

DECISION No. 15/1992 (CUBA)

Communication addressed to the Government of Cuba on 14 October 1991.

Concerning: Amador Blanco Hernández on the one hand and the Republic of Cuba on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with appreciation the information forwarded by the Government concerned in respect of the cases in question within 90 days of the transmittal of the letter by the Working Group. The Working Group also expresses its appreciation for the information provided at its third session by the Permanent Mission of Cuba to the United Nations Office at Geneva and the statement made by the Dean of the Law Faculty of the University of Havana.

3. (See paragraph 3 of Decision No. 1/1992.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government of the Republic of Cuba. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.

5. In rendering its decision, the Working Group, in a spirit of cooperation and coordination, has also taken into account the report of the Special Representative of the Secretary-General pursuant to Commission on Human Rights resolution 1991/68 (E/CN.4/1992/27).

6. The Working Group considers that:

(a) The allegation merely states that Amador Blanco Hernández, a human rights activist, has been detained since May 1990, having been sentenced to three and half years imprisonment on a charge of "illegally leaving the country for political reasons";

(b) According to the allegation, articles 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights have been violated in this case;

(c) The Government states that the person concerned is in prison serving a three-year sentence handed down by the People's Provincial Court of Villa Alegre for the ordinary offence of unlawful entry;

(d) The report of the Special Representative of the Secretary-General, pursuant to reports received, gives a third version of the case, maintaining that Mr. Hernández is a member of the José Martí National Human Rights Committee "arrested on 14 May 1990 as human rights activist and released, under house arrest, pending his trial on the charge of 'unlawful entry into a neighbour's house'";

(e) The Government's reply was transmitted to the source that submitted the communication in February 1992, but no response has yet been received;

(f) In the absence of any further information, the Working Group takes it that Mr. Blanco is in prison, serving the sentence referred to by the Government, but has no means of determining whether or not the detention is arbitrary;

(g) The allegation, too, fails to provide convincing evidence that the detention is arbitrary;

(h) According to the methods of work adopted by the Working Group, if it does not have enough information to take a decision, the case remains pending for further investigation and, if the Working Group considers that it does not have enough information to warrant keeping the case pending, the case is filed without further action.

7. In the light of the above, the Working Group decides:

To file the case without further action.