

EXTERNAL (for general distribution)

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EXTRA 89/93      Death Penalty

15 October 1993

CUBA              José Ariel MACHADO ROJAS

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According to Cuban news agency reports, José Ariel Machado Rojas was sentenced to death on 14 October by the *Tribunal Provincial Popular de Villa Clara*, Villa Clara People's Provincial Tribunal, after being convicted of murder. He was said to have stabbed student Yaser Roberto Jiménez Artiles to death while trying to steal his bicycle on 27 August 1993 in Santa Clara. Machado and five others, who were given jail sentences of between 10 and 30 years, reportedly attacked a group of youths as they were cycling home in the early morning.

The case will now be reviewed by the *Tribunal Supremo Popular*, People's Supreme Court, and, if confirmed, will automatically be considered by the *Consejo de Estado*, Council of State, which is presided by President Fidel Castro and has the power to grant clemency. The review process and execution in some cases take only a matter of days or weeks. The death penalty is carried out by firing squad.

This is the second death sentence to be passed this month and comes in the wake of statements from the authorities vowing to crack down on crime and internal unrest following a spate of incidents of vandalism that took place, particularly in Havana, during the month of August, apparently the result of frustration over economic hardships.

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 use of the death penalty in Cuba is exacerbated by the lack, or inadequacy in practice, of full judicial guarantees, particularly the right to adequate 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. However, in recent years there appears to have been a reduction in the number of executions carried out. According to official statistics provided to Amnesty International by the Minister of Justice in 1988, 12 executions took place between 1984 and 1987; 11 for common crimes, mainly murder, and one for terrorism, a crime against state security. In a number of other cases the death sentence had been commuted on appeal. Statistics after 1988 are not publicly available but Amnesty International is aware of the following cases: four senior army officers were executed in 1989 after being convicted by a court martial on a number of charges including hostile acts towards a foreign state, drug-trafficking and abusing their official positions; at least two

people were executed for murder during 1991; and three people were executed in early 1992, one for terrorism and sabotage and two for murder and piracy.

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

- urging commutation of the death sentences recently passed on José Ariel Machado Rojas;
- stating Amnesty International's unconditional opposition to the death penalty in all cases.

**APPEALS TO**

1) President:

Dr Fidel Castro Ruz  
 Presidente del Consejo de Estado  
 Ciudad de la Habana, Cuba

**Telegrams: Presidente Castro, Havana, Cuba**

**Telexes: 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 forward your message to President Castro)**

**Salutation: Señor Presidente / Dear President**

2) President of the Supreme Court:

Dr José Raúl Amaro Salup  
 Presidente del Tribunal Supremo Popular  
 Ciudad de la Habana, Cuba

**Telegrams: Presidente, Tribunal Supremo Popular, Havana, Cuba**

**Telexes: 511457 tsupo**

**Salutation: Señor Doctor / Dear Doctor**

3) Attorney-General:

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

**Telegrams: Fiscal General, Havana, Cuba**

**Telexes: 511456 fisge**

**Faxes: + 53 7 333164**

**Salutation: Señor Fiscal General / Dear Attorney General**

4) Minister of Justice:

Dr Carlos Amat Forés  
 Ministro de Justicia  
 Ministerio de Justicia  
 Calle 0 No 216, 8vo piso  
 entre 23 y Humboldt, Vedado  
 Ciudad de la Habana, Cuba

**Telegrams: Ministro Justicia, Havana, Cuba**

**Telexes: 511331**

**Salutation: Señor Ministro / Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Newspaper

Granma  
Apartado 6260  
Ciudad de 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 12 November 1993.