Seventh item on the agenda

REPORT OF THE PANEL OF THE FACT-FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION APPOINTED BY THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE TO EXAMINE THE COMPLAINTS OF ALLEGED INFRINGEMENTS OF TRADE UNION RIGHTS IN THE UNITED STATES/PUERTO RICO

1. Appended to this note is the report of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body to examine the complaint of infringements of trade union rights in Puerto Rico, presented to the ILO by the World Federation of Trade Unions in a communication dated 18 November 1977.

2. The United States of America ceased on 5 November 1977 to be a member of the ILO although it remained a member of the United Nations. This necessitated referral of the complaint to the Economic and Social Council of the United Nations in terms of the procedure agreed upon between the United Nations and the ILO and approved by the Economic and Social Council in Resolution 277(X) adopted on 17 February 1950.

3. In accordance with this procedure the Secretary-General of the United Nations, in a note dated 3 April 1978, sought the consent of the Government of the United States of America to the complaint being referred to the Fact-Finding and Conciliation Commission. The Government's consent was notified to the Secretary-General in a communication dated 16 May 1978, and at its session held on 5 July to 4 August 1978 the Economic and Social Council decided to refer the allegations to the ILO Fact-Finding and Conciliation Commission.


5. In the above-mentioned Resolution 277(X) the ILO is invited by the Economic and Social Council "to make suitable arrangements which would permit the Fact-Finding and Conciliation Commission of the International Labour Organisation to transmit to the Council any reports or cases regarding non-members of the International Labour Organisation"; and "to include in the annual report of the International Labour Organisation to the United Nations an account of the work of the Commission".

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1 GB.208/21/6.
6. Further, as indicated in a previous case, the reports of the Fact-Finding and Conciliation Commission do not constitute judgements calling for decision by the Governing Body, but are an account of the inquiry carried out by the Commission regarding freedom of association, of which the Governing Body is invited to take note.

7. Having regard to the fact that the United States of America again became a Member of the International Labour Organisation on 13 February 1981 the Governing Body may wish to take note of the report of the Fact-Finding and Conciliation Commission and request the Director-General:

(a) to transmit the report to the Economic and Social Council for information; and

(b) to include in the annual report of the International Labour Organisation to the United Nations an account of the work of the Commission.

Geneva, 26 October 1981.

POINT FOR DECISION:

Paragraph 7.

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1 See minutes of the 167th Session of the Governing Body, p. 87.
REPORT OF THE FACT-FINDING AND CONCILIATION COMMISSION
ON FREEDOM OF ASSOCIATION CONCERNING THE
UNITED STATES/PUERTO RICO

INTERNATIONAL LABOUR OFFICE
GENEVA
1981
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CHAPTER 1

INTRODUCTION

1. On 22 June 1949 the Governing Body adopted a resolution in which it approved the establishment of a fact-finding and conciliation commission on freedom of association for the purpose of international supervision of freedom of association, and authorised the Director-General to continue the consultations already begun with the Secretary-General of the United Nations with regard to the manner in which such a commission could most appropriately be established. At its 110th Session (Mysore, January 1950) the Governing Body, in accordance with the request contained in a resolution adopted by the Economic and Social Council on 2 August 1949 (Resolution 239 IX), established the Fact-Finding and Conciliation Commission on Freedom of Association.2

2. The procedure for the examination of allegations of infringements of trade union rights has already been described in the Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan.3 It has also been set out in a number of ILO official documents, in particular in a number of reports of the Committee on Freedom of Association of the Governing Body.4 It is therefore not necessary to give any more than a brief outline of the procedure applied in the present case.

3. The function of the Commission is to examine such cases of alleged infringements of trade union rights as may be referred to it, to ascertain the facts and to discuss the situation with the government concerned with a view to securing the adjustment of difficulties by agreement; and thereafter to report to the Governing Body. In principle, no case may be referred to the Fact-Finding and Conciliation Commission without the consent of the government concerned.5

4. Allegations of infringements of trade union rights are examined in the first instance by the Committee on Freedom of Association of the Governing Body of the International Labour Organisation, which has considered over 1,000 cases since the establishment in 1951. The case concerning alleged infringements of trade union rights in the United States (Puerto Rico) was submitted to the Governing Body

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1 See minutes of the 109th Session of the Governing Body, eighth sitting, p. 84.
5 The only exception is in respect of any complaint relating to the application of a ratified Convention in the case of which the Governing Body may designate the Fact-Finding and Conciliation Commission as a Commission of Inquiry under article 26 of the Constitution of the International Labour Organisation.
Committee on Freedom of Association which submitted a report thereon to the Governing Body in February/March 1978.¹

5. The case dealt with in the present report is one of the five cases in which a government has given the required consent to the referral of a case to the Fact-Finding and Conciliation Commission.² Special circumstances arose in this case since the United States, on 5 November 1977, ceased to be a member of the International Labour Organization and was not a Member at the time the complaint was deposited (18 November 1977). The United States, however, remained a member of the United Nations. The withdrawal of the United States from membership of the ILO necessitated the referral of the matter to the Economic and Social Council of the United Nations in accordance with the procedure established between the ILO and the United Nations in regard to complaints against States which are not Members of the ILO but which are members of the United Nations. The consent of the Government of the United States to the matter being referred to the Fact-Finding and Conciliation Commission of the International Labour Organization was obtained by the Secretary-General of the United Nations in May 1978.³ It is to be noted that the United States of America again became a Member of the International Labour Organization on 13 February 1980.

6. A description of the procedure followed by the Commission, an analysis of the information and evidence placed before it and the Commission's findings and conclusions are contained in Chapters 2 to 6 of this report.

7. In submitting this report to the Governing Body the Commission wishes to express its appreciation to the governmental authorities in Puerto Rico and to the representatives of the local workers' and employers' organizations who were kind enough to assist the Commission in its inquiry. The Commission also wishes to express its appreciation to the Government of the United States for its co-operation in this case and to the Director-General of the International Labour Office for the assistance given by the secretariat to the Commission in carrying out its mandate.

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¹ Official Bulletin LXI 1978 (Series B, No. 2).


³ Letter dated 16 May 1978 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General.
CHAPTER 2

REFERRAL OF THE CASE OF THE UNITED STATES/PUERTO RICO TO THE FACT-FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION AND APPOINTMENT OF A PANEL OF THE COMMISSION TO EXAMINE THE CASE

8. On 5 November 1977 the period of notice given by the United States, on 6 November 1975, of its intention to withdraw from membership of the International Labour Organisation expired. The United States remained a member of the United Nations.

9. In its communication dated 18 November 1977, addressed to the Director-General of the ILO the World Federation of Trade Unions, presented a complaint against the Government of the United States of America "in consequence of serious infringements of trade union freedoms and human rights in Puerto Rico, a territory presently under American administration". The complainant organisation alleged that on 11 October 1977, the police arrested two active militant trade union leaders of the Maritime Company, Trailer Marine Transport (TMT) shipping company, and on 18 October 1977, one of these trade union leaders, Juan Rafael Caballero Santana, was found dead, his body having been severely tortured.

10. The WFTU continued that, "prompted by the circumstances surrounding this grave assault on human life and on the most elementary trade union and human rights, we ask you to submit an urgent request to the Government of the United States for a full investigation of the death of the trade union leader Juan Rafael Caballero Santana". The WFTU requested that appropriate steps be taken to ensure that this complaint be investigated as soon as possible by the Committee on Freedom of Association and the Governing Body and that the attention of the Government of the United States be drawn to the importance attached by the ILO to the full exercise of human rights and trade union rights in all countries including those territories still under foreign domination.

11. The United States has not ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), or the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

12. The complaint was examined by the Governing Body Committee on Freedom of Association at its meeting in February 1978 when it reported to the Governing Body on the matter. The conclusions of the Committee are contained in its 177th Report which was approved by the Governing Body at its 205th Session (February-March 1978).

13. In the above-mentioned report, the Committee on Freedom of Association observed that, according to the procedure for the examination of complaints of alleged infringements of trade union rights agreed upon between the United Nations and the International Labour Organisation, before the Governing Body of the ILO refers to the Fact-Finding and Conciliation Commission on Freedom of Association an allegation which it has received against a member of the United Nations which is not a Member of the ILO, such allegation should be referred to the Economic and Social Commission for Social Development.

1. The full text of the communication dated 18 November 1977 from the WFTU is contained in Appendix I of the present report.


3. This procedure is set forth in the letter of 19 January 1950 from the Director-General of the ILO to the Secretary-General of the United Nations stating the proposed terms of reference of the Fact-Finding and Conciliation Commission, which were subsequently approved by the Economic and Social Council when it adopted Resolution No. 277(X) concerning trade union rights (freedom of association) on 17 February 1950 in the course of its Tenth Session.
Council for its consideration. The Committee on Freedom of Association also observed that the procedure provides that the Secretary-General of the United Nations will seek the consent of the government concerned before any consideration of the allegation by the Economic and Social Council; if such consent is not forthcoming the Economic and Social Council will give consideration to such refusal with a view to taking any appropriate alternative action designed to safeguard the rights relating to freedom of association involved in the case.

