

REPORT No. 69/13
DECISION TO ARCHIVE
PETITION 12.102
RAYMUNDO GUERRERO MARRERO
CUBA
July 16, 2013

ALLEGED VICTIM: Raymundo Guerrero Marrero

PETITIONER: Raymundo Guerrero Marrero

ALLEGED VIOLATIONS: Articles IV, XII, XIV, XXIII, and XXVI of the American Declaration of the Rights and Duties of Man

DATE PROCESSING BEGAN: February 3, 1999

I. POSITION OF THE PETITIONER

1. On January 8, 1999, the Inter-American Commission on Human Rights received a complaint lodged by Raymundo Guerrero Marrero over the alleged violation by the State of Cuba of his rights to freedom of investigation, opinion, expression, and dissemination; to education; to work and to fair remuneration; to property; to protection against arbitrary detention; and to due process of law, all rights established in the American Declaration of the Rights and Duties of Man.

2. In his complaint, the petitioner indicated that in the early morning hours of January 24, 1989, an agent of the State entered his home and attacked him violently. The situation was said to have led police agents to take the alleged victim to the Zapata Police Station. The petitioner reported that he was later tried by a Military Court for the crime of causing injury and that from January 24, 1989, until the date of the trial he was held in custody in different precincts in Havana. He added that some months after being released, he received a communication from the Havana Provincial Court in which he was informed that the ownership deed for his house had been annulled and a new one had been issued in which he did not appear as the owner.

3. In addition, the petitioner alleged that in 1991 he signed, along with a group of intellectuals, a declaration to be presented before the National Assembly of the People's Power, and that as a result, he was fired from his two jobs, defamed in the press, and punished by being barred from practicing the profession of journalism.

II. POSITION OF THE STATE

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

III. PROCESSING BY THE IACHR

5. The petition was received on January 8, 1999. On February 3, 1999, the IACHR 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.

6. On March 8, 1999, the petitioner sent a communication in which he referred to the enactment of the "Law for the Protection of National Independence and the Cuban Economy," which made any form of direct or indirect collaboration with the government of the United States illegal. The petitioner therefore asked that any communications from the IACHR be sent to his relatives in the United States, as his correspondence was being opened and inspected by the Cuban authorities. On April 29, 1999, the IACHR took note of the information provided and included it in the case file.

7. On August 11, 2000, the IACHR reiterated its request for information and told the State that if it did not receive information within a period of 30 days, the IACHR would consider the possible application of Article 42 of the Rules of Procedure then in effect.

8. The Commission did not receive any information from the parties after 1999. On June 30, 2010, 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 archive the record in Case 12.102.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

9. Article 48(1) 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 continue to 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.

10. Subsequent to the information provided in 1999, the petitioner did not make any other allegations or present new information. Nor did he respond to the Commission's request for additional information, made on June 30, 2010, in which he was also informed about the possibility that the case would be archived.

11. 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 March 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.