

URGENT ACTION

NEW PRISONER OF CONSCIENCE ON HUNGER STRIKE

Cuban activist Iván Fernández Depestre was arrested on 30 July during a peaceful march, and has been on hunger strike since. He was sentenced on 2 August to three years imprisonment on politically motivated charges. Amnesty International considers him a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression.

On 30 July **Iván Fernández Depestre**, who is a member of dissident groups, and five other activists peacefully demonstrated in Placetatas, in the central province of Villa Clara to commemorate the anniversary of the death of Cuban national hero Frank País, when they were arrested by officials from the Department of State Security. All were subsequently released except for Iván Fernández Depestre, who was charged with “dangerousness” (*peligrosidad*), a pre-emptive measure defined as the “special proclivity of a person to commit crimes”. Behaviour such as drunkenness, drug-addiction and “antisocial behaviour” is criminalized under this provision, which is often used as a pretext to imprison political dissidents, independent journalists and government critics.

A summary trial was held on 2 August at the Municipal Court of Placetatas in Villa Clara province. Iván Fernández Depestre was sentenced to three years imprisonment. According to information received by Amnesty International he had no legal representation during the trial. Iván Fernández Depestre has been on hunger strike since being detained. On 26 August he was hospitalized for a day at the Arnaldo Milián hospital and then sent to the infirmary of the Guamajal prison in Santa Clara where he has been imprisoned since his conviction.

Iván Fernández Depestre was arrested and imprisoned solely due to his being a member of dissident groups and for peacefully demonstrating and expressing his political opinion. Amnesty International therefore considers him a prisoner of conscience.

Please write immediately in Spanish or your own language:

- Calling on the authorities to release Iván Fernández Depestre immediately and unconditionally, as he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression;
- Urging them to eliminate from the Criminal Code provisions regarding “dangerousness” and reform or repeal all legal provisions which unlawfully limit the rights to freedom of expression, assembly and association, and bring them in line with international law and standards;
- Calling on them to ensure he is granted adequate access to qualified health professionals and to refrain from taking any punitive measures against him or any other prisoners for undertaking hunger strikes.

PLEASE SEND APPEALS BEFORE 23 OCTOBER 2013 TO:

Head of State and Government

Raúl Castro Ruz
 Presidente de la República de Cuba
 La Habana, Cuba
 Fax: +41 22 758 9431 (Cuba office in Geneva); +1 212 779 1697 (via Cuban Mission to UN)
 Email: cuba@un.int (c/o Cuban Mission to UN)
Salutation: Your Excellency

Attorney General

Dr. Darío Delgado Cura
 Fiscal General de la República,
 Fiscalía General de la República,
 Amistad 552, e/Monte y Estrella,
 Centro Habana,
 La Habana, Cuba
Salutation: Dear Attorney General

And copies to:

Interior Minister
 General Abelardo Colomé Ibarra
 Ministro del Interior y Prisiones
 Ministerio del Interior,
 Plaza de la Revolución,
 La Habana, Cuba
 Fax: +1 212 779 1697 (via Cuban Mission to UN)
 Email: correominint@mn.mn.co.cu
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
 INTERNATIONAL**



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ADDITIONAL INFORMATION

Article 72 of the Cuban Criminal Code, "The Dangerous State", reads: "The dangerous state is considered to be the special proclivity of a person to commit crimes as demonstrated by behaviour that manifestly contradicts the norms of socialist morals." (*Se considera estado peligroso la especial proclividad en que se halla una persona para cometer delitos, demostrada por la conducta que observa en contradicción manifiesta con las normas de la moral socialista*).

Iván Fernández Depestre was sentenced to "security measures for those deemed to be likely to commit a crime in the future" (*medidas de seguridad predelictivas*). According to the certificate of his sentence he was accused of "meeting with antisocial persons" ("*por reunirse con personas antisociales*"). Articles 78 to 84 of the Criminal Code describe the types of measure that can be taken, which include re-educative measures lasting from between one and four years. The person is to be interned in a "specialized work or study establishment" (*un establecimiento especializado de trabajo o de estudio*) or sent to "a work collective" (*colectivo de trabajo*). There is no mention of imprisonment.

Article 75 of the Criminal Code states that an "Official Warning" (*Advertencia Oficial*) will be given by the relevant police authority, to prevent those concerned from carrying out socially dangerous or criminal activities (*será objeto de advertencia por la autoridad policíaca competente, en prevención de que incurrir en actividades socialmente peligrosas o delictivas*). The warning is to be issued as a legal document (*acta*) expressly stating the reasons for it, as well as what the person concerned has to say about it, and must be signed by both parties. According to information received by Amnesty International it is unclear whether he ever received any warning from the authorities, written or oral.

Iván Fernández Depestre belongs to various dissent organisations, unrecognised under Cuban legislation, including the *Movimiento Opositor Juventud Despierta* (Opposition Movement Awake Youth), *Coalición Central Opositora* (Central Opposition Coalition) and *Frente Nacional de Resistencia Cívica y Desobediencia Civil Orlando Zapata* (National Front for Civic Resistance and Civil Disobedience Orlando Zapata).

Prior to the march carried out in Placetas on 30 July, Iván Fernández Depestre took part in other peaceful demonstrations in Placetas in previous weeks.

On 4 September, local activists who went to the Guamajal prison to visit Iván Fernández Depestre were arrested, but released and returned to their homes the same day.

Name: Iván Fernández Depestre
Gender m/f: male