14. In these circumstances, having regard to the situation set forth above, the Committee recommended that the Governing Body:

\[(a) \ldots \text{refer to the Economic and Social Council for consideration, in accordance with Resolution 277(X) of 17 February 1950, the complaint presented by the World Federation of Trade Unions against the United States, which is no longer a Member of the ILO;}

\[(b) \ldots \text{note that, in accordance with Economic and Social Council Resolution 277(X) of 17 February 1950, it is for the Economic and Social Council to decide what further action it proposes to take in the matter by seeking the consent of the Government of the United States to the case being referred to the Fact-Finding and Conciliation Commission on Freedom of Association or being dealt with in any other manner.}^2\]

15. The complaint having been thus referred to the Economic and Social Council, the Secretary-General of the United Nations, in a note dated 3 April 1978, sought the consent of the Government of the United States to having the allegations referred to the Fact-Finding and Conciliation Commission on Freedom of Association of the ILO.

16. In a communication dated 16 May 1978, the Government of the United States gave its consent to having the Economic and Social Council consider whether the complaint was suitable for referral through the Governing Body of the ILO to the Fact-Finding and Conciliation Commission.

17. On 21 July 1978 the Economic and Social Council, noting that the consent of the Government of the United States had been obtained, decided to transmit the allegations to the Fact-Finding and Conciliation Commission; in accordance with the procedure outlined in Resolution 277(X) the Commission's findings would be transmitted to the Council as soon as possible, in keeping with the Commission's established practice.

18. When the Governing Body, at its 111th and 112th Sessions (March and June 1950), appointed the members of the Fact-Finding and Conciliation Commission, it also provided for the possibility of arranging for its work to be done by panels of not less than three nor more than five of its members. The complaint having been thus referred to the Economic and Social Council, the Secretary-General of the United Nations, in a note dated 3 April 1978, sought the consent of the Government of the United States to having the allegations referred to the Fact-Finding and Conciliation Commission on Freedom of Association of the ILO.

19. Pursuant to this provision, and having regard to the nature of the case, it seemed that a panel of three members of the Commission would in all the circumstances be most suitable for the effective discharge of the task that it was proposed to entrust to the Commission.

20. At its 111th and 112th Sessions, and at its 120th Session (1952), the Governing Body appointed nine members of the Commission. Changes in the membership have been made at various times. Considering that several of the members of the Commission were for various reasons no longer available, the Governing Body, at its 208th Session (Geneva, November 1978), approved the proposal of the Director-General that the following persons be named as members of the Fact-Finding and Conciliation Commission and that these persons should constitute the panel of the Commission to consider the case of the United States/Puerto Rico:

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2 See the Committee's First Report, para. 20.

Chairman: Sir William Douglas (Barbados), Chief Justice of Barbados and member of the Committee of Experts on the Application of Conventions and Recommendations;

Members: Professor Sir Otto Kahn-Freund (United Kingdom), former Professor of Law at Oxford University; member of the Institute of International Law;

Professor Antonio Malintoppi (Italy), Professor of Law at Rome University.

21. Following the death of Sir Otto Kahn-Freund in August 1979, the Director-General proposed to the Governing Body that Professor Robert Yeadell Jennings, QC (United Kingdom), Professor of International Law at Cambridge University and President of the Institute of International Law, should be appointed a member of the Fact-Finding and Conciliation Commission and a member of the panel of the Commission charged with the examination of the case of the United States/Puerto Rico.1

22. In view of the functions which they would be called upon to perform, it seemed appropriate that, as in previous cases, the members of the panel should undertake by solemn declaration to perform their duties and exercise their powers "honourably, faithfully, impartially and conscientiously". A solemn declaration in such terms would be in accordance with the undertaking which judges of the International Court of Justice must give and with that given by members of commissions appointed pursuant to article 26 of the Constitution of the ILO.

23. The Governing Body suggested that the Commission meet in Geneva as soon as possible to take cognisance of the case and determine its future procedure, including the arrangements that might have to be made in the event of a decision being taken by the panel to visit Puerto Rico. The above procedures were approved by the Governing Body at its 208th Session (November 1978).

24. Prior to the holding of the Commission's first session in Geneva (11-12 December 1978) one communication concerning the complaint had been sent to the Director-General of the ILO by Mr. Howard D. Samuel, Deputy Under-Secretary, International Affairs, US Department of Labor. In this communication, dated 3 November 1978, the Deputy Under-Secretary stated that, in his letter of 16 May 1978 to the Secretary-General of the United Nations, the Acting United States Permanent Representative to the United Nations had stated that certain individuals had been arrested in connection with this case and were on trial. The Deputy Under-Secretary, accordingly, wished to inform the Director-General that the trial regarding the death of Juan Rafael Caballero Santana was expected to begin on 23 January 1979 in the Superior Court of San Juan. The Government would, therefore, refrain from comment on the case pending the completion of the judicial process.

1 Proposals approved by the Governing Body at its 211th Session (November 1979).
PART II

PROCEDURE ADOPTED BY THE FACT-FINDING AND CONCILIATION COMMISSION

CHAPTER 3

SESSIONS OF THE COMMISSION

25. The Panel of the Fact-Finding and Conciliation Commission held its first session in Geneva on 11 and 12 December 1978 and its second session on 8 and 9 September 1981. The interval between the two sessions was required because of the necessity of awaiting the outcome of the trial in Puerto Rico in which the defence requested, and was granted, adjournments on six occasions. The purpose of the first session was to determine the working methods and procedure that it would adopt in examining the case before it. The purpose of the second session was to examine the substance of the case and to adopt the report of the Commission. In the course of the first session the members made a solemn declaration in the presence of the Director-General of the International Labour Office, Mr. Francis Blanchard. In calling upon the members of the Commission to make this declaration the Director-General made the following statement:

Gentlemen, you have been appointed by the Governing Body of the International Labour Office as the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association to which the Governing Body, at the request of the Economic and Social Council of the United Nations, has referred the case of alleged infringements of trade union rights in the United States/Puerto Rico.

The case is a special one since the United States, although still a member of the United Nations, is no longer a Member of the International Labour Organisation, having formally withdrawn from membership of the ILO with effect from 6 November 1977. In accordance with the procedure established in 1949 and 1950 for such cases, the allegations have been referred to the Fact-Finding and Conciliation Commission at the request of the Economic and Social Council, the consent of the Government of the United States to the allegations being referred having first been sought and obtained by the Secretary-General of the United Nations.

When the Governing Body had before it the question of the establishment of the Commission it recalled that the procedure in force for the examination of allegations of infringements of trade union rights provides that the Commission "is essentially a fact-finding body", but that it "is authorised to discuss situations referred to it for investigation with the government concerned with a view to securing the adjustment of difficulties by agreement". It follows from these terms of reference, which were agreed between the Governing Body and the Economic and Social Council in 1949, that while the Commission is free to hear evidence from all concerned any discussions that it might have "with a view to securing the adjustment of difficulties by agreement" would be discussions with the Government of the United States. Furthermore, the Commission is not authorised to undertake any discussions in the nature of negotiations with political parties or industrial organisations.

\[1\] See paragraphs 34 to 39 below.

\[2\] The declaration reads as follows: "I solemnly declare that I will honourably, faithfully, impartially and conscientiously perform my duties and exercise my powers as a member of the Panel of the Fact-Finding and Conciliation Commission on Freedom of Association appointed by the Governing Body of the International Labour Office in accordance with the procedure in force for the examination of complaints of alleged infringements of freedom of association, to examine the complaint of alleged infringements of trade union rights in the United States/Puerto Rico which have been referred to the Commission." The same declaration was made by Professor Jennings at the beginning of the Commission's second session.
It was on the basis of this understanding that the Government of the United States was requested to give its consent to the referral of the case to the Commission, and it was on the basis of this understanding that the Government has given its consent to the case being so referred.

The task entrusted to you, therefore, is that of ascertaining the facts without fear or favour. You are responsible to your own consciences alone.

26. In the course of its First Session the Commission took cognisance of the case and determined the procedure it would follow in the initial stages of its examination of the case.

27. The Commission decided to afford to the Government of the United States the opportunity to submit, not later than 15 March 1979, its observations on the complaint, and to the complainant organisation (the World Federation of Trade Unions) the opportunity to submit, not later than 31 January 1979, further statements or any other information relevant to the present issue which might assist the Commission in carrying out its task. Communications to that effect were sent to the Government of the United States and to the World Federation of Trade Unions on 13 December 1978.

28. The Commission also decided to give those other international organisations then having consultative status with the International Labour Organisation (i.e., the International Organisation of Employers, the International Confederation of Free Trade Unions and the World Confederation of Labour) the opportunity of presenting, not later than 31 January 1979, a statement to it. Communications to that effect were sent to these organisations on 13 December 1978.

29. The Commission further decided that any information submitted by the complainant organisation, or by the organisations mentioned in the preceding paragraph, would be transmitted to the Government of the United States which would have the opportunity to transmit its observations thereon not later than 15 March 1979. Any information received from the organisations mentioned in the preceding paragraph would also be transmitted to the complainant organisation which would have the opportunity of submitting, not later than 15 March 1979, its observations thereon.

30. The Commission informed the parties to the complaint and the other organisations invited to present statements to it that any further information to be submitted should consist of further particulars of the facts which form the basis of the complaint, as the Commission is competent to investigate only those matters which have been referred to it by the Governing Body. The Commission also pointed out that the function of the Commission was to ascertain facts which were relevant to the inquiry, that it followed from this that political matters were outside its scope and that the opportunity to provide statements was given for the purpose of supplying factual information bearing on the matters referred to it. The Commission would give all reasonable latitude, but it would not be prepared to receive written or oral statements relating to matters not relevant to the issues referred to it and therefore outside its jurisdiction.

