

REPORT No. 66/13
PETITION 11.401
DECISION TO ARCHIVE
CARMEN JULIA ARIAS IGLESIAS
CUBA
July 16, 2013

ALLEGED VICTIM: Carmen Julia Arias Iglesias

PETITIONER: Luis Cespedes

ALLEGED VIOLATIONS: Due process, arbitrary detention and conviction

DATE PROCESSING BEGAN: October 31, 1994

I. POSITION OF THE PETITIONER

1. On October 31, 1994, the Inter-American Commission on Human Rights received a complaint lodged by Mr. Luis Cespedes against the State of Cuba, over the situation of detention in which Carmen Julia Arias Iglesias was being held. The petition claimed that the alleged victim was a prisoner of conscience and that she had been sentenced to nine years in prison by a military court for the alleged crime of revealing secrets concerning State security, based "on her activities related to gathering complaints on human rights violations."

II. POSITION OF THE STATE

2. The State of Cuba did not present any information.

III. PROCESSING BY THE IACHR

3. On October 31, 1994, the Inter-American Commission on Human Rights received the petition and assigned it the number 11.401. On November 9, 1994, the Commission sent the relevant parts of the petition to the State, in accordance with Article 34 of its Rules of Procedure in effect at the time, and asked the State to provide any information it considered appropriate within a period of 90 days. The State did not respond.

4. On March 13 and May 23, 1995, the IACHR reiterated to the State its request for information. The second time, it advised the State that, under Article 42 of its Rules of Procedure then in effect, the Commission could presume the allegations to be true. The State did not respond.

5. The Commission did not receive any information from the parties after 1994. On May 23, 2012, it sent a note to the petitioner asking him for updated information to determine whether the grounds for the complaint continued to exist. In the same note, the petitioner was informed that if the Commission did not receive the requested information within one month, the IACHR could close the case.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

6. Article 48(1)(b) of the American Convention on Human Rights and Article 42 of the IACHR Rules of Procedure establish that the Commission shall ascertain, at any time during the proceedings, whether the grounds for the petition still exist, and if it deems that they do not, shall order the record to be closed. Moreover, Article 42(1)(b) of its Rules of Procedure establishes that the IACHR may decide to archive a file whenever the information necessary to make a decision is unavailable.

7. Subsequent to the original complaint dated October 31, 1994, the petitioner did not make any other allegations or present new information.¹ Nor did he respond to the Commission's request for additional information, made on May 23, 2012, in which he was also informed about the possibility that the case would be archived.

8. The Commission does not have sufficient facts to determine whether the grounds to support the original complaint continue to exist. Therefore, in accordance with Article 42(1)(b) of its Rules of Procedure, it decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16th day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil and Rose-Marie Antoine, Commissioners.

¹ According to publicly available information, Carmen Julia Arias Iglesias was released in early 1996. See: UN, Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives. [Situation of human rights in Cuba](#), A/51/460, October 7, 1996.