

EXTERNAL

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EXTRA 106/96

Legal Concern / Ill-treatment

11 July 1996

CUBA Nestor RODRÍGUEZ LOBAINA
Radamés GARCÍA DE LA VEGA

Amnesty International is concerned about the legal situation of Nestor Rodríguez Lobaina and Radamés García de la Vega, whose freedom of movement has been arbitrarily restricted and both of whom were also reportedly ill-treated while in detention. A further concern is that their case is the first in recent years, to Amnesty International's knowledge, where internal exile as a punishment has been meted out by Cuban courts.

Nestor Rodríguez Lobaina and Radamés García de la Vega, president and vice-president respectively of *Jóvenes por la Democracia*, Young People for Democracy, were arrested on 6 June 1996 in Havana and charged with "*desacato*" ("disrespect") and "*resistencia*" ("resistance"), reportedly in connection with their peaceful attempts to organize a movement for university reform in the capital. Following a summary trial at which they did not have access to defence counsel, they were sentenced to 12 and six month's "*limitación de libertad*" ("restricted liberty"), as well as "*destierro*" ("banishment"), for a period of five years to their home towns in eastern Cuba. They were released from detention in Havana after the hearing and reportedly believed that they would be able to remain there until their appeal against the sentences was heard.

However, on 25 June they were rearrested and taken to a police station in Vedado, Havana, where they were reportedly beaten. Next day, they were taken to a municipal court for a second hearing. There, Nestor Rodríguez was again beaten, while handcuffed, by a State Security official in the presence of relatives, lawyers and others when he and his co-defendant attempted to complain about the treatment they had received in the police station. One of them reportedly arrived at the court showing clear marks of injury on his face. The court ordered their immediate deportation to Santiago de Cuba. They were transferred to the State Security headquarters in Santiago de Cuba and then taken to their respective homes: Nestor Rodríguez to Baracoa, Guantánamo province, and Radamés García de la Vega to Palma de Soriano, in the province of Santiago de Cuba, both of which are several hundred miles from Havana. It is feared that they may not be able to return to Havana for the appeal hearing (the date of which is unknown to Amnesty International) and that it will be difficult for them to remain in contact with their lawyer, who is also based in Havana.

BACKGROUND INFORMATION

Dozens of members of unofficial groups of various kinds have been subjected to constant harassment, short-term detention, threats of imprisonment, actual imprisonment or forcible exile abroad since *Concilio Cubano*, Cuban Concilium or Cuban Council, a forum uniting such groups, was set up in October 1995. The action against them intensified in mid-February 1996 when the forum was planning to hold a national meeting which was eventually banned by the authorities (see UA 08/96, AMR 25/01/96, 25 January 1996 and updates). Since then, at least three members of *Concilio Cubano* have been tried on spurious minor charges and sentenced to prison terms of between six and fifteen months. Amnesty International is particularly concerned at a new tactic of the Cuban Government to force dissidents, in one way or another, to go into exile abroad or to subject them to internal exile. Three people - a prominent member of *Concilio Cubano* and two independent journalists - have

been forced to go abroad, without the right of return, after being threatened with imprisonment if they did not do so. Many others are believed to be considering their options after receiving similar threats. At least three independent journalists have been ordered by police not to leave their home provinces for an unspecified period because of their journalistic activities.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish, if not English or your own language:

- urging that the measures restricting the freedom of movement of Nestor Rodríguez Lobaina and Radamés García de la Vega be lifted immediately as they were imposed solely because of their peaceful attempts to exercise their rights to freedom of expression, association and assembly;
- requesting that they be provided full judicial guarantees to pursue their appeal against their sentence;
- calling for an immediate impartial investigation into allegations that they were beaten while in police custody and when appearing in court in Havana, and for those responsible to be brought to justice; you may note that Cuba ratified the United Nations Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment in 1995;
- requesting that their physical integrity be guaranteed and that they be provided with any necessary medical attention resulting from the beatings they received.

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 fidge

Faxes: + 53 7 333164 (if voice, ask "me puede dar tono de fax, por favor")

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 / 512950

Faxes: + 53 7 333085 / + 53 7 335261

Salutation: Señor Ministro / Dear Minister

3) Department of State Security, Santiago

Sr Director
Departamento de Seguridad del Estado
Versalles
Santiago de Cuba, Cuba

Telegrams: Director, Seguridad del Estado, Havana, Cuba

Salutation: Señor Director / Dear Sir

COPIES TO:

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

Granma (daily newspaper)
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 11 August 1996.