Lebron unfurled a Puerto Rican flag and loudly demanded independence for her country.

The military action by the Four served to state to the world the demand for freedom, and to remind the American people and their representatives that the spirit and determination of the Puerto Rican people for independence was still alive. The attack proclaimed the independence and sovereignty of Puerto Rico. In the words of Irvin Flores:

It was an intolerable situation which forced us to take some action that would expose the political masquerade that the imperialists were trying to impose on us. We had to show the world the true facts--that Puerto Rico was still a colony. It is bad enough when someone oppresses, exploits and enslaves you, but when they say you are satisfied with it, that is like adding insult to injury.

The United States government actively hid the truth about the clear political motivation of the Four, charging and trying them as common criminals. For weeks prior to their trial the press branded them as "terrorists" and "lunatics". The United States District Court prohibited any political explanation of their actions, and the government engineered sentences far in excess of those given to others charged with the same offense. Instead of the maximum penalty of fifteen years as provided by law, the Four received consecutive terms for each of the five Congressmen they wounded, for a maximum of 75 years.

Immediately after the trial, the Four were shipped to New York, where, along with 13 Nationalist Party members in the U.S., they were tried for conspiracy to overthrow the United States Government. The Four received additional six-year terms, and many of the remaining Nationalist leaders in the U.S. were also imprisoned. Another round in the struggle for Puerto Rican independence had come to a close.

D. "Esta Lucha Va A Llegar A La Guerra Popular":
Clandestine Armed Struggle Towards People's War
For National Liberation

With the Nationalist Party effectively destroyed, U.S. business was free to continue expanding its domination of the Puerto Rican economy, ultimately controlling 80% of manufacturing, 60% of banking, and 90% of industrial exports. Today one-fifth of all U.S. investment in the Third World, and one-third of U.S. investment in Latin America, is in Puerto Rico.

"Operation Bootstrap" continued to displace sugar workers throughout the 1950's. By the 60's and 70's U.S. business had started to seize large portions of the island's coastal areas for giant drug and other petrochemical plants. While substantially increasing the virtually tax-free profits of U.S. transnational corporations, these high technology, capital-intensive operations brought the Puerto Rican people only severe pollution of their land and water, and a sharp decline in employment. Per capita income on the island continued to drop and official unemployment figures rose to over 40 per cent, while prices remained far higher than in the U.S. Today, 75 per cent of the Puerto Rican people on the island are dependent on food stamps for their survival.

By expropriating first their land and then their livelihoods, the U.S. colonialists effectively exiled one-half of the Puerto Rican people from their own country and forced them to migrate to the metropolis in order to survive. To create a safety valve for the island's colonial woes, the colonial administration actively encouraged this exodus with false promises of a better life in the U.S. Instead, Puerto Ricans experienced in the U.S. similarly

brutal colonial oppression, exacerbated by racism. Each year, more than 50,000 Puerto Ricans who had been lured by offers of steady-paying farm work found themselves packed into migrant labor camps and moved up and down the coast of the U.S. in conditions of semi-slavery. In the cities Puerto Rican people were relegated to the dirtiest, most dangerous, and lowest-paying jobs, forced to live in slum housing, and required to send their children to schools which ridiculed their language and culture. They were abused and maltreated in public hospitals and beaten and murdered by police.*

In the U.S., as on the island, nearly 40 per cent of all Puerto Rican women of child-bearing age have been involuntarily sterilized under various government programs. Thousands more have become the unwitting subjects of government and drug company experimentation to test birth control pills and other drugs considered potentially too dangerous to be given to U.S. women.

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With the formation of the Federacion de Universitarios Pro-Independencia (F.U.P.I.) in 1956, a new orientation was given to the Puerto Rican independence movement. This new orientation was based on the idea that the struggle for national liberation must be linked to the class question on the island. The F.U.P.I. was particularly influenced by Juan Antonio Corretjer on the island, and by the Chinese Revolution, as well as the Cuban Revolution and the experience acquired by those who supported it through the July 26th Movement. The anti-colonial struggle in the Third

*The nature and significance of the Puerto Rican experience in the U.S. is more fully set forth in Appendix D.

World served as a catalyst for the reorganization of the independence movement.

In 1959, two new organizations emerged with anti-imperialist politics: Accion Patriotica Unitaria (APU) and the Movimiento de Independencia (MPI) which was later transformed into the Puerto Rican Socialist Party (PSP). Even though both were anti-electoral the M.P.I. left open the possibility of future participation in the election process, while the A.P.U. assumed a strong policy of "retraimiento"--non-collaboration and non-participation in the illegal colonial system.

By the early 1960's the F.B.I., C.I.A. and other repressive agencies initiated their war against the independence movement, particularly aimed at the A.P.U. with the intent of disrupting, dividing and destroying it.* The repression, and the differing ideological positions, led to the dissolution of A.P.U. and the emergence of the Liga Socialista Puertorriquena (L.S.P.). The Liga became the first Marxist-Leninist organization in Puerto Rico to clearly state a program based on the need for the creation of a socialist state upon independence and the need to seize state power through armed struggle and people's war.

Meanwhile, their experience of colonial oppression in the metropole had made it clear to the Puerto Rican people that they would continue to be victimized so long as their island remained a colony. With this realization the independence struggle was intensified in the U.S. as well as on the island.

