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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1705
Session:	Twenty-Eighth Extraordinary Session (1 - 5 May 1972)
Title/Style of Cause:	Orlando Bosch and Manuel Alvarez Solano v. United States
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Durward V. Sandifer (United States) Members: Atty. Angela Acuña de Chacón (Costa Rica); Dr. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Mario Alzamora Valdez (Peru); Dr. Carlos A. Dunshee de Abranches (Brazil)
Dated:	14 March 1973
Citation:	Bosch v. U.S., Case 1705, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Case No. 1705 of February 23, 1971, pertains to the arrest and trial of Messrs. Orlando Bosch and Manuel Alvarez Solano for acts of terrorism and other crimes.

[2] At its Twenty-Fifth Session (March 1971), the Commission carried out a preliminary examination of this case and appointed Dr. Carlos A. Dunshee de Abranches as rapporteur. At that session, in conformity with the recommendations of the rapporteur (Doc. 32-25), it adopted the following decisions:

- (a) to declare admissible the part of the complaint that pertains to Mr. Orlando Bosch; and
- (b) to declare inadmissible the part that pertains to Mr. Alvarez Solano. Likewise, in order to continue consideration of the Bosch case, it decided to request that the petitioner supply to the Commission a copy of the Judicial decision of the United States District Court for the State of Florida against Bosch and others and, without prejudice to application of the provisions of Article 54 of its Regulations, relative to prior exhaustion of internal legal procedures and remedies, to transmit the pertinent parts of the case to the Government of the United States, with a request for information, in conformity with the provisions of Articles 42 and 44 of the aforesaid Regulations.

[3] As of its Twenty-Fifth Session, the Commission was unable to carry out the aforementioned decision as the documentation presented by the petitioner did not show that the internal legal procedures and remedies had been exhausted. Consequently, at its Twenty-Sixth Session (October-November 1971), on the basis of the second report presented by the rapporteur (Doc. 31-26), the Commission decided to request information from the Government of the United States, but explaining that the admissibility of the denunciation has been limited to determining whether there had been an unjustified delay in deciding on the appeal from the decision of the United States District Court for the State of Florida.

[4] In order to implement this new decision, in a communication dated December 9, 1971, the Secretariat of the Commission requested information from the petitioner regarding whether, in the opinion of the defense counsel of Mr. Orlando Bosch, there had been an unjustified delay in deciding on the

aforementioned appeal.

[5] In this connection, in a letter of January 6, 1972, the petitioner reported the following:

- (a) that, following rejection of the appeal (June 9, 1971), the decision of the court of first instance had been appealed to the Supreme Court of the United States, and that the latter's decision was pending; and
- (b) that Mr. Bosch, who had been imprisoned for 40 months, had a right to be selected for release on parole. In addition, he offered to inform the Commission of the decision of the Parole Board.

[6] Given the status of this case, the Secretariat of the Commission consulted the Chairman in a letter of January 14, 1972, regarding the appropriate procedures to follow in order to implement the decision adopted by the Commission at its Twenty-Sixth Session.

[7] In a communication dated February 2, 1972, the Chairman stated that, on the basis of the pertinent documentation, he saw no element of conviction or proof that would enable the Commission to maintain that there had been unjustified delay in the administration of justice in this case on the part of the United States of America. Likewise, the Chairman of the Commission recommended requesting from the petitioner and Mr. Bosch's legal counsel various documents pertaining to the question of the alleged unjustified delay.

Consequently, the Secretariat requested that the attorney of Dr. Bosch provide the documents mentioned in the Chairman's reply as soon as possible.

[8] The Commission again considered Case No. 1705 at its Twenty-Seventh Session (February-March 1972) but, taking into account the opinion of Dr. Justino Jimenez de Aréchaga, its Chairman, and the fact that Dr. Carlos A. Dunshee de Abranches, the rapporteur, had expressed his disagreement with that opinion, in the absence of Dr. Aréchaga the Commission decided to postpone its decision until its Twenty-Eighth (Special) Session.

[9] At that session (May 1 - 5, 1972), the Commission considered Case No. 1705 and noted that the petitioners had not supplied the information requested by the Secretariat on February 14, 1972

After analyzing the status of the case and finding that there were no bases for determining that there had been undue delay in the administration of justice in Case. No. 1705 and that, therefore, no further proceedings were justified, the majority of the Commission decided--with an opposing vote cast by Dr. Abranches--to hold in abeyance Case No. 1705 (United States of America), and to so inform the interested parties in a letter dated May 12, 1972.