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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1805
Session:	Thirty-Fifth Session (20 - 30 May 1975)
Title/Style of Cause:	Political 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:	Political Prisoners v. Cuba, Case 1805, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Case No 1805, of March 2, 1974, denounces the distressing situation of political prisoners in Cuba. This complaint is accompanied by a list of 124 prisoners in urgent need of medical treatment and a copy of the same denunciation, submitted to the United Nations Commission on Human Rights.

[2] The Commission studied this communication at its thirty-second session (April 1972). In the light of the information on this type of situation, the Commission considered that the communication was admissible without prejudice to the fact that it had already been submitted to the United Nations and decided to transmit the pertinent parts of it to the Government of Cuba with a request for information, in accordance with Articles 42 and 44 of the Rules of Procedure.

[3] In implementation of this decision, the Commission sent a note to the Government of Cuba on June 24, 1974. In a letter dated April 29, 1974, it informed the complainants of this decision.

[4] At the thirty-fourth session (October 1974), bearing in mind the fact that the Government of Cuba had not provided the pertinent information although the time-limit stipulated in Article 51 of the Rules of Procedure had not yet expired, the Commission decided to repeat to that Government the request that it send the pertinent information.

[5] In this regard the CIDH addressed the Government of Cuba on December 17, 1974.

[6] At the thirty-fifth session (May 1975), the Commission examined case 1805 together with other cases related to the status of human rights in Cuba, noting that the Government of that country continued to fail to provide the information requested in order to conduct a study on the case, and that the period provided for under Article 51 of the Regulations for transmittal of that information had elapsed.

Therefore it agreed, in application of Article 51 of the Regulations, to resume confirmation of the events denounced in the complaint. It approved the following Resolution (OEA/Ser.L/V/II.35, doc.2, rev.1, of

May 29, 1975) at that session.

WHEREAS,

[i] By communication of April 8, 1974, the following was denounced:

"For almost 15 years Cuban political prisoners have been submitted to cruel, inhumane and degrading prison conditions.

"This situation has been denounced by the prisoners themselves through hunger strikes and petitions for humane treatment in compliance with the Treaty of Human Rights and the agreements on human rights of which Cuba is a signatory.

"There were prisoners who entered and left jail after years of imprisonment without knowing what they were accused of. Others, after years in prison, without a trial and without being sentenced, were taken from the jail and summarily executed. One of the first cases of this latter type is that of the group that took up arms in the mountains of El Escambray in late 1960. Those who were not killed in the military operation were taken prisoner to the then active Isla de Pinos prison, without a trial and without being sentenced. After more than two years, in July-August 1963, a group of these prisoners were taken from the jail to the mainland and machine-gunned while they were descending from trucks in a place known as Torre Iznaga, Zona del Condado in Las Villas Province. Twenty-one prisoners died there by machine-gun fire. We are able to furnish the names of twelve of them, without prejudice to completing the list at a later date. The victims were Carlos Curbelo del Sol, Carlos Montalvo, Zacarías García, Alejandro Toledo, Agustín Zerguera, Ruperto Ulacia, Liste López, Ignacio Zúñiga, Nené Fernández, Ramón Pérez, Alejandro Lima y Blas Marín. Ruíz Mayor and the youth Aldo Chaviano survived the massacre.

"Worthy of mention is the fate of Captain of the Rebel Army of Fidel Castro, Porfirio Remberto Ramírez, who was President of the Federación Estudiantil Universitaria of the Central University of Las Villas. Porfirio Ramírez had been an active fighter against the previous regime. But being an idealistic student and a man of deep democratic faith, he took up arms. He was captured and summarily 'tried'. Later he was taken to a place known as the Campamento La Campana in Las Villas and shot.

"Since January 1, 1959 thousands of persons have been shot without a trial. We give the following examples from the years 1961-1970:

"Lydia Pérez León, who died in childbirth in the women's jail of Guanajay, at 21 years of age in January 1961. She was denied medical assistance during a pregnancy that presented complications. Her husband, who was being held in another prison, hanged himself upon learning of the death of his wife and son.

"Juan Pereira Varela (Juanín): Student. 21 years old. Detained in Havana. Shot without trial in Pinar del Río on December 17, 1961.

"Tomás Aquino. 60 years old. Maintained nude. Died of the cold in area no.4 of the Isla de Pinos on December 14, 1962.

"Julia González Rosquete, died of septicemia in the jail on Guanajay in December 1961, having been refused medical assistance though suffering from an advanced case of oral infection.

"Julio Medina, died in the Castillo del Príncipe of an asthma attack, without medical assistance.

"From 1964 to 1967 the following persons died in the jail of the Isla de Pinos:

Ernesto Díaz Madruga, August 9, 1964

Luis Nieves Cruz, José Guerra Pascual and José Alfonso Olarana, September 21, 1964

Gerónimo Condines, January 8, 1966.

Julio Tang Texier, September 3, 1966.

Roberto López Chávez, November 12, 1966.

Eddy Alvarez Molina, December 9, 1966.

Diosdado Quit Manrique, December 16, 1966.

Danny Crespo, December 24, 1966.

Francisco Novales, February 28, 1967.

"Without being able to give an exact date, the following also were killed, José Pereda, Tomás Aguirre,

Ramón Quesada, Julio Hernández, Filiberto Polledo Morales, Gastón Vidal, Manuel Cuevas and Luis Alvarez Ríos.

"All of them, except for Roberto López Chávez, who died during a hunger strike, without medical assistance, were killed by beatings, knifings, bayoneting or shootings, during the imposition of the famous plan of forced labor. In 1967 the jail of the Isla de Pinos was dismantled and the prisoners were distributed to different centers of detention in Cuba.

"Sister Aida Rosa Pérez, 42 years of age, who was a nun of the Sisters of Charity and who suffered from heart disease; she had been isolated for months under the tension of a false promise of being released shortly.

"Rafael Fernández Varela, murdered by blows in the Fortaleza de La Cabaña.

"Rafael Domínguez Socorro, committed suicide in La Cabaña prison.

"Francisco Balbuena Calzadilla, died deranged as a result of the physical tortures to which he was subjected in the concentration camps of Las Gavetas of San Ramón and Tres Maceos in Oriente.

"Eduardo Molina and Alfredo Carrión Obeso, died in the concentration camp of Melena No. 2, without medical assistance.

"Carmelo Cuadra, died during a hunger strike, without medical assistance, in La Cabaña, Havana.

"René Amoedo Bueno, died of an asthma attack, without medical assistance, while being transferred from the concentration camp Melena No. 2 to the Castillo del Príncipe of Havana.

"José Francisco Mira, Bay of Pigs combatant, died in Melena No. 2, without medical assistance. '

"José Oriol Acosta-García, sugar-cane worker, was shot in the head on August 5, 1971 in the concentration camp of Manacas, Las Villas, known as the Campo de Seguridad No.4. The guards fired on him by order of the prison director, Abraham Claro Cruz.

"Esteban Ramos Kessel and Ibrahim Torres Martínez, died in a shuttered cell of the Boniato jail on February 4 and 7, 1972, respectively, having been denied medical assistance. Their bodies were found by the smell.

"Pedro Luis Boitel, student leader, died during a hunger strike, tortured and semi-paralyzed, in the Castillo del Príncipe, Havana on May 25, 1972.

"Lázaro San Martín, shot in the Jail 5-1/2 in Pinar del Río on December 1972.

"Enrique García Cuevas, died during a hunger strike, without medical assistance, in Calabozo No.4 of the pew Provincial Jail of Santa Clara on June 24, 1973.

"Diosdado Camejo, died of anemia and malnutrition in early 1973 in the jail of Morón.

"Oscar Morales Pascual, died of an illness, without medical assistance, in the Centro de Seguridad No.4 of Manacas, Las Villas, in March 1973.

"Olegario Charlot Pileta. This black youth died during a hunger strike, without medical assistance, in the famous "Escaleras" of the Boniato jail, in January 1973.

"Marcelo Díaz, was held in the concentration camp of Manacas and then taken to the G-2 corps of Santa Clara. Days later his family was advised that he had hanged himself in his cell. This occurred in early 1974.

Manuel Ruíz del Cristo, 56 years old, died of cancer in La Cabaña, Havana, without medical assistance, on Monday, January 14, 1974 at 3:20 p.m.

"Worthy of mention is the number of prisons and concentration camps that the government has placed on the island:

Centers of Confinement:

"Pinar del Río Province: Taco Taco, Fajardo, El Caribe, El Blai, El Brujo and San Antonio.

"La Havana Province: Jails: La Cabaña, El Morro, Guanajuay. Forced labor camps: 100 and Boyeros. Concentration camps: Melena 1 and 2, Jaruco 1 (adults) and 2 (juveniles), Nuevo Amanecer (formerly América Libre) for women, Valle del Perú, prison for juveniles 13 and Paseo, Vedado, Combinado del Este (being constructed with a capacity of 20,000 prisoners).

"Matanzas Province: Jails: San Severino and Matanzas. Concentration camps: Aguica and Caballero Milián.

"Las Villas Province: Jails: Santa Clara, Sagua, Remedios, Sancti Spiritus. Concentration camps: Centro

de Seguridad No.4, Ariza, Condado, Prepensado.

"Camaguey Province: Jails: Morón (with shuttered cells) and Camaguey. Forced labor camps: Florida and UMAP.

"Oriente Province: Jails: Boniato (huge cell-blocks,. two of which are known as "Las Tapadas" with cells whose doors and windows have been covered with sheets of steel), El Castillito, Baracoa, La Culebra. Concentration camps: El Mijial, Tres Maceos and Gavetas of San Ramón.

"It is difficult to give an exact number of these centers of confinement because the government, as they accumulate prisoners or as the protests of mistreatment multiply, erects and dismantles 'those jails, abandons some and creates others in different areas of the island.

"In the present time, the concentration camp for women named with unequaled cynicism "América Libre" is being transformed and painted with the probable intention of presenting, is some inspection is permitted, this dark cavern of confinement, cleaned up on the outside, although the mistreatment and abuses continue on the outside. It is called "Nuevo Amanecer" (New Dawn) as if the name might hide the dark night of barbarous mistreatment during these fifteen years of ignominy. We remember the case of the concentration camps that Hitler presented to the International Red Cross during his bloody and disgraceful era."

[ii] In exercise of the authority granted it by Article 9(bis) of its Statute, the Commission requested the Government of Cuba, by note of June 24, 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] 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 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.

[iv] Pursuant to this decision a note was sent to the Government of Cuba on December 17, 1974.

[v] The Government of Cuba has not responded.

[vi] Article 51 of the Regulations 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 180 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"

[vii] 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.

[viii] In view of the systematic silence 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) b 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 April 8, 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 very serious case of the violation of the right to life, liberty and personal security, set forth in Article I of the Declaration of the Rights and Duties of Man.

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

[7] This resolution was brought to the attention of the Government of Cuba and the claimants through notes dated June 1, 1975, and June 4, 1975, respectively.