*See documents in Appendix H.

In New York City, Chicago, Philadelphia, Newark, Hartford, and Gary, "barrio" residents rioted and rebelled in the mid-1960's in reaction to colonial conditions. Inspired by the Black Liberation Movement in the U.S., barrio youth in Chicago and New York formed Young Lords organizations to demand human rights and dignity for the Puerto Rican people living in the U.S. In New York in 1971 the Lords led a forcible community takeover of Lincoln Hospital, in a heavily populated Puerto Rican section of the Bronx, and helped operate it for many months to serve the needs of the community.

The Lords were part of a larger upsurge of Puerto Rican anti-colonial struggle in New York, where the majority of exiled Puerto Ricans live. "Free Puerto Rico Committees" were formed throughout the city, and on October 30, 1971, thousands marched for independence.

Puerto Rican students in the U.S. organized to win Puerto Rican studies programs and to stop the Viet Nam War. In Puerto Rico, thousands of young men burned their draft cards and refused induction into the U.S. Army. Anti-colonial organizing and resistance increased at the main campus at University of Puerto Rico, at Rio Piedras. Violent armed confrontations erupted between students and police with deaths and injuries on both sides. In this same period, the people of the smaller islands

of Culebra and Vieques demonstrated repeatedly to protest the U.S. Navy's use of their land to test its weapons, bombs, and war maneuvers.

The armed struggle for independence also resumed in this period, with anonymous incendiary attacks on North American business establishments in San Juan. In 1967, the "Commandos Armados de Liberacion" (CAL) formed, with the sworn purpose of destroying the stability of the colonial administration and building a People's Army to wage war for independence.

In 1969, the "Movimiento de Izquierda Revolucionario en Armas" (MIRA) bombed five San Juan hotels which catered to the North American tourist trade, and seized a radio station to broadcast a call for armed action by the people against North American business interests and the colonial regime. In the same year MIRA also began operations in New York City with incendiary attacks on big department stores. As their attacks continued in Puerto Rico and New York during the next two years, CAL and MIRA found solid support among popular organizations working for independence.

The re-emergence of mass and armed struggle elicited another heavy counter-attack from the U.S. government. Juan Antonio Corretjer, now Secretary General of the Puerto Rican Socialist League, and the League's other leaders were arrested and charged with conspiracy and violation of weapons laws. By the end of 1972, more than two hundred independentistas had been arrested on the Island and charged with participation in armed actions. Inside the U.S. the Young Lords were also attacked by police, who arrested and imprisoned their leaders.

During this period of repression, the armed struggle passed through a process of re-evaluation and re-organization. Although anti-colonial clandestine armed activity continued, no groups issued communiques to provide political explanation and leadership.

In the fall of 1974 the F.A.L.N. appeared and announced its intent to operate within the metropolitan home base of the colonialists, creating a second front in the development of a people's army. In October of 1974, the F.A.L.N. claimed credit for a series of bombings of multi-national corporate headquarters which coincided with a pro-independence rally of 25,000 people held at Madison Square Garden in New York. While the F.A.L.N. claimed credit for a series of armed actions within the United States in the next years, clandestine groups within Puerto Rico continued to operate in absolute anonymity, refusing to use names or send communiques claiming credit for their actions.

In September of 1977, the clandestine movement inside Puerto Rico emerged from anonymity with the communique of the "Commandos Obreros" taking credit for the revolutionary assassination ("ajusticiamiento revolucionario") of North American corporate lawyer Alan Randall, chief CIA operative in a program to repress and disrupt the Puerto Rican workers' movement. Shortly after the assassination of Randall, five additional clandestine groups emerged to take credit for numerous military actions against the U.S.

presence in Puerto Rico: Fuerzas Armadas de Resistencia Popular (FARP), Ejercito Popular Boricua (popularly known as the "Macheteros"), the Organizacion de Voluntarios de la Revolucion Puertorriquena (OVRP), the Movimiento Accion Revolucionaria (MAR), and the Comandos Revolucionarios del Pueblo (CRP). (See Chronology, Appendix B).

This development reflected a new strategy for winning independence. Inspired by the example of successful people's war in Vietnam, Algeria and Southern Africa, and the struggle rising in Nicaragua and El Salvador, and having learned important lessons from U.S. success in destroying open organizing for Independence, many of the most experienced cadre from the movements of the 1960's and early 1970's initiated the building of an armed force to work in clandestinity.

Like the other liberation movements throughout the Third World, these Puerto Rican groups made explicit their understanding that this choice of clandestinity is in no way antagonistic to the mass movements against U.S. colonialism and is not intended to denigrate or undercut mass struggle. On the contrary, as the armed clandestine movement has grown stronger in recent years, so has the militant mass movement. Both have fought fiercely for Independence. Both have the same demands and have supported each other's work, especially in relation to the main issues of the recent period: Freedom for the Nationalist Prisoners of War, an end to the U.S Navy's bombing of the island of Vieques, and the struggle of the militant Puerto Rican workers' movement.

