

REPORT No. 68/13
DECISION TO ARCHIVE
CASE 11.645
SANTIAGO GIL VICENTE
CUBA
July 16, 2013

ALLEGED VICTIMS: Santiago Gil Vicente

PETITIONER: Reina Polo

ALLEGED VIOLATIONS: Due process and prohibition on leaving the country

DATE PROCESSING BEGAN: June 27, 1996

I. POSITION OF THE PETITIONER

1. On June 27, 1996, the Inter-American Commission on Human Rights received a complaint lodged by Reina Polo, dated the previous day, against the State of Cuba, over the alleged arbitrary detention on November 5, 1993, of Mr. Santiago Gil Vicente (spouse of the petitioner's sister), who had reportedly been detained for trying to leave the country on a boat that he owned. Gil Vicente was apparently accused of the crime of piracy and sentenced to 12 years in prison. The petition also alleged that his health situation was serious and that he was not receiving medical care.

2. On March 26, 1998, the petitioner informed the Commission that on January 30, 1998, Santiago Gil Vicente and his spouse, son, and mother had been granted a visa to leave the country, but that the Cuban immigration and prison authorities were not responding to the request for Mr. Gil Vicente's release.

II. POSITION OF THE STATE

3. The State of Cuba did not present any information.

III. PROCESSING BY THE IACHR

4. On June 27, 1996, the Inter-American Commission on Human Rights received the petition and assigned it the number 11.645. On July 2, 1996, the Commission sent the relevant parts of the petition to the State, in accordance with Article 34 of its Rules of Procedure in effect at the time, and asked the State to provide any information it considered appropriate within a period of 90 days. The State did not respond.

5. On March 26, 1998, the IACHR received additional information presented by the petitioner, the relevant parts of which were forwarded to the State on April 2, 1998, for its observations. The State did not respond.

6. The Commission did not receive any information from the parties after March 1998. On May 23, 2012, it sent a note to the petitioner asking her for updated information to determine whether the grounds for the complaint continued to exist. In the same note, the petitioner was informed that if

the Commission did not receive the requested information within one month, the IACHR could close the case.

IV. GROUNDS FOR THE DECISION TO ARCHIVE

7. Article 48(1) of the American Convention on Human Rights and Article 42 of the IACHR Rules of Procedure establish that the Commission shall ascertain, at any time during the proceedings, whether the grounds for the petition still exist, and if it deems that they do not, shall order the record to be closed. Moreover, Article 42(1)(b) of its Rules of Procedure establishes that the IACHR may decide to archive a file whenever the information necessary to make a decision is unavailable.

8. Subsequent to the information presented in March 1998, the petitioner did not make any other allegations or present new information.¹ Nor did she respond to the Commission's request for additional information, made on May 23, 2012, in which she was also informed about the possibility that the case would be archived.

9. The Commission does not have sufficient facts to determine whether the grounds to support the original complaint continue to exist. Therefore, in accordance with Article 42(1)(b) of its Rules of Procedure, it decides to archive this petition.

Done and signed in the city of Washington, D.C., on the 16th day of July 2013. (Signed): José de Jesús Orozco Henríquez, President; Tracy Robinson, First Vice-President; Rosa María Ortiz, Second Vice-President; Felipe González, Dinah Shelton, Rodrigo Escobar Gil and Rose-Marie Antoine, Commissioners.

¹ According to publicly available information, on June 3, 2000, Santiago Gil Vicente was released from Boniato Prison, after serving seven years in custody for alleged crimes of piracy and illegal departure from the country. CUBANET, June 8, 2000, "[La patria es de todos, no me marchó del país.](#)"