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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communications No. 1604
Session:	Twenty-Ninth Ordinary Session (16 - 27 October 1972)
Title/Style of Cause:	Pedro Luis Boitel v. Cuba
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Boitel v. Cuba, Case 1604, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Communication No. 1604, of October 14, 1965, pertains to denunciation of torture inflicted on Mr. Pedro Luis Boitel, a political prisoner in Cuba who is a former President of the Association of Engineering Students of the University of Havana.

[2] In a note dated April 28, 1966, the Commission requested the corresponding information from the Government of Cuba, enclosing the pertinent parts of this and denunciation of other denunciations received regarding other political prisoners held in Cuba.

[3] As its Twentieth Session (December 1968), the Commission continued its study of the general situation regarding human rights in Cuba and, particularly, individual cases such as that of Mr. Pedro Luis Boitel. To this end, it appointed Dr. Justino Jimenez de Aréchaga as rapporteur. During that session he presented a report containing recommendations, in conformity with which the Commission adopted the following decisions:

- a) to declare admissible the communications to which the document referred;
- b) to address a note to the Government of Cuba, indicating that, in accordance with Articles 51 and 52 of the Regulations of the Commission, the occurrence of the events denounced was presumed to be confirmed and that, consequently, "the Government of Cuba is requested to cease the violations of human rights that affect the victims, such as the conditions in which they are detained, which are contrary to the American Declaration, and
- c) to request that the Council of the OAS transmit to the governments of the Member States, through their Representatives on the Council, a copy of the note addressed to the Government of Cuba by the Commission."

[4] In conformity with this decision, on February 14, 1969, the Commission again addressed the Cuban Government, stating that it assumed that the appropriate authorities of that government had

adopted the necessary measures to terminate the conditions in which Mr. Boitel allegedly found himself, as they violated the American Declaration of the Rights and Duties of Man.

[5] The Government of Cuba did not answer this communication.

[6] Subsequently, the Commission continued to receive communications or complaints which referred to the serious situation of Mr. Pedro Luis Boitel.

[7] Consequently, at its Twenty-Second Session (Second Part, November 7 - 22, 1969) the Commission again considered this case and others pertaining to political prisoners in Cuba, and decided to address the Council of the Organization of American States, informing it of these very serious facts, in the hope that the latter, with broader and more varied means of action at its disposal, as well as the governments represented on it, might arrange "effective formulas for the protection of so many human beings under imminent risk of death,"

[8] On May 15, 1972, the Commission received new complaints according to which the health of Mr. Pedro Luis Boitel, who was still imprisoned in "El Príncipe" fortress in Havana, was deteriorating because of the torture and mistreatment to which he was subjected.

[9] Because of the urgency of the case, in a note of May 24, 1972, the Commission again addressed the Government of Cuba, seeking information, and enclosing the pertinent parts of the new communications received (in conformity with Articles 42 and 44 of its Regulations).

[10] The Cuban Government again failed to reply.

[11] On May 28, 1972 the Commission received reports regarding the death in prison of Mr. Pedro Luis Boitel following eleven (11) months of imprisonment.

[12] At its Twenty-Ninth Session (October 1972) the Commission, taking into account all the information pertaining to the case and, in particular, the failure of the Government of Cuba to reply, decided--in conformity with the provisions of paragraph I of Article 51 of its Regulations--to presume that the occurrence of the events denounced in the communications of October 4, 1965, and subsequent dates, relative to the arbitrary arrest and torture inflicted on Mr. Pedro Luis Boitel, as well as his death in prison as a result of the mistreatment to which he had been subjected was confirmed.