Over and over again, the actions and communiques from clandestinity stressed the case of the Nationalist prisoners, who had languished in the dungeons of the U.S. for 25 to 29 years with little public attention and a great deal of special, politically-motivated extra-punitive treatment. These clandestine actions complemented by a militant mass movement for the release of the Five* and broad international support forced the U.S. government to release Andres Figueroa Cordero, who had contracted terminal cancer of the colon as a result of the government's refusal to provide him proper medical treatment. Upon his release, Figueroa Cordero reaffirmed the right of the Puerto Rican people to attack the "Yanki colonizers" in their own territory, and returned to Puerto Rico where he remained active in the Independence struggle until he succumbed to cancer over a year later.

Finally on September 9, 1979, under pressure from the Decolonization Committee of the United Nations, as well as from broad sectors of the Puerto Rican community, the U.S. government was forced to free Lolita Lebron, Rafael Cancel Miranda, Irving Flores, and Oscar Collazo. In Chicago, in New York City, and throughout Puerto Rico, tens of thousands of Puerto Rican people came out to cheer and cry tears of happiness for the return of these heroic figures in the independence struggle.

*In the last half of the 1970's national committees formed in Puerto Rico and the U.S. to free the five. This was the genesis of the National Committee to Free Puerto Rican Prisoners of War which submits this Petition together with the 11 captured freedom fighters.

1979 also marked a major escalation in the continuing struggle of the people of Vieques and their supporters throughout Puerto Rico and the Puerto Rican community in the U.S. to stop the bombardment of their island by the U.S. Navy and its NATO allies.

The issue of Vieques clearly exposes the reality and evil of U.S. colonialism. With a total disregard for life, property, and the well-being of people, the U.S. Navy has taken over three-quarters of the island in 1941 for the purposes of off-shore naval maneuvers and shelling practice. The people of Vieques have been forced to relocate to the center of the island, the east and midwest end of the island was designated for target practice, and in the west the U.S. established a naval base. In addition to this forced relocation, the people have been severely restricted as to where and when they can engage in their main livelihood - fishing.

During navy maneuvers, when bombing of the island is carried out on a twenty-four hour a day basis, the people of Vieques suffer unbearable noise and serious damage to their homes, and are completely unable to fish. After maneuvers, the people are left with no possible area for cultivation. Chickens will lay no eggs, stock will produce no milk, fishing waters are irrevocably damaged, and unexploded bombs and mines already have taken several lives.

The people of Vieques have struggled against the Navy for many years. In January, 1979, they and their supporters escalated their fight by entering the waters in their small boats and shooting at the Navy ships to interrupt their maneuvers. This militant con-

frontation made the Navy's presence in Vieques the leading mass issue in the struggle against U.S. colonialism in Puerto Rico.

On February 3 and 4, 1979, the people peacefully occupied the beaches of Caracas and Cayo Yaye in Vieques, again interrupting naval exercises. At this point the clandestine movement, which earlier had bombed the U.S. Coast Guard station in Puerto Rico "in solidarity with the struggle of the people of Vieques," began to focus increasingly on the Vieques struggle. On February 2, 1979, the MAR took responsibility for bombs in the offices of the 65th infantry and in military recruitment offices in Rio Piedras, and on the 9th of February it firebombed the gates of the U.S. Naval Base in Sabana Seca.

On February 15th the O.V.R.P. bombed a Coast Guard installation in San Juan, stating that:

"Navy operations in Vieques must be stopped. It is the beginning of a great battle that will systematically extend throughout the national territory."

On March 14 the C.R.P. placed bombs in San Juan, Carolina, and Caguas, including such targets as RCA Global Communications in Miramar, and Sperry Univac in Hato Rey. They wrote that their actions were to repudiate "the presence of the U.S. Navy in Vieques."

The struggle for national liberation reached full motion as the clandestine movement began to complement and encourage the mass movement. On May 14, 1979 the people of Bahía de la Chiva in Vieques again disrupted the naval maneuvers. The people, including Carlos Zenon, head of the Vieques Fishermen's Association, was taken by military police and brought to Roosevelt Roads Naval Base, but was released without being charged. On May 19, 1979,

the U.S. Navy military police arrested twenty-one of more than 200 people occupying Playa de la Chiva in Vieques. Nationalist Patriot Isabel Rosado was assaulted and brutalized. Those arrested were taken to Roosevelt Roads and then carried to San Juan, charged by the U.S. Federal Government with trespassing on navy land. Among the arrested were Angel Rodriguez Cristobal, a leader of the Liga Socialista Puertorriquena, and Ismael Guadalupe, head of the Crusade to Rescue Vieques, as well as members of the Puerto Rican Socialist Party, religious people, fishermen, and other supporters.

Two days later in an audacious show of boldness and logistical expertise the FALN liberated captured freedom fighter, William Guillermo Morales, from a New York City prison hospital, where he was awaiting to be fitted for artificial hands. Morales, injured and captured in an apartment bomb blast in Queens, New York, had refused to participate in his trial, and became the first Puerto Rican to assert a Prisoner of War position in the U.S. courts. Sentenced to 99 years, Morales had promised to return to the struggle, and within six weeks escaped and was flown out of the country before the authorities were even aware he was missing.