31. Finally, the Commission decided to consider, in the light of the information and evidence available to it, the further measures that appeared to be called for, including a possible visit to Puerto Rico to enable it to discharge the duties entrusted to it.

32. The Commission’s first report was signed on 12 December 1978 and presented to, and approved by, the Governing Body at its 209th Session (February-March 1979).
CHAPTER 4

FURTHER COMMUNICATIONS RECEIVED

(a) Complainant organisation

33. No further information was received from the WFTU.

(b) United States Government

34. By a communication dated 15 March 1979, addressed to the Chairman of the Commission, the United States Government informed the Commission that the trial in the case of Juan Rafael Caballero Santana had been postponed to 23 April 1979. Consequently, the communication continued, the Government would be unable to provide any further information or observations at that time. The information requested by the Commission would be provided as soon as the case was no longer sub judice.

35. By a further communication dated 12 June 1979, addressed to the Chairman, the Government informed the Commission that the trial in the case of Juan Rafael Caballero Santana had again been postponed at the request of the defence and that, since the case was still sub judice, no further information could be provided at that time.

36. By a further communication dated 29 October 1979, addressed to the Chairman, the Government again informed the Commission that the trial in the case of Juan Rafael Caballero Santana had been postponed until 4 February 1980 on a motion by counsel for the defence. The Government added that this motion had been opposed by the prosecution.

37. By a letter dated 2 May 1980 the Government of the United States informed the Commission that the above-mentioned trial had again been postponed and a new trial date fixed for 3 September 1980. The Government explained that the trial judge had granted a defence motion for adjournment since the defence attorney was dealing with another case currently being tried and that the judge did not want to try the Caballero Santana case on a piecemeal basis. The Government further explained that the courts in Puerto Rico were in recess during the summer except for one trial judge who handled all cases. The Commonwealth District Attorney had estimated that the Caballero Santana case would last for approximately one month. The defence attorney had been informed by the judge that the case would be tried commencing 3 September 1980 with no further delays or interruptions.

38. The Government of the United States, in a further communication dated 17 September 1980, informed the Commission that the trial had once again been postponed and rescheduled for 24 November 1980. According to the Government, defence counsel had again moved for an adjournment of at least six weeks owing to an alleged physical disability of a key witness.

39. By a communication dated 9 December 1980 the Government informed the Commission that, as a result of the hospitalisation of defence counsel, the trial had again been postponed until 13 January 1981.

40. By a letter dated 24 March 1981 the Government indicated that a visit to Puerto Rico by the Chairman of the Commission would be welcome.

(c) Other organisations

41. The International Organisation of Employers, in a letter dated 22 January 1979, informed the Commission that it did not wish to present a statement in connection with the matter. No communication was received from the International Confederation of Free Trade Unions or from the World Confederation of Labour.

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1 The text of the communication is contained in Appendix II of the present report.
CHAPTER 5

VISIT BY THE CHAIRMAN TO PUERTO RICO

42. Before analysing the evidence and information obtained in Puerto Rico it may be useful to provide some general information about industrial relations in Puerto Rico. In so doing, however, the Commission recalls that, in the terms of the mandate entrusted to it, it is not called upon to examine nor to express any opinion about industrial relations or the relevant trade union legislation applicable in the Commonwealth. Accordingly the remarks which follow are intended only to illustrate the context within which the events complained of and the inquiry into these events took place.

43. The Commonwealth of Puerto Rico was established on 25 July 1952, its Constitution with amendments and resolutions having been adopted by the people of Puerto Rico on 3 March 1952 and by the Congress of the United States on 3 July 1952.

44. The principal machinery governing labour matters in Puerto Rico is established both under federal law and the laws of Puerto Rico. Thus, Puerto Rico is subject to the National Labor Relations (Taft-Hartley) Act which gives the National Labor Relations Board jurisdiction in Puerto Rico on the same basis as in the United States. The Puerto Rico Labor Relations Board, established by the Puerto Rico Labor Relations Act (No. 130 of 8 May 1945) constitutes the local machinery in labour relations matters. While one of the primary purposes of the Puerto Rican Board was to provide protection for a large number of workers not covered by federal legislation, in particular agricultural workers and employees in public corporations, it has general jurisdiction in cases not covered exclusively by the Federal Relations Board. In practice, however, the majority of cases are dealt with by the National Labor Relations Board. The Department of Labor's Management Services Administration (LNSA) also receives complaints and provides free conciliation and arbitration services, to which both workers and employers wishing to settle disputes through a less formal procedure frequently have recourse.

45. As for the trade union structure and membership, although exact figures are not available, it is probably true to say that there exist in Puerto Rico approximately 360 separate unions with a total membership of about 180,000. The Teamsters' Union, with some 8,000 members, is one of the largest.

46. It may, however, be noted that although the total labour force in Puerto Rico has practically doubled since the early sixties, there has been a steady decline in union membership. According to certain information available union membership stood at approximately 19 per cent of the total workforce in 1965, whereas in 1978 it dropped to 13 per cent. Today, union membership probably represents only 11-12 per cent of the total labour force.

47. The Chairman, accompanied by a member of the ILO secretariat, carried out a mission to Puerto Rico from 26 to 30 April 1981. With the assistance of Mr. Ralph Drury Martin, Office of the Legal Adviser, Department of State, and Mr. H. Charles of the Department of Justice, Puerto Rico, the Chairman proceeded to establish a programme of work which would enable him to carry out as full an investigation as possible into the allegations that had been made.

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1 Out of a total of 798 cases (unfair labour practices, representation and other cases) brought by employers or workers in 1977-78, 705 were dealt with by the National Labor Relations Board.

48. On his arrival in San Juan, Puerto Rico, the Chairman was handed a communication signed by Mr. Elliott Abrams, Assistant Secretary for International Organisation Affairs, US Department of State, containing the reply of the Government of the United States to the complaint filed by the World Federation of Trade Unions.  

49. In this reply the Government stated that Mr. Caballero Santana was last seen alive on 13 October 1977. His body was found on 24 October 1977 and an autopsy indicated that he had been strangled. An investigation carried out by the Department of Justice in Puerto Rico resulted in the filing of charges against Mr. Cuberto Cordero Cortés for the murder of Caballero Santana. According to the Government that investigation uncovered no evidence whatsoever that Caballero Santana was in police custody at any time in October 1977, nor that the police of Puerto Rico were in any way involved in his death. After many delays caused by defence requests for adjournments of the case, the charges against Mr. Cordero Cortés were dismissed on 12 February 1981 when a key witness recanted his earlier identification of Mr. Cordero Cortés.

50. The Government added that it was true that, following the disappearance of Mr. Caballero Santana, a few members of the Teamsters' Union of Puerto Rico made allegations to the press accusing the police of Puerto Rico of kidnapping and killing Caballero Santana. The Government explained that those persons who made these accusations had been invited by the Justice Department of Puerto Rico to give evidence concerning the matter. When they did not accept this invitation they had been officially summoned by the Justice Department. They did not appear to testify. Finally, a court order had been obtained compelling them to give evidence.

51. According to the Government the accusations made by certain members of the Teamsters' Union were fully investigated by the Justice Department of Puerto Rico and were found to be based totally on hearsay. In fact, stated the Government, persons named by the accusers as sources of information denied having any knowledge of the matters complained of. Later, continued the Government, the officers accused of the killing had sued for defamation and in March 1981 one case had been settled out of court on payment by the Teamsters' Union to one of the officers of $10,000.

52. The Government pointed out in its reply that, in the United States, physical assaults, including murder, committed by, or with the connivance of police officers or other persons acting as law officers, are federal criminal offences; in fact, the Government pointed out, every year the Federal Bureau of Investigation investigated over 3,000 such allegations, and between 50 and 100 offenders were charged with federal crimes. When credible evidence is provided, said the Government, that any person in Puerto Rico or elsewhere in the United States was abused in police custody, the federal authorities did not hesitate to investigate. No such evidence, however, had existed in the present case. For the reasons stated, the Government concluded, the charge made by the World Federation of Trade Unions was totally without foundation.

53. In an accompanying document transmitted to the Chairman in Puerto Rico the Government supplied a more detailed statement concerning the circumstances surrounding the death of Mr. Caballero Santana. This statement may be summarised as follows:

54. In order to understand the circumstances of the death of Mr. Caballero Santana it is necessary to examine the matter in the context of the murder, in September 1977, of Mr. Alan Randall, a company lawyer who had won a number of important cases against trade unions in Puerto Rico. According to the statement the two cases were intimately linked.

55. Following the murder of Randall the investigation was directed towards the Teamsters' Union since fingerprints, belonging to a member of that union, Mr. Miguel Cabrera-Figueroa, were found on a communiqué discovered in the briefcase of Alan Randall on the day of his death. These fingerprints were verified by the Federal Bureau of Investigation in Quantico, Va. The investigation pursued revealed that some Teamsters' members or people connected with the Teamsters were involved in the Randall murder, in particular Teamsters' union members, Luis Carrión, Arsenio Sanchez (or Bianchi), Miguel Cabrera and certain others.

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1 The full text of this communication is reproduced as Appendix III to the present report.
56. During the investigation Luis Carrión was arrested on the evidence given by two schoolboy witnesses, John Fitch and Antonio Ghezzi. Both witnesses had testified that while Carrión looked very much like one of the killers, that killer seemed about 20 pounds heavier. On the night of Carrión's arrest the Teamsters' Union issued a press release alleging that one of its members, Juan Rafael Caballero Santana, had disappeared on 13 October 1977. In the days that followed, the Teamsters' Union, through its public relations officer, Mr. José Gil de la Madrid, gave information to the press alleging that Caballero Santana had been kidnapped by the police and probably killed.

