

DECISION No. 8/1996 (CUBA)

Communication addressed to the Government of the Republic of Cuba on 3 October 1995.

Concerning: Carmen Julia Arias Iglesias, on the one hand, and the Republic of Cuba, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it 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 concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 35/1995.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Cuba. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

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 Rapporteur of the Commission on Human Rights pursuant to Commission resolution 1995/56 (E/CN.4/1996/60).

6. The Working Group considers that:

(a) According to the communication, Carmen Julia Arias Iglesias is the public relations officer of a human rights organization called Luchadores por la libertad y la independencia de Cuba. She was detained on 19 April 1992 in connection with the group's activities and for possessing cassettes describing human rights violations - which motivated the charge that she had been gathering secret or confidential information - and a copy of the Universal Declaration of Human Rights. She received a sentence of nine years' imprisonment which she is currently serving in the Havana Women's Prison.

(b) The Government has not forwarded a reply in the more than seven months that have passed since the request for information was made, and has not therefore challenged any of the facts referred to by the source.

(c) The detention of Carmen Julia Arias Iglesias resulted from the exercise of the rights set forth in articles 9, 19 and 20 of the Universal Declaration of Human Rights, including the rights to freedom of assembly and association and to freedom of expression and opinion. Accordingly, under the terms of the Working Group's methods of work, the deprivation of liberty is arbitrary, falling within category II of the applicable principles.

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

The detention of Carmen Julia Arias Iglesias is declared to be arbitrary being in contravention of articles 9, 11 and 19 of the Universal Declaration of Human Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned person to be arbitrary, the Working Group requests the Government of Cuba to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights.

Adopted on 23 May 1996.