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File Number(s):	Report No. 42/81; Case No. 3992
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Clara Abrahante Boite v. Cuba
Doc. Type:	Resolution
Decided by:	Chairman: Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Carlos A. Dunshee de Abranches; César Sepúlveda
Dated:	25 June 1981
Citation:	Abrahante v. Cuba, Case 3992, Inter-Am. C.H.R., Report No. 42/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of March 15, 1979, the following denunciation was made:

"Your valuable aid is requested to make possible the departure from Cuba of the widow Clara Abrahante Boite. She is the mother of fellow countryman Pedro Luis Boitel, who died in the Cuban jails some time ago. Mrs. Abrahante has repeatedly applied for permission to leave the island, but without result."

2. In a note of April 4, 1979, the Commission transmitted the pertinent portions of the denunciation to the Cuban Government, requesting information on the case.

3. The Government of Cuba has thus far thus not replied.

WHEREAS:

1. To date, the Government of Cuba has not replied to the Commission's request dated April 4, 1979.

2. Article 39 (1) of the Commission's Regulations provides as follows:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. Pursuant to Article 39 (1) of its Regulations, to presume to be true the events denounced in the communication of March 15, 1979, concerning the detention of Mrs. Clara Abrahante.

2. To declare that the Cuban Government violated the right to life, liberty and personal security (Art. I) and the right to residence and movement (Art. VIII of the American Declaration of the Rights and Duties of Man).[FN1]

[FN1] This resolution was approved by the Commission with respect to the right to residence and movement, with one member, Professor Carlos Alberto Dunshee de Abranches, voting against it.

3. To communicate this decision to the Government of Cuba and the claimants.

4. To include this resolution in the Commission's Annual Report to the General Assembly of the Organization of American States, pursuant to Article 18(f) of the Statute and Article 59(g) of the Regulations of the Commission.