



THE PERMANENT REPRESENTATIVE
OF THE
UNITED STATES OF AMERICA
TO THE
ORGANIZATION OF AMERICAN STATES

WASHINGTON, D.C.

September 28, 2016

Mr. Paulo Abrão
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006

**Re: Alan Bannister, 11.817;
Richard Zeitvogel, 11.700; and
Certain Other Dormant Matters and Cases: 1.586, 1.896, 3.228, 7.969,
10.302, 11.082, 11.130, 11.629, 12.248, 12.255, 12.340, 12.351, P-75-02,
P-284-02, and P-641-08
Inquiry Regarding Current Status**

Dear Mr. Abrão:

I would like to extend my gratitude to Assistant Executive Secretary Elizabeth Abi-Mershed and the Secretariat staff for the productive and informative case-management meeting they hosted for my staff and attorneys from the Office of the Legal Adviser on September 8, 2016. We mutually pledged to hold such meetings on a more regular basis, so that we may keep better track of pending proceedings involving the United States before the Inter-American Commission on Human Rights ("Commission"). As discussed at the meeting, we are actively exploring options for holding an informational seminar for your staff on the fundamentals of the U.S. federal and state legal systems.

During the September 8 meeting, we provided your staff with a case log listing the 99 U.S. matters and cases that, according to our internal files, are currently active before the Commission: nine matters at the "request for

information” stage under Article 25(5) of the Rules of Procedure (“Rules”); four matters for which the Commission has requested precautionary measures but has not opened a corresponding admissibility or merits proceeding; 63 matters at the admissibility stage (with or without corresponding precautionary measures); and 23 cases at the merits stage (with or without corresponding precautionary measures).

During the discussion, your staff pointed out that two cases, which according to your staff are active at the merits stage, were missing from our list: Alan Bannister (11.817) and Richard Zeitvogel (11.700). Mr. Bannister was executed by Missouri state authorities in 1997 and Mr. Zeitvogel was executed by those authorities in 1996. In light of this indication by your staff, we have provisionally added these to our log as cases at the merits stage. Yet as far as we can tell, Mr. Bannister’s case has not seen any procedural activity since 1999 and Mr. Zeitvogel’s case has not seen any procedural activity since 1997. We are unaware of any decision by the Commission declaring either petition admissible, and no such decision appears on the Commission’s website or in its annual reports.¹ Neither case has a page in the IACHR Individual Petition System Portal (“Portal”), nor is either listed on the internal case log your staff provided to us in November 2014. We would therefore appreciate confirmation from your office as to whether either or both of these cases are, in fact, at the merits stage, are still at the admissibility stage, are archived, or are otherwise no longer active. If the Commission indeed considers these two cases to be active, in whatever stage of proceedings, we would urge it to archive them in light of the petitioners’ death, for the reasons set forth in our letters of July 22, 2015; January 21, 2016; and July 22, 2016. We have appended those letters to this letter for your convenience.

The exchange regarding Mr. Bannister and Mr. Zeitvogel at the September 8 meeting prompted us to take a closer look at our files to identify other matters and cases that we have long considered to be inactive and effectively archived, but for

¹ We note that the Commission may have developed its system for distinguishing between admissibility matters and merits cases—i.e., admissibility matters with a “P” prefix and merits cases with a number without a prefix—subsequent to its registration of the petitions in *Bannister* and *Zeitvogel*. If so, then their designation with the numbers 11.817 and 11.700, respectively, would not by itself indicate that the Commission has issued a decision declaring them admissible.

which we have been unable to locate a Commission decision archiving or otherwise disposing of the proceeding. We have identified 15 such matters and cases that we believe were, at one point in time, active at the admissibility or merits stage. None of these proceedings has a page in the Portal under “Petitions/Cases,” although some do have a page under the separate “Precautionary Measures” tab in the Portal, as indicated below:

1. Humberto Alvarez Machain (11.082)
2. José Amaya Ruíz (12.351) (Portal shows precautionary measures, MC-120-00, as “Closed”)
3. Leo Edwards (10.302)
4. José Figueroa (1.896)
5. Acceus Serrant et al. (Haitian Refugees) (3.228)
6. Thomas Joe Miller-El (P-75-02) (Portal shows precautionary measures, MC-250-02, as “Closed”)
7. Sandra Nelson (12.255)
8. Boniface Nyamanhindi (P-641-08) (Portal shows precautionary measures, MC-149-08, as “Lifted”)
9. Johnny Paul Penry (12.340) (Portal shows precautionary measures, MC-117-00, as “Closed”)
10. Case 1.586 (petitioner name unknown)
11. Salvadoran Refugees (7.969)
12. Carlos Santana (11.130)
13. Christopher Simmons (P-284-02) (Portal shows precautionary measures, MC-284-02, as “Closed”)
14. Angela Thompson (11.629)
15. Alexander Williams (12.248) (Portal shows precautionary measures, MC-119-00, as “Closed”)

We would appreciate any information your office could provide us about the current status of each of these 15 matters and cases, particularly whether the Commission considers any of them active, so that we may adjust our case log and file any necessary further observations. Your staff should feel free to reach out to

my staff informally should they need any information from our files in order to help identify a matter or case.

In the meantime, we will consider these 15 matters and cases effectively archived in accordance with Article 42 of the Rules due to lack of petitioner interest.

Please accept renewed assurances of my highest consideration.

Sincerely,



Kevin K. Sullivan
Interim Permanent Representative

Annexes

1. Melissa L. et al., P-1515-06, Letter of July 22, 2015
2. Ramiro Hernández Llanas, P-455-14, Request to Archive or Close Matter, Jan. 21, 2016
3. John Elliott et al., 12.466, Further Request to Archive or Close Certain Matters and Cases, July 22, 2016