

URGENT ACTION

PRISONERS OF CONSCIENCE RELEASED IN CUBA

Five jailed dissidents which Amnesty International named prisoners of conscience in 2013 were released between 7 and 8 January. Three remain under conditional release.

On 7 January twin brothers **Vianco Vargas Martín** and **Django Vargas Martín** were released from Mar Verde prison in the province of Santiago de Cuba, eastern Cuba. On 8 January their elder brother, **Alexeis Vargas Martín**, was released from the Aguadores Prison in the same province. The three men had been detained since December 2012 and sentenced in June 2014 to two-and-a-half and four years' imprisonment, respectively, for "public disorder".

Under the conditions of their liberation they remain under conditional release and must regularly present themselves to local authorities. They also cannot leave their province. Any restrictions on the freedom of the three brothers must be lifted as they should have never been arrested in the first place.

On 8 January prisoners of conscience **Iván Fernández Depestre** and **Emilio Planas Robert** were apparently released without restriction. Iván Fernández Depestre had been detained in the Guamajal prison in Santa Clara since July 2013, and Emilio Planas Robert had been detained in Guantánamo Provincial Prison since September 2012. Iván Fernández Depestre was sentenced in August 2013 to three years' imprisonment for "dangerousness". Emilio Planas Robert was sentenced to three-and-a-half years' imprisonment in October 2012 for the same accusation.

The releases of the five men are believed to be part of a group of more than 50 political prisoners to be freed as part of the recently announced agreement between Cuban and US governments to "normalize" relations. Since 7 January, Cuban activists have reported the release of dozens of jailed dissidents.

Please write immediately in Spanish or your own language:

- Welcoming the release of the prisoners of conscience in Cuba;
- Urging the Cuban authorities to immediately and unconditionally lift the restriction on the freedom of Bianco Vargas Martín, Django Vargas Martín and Alexeis Vargas Martín;
- Calling on the Cuban government to complete those releases with the necessary civil and political reforms in order to lift all restrictions on the peaceful exercise of freedoms of expression, association and assembly.

PLEASE SEND APPEALS BEFORE 20 FEBRUARY 2015 TO:

Head of State and Government

Raúl Castro Ruz
 Presidente de la República de Cuba
 La Habana, Cuba
 Fax: +41 22 758 9431 (Cuba office in Geneva); +1 212 779 1697 (via Cuban Mission to UN)
 Email: cuba@un.int (c/o Cuban Mission to UN)

Salutation: Your Excellency

Attorney General

Dr. Darío Delgado Cura
 Fiscal General de la República
 Fiscalía General de la República
 Amistad 552, e/Monte y Estrella
 Centro Habana
 La Habana, Cuba
Salutation: Dear Attorney General

And copies to:

Interior Minister
 General Abelardo Colomé Ibarra
 Ministro del Interior y Prisiones
 Ministerio del Interior
 Plaza de la Revolución
 La Habana, Cuba
 Fax: +1 212 779 1697 (via Cuban Mission to UN)
 Email: correominint@mn.mn.co.cu

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 201/13. Further information: www.amnesty.org/en/library/info/AMR25/003/2014/en

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ADDITIONAL INFORMATION

Alexeis Vargas Martín, 22, and his two 17-year-old twin brothers, Vianco Vargas Martín and Django Vargas Martín had been detained and charged by the police with using “violence or intimidation” against a state official (*atentado*). The brothers, who live in the neighbourhood of Veguita de Galo in the city of Santiago de Cuba are all members of the Patriotic Union of Cuba (Unión Patriótica de Cuba, UNPACU).

In the afternoon of 27 November 2012, Alexeis was returning to his house where a government-sanctioned demonstration (*acto de repudio*) was underway at the time. The house was surrounded by government supporters as his mother, Miraida Martín Calderín, a member of the Ladies in White protest group, was meeting with other members of the same organization. Alexeis was refused entry to his own home and arrested by police and officials from the Department of State Security. On 2 December, Vianco and Django Vargas Martín - then only 16 years old - went with friends to protest outside the Micro 9 police station in the city of Santiago de Cuba against the detention of their brother. They were arrested and also charged by police with *atentado*.

The brothers were finally tried on 13 June 2014 at the Provincial Court in Santiago de Cuba, under the charges of public disorder of a continuous nature (*alteración del orden público de carácter continuado*). On 5 November 2014 their mother Miraida Martín Calderín finally received documentation at her home regarding the sentencing of her three sons. Alexeis Vargas Martín was sentenced to four years' imprisonment and Vianco Vargas Martín and Django Vargas Martín were sentenced to two years and six months.

On 30 July 2013 Iván Fernández Depestre, who is a member of dissident groups, and five other activists peacefully demonstrated in Placetás, in the central province of Villa Clara to commemorate the anniversary of the death of Cuban national hero Frank País, when they were arrested by officials from the Department of State Security. All were subsequently released except for Iván Fernández Depestre, who was charged with “dangerousness” (*peligrosidad*), a pre-emptive measure defined as the “special proclivity of a person to commit crimes”. Behaviour such as drunkenness, drug-addiction and “antisocial behaviour” is criminalized under this provision, which is often used as a pretext to imprison political dissidents, independent journalists and government critics.

A summary trial was held on 2 August at the Municipal Court of Placetás in Villa Clara province. Iván Fernández Depestre was sentenced to three years imprisonment. According to information received by Amnesty International he had no legal representation during the trial.

Emilio Planas Robert was arrested in the city of Guantánamo in Guantánamo Province on 23 September 2012 by Cuban police and officials from the Department of State Security. The man, who is a member of the Patriotic Union of Cuba (Unión Patriótica de Cuba, UNPACU) was charged with “dangerousness” (*peligrosidad*). Emilio Planas Robert was sentenced to three-and-a-half years' imprisonment following summary trials on 5 October 2012.

The authorities had accused him of putting up posters in Guantánamo city with “anti-government” slogans such as “down with Fidel” (*abajo Fidel*) and “down with hunger” (*abajo el hambre*). According to their families, no incriminating material was found at their houses and none was presented at their trials.

Article 72 of the Cuban Criminal Code, "The Dangerous State", reads: "The dangerous state is considered to be the special proclivity of a person to commit crimes as demonstrated by behaviour that manifestly contradicts the norms of socialist morals." (*Se considera estado peligroso la especial proclividad en que se halla una persona para cometer delitos, demostrada por la conducta que observa en contradicción manifiesta con las normas de la moral socialista*).

Name: Vianco Vargas Martín, Django Vargas Martín, Alexeis Vargas Martín, Iván Fernández Depestre and Emilio Planas Robert
Gender m/f: m