57. On 24 October 1977 a body was found at El Yungue rain forest and transferred to the Institute of Forensic Medicine for identification and autopsy. The relevant procedures were carried out by Dr. Rafael Criado, forensic pathologist, who certified that Caballero Santana had died from strangulation. The body was duly identified as that of Juan Rafael Caballero Santana by union members, fellow workers and members of his family. The Teamsters' Union then alleged that Caballero Santana had definitely been killed by the police and requested that an investigation be carried out by a special District Attorney. This was refused and the investigation assigned to the District Attorney in charge of the Alan Randall case since the evidence showed that the two cases were interlinked.

58. Testimony was given by a Mr. Angel Hernandez-Tanco, a well-known criminal, who alleged that Juan Rafael Caballero Santana had been killed by the same persons who had killed Alan Randall. He had told the police that Caballero Santana had asked for additional money for his participation in the Randall killing and this had led to his murder. The witness, Mr. John Fitch, had also testified that Caballero Santana was one of the killers of Alan Randall. Hernandez-Tanco had also testified that another Teamsters' organizer, named Bianchi, had also directly participated in the Randall murder.

59. Concerning the investigation into the death of Caballero Santana, a Mr. Juan Carrión, a schoolteacher, had informed the police that, on 13 October 1977, he had seen a person dragging a body similar to that of Juan Rafael Caballero Santana out of a river close to the El Yungue rain forest. The description of that person given by the teacher corresponded closely with that of one of the suspects in the Randall case, Mr. Cutberto Cordero-Cortés, and the teacher later positively identified from photographs Mr. Cordero-Cortés as the person he had seen dragging the body of Caballero Santana out of the river.

60. With all this evidence the court, on 12 January 1978, determined the probable cause for the arrest of the suspects involved in the cases involving the deaths of Alan Randall and Caballero Santana. Both cases were presented simultaneously since it was necessary to prove conspiracy and that the death of Caballero Santana was probably the result of his participation in the Randall case. The accused were Miguel Cabrera-Figueroa, Cutberto Cordero-Cortés and José Enrique Parrilla for the murder of Alan Randall and Cutberto Cordero-Cortés alone for the murder of Caballero Santana. All these defendants having been duly indicted, a trial was set for the beginning of September 1978. At that time the court, on a motion by the defendants for separate trials for each defendant, decided to have two separate trials, one for the defendants in the Randall case and a separate trial of Cutberto Cordero-Cortés in the Caballero case.

61. In the Randall case the defendants were eventually found not guilty after a trial lasting several weeks. In the Caballero Santana case the trial, after many adjournments, finally took place in February 1981. A motion was filed by the defence for the suppression of evidence concerning the identification of the defendant by an eye witness who claimed to have seen the defendant, Cutberto Cordero-Cortés, dragging the body of Caballero Santana out of the river, and that the defendant had a front tooth missing. Following an examination by a dentist, it was found that the defendant's teeth were in perfect condition and the judge accordingly suppressed the identification testimony and dismissed the case without prejudice.

62. As regards the accusation by the Teamsters' Union that the police were responsible for the disappearance and death of Caballero Santana the document supplied by the government describes how a Supreme Court order was
obtained by the police to force the Teamsters' public relations officer, José Gil de la Madrid, and the union's secretary and treasurer, Luis Enrique Pagán, to appear at the Department of Justice to give sworn statements. The document added that despite the hearsay character of the information provided by these persons it was meticulously investigated. No evidence came to light, however, which showed that there had been any police involvement in the crime. Nor, according to the document, was there any reason for such involvement since Caballero Santana did not become a suspect in the Randall killing until after the Teamsters' Union had made their accusations against the police. There had, accordingly, been no reason for the police to arrest him.

63. According to the document supplied by the Government other separate incidents had occurred which tended to show, on the one hand, the involvement of the Teamsters' Union in the Randall and Caballero Santana cases and, on the other hand, the complete absence of police involvement in these cases. For example, six weeks after the conclusion of the Randall case there was an internal dispute between the executive officers of the Teamsters' Union and a group of dissenters who were trying to oust the Secretary/Treasurer, Luis Enrique Pagán and his brother, Primitivo Pagán, who was legal adviser to the Teamsters' Union. This dissident group was led by José Gil de la Madrid and Miguel Cabrera who had declared publicly that there had been a misappropriation of the funds of the union, that money had been used for unauthorised activities and that a large sum of money had been used to bribe the jury in the Randall case. The Department of Justice was still investigating this latter allegation. Another example was that one of the policemen, Angel Torres, accused by the Teamsters' Union of being one of Caballero Santana's killers, had received $10,000 from the union in an out-of-court settlement in the defamation case brought by him against the union. According to the document this was persuasive evidence that the Teamsters' statements were false and that the union in fact had no evidence of police involvement in the death of Caballero Santana.

64. The complaint of police involvement in the death of Mr. Caballero Santana having been originated by leading representatives of the Teamsters' Union in Puerto Rico the Chairman interviewed Mr. Primitivo Pagán, Legal Adviser of the Teamsters' Union in Puerto Rico and brother of Mr. Luis Enrique Pagán, Executive Secretary and Treasurer of that union. Mr. Primitivo Pagán explained that Caballero Santana had been a delegate for the trucking workers and later worked for the Trailer Marine Transport (TMT) whose workers were mainly organised by the Teamsters. At one time Caballero Santana had been suspected of an attempt on the life of a man named Breccie Marcadier, a former Teamster who had left the union to set up his own trucking company. The Teamsters' Union, Mr. Pagán added, had never been successful in organising the workers employed by Marcadier who, he alleged, employed a group of former policemen to break picket lines organised by the Teamsters. Mr. Pagán said that, in his opinion, the same group of policemen who were employed by Marcadier had been responsible for the subsequent torture and death of Caballero Santana.

65. As for the death of the company lawyer, Mr. Alan Randall, Mr. Pagán stated that it was clear that he had been killed by a group of left-wing socialists, but immediately the police had suspected the Teamsters' Union of involvement in the murder. Although Mr. Randall had been actively and successfully engaged in cases on behalf of a number of employers who worked against unions having socialist ideas, the Teamsters' Union, said Mr. Pagán, actually enjoyed good relations with him and he had even given, on occasion, practical assistance to the union. Following the death of Mr. Randall, the union had been subjected to harassment by the police and a helicopter with armed police was stationed above the union's headquarters to check on workers coming and going from the office. Mr. Pagán complained also of other methods of harassment of his union and its members. Strike-breaking by employers using private security services was commonplace and although the union had frequently complained to the National Labor Relations Board about such practices the Board had taken the view that the use of "surveillance techniques" was not an unauthorised act. The latest case of harassment against the Teamsters' Union, involving a strike of workers at Budget Rent-a-Car, was described by Mr. Pagán. In
this case the employers had sought and obtained an injunction against the union and there was presently a petition before the Federal Court alleging breach of that injunction by the union. According to Mr. Pagán the Labor Relations Board had insisted that each member of the union be informed of the injunction by registered post and that, in addition, a general assembly be called by the union to inform members of the case. In Mr. Pagán's view these demands by the Board were excessive and demonstrated the kind of tactics employed by the authorities to weaken the union financially and otherwise.

66. Mr. Pagán alleged that the United States exercised control over industrial relations in Puerto Rico especially through the Federal National Labor Relations Board which, in his view, acted mainly in the interests of the employers. The membership of the NLRB was mainly American and the influence of Puerto Rican representation on the Board was minimal. The local Labor Relations Board had very limited jurisdiction which did not extend to cases of any importance, particularly representation issues.

67. As regards the Teamsters' Union, Mr. Pagán stated that certain groups, mainly from the minority socialist movement, were trying to gain control of the union and recently the union had expelled ten leftist members whose efforts to involve the union more deeply in politics were unwelcome. The Teamsters' Union, said Mr. Pagán, while socialist in ideology, was interested only in working for the defence of the rights of its members and was not actively engaged in politics. One of those expelled from the union was Miguel Cabrera who, stated Mr. Pagán, was a particularly ambitious man, and who was subsequently charged with the murder of Alan Randall. While under arrest Cabrera had accused Mr. Pagán and his brother, the Executive Secretary and Treasurer of the Teamsters' Union, of misappropriating union funds. Mr. Pagán admitted that a civil action for damages brought by one police officer (Torres) against the Teamsters Union for defamation had been settled out of court on payment of a sum of $10,000.

* * *

68. Questioned about the procedures applicable in cases where complaints were made against the police, the acting Attorney-General, Mr. Ralph Skelly, explained that for a number of years a Criminal Investigation Bureau had existed and was specially equipped to investigate such complaints. This Bureau, which was comprised of highly qualified investigatory staff, including attorneys, was particularly proud of its record in investigating complaints against the police and bringing these cases to conclusion. No special procedures existed for complaints brought by trade unions but, said the Attorney-General, there would be a tendency to give priority to the examination of such complaints.

69. The acting Attorney-General supplied the Chairman with the records of the various court hearings in the cases brought against the persons accused of the Randall and Caballero Santana murders respectively. The acting Attorney-General also described the sworn statements made at the Criminal Investigation Bureau by Mr. Luis Enrique Pagán, Executive Secretary of the Teamsters' Union, and Mr. José Gil de la Madrid, Public Relations Officer of the Teamsters' Union, when they appeared to substantiate their allegations of police involvement in the murder of Caballero Santana. 

