

PUBLIC

AI Index: AMR 25/003/2005

16 February 2005

UA 39/05 Fear of ill-treatment/legal concern

CUBA Néstor Rodríguez Lobaina (m), aged 38
Yaíma Ortiz Parra (f), aged 19

Political activist Néstor Rodríguez Lobaina, who began a six-year sentence on politically motivated charges in 2000, is facing a further trial which Amnesty International fears could be unfair and lead to his sentence being extended by four years. Amnesty International considers him a prisoner of conscience, imprisoned solely for exercising his right to freedom of expression and association, and believes the new charges against him are fabricated.

The new charges arise from an incident on 29 November 2004, at the *Centro Correccional de La Bamba* labour camp in Guantánamo province, where Néstor Rodríguez was held at the time. He was reportedly walking back into the camp after saying goodbye to a visitor, Yaíma Ortiz Parra, when a police officer told him to stop, but he kept walking. One police officer reportedly grabbed him from behind, hit him on the head and pushed him to the ground. Two other police officers then held him, handcuffed him and then beat him. Yaíma Ortiz Parra, who saw what was happening, apparently called out to try to stop the beating.

Néstor Rodríguez is reportedly to be charged with *resistencia* and *desacato* ("resistance" and "disrespect") at a trial scheduled to take place on 9 March. The prosecutor is reportedly calling for Néstor Rodríguez to be sentenced to four years' imprisonment, and for Yaíma Ortiz Parra to be jailed for eight months on a charge of "disrespect".

Néstor Rodríguez has been arrested and imprisoned several times, and Amnesty International has previously adopted him as a prisoner of conscience. He has been the subject of three UAs. In two of these cases, he was released shortly after the UA was issued (for details see EXTRA 106/96, AMR 25/31/96, 11 July 1996; UA 307/98 AMR 25/28/98, 9 Dec 1998; UA 169/99 AMR 25/33/99 19 July 1999 and follow-ups).

BACKGROUND INFORMATION

Only official Communist Party organisations are legal in Cuba. Néstor Rodríguez is the president of the unofficial youth group *Movimiento de Jóvenes Cubanos por la Democracia*, Cuban Youth Movement for Democracy.

Néstor Rodríguez and another member of the organisation, Eddy Alfredo Mena González, were arrested in March 2000. In July 2000 Néstor Rodríguez was sentenced to six years' imprisonment on charges of *desacato*, *desorden público y daños* ("disrespect", "public disorder" and "damage"). Eddy Alfredo Mena González was sentenced to five years and one month in prison on the same charges, but he was released in May 2003. Amnesty International believed that the two were imprisoned solely for the non-violent exercise of their rights to freedom of expression and association, and adopted them as prisoners of conscience. In January 2004, while Néstor Rodríguez was serving his sentence at "La Bamba" Correctional Centre, he was reportedly tried again and sentenced to a further six months' imprisonment for "damage" for allegedly breaking a door at a police station.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- urging the authorities to drop the new charges of *resistencia* and *desacato* against Néstor Rodríguez Lobaina, and the charge of *desacato* against Yaíma Ortiz Parra, as they appear to be politically motivated and not related to recognizably criminal activities;
- urging them to ensure that an independent and impartial inquiry is held into allegations that Néstor Rodríguez was assaulted by guards at the La Bamba correctional centre, and that those responsible are immediately suspended from duty and brought to justice;
- urging them to release Néstor Rodríguez Lobaina immediately and unconditionally, as he is a prisoner of conscience, detained solely for peaceful exercising his rights to freedom of expression and association.

APPEALS TO: (It may be difficult to get through to these numbers, please keep trying)

Head of State and Government

Dr Fidel Castro Ruz

Presidente de los Consejos de Estados y de Ministros

La Habana, Cuba

Fax: + 53 7 333 085 (c/o Ministry of Foreign Affairs)

Email: f_castro@cuba.gov.cu

Salutation: Su Excelencia/ Your Excellency

Attorney-General

Dr Juan Escalona Reguera

Fiscal General de la República,

Fiscalía General de la República

San Rafael 3

La Habana, Cuba

Fax: + 53 7 669 485

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Salutation: Señor Fiscal General / Dear Attorney General

Minister of Foreign Affairs

Sr Felipe Pérez Roque

Ministro de Relaciones Exteriores

Ministerio de Relaciones Exteriores

Calzada No. 360

Vedado, La Habana, Cuba

Fax: + 53 7 333 085

E-mail: cubaminrex@minrex.gov.cu

Salutation: Señor Ministro / Dear Minister

Interior Secretary

General Abelardo Coloma Ibarra

Ministro del Interior y Prisiones

Ministerio del Interior

Plaza de la Revolución

La Habana, Cuba

Fax: + 53 7 8301 566

Salutation: Señor Ministro / Dear Minister

COPIES 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 30 March 2005.