

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 3/82; Case No. 6091
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Eduardo Capote Rodriguez v. Cuba
Doc. Type:	Resolution
Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda.
Dated:	08 March 1982
Citation:	Capote Rodriguez v. Cuba, Case 6091, Inter-Am. C.H.R., Report No. 3/82, OEA/Ser.L/V/II.57, doc. 6 rev.1 (1981-1982)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. The following was denounced in a communication of November 1979:

Eduardo Capote Rodriguez was seized on April 11, 1966, and his trial was held on June 15 of that year. This trial lasted 24 hours, where it was requested that he be sent before the firing squad. But upon passing sentence, this death penalty was commuted to a 15-year sentence Case No 141, and he was transferred to the dungeons of San Severino Castle in the Province of Matanzas.

Since that time he has been transferred to several prisons and suffered various tortures.

As of July 22, he was in Combinado del Este, and without justified cause was transferred together with a group of 114 people to the gloomy prison of Boniato, where he has been ever since. He can receive no visitors there, since the distance is great and transportation in Cuba is exceedingly bad.

2. In a note of March 4, 1980, the Commission transmitted the pertinent parts of the denunciation to the Cuban Government, so that it might furnish the information that it deemed appropriate.

3. In a letter of August 25, 1981, the Commission requested additional information from the claimant. Specifically, the Secretariat asked whether Eduardo Capote was still in captivity, in view of the recent release of many prisoners. It also wanted to know when he was tortured and what his present condition was.

4. In a letter dated September 3, 1981, the claimant reported the following in reply to the Secretariat's questions:

As you are officially aware, in November 1979 I presented a written denunciation to your prestigious agency on the inhumane ill-treatment that Eduardo had been receiving daily for 15 years in the gloomy Cuban prisons.

In this present document, I formally confirm the denunciation in every respect, and I want to point out the extraordinary fact that, after 15 serving consecutive years, the full sentence imposed on April 11, 1966 by Military Tribunal No 1 of Havana, the prisoner was not released on April 11 of this year, as he should have been. Without prior trial, he was notified orally by the penitentiary authorities that his sentence had been extended indefinitely. This is the practice usually followed for persons arrested as "intransigent" political prisoners, identified as those having the courage and public spirit to refuse to accept the plans for re-education imposed by the communist government of Cuba.

Since October of last year, Eduardo and other political prisoners have been allowed only one visit from their relatives, and he, together with his other companions now incarcerated in the Puerto Boniato Prison in the Oriente Province, Cuba, are subjected to barbaric physical and mental mistreatment, harsh inspections, and savage beatings, to the extreme that they are left naked, without medical care, in walled cells where not a single ray of sun can penetrate.

The treatment received by political prisoners in the Puerto Boniato Prison has been so inhumane that they several times protested manfully by declaring a hunger strike, one of them lasting 33 days from October 31 to December 3 of last year. As may naturally be supposed, this is deadly dangerous to men who are undernourished and whose health is already broken by so many years of incarceration.

Eduardo suffers from serious and painful wounds on both hands, as a consequence of a criminal and cowardly attack on March 22, 1973 by the red militia, armed with fixed bayonets, when he was imprisoned in the colonial fortress of La Cabaña. This has disabled him for life.

5. On September 19, 1981, the claimant sent to the Commission a letter published in the newspaper "Diario de las Américas" of September 23, 1981, in reference to the "intransigent" political prisoners incarcerated in Boniato, where the victim Eduardo Capote was also confined. The letter reads:

I begin by telling you that we are not at all well, and we are very concerned about our situation which, although it seems unbelievable, is becoming increasingly worse, and the Ministry (of the Interior) never lets up. Hence, in view of so many irregularities, I am going to report to you a number of acts that have befallen us since we were incarcerated in this prison with its dark and gloomy cells. Since our arrival here on July 24, 1979, we have suffered countless measures that are violating our most elemental human rights more and more. These include:

Being located at a distance of 1,000 kilometers from our beloved families, many of whom are old and sick. Consequently, many of us have been visited only every 3, 4 or 6 months; what is more, some inmates have not had even one visit in two years, which have been what is which have been so long and hard that they seem like centuries totally deprived of that right.

