

EXTERNAL

AI Index: AMR 25/12/95

2 October 1995

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

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

Amnesty International has learned that Juvencio Padrón Dueñas and the other three defendants named above 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. During the trial, which lasted over thirteen hours, the defence lawyers are said to have highlighted various irregularities they claim occurred during the investigation process, including physical pressures reportedly inflicted on the detainees to force them to confess to the charges, as well as the alleged lack of evidence against Juvencio Padrón Dueñas. All four were found guilty: Juvencio Padrón Dueñas, Felix Molina Valdés and Carlos Cruz Seguis were sentenced to death; Camilo Rodríguez Gorrín was sentenced to thirty years' imprisonment.

Death penalty cases are automatically subject to appeal before the People's Supreme Court and it is understood that in this case the defendants and their lawyers have until 5 October 1995 to submit their appeal. If confirmed, the death sentences will then be brought before the Council of State, which is presided over by President Fidel Castro, and which makes the final decision on whether execution, which is by firing squad, should go ahead or not. The time lapse between the trial hearing and the final decision has on some occasions in the past been only a matter of days. Execution usually then goes ahead within hours or days.

Apart from the issue of 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 particular instance, particularly with regard to the case of Juvencio Padrón Dueñas. There have been allegations that his arrest may be in reprisal for the political activities of other members of his family, as well as reports that another defendant in the case was beaten and forced to make a statement, which he now refutes, falsely implicating Juvencio Padron Dueñas in the murder for which there is reportedly no other evidence. Furthermore, Juvencio Padrón Dueñas is said to have received death threats while in detention, to have been permitted access to a lawyer only once 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 Padron Dueñas, Felix Molina Valdés and Carlos Cruz Seguis;

- stating Amnesty International's unconditional opposition to the death penalty in all cases;
- expressing concern and sympathy for the families and friends of the victims of violent crime;
- 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

Julio Fernández Bulté
Presidente
Unión Nacional de Juristas de Cuba
Calle 21, No. 552, esq. D
Apartado 4161
La Habana 4, Cuba
Faxes: + 537 33 3382

Director of Ciego de Avila Provincial Prison
Señor Director
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 14 November 1995.