

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1847
Session:	Thirty-Fifth Session (20 - 30 May 1975)
Title/Style of Cause:	Pablo Castellanos and "La Cabaña" Prisoners v. Cuba
Doc. Type:	Resolution
Decided by:	President: Dr. Andrés Aguilar (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	29 May 1975
Citation:	Castellanos v. Cuba, Case 1847, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

[1] Case No 1847, presented in a communication dated July 11, 1974, denounces the distressing situation of political prisoners being held in La Cabaña" prison, La Habana, especially that of journalist Pablo Castellanos, who is allegedly seriously ill.

[2] The Commission, in a cable dated July 12, 1974, requested the corresponding information of the Government of Cuba.

[3] Later, the claimant, in a cable dated August 1, supplemented the denunciation, reporting serious events in violation of human rights alleged to have taken place in "La Cabaña" prison, such as confinement of women in cells for men, under circumstances incompatible with modesty; a lack of medical attention and an increase in the stringency of prison control.

[4] The Commission, in a cable dated October 9, 1974, Requested the Government of Cuba to provide information with regard to the events denounced, in accordance with Article 42 and 44 of the Regulations.

[5] The Secretariat, in notes dated July 16 and August 12, 1974, informed the claimant of the measures taken in connection with the denunciation.

[6] At the thirty-fourth session(October 1974), the Commission examined the status of the case and agreed to once again reiterate to the Government of Cuba its Request for information, mentioning the deadline for provision of information provided for under article 51 of the Regulations.

[7] Pursuant to this agreement, a note was sent to the Government of Cuba on December 17, 1974. The above-mentioned decision was reported to the claimant through a note of November 7, 1974.

[8] At the thirty-fifth session (May 1975), the Commission noting that the Government of Cuba

continued to fail to respond to previous Requests for information and that the period provided for under Article 51 of the Regulations had elapsed decided, in application of the provisions of that article, to presume confirmation of the events reported in the denunciation. To that end it approved the following resolution (OEA/Ser.L/V/II.35 doc.5 rev.1, of May 29, 1975) at that session:

WHEREAS:

[i] By communication of July 11, 1974, the following was denounced:

"Since early June 44 Cuban political prisoners are being punished and deprived of all food and medical assistance in cell row number 12 at La Cabaña prison in Havana. Among them is journalist Pablo Castellanos who is gravely ill. We urgently request the intervention of that Organization to avoid new deaths in the Cuban political imprisonment."

[ii] In exercise of the authority granted it by Article 9 (bis) of its Statutes: the Commission requested the Government of Cuba, by cable of July 12, 1974, to provide the appropriate information and transmitted to it, at the same time, the pertinent parts of the aforementioned communication, in the manner established in Articles 42 (1) and 44 of its Regulations.

[iii] In view of the lack of response by the Government of Cuba and taking into account the seriousness of the allegations contained in the denunciation, the Commission, by cable of August 9, 1974, repeated the request for appropriate information to the Government of Cuba.

[iv] At its thirty-fourth session (October 1974) the Commission, noting that the Government of Cuba had not responded to the aforementioned request for information, decided to repeat once more to the Government of Cuba the request, with mention of the date on which the 180-day period of Article 51 of the Regulations would elapse and the application of the rule of the presumption of the confirmation of the allegations established in that article.

[v] Pursuant to this decision a note was sent to the Government of Cuba on December 1, 1974.

[vi] The Government of Cuba has not responded.

[vii] Article 51 of the Regulation reads as follows:

1. The occurrence of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 18 days of the request, provided always that the invalidity of the events denounced is not shown by other elements of proof.
2. The Commission may make an extension to the term of 180 days in cases in which it finds it justified.

[viii] Neither the formulation of observations nor, in general, the competence of the Commission to take cognizance of denunciations regarding violations of human rights committed in the territory of Cuba is barred by the measures adopted by the Organization of American States with respect to the present government of that country, since that government has not denounced the Charter of the Organization, provided for in Article 148 of the Charter for which reason it is the duty of the Commission to continue to take cognizance of these denunciations.

[ix] In view of the systematic of the present Government of Cuba in the face of the numerous communications received from the Commission, it would serve no practical purpose to make the type of recommendations envisaged in Articles 9 b and 9 (bis) of the Statute. However, this does not prevent the

Commission from making known its considered opinion on the allegations to the General Assembly of the Organization of American States.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

[i] To presume the confirmation of the occurrence of the allegations contained in the communication of July 11, 1974, in application of Article 51 of the Regulations.

[ii] To include this resolution in the Annual Report that the Commission presents to the General Assembly of the Organization (Article 9 (bis) c of its Statute) making known that the allegations constitute a serious and a repeated case of the violation of the rights to a fair trial and of protection from arbitrary arrest, set forth in Articles XVIII and XXV of the American Declaration of the Rights and Duties of Man.

[iii] To transmit this resolution to the Government of Cuba and to the claimants.

[9] This resolution was brought to the attention of the Cuban Government on June 1, 1975 and of the claimant on June 4, 1975.