

REPORT No. 101/12
DECISION TO ARCHIVE
CASE 11.391
EDILBERTO MORALES MARTÍNEZ, JUAN CARLOS RODRÍGUEZ RODRÍGUEZ,
AND GREGORIO SÁEZ ÁLVAREZ
CUBA
November 8, 2012

ALLEGED VICTIMS: Edilberto Morales Martínez, Juan Carlos Rodríguez Rodríguez, and Gregorio Sáez Alvarez

PETITIONER: Ricardo Bofill Pagés

ALLEGED VIOLATIONS: The petitioner does not allege any specific violations

DATE OF INITIAL PROCESSING: October 12, 1994

I. POSITION OF THE PETITIONERS

1. On October 12, 1994, the Inter-American Commission on Human Rights (the "Commission" or "IACHR") received a complaint of the same date presented by Ricardo Bofill Pagés against the Cuban State, in which he denounced two situations. First, in connection with a protest against the lack of food provided to inmates at Camaguey prison, Edilberto Morales Martínez had been killed and Juan Carlos Rodríguez Rodríguez had been injured. Second, he denounced the Government's refusal to allow Gregorio Sáez Álvarez to leave the country.

II. POSITION OF THE STATE

2. The Cuban State presented no information.

III. PROCESSING BEFORE THE COMMISSION

3. On October 17, 1994, the Commission received the petition and assigned it number 11.392. On October 18, 1994, the Commission forwarded the pertinent parts of the petition to the State, in accordance with Article 34 of the IACHR Rules of Procedure in force at that time, providing 90 days to submit its observations. However, the State did not reply.

4. On March 13 and again on May 23, 1995, the IACHR reiterated its request to the State for information. In both cases, it was provided 30 days to respond. In this second request for information, the Commission warned that, pursuant to Article 42 of the IACHR Rules of Procedure in force at that time, the Commission might take the facts presented in the petition as true.

5. The Commission has not received information from the parties subsequent to 1994. On May 23, 2012, the IACHR sent a letter to the petitioner requesting up-to-date information to determine whether the grounds for the petition continue to subsist, notifying him that in the absence of a response, the IACHR may proceed to archive case file.

III. BASIS FOR THE DECISION TO ARCHIVE

6. Both Article 48(1)(b) of the American Convention and Article 42 of the Commission's Rules of Procedure provide that during the processing of a petition, after receiving information, or once the period established to receive information has elapsed, the IACHR shall ascertain whether the grounds for the petition or communication still exist, and if they do not exist or subsist it shall order the archiving of the case file.

7. Subsequent to the original petition dated October 12, 1994, the petitioner made no further allegations and provided no new information. Furthermore, the petitioner did not respond to the IACHR's letter requesting additional information, dated May 23, 2012, which informed him of the possibility that the case may be archived.

8. The Commission does not have the necessary information to determine whether the motives that gave rise to the original complaint continue to subsist. Consequently, in accordance with Article 42(1)(b) of the IACHR Rules of Procedure, the Commission decides to archive the instant petition.

Done and signed in the city of Washington, D.C., on the 13th day of the month of November, 2012.
(Signed): José de Jesús Orozco Henríquez, President; Felipe González, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz and Rose-Marie Antoine, Commissioners.