In the following weeks, the Vieques twenty-one were denied the right to a jury and forced to trial, one at a time, in the U.S. Federal Court in San Juan before Judge Torruellas, a former U.S. naval officer. On September 26, 1979, Angel Rodriguez Cristibal refused to recognize the jurisdiction of the U.S. Court, claiming to be a Prisoner of War. Angel was sentenced to six months in jail and, despite the short length of his misdemeanor sentence, was immediately exiled to a U.S. prison in Tallahassee, Florida. In the following days and weeks, Ismael Guadalupe, Diego Ledee,

Ramon Alicea, Pedro Biages Chapel, Lourdes Santana, Mildred Martinez and Emilia Rodriguez received six month sentences, and were also exiled to U.S. prisons.

On September 23, 1979, at the unitary celebration of the Grito de Lares, just two weeks after the release of the Nationalist Prisoners, the first joint communique of the Puerto Rican clandestine movements was issued, signed by the F.A.L.N., the F.A.R.P., the O.V.R.P., and the E.P.B. (los "Macheteros"). On October 17, 1979 these groupings took credit for the coordinated bombing of the Great Lakes Naval Training Center, Chicago City Hall, the U.S. Customs House and Coast Guard tower in San Juan, Puerto Rico, a Navy installation in Isabela, Puerto Rico, and explosive devices in the Democratic and Republican Party offices in New York.

On November 11, 1979 Angel Rodriguez Cristobal, a leader of the Vieques struggle and of the L.S.P., the only organization which had given unconditional support to the politico-military clandestine movement, was found hung in his cell in the U.S. prison at Tallahassee, Florida. Just hours before his death, his attorney and Juan Antonio Corretjer had found him in strong spirits and planning his return to the struggle. Rodriguez Cristobal had been subjected to continuous threats and harassment, including forced drugging and isolation, during his confinement in the U.S. prison. He was found hanging by a bed sheet with a large

gash on his forehead and blood on the floor. Though U.S. authorities claim "suicide," the Puerto Rican people assert that this independentist martyr was assassinated by U.S. intelligence forces as a warning to those who publicly support the armed struggle. More than 8,000 people jammed his small town of Ciales, Puerto Rico as Angel was buried in a spirit of militant resistance and with the cry of revolutionary retaliation.

On December 3, 1979 the F.A.R.P., O.V.R.P., and E.P.B. retaliated for the U.S. imperialist assassination of Rodriguez Cristobal and two other independentists* with a daylight attack on a U.S. Navy bus carrying naval radar technicians to a base at Sabana Seca. The freedom fighters killed two Navy personnel and wounded ten others. They declared: "The clandestine organizations who write these communiques are not playing at war. We are disposed to carry this struggle to its ultimate consequences." In recognition of the state of war created by its hostilities against the Puerto Rican people, the U.S. government awarded its wounded the Purple Heart, a medal given only to those hurt in combat.

As the clandestine and mass struggles have escalated, the U.S. has

*An informant-provocateur, acting with the knowledge and approval of colonial governor, Romero Barceló, had led two young independentist activists, Arnaldo Dario Rosado and Carlos Soto Arrivi, into an ambush at Cerro Monte Maravilla, Puerto Rico, where police ambushed them on July 28, 1978, under the pretext that they had been planning to set a bomb.

moved simultaneously to attack the movement* and to patch up its neo-colonial cover by annexing Puerto Rico as the 51st state. Direct Puerto Rican participation in U.S. presidential primaries is a first step toward annexation. As the LSP and other forces have struggled to block this move, the FALN on March 15, 1980 undertook armed occupations of the Carter Campaign Headquarters in Chicago and the Bush Campaign Headquarters in New York City. The issued a communique denouncing annexation through statehood and condemning continued U.S. military occupation of Vieques.

One week after Petitioners' capture on April 4, 1980, the FARP, FALN, OVRP, EPB issued a joint communique declaring that the Puerto Rican revolutionary movement will continue and will not be detained by the arrest of the Eleven.

The communique calls for the support of the Eleven as Prisoners of War and demands that the Eleven be transferred to military camps to await an international hearing to determine their fate. On April 14, a new clandestine group, Grupo Estrella, entered the struggle by "arresting" a high official of the electrical works in support of workers' actions there.

*On January 7, 1980 a right-wing group calling itself the "Anti-communist Alliance" bombed the headquarters of the Puerto Rican Bar Association, denouncing it as "intellectually responsible for the attack at Sabana Seca". These right-wing terrorists named Juan Antonio Corretjer as another person they hold responsible. Three weeks later, Sgt. de la Cerda, U.S. naval attache, was arrested for bombing the Bar Association and for planning to bomb a civil air flight from Puerto Rico to Vieques.

In March, 1980, a U.S. Grand Jury subpoenaed four independentists and an FBI list of other independence leaders who are targets of the Grand Jury, including Juan Antonio Corretjer of LSP, was disclosed.

The emergence and cooperation of the clandestine groups has created a qualitative change in the armed resistance movement against colonialism. A new conception of organizing has been introduced into the liberation struggle, which posits the necessity of the development of a politico-military organism with both popular and clandestine components, capable of preparing the subjective conditions for winning independence and socialism through protracted People's war. What begins as small units, whose tactical objective is to harass the enemy and strengthen and train its military cadres, develops into military formations which involve great numbers of the people in the armed struggle for independence and freedom.

