

DECISION No. 9/1992 (CUBA)

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

Concerning: Alexis Maestre Savorit 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 case 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 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 Alexis Maestre Savorit was detained at Manzanillo in June 1990 and is currently in Bayamo prison, Granma Province;

(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 Mr. Maestre is serving a 12-year prison sentence handed down by the People's Provincial Court in Santiago de Cuba for various offences of enemy propaganda, without indicating the acts constituting the offence;

(d) The report of the Special Representative of the Secretary-General does not mention this situation;

(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. Maestre is deprived of his liberty as a result of the sentences indicated by the Government;

(g) The Government has not provided any details of the acts in which Mr. Maestre allegedly took part, but has merely indicated that his conviction is justified on the grounds of "enemy propaganda";

(h) Nor does the allegation put forward convincing evidence for a finding that the detention is arbitrary;

(i) The methods of work adopted by the Group provide that 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 of Alexis Maestre Savorit without further action.