Also, upon our arrival, we had to go on hunger strikes because of our living conditions: the inadequate medical care, scarce and extremely bad food, no patio, and therefore no sun--in short, every facet of our human existence. These measures became gradually worse and worse, until at length, in November 1980, they were abusive and intolerable. We choose that date because it was then that the second stage of our prolonged torment began.

At dawn on November 7, 1980, escape, which was three inmates made an attempt to scape, which was frustrated at the outset. There were caught barely a few meters from the building where we are now incarcerated, 4-D. This action was taken by the authorities of the Ministry as an excuse to precipitate their ultra-repressive policy against us. At 1:15 that same morning, all of us were imprisoned in a type of dining room and there began the inspection. They took almost everything away. They fed us neither breakfast nor lunch. The inspection lasted until 2:15 p.m. of that same day, the 9th. At that hour they tried to compel us to strip ourselves like commoners (common prisoners). We refused, and they therefore began to beat Luis M. Zuñiga Rey, Roger Reyes Hernández, and Servando Infante Jiménez, who were consequently wounded and later taken to the hospital. Because the food was so bad that day, we refused to eat it. Thus, three of us were without food. The common prisoners of corridor 4-B were moved and they began to wall up the cells of these corridors. As the cells were walled up, we were led into them by threes. This began on the morning of the 12th and ended at midday the same day. We remained on a

hunger strike in this corridor 4-B until December 12.

That same day, the penitentiary authorities agreed to grant us general rights and living conditions as human beings, and also to move us from the corridor in the next 72 hours. Also, they left the doors of the cells open for us. Ultimately, they did not live up to their work; rather, they made our living conditions worse. This reveals the cowardly and vile nature of those governing our country.

I must emphasize that six prisoners, Eloy Gutiérrez Menoyo, Ernesto Díaz Rodríguez, Ramón Méndez Pimental, Julio Ruíz Pitaluga, Sergio Montes de Oca Gil, and Juan Evelio Hernández Ramírez continued the strike, asking to be transferred to Havana. This made us extremely anxious, since every day we expected a fatal denouement. Thank God this did not happen and the strike ended on April 9, 1981.

Since May 1980, we had no medical care, since they wanted us to undress for the inspection that we have to undergo in order to be hospitalized, and this we did not accept. On January 12, 1981, they authorized visits, because our relatives were extremely worried about the situation. During that visit, our relatives, many of them old, were made to leave their coats off during the inspection that they had to undergo. That was a terribly cold day. Men are able to do anything when driven by hatred. But as you well know, my friend, our relatives were so glad to see us that they put up with anything.

The day after the visit, January 13, they searched us and again locked us up in the walled cells. The situation worsened day by day. The February visit took place in a loaded atmosphere and under tight supervision. In that month, a new element was brought into play: José Oscar Rodríguez Terrero ("Little Napoleon") completed his sentence but was not released. The same was to happen with prisoners who were to complete their sentences in the future. A list of these prisoners will be added at the end. The inspections, refusals of food, lack of medical care, etc. etc. continued.

One day before the March 11 visit, prison administration authorities appeared in our corridor. They informed our representatives that in the future, in order to receive visits, packages, medical care, and the like, we had to dress in the regulation uniform for all prisoners: blue. We were being officially stripped of our yellow clothing and left in our underpants. Many of our relatives made the trip of 1,000 kms in vain. On March 30, Alberto Jané Padrón disappeared. Within a few days we learned that he was in the security cells of the state and that he had been placed there along with common criminals. He went on hunger strike and they shortly put him in a separate cell. They returned him to our corridor on May 5.

