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Institution: Inter-American Commission on Human Rights  
File Number(s): Communication No. 1700  
Session: Twenty-Sixth Session (October-November 1971)  
Title/Style of Cause: Ernest Hamburger and Amelia Imperio Hamburger v. Brazil  
Doc. Type: Decision  
Dated: October – November 1971  
Citation: Hamburger v. Braz., Comm. 1700, Inter-Am. C.H.R., OAS/Ser.L/V/II/.27, doc. 11 rev. (1971)

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[1] Communication No. 1700, dated December 30, 1970, denouncing the arbitrary arrest of Dr. Ernest Hamburger and his wife, Mrs. Amelia Imperio Hamburger, which took place on December 5, 1970 in the city of São Paulo.

[2] The Commission, in a note dated January 26, 1971, requested the corresponding information from the Government of Brazil, in accordance with Articles 42 and 44 of its Regulations.

[3] The Government of Brazil, in a communication dated August 27, 1971 (No. 9), made a preliminary reply to this request, indicating that it would soon submit information to the Commission on this case. In a note dated September 8, 1971, the Government of Brazil gave the information summarized as follows:

a. That the denunciation made to the Commission was part of a slanderous and unfounded campaign purposely undertaken by agents of international communism to disparage the image of Brazil or divert the attention of the international press away from the work of national reconstruction carried on by the Democratic Revolution of March 31, 1964;

b. That the Government of Brazil, faithful to the constitutional principles that guarantee the right of defense and due process (Article 153, Sections 15 and 16 of the Constitution), guarantees to every citizen an impartial trial before the military and civil courts (Article 112 of the Constitution);

c. That Ernest Wolfgang Hamburger, son of Hans and Charