

EXTRA 95/93

Death Penalty

5 November 1993

CUBA:

Félix OVIEDO AGUILERA

According to Cuban news agency reports dated 4 November 1993, Félix Oviedo Aguilera has been sentenced to death by a Havana court after being convicted of murder and armed robbery for an attack on a Havana bus on 2 August 1993 in which a youth was killed when he was thrown from the vehicle through a window.

Some 22 other people were sentenced to between six months' and thirty years' imprisonment, either for being directly involved in the attack, failing to denounce it or receiving stolen goods.

The sentence passed on Félix Oviedo Aguilera 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 has in some cases in the past taken only a matter of days or weeks. The death penalty is carried out by firing squad.

This is the fourth death sentence to be passed in recent weeks and comes in the wake of statements from the authorities vowing to crack down on crime and internal unrest following a spate of incidents of vandalism that took place during the month of August, apparently as a result of frustration over economic hardships. The authorities accused so-called "counter-revolutionaries" of having instigated such activities.

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 Félix Oviedo Aguilera;
- 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)

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

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

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

COPIES OF YOUR APPEALS TO:

Newspaper

Granma

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 3 December 1993.