* * *

70. Referring to the murder of Mr. Alan Randall the District Attorney, Mr. Gilberto Vila Navarrete, said that the principal accused, Miguel Cabrera, was a Teamsters' organiser with a university background. Mr. Caballero Santana, on the other hand, was an uneducated man who, although he knew Cabrera, had no special relationship with him. The District Attorney pointed out that at no time was Caballero Santana ever questioned or arrested on 11 October 1977 in connection with the death of Alan Randall. One person who had been arrested on that date and

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1 These statements are produced as Appendices IV and V to the present report.
interrogated as a suspect had been a man named Carrión and it was significant that Carrión bore a striking physical resemblance to Caballero Santana. The first news of the existence of Caballero Santana, the District Attorney stated, came later when reports were received by the police that he had disappeared. As regards the death of Caballero Santana the District Attorney pointed out that he had been strangled by means of an electric cord and his body found approximately 13 days after the date of death. There had been nothing to indicate that he had otherwise been tortured. The District Attorney provided the Chairman with a copy of the autopsy report prepared by Dr. Rafael Criado of the Institute of Forensic Medicine, University of Puerto Rico.

71. As regards any involvement by Mr. Marcader in the death of Caballero Santana, as alleged by the Teamsters' Union, the District Attorney stated that this had been carefully investigated but no evidence found to corroborate the allegation. The most probable reason for Caballero Santana's death, according to the District Attorney, was that he had asked for too much of the money paid to the killers of Alan Randall. There had been testimony to the effect that a sum of $15,000 had been paid to those hired to kill Randall. The District Attorney confirmed that only one civil action had been brought by one police officer against the Teamsters' Union and that this had been settled out of court by the Union of $10,000. After the Randall case had been disposed of by the courts (the accused being found not guilty) there had been allegations that the jury had been bribed. These allegations were being investigated by the Special Investigation Department and, if proved, could lead to a retrial.

* * *

72. The jurisdiction and functions of the National Labor Relations Board were described to the Chairman by Mr. Martin M. Arlook, Regional Director of the Board, and the Board's Regional Attorney, Mr. Michael Maran. The Regional Director explained that the main function of the Board was to ensure compliance with the National Labor Relations Act both as regards cases involving allegations of unfair labour practices and cases involving representational issues. Complaints of unfair labour practices brought either by workers or employers were examined by an administrative judge from Washington. Appeals could be made to the Court of Appeal where there was failure to comply with orders issued by the administrative judge and injunctions could be sought. Breach of an injunction amounted to contempt of court.

73. The Teamsters' Union, explained the Regional Director, had, in the past, been regularly involved in proceedings before the Board. Their record was a particularly bad one and, according to the Regional Director, it was rare that any union would defy orders made by the court as blatantly and often as the Teamsters' Union had done. The general "cease and desist" orders had been ignored on a number of occasions and there were cases where the Teamsters' Union had been found guilty of contempt of court for breach of these orders. According to the Regional Director the union had been seriously weakened financially as a result of the imposition of large fines by the court.

74. The NLRB officials stated that the Teamsters' Union, with approximately 8,000 members, was probably the biggest individual union in Puerto Rico and that it was a union with no particular political orientation.

75. The NLRB officials had no specific information to offer as regards the death of Mr. Caballero Santana.

* * *

76. The Chairman also met Mr. Pedro Pérez, Secretary of Labor, Department of Labor and Human Resources, who spoke generally about the industrial relations system in the Commonwealth and, more particularly, the Department of Labor. These services, the Secretary of Labor explained, were free of charge and more and more

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1 This autopsy report appears as Appendix VI to the present report.
recourse was made to them by employers and workers who wished to settle problems on a less formal basis. The Secretary of Labor confirmed that organised labour had dropped to approximately 11-12 per cent of the total labour force in Puerto Rico.

* * *

77. Mr. Ernesto C. Castillo, President of the Puerto Rico Manufacturers' Association, and Mr. Francisco M. Roxach, Vice-President of the Puerto Rico Oil Company Inc., representing certain employers' organisations, spoke of the decline in union membership; but, as for the death of Mr. Caballero Santana, they said that they could not provide the Commission with any specific information or evidence.
CHAPTER 6

FINDINGS AND CONCLUSIONS

78. The present panel of the Fact-Finding and Conciliation Commission was appointed by the Governing Body to examine the complaint of alleged infringements of trade union rights in the United States (Puerto Rico) presented by the World Federation of Trade Unions, an international organisation having full consultative status with the International Labour Organisation. As explained earlier in this report the Commission was set up in accordance with the procedures established between the ILO and the Economic and Social Council of the United Nations for cases involving allegations of infringements of trade union rights that are laid against a State which is not a member State of the ILO but which is a member of the United Nations. At the date on which the present complaint was submitted, the United States was not a Member of the ILO but was a member of the United Nations; the Government of the United States gave its consent to the matter being referred for examination by the Fact-Finding and Conciliation Commission of the ILO.

79. In essence, the complaint presented by the World Federation of Trade Unions alleged that, on 11 October 1977, two persons, said to be trade union leaders of the Maritime Company, Trailer Marine Transport, were arrested by the police in Puerto Rico and that, on 18 October 1977, the body of one of those persons, Juan Rafael Caballero Santana, was found, dreadfully tortured. Although not specifically stated by the complainant organisation it was implied that the torture and death of Caballero Santana took place at the hands of the police or certain police officers. No further allegations involving the infringement of trade union rights were made in the formal complaint and, although the World Federation of Trade Unions was invited by the Commission to submit additional information or evidence in support of its complaint, it did not do so. In accordance with the mandate given to it by the Governing Body the Commission directed its inquiry to the specific matters alleged by the complainant organisation in so far as these matters may affect, or have affected, the free exercise of trade union rights. In this connection the Commission considers it appropriate to recall certain principles relating to the submission of complaints laid down by the Committee on Freedom of Association which, in its First Report, stated its position in the following terms:

> With a view to avoiding the possibility of misunderstanding or misinterpretation, the Committee considers it necessary to make it clear that its task is limited to examining the allegations submitted to it. Its function is not to formulate general conclusions concerning the position of trade unions in particular countries on the basis of vague, general statements but to evaluate specific allegations.

80. In its Ninth Report the Committee on Freedom of Association pointed out that its task would be greatly facilitated if it was clearly understood that complaints must be presented in writing, duly signed by a representative of a body entitled to present them and as fully supported as possible by proof of allegations relating to specific infringements of trade union rights.

81. In the present case the original complaint was formulated in general terms and was not supported by evidence. The Commission would point out that while the extent of its inquiry in this case has been fully justified by the gravity of the complaint, it should not be assumed that so full an inquiry is called for as a matter of course in the absence of the submission by a complainant of substantial evidence or a strong prima facie case that there has been a failure on the part of a government to ensure full respect for the principles of freedom of association.

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1 Paragraph 30.

2 Paragraph 20.

82. From the documentary evidence made available and the information obtained in Puerto Rico, the Commission has noted that, following a full police investigation into the death of Mr. Caballero Santana, charges were brought against Mr. Cutberto Cordero Cortés.¹ After due process no conviction was obtained.

83. The absence of a conviction in this case led the Commission to inquire further into the source of the accusation that the police had been responsible for the death of Caballero Santana and the action taken to investigate this accusation. The allegation of police involvement in the murder was made by certain members of the Teamsters' Union in Puerto Rico. The evidence, however, shows that the District Attorney promptly investigated these allegations and eventually concluded that they were devoid of substance.

84. The Commission notes that it was only after obtaining a court order that the District Attorney was able to constrain those persons alleging police involvement to come forward and make sworn statements in support of their allegations. From an examination of these statements, which were produced to the Commission, the District Attorney properly concluded that the accusations were vague and not based on substantial evidence.

85. The Commission further notes that these accusations against the police were followed by at least one civil action for damages at the instance of one police officer against the Teamsters' Union for defamation of character. The evidence obtained by the Commission in Puerto Rico, including in particular that obtained from the legal adviser of the Teamsters' Union itself, established that this action had been settled out of court on payment by the union of the sum of $10,000 to the police officer concerned.

86. In the light of the foregoing, the Commission concludes that the allegations of infringements of trade union rights made by the complainant organisation are without foundation, and that no further action is, therefore, required of the Commission.


Sir William Douglas (Chairman)

Robert Yewdall Jennings (Member)

Antonio Malintoppi (Member)

¹ See paragraph 60 above.
APPENDIX I

COMMUNICATION DATED 18 NOVEMBER 1977 FROM THE
WORLD FEDERATION OF TRADE UNIONS TO THE
DIRECTOR-GENERAL OF THE ILO

(Translation)

Complaint against the Government of the United States
concerning the infringement of trade union rights in the
territory of Puerto Rico, presently under American
administration

Sir,

The World Federation of Trade Unions (WFTU) presents the following complaint
against the Government of the United States of America in consequence of serious
infringements of trade union freedoms and human rights in Puerto Rico, a territory
presently under American administration.

On 11 October 1977, the American police arrested two active militant trade
union leaders of the TMT shipping company.

On 18 October, one of the trade union leaders, Juan Rafael Caballero Santana,
was found dead, his body having been severely tortured.

Prompted by the circumstances surrounding this grave assault on human life and
on the most elementary trade union and human rights, we ask you to submit an urgent
request to the Government of the United States for a full investigation of the death
of the trade union leader Juan Rafael Caballero Santana.

The WFTU also asks you to take the appropriate steps to ensure that this
complaint is investigated as soon as possible by the Committee on Freedom of
Association and the Governing Body.

