

EXTERNAL

AI Index: AMR 25/21/96

10 April 1996

Further information on UA 443/94 (AMR 25/15/94, 14 December 1994) and follow-up (AMR 25/17/94, 21 December 1994) - Death Penalty / Health concern

CUBAHumberto REAL SUÁREZ
Miguel DIAZ BOUSA
Jesús ROJAS
Armando SOSA
José FALCON
Lázaro GONZÁLEZ CABALLERO
Pedro GUISADO

Amnesty International has learned that the prosecution is asking for the death sentence for Humberto Real Suárez, and 30 years' imprisonment for the other men listed above. The exact date of the trial is not yet known but it is expected to be in the very near future.

Following trial, death penalty cases are automatically subject to appeal before the People's Supreme Court. If confirmed, death sentences are then 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. 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.

The seven men were arrested on 16 October 1994 near Caibarién, 350 kilometres east of Havana, and were charged with infiltrating the country and the murder of Arcelio Rodríguez García. The seven are alleged to be members of a Cuban exile group called the *Partido de Unidad Nacional Democrático* (PUND), National Democratic Unity Party, which is based in Miami, USA. At the time of the arrests, a PUND spokesman claimed that the man killed was a Cuban government official who had been shot during an armed confrontation between the seven men and the Cuban authorities.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and of the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights. Concern about the death penalty in Cuba is exacerbated by the inadequacy, in practice, of full judicial guarantees, particularly the right to defence and especially if there is a political element to the case.

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

- expressing concern at reports that the prosecution is intending to request the death penalty for Humberto Real Suárez at his forthcoming trial;
- stating unconditional opposition to the death penalty in all cases and urging that the death penalty not be requested in this or any other case;
- requesting that all seven men be granted full access to lawyers of their choice.

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 Justice
Dr Carlos Amat Forés
Ministro de Justicia
Ministerio de Justicia
Calle 0 # 216, 8° piso
e/ 23 y Humboldt, Vedado
La Habana, Cuba
Telexes: 511331
Telegrams: Ministro Justicia, Havana, Cuba
Salutation: Sr Ministro / Dear Minister

3) Minister of the Interior
General Abelardo Colomé Ibarra
Ministro del Interior
Ministerio del Interior
Plaza de la Revolución
La Habana, Cuba
Telex: 511122 / 511464 / 512950
Faxes: + 53 7 333085 / + 53 7 335261
(These telex and fax numbers are for the Ministry of Foreign Affairs. Please ask them to pass the messages on to the Minister of the Interior.)
Salutation: Sr Ministro / Dear Minister

COPIES TO:

National Union of Jurists
Dra Zenaida Osorio Vizcaina
Presidente
Unión Nacional de Juristas de Cuba
Calle 21, No. 552, esq. D
Apartado 4161
La Habana 4, 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 20 May 1996.