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Death Penalty

4 March 1991

CUBA: Joaquín Emiliano DUENAS CARBONELL

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According to press reports, 37-year-old Joaquín Emiliano Dueñas Carbonell was recently sentenced to death in the first instance by a Cuban court in Havana.

The defendant, described as a "drifter", was accused of killing two police officers on 27 December 1990 when they were transporting him unhandcuffed in a patrol car, after he had allegedly been captured with stolen goods following a robbery in the Havana suburb of Cotorro. The sentence, which the prosecutor said was "imposed in exceptional cases involving very dangerous convicts", has automatically been referred to the Tribunal Supremo Popular, People's Supreme Court, for review. If confirmed, it will then be referred to the Council of State, which is presided by President Fidel Castro, for a final decision.

This procedure has in some previous cases taken only a matter of days or weeks. Amnesty International is therefore concerned that execution may be imminent.

#### BACKGROUND INFORMATION

Cuba maintains the death penalty for a large number of offences and it is understood that consideration is at present being given to extending its use to serious drugs-related offences. Nevertheless, in recent years there has been a reduction in the number of executions carried out. According to official statistics provided to Amnesty International by the Minister of Justice during a visit to Cuba in March 1988, 12 executions had taken 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. However, in July 1989 four senior army officers were executed by firing squad 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. Although the defendants denied that their actions were politically motivated, Amnesty International was concerned that the prosecution may have introduced political charges to permit the application of the death penalty. Amnesty International has received no confirmation of executions having taken place since July 1989 although no further news has been received of the case of Jorge Luis González Norona, who was sentenced to death in the first instance on 1 October 1990 (see UA 430/90, AMR 25/05/90, 24 October 1990).

According to the Cuban Penal Code, the death penalty is only to be used exceptionally. It cannot be passed on people under 20 years of age or on women who were pregnant at the time the offence was committed or at the time of sentencing. Once sentence has been passed in the first instance, cases go automatically for appeal to the People's Supreme Court, and subsequently to the Council of State which, on the basis of a recommendation from the Minister of Justice, decides whether the prisoner is to be executed or granted clemency.

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 or 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.

**RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:**

- urging commutation of the death sentence recently passed on Joaquín Emiliano Dueñas Carbonell;
- stating Amnesty International's unconditional opposition to the death penalty in all cases;
- welcoming the reduction in the use of the death penalty in recent years in Cuba but expressing concern that consideration is reportedly being given to extending its use to serious drugs-related offences.

**APPEALS TO:**

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

**Telegrams: Presidente Castro, Havana, Cuba**  
**Telexes: 51212 P DESP PRESID**

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

**Telegrams: Presidente, Tribunal Supremo Popular, Havana, Cuba**  
**Telexes: 511 457 TSUPO CU**

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

**Telegrams: Ministro Justicia, Havana, Cuba**  
**Telexes: 511 331 MINJU CU**

**COPIES TO:**

Dr Ramón de la Cruz Ochoa  
 Fiscal General de la República  
 Fiscalía General  
 San Rafael 3  
 Ciudad de la Habana  
 Cuba

Granma  
 Apartado 6260  
 Ciudad de la Habana  
 Cuba

and to diplomatic representatives of Cuba in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 15 April 1991.