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Title/Style of Cause: Armando F. Valladares v. Cuba
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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
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BACKGROUND:

1. The Commission has received several communications denouncing the situation of Armando F. Valladares in Cuba.

Armando Valladares was sentenced to 30 years in prison on December 27, 1960, because he dissented from the President of the Council of State, Fidel Castro. Valladares is 44 years of age, and this year will have spent 22 of these in prison.

According to information received: "On June 24, 1974, the Warden of the penitentiary declared that all 'intransigent' prisoners (as those who did not accept the political re-education were called) were on a hunger strike. Two months later, the hunger strike was lifted and Valladares remained ill from polyneuritis, as a consequence of lack of food.

The following was reported in a denunciation of May 16, 1977:

The denial of food to the prisoners of the Cabaña Prison for 47 days, to compel them to accept the rehabilitation plans, the blue uniforms of common prisoners, and military discipline, led to the illness diagnosed as polyneuritis. This illness can be cured with proper medical treatment, but that treatment is denied to Valladares. He has been physically mistreated many times. He endured the forced labor plan of the prison on the island of Pinos. He spent more than three years in the walled-in cells of Boniato Prison, where the sunlight never enters, where food is deficient and scarce, where there is no medical care of any type. He has been permitted no visits from his family for more than seven years, and receipt of mail is uncertain. Nor can he receive "care packages" from his family or medicines.

In a document furnished with the aforementioned denunciation the Minister of Public Health of Cuba, Dr. Joaquín García Díaz, on November 4, 1974, affirmed that Valladares suffers from "flaccid paraplegia of a deficiency type and polyneuropathy of a deficiency type, has a motor deficiency in his lower extremities, and in my opinion this patient is a candidate for entry into a rehabilitation hospital". The result of 47 days without food.

2. In a communication of July 5, 1977, the Commission transmitted the pertinent parts of the denunciation to the Government of Cuba, requesting it to provide the information that it deemed appropriate.

3. To date, the Government of Cuba has not replied to the Commission's communication.

4. In 1979, the Commission received the following additional information from the claimant:

Every morning he is brought some envelopes with medicines and a card containing a list so that he can take the medicine himself at the hours indicated. As he is an asthmatic, they left him a large bottle of oxygen, a vaporizer, ampules of physiological serum, and anti-asthmatic liquid, so that when he has an attack he himself can prepare the aerosol and administer it. Imagine this: he awakens at dawn with a serious attack and he himself, a handicapped person, in the midst of wheezing exhalations and gasping for air, in a state of suffocation, has to break open the ampules and measure the aerosol by guesswork, since he cannot measure the amount of liquid, work the keys of the oxygen tank, etc. Besides violating his condition as handicapped person, this treatment also is a violation of his condition as a human being.

The provocations have been on the increase. He had been authorized to receive daily visits. But do you know? It was in order to check upon the people who come to see him, and that was indeed the case. Last Saturday they stopped one of his visitors, who was interrogated for hours, pressured, and terrorized. The prisoner has been held completely incommunicado since that time.

A wheelchair sent to him by the Dutch Red Cross last June through the Cuban Red Cross has not been delivered, and the Cuban Red Cross had the outrageous nerve to inform those who sent him the chair that it had already been delivered. That is a lie, and he needs the chair. His own chair belongs to the State, is rotted, rusted, works badly, and one of the wheels falls off. His mother was threatened that if she continued claiming the chair, this would be considered a counter-revolutionary activity.

5. The Commission sent the Government of Cuba the additional information on Valladares' situation in a communication of May 16, 1979, requesting that it supply the appropriate information.

6. To date the Cuban Government has made no reply.

7. In 1980, the Commission received the following information, stating that Valladares' situation had not improved:

The political prisoner Armando Valladares is in a cell of the Hospital Combinado del Este, where he is psychologically and physically tortured. Psychologically, through all kinds of threats against him and his family, part of which still lives in Cuba; he is blackmailed and pressured day and night; sophisticated psychological methods are used in an effort to unhinge his mind; physically, he is tortured by not being given either the medicines or the treatment that he urgently needs because of the breakdown of his health, nor has he been given the wheelchair. He cannot operate on his own, because he is physically prostrate, but he is made to get up and to make physical movements that are usually impossible for him.

On December 12, 1980, the IACHR received detailed information on the situation of the Valladares family, which reads: His mother, sister, and brother-in-law who was also a political prisoner, can be considered hostages of the Cuban Government. Although they have foreign visas, the Government denied them permission to leave. The prison authorities have informed Valladares that he will have to sign a letter recanting his denunciations, so that his family can leave the country.

8. In a communication of August 13, 1980, the Commission transmitted the information received to the Cuban Government, reporting Valladares' situation and requesting appropriate such information as the Government deemed appropriate.

9. The Cuban Government has not replied to the Commission's communications to date.

WHEREAS:

1. To date, the Cuban Government has not replied to the requests of the Commission;
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 May 16, 1977, April 20, 1979, and June 17, 1980, and various others concerned with the arbitrary detention of the prisoner Armando F. Valladares Pérez and the denial to him of medical care.
2. To declare that the Government of Cuba violated the right to liberty and personal security (Article I), the right to inviolability and transmission of correspondence (Article X), the right to the preservation of health and to well being through health and social measures relating to food and medical care (Article XI), the right to a fair trial (Article XVIII), the right to protection against arbitrary arrest and the right to humane treatment during the time the individual is in custody (Article XXV), the right to due process and protection from cruel, infamous, or unusual punishment (Article XXVI).
3. To transmit 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 18, paragraph (f) of the Statute and Article 59, paragraph (g) of the Regulations of the Commission.