

REPORT No. 103/12
DECISION TO ARCHIVE
CASE 11.646
HILDA MAESTRE HERNÁNDEZ AND JEAN LUIS REMÓN LABRADA
CUBA
November 8, 2012

ALLEGED VICTIMS: Hilda Maestre Hernández and Jean Luis Remón Labrada
PETITIONERS: José Remón and Gisela Labrada
ALLEGED VIOLATIONS: Restriction on travel abroad
DATE OF INITIAL PROCESSING: July 2, 1996

I. POSITION OF THE PETITIONERS

1. On June 19, 1996, the Inter-American Commission on Human Rights (the "Commission" or "IACHR") received a petition submitted by José Remón and Gisela Labrada against the Cuban State on behalf of Hilda Maestre Hernández (mother of José Remón) and Jean Luis Remón Labrada (son of the petitioners).

2. According to the petitioners, no legal impediments had been imposed on Hilda Maestre Hernández or Jean Luis Remón Labrada that would have prevented them from traveling outside Cuba and, despite having obtained visas from two foreign countries, the Government prevented them from leaving the country.

II. POSITION OF THE STATE

3. The Cuban State presented no information.

III. PROCESSING BEFORE THE COMMISSION

4. On June 19, 1996, the Commission received the petition and assigned it number 11.646. On July 2, 1996, the Commission forwarded the pertinent parts of the petition to the State, in accordance with Article 34 of the IACHR Rules of Procedure in force at that time, providing 90 days to submit its observations. However, the State did not reply.

1. Subsequent to June 19, 1996, the Commission received no more information from the parties. On May 23, 2012, the IACHR sent a letter to the petitioners requesting up-to-date information to determine whether the grounds for the petition continue to subsist, notifying them that in the absence of a response, the IACHR may proceed to archive case file 11.646.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

5. Both Article 48(1)(b) of the American Convention and Article 42 of the Commission's Rules of Procedure provide that during the processing of a petition, after receiving information, or once the period established to receive information has elapsed, the IACHR shall ascertain whether the grounds for the petition or communication still exist, and if they do not exist or subsist it shall order the archiving of the case file. Moreover, Article 42(1)(b) of the IACHR Rules of Procedure establishes that the Commission may decide to archive a case when it lacks the necessary information to make a decision.

6. Subsequent to the original petition dated June 19, 1996, the petitioners made no further allegations and provided no new information.¹ Furthermore, they did not respond to the IACHR's letter requesting additional information, dated May 23, 2012, which informed them of the possibility that the case file may be archived.

7. The Commission does not have the necessary information to determine whether the motives that gave rise to the original complaint continue to subsist. Consequently, in accordance with Article 42(1)(b) of the IACHR Rules of Procedure, it decides to archive the instant petition.

Done and signed in the city of Washington, D.C., on the 8th day of the month of November, 2012.
(Signed): José de Jesús Orozco Henríquez, President; Felipe González, Second Vice-President; Dinah Shelton, Rodrigo Escobar Gil, Rosa María Ortiz and Rose-Marie Antoine, Commissioners.

¹ See: IACHR, [1996 Annual Report, Chapter V. Development of Human Rights in the Region, Cuba, III. Civil and Political Rights, E. Residence and Transit Rights](#). "A continuación algunos de los casos --ocurridos durante el período cubierto por el presente informe-- que demuestran la situación imperante: [...]Hilda Maestre Hernández and Jean Luis Ramón Labrada, 71 and 19 years of age respectively, were given visas to travel to the United States in February 1995. In addition, the Chilean government gave them a tourist visa on October 11, 1995, at the request of Mr. Iván Van de Wyngard, former general manager of Entel-Chile, who invited them to visit his country. These visas were removed from the Chilean consular offices in Havana on January 14, 1996. The Cuban authorities refuse to allow them to travel to Chile, denying them the exit permit. They have no legal problems nor other problems that should impede them from travelling. Moreover, both meet all the requirements officially established by the Cuban migratory authorities. It has been noted that the refusal of the Cuban authorities appears to be in response to the fact that the parents of Ramón Labrada sought political asylum in the United States in May 1994, and therefore cannot travel to Chile or any other country."