

REPORT No. 16/13
DECISION TO ARCHIVE
CASE 11.648
MAGALYS SÁNCHEZ HERNÁNDEZ AND QUINTIN ALBERTO VALIENTE SANCHEZ
CUBA
March 20, 2013

ALLEGED VICTIMS: Magalys Sánchez Hernández and Quintin Alberto Valiente Sánchez

PETITIONER: Quintin Valiente

VIOLATIONS ALLEGED: Impediment to leaving the country.

DATE PROCESSING BEGAN: July 1, 1996

I. THE PETITIONER'S POSITION

1. On July 1, 1996, the Inter-American Commission on Human Rights received a complaint lodged by Mr. Quintin Alberto Valiente Sánchez, dated June 26 of that year. The complaint was brought against the Cuban State and alleged that the Government had refused to allow his wife –Magalys Sánchez Hernández- and son - Quintin Alberto Valiente Sánchez- to leave Cuba. The petitioner reported that he left Cuba on a medical mission in August 1994; in December of that year, he traveled to the United States, where he asked for political asylum, which was granted on September 1, 1995.

2. The petitioner reported that once he had been granted political asylum, he asked Cuban immigration authorities to allow his wife and son to leave Cuba so that the family could be reunited. However, the requested authorization was denied.

II. THE STATE'S POSITION

3. The Cuban State did not offer any information.

III. PROCESSING WITH THE IACHR

4. The IACHR received the petition on July 1, 1996, and classified it as number 11,648. On July 3, 1996, the Commission forwarded the relevant parts of the petition to the State, pursuant to Article 34 of its then Regulations. It asked the State to provide whatever information it deemed appropriate within 90 days. The State did not reply.

5. On September 5, 1996, the petitioner and Mrs. Magalys Sánchez Hernández thanked the IACHR for the measures it had taken and reported that on August 23, 1996, the Cuban immigration authorities had advised Mrs. Sánchez Hernández that she would have to wait three years for authorization to leave Cuba.

6. The Commission received no information from the parties subsequent to 1996. On May 23, 2012, the Commission sent the petitioner a note in which it requested updated information in order to ascertain whether the grounds for the complaint still existed. In that same note, the Commission advised the petitioner that if no information was provided within one month, the IACHR might archive his petition.

IV. BASIS FOR THE DECISION TO CLOSE THE RECORD

7. Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR's Rules of Procedure provide that, at any point in the proceeding, the Commission shall ascertain whether the grounds for the petition still exist and, if they do not, shall order the record to be closed. 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 close the record whenever the information necessary for the adoption of a decision is unavailable.

8. Subsequent to September 1996, the petitioner offered no additional allegations or information. He also did not reply to the IACHR's May 23, 2012 request seeking new information, in which it also advised him that that the file on his petition might be closed if the requested information was not received.

9. The Commission does not have the information necessary to determine whether the grounds for the original petition still exist. Therefore, in keeping with 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.