

REPORT No. 100/12
DECISION TO ARCHIVE
CASE 11.365

JESÚS YAÑEZ PELLETIER, GUSTAVO ARCOS BERGNES, GUSTAVO CANO ESCOBAR,
GLADYS GONZÁLEZ NOY, AND NELSON TORRES PULIDO
CUBA
November 8, 2012

ALLEGED VICTIMS: Jesús Yañez Pelletier, Gustavo Arcos Bergnes, Gustavo Cano Escobar, Gladys González Noy, and Nelson Torres Pulido

PETITIONER: *Comité Cubano Pro Derechos Humanos*

ALLEGED VIOLATIONS: Right to humane treatment and due process

DATE OF INITIAL PROCESSING: August 10, 1994

I. POSITION OF THE PETITIONER

1. On August 10, 1994, the Inter-American Commission on Human Rights (the "Commission" or "IACHR") received a petition submitted by the *Comité Cubano Pro Derechos Humanos* [Cuban Committee for Human Rights] against the Cuban State. The petition alleges that on August 7, 1994, 77-year-old Jesús Yañez Pelletier, the Vice President of the Cuban Committee for Human Rights, was assaulted and beaten by an alleged paramilitary group of the Cuban government while en route to the home of Gustavo Arcos Bergnes, the Secretary General of the Cuban Committee for Human Rights. The petitioner alleges that as a result of the attack, Mr. Yañez Pelletier suffered a head wound and bruises all over his body.

2. The petition also indicated that since August 6, 1994, the home of Gustavo Arcos Bergnes had been a frequent target of demonstrations [*mítines de repudio*] and other hostile actions perpetrated by pro-Government groups, and that Gustavo Cano Escobar, President of the *Concertación Democrática Cubana*, a pro-democracy group, had been arrested on August 5, 1994, in connection with popular protests that occurred on that same day, and that there was no information as to where he was being held. The petition also indicated that Gladys González Noy, President of the *Asociación Pro Arte Libre* had disappeared from her residence and that her whereabouts were unknown. Furthermore, the petition indicated Nelson Torres Pulido, President of the *Partido pro Derechos Humanos en Cuba* [Cuban Human Rights Party] had been arrested on August 5, 1995, and freed on August 8 that same year after having been threatened for disclosing information on human rights abuses in Cuba abroad.

II. POSITION OF THE STATE

3. The Cuban State presented no information.

III. PROCESSING BEFORE THE COMMISSION

4. On August 10, 1994, the Commission received the petition and assigned it number 11.365. On August 31, 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.

5. 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.

6. Subsequent to 1994, the Commission received no more information from the parties. On May 23, 2012, the IACHR sent a letter to the petitioners requesting up-to-date information to determine whether the grounds for the petition continue to subsist, notifying them that in the absence of a response, the IACHR may proceed to archive case file 11.365.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. 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. Moreover, Article 42(1)(b) of the IACHR Rules of Procedure establishes that the Commission may decide to archive a case when it lacks the necessary information to make a decision.

8. Subsequent to the original petition dated August 10, 1994, the petitioners made no further allegations and provided no new information.¹ Furthermore, they did not respond to the IACHR's letter requesting additional information, dated May 23, 2012, which informed them of the possibility that the case file may be archived.

9. 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, it decides to archive the instant petition.

Done and signed in the city of Washington, D.C., on the 8th 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.

¹ Through media reports, the IACHR learned that Jesús Yañez Pelletier died in Havana on September 18, 2000, and that Gustavo Arcos Bergnes died on August 8, 2006, also in Havana. See: *El País*, December 20, 2000, "[Jesús Yañez Pelletier, histórico disidente cubano](#)", and *El País*, August 8, 2006, "[Muere en La Habana Gustavo Arcos, un histórico de la disidencia anticastrista](#)".