The WFTU further requests you to draw the attention of the Government of the
United States to the importance attached by the ILO to the full exercise of human
rights and trade union freedoms in all countries, including those territories still
under foreign domination.

(signed) Juan Campos
Secretary, WFTU
20

APPENDIX II

UNITED STATES MISSION TO INTERNATIONAL ORGANIZATIONS
GENEVA, SWITZERLAND

24 March 1981

Mr. Nicolas Valticos
Assistant Director-General
Advisor for International Labor Standards
International Labour Office
1211 Geneva 22

Dear Mr. Valticos,

I have been asked by the Department of State to pass to you the following concerning the Puerto Rico case:

Department has learned from Puerto Rican authorities concerned that a visit by Sir William Douglas to Puerto Rico in connection with the ILO Fact-Finding Commission's responsibility to report on the WFTU complaint would be welcome. In view, however, of the short notice and conflicting appointments of those officials he would wish to meet, a visit in late March, following the COE meeting in Geneva is not convenient. They suggest that a visit somewhat later this spring would be preferable and wonder whether Sir William could provide alternative dates that would be convenient for him.

Mission Labor Attaché is requested to pass this information to Nicolas Valticos and to forward to the Department subsequently any alternative dates Sir William might suggest.

If you could let me know the alternative dates, I would be very happy to pass them on to the Department of State.

Sincerely,

(signed) John C. Stephens
Labor Attaché
DEPARTMENT OF STATE  
Washington, D.C. 20520

Sir William Douglas  
Chairman, Fact-Finding and Conciliation Commission 
c/o International Labour Standards Department  
CH-1211, Geneva 22, Switzerland

Dear Sir William,

Now that the case concerning the death of Mr. Juan Rafael Caballero Santana is no longer sub judice, I am free to provide you with the United States response to the complaint filed in this case by the World Federation of Trade Unions (WFTU). As you are aware, the WFTU alleged that the police of Puerto Rico were involved in the murder of Mr. Caballero.

Mr. Caballero was last seen alive on 13 October 1977. On 24 October 1977, his body was found; an autopsy indicated that he had been strangled. An investigation carried out by the Department of Justice of Puerto Rico resulted in the filing of charges against Mr. Cutberto Cordero Cortes for murdering Mr. Caballero. That investigation uncovered no evidence whatsoever that Mr. Caballero was in police custody at any time in October of 1977, nor that the police of Puerto Rico were in any way involved in his death. After many delays, caused by the defence's requests for continuances, the charges against Mr. Cordero were dismissed on 12 February 1981, when a key witness recanted his earlier identification of Mr. Cordero.

It is true that, after Mr. Caballero disappeared, a few members of the Teamsters Union of Puerto Rico made allegations to the press accusing the police of Puerto Rico of kidnapping and killing Mr. Caballero. The Justice Department of Puerto Rico invited those making the accusations to give evidence concerning the matter. When they did not accept the invitation, they were officially summoned by the Justice Department. They did not appear to testify. Finally, a court order was secured forcing them to give evidence. The accusations the Teamsters members made, which were based totally on hearsay, were fully investigated by the Justice Department of Puerto Rico. They did not check out. In fact, sources of information named by the accusers completely denied that they had any such information. Later, the officers accused of the killing sued for defamation. Last month, the Teamsters settled one of these cases out of court by paying the officer involved $10,000.

I should also point out that, in the United States, physical assaults, including murder, committed by or with the connivance of police officers or other persons acting under colour of law are federal criminal offences. The laws establishing the offences, the federal civil rights statutes, apply in Puerto Rico in accordance with the Puerto Rican Federal Relations Act approved by the Congress of the United States and the people of Puerto Rico. The United States Government takes these laws very seriously and devotes considerable resources to their enforcement. In fact, every year the Federal Bureau of Investigation investigates over 3,000 such allegations, and from 50 to 100 offenders are charged with federal crimes. You can be assured that, when credible evidence is provided that any person in Puerto Rico or elsewhere in the United States is abused in police custody, federal authorities do not hesitate to investigate. There was, however, no such evidence in this case.

In conclusion, the charge made by the WFTU is totally without foundation.

Sincerely,

(signed) Elliott Abrams  
Assistant Secretary for International Organization Affairs

APPENDIX III
APPENDIX IV

COMMONWEALTH OF PUERTO RICO

Department of Justice
San Juan, Puerto Rico

Sworn statement by Mr. José Gil de la Madrid before the Honourable Pedro Colón Fontán, Prosecutor, Chief, Bureau of Criminal Investigations and Affairs, at the Office of the Secretary of Justice, San Juan, Puerto Rico, on 17 November 1977.

PROSECUTOR - Raise your right hand; do you swear to tell the truth, the whole truth and nothing but the truth?

WITNESS - I do.

P - Your name?

W - José Gil de la Madrid.

P - Your address?

W - Calle del Parque 352, Parada 23, Santurce, Puerto Rico.

P - Your telephone number?

W - 725-8980.

P - What is your occupation?

W - Public Relations Manager of the Teamsters' Union.

P - How long have you held that post?

W - For four years.

P - Did you know Juan Rafael Caballero?

W - Yes, Sir.

P - How did you meet him?

W - I used to see him at the union.

P - How long had you known him?

W - Approximately one, two or three years.

P - Did Mr. Caballero work under your orders or in the Union at any time?

W - No, I often saw him in pickets or strikes - which he attended with many other workers.

P - When was the last time that you remember having seen Mr. Caballero?

W - I don't remember the date, but I must have seen him a few days before his disappearance. I arrive early and he was always waiting for calls from the shipping companies to see how many workers were needed for work, and on passing by I used to say hello.

P - When did Mr. Caballero disappear?
We learned of his disappearance on the morning of Monday, 17 October, when his mother, aunt and sister came to my office to say that they were worried as they had not seen him since Thursday, the 13th.

Prior to 17 October had you no information or had no one said anything to you about the disappearance of Mr. Caballero?

Yes Sir, on the evening of Sunday, 16 October, a fellow worker by the name of Bianchi phoned to me at home to say that his family was worried as they had not seen him since Thursday. Bianchi had phoned to hospitals, police headquarters and so on, since they had not seen him for three or four days. I advised the family at that time to go to the central police headquarters to inform the police that they were worried, which they did the same day, and at the same time told them to go and see Pedro Julio Burgos at Vocero and report that he was missing, which they did not do.

What do you personally know about the death of Mr. Caballero?

I know something. A secretary, Mrs. Gladys Gallegos, informed me that a man by the name of Manolo Gutierrez - and there are eight persons by that name in the telephone directory of the metropolitan area - had phoned Mr. Pagán to say that he had seen Caballero on the seventh floor of the central police headquarters on Friday, 21 October. When I was told this, I called several friends who might know something, including Pedro Julio Burgos at Vocero, Rafael López Rosa at Nuevo Día and Mr. Marrero at Radio Uno. Pedro Julio Burgos checked the information for me and called me back saying that, according to his sources at the police headquarters, they were not holding Caballero. López Rosa told me the same thing, but Marrero at Radio Uno, whose word I consider to be very reliable, told me: "Confirmed, but just now they are holding him in Parada 8". Marrero asked me not to mention his name if possible, and asked Mr. Pagán the same thing, though he said we could refer to him if it were essential.

What is Marrero's first name?

Marrero is the only Marrero in Radio Uno.

Did Marrero tell you he had seen him in Parada 8?

No, he told me that his sources had confirmed that he was in Parada 8 at that moment.

That was on ...?

Friday, 21 October.

What time was it?

12.30 p.m.

Where exactly was he supposed to have been seen?

In the riot squad headquarters in Parada 8.

Did you know this so-called Manola Gutierrez?

I did not know him.

Is there some way of getting in touch with him?

There is, and I suggested to the Prosecutor that he is someone who knows Mr. Luis Enrique Pagán. The name is familiar to me, but I, we do not know who he is.

Go on.
I wish to add, we wish, I mean, we believe that it is easier for the investigators to investigate the eight Manolo Gutierrez who are in the telephone book and possibly find him.

Just now, when you were saying that it was at 12.30 p.m. when supposedly he was in the riot squad headquarters, what else did you wish to tell us, that is if you wish to add something in relation to this?

I wish to make it clear, Mr. Prosecutor, that when I referred to the events of 21 October, Caballero was apparently seen in the seventh floor of the central police headquarters at about 12.30 p.m. and at about 1 p.m. in the riot squad headquarters. I wish to add that later on I was with Mr. Marrero of Radio Uno, together with Mr. Pagan; that was about two days ago and Mr. Marrero told me of the information he had obtained, that is, together with the journalist Néstor Concepción, who also works for Radio Uno and who has reliable police sources. I also wish to add that on 21 October we sent the lawyer Forinacchi, together with two union officers, to the Parada 8 headquarters to inquire about Caballero. They were told that Caballero was not being held there and Colonel Cartegena, then acting police superintendent, was called, who assured me on the phone that they were not holding Caballero but informed me at the same time that they had recovered Caballero’s car at the airport the previous day. I wish to add in passing that the car did not belong to Caballero since it was registered in the name of Isabelo Vásquez. I add this so that the Prosecutor may find out why this car was said to be Caballero’s when actually it belonged to someone else. Another thing in relation to Caballero is that on the next day, Saturday, 22 October, I received an anonymous telephone call at the office from a woman who assured me that a person was being held on the island of Cabras to whom food was being taken from a cafeteria, and that she had been unable to see that person. I think it would be useful to ask Colonel Desiderio Cartegena why he has said in statements to the press that he discovered Caballero’s car, ‘quote, “Caballero’s car”, at the airport a day after Caballero had disappeared when no one knew that Caballero was missing or had been reported as such.

