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Title/Style of Cause:	Eduardo Capote Rodríguez and political prisoners in the "Combinado del Este" jail 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:	Capote Rodríguez v. Cuba, Case 4429, Inter-Am. C.H.R., Report No. 46/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of May 29, 1979, a denunciation was received by the IACHR concerting Eduardo Capote Rodríguez and over 169 political prisoners in the "Combinado del Este" jail in Cuba, as follows:

"In all countries, among all peoples, in every corner of the globe where civilization has illuminated the mind of man, the existence of that prestigious organization known as the International Red Cross is known. Its humanitarian goals, its accomplishments, its enormous moral and material contribution to the helpless of this world, without regard to race, creed, ideology or any other circumstance are similarly known. We political prisoners who have been rated as "unbreakable" plantados in the Havana Prison are in the painful necessity of appealing to the representatives of the International Red Cross, and we certify the authenticity of this letter with our signatures.

It is not having to appeal to you that causes us pain. The pain we feel is due to the impossibility of our jailers supplying our needs.

What we will never be able to understand is that a government that claims to be consolidated should inform us through the Director of the Prison, as happened a few days ago, that our meager rations have been substantially reduced; that the old promises of providing prostheses to prisoners who require them, will not be met; and that we who need them are responsible for paying the cost of any type of prosthesis, through our families.

We ask: Is it our families and not the government who are responsible for our being exposed to every kind of physical misery, for more than 15 years, in the Communist dungeons? Are they, our loved ones, most of them ruined by the imbalance between their modest incomes and the exorbitant prices of consumer goods--even staple goods--responsible for our having lost our teeth and our eyesight, because of inadequate nutrition, the absolute lack for years of any type of dental care, and our incarceration in dark cells?

There is even the recent experience of "Boniato" (a provincial jail in the East), where a numerous group

of political prisoners were locked up nude for eight years in small slave dungeons (ergastulas), totally walled in and incommunicado, without the least minimum of medical care, and with a miserable diet, because of the mere fact of maintaining their dignity and their position as "unbreakable" (plantados). That bitter experience cost valuable lives, snuffed out by malnutrition. There was also the death of a companion who was killed by machine-gun fire, with more than 20 bullet wounds, plus a brutal beating. "Boniato" is only one example. It is perhaps the harshest and best known of prisons in recent years, when the image of the forced labor camps on the Isla de Pinos is being erased in the sands of time like a horrible nightmare.

But the authorities of our country apparently regard themselves as innocent and not responsible for all our physical miseries. Never mind how much they have to pretend that: "The end justifies the means." They allocate only enough funds to provide prisoners with a barely few crumbs, and to dress up a hospital showcase for impressing foreign delegates, and occasionally, although it appears absurd, to try to deceive and encourage themselves.

For these reasons, and knowing of the availability and objectives of the International Red Cross, we request the assistance of your prestigious organization to provide prostheses for those of our comrades who need them."

2. The IACHR has in its possession a complete list, with signatures, of the persons who allegedly have suffered inhumane treatment.
3. In a note of June 22, 1979, the Commission transmitted the pertinent portions of the denunciation to the Cuban Government, requesting information on the case.
4. The Cuban Government has thus far not replied.

WHEREAS:

1. To date, the Government of Cuba has not replied to the Commission's request dated June 22, 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 May 29, 1979, concerning the arbitrary detention of the 170 political prisoners locked up in the "Combinado del Este" jail.
2. To declare that the Government of Cuba violated the right to life, liberty and personal security (Art. I, 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.