

OPINION No. 6/1997 (UNITED STATES OF AMERICA)

Communications addressed to the Government on 16 October 1996 and 3 February 1997.

Concerning: Félix Gómez, Angel Benito (communication of 16 November 1996) and Cándido Rodríguez Sánchez (communication of 3 February 1997).

The United States of America is a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communications.
2. The Working Group regrets that the Government has not replied within the 90-day deadline.
3. (Same text as paragraph 3 of Opinion No. 1/1997.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government. In the absence of any information from the Government, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to communications received from the sources a summary of which was transmitted to the Government, Félix Gómez and Angel Benito have allegedly been deprived of their freedom for over 10 years. The source has further alleged that these persons were deprived of their freedom because they are Cuban nationals. Neither of them is convicted for having committed a crime or a felony. Similarly, Cándido Rodríguez Sánchez, a Cuban national, has spent 10 years in a Federal Prison as an immigration detainee even though he has not been convicted of any crime.
6. In the absence of a response from the Government and taking into account the allegations made, the Working Group notes that Félix Gómez, Angel Benito and Cándido Rodríguez Sánchez have been detained for 10 years, none of them has been brought to trial and no formal charges have been communicated to them. The Working Group considers that their detention is without any legal basis. It is also in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.
7. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of the persons above-mentioned is arbitrary, as being in contravention of articles 9 and 10 of the

Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, and falls within category I of the applicable categories to the consideration of the cases submitted to the Working Group.

8. Consequent upon the opinion rendered, the Working Group requests the Government of the United States of America to take the necessary steps to remedy the situation, and bring it in conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 15 May 1997.