

REPORT No. 18/13
DECISION TO ARCHIVE
CASE 11.674
ELIO BORGES GUZMAN
CUBA
March 20, 2013

ALLEGED VICTIM: Elio Borges Guzman

PETITIONER: Elibel Borges Venier

VIOLATIONS ALLEGED: Impediment to leaving the country

DATE PROCESSING BEGAN: August 26, 1996

I. THE PETITIONER'S POSITION

1. On August 26, 1996, the Inter-American Commission on Human Rights received a complaint lodged by Elibel Borges Venier, dated August 1, 1996. The complaint was brought against the State of Cuba for the Cuban Government's alleged refusal to allow the petitioner's father, Elio Borges Guzmán, to leave the country in order to emigrate to the United States.

II. THE STATE'S POSITION

2. The Cuban State did not report any information.

III. PROCESSING WITH THE IACHR

3. On August 26, 1996, the Inter-American Commission on Human Rights received a petition dated August 1 of that year. It was assigned number 11,674. On September 20, 1996, in keeping with Article 34 of the Regulations then in force, the relevant parts of the complaint were forwarded to the State, which was asked to provide whatever information it deemed pertinent within 90 days.

4. Thereafter, the Commission received no information from either of the parties. On May 23, 2012, a note was sent to the petitioner asking him to provide updated information in order for the Commission to ascertain whether the grounds for the original complaint still existed. In that same note, the petitioner was advised that if the requested information was not received within one month, the IACHR might decide to close the record on his complaint.

IV. BASIS FOR THE DECISION TO CLOSE THE RECORD

5. Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure provide that, after the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition still exist and, if they do not, shall order the record to be archived. Similarly, Article 42(1)(b) of the Commission's Rules of Procedure provides that at any time during the proceedings, the Commission may decide to archive whenever the information necessary for the adoption of a decision is unavailable.

6. Subsequent to the original complaint, the petitioner did not present any further information or make new allegations. Furthermore, he did not reply to the IACHR's May 23, 2012 request seeking additional information, wherein it advised the petitioner that the record on the matter might be closed.

7. The Commission does not have the information it needs to ascertain whether the grounds that prompted the original complaint still exist. Therefore, pursuant to Article 42(1)(b) of its Rules of Procedure, the Commission decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 20th day of March 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Rodrigo Escobar Gil and Rose-Marie Belle Antoine, Commissioners.