

EXTERNAL (for general distribution)

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EXTRA 88/93 Death Penalty

15 October 1993

CUBA: Antonio ESTEVEZ GOMEZ (36)
 Antonio CHENARD MORALES (37)

According to reports based on Cuban media sources, Antonio Estévez Gómez and Antonio Chenard Morales were sentenced to death on 1 October 1993 after being convicted of murder and coercion by the *Tribunal Popular Provincial de las Tunas*, Las Tunas People's Provincial Tribunal in Case No. 467/93. They were accused of murdering Isabel Pérez Fernández in her home on 24 December 1992 after stealing about 4,000 pesos from the house.

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.

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. Nevertheless, 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 Antonio Estévez Gómez and Antonio Chenard Morales;
- 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 Ministro / Dear Minister

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

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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