

EXTERNAL

AI Index: AMR 25/17/95

15 November 1995

Further information on UA 439/94 (AMR 25/14/94, 13 December 1994) and follow-ups (AMR 25/16/94, 19 December 1994; AMR 25/11/95, 30 August 1995; 13 September; AMR 25/12/95, 3 October) - Death Penalty / Fear of ill-treatment / Health Concern / Death Threats

CUBA Juvencio PADRON DUEÑAS (known as Juan Carlos)
Felix MOLINA VALDÉS
Carlos Camilo RODRIGUEZ GORRIN
Carlos CRUZ SEGUIS

The appeal against the death sentences of Juvencio Padrón Dueñas, Felix Molina Valdés and Carlos Cruz Seguis is scheduled for 23 November 1995.

Death penalty cases are automatically subject to appeal before the People's Supreme Court. If confirmed, the death sentences will then be brought before the Council of State, presided over by President Fidel Castro, which makes the final decision on whether execution should go ahead. The time lapse between the trial and the final decision has on some occasions in the past been only a matter of days. Execution then usually goes ahead within hours or days.

The three men, together with Camilo Rodríguez Gorrín, were brought to trial on 29 September 1995 at the Ciego de Avila People's Provincial Court, charged with the murder and robbery of two elderly people in Ciego de Avila. All four were found guilty - the three were sentenced to death and Camilo Rodríguez Gorrín to 30 years' imprisonment.

Apart from the death penalty, which it opposes in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, Amnesty International has a number of other concerns in this case. For example, during the investigation process there were several irregularities, including physical pressures reportedly inflicted on the detainees to force them to accept the charges.

There have also been allegations that the arrest of Juvencio Padrón Dueñas may be in reprisal for the political activities of other members of his family.

Amnesty International has received reports that one of the other defendants in the case was beaten and forced to make a statement, which he now refutes, falsely implicating Juvencio Padrón Dueñas in the murder - there is reportedly no other evidence of his involvement. Furthermore, Juvencio Padrón Dueñas is said to have received death threats while in detention, to have had access to a lawyer on only one occasion prior to the trial, and to have been denied adequate medical treatment for a neurological condition from which he has been suffering since the time of his arrest.

To Amnesty International's knowledge, two executions have been carried out in Cuba so far this year.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters in Spanish or in your own language:

- urging commutation of the death sentences recently passed on Juvencio Padrón Dueñas, Felix Molina Valdés and Carlos Cruz Seguis;
- expressing concern and sympathy for the families and friends of the victims of violent crime, but stating unconditional opposition to the death penalty in all cases;

- urging that an independent investigation be conducted into reports that at least one of the defendants in the case was subjected to physical pressures in order to force him to sign false statements and that anyone found to have committed human rights abuses against any of the defendants be brought to justice.

APPEALS TO:

1) President of the People's Supreme Court

Dr José Raúl Amaro Salup
Presidente del Tribunal Supremo Popular
La Habana, Cuba

Telegrams: Presidente, Tribunal Supremo Popular, Havana, Cuba

Telexes: 511457 tsupo

Salutation: Sr Presidente del Tribunal Supremo Popular / Dear President of the People's Supreme Court

2) Minister of Justice

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

Telexes: 511331

Telegrams: Ministro Justicia, Havana, Cuba

Salutation: Sr Ministro/Dear Minister

3) 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

Telexes: 511456 fisge

Faxes: + 53 7 333164

Salutation: Sr Fiscal General/Dear Attorney General

4) Minister of Foreign Affairs

Sr Roberto Robaina González
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Calzada No. 360
Vedado, La Habana, Cuba

Telegrams: Ministro Relaciones Exteriores, Havana, Cuba

Telexes: 511122 / 511464 / 512950

Faxes: + 53 7 333085 / +53 7 335261

Salutation: Sr Ministro / Dear Minister

COPIES 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

Director of Ciego de Avila Provincial Prison
Señor Directo
Prisión Provincial de Ciego de Avila
Ciego de Avila, 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 29 December 1995.