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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 48/09; Petition 11.869
Session: Hundred Thirty-Fourth Regular Session (16 – 27 March 2009)
Title/Style of Cause: Angel Luis Valiente Langer v. Cuba
Doc. Type: Decision to Archive
Decided by: President: Luz Patricia Mejia Guerrero;
First Vice President: Victor Abramovich;
Second Vice President: Felipe Gonzalez;
Commissioners: Sir Clare K. Roberts, Paulo Sergio Pinheiro, Florentin Melendez, Paolo Carozza.
Dated: 27 March 2009
Citation: Valiente Langer v. Cuba, Petition 11.869, Inter-Am. C.H.R., Report No. 48/09, OEA/Ser.L/V/II., doc. 51, corr. 1 (2009)
Represented by: APPLICANT: Cecilia Claudia Somoza
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ALLEGED VICTIM: Ángel Luis Valiente Langer

PETITIONER: Cecilia Claudia Somoza

ALLEGED VIOLATIONS: Articles 7, 12, and 8 of the American Convention on Human Rights.

DATE PROCESSING BEGAN: January 22, 1998.

I. POSITION OF THE PETITIONER:

1. On October 7, 1997, the Inter-American Commission on Human Rights received a petition from Cecilia Somoza, a member of Amnesty International, for the alleged violation of the rights to personal liberty, freedom of expression, and a fair trial of Ángel Luis Valiente Langer by the State of Cuba.

2. In the petition, the petitioner explained that Ángel Luis Valiente Langer was sentenced to 12 years in prison for the alleged offense of rebellion, and was confined in Boniato Prison, because he circulated printed matter that claimed the February 1993 elections were fraudulent.

II. POSITION OF THE STATE:

3. The State of Cuba did not reply to the Commission's request for information.

III. PROCESSING BY THE IACHR:

4. The Commission received the petition on October 7, 1997. In a note of January 22, 1998, the IACHR told the petitioner that processing of her petition had begun and she would be notified of any additional information presented on it. On the same date, the petition was transmitted to the State of Cuba, so that it could provide information within 90 days on the facts therein and the exhaustion of domestic remedies.

5. On October 7 and November 12, 1997, the petitioner sent supplementary information and documentation on the alleged violation of rights, and on December 4 of the same year she asked about the status of the processing of her petition in an e-mail to the IACHR Executive Secretary.

6. On February 15, 1998, the petitioner notified the IACHR that the State of Cuba had released Ángel Luis Valiente Langer, so the situation that gave rise to the petition no longer existed.

IV. BASIS FOR THE DECISION TO ARCHIVE:

7. Both Article 48(b) of the American Convention on Human Rights and Article 30(6) of the Rules of Procedure of the Inter-American Commission on Human Rights provide that in the processing of a petition once the observations have been received or the period set has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist, and if they do not it shall order the case archived.

8. According to information provided by the petitioner, the State of Cuba released Ángel Luis Valiente Langer, so according to the petitioner the facts that gave rise to the petition have been resolved. Pursuant to Article 48(b) of the Convention and Article 30(6) of the IACHR Rules of Procedure, the Commission decides to archive this petition because the grounds for it no longer exist.

Done and signed in the city of Washington, D.C., on the 27th day of the month of March, 2009.
(Signed): Luz Patricia Mejía Guerrero, President; Víctor E. Abramovich, First Vice-president; Felipe González, Second Vice-president; Sir Clare K. Roberts, Paulo Sérgio Pinheiro, Florentín Meléndez, and Paolo Carozza, members of the Commission.

REASONED VOTE FOR THE REPORT 48/09

In line with the position that I have kept in regards to the Republic of Cuba, I have expressed that by virtue of the exclusion of the Republic of Cuba from the Organization of American States, the Commission lacks material and territorial competence. Hence, I do not share the decision of most of my colleagues on the admission and processing of cases and the issuing of reports and other activities derived from the application of the American Declaration of the Rights and Duties of Man. Nevertheless, I coincide with the need to archive the case, but for the aforementioned reasons. Luz Patricia Mejía, IACHR President.