Understanding the repressive nature of the colonial state apparatus, directed and assisted by the U.S. intelligence and police agencies, and breaking with both the Nationalist conception of insurrection and the reformist tendency within the independence movement, the armed clandestine movement has now taken the revolutionary initiative and is committed to the final phase, a People's War of Decolonization, until liberation and independence are finally and fully achieved. Petitioners and their comrades share the same dedication, commitment and legitimacy as the guerilla fighters of Algeria, Ireland, Vietnam, Namibia, Zimbabwe, Palestine, Mozambique, Nicaragua, Iran and all other peoples who have fought for freedom against imperialism and colonial domination. They are entitled to the same respect and status under international law.

IV. . PETITIONERS' CLAIM: UNDER INTERNATIONAL LAW,
CAPTURED PUERTO RICAN FREEDOM FIGHTERS ARE
ENTITLED TO PRISONER OF WAR STATUS AND TO
RELEASE FROM DETENTION AND IMPRISONMENT.

A. Puerto Rico is a Colony of the United States and
Colonialism is Illegal Under International Law.

On December 14, 1960, the General Assembly of the United Nations, as part of the further implementation of the basic principles in its founding Charter and the Universal Declaration of Human Rights, unanimously enacted a Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514 (XV)). The Resolution "solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations." The Resolution further declared that "immediate steps shall be taken in all territories which have not yet attained independence, to transfer all powers to the people of those territories", and that "all armed action or repressive measures of all kinds directed against dependents shall cease..."

The passage of this fundamental declaration was in direct response to the heroic armed struggle of the Algerian people, through the Algerian National Liberation Front (FLN), to liberate their country from French colonialism. Five days after the enactment of Resolution 1514 (XV) the United Nations General Assembly passed a resolution recognizing the right of the Algerian people to self-determination and independence, and the need for effective

guarantees to ensure implementation of this right on the basis of respect for the unity and territorial integrity of Algeria (Resolution 1576 (XV)).

The General Assembly's recognition of the Algerian people's right to self-determination and independence affirmed the competence and authority of the United Nations to pass upon the issue of self-determination, i.e., the right of a captive people to choose political separation from an existing state. For the first time, the judgment was not expressed in the traditional framework, based on the simple question of whether the people had established control over the territory, but upon agreed objective criteria under which any people should be entitled to self-determination. The criteria, put forward by the Algerians and accepted by the Assembly, consisted of the following set of questions: Was the territory held as the result of prior military conquest? Was the population of the territory subjected to colonial rule? Did there exist within the territory the suppression of human rights? Was there a geographical separation between the territory and the ruling State?

By their actions, and their votes in the political organs of the United Nations in response to the national liberation struggle of the Algerian people, the countries of the world have established near-universal political support for a particular separation of peoples: the decolonization war.

In order to facilitate the process of decolonization throughout the world, the United Nations established in November, 1961, the Special Committee on the Situation With Regards to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Hereinafter referred to as the "Decolonization Committee", Resolution 1654 (XVI).) Each year the Decolonization Committee would assess the situation of the territories in the world still suffering under colonialism, and would explore specific concrete steps to assist in their liberation struggles and to put pressure on the colonial powers to relinquish their domination.

Despite the undeniable parallel between the case of Algeria and the situation in Puerto Rico, the overwhelming coercive influence of the United States, and the slow re-emergence of the Puerto Rican independence movement throughout the 1960's, delayed formal consideration of the case of Puerto Rico by the Decolonization Committee until 1972. Originally, Puerto Rico was one of the territories designated by the United Nations when it required yearly reports by the "administering" country on the process of establishing self-rule. In 1953, however, a year after the United States had imposed the euphemistic "Commonwealth" status on the Puerto Rican people, the United States demanded that Puerto Rico be taken off the list of reporting territories. In a close vote, 26 to 16, with 18 abstentions, the United Nations voted to remove Puerto Rico from the list of colonial possessions.

On August 28, 1972, the Decolonization Committee adopted a resolution, without a dissenting vote, to again consider the Puerto Rican people's inalienable right to self-determination and independence in accordance with General Assembly Resolution 1514. The Resolution instructed the Committee's Working Group to submit at an early date in 1973 a report relating specifically to the procedure to be followed by the Decolonization Committee for the implementation of that Resolution with respect to Puerto Rico. (Official records of the General Assembly, 27th Session, Supplement 23, A/8723/ Rev. 1, Vol. 1, Chap. 1, para. 85.)

In November, 1972, the entire General Assembly approved the report of the Decolonization Committee, reaffirming "its recognition of the legitimacy of the struggle of the colonial peoples... to exercise their right to self-determination by all means necessary at their disposal..." (Resolution 2908 (XXVII).)

In 1973 the Decolonization Committee reaffirmed the inalienable right of the people of Puerto Rico to self-determination and independence, and "requested that the Government of the United States refrain from taking any measures which might impede the full and free exercise of that and other rights by the people concerned, and in particular to prevent any violation of those rights by bodies corporate under its jurisdiction". (Official records of General Assembly, 28th Session, Supplement 23, A/9023/ Rev. 1) Vol. 1, Chap. 1, para. 69.) The report of the Decolonization Committee, including the resolution on Puerto

Rico, was adopted by the full General Assembly by 104 to 5 (France, Portugal, South Africa, the United Kingdom and the United States) with 19 abstentions. (United Nations Resolution 3163 (XXVIII).)