Have you any material or physical evidence related to the case of Juan Rafael Caballero?

I have none in my possession, though the lawyers may.

Have you any photographs?

Not in my possession, though the lawyers may.

Clothing of Caballero?

I have none, though I would like to add that during the investigation conducted by the Prosecutor Villal or the police, Caballero’s wife was told that they had his teamster’s jacket, whereas she is sure that the jacket was in the laundry and is still in the laundry. We provide this information because we believe that the police have investigated the case from one angle only and wish to draw the Prosecutor’s attention to other angles which the police are not interested in investigating.

Have you any evidence, either from anonymous persons or from statements made to you, that point towards someone in particular in relation to Caballero’s person?

It may be that the lawyers have some evidence of this kind, but I should like to point out to the Prosecutor that the famous or notorious ‘Yunque House’ is not the only one of its kind, and suggest that he investigate the members of the NIC who also have a house there in their name. We are curious to know why the press has never been told that the Prosecutor authorised the removal of
Caballero's corpse, if someone did authorise it. We asked Caballero's family to allow us to have Caballero seen by another medical expert since we maintain that Dr. Criado was completely wrong in situating the death at between eight and ten days. We believe that he was in the police headquarters on the 21st since three different and unrelated sources could not all be wrong.

P  -  Have you something to state in relation to the death of Mr. Randall?

W  -  I know nothing about the death of Randall. However, a few days before Randall's death, I received an anonymous telephone call threatening me and my friend Cadiz of the Teamsters' Union with death. I did not recognise the person's voice but it is someone who knows me very well since he called me Pepito Gil, as I used to be called when I was very young. That person said that I, and also Cadiz of the Teamsters' Union, were condemned to death; I answered in a disagreeable manner and hung up. Then, about six days after Caballero's death, the same person called again and said: "You escaped this time, but Caballero didn't". I said, "What has Caballero to do with it?", and the voice said, "He's a gunman". I said, "Caballero had no criminal record", and the voice answered, "But he was a gunman" and added, "and prepare yourself for you too are going to die". I received these calls at my home number, which is not in the telephone book. Later on at the union, after we had denounced the names of the persons in the Death Squadron, a person with clear diction and, at the same time, a hurried voice, called me and said in so many words: "If you go on talking, I'm going to shut your mouth for good". Those were the three anonymous calls.

P  -  Was the person the three times a woman or a man?

W  -  It was a man the three times and the first two it was the same person and, to judge from the voice, over 60 years old. The second voice was younger and more nervous.

P  -  Have you anything else to say, Mr. Gil de la Madrid?

W  -  I don't think so since the lawyers will perhaps have more to say.

P  -  When you say lawyers, to whom else do you refer?

W  -  To González, José Marrero Luna and José A. Pagán.

P  -  Anything else?

W  -  That's all, I believe.

P  -  Then that will be all for now.

I certify that the foregoing is a faithful and exact copy of the stenographic notes taken of the sworn statement by Mr. José Gil de la Madrid on 17 November 1977.

(signed)

Celia A. Cintrón Lema,
Stenographer, Criminal Investigations
COMMONWEALTH OF PUERTO RICO

Department of Justice
San Juan, Puerto Rico

Sworn statement by Mr. Luis Enrique Pagan before the Honourable Pedro Colton Fontán, Prosecutor, Chief, Bureau of Criminal Investigations and Affairs, Department of Justice, at the Office of the Secretary of Justice, San Juan, Puerto Rico, on 17 November 1977.

PROSECUTOR - Raise your right hand; do you swear to tell the truth, the whole truth and nothing but the truth of all that you know and are asked?

WITNESS - I do.

P - Your name?

W - Luis Enrique Pagan.

P - Your address?

W - Calle del Parque 352, Parada 23, Santurce, Puerto Rico.

P - Your telephone number?

W - 725-8980.

P - What is your occupation?

W - Secretary and Treasurer of the Puerto Rico Teamsters' Union.

P - As Secretary of the Teamsters' Union, you made certain statements in the press to the effect that you had evidence in your possession that could help to clarify the case of Juan Rafael Caballero, is that not so?

W - It is.

P - You have first-hand knowledge of evidence that may help to clarify the case?

W - First-hand knowledge, no. But the day Carrión was carried off by the police, I went to the police headquarters with the lawyers Graciani Miranda Marchand and Lagarde García, where we met the lawyers Soler Mari and O'Neill. We asked to speak to Colonel Lugo, Héctor Lugo I think is his name, they showed us in, we asked for Carrión and they told us that they were holding, I mean, that they were not holding Carrión, that they had no order to arrest him as he had taken part in nothing and was suspected of nothing. We informed the Colonel that we had learned that a police officer by the name of Andrades, together with other police officers, had carried him off. The Colonel said that he did not know any Andrades and that if he learned of anything we could wait at the Bar Association where he would call us at about 6 in the afternoon. Dr. Criado was there at the time, wrestling with the affair of the graves where two corpses had been found in one grave and none in the other. I told them that if Carrión was not with them, we had also received information that Caballero was missing since the 13th. He said nothing to that. We waited at the Bar Association till about 7 o'clock, and no call came. Finally, at about 8 o'clock, they phoned us from the office saying that Carrión had arrived and they had left him in front of the office.
When did you inform the police, if you informed them, if you did inform them, of the disappearance of Caballero?

His family informed me that they had gone to the police.

When you spoke with Colonel Lugo, on the day when you informed Lugo of the disappearance, did you see him the same day?

Yes, Sir.

When did you see Juan Rafael Caballero for the last time?

I don't remember when I saw him for the last time.

Has anyone, personally or not, said anything to you about the death of Caballero, that he knew something?

It was told that of the witnesses you had who had made sworn statements ...

What witnesses?

Chano, and others, who said that they had seen the car on the 18th at the police headquarters.

Who told you that he had seen it?

Boria, I ordered an inquiry, which was put on the record, and was informed that he returned to look for it and it had already been moved from the central headquarters on the 18th.

Was Caballero a union employee?

He was a representative of a company that closed down. He was with the Union for a while; then the men are unemployed, we put them on the strikes; the Union was in a bad situation economically and I had to lay off everyone. Then he was found a job with TNT.

Since when was he working with TNT?

I don't remember.

Does TNT have an agreement with the Union of which you are Secretary?

Yes, Sir, it has an agreement.

Am I to understand that Caballero did not receive any kind of remuneration from the Union?

No. No, not since his last job, because he was working with TNT and it was TNT that paid him.

Although Caballero was working with TNT, did he have a post, honorary or of some other kind, in which he co-operated with the union without being paid for it?

He co-operated with the Union but the work he had with TNT was not a permanent job but one that he did occasionally. He would come to the union to wait for calls from TNT when they needed workers, and he was more or less in charge of sending them the workers.

And it was for this that he was paid?

He didn't receive any pay.

How long had you known Caballero?

I knew Caballero for about eight or ten years.
You appeared before the Department of Justice yesterday afternoon?

Yes, Sir.

Were you present when the counsel Primitivo Pagán delivered copies of some sworn statements?

Yes, Sir.

Apart from these sworn statements, do you have any other type of physical or material evidence which you intend to present?

There are other persons who have told me that they are prepared to testify.

No, I mean physical or material evidence.

There may be some photographs but they haven't arrived yet.

And papers or documents or other material evidence apart from the sworn statements?

Not to my knowledge.

Has anyone informed you directly or indirectly or otherwise indicated that he has personal knowledge of Mr. Caballero's assassination?

A man phoned the Office and my secretary answered that she was looking for me; he said that he had seen Caballero on the seventh floor of the police headquarters. This information, I understand, was given to a secretary as I did not speak to the man myself. There are some people who wish to testify but are afraid and have said that they wish to testify under certain conditions. The lawyers have information about this.

Have you recently received any anonymous communications?

Yes, Sir, I received an anonymous communication from someone who claims to be a police officer at the central headquarters. He says that I, I mean, that he heard that they were planning to kill two members of the Teamsters' Union and one member of another union, he couldn't hear which union the other union was, and he says that Alejo Maldonado and Andrades killed Caballero.

Was this anonymous communication in writing.

Yes, Sir.

Could you send us or see that we receive this anonymous letter?

I will have to look to see where it is. I don't pay much attention to anonymous letters, but I will try to find it and make a copy of it.

Have you anything else you wish to state?

Nothing else.

That will be all for now.

I certify that the foregoing is a faithful and exact copy of the stenographic notes taken by me of the sworn statement by Mr. Luis Enrique Pagán on 17 November 1977 in San Juan, Puerto Rico.

(signed)
Celia A. Cintrón Lema, Stenographer, Criminal Investigations
University of Puerto Rico  
School of Medicine  
INSTITUTE OF FORENSIC MEDICINE  
Medical Center, Rio Piedras, Puerto Rico

Coroner's report

Autopsy No. 1189-WL-77-78

Name of deceased  
Juan Rafael Caballero Santana

Address  
Urb. Alturas de Bayamon, Calle 14 Z-11 Bayamon, Puerto Rico

Age 33 years  
Sex Male  
Race White

Place of death  
Hwy 196, Km. 13.0, El Yunque, Luquillo, Puerto Rico

Date of death  
1.10.77

Date of autopsy  
24.10.77 Time 6.00 p.m.

