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Title/Style of Cause:	Ernesto Arraigotia 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:	Arraigotia v. Cuba, Case 3496, Inter-Am. C.H.R., Report No. 41/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of December 12, 1978, the following denunciation was received:

"The prisoner, Ernesto Arraigotia, was arrested in 1977, for having set fire to the odd auditorium theater. The prisoner had been a porter in the theater. He was accused of sabotage, and was imprisoned in the infamous "Security" jails, where he was interrogated, beaten and tortured.

In the beginning, he maintained his innocence, but, after a period of brutal treatment, they say he confessed his guilt. However, his confession did not convince anyone. It was the result of cruel mistreatment, a way of stopping the terrible punishment, and it did not convince his torturers.

He was then taken to the punishment cells in the Combinado del Este. There his mistreatment continued, and many of his companions believed he had died, either having been beaten to death or shot.

Ernesto Arraigotia is in danger of death. We believe him to be innocent. He is locked up in the punishment cells under bad conditions."

2. In a note of December 20, 1978, the Commission transmitted the pertinent portions of the denunciation to the Cuban Government, requesting information on it.

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 20, 1978.

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 December 12, 1978, concerning the detention of Mr. Ernesto Arraigotia.
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).
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.