In 1976, the Decolonization Committee again reaffirmed the right of the people of Puerto Rico to self-determination and independence. (Official Records of the General Assembly, 31st Session, Supplement No. 23 (A/31/23 Rev. 1), Vol. 1, Chap. 1, para. 1969.) as did the Fifth Conference of Heads of State of the Non-Aligned Countries, in Sri Lanka that same year, and the Conference of Foreign Ministers of the Coordinating Bureau of Non-Aligned Countries, in Yugoslavia in 1978. (A/31/197, Annex I, paras. 108 and 118.)

Beginning on August 28, 1978, the Decolonization Committee again considered the case of Puerto Rico. For the first time in the history of its consideration, the Special Committee heard from proponents of each status for Puerto Rico; independence, continuation of "commonwealth", and statehood. Among those who made presentations was the present colonial governor, Romero Barcelo, a strong advocate of statehood, and the former governor, Rafael Hernandez Colon, a proponent of "Commonwealth". The question of Puerto Rico was considered by the Committee more carefully and thoroughly than ever before, over a period of two weeks.

The resolution of September 12, 1978, reaffirmed the inalienable right of the People of Puerto Rico to self-determination and

independence, in accordance with 1514 (XV). Further, it affirmed that "self-determination by the people of Puerto Rico in a democratic process should be exercised through mechanisms freely selected by the Puerto Rican people in complete and full sovereignty, in accordance with Resolution 1514 (XV) which inter alia provides for the full transfer of all power to the people of the territory," and that "all determinations concerning status should have the approval of the Puerto Rican people." (Emphasis supplied.) The Resolution said the Committee "considers that the persecutions, harrassments, and repressive measures to which organizations and persons struggling for independence have been continuously subjected constitute violations of the national right of the Puerto Rican people to self-determination and independence." The Resolution kept the question of Puerto Rico under review, and requested the Rapporteur to up-date the information subsequently in order to facilitate consideration of appropriate follow-up steps by the Special Committee in 1979. The Report of the Decolonization Committee was adopted by the General Assembly on December 13, 1978, by a vote of 109 to 0, with five abstentions. The United States abstained on the pretext that the question of Puerto Rico was an "internal" matter, not appropriately within the jurisdiction of the United Nations, a position identical to that of the French Government up until the final stages of the Algerian Decolonization War.

In 1979, the Special Committee of 24 on Decolonization again reaffirmed the right of the Puerto Rican people to self-determination and independence, and noted "with preoccupation" that, so far, the government of the United States had not taken any concrete steps to comply with the mandate of United Nations Resolutions which call for complete transfer of all powers to the Puerto Rican people. The resolution "urges that concrete measures be taken in that direction without further delay," and asks that a fact-finding mission of the Special Committee be admitted to Puerto Rico by the competent authorities for the purpose of compiling all data, "including in particular information on persecution and harrassment of organizations and individuals struggling for independence and self-determination." The resolution also demands that the armed forces of the United States "terminate permanently" their operations in Vieques, "thus allowing the people of that island to live in peace on their own land and to enjoy fully the results of the exploitation for their benefit of the natural resources in the land and sea of the island municipality." At the urging of revolutionary Puerto Rican groups, the Committee deleted all reference to "the right of free association" with the U.S. as one self-determination option. The General Assembly approved the 1979 Report of the Decolonization Committee 129 to 0, with 6 abstentions.

The Resolutions of the Decolonization Committee, approved by the full body of the General Assembly, unequivocally establish the colonial case of Puerto Rico and the right of the Puerto Rican people to self-determination and independence. The present status of Puerto Rico violates the Charter of the United Nations, the Declaration of Human Rights, and the United Nations' Declaration Against Colonialism.

- B. The Puerto Rican People Have The Right to Take Up Arms to Resist United States Domination and Liberate Their Nation.

In October, 1970, the General Assembly established its "Programme of Action For the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples." (Resolution 2621 (XXV)) Specifically, the resolution declared "that further continuation of colonialism in all its forms and manifestations is a crime which constitutes a violation of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law." The Programme further "reaffirms the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial powers which suppress their aspiration for freedom and independence."

The right of colonial peoples to use all means available including armed struggle is restated in almost every General Assembly Resolution concerning the right to self-determination and independence. (See e.g. Res. 2703, 14 Dec. 1970: 29 Dec.

1974; Res. 3382, November 1975; Res. 31/34 (30 Nov. 1976; Res. 32/14 (7 Nov. 1977)).

On December 8, 1978, the General Assembly enacted Resolution 33/24, entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights" wherein it stated:

"The General Assembly...reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination and foreign occupation by all means available, particularly armed struggle." (Emphasis added)

This states the realization of the countries of the world, expressed through their plenary body, the General Assembly, that since colonial powers rule by military force, any true commitment to the principle of self-determination requires that a colonized people has the right to resort to force of arms. The Puerto Rican people have that right, and have exercised it through their resistance to U.S. colonialism. Since the anti-colonial principles were first embraced in the United Nations in response to the struggle of the Algerian people, carried on in both the colonized territory and the metropolitan mainland, the right to resort to "all necessary means" includes the right to wage the anti-colonial war by attacking the colonial power at home.

