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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 43/81; Case no. 3956
Session: Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause: Eleno Oviedo 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: Oviedo v. Cuba, Case 3956, Inter-Am. C.H.R., Report No. 43/81,
OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)

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BACKGROUND:

1. In a communication of October 30, 1978, the following denunciation was received:

"Prisoner Eleno Oviedo was taken into custody on February 20, 1963. He was not tried until September 1970, and was sentenced to 30 years of hard labor."

2. In a note of March 22, 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 not replied.

WHEREAS:

1. To date, the Government of Cuba has not yet replied to the Commission's request dated March 22, 1979.

2. Article 39 (1) of the Commission's Regulations establishes 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 the events denounced in the communication of October 30, 1978, concerning the detention of Eleno Oviedo, to be true.
2. To declare that the Government of Cuba violated the right to a fair trial (Art. XVIII 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.