

REPORT No. 19/13
DECISION TO ARCHIVE
CASE 12.062
CECILIO MONTEAGUDO SÁNCHEZ
CUBA
March 20, 2013

ALLEGED VICTIM: Cecilio Monteagudo Sánchez

PETITIONER: Cecilia Somoza

VIOLATIONS ALLEGED: Due process and personal liberty

DATE PROCESSING BEGAN: October 19, 1998

I. THE PETITIONER'S POSITION

1. On October 19, 1998, the Inter-American Commission received a petition filed by Cecilia Somoza, in her capacity as a member of Amnesty International Argentina. The petition, dated October 5 of that year, was brought against the Cuban State and alleged that on September 15, 1997, the Cuban State had arbitrarily arrested Cecilio Monteagudo Sánchez, a member of the unofficial "Democratic Solidarity" party, and then sentenced him to 4 years in prison for enemy propaganda, a criminal offense under the Cuban Criminal Code. The petitioner asserted that Mr. Monteagudo Sánchez had allegedly been accused of writing a pamphlet urging people not to vote in the local elections slated for October 1997; the pamphlet was never printed or circulated. She also asserted that Mr. Monteagudo Sánchez had previously stood trial on April 10, 1996, on charges of "resistance" and "*desacato*." He was released upon payment of a fine. The petitioner also alleged that Mr. Monteagudo Sánchez was constantly being threatened by the prison guards because he asked that the prisoners receive better treatment and because he continued to distribute the Universal Declaration of Human Rights.

II. THE STATE'S POSITION

2. The Cuban State did not offer any information.

IV. PROCESSING WITH THE IACHR

3. On October 19, 1998, the Inter-American Commission on Human Rights received the petition, which was dated October 5, 1998, and classified it as number 12,062. On November 10, 1998, the relevant parts of the petition were forwarded to the State, in keeping with Article 34 of the Commission's then Regulations. The Commission also asked the State to provide whatever information it deemed pertinent within 90 days. The State did not reply.

4. On November 23, 1998, the Commission received additional information from the petitioner, the pertinent parts of which were forwarded to the State on November 30, 1998. On February 4, 1999, the petitioner sent a copy of the verdict of conviction. On March 31, the petitioner reported that although Mr. Cecilio Monteagudo Sánchez had a right to be transferred to a labor farm, as he had served one third of his sentence, he had been denied that right. On July 29, 1999, the petitioner reported that the alleged victim had lost his privileges because he had been accused of leaking information out of Cuba.

5. The Commission received no additional information after 1999 from either party. On May 23, 2012, the Commission sent a note to the petitioner requesting updated information to ascertain whether the

grounds for the petition still existed. In the note, the petitioner was informed that if the requested information was not received within one month's time, the Commission might archive his petition.

V. BASIS FOR THE DECISION TO CLOSE THE RECORD

6. 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.

7. Subsequent to July 1999, the petitioner did not offer additional information or new allegations.¹ She also did not reply to the IACHR's May 23, 2012 note requesting updated information, in which she was also advised that the record on her petition might be closed.

8. The Commission does not have the information necessary to ascertain 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.

¹ As stated in the IACHR's 2001 Annual Report, Cecilio Monteagudo Sánchez, a member of the Democratic Solidarity Party, was released in June 2001. "As the Communist Party is the only one officially allowed, Monteagudo had been convicted of the crime of 'enemy propaganda'. He had written—but not published—a document calling on the Cuban population to abstain from voting in the municipal elections." At IACHR, <http://www.cidh.oas.org/annualrep/2001eng/chap.4a.htm#CUBA>, paragraph 13.