Identified by  
Elsa Maria Caballero Santana

Address  
Urb. Alturas de Flamboyan, Calle 14, Z-11, Bayamon, Puerto Rico

Relation to deceased  
Sister

District Attorney in charge  
Hon. Gilberto Vila Navarrete

Judicial District  
San Juan, Puerto Rico

Cause of death  
Asphyxia by manual strangulation and possible strangulation with a rope

Type of death  
Homicide

Date of report  
10.1.78

Identification of corpse

Identification of the corpse that turned out to be Juan Rafael Caballero Santana was made using the information provided by the following persons:


2. Mr. Gil de la Madrid. Interviewed by telephone.

3. Mr. Arsenio Rodriguez, TMT worker, telephone 725-5600. Personal interview.


6. Mr. Ignacio Fonseca Victoria, Mr. Caballero's uncle by marriage, Calle Amapola C-40, Lomas Verdes, telephone 785-1443 and 781-1284, ext. 2034. Personal interview.

7. Mrs. Elsa Caballero Santana, sister, Alturas de Flamboyan, Calle 14 Z-11, telephone 786-6703. Personal interview.


9. Report over the telephone by Mr. Julio Andrades, Agent 13-3969, who stated that the corpse was identified by the fingerprint of the third finger of the right hand taken by Agent Victor Rodriguez, No. 9-6706, and confirmed by Mr. Ernesto Colon Lopez, Supervisor of the CID fingerprint section.

**Autopsy**

At 6.00 p.m. on 24 October 1977, in the Puerto Rican Institute of Forensic Medicine, an autopsy was performed on the body that was later identified as Mr. Juan Rafael Caballero Santana.

**Exterior examination of the corpse**

The body is that of a white male, whose age was undetermined at the time of the autopsy but was estimated to be between 30 and 35 years of age, height 5'11" and weight 165 pounds. He is covered with a green and white checked sheet.

**Clothing**

1. T-shirt: pink, short-sleeved, brown border, size small 34-36, cut with scissors in the back, make Town Craft.

2. Shorts: white, size 30. jockey style.

3. Pants: blue, denim bell-bottoms, size 32, make Martin Bernard, with three pockets - two small pockets in front and one large pocket in back, one yellow metal button to fasten the pants and a white zipper. They are 42 inches long and completely wrinkled. There is a 2 inch wide hole in the right leg on the lower front end and another 2 x 2 1/4 inch wide hole in the part covering the right buttock, in the rear.


5. Boots: black with a steel tip. They are 12 inches long, 6 1/2 inches high and a leather tie in the back. There are 12 eyelets and a leather lace in each one. The lace in the left boot has a knot in the right side. There is orange paint on the back and sides along the seam.

6. Beads: 16 porcelain beads of different colours strung on a black wire.

A long, thick rope is knotted around the waist and passes around the right thigh.

Once the body was undressed, it was found to be in an advanced stage of cadaverous decay and largely in a state of mummification with advanced facial skeletalisation.

There were many bites with signs of scraping that could have been made by rodents on the face and on a finger of the left hand.

The soft tissue has been largely destroyed and lost and the holes are filled with innumerable live maggots on the face and neck and on both wrists.

Nine feet, six inches of a thick, lined electric cord, brand Habirdure, Habirdure Y TW 600 VJ, is strangling the upper part of the neck and has caused a
deep circular furrow running horizontally around the neck. The ring around the neck constricted by the cord is four inches in diameter with a single knot in the middle of the front of the neck. The two ends are tied to the wrists. The left one, which is the longest, is wrapped twice around the left wrist, which has been considerably destroyed by the pressure from the cord tied around it on a steep slant from above down to the hands. There are about two feet of cord between the left and right wrists where the left end is tied to the right end, which comes down from the neck and is knotted to the other end after going around the right wrist twice and forming the same slanting angle as that on the left wrist. The part of the cord that ties the two wrists together slants downward very steeply in the centre.

The arms are placed along both sides of the body.

The body surface, which is parchment-like with dark brown skin on large areas, is covered by a large number of live maggots. Among the maggots and under the sweatcloth worn by the deceased on the upper right porcelain beads of many colours, which are typical of a "religious" type necklace, were collected.

Removal of most of the maggots made it possible for us to eliminate [the possibility] of signs of trauma, gunshot wounds, or stab wounds in the entire body except for the region around the neck where the advanced stage of decay and the large number of maggots made it impossible for us to discover if this type of injury occurred in the front part.

**Skull and face**

The face is in an advanced stage of skeletonisation. The eye sockets are full of maggots. The remains of the upper lip and the left masseteric region made it possible for us to distinguish part of a thick sideburn and a heavy, long reddish chestnut moustache. Most of the scalp has disappeared and the hair left is thick, long, chestnut-coloured and slightly curly.

The teeth show the postmortem absence of teeth 10, 23 and 25 and the alveolar cavity is clearly visible. Missing from complete closure and ossification of the alveolar cavity are teeth 1-2-15-16-18-17-31 and 32. Tooth 9 is edged with gold to cover an apparent diastema between 8 and 9 and is completely covered with gold on the lingual face.

Once open, the skull cavity revealed no sign of violence. The brain is noticeably autolysed and has become a thick greyish pulp in which there are no signs of haemorrhage. Once this mass was removed, the epidural and subdural spaces showed no marks of any trauma whatsoever. We detached the dura mater and could not see any fissures or fractures of the cranial cavity and base.

**Neck**

Great destruction of the soft parts with reddish areas characteristic of haemorrhagic interstitial infiltrates event in the front. Large masses of maggots fill the entire larynx and trachea. When the larynx to the upper trachea from the hyoids was removed in a single piece, we saw (a) destruction by multiple fractures of the thyroid and circoid cartilage; (b) disarticulation of the arytenoids; (c) fracture with separation of fragments of the left portion of the hyoid bone.

The laryngeal opening is completely obstructed by the arrangement of the fragmented pieces of the fractured cartilage as well as the mass of maggots. The electric cord, in relation to the larynx, runs horizontally across the nape and then slants slightly upwards towards the submaxillary region in front and below the hyoid bone.

**Thorax**

No traumatic signs are visible on the pectoral masses and the sternal breastplate is normal. There is no liquid in either hemithorax.
Paricardium

Autolysed and flattened over the heart.

Heart

Autolysed and completely exsanguine. No pathology in the walls or the valvular veils. Dissection of the coronary vessels revealed no plates in the walls or obstructions of the openings.

Lungs

The lungs are collapsed and without air, but floating in water. Dissection of the bronchus did not show anything in the walls other than autolysis of the mucosa. No foreign inhaled bodies are visible. The parenchyma is in an advanced stage of decay.

Abdomen

There is no liquid at all in the peritoneal cavity. The viscera are in their normal positions. The liver and kidneys are shrunken and autolysed. The pancreas, adrenals and spleen are practically destroyed by autolysis. The gastrointestinal tract shows autolysis of the oesophageal mucosa. The stomach shows flattening and autolysis of the mucosa and it contains the remains of food that has been barely attacked by the gastric juices and which can be easily identified as onion, bananas, tomatoes and meat (see enclosure).

The small intestine is completely empty and the large intestine at and near the caecum contains a thick, fecaloid material. The urinary bladder, which is distended and contains a few cc of urine, shows autolysis of the mucosa. The genital system shows a distended and limp scrotal sack. There is marked autolysis of the testicles.

Limbs

The upper limbs show deep furrows which vary from 1 to 1 1/2 inches in width, according to the area, around the wrists with great destruction of the soft parts, and externalisation of tendons and they are covered with many maggots. They are arranged on a slant and the lacerations were made by the bonds on the wrists that extend to the hands. We consider that these lacerations were caused by strong pressure from the double bonds of cord described in the external examination of the cadaver.

All the flesh is completely gone from the left hand which shows signs of bites, possibly by rodents. When X-rayed the right hand showed displacement of the head of the third metacarpal (see enclosure).

The lower limbs, which were completely covered by the pants, were dry, brownish coloured, and parchment-like. When the boots were removed, the feet appeared to have been in water for a long time. In this case, a great deal of moisture had collected inside the boot, which caused the whitish coloured skin to come off completely like a sock on both feet. Otherwise, there was no evidence of traumatic pathology of any kind.

Toxicological analysis (see enclosure)

Anatomical diagnosis

1. Asphyxia by manual strangulation.
2. Marked constriction of the neck from the electric cord tied around it.
3. Multiple fracture of the larynx.
4. Fracture of the hyoid bone.
5. Deep lacerations on both wrists.
6. Rodent bites on different parts of the body.
7. Cadaveric decomposition in the initial stage of mummification.
8. Advanced facial skeletisation.
9. Extensive cervical damage from maggots (post mortem).
10. Displacement of the head of the third metacarpal of the right hand (X-rays).
11. Diastem between teeth 8 and 9 (repaired with gold).

Conclusions

The subject is a white, 32 year old male who, according to reports, was found dead in an advanced state of cadaveric decomposition in a spot in Yunque in the afternoon of today, 24 October. The body was duly identified. We estimate that, barring unforeseen circumstances (on the basis of the food discovered in the stomach) death probably occurred no more than approximately one-and-a-half hours after the last meal was eaten. The state of decomposition of the cadaver, the size of the maggots, and the rapid skeletisation leads us to consider a reasonable date of death to be 8-10 days prior to the date of the autopsy. This date would vary according to environmental and climatological conditions at the location in which the deceased remained after his death.

(signature)