These first months of 1981 passed under increasing stress inspections and companions who continue on hunger strikes and are in very bad shape. Also, steel plates were affixed to the cell doors of corridor 4-D.

On June 1, 1981, we were moved from corridor 4-B to 4-D, under the same conditions that I have already described to you. On June 19, we were searched and stripped of the belongings that still remained to us. They took, among other things, medicines, ball-point pens, photographs, and even the spoons that we used to eat with. As of that day (June 19) and up to the present (June 28), we have had only one dinner (June 25) and one lunch (June 27). The events of these last few days are sufficiently eloquent to give you an idea of our present situation. Moreover, prisoners who have specific diets for different illnesses--diabetes, ulcers, heart ailments, etc--have been deprived of these diets; instead, they are fed real garbage. In addition to all this, we do not know what the government's intentions toward us are, and this makes our present situation uncertain and very threatening.

As you well know I have never been inclined to exaggerate, but I do assure you that if the government continues its present policy towards us, the results of it are bound to be fatal. The government hates us, and we know what can come of a policy based on this feeling. It is impossible to conceive of a government that after twenty-three years in power treats its prisoners as unfairly and inhumanely as this one--particularly when a considerable group of us have spent 20 years in prison, some more than 20.

I don't think that any government receives medals for treating defenseless men cruelly; rather than enhancing its grandeur, it is diminished, it becomes dwarfed. But what can be expected of men who harbor hatred in their hearts, of men whose souls are gnawed by moral leprosy. Oh, my friend, how uncertain is our immediate future! What will happen tomorrow? I do not know, but every day is potentially one of mourning. Do you remember the worst stages of the forced labor plan on the Isle of Pines? We were put to work, and we did not know if we would ever return. Add to this 15 more years of prison with its strikes and privations, with a government that tries to turn brutality into a principle of the

state and injustice into a standard of conduct.

Our bodies continue to waste away, but we still have our bones awaiting the claws of the beasts.

My friend, reading your letter has made me love my compatriots in exile a little more. I am impressed with the efforts being made there in our behalf. Don't fail to give the good patriots my greetings. Ever yours.

LIST OF POLITICAL PRISONERS WHO HAVE COMPLETED THEIR PRISON TERMS AND HAVE BEEN RESENTENCED:

Name	Years of Sentence	Date Completed
Santos Mirabal Rodríguez	Adult age	February 24, 1978
José Oscar Rodríguez T.	20 years	February 14, 1981
Héctor Cabrera Torres	20 years	March 23, 1981
Eduardo Capote Rodríguez	15 years	March 28, 1981
Pedro Santana Camejo	20 years	April 7, 1981
Sergio Montes de Oca Gil	20 years	April 7, 1981
Manuel Hernández Cruz	20 years	May 5, 1981

6. In a note dated October 8, 1981, the Commission transmitted this additional Information to the Cuban Government again requesting information.

7. To date, the Cuban Government has not replied to the notes mentioned.

WHEREAS:

1. To date the Government of Cuba has not replied to the Commission's requests of March 4, 1980 and October 8, 1981; and

2. Article 39 of the Regulations of the Commission establishes as follows:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state In reference shall be presumed to be true If, during the maximum period set by the Commission under the provisions of Article 31, paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

**THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:**

1. In application of Article 39 of the Regulations, to presume to be true the acts denounced in the communications of November 19, 1979, September 3, 1981 and September 19, 1981, regarding the situation of Cuban prisoner Eduardo F. Capote Rodríguez.

2. To declare that the Government of Cuba violated the right to liberty and personal security (Article I of the American Declaration of the Rights and Duties of Man), the right to the preservation of health and to well being (Article XI), the right to a fair trial (Article XVIII), the right to human treatment while in custody (Article XXV), the right to due process (Article XXVI).

3. To communicate this decision to the Government of Cuba and to the claimants.

4. To include this resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States in accordance with Article 18, paragraph (f) of the Statute and

Article 59, paragraph (g) of the Regulations of the Commission.