

EXTERNAL (for general distribution)

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Death Penalty/Health Concern

14 December 1994

CUBA: **Andrés (family name not known)**
 Pedro GUISADO
 Lázaro GONZALEZ CABALLERO and four other men

Amnesty International has learned that the prosecution intends to request the death penalty for at least three of the above seven men who were arrested in mid-October.

On 16 October 1994 the Cuban authorities announced that seven armed Cuban exiles had been arrested near Caibarién, 350 km east of Havana, as they were attempting to infiltrate the country and after they had shot dead Arcelio Rodríguez García, described as a local fisherman. The authorities did not provide the names of those arrested or say where they had been taken. However, Amnesty International has learned that they were taken to the headquarters of the Department of State Security at Villa Marista in Havana and that the death penalty is to be requested for Andrés (family name not known), who is alleged to be the leader of the group, Lázaro González Caballero and one other. Three of the group (Andrés, Lázaro González Caballero and Pedro Guisado) were reportedly injured at the time of arrest. Details of their injuries are not known, but Andrés is said to have suffered a gunshot wound. It is not known whether they have received adequate medical treatment while in detention. The date of the trial is not yet known. In some cases in the past, particularly when the authorities have wished to make an example of those concerned, trials have taken place very quickly and the period between arrest and execution, which is by firing squad, has been a matter of weeks.

The seven men are alleged to be members of a Cuban exile group called the **Partido de Unidad Nacional Democrático (PUND)**, National Democratic Unity Party, which is based in Miami, USA. A PUND spokesman told a news conference in the USA that the seven had launched the attack from a third country, not the USA, and that the man killed was a Cuban government official who had been shot during an armed confrontation between the seven and the Cuban authorities. He also alleged that another man described as a Cuban resistance fighter had been killed during the incident. There have so far been no independent reports of the events surrounding the arrests.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and of the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights. Concern about the death penalty in Cuba is exacerbated by the inadequacy, in practice, of full judicial guarantees, particularly the right to defence and especially if there is a political element to the case.

BACKGROUND INFORMATION

Cuba maintains the death penalty for a large number of offences. Nevertheless, in recent years there appears to have been a reduction in the number of executions carried out. Amnesty International is aware of ten executions that have taken place since 1988 though death sentences are known to have been passed in a number of other cases. Given the limitations on the reporting of human rights issues in Cuba and since the authorities do not make statistics on such matters

public, it is possible that other executions may have been carried out. The last execution known to have taken place was that of Felix Oviedo Aguilera who was convicted of murder and armed robbery in late 1993 and executed in mid-1994, the only one reported so far this year.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Spanish or in your own language:

- expressing concern at reports that the prosecution is requesting the death penalty in the case of Lázaro González Caballero, Andrés (full name not known) and one other arrested in Caibarién in mid-October for the murder of Arcelio Rodríguez García;
- stating Amnesty International's unconditional opposition to the death penalty in all cases and urging therefore that the death penalty not be requested in this or any other case;
- noting reports that Lázaro González Caballero, Pedro Guisado and Andrés (full name not known) were injured at the time of arrest and urging that they be granted all necessary medical treatment;
- requesting that all seven men be granted full access to lawyers of their choice.

APPEALS TO:

1) Attorney General

Dr Juan Escalona Reguera
Fiscal General de la República
Fiscalía General de la República
San Rafael 3
La Habana, Cuba

Telegrams: Fiscal General, Havana, Cuba

Telexes: 511456 fisge

Faxes: + 53 7 333164

Salutation: Sr Fiscal General / Dear Attorney General

2) Minister of Justice

Dr Carlos Amat Forés
Ministro de Justicia
Ministerio de Justicia
Calle 0 # 216, 8° piso
e/ 23 y Humboldt, Vedado
La Habana, Cuba

Telexes: 511331

Telegrams: Ministro Justicia, Havana, Cuba

Salutation: Sr Ministro / Dear Minister

3) Minister of the Interior

General Abelardo Colomé Ibarra
Ministro del Interior
Ministerio del Interior
Plaza de la Revolución
La Habana, Cuba

Telex: 511122 / 511464 / 512950

Faxes: + 53 7 333085 / + 53 7 335261

(These telex and fax numbers are for the Ministry of Foreign Affairs. Please ask them to pass the messages on to the Minister of the Interior.)

Salutation: Sr Ministro / Dear Minister

COPIES OF YOUR APPEALS TO:National Union of Jurists

Dra Zenaida Osorio Vizcaina

Presidente

Unión Nacional de Juristas de Cuba

Calle 21, No. 552, esq. D

Apartado 4161

La Habana 4, Cuba

Department of State Security (Villa Marista)

Coronel Adalberto Rabeiro García

Jefe del Centro de Investigaciones

Departamento de Seguridad del Estado

Villa Marista

La Víbora

La Habana, Cuba

and to diplomatic representatives of Cuba accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 January 1995.