

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No.49/81; Case No. 7455
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Eduardo Prieto Blanco and Alberto Prieto Blanco 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:	Prieto Blanco v. Cuba, Case 7455, Inter-Am. C.H.R., Report No. 49/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. In a communication of June 24, 1980, the following denunciation was received:

"Eduardo Prieto Blanco and Alberto Prieto Blanco were taken from their homes, told that they were cleared to leave by Mariel and were taken away. The truth is they were detained and incarcerated, and their present whereabouts is unknown.

Both were protected by the rights of diplomatic immunity, because they were among the almost 11,000 persons taking refuge in the Embassy of Peru. They returned to their home, with documents issued by the regime, in the hope of leaving the country.

It is feared that they have been killed, as happened a few hours earlier to the unfortunate youth José Novoa, who, like Eduardo and Alberto, had taken refuge in the Embassy of Peru, and was murdered by the regime of Fidel Castro Ruz."

2. In a note of August 7, 1980, the Commission transmitted the pertinent portions of the denunciation to the Cuban Government, requesting information on the case.

3. The Cuban Government has thus far not replied.

WHEREAS:

1. To date, the Cuban Government has not replied to the Commission's request dated August 7, 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 June 24, 1980, concerning the detention of Eduardo Prieto Blanco and Alberto Prieto Blanco.
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 of protection from arbitrary arrest (Art. XXV).
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.