The right to fight colonialism on a second front, within the metropolis, is particularly legitimate for the people of Puerto Rico, since half of them have been literally driven from their homeland, forced by U.S. expropriation of their country's natural wealth to emigrate to the mainland in search of jobs, and then subjected to an internal colonial oppression. Since the effects of colonization are equally real, and devastating, in the U.S. and Puerto Rico, self-determination and armed struggle for liberation are the inalienable rights of the Puerto Rican people no matter where they live.

Likewise, the principle which permits resort to "all necessary means" to defeat colonialism does not contemplate externally-imposed restrictions upon the targets and methods chosen by the freedom fighters. Those who struggle for the true liberation of their people do so under broad principles of justice and humanity, and may not be constrained by labels of "terrorism" promulgated by the colonizing power. The real terror is the evil of colonial oppression and exploitation, which pervades all aspects of life in Puerto Rico and in Puerto Rican communities in the U.S. The targets hit by the armed clandestine movement have consistently been institutions, installations, and facilities of colonial-imperial power over Puerto Rico.

The unconditional support of the United Nations for the liberation struggles carried on by the peoples of Namibia, Zimbabwe, Palestine, and other newly freed or soon-to-be freed nations of this world, clearly establishes the right to employ all methods and choose all targets which the strategy and conscience of the freedom fighters themselves indicate are correct.

C. As Combatants Captured In A Decolonization War, Peitioners Are Entitled To Prisoner Of War Status And Release.

As Part of its "Programme of Action" to end colonialism, the General Assembly has specifically demanded that captured anti-colonial freedom fighters not be prosecuted as criminals under the domestic law of the detaining colonial power, but be "treated in accordance with the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949." (United Nations Treaty Series, Vol. 75 (1950) Resolution 2621 (XXV) Para. 6a; see also Resolution 2852 (XXVI) December 20, 1971; Resolution 3103 (XXVIII) December 12, 1973). The Assembly has recognized that a critical part of any plan of support and assistance to peoples fighting colonialism is United Nations condemnation of all attempts by the colonial power to "criminalize" their actions. Since captured freedom fighters are afforded P.O.W. status, the colonial power is obliged to recognize the legitimacy of their liberation struggle and to limit how it treats and punishes them.*

Further, the Additional Protocols (I and II) to the Geneva Convention of August 12, 1949, adopted on June 8, 1977, by the Diplomatic Conference on Reaffirmation and Development of International Humanitarian Law Applicable to Armed Conflict, specifically expanded the Geneva Convention to protect those fighting against colonialism and foreign domination, and to confer Prisoner of War status upon anti-colonial freedom fighters. Article I,

* On January 24, 1979 the United Nations passed a special resolution on Political Prisoners in South Africa. It stated, in part: "The General Assembly declares that freedom fighters captured during the struggle for liberation must be entitled to Prisoner of War status in accordance with the relevant Geneva Convention."

concerning the scope of the Convention's application, provides, under Paragraph (4):

The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes, in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

The paragraph specifically applies the protection of the Geneva Convention to wars of national liberation, an idea that what has been recognized by most countries of the world: that such wars have an international character for the purpose of the application of humanitarian law. It is important to note that, at the working session of the Diplomatic Conference, the representative from Cuba stressed that his delegation had voted in favor of the new Article I "on the understanding that the text was interpreted as referring not only to the national liberation movements present at the Conference, and those recognized by the Organization of African Unity and the League of Arab States, but also others such as the Puerto Rican liberation group."*

Article 43 of the Additional Protocol provides that the armed forces of a party to a conflict "consist of all organized armed forces, groups or units which are under a command responsible to the party for the conduct of its subordinates, even if that party is not recognized by a government or authority not recognized by an adverse party." Article 44 recognizes that "owing to the nature of hostilities, an armed combatant cannot always distinguish himself or be easily

* See Posas, The Legal Status of Prisoner of War, *Pictet*, pp. 274, footnote 265.

the civilian population.

Article 42 of the Additional Protocol creates a presumption in favor of a captured combatant, that he or she shall be entitled to P.O.W. status upon claiming such status, and that this presumption continues until a "competent tribunal" finally determines the prisoner's true status.

The Additional Protocols to the Geneva Convention, which have been expanded to protect National Liberation fighters under the spirit of its humanitarian development, applies with full force to the Puerto Rican independence struggle. Any other interpretation would be anti-historical and against the will of a majority of the world, who oppose the evils of colonialism and racism everywhere.

The General Assembly has also addressed the question of the right of colonial powers to detain or imprison legitimate anti-colonial Prisoners of War in any manner. They have recognized that the country who perpetuates the crime of colonialism has no right to imprison those who fight back.

General Assembly Resolution 33/122 (15 Feb. 1978) entitled "Protection of persons detained or imprisoned as a result of their struggle against apartheid, racism and social discrimination, colonialism, aggression and foreign occupation and for self-determination, independence and social progress for their people" reaffirms the legitimacy of the struggle of peoples for liberation from colonial and foreign domination by all means available, including armed struggle, and further states:

Recalling its resolution 3103 (XXVIII), 12 Dec. 1973, in which it solemnly proclaimed the basic principles of the legal status of the combatants struggling against colonial and alien domination and racist regimes...

- (3) Demands the release of all individuals detained or imprisoned as a result of their struggle against colonialism, aggression and foreign occupation and for self-determination, independence and social progress for their people.

On December 8, 1978, the General Assembly again expressed its extreme concern for the "universal realization of the right of people to self-determination, national sovereignty and territorial integrity, (and) the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights." The Assembly again demanded:

the immediate release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and the observance of Article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment.

Resolution 33/24 (8 Dec. 1978)

With these two most recent General Assembly Resolutions, the United Nations has declared it illegal for a colonial power to continue to detain captured freedom fighters who have a legitimate P.O.W. status. It is clear that Petitioners, in the circumstances of their captivity, are entitled to these protections.

V. CONCLUSION: THE UNITED STATES GOVERNMENT HAS REFUSED TO RECOGNIZE PETITIONERS' STATUS AS PRISONERS OF WAR. THE UNITED NATIONS AND ITS CONSTITUENT BODIES ARE THE APPROPRIATE FORUM FOR THEIR CLAIM.

As set out fully in Part III, from the moment of their capture Petitioners asserted to the detaining authorities their right to POW status. Their position was asserted to the Police, F.B.I., local and federal prosecutors, and several judges in the domestic criminal courts. The US Government through all the "bodies corporate under its jurisdiction" have been put on notice of the Petitioners' claim, and have refused to afford them proper status and disposition as P.O.W.s.

It is not surprising that the US Government and its judicial system have refused to recognize Petitioners' right to POW status under International Law. To grant such recognitions would be to recognize Puerto Rico's right to self-determination and independence, and the "crime," as the United Nations has termed it, of its colonization by the U.S. The U.S. Courts, judicial enforcers of colonial oppression, are not about to betray their own role in the evil and illegality of US colonialism. The United States continues to cover up its colonial domination of the Puerto Rican people by all means available, and all the institutions of power respond to the task.

The slave master will not willingly grant freedom to the slave, and thus, since the law does not require an idle act, Petitioners have fairly exhausted all reasonable avenues for POW recognition by the US Government. They therefore appropriately bring their claim

before the constituent bodies of the United Nations, seeking an official declaration of their proper POW status as captured anti-colonial freedom fighters. They ask further that the United Nations, pursuant to its recent General Assembly Resolutions, take all appropriate measures to secure their release from illegal detention and imprisonment by the United States Government.

This Petition is submitted to the Secretary-General in his capacity as Chief Representative of the United Nations, for his attention and dissemination to its member nations and all other appropriate bodies, pursuant to Res. 33124 (8 Dec. 1970) which

Requests the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle being waged by oppressed peoples for the realization of their self-determination and natural independence;

and pursuant to the responsibilities of the Secretary-General under the provision of Resolution 33/45 (5 January, 1979)

"Dissemination of Information on Decolonization".

The Petition is also directed to the "Decolonization Committee," which has specifically affirmed the right of the Puerto Rican People to Self-Determination and Independence, and which is committed, under its latest resolution, to "appropriate follow-up steps" to assist the Puerto Rican people in their struggle for liberation.

The Petition is also directed to the Human Rights Commission of the United Nations, which the General Assembly has specifically

asked

(6) to continue to give particular attention to the question of the release of individuals detained or imprisoned as a result of their participation in the struggle against colonialism, aggression and foreign occupation and for self-determination, independence, and social progress for these people. (General Assembly Resolution 32/122, 2/15/78)

Finally, this Petition is directed to the Bureau of Coordination of the Conference of Non-Aligned Countries, which, since 1964, in Cairo, and most recently in Sri Lanka in 1976, Yugoslavia in 1978, and in Cuba in 1979, has clearly and forcefully recognized that Puerto Rico should be free.

Petitioners are fully prepared to submit additional statements and documents, pursuant to the jurisdictional and procedural requirements of these bodies.

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First Corrected Edition
5/19/80

Respectfully submitted,

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A P P E N D I X

- A. Chronology of Puerto Rico on the International Level
- B. Chronology of Armed Struggle for Puerto Rican Independence, 1967-1980
- C. Communiques From the Armed Clandestine Movement For Puerto Rican Independence
- D. The Position of the Movimiento de Liberacion Nacional (MLN) Before the United Nations' Committee on Decolonization; August, 1978
- E. "Desde las Rejas:" Statements by Ten Puerto Rican Prisoners of War in the Concentration Camp of Cook County
- F. Transcript of Arraignment of Puerto Rican POW HAYDEE TORRES before the U.S. District Court for the Southern District of New York, April 16, 1980
- G. Complaint to Illinois State Judicial Inquiry Board Re: Judge James Bailey
- H. FBI Documents on the Counterintelligence Program (COINTELPRO) Against "Groups Seeking Independence for Puerto Rico"
- I. Statement of the Civic Committee to Support the Rights of Puerto Rican Prisoners of War
- J. Maps showing the U.S. Military Presence in Puerto Rico