

EXTERNAL (for general distribution)

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Death Penalty

6 February 1992

CUBA:

Luis Miguel ALMEIDA PÉREZ, aged 27

René SALMERÓN MENDOZA, aged 22

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Amnesty International has learned that on 5 February 1992, following a two-day trial, the Havana Popular Provincial Court (Tribunal Popular Provincial) sentenced Luis Miguel Almeida Pérez and René Salmerón Mendoza to death after finding them guilty of piracy and murder. The two were arrested after they, together with seven others, tried unsuccessfully to steal a boat from a boatyard at Tarara, just east of Havana, on 9 January 1992. In the course of the attempted theft, a policeman, a soldier and a security guard who were guarding the boatyard were shot dead and a second policeman was seriously wounded. The group were allegedly trying to steal the boat in order to leave the country.

The incident, which came in the wake of an attempt by three Cuban exiles to enter Cuba clandestinely with the apparent intention of carrying out acts of violence, caused outrage among the general population and provoked widespread demands for those responsible to be executed. At the funeral of the three men who were killed, First Vice-President Raúl Castro accused the perpetrators of being "counter-revolutionaries" and said that those who live by the sword die by the sword (*el que a hierro mata, a hierro muere*). He went on to threaten that, if necessary, the government would not hesitate to bring back the Revolutionary Courts that were set up after the 1959 revolution - these sent scores of government opponents to the firing squads following summary trials. In the past few weeks, other key political figures have said they want to see tougher punishment, which could include the death penalty, for "counter-revolutionaries".

The death sentences passed on Luis Miguel Almeida Pérez and René Salmerón Mendoza will now be reviewed by the People's Supreme Court, Tribunal Supremo Popular, and if confirmed, will automatically be considered by the Council of State, Consejo de Estado, which is presided by President Fidel Castro and has the power to grant clemency.

The review process and execution frequently take only a matter of days. Amnesty International is therefore concerned that the executions may be imminent. The death penalty is carried out by firing squad.

#### BACKGROUND INFORMATION

Although Cuba retains the death penalty for a large number of both political and criminal offences, the number of people executed had fallen off in recent years. Between 1984 and 1987, 12 executions took place. In 1989, four senior army officers were executed after being convicted by a court martial on a number of charges including hostile acts against a foreign state, drug-trafficking and abusing their official positions. Two executions were known to have taken place during 1991, both for murder.

However, in 1992 one execution has already taken place - that of Eduardo Díaz Betancourt, who was convicted of planning to carry out terrorism and sabotage. He was executed on 20 January 1992, just 23 days after arrest (see UA 16/92, AMR 25/02/92, 13 January 1992 and follow-ups AMR 25/07/92, 17 January and AMR 25/09/92, 21 January).

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

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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.

Amnesty International is concerned that recent statements by government officials indicate their intention to step up the use of the death penalty in certain circumstances.

**RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters:**

- urging commutation of the death sentences recently passed on Luis Miguel Almeida Pérez and René Salmerón Mendoza;

- stating Amnesty International's unconditional opposition to the death penalty in all cases;

- welcoming the reduction in the use of the death penalty in the last few years in Cuba but expressing concern at recent statements by government officials that the death penalty may be applied more extensively in certain circumstances.

**APPEALS TO**

1) President:

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

**Telegrams: Presidente Castro, Havana, Cuba**

**Telexes: 51212 P DESP PRESID**

**Su Excelencia / Your Excellency**

2) President of the People's 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: 511 437 TSUPO CU**

**Señor Presidente / Dear President**

3) Minister of Justice:

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**

**Señor Ministro / Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Attorney General:

Dr Ramón de la Cruz Ochoa  
Fiscal General de la República  
Fiscalía General  
San Rafael 3  
Ciudad de la Habana, Cuba  
and to diplomatic representatives of Cuba in your country

Newspaper:

Granma  
Apartado 6260  
Ciudad de la Habana, Cuba

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 19 March 1992.