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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 47/81; Case No. 4677
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Jorge Alemany Pelaez, Ramón Alonso Guillot, Juan Brito García, Manuel Iglesias Ramirez, Roberto Lam Rodriguez, Antonio Piedra Bustarviejo, Augustín Pinera Machin, Pedro Bacallao, Mario Bermudez Esquivel, Eulalio Beravides Ballesteros, Luis Burias Acosta, Francisco Chapi Yaniz, Guillermo Estevez de Arcos, Roberto Perez Valdes, Ricardo Rodriguez de Castro, Edelso Rodríguez, Gustavo C.Samoano, Ramón Arguelles, Francisco B.Campbell, Carlos Lazo de Cuba, Telesforo R. Antunez, Rafael Becerra, Armando Bergueiro, Alfredo Capote Oropesa, Sandalino Delgado Hernández, Benigno Cerdena Valdes, Julio Concepción and Julio Cordoba Aguilar, 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:	Alemany Pelaez v. Cuba, Case 4677, Inter-Am. C.H.R., Report No. 47/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of August 12, 1979, the following denunciation was received:

"In January 1959, all members of the Cuban air corps (pilots, copilots, mechanics and workers) were made political prisoners:

Alemany Pelaez, Jorge
Alonso Guillot, Ramón
Brito García, Juan
Iglesias Ramirez, Manuel
Lam Rodriguez, Roberto
Piedra Bustarviejo, Antonio
Pinera Machin, Augustín
Bacallao, Pedro
Bermudez Esquivel, Mario
Beravides Ballesteros, Eulalio
Burias Acosta, Luis
Chapi Yaniz, Francisco
Estevez de Arcos, Guillermo

Perez Valdes, Roberto
Rodriguez de Castro, Ricardo
Rodríguez, Edelso
Samoano, Gustavo C.
Arguelles, Ramón
Campbell, Francisco B.
Lazo de Cuba, Carlos
Antunez, Telesforo R.
Becerra, Rafael
Bergueiro, Armando
Capote Oropesa, Alfredo
Delgado Hernández, Sandalino
Cerdana Valdes, Benigno
Concepción, Julio
Cordoba Aguilar, Julio

In March 1959, they were tried before a revolutionary court composed of Commandant Felix Pena Díaz, President; and Commandant Antonio Michel Yabor and Deputy Judge Advocate Alberto Parua Toll, members. All of the evidence was submitted at the trial, and the court acquitted all of the imprisoned persons, ordering their immediate release, but they were not released.

Fidel Castro, in violation of all the evidence and the laws in force, ordered all of the prisoners in prison.

By express order of Commandant Fidel Castro, a rigged second trial was held, whose verdict had already been drawn up by Castro himself, and all of the accused were sentenced to 30 years in prison. Twenty years have now passed, and all of these innocent political prisoners remain in prison, except for Eulelio Beruvides Ballesteros, the only one who was released.

The commandant of the Rebelde Army, Felix Pena Diaz, who presided over the court that acquitted the prisoners, was overwhelmed with grief by the injustice imposed by Castro and his regime on the prisoners, and committed suicide.

Because of the time spent in inadequate prisons, with cruel, inhuman and degrading treatment, the health of many of the prisoners has been broken, and they are not receiving either adequate medical care or food."

2. In a note of December 18, 1979, the Commission transmitted the pertinent portions of the denunciation to the Cuban Government, requesting that it supply information on the case.

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

WHEREAS:

1. To date, the Cuban Government has not replied to the Commission's request dated December 18, 1979.

2. Article 39 (1) of the Regulations of the Commission 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 December 22, 1979, concerning the cruel, inhuman and degrading treatment to which the persons concerned were subjected as of the date of the denunciation.
2. To declare that the Government of Cuba violated the right to life, liberty and personal security (Art. I of the American Declaration of the Rights and Duties of Man), and the right to the preservation of health and to well-being (Art. XI).
3. To communicate this decision to the Government of Cuba and to 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.