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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1732
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	José Villa, Ovidio Avila, José Agustín Torres, and Félix Pablo Gary v. Cuba
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Villa v. Cuba, Comm. 1732, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Communication No. 1732, of December 30, 1971, denounced that on December 5 and 15 of that year the ships "Lyle Express" and "Johnny Express" owned by Bahamas Lines, had been attacked in international waters by warships of the Cuban Government, and that 28 crewmen were captured and taken to Cuba. After 24 of the crewmen had been released, Captain José Villa and crewmen Ovidio Avila, José Agustín Torres, and Félix Pablo Gary remained in Cuba and nothing was known of their situation.

[2] This denunciation was supplanted by other from several persons and organizations which requested that the Commission take action in order to obtain the release of the aforementioned crewmen, and guarantees of humane treatment during their time in Cuba.

[3] The Commission considered this case during its Twenty-Seven Session (February-March, 1972), and appointed Dr. Mario Alzamora Valdez as rapporteur. The rapporteur recommended that, in examining the case, the Commission take into account the problem of its competence to receive communications or complaints pertaining to acts committed in Cuba, which allegedly constitute violations of human rights, as the government of that country had been excluded from participation in the Organization of American States.

During the aforesaid session, the Commission decided to postpone examination of Communication No 1732 until the next session, scheduled October 1972, at which time it would again consider the problem of its competence to admit and consider complaints referring to the situation regarding human rights in Cuba.

[4] Since the Twenty-Seventh Session, the Commission received several communications regarding this case, in which it was urgently requested that it act in defense of the human rights of the crewmen still detained in Cuba.

[5] Consequently, it included consideration of Case No 1732 on the agenda of the Twenty-Eight

(Special) Session, held May 1 - 5, 1972.

On the basis of the recommendations of the rapporteur, and viewing the case in the light of the provisions of Resolution VI of the Eighth Meeting of Consultation of Ministers of Foreign Affairs (1962), which was expanded in 1964 by the Ninth Meeting of Consultation, the Commission adopted the following decisions:

- (a) to reaffirm the principle that resolutions of the organ of consultation do not affect its competence to continue to admit and consider communications or complains on the situation regarding human rights in Cuba, inasmuch as "the Commission can in no case desist from its irrevocable obligation to promote respect for human rights in each and every member state of the Organization"; and
- (b) to request from the Government of Cuba the corresponding information on the acts denounced, as provided in Articles 42 and 44 of its Regulations.

[6] In conformity with point (b) of this decision, a note dated May 9, 1972, was sent to the Government of Cuba.

[7] At its Twenty-Ninth Session (October 1972), the Commission noted that, as in the case at other requests transmitted to the Cuban Government, the latter had not replied in connection with Case No 1732.

Consequently, in accordance with the provisions of paragraph 1 of Article 51 of its Regulations, during the session it decided to presume that the occurrence of the events denounced in the communication of December 30, 1971 and subsequent communications in connection with the capture in international waters of the ships "Lyle Express" and "Johnny Express" owned by Bahamas Lines, the arbitrary interning of its crew in Cuba, and the continued internment of Captain José Villa and crewmen Ovidio Avila, José Agustín Torres, and Félix Pablo Gary, was confirmed.