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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 48/81; Case no. 7486
Session: Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause: Melvin Lee Bailey, Robert Bennet, Walter Lewis Clark, William Dawson, John Fekete, Agustin Householder, Lance Fyfe, Jon Gaynor, Douglas Miklas, Lewis Douglas Moore, William Nelson, Michael Seitler, Mark Schierbaum, Dale Stanhope and Thomas White 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: Bailey v. Cuba, Case 7486, Inter-Am. C.H.R., Report No. 48/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of March 26, 1980, it was reported that 15 United States citizens were detained by the Government of Cuba and sentenced to numerous (2-24) years of prison. Most of them were not afforded due process of law. The detained persons are as follows:

Melvin Lee Bailey, Robert Bennet, Walter Lewis Clark, William Dawson, John Fekete, Agustin Householder, Lance Fyfe, Jon Gaynor, Douglas Miklas, Lewis Douglas Moore, William Nelson, Michael Seitler, Mark Schierbaum, Dale Stanhope, Thomas White.

The prisoners were detained under various charges. Some were detained for alleged possession of marijuana in Cuban jurisdictional waters; others were accused of being CIA agents; and others were detained for having illegally entered the country.

It is reported, in addition, that they were tortured psychologically and physically.

The Americans were incarcerated in the Combinado del Este prison up to October 1980, when they were released.

2. In a note of September 9, 1980, 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 not replied.

WHEREAS:

1. To date, the Government of Cuba has not replied to the Commission's request dated September 9, 1980.

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 26, 1980, concerning the detention of 15 United States prisoners.
2. To declare that the Government of Cuba violated the right of protection from arbitrary arrest (Art. XXV of the American Declaration of the Rights and Duties of Man) and the right to due process of law (Art. XXVI).
3. To take note of the fact that the prisoners were released.
4. To communicate this decision to the Government of Cuba and to the claimants.
5. 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.