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by LADB Staff

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Instead of passing sentence on defendants in the James Sabzali case, the trial judge threw out the convictions citing unsupported and inflammatory arguments by the federal prosecutor. Sabzali and others were convicted of violating the US embargo against Cuba. The first sugar harvest since the reorganization and downsizing of the industry is one of the smallest in decades. The American Library Association (ALA) has tabled a motion to condemn Cuba for persecution of the independent librarians.

An ALA report claims they are US- financed dissidents. Judge overturns conviction in James Sabzali case On June 16, US District Court Judge Mary McLaughlin threw out the conviction of Bro-Tech Corp. of Philadelphia, James Sabzali, Bro-Tech's marketing director, and the company's vice president Donald B. Brodie. They were convicted in April 2002 on charges of conspiracy and violating the 1919 Trading with the Enemy Act by selling some US\$2 million in water- purification chemicals to Cuba for use in hospitals and factories (see NotiCen, 2002-04-11). Sabzali originally faced 205 years in prison and a US\$5 million fine.

The government said the case involved national- security issues. Prosecutors eventually asked for prison sentences of up to 62 months for him and Brodie. The case became notorious in Canada because Bro-Tech is an Ontario-registered company and Sabzali is a Canadian citizen who transferred to Philadelphia in 1996 to work at Bro-Tech's subsidiary there. Defense attorneys argued that, since many of the sales were made from Canada, US law does not apply. It would have been illegal under Canadian law The Foreign Extraterritorial Measures Act of 1992 for Sabzali and the company to refuse sales to Cuba in compliance with US law. Sabzali was convicted on 20 of the original 77 counts, Brodie on 33 counts, and Bro-Tech on 43 counts. A third defendant was convicted on one count of conspiracy, but in September 2002, McLaughlin overturned that conviction citing insufficient evidence.

Of the 76 trading counts against the company and the three men, 34 had to do with sales made from the Hamilton, Ontario, office or subsidiaries in other countries such as Mexico, the United Kingdom, and other countries that do not recognize the embargo laws. The jury dropped some counts against Sabzali that were related to sales to Cuba made from third countries but convicted him on eight such counts. In September 2002, McLaughlin postponed sentencing, which had been set for November 2002, to consider a post-trial defense motion to set aside the verdicts.

In her June 16 ruling, McLaughlin agreed with the defense's contention that Assistant US Attorney Joe Poluka had made improper statements during his final summation. She suggested Poluka "got carried away." Describing the prosecution's case as weak, McLaughlin wrote that the jury might have been moved to convict by the prosecution's "inflammatory language that has no place in the argument of an Assistant United States Attorney." In closing arguments, Poluka had made allegations of shredding papers and perjury for which he had not presented any evidence. "It is

easier for a prosecutor...to call the defendants names and misstate the evidence than to come to grips with the real evidence," McLaughlin said.

During the trial, McLaughlin had instructed the jury to disregard Poluka's comments, but wrote in her ruling that "no curative instructions could have cured the array of improper arguments made here." Commenting on the decision, Sabzali said, "If you distill everything, it says the US government saw the need to fabricate evidence to make their case. They lied; they lied about the reasons why they lied." The government has not said whether it will retry the case.

Sugar harvest low after reorganization

The 2002-2003 sugar harvest ended June 24 with disappointing production figures. The Sugar Ministry (MINAZ) has not released figures, but unofficial estimates placed output at 2.1 million metric tons compared with 3.6 million MT produced the previous season. The lower-than-expected production was attributed to weather, shortages of materials, and technical problems. Sugar officials had cautiously predicted only about 2.7 million MT as a result of the radical reorganization of the industry announced last year, which cut production to fit market demand and price. That meant closing 71 mills, which left 85 in operation this year, only 78 processing cane. Announcing the plan last June, Sugar Minister Ulises Rosales del Toro said that, during the next several years, more capital would go into research and production of sugar derivatives including alcohol, fuels, and building materials. Unused cane fields will be converted to food production and reforestation (see NotiCen, 2002-06- 27).

The government put in place an elaborate plan to transfer displaced sugar workers elsewhere in the agriculture sector or to retrain them for other jobs. The official newspaper Granma reported this month that in Camaguey Province, 900 former sugar workers will enroll in local universities. Another 700 will enroll in technical schools. Workers are guaranteed full pay during the first year while they are being relocated. Despite the low production figures, MINAZ officials remained optimistic.

Luis Galvez, director of the Institute for Research of Sugar Cane Derivatives, said, "You cannot have high hopes in the first year." Sugar Minister Rosales del Toro told delegates to an international sugar congress this month that the industry would become more diversified, efficient, and competitive.

Nelson Labrada, sugar vice minister, said Cuba would keep to its plan for a flexible production strategy based on market prices. Production would rise when prices are high enough and decline in favor of derivatives during years of depressed prices. The World Data Service reported in June that the government expects increased foreign investment in the derivatives industries during the next five years. Investments are predicted to reach 25% of total national investment.

Under the reorganization plan, the Sugar Ministry expects to satisfy domestic demand first and export whatever surplus remains whenever the world price makes it profitable. Cuba exported about 2 million MT last year and needs 700,000 MT for home consumption. If it keeps to its export commitments this year, Cuba may have to import sugar. Reuters reported last year that the

government had set up a trading company, Compania Azucarera Internacional (CAISA), to enter into a joint venture with foreign investors. CAISA may eventually take over the sugar-export business from the Foreign Trade Ministry.

American Library Association Confronts Cuba Library Issue The American Library Association (ALA) took up the issue of independent libraries in Cuba at its Toronto convention in June. Robert Kent, who heads the Friends of Cuban Libraries (FCL) and has traveled many times to Cuba on US government funds channeled through Freedom House, has tried to get the ALA to condemn the Cuban government for its alleged book censorship and persecution of librarians.

The measure was tabled until the next ALA meeting. The ALA is one of the few organizations that has actually investigated the claims by the FCL and the US government that the independent libraries are the bastion of free access to books. Among the 75 dissidents jailed in March were 14 independent librarians.

The US has a program of giving books to the independents instead of to the government's extensive public-library system. A Reuters story in February, headlined Groucho Marx Runs Afoul in Cuba, concerned a US book shipment stopped at Cuban customs that included works by Groucho Marx and Stephen King. Reuters concluded that the Castro regime could not withstand the onslaught of books by such authors, and quoted US diplomat James Cason as saying, "The government banned them because they believe we are giving them out with subversive intentions."

During the joint meeting in Toronto of Canadian and US librarians, members of the ALA and Cuba's National Librarian Eliades Acosta charged that the independent librarians were funded as part of US efforts to undermine the Cuban government. Most US newspapers reported this as news, but the ALA has previously published extensive reports based on investigations in Cuba. These reports concluded that the independent-library movement was a hoax financed by the US government and Miami exile organizations.

The 2002 report, *Payment for Services Rendered?: US- funded Dissent and the "Independent Libraries Project" in Cuba*, said the libraries were independent of the Cuban government but not of the US government. They are small collections in the homes of people who are not librarians. Most are members of dissident organizations, the report said, and some of those interviewed readily admitted they received money from the US. Acosta said, "There are no banned books, only those we don't have the money to buy." The report noted that the public libraries operate under the burden of the US embargo. "The embargo...limits the country's ability to acquire publishing and office supplies, paper, computers, technology, library equipment...and literally all materials that must be purchased with foreign currency."

Furthermore, US travel restrictions hinder professional and technological interchanges with US librarians.

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