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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Report No. 12/82; Case no. 7899 |
| Session: | Fifty-Fifth Session (1 – 9 March 1982) |
| Title/Style of Cause: | Victor Miguel Cantón Gómez v. Cuba |
| Doc. Type: | Resolution |
| Decided by: | Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda. |
| Dated: | 08 March 1982 |
| Citation: | Cantón Gómez v. Cuba, Case 7899, Inter-Am. C.H.R., Report No. 12/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982) |
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BACKGROUND:

1. The Inter-American Commission on Human Rights received the following denunciation in a communication dated August 25, 1981:

“Victor Miguel Cantón Gómez, a Cuban political prisoner, Case N 291-1962, sentenced to 30 years in prison, and who is now in the Puerto Boniato Prison, Oriente, Cuba, is on the way to completing 20 years behind bars; that is, he was 21 when he was arrested and is now 40 years of age. All his youth has been spent in prison.

I am bringing the necessary information to the attention of your Organization by way of making a formal denunciation. At this time, the prison status established by the communist government of Fidel Castro for Cuban political prisoners in Cuban prisons denies them visitors, baskets, and medical care. Nor do they get any sunshine, for since January they have not been taken out to the patio, and they are kept incommunicado.

Also, the prisoners' relatives who are in Cuba feel unable to do anything for them, because of the terror and repression that exists in Cuba.”

2. In a note of September 1, 1981, the Commission transmitted the pertinent parts of the denunciation to the Cuban Government, requesting that it furnish the information that it deemed appropriate.

3. The Government of Cuba has not replied to date.

4. In a communication of September 21, 1981, the Commission received the following additional information with respect to the denunciation:

“Victor Miguel Cantón Gómez was sentenced for giving medical care in his house to two wounded

friends who asked him for help. The friends belonged to the same movement as he, against the Government of Cuba.

His trial was held in July 1962.

For some years, Victor Miguel Cantón Gómez has been suffering from blood pressure and stomach problems.”

WHEREAS:

1. To date, the Cuban Government has not replied to the Commission's request of September 1, 1981,
2. Article 39 of the Regulations of the Commission 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. In application of Article 39 of the Regulations, to presume to be true the acts denounced in the communications of August 25 , 1981 regarding the arbitrary detention of Victor Miguel Cantón Gómez.
2. That the Government of Cuba violated the right to liberty and personal security (Article I), the right to the preservation of health (Article XI), the right to a fair trial (Art. XVIII), the right to protection against arbitrary arrest, which includes the right to humane treatment during the time the person is in custody (Article XXV), and the right to due process (Article XXVI) 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 Annual Report of the Commission to the General Assembly of the Organization of American States in accordance with Article 8, paragraph (f) of the Statute and Article 59, paragraph (g) of the Regulations of the Commission.