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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1742
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	United States Citizens v. Cuba
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Robert Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela) For health reasons, Dr. Gabino Fraga was unable to attend the Thirty-First Session.
Dated:	15 - 25 October 1973
Citation:	United States Citizens v. Cuba, Case 1742, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1742, April 10, 1972, claiming that several United States citizens resident in Cuba for six years had been attempting to obtain their repatriation, having been informed by the representation of the Republic of Switzerland in Cuba that "it had not yet received the necessary authorization for their departure from the Government of Cuba."

[2] The Commission considered this communication at its Twenty-ninth Session (October 1972) and decided:

- (i) to request the Government of Cuba to provide the pertinent information, pursuant to articles 42 and 44 of the Regulations;
- (ii) to address the Government of the Swiss Confederation, requesting that "insofar as possible, it inform the Commission whether it is true that the negotiations being conducted by many citizens of the United States of America through the Swiss Embassy in Cuba in order to obtain authorization to travel to their country of origin (United States) are unduly delayed."

[3] In compliance with those decisions, the Commission sent the Governments of Cuba and Switzerland notes dated November 1 and 14, 1972, respectively. To date, the Government of Cuba has not replied to the request for information.

[4] The Government of Switzerland replied as follows:

"Given the juridical nature of the mandate of protective power (*mandat de puissance protectrice*), the latter does not carry the uncumbency of formulating before third states or interstate organizations a value of judgment on any attitude of the government of the state regarding which it exercises its protection. The Government of the Swiss Confederation therefore considers that only the Government of the United

States is competent to receive the request of the Inter-American Commission on Human Rights."

[5] At its Thirtieth Session (April 1973), the Commission continued its examination of the case. In view of the terms of the note from the Swiss Government, on the one hand, and the lack of a reply from the Government of Cuba, on the other, the Commission decided to approach the Government of the United States of America with a request for information, in accordance with articles 42 and 44 of the Regulations. Accordingly, a note, dated June 17, 1973, was sent to that government. By a communication of June 18, 1973, the claimant was advised of the new form of processing the matter.

[6] At its Thirty-first Session (October 1975), the Commission noted that the Government of the United States had not replied to the note of June 17, 1973, and therefore decided to repeat that request for information, meanwhile postponing its examination of the case.

[7] Through its Mission to the OAS, the Government of the United States replied to the Commission's request in a note dated December 13, 1973, enclosing information on the steps taken by the United States citizens still resident in Cuba before the Swiss representation in Cuba, in order to leave that country, particularly on the status of such arrangements as they concern the claimant's relatives.

[8] In a communication dated December 28, 1973 the Commission forwarded to the claimant the pertinent parts of the information provided by the Mission of the United States to the OAS.