

PUBLIC

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Imminent

CUBA Osmany Brito Cartaya, Alberto Díaz Pérez, Julio Alberto Morales Montero, Morlaix Nodal Pozo, Reidel Rodríguez Reyes and Héctor Santana Vega

The above six men are at risk of imminent execution. The men were reportedly sentenced to death at their trial on 3-4 February 2000, following a December 1999 escape attempt from the Ciego de Avila Provincial Prison, *Prisión Provincial de Ciego de Avila*, during which five prison guards are believed to have died.

The six men have exercised their automatic right of appeal to the People's Supreme Court, *Tribunal Supremo Popular*, which upheld the convictions. The cases now rest with the Cuban Council of State, *Consejo de Estado*, which has the power to commute the sentences. If the Council of State decides the execution should go ahead, the six men will be executed, probably within days or even hours.

The men are currently being held in Cuba's most secure prison, National Special Regime Prison, *Prisión Nacional de Regimen Especial*, in Camaguey province.

BACKGROUND INFORMATION

Cuba maintains the death penalty for a large number of offences and has recently widened its scope. President Fidel Castro gave a speech in January 1999 in which he said he hoped that judges would not hesitate to use the death penalty, since stronger measures were needed to combat crime. On 15 February 1999 Cuba's National Assembly, *Asamblea Nacional del Poder Popular*, passed new legislation (Law 87) extending the scope of the death penalty to major drug-trafficking, corruption of minors and armed robbery. These modifications to the Penal Code became effective a month later. At least 13 people were reportedly executed last year.

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

- expressing concern that Osmany Brito Cartaya, Alberto Díaz Pérez, Julio Alberto Morales Montero, Morlaix Nodal Pozo, Reidel Rodríguez Reyes and Héctor Santana Vega have been sentenced to death and urging that their sentences be commuted;
- expressing unconditional opposition to the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment;
- expressing sympathy for the victims of violent crime and their families and friends, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments;
- urging that all other pending death sentences be commuted, that no further death sentences be passed and that the death penalty be abolished from national legislation.

APPEALS TO:

Head of State and Government

Dr. Fidel Castro Ruz

Presidente de los Consejos de Estados y de Ministros

La Habana

Cuba

Telex: 511122/ 5111464 (Via Ministry of Foreign Affairs)
Telegrams: Presidente, Havana, Cuba
Fax: +53 7 333 085 / 335 261 (Via Ministry of Foreign Affairs)
Salutation: Su Excelencia/Your excellency

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Salutation: Sr Fiscal General / Dear Attorney General

Minister of Foreign Affairs

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and to diplomatic representatives of Cuba accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY