

EXTERNAL (for general distribution)

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UA 418/94 Fear of Death Penalty/Fear of ill-treatment 29 November 1994

CUBA: Ramón Fidel BASULTO GARCIA, aged 26

Amnesty International has learned that the prosecution in the case against Ramón Fidel Basulto García, who is accused of murder and piracy, is requesting that he be sentenced to death for murder and to 30 years' imprisonment for piracy. The date of the trial of Ramón Fidel Basulto García is not yet known but it will take place in the Chamber of Crimes against State Security of the People' Provincial Court for the City of Havana. Trial hearings normally only last one or two days. If the death sentence is passed, the case will automatically go to appeal to the People's Supreme Court. If the appeal is confirmed, the Council of State will then decide whether the execution, which is by firing squad, should go ahead or whether the sentence should be commuted to 30 years' imprisonment. The time lapse between the first trial hearing and execution has sometimes in the past been only a matter of days or weeks.

Ramón Fidel Basulto García was one of a group of eight people arrested in Havana in connection with the attempted hi-jacking of a boat called the "Baragua" on 4 August 1994. A policeman, Gabriel Lamoth Caballero, reportedly died while attempting to prevent the hi-jacking, which was one of a series of such acts carried out by people trying to leave Cuba to reach the United States. The prosecution reportedly alleges that Ramón Fidel Basulto García knocked the policeman to the ground while trying to disarm him and caused him to almost lose consciousness. Another policeman intervened and succeeded in pushing Ramón Fidel Basulto García into the water. Gabriel Lamoth Caballero is said to have lost his balance and also fell into the water where he drowned.

Ramón Fidel Basulto García was held for almost 70 days in the headquarters of the Department of State Security known as Villa Marista. According to reports, he was subsequently transferred to the Carlos J. Finlay Military Hospital because of "his deplorable state of general health" despite the fact that at the time of his arrest he was in good health. A defence lawyer has been appointed but it is not clear whether he has been able to have direct access to his client yet. Though weekly family visits are permitted, lawyers in state security cases are not normally permitted to visit their clients until the prosecution has concluded its preliminary investigations. This period can sometimes last several weeks or months. Former prisoners have alleged that they have been subjected to intense psychological pressures and sometimes physical pressures during this time to force them to sign so-called "confessions".

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. Amnesty International is aware of ten executions that have taken place since 1988 though death sentences are known to have been passed in a number of other cases. Given the limitations on the reporting of human rights issues in Cuba and since the authorities do not make statistics on such matters public, it is possible that other executions may have been carried out. The last execution known to have taken place was that of Felix Oviedo Aguilera who was convicted of murder and armed robbery in late 1993 and executed in mid-1994, the only one reported so far this year.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail

letters either in Spanish, English or in your own language:

- expressing concern at reports that the prosecution is requesting the death penalty in the case of Ramón Fidel Basulto García (case No. 37-94);
- stating Amnesty International's unconditional opposition to the death penalty in all cases;
- urging therefore that the death penalty not be requested in this or any other case;
- expressing concern at the reported deterioration in his state of health leading to his hospitalization following the 70 days spent in Villa Marista;
- urging an immediate independent investigation into the conditions in which he was held in Villa Marista in order to determine the reasons for the deterioration in his state of health so that anyone found guilty of committing human rights abuses against him may be brought to justice;
- requesting that he immediately be granted all necessary medical treatment and full access to his lawyer.

APPEALS TO:

1) 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 333164

Salutation: Sr Fiscal General / Dear Attorney General

2) Minister of Justice:

Dr Carlos Amat Forés
Ministro de Justicia
Ministerio de Justicia
Calle 0 # 216, 8° piso
e/ 23 y Humboldt, Vedado
La Habana, Cuba

Telex: 511331

Telegrams: Ministro Justicia, Havana, Cuba

Salutation: Sr Ministro / Dear Minister

3) Department of State Security (Villa Marista)

Coronel Adalberto Rabeiro García
Jefe del Centro de Investigaciones
Departamento de Seguridad del Estado
Villa Marista
La Víbora
La Habana, Cuba

Fax: + 53 7 408036

Salutation: Sr Ministro / Dear Minister

4) Minister of Foreign Affairs:

Sr Roberto Robaina González
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Calzada No. 360

Vedado
La Habana, Cuba
Faxes: + 53 7 333085 / + 53 7 335261
Salutation: Sr Ministro / Dear Minister

COPIES OF YOUR APPEALS TO:

National Union of Jurists:
Dra Zenaida Osorio Vizcaina
Presidente
Unión Nacional de Juristas de Cuba
Calle 21, No. 552, esq. D
Apartado 4161
La Habana 4, Cuba

Carlos J. Finlay Military Hospital:
Señor Director
Hospital Militar "Dr Carlos J. Finlay"
Calle 114 y Ave 31
Marianao
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 10 January 1995.