

EXTERNAL (for general distribution)

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Further information on UA 02/92 (AMR 25/01/92, 3 January 1992) - Prisoners of Conscience/Legal Concern

CUBA: Yndamiro RESTANO DIAZ, aged 43, journalist and President of the Movimiento de Armonía (MAR), Harmony Movement and three other members of MAR:
Berenice MORALES (female)
Jorge EGAÑA
Iraída MONTALVO MIRANDA (female)

The trial of Yndamiro Restano Díaz is expected to take place within the next few days or weeks. He is to be tried at the Tribunal Popular Provincial de la Ciudad de la Habana, City of Havana People's Provincial Court, on a charge of rebellion. The basis of the charge is believed to be that he was allegedly attempting to recruit members of the Communist Party and the military to his organization which he was hoping to transform into a social democrat party. Recent reports indicate that the prosecution is intending to call for a sentence of 12 years' imprisonment.

Yndamiro Restano Díaz, President of the Movimiento de Armonía (MAR), Harmony Movement, an unofficial political group set up in 1990, was arrested on 20 December 1991. Three other MAR members were arrested in the next few days - Berenice Morales, Jorge Egaña and Iraída Montalvo Miranda. All four were initially held at the headquarters of the Departamento de Seguridad del Estado (DSE), Department of State Security, at Villa Marista. Berenice Morales, Jorge Egaña and Iraída Montalvo Miranda were released within a few days or weeks and it is not clear whether legal proceedings are still pending against them. Yndamiro Restano Díaz was transferred to Guanajay Prison in mid-January. It is not clear what access, if any, he has had to a defence lawyer. According to latest reports, the Cuban authorities have turned down requests from the Canadian and Swedish Governments to send observers to the trial.

Amnesty International believes Yndamiro Restano Díaz to be a prisoner of conscience detained because of his legitimate non-violent political and human rights activities. MAR has publicly and consistently rejected the use of violence and, as far as Amnesty International is aware, has used only peaceful means to pursue its aims. It is feared that, because of the general lack or inadequacy in practice of full judicial guarantees in political cases, particularly the right to adequate defence, he is unlikely to receive a fair trial.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters

- urging the immediate and unconditional release of Yndamiro Restano Díaz on the grounds that he is a prisoner of conscience detained solely on account of his legitimate and peaceful political activities;

- requesting that, if not already the case, he be granted adequate access to a defence lawyer of his choice;

- urging that, if he is not released but brought to trial, his trial take place before an independent and impartial tribunal in accordance with internationally agreed standards;

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- requesting that independent observers be permitted to attend any such trial.

APPEALS TO:

1) President:

Su Excelencia Dr Fidel Castro Ruz
Presidente del Consejo de Estado
Ciudad de la Habana, Cuba
Telegrams: Presidente Castro, Havana, Cuba
Telexes: 51212 P DESP PRESID

**Su Excelencia /
Your Excellency**

2) Attorney General:

Dr Ramón de la Cruz Ochoa
Fiscal General de la República
Fiscalía General de la República
San Rafael 3, Ciudad de la Habana, Cuba
Telegrams: Fiscal General, Havana, Cuba
Telexes: 511456 FISGE

**Señor Fiscal General /
Dear Attorney General**

3) Minister of Justice:

Dr Carlos Amat Forés
Ministro de Justicia
Ministerio de Justicia
Calle O No. 216, 8vo piso
e/ 23 y Humboldt, Vedado
Ciudad de la Habana, Cuba
Telegrams: Ministro Justicia, Havana, Cuba
Telexes: 511331 MINJU CU

**Señor Ministro /
Dear Minister**

4) Minister of Foreign Affairs:

Sr. Isidoro Malmierca Peoli
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Calzada No. 360, Vedado, Ciudad de la Habana, Cuba
Telegrams: Ministro Relaciones Exteriores, Havana, Cuba
Telexes: 511122

**Señor Ministro /
Dear Minister**

COPIES OF YOUR APPEALS TO:

Coordinating Body of Human Rights Organizations in Cuba:
CODEHU
1040 S.W. 27 Ave, Miami, FL 33135
USA

and to diplomatic representatives of CUBA in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 June 1992.