

EXTERNAL (for general distribution)

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UA 188/91

Fair Trial

5 June 1991

CUBA: Dr Julián ARAÑA ROSAINZ, Medical Doctor, aged 35

Amnesty International is concerned about the legal situation of Dr Julián Araña Rosainz.

He was reportedly arrested on 26 October 1990 at his office at the Instituto Nacional de Neurología y Neurocirugía, National Institute of Neurology and Neurosurgery, in Havana and taken to the headquarters of the Department of State Security known as "Villa Marista".

A few days after being taken there, he suffered an acute asthma attack and was transferred to Carlos J. Finlay Military Hospital where he is believed to have remained until early December when he was transferred to Combinado del Este Prison on the outskirts of Havana.

The precise reasons for Dr Araña's arrest are not yet clear. The security forces searched his home at the time of his arrest and initial reports suggested that he was detained because documents relating to human rights had been found there. However, subsequent reports from unofficial sources said that he was to be accused of conspiring to overthrow the government of President Fidel Castro. On 3 June 1991, the Cuban Ambassador to Canada, based in Ottawa, confirmed that Dr Araña is to stand trial charged under article 107.1 of the Cuban Penal Code, which states that "Anyone, who with the aim of affecting State security, carries out an act against the life, physical integrity, freedom of personal security of a leader of the Cuban Communist Party, the State or the Government, or against their relatives, faces a sanction of between ten and twenty years' loss of liberty or death".

["El que, con el propósito de afectar la seguridad del Estado, ejecute un acto contra la vida, la integridad corporal, la libertad o la seguridad personal de un dirigente del Partido Comunista de Cuba, del Estado o del Gobierno, o contra sus familiares, incurre en sanción de privación de libertad de diez a veinte años o muerte."] The Ambassador went on to say that "during the investigation process, Mr Araña's actions were proven and he admitted his guilt" [English original]. He further stated that he was in good health and is visited regularly by his close relatives. He did not specify the basis for the charge or say what sentence would be sought by the prosecution (fiscal) or when the trial would be held, but it is likely to be imminent. The information available so far, though limited, does not suggest that the death penalty is to be requested.

Amnesty International is not at present in a position to comment on the legitimacy of the charge brought against Dr Araña. However, it is feared that he has not received full judicial guarantees during the period of pre-trial detention and that, because of the political nature and seriousness of the charge against him, the possibility of receiving a fair hearing and a proper defence, will be severely limited.

Dr Julián Araña Rosainz is a neurologist. He spent six months in 1987-88 on a Pan-American Health Organization fellowship working at the University of British Columbia in Canada to learn biochemical techniques which he could implement in his work at the National Institute of Neurology and Neurosurgery in Havana.

BACKGROUND INFORMATION

In Cuba defence lawyers in political cases are given very limited access to their clients, usually only being able to make initial contact once the detainee is transferred to prison.

During the trial itself, they almost always limit themselves to pleading clemency rather than offering serious arguments in defence of their client. Alleged admissions of guilt on the part of the detainee are usually obtained during the initial period of detention in State Security facilities, often under pressure and without access to lawyers. Former political prisoners have alleged that it is the Department of State Security, under the Ministry of the Interior, and not the courts, who, by bringing pressure to bear on others involved in the judicial process, are the ones who really decide the fate of the detainee.

RECOMMENDED ACTION: Telegrams/telexes/airmail letters:

- requesting guarantees that the procedures in the forthcoming trial of Dr Julián Araña Rosainz conform fully to international standards for a fair trial;

- urging that it should be open to the public and to independent observers;

- urging that Dr Araña be afforded full judicial guarantees and especially that he should have full access to a defence lawyer of his choice and adequate facilities to prepare and offer evidence on his own behalf.

APPEALS TO

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

Telegrams: Presidente Castro, Havana, Cuba

Telexes: 51212 P DESP PRESID

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

Dr Ramón de la Cruz Ochoa
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

General Abelardo Colomé íbarra
Ministro del Interior
Ministerio del Interior
Plaza de la Revolución
Ciudad de la Habana
Cuba

Telegrams: Ministro Interior, Havana, Cuba

Telexes: 511122 MINREX

COPIES TO:

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 17 July 1991.