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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1834
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 1834, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Case No 1834, presented in a communication dated April 16, 1974, in connection with the general status of human rights in Cuba and, in particular, those of political prisoners. This report was supplemented by extensive documentation and a list of political prisoners, including their place of detention, length of sentence, and health conditions.

[2] At its thirty-second session (April 1974), the Commission decided to transmit to the Government of Cuba the pertinent parts of the denunciation, in accordance with Articles 42 and 44 of the Regulations.

[3] Pursuant to this decision, the Commission sent a note to the Government of Cuba on June 3, 1974. In the communication dated May 2, 1974, it informed the complainants of the decision adopted on this case.

[4] At its thirty-four session (October 1974), the Commission continued its examination of this case, noting that although the Government of Cuba had not provided the information requested, the 180-day period provided for under Article 51 of the Regulation for provision of information had not yet elapsed.

In the examination, the CIDH took into account the additional information supplied by the complainant, who appeared before it on October 24, 1974, to expand upon the denunciation.

It also took into account the background in connection with its activities as regards the status of human rights in Cuba and the fact that the Cuban government had not answered any of its requests provided for under the Regulations. With regard to this point options were again exchanged as to the advisability of taking measures that could in future bring the Government of Cuba to allow an on-site investigation of the status of human rights or of finding other means to improve the status of political prisoners in that country.

As a result of the examination the CIDH decided the following at that session:

- a. To repeat to the Government of Cuba its request that it send the pertinent information, enclosing with that request the pertinent part of the additional information provided by the claimant during the course of the session;
- b. To instruct the Secretariat to prepare a document containing background information on the status of human rights in Cuba, updating it by providing the data received since the "Second Report on the Situation of Political Prisoners and their Families in Cuba" (doc. 6-23).
- c. To postpone the request to the Government of Cuba to allow the Commission to enter Cuban territory and to consider this matter at its next session, bearing in mind the circumstances existing at that time and to authorize the Chairman, if he deems it appropriate, to take such measures as he may consider appropriate on behalf of political prisoners in Cuba.

In keeping with paragraph a) of this decision, the Commission sent a note to the Government of Cuba on December 17, 1974. In a letter dated November 25, 1974, the claimant was also informed of pertinent part of the decision.

[5] At its thirty-fifth session (May 1975), the Commission noted that the Government of Cuba had not submitted the appropriate reports and period of time and extensions allotted for provision of such information had elapsed. Therefore, they agreed to presume confirmation of the facts contained in the denunciation, in application of the provisions contained in Article 51 of the Regulations. To that end, it approved the following resolution (OEA/Ser.L/V/II.35, doc.3, rev.1, of May 29, 1975):

WHEREAS:

[i] By communication of April 16, 1974, various acts, imputable to the Government of Cuba are denounced allegedly in violation of Articles I, II, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man.

[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 3, 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 Regulation.

[iii] At its thirty-four session (October 1975) the Commission considered a communication of October 24, 1975, furnishing additional information to that of April 16, in which the Government of Cuba is accused of acts and situations allegedly in violation of the rights to life, liberty and personal security; to equality before the law; to a fair trial; of protection from arbitrary arrest and to due process of law.

[iv] Noting that the Government of Cuba had not replied to the request for information of June 3, 1974, it was also decided at that session to repeat the request with mention of the date on which the 180-day period of Article 51 of the Regulation would elapse and the application of the rule of the presumption of the confirmation of the allegations established in that article, and to transmit the government, at the same time, the pertinent parts of the additional information submitted by the claimants and to request the appropriate information, as provided by Article 9 (bis) of the Statute and Article 42 (1) and 44 of the Regulations.

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

[vi] The Government of Cuba has not responded.

[vii] 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."

[viii] Neither the formulation of observation 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 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 of the allegations to 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 allegations contained in the communications of April 16 and October 24, 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 rights to life, liberty and personal security; to equality before the law; to a fair trial; of protection from arbitrary arrest and to due process of law, set forth in Articles I, II, XVIII, XXV and XXVI 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.

[6] This resolution was brought to the attention of the Government of Cuba through a note of June 1, 1975, and of the claimants on June 4, 1975.