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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1742
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	United States Citizens v. Cuba
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar, President (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	15 – 25 October 1974
Citation:	United States Citizens v. Cuba, Case 1742, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1742. April 10, 1972, reporting that various United States citizens that have been resident in Cuba for six years have been trying to obtain their repatriation and have received a reply from the representative of the Republic of Switzerland in Cuba that it has still not received from the Government of Cuba the necessary authorization for their exit.

[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 in accordance with Articles 42 and 44 of its Rules of Procedure;
- ii) to address the Government of the Swiss Confederation requesting that, "to the extent possible, it be good enough to inform the Commission if it is correct that the applications made by many United States citizens, through the Swiss Embassy in Cuba, to obtain authorization to travel to their country of origin (United States) have been excessively delayed."

[3] In implementation of these decision, the Commission wrote to the Governments of Cuba and of Switzerland in notes dated November 1 and 14, 1972 respectively.

[4] The Government of Cuba has so far not replied to the request for information.

[5] The Government of Switzerland replied in the following terms:

"In view of the legs nature of the mandate of protective power (mandat de puissance protectrice), it is not incumbent upon this Government to make to third states or inter-governmental organizations any value judgment on any position of the Government of the State concerning which it exercises its protection. The Government of the Swiss Confederation therefore believes that only the Government of the United States of America is competent to receive the request of the Inter-American Commission on Human Rights".

[6] At its thirtieth session (April 1973), the Commission continued its examination of the case and, in view of the terms of the note of the Swiss Government, on the one hand, and the lack of reply from the Government of Cuba, on the other, decided to address the Government of the United States, requesting information in accordance with Articles 42 and 44 of the Rules of Procedure. In implementation of this decision, a note was sent to that Government on June 17, 1973. In a letter dated June 18, 1973, the complainant was informed of the new procedure being used to deal with the matter.

[7] At the thirty-first session (October 1973), the Commission noted that the Government of the United States had not replied to the note of June 17, 1973 and decided to repeat the request for information and to postpone the examination of the case at that session.

[8] The Government of the United States, through its Mission to the OAS, in a note dated December 13, 1973, replied to the request of the Commission and sent information on the steps taken by United States citizens still resident in Cuba to leave that country vis a vis the Swiss representative in Cuba and, in particular, on the status of such negotiations with respect to the relatives of the complainant.

[9] In a letter of December 28, 1973, the Commission transmitted to the complainant the pertinent parts of the information supplied by the Mission of the United States to the OAS.

[10] With that information to hand, the Commission continued its examination of the case at its thirty-second session (April 1974) and decided:

- a) to request the Government of the United States of America to be good enough to report on the development of the procedure for the exit from Cuba of the persons mentioned in the complaint and
- b) to request the complainant to state whether she would have any objection to the names of her relatives resident in Cuba being made known to the Cuban Government in a request for information that the CIDH would send to the above-mentioned government in the event that the complainant gave her permission.

[11] In compliance with paragraph a of this decision, the CIDH addressed the Government of the United States on June 3, 1974, and the complainant on April 26, 1974, and informed them of the decision (paragraph b) on the case.

[12] The Government of the United States, in a note dated July 11, 1974, informed the CIDH that, for the time being, it had no new information about the matter to pass on to it, not only with respect to the persons involved in the case but also with respect to the general situation of United States citizens that wished to leave Cuba.

[13] With respect to the complainant, in a letter dated May 4, 1974, she authorized the CIDH to inform the Government of Cuba of the names of her relatives in that country.

[14] On the basis of this information, the CIDH examined the case at its thirty-fourth session (October 1974) and decided:

- a) to request the Government of Cuba, in accordance with Articles 42 and 44 of its Rules of Procedure, to provide the pertinent information on the situation of the persons individually affected who were mentioned in the complaint and still waiting to leave that country because of the lack of the pertinent authorization of the Cuban authorities and
- b) to inform the complainant of this decision.

[15] In implementation of the foregoing, the Commission:

- a) Sent the complainant a letter on November 18, 1974 and
- b) sent a letter to the Government of Cuba on December 17, 1974.