

REPORT No. 17/13
DECISION TO ARCHIVE
CASE 11.649
MEMBERS OF THE DEMOCRATIC PARTY
CUBA
March 20, 2013

ALLEGED VICTIMS: Members of the Democratic Party 30th of November

PETITIONER: Democratic Party 30th of November

VIOLATIONS ALLEGED: Political rights, personal liberty and personal integrity.

DATE PROCESSING BEGAN: July 3, 1996

I. THE PETITIONER'S POSITION

1. On July 3, 1996, the Inter-American Commission on Human Rights received a complaint lodged by the "Democratic Party 30th of November", dated June 12 of that year. The complaint was brought against the Cuban State, for the Government's alleged crackdown against members of the Democratic Party 30th of November, a group founded in 1991 and affiliated with the *Concilio Cubano*.

2. The petitioners alleged that the crackdown against the "Democratic Party 30th of November" began in 1994 with the arrest of Rafael Ibarra Roque, the Party's Chair. He was sentenced to 20 years in prison for alleged sabotage because he had supposedly sent reports abroad of the human rights violations being committed in Cuba. They alleged that when the *Concilio Cubano* went ahead and held a meeting slated for February 24, 1996, claiming their right to peaceful assembly, the Cuban Government launched a violent offensive against organizations affiliated with the *Concilio Cubano*; thousand were imprisoned and hundreds were deported. They argued that the Cuban Government had seized the opportunity offered when the "Brothers to the Rescue" planes were shot down, to launch an offensive against members of the *Concilio Cubano*, particularly against the members of the "Democratic Party 30th of November" on the grounds that they leaking news of the arrests and other human rights violations being committed in Cuba to the world beyond Cuba's borders.

II. THE STATE'S POSITION

3. The Cuban State did not offer any information.

III. PROCESSING WITH THE IACHR

4. The IACHR received the petition on July 3, 1996, and assigned it number 11,649. On July 9, 1996, the Commission forwarded the relevant parts of the petition to the State, pursuant to Article 34 of its Regulations then in force. It asked the State to provide whatever information it deemed pertinent within 90 days. The State did not reply.

5. The Commission did not receive any further information from the parties subsequent to July 3, 1996. On May 23, 2012, a note was sent to the petitioners asking that they provide updated information, to enable the Commission to ascertain whether the grounds for the petition still existed. In that same note, it advised the petitioners that if the requested information was not received within one month, the IACHR could decide to archive their petition.

IV. BASIS FOR THE DECISION TO CLOSE THE RECORD

6. Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure provide that, at any stage in the proceeding, the Commission shall ascertain whether the grounds for the petition still exist and, if they do not, shall order the record to be closed. Similarly, Article 42(1)(b) of the Commission's Rules of Procedure provides that at any time during the proceedings, the Commission may decide to close the record whenever the information necessary for the adoption of a decision is unavailable.

7. Subsequent to the original complaint of July 3, 1996, the petitioners offered no further arguments, allegations or new information. Furthermore, they did not reply to the IACHR's May 23, 2012 note seeking additional information and advising them that if the information was not provided, the record on the file might be closed.

8. The Commission does not have the information it requires to ascertain whether the grounds for the original complaint still exist. Therefore, in keeping with Article 42(1)(b) of its Rules of Procedure, the Commission decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 20th day of March 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Rodrigo Escobar Gil and Rose-Marie Belle Antoine, Commissioners.