

PUBLIC

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UA 332/06 Fear of unfair trial/possible Prisoners of Conscience

CUBA René Montes de Oca Martija (m), aged 43
Roberto de Jesús Guerra Pérez (m), aged 28
Emilio Leyva Pérez (m), aged 41
Lázaro Alonso Román (m), aged 32
Manuel Pérez Soria (m), aged 54

The five men named above are due to go on trial on 19 and 20 December and Amnesty International is concerned that they may not receive a fair trial. The right to a fair trial is severely limited in Cuba, with the courts and prosecutors under government control. Amnesty International believes that they have been detained solely for exercising their right to freedom of expression, association and assembly, and if so would consider them prisoners of conscience

The five have been in custody since 13 July 2005, when they were arrested during a peaceful demonstration in the capital, Havana, to commemorate the *13 de Marzo* tugboat disaster of 1994, in which 35 people attempting to flee the country were killed when their boat was reportedly rammed by the Cuban authorities.

All five men have reportedly been charged with *desorden publico*, "public disorder", for which they could be sentenced to two years in prison. René Montes de Oca Martija and Roberto de Jesús Guerra Pérez will go on trial on 19 December, while Emilio Leyva Pérez, Lázaro Alonso Román and Manuel Pérez Soria will go on trial the following day, at a different court in Havana.

Amnesty International adopted Emilio Leyva Pérez as a prisoner of conscience in March 2006. Amnesty International believes the other four men may also be prisoners of conscience and is currently reviewing their cases.

BACKGROUND INFORMATION

The 13 July 2005 demonstration was followed on 22 July by a further peaceful demonstration outside the French Embassy in Havana, demanding the release of political prisoners in Cuba. Approximately 30 people were arrested, at their homes, on their way to or near the demonstration. Four are still in custody.

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

- expressing concern that the five detainees (naming them) are facing an unfair trial;
- asking the authorities to release them immediately and unconditionally, as they appear to be prisoners of conscience, arrested solely for exercising their right to freedom of expression, association and assembly;
- otherwise, calling on the authorities to try the five men promptly and in accordance with international standards for fair trial;
- urging that human rights activists and political opponents be allowed to carry out their legitimate activities without interference or harassment by the authorities;
- calling for the immediate and unconditional release of all prisoners of conscience in Cuba.

APPEALS TO:

Acting president

Raul Castro Ruz
Presidente interino
La Habana, Cuba

Fax: +53 7 833 3085 (c/o Ministry of Foreign Affairs)
+1 212 779 1697 (c/o Cuban Mission to UN)
Email: f_castro@cuba.gov.cu
cuba@un.int (c/o Cuban Mission to UN)
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
+53 7 333 164
Salutation: Señor Fiscal General/Dear Attorney General

Interior Secretary

General Abelardo Colomé 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 24 January 2007.