

REPORT No. 67/13
DECISION TO ARCHIVE
PETITION 11.431
JUAN GUARINO MARTINEZ GUILLÉN ET AL.
CUBA
July 16, 2013

ALLEGED VICTIMS: Juan Guarino Martinez Guillén, Quintilio Guzmán, Orlando Rivas González, Orlando Travieso, Caridad Rivas Baro, and Regla Guzmán Salazar

PETITIONER: Claudio F. Benedi

ALLEGED VIOLATIONS: Labor union rights, liberty, and personal security

DATE PROCESSING BEGAN: February 22, 1995

I. POSITION OF THE PETITIONER

1. On February 22, 1995, the Inter-American Commission on Human Rights received a complaint lodged by Mr. Claudio F. Benedi, dated February 17 of that same year, against the State of Cuba, over the alleged political persecution being suffered by the following members of the Confederation of Democratic Workers of Cuba: Juan Guarino Martinez Guillén, QuintilioGuzmán, Orlando Rivas González, Orlando Travieso, Caridad Rivas Baro, and ReglaGuzmán Salazar.

2. In addition, the petition alleged that the rights of workers were being violated in Cuba and that free trade unionism, the right to strike, collective bargaining agreements, the established work day, and the minimum wage had all been abolished.

II. POSITION OF THE STATE

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

III. PROCESSING BY THE IACHR

4. On February 22, 1995, the IACHR received the petition and assigned it the number 11.431. On February 23, 1995, 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.

5. On May 26 and November 20, 1995, the IACHR reiterated to the State its request for information. The State did not respond.

6. The Commission did not receive any information from the parties after 1995. On May 25, 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

7. 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 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.

8. Subsequent to the original complaint dated February 22, 1995, 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 May 25, 2012, in which he was also informed about the possibility that the case would be archived.

9. 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, Rodrigo Escobar Gil and Rose-Marie Belle Antoine, Commissioners.