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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 3/96; Case 9213
Session: Ninety-First Regular Session (21 February – 8 March 1996)
Title/Style of Cause: Richmond Hill v. United States
Doc. Type: Decision
Decided by: First Vice Chairman: Ambassador John S. Donaldson;
Second Vice Chairman: Professor Carlos Ayala Corao;
Members: Dr. Oscar Lujan Fappiano, Dr. Jean Joseph Exume, Ambassador Alvaro Tirado Mejia.
Commission President Dean Claudio Grossman and Member Professor Robert K. Goldman, did not participate in the consideration and voting on this report, in accordance with Article 19 of the Regulations of the Commission.
Dated: 1 March 1996
Citation: Richmond Hill v. United States, Case 9213, Inter-Am. C.H.R., Report No. 3/96, OEA/Ser.L/V/II.95, doc. 7 rev. (1996)
Represented by: APPLICANT: Disabled Peoples' International
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I. BACKGROUND:

This case arose out of a petition filed by Disabled Peoples' International (D.P.I.) et al., on November 5, 1983. It alleged that on Monday, October 24, 1983, the Richmond Hill Insane Asylum in Grenada was bombed by United States' military aircraft. The United States Government sought to have the petition declared inadmissible because it was filed on behalf of "unnamed, and unnumbered residents" who were not identified. The representatives of the DPI traveled to Grenada on December 17-21, 1988, to identify the victims. The petitioners later identified by name, sixteen persons killed, six injured and amended the petition to include these names.

II. At its 69th period of Sessions the Commission declared the petition admissible HAVING FOUND THAT:

Domestic remedies were not provided by the legislation of Grenada or the United States; given the ad hoc nature of the U.S. Compensation program, the evident failure of the U.S. Government to contact these incapacitated victims, and the unwillingness of the U.S. Government to compensate these victims subsequent to the expiration of the ad hoc compensation program, lead the Commission to conclude that the domestic remedies could not be invoked and exhausted so as to render the provision of Article 37(2)(a) applicable.[FN1]

[FN1] This decision was published in the Commission's Annual Report, 1986-1987, OEA/Ser.L/V/II.71, Doc. 9 rev.1, 22 September 1987, 198-207, and its Yearbook of 1987 at 328-345.

III. 1. On February 6, 1991, the Commission requested permission to conduct an on-site visit to Grenada in order to investigate the allegations raised in the petition. On March 25, 1991, then Prime Minister of Grenada, the Honorable Nicholas A. Brathwaite, responded to the Commission's request by indicating that the request had been considered and that he gave instructions to the relevant agencies to investigate and advise him on a convenient date for the visit.

2. On September 12, 1991, the Commission requested information from the Ambassador of Grenada with regard to the status of the Prime Minister's response. None was received.

IV. On January 26, 1995, the petitioners informed the Commission that the issues which necessitated the filing of the petition have now been settled. A new hospital was built in 1987 to replace the one which was destroyed in 1983 and emergency and other repairs were completed in 1994. They understood that residents of the new facility and the individual petitioners were paid satisfactory compensation and have been provided with clothing, food, care and services meeting minimum international standards of care. The funding was provided by United States Agency for International Development (USAID). For its part "the United States' Government considers it important to note for the record its longstanding position that its actions were entirely in conformance with the law of armed conflict, and that therefore the U.S had no legal liability for any damages claimed. For these reasons, the U.S categorically rejects as inaccurate and misleading petitioners' statement as an alleged settlement of this case and compensation paid in this matter."

The Commission examined the case at its 88th period of sessions and requested clarification from the petitioners concerning their request to withdraw the case for consideration.

On March 28, 1995, the Commission received a letter from the petitioners of the same date, requesting that it close this case for the reasons outlined above.

V. CONCLUSION:

Given these representations a decision on the merits of this case need not be reached.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECLARES THAT:

1. It expresses its satisfaction at the disposition reached in this matter.
2. This case be closed.
3. This Report be published.