

EXTERNAL

AI Index: AMR 25/30/97

UA 285/97

Prisoner of Conscience / Legal concern

26 August 1997

CUBARoberto González Tibanear

---

According to reports, Roberto González Tibanear is to face trial on 27 August 1997 and could be sentenced to up to 5 years' imprisonment on charges of "*instigación a delinquir*", "incitement to commit a crime" (article 202 of the Penal Code), and "*desacato*", "disrespect" (article 144 of the Penal Code). Amnesty International believes that he is a prisoner of conscience, detained solely for the non-violent exercise of his right to freedom of expression, association and assembly and is calling for his immediate and unconditional release.

On 26 November 1996 Roberto González, his wife and two children were passing by the Spanish Embassy in Havana where a large crowd had assembled. Outside the embassy Roberto González was reportedly approached by two Spanish journalists enquiring as to his opinion concerning attempts by Cubans to gain asylum at the Spanish Embassy. Roberto González reportedly stated that "*aquí en Cuba, el único quien tiene que irse es Fidel*", "the only person who should leave Cuba is Fidel Castro". The interview was recorded on video and broadcast abroad.

Roberto González was promptly arrested by State Security agents in plain clothes reportedly on a charge of "*desorden público*", "public disorder", an offence which, unless violence is used, carries a maximum sentence of one year's imprisonment. The prosecution is reported to have recently changed the charges to those listed above. Roberto González is to be tried at the municipal tribunal in Old Havana as case number 161/97.

Amnesty International is concerned that Roberto González will not be granted full judicial guarantees in accordance with international standards.

#### **BACKGROUND INFORMATION**

For further information on this case please refer to external document "Prisoner of Conscience - Roberto González Tibanear", AMR 25/16/97.

In Cuba freedom of expression, association and assembly are severely limited in law and in practice. Those who attempt to express views or organize meetings or form organizations that conflict with government policy and/or the aims of the socialist state are likely to be subjected to punitive measures including loss of employment, harassment, intimidation and often imprisonment. It is difficult to give precise numbers of prisoners of conscience because of the severe restrictions on human rights monitoring and the lack of official information. However, Amnesty International believes that there are some six hundred people currently imprisoned in Cuba because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly. The most common charges of an overtly political nature brought against such people are "*propaganda enemiga*", "enemy propaganda", and "*desacato*", "disrespect". However, in many cases those concerned are charged with criminal offences, sometimes trumped up, in order to disguise the political motivation for their arrest.

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

- expressing concern at the reported detention and trial, on 27 August 1997, of Roberto González Tibanear;
- requesting that he be immediately and unconditionally released on the grounds that he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression, association and assembly;
- urging that as long as he is in detention he be provided with full judicial guarantees;
- urging that all Cuban citizens be guaranteed their rights to freedom of association, assembly and expression, in accordance with the Universal Declaration of Human Rights and that the Cuban Government immediately cease to imprison, force into exile or otherwise punish those who attempt to peacefully exercise such rights.

**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**  
**Telexes: 511456 fisge**  
**Salutation: Sr Fiscal General / Dear Attorney General**

2) 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 335261**  
**Salutation: Señor Ministro / Dear Minister**

3) Minister of the Interior

General Abelardo Colomé Ibarra  
Ministro de Interior  
Ministerio del Interior  
Plaza de la Revolución, La Habana, Cuba  
**Telegrams: Ministro Interior, Havana, Cuba**  
**Salutation: Señor Ministro / Dear Minister**

**COPIES TO:**

National Union of Jurists  
Unión Nacional de Juristas  
Apartado 4161  
La Habana 4, Cuba

Editor of Granma (daily newspaper)  
Sr Jacinto Granda de Laserna  
Granma, Apdo 6260, 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 7 October 1997.