

PUBLIC

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26 January 2001

Further information on EXTRA 55/00 (AMR 25/14/00, 16 June 2000) - Imminent Execution

CUBA Osmany Brito Cartaya

Alberto Díaz Pérez

Julio Morales Montero

Morlaix Nodal Pozo

Reidel Rodríguez Reyes

Héctor Santana Vega.

The six men named above had their final appeal rejected on 6 January by Cuba's highest court, the Council of State (*Consejo de Estado*), presided over by Fidel Castro. They could now be executed at any time.

The men are held in Cuba's most secure prison, the National Special Regime Prison (*Prisión Nacional de Regimen Especial*), in Camaguey province. According to a relative, some of them have spent the past five months confined to poorly lit punishment cells, after being accused of breaking prison rules. Their families have also had difficulty in visiting them. One of the men's parents were reportedly allowed to see him in December for the first time in six months.

They were reportedly sentenced to death in February 2000, after five prison guards were killed during an attempted breakout from the Ciego de Avila Provincial Prison (*Prisión Provincial de Ciego de Avila*), in December 1999.

BACKGROUND INFORMATION

Cuba maintains the death penalty for a large number of offences. Executions are carried out by firing squad. President Fidel Castro gave a speech in January 1999, in which he said he hoped that judges would not hesitate to use the death penalty, since stronger measures were needed to combat crime. On 15 February 1999 Cuba's National Assembly, the *Asamblea Nacional del Poder Popular*, passed new legislation (Law 87), extending the scope of the death penalty to major drug-trafficking, corruption of minors and armed robbery. These modifications to the Penal Code became effective a month later. At least 13 people were reportedly executed in 1999 and at least 7 in 2000.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish, English or your own language:

- expressing concern that the Council of State has upheld the decision to execute Osmany Brito Cartaya, Alberto Díaz Pérez, Julio Morales Montero, Morlaix Nodal Pozo, Reidel Rodríguez Reyes and Héctor Santana Vega;
- acknowledging that the men were convicted of heinous crimes, and expressing sympathy for the victims' families and friends, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments;
- expressing unconditional opposition to the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;
- urging President Castro and the Cuban authorities to commute these and all other pending death sentences, and not to pass any further death sentences.

APPEALS TO:

Head of State and Government

Dr Fidel Castro Ruz
Presidente de los Consejos de Estado y de Ministros
La Habana
Cuba

Telex: 511122/ 5111464 (via Ministry of Foreign Affairs)
Fax: via Ministry of Foreign Affairs +53 7 335 261
Salutation: Su Excelencia/ Your excellency

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
Telex: 511456 fisge
Fax: + 53 7 669 485
Salutation: Sr Fiscal General/ Dear Attorney General

Minister of Foreign Affairs

Sr. Felipe Pérez Roque
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Calzada No. 360
Vedado, La Habana, Cuba

Telegrams: Ministro Relaciones Exteriores, Havana, Cuba
Telex: 511122 / 511464 / 512950
Fax: +53 7 333 085
Salutation: Sr Ministro/Dear Minister

COPIES TO:

National Union of Jurists

Sr. Arnal Medina Cuenca
Presidente
Unión Nacional de Juristas de Cuba
Calle 21, No. 552, esq. D
Apartado 4161
La Habana 4, Cuba

Newspaper

Granma, Apdo 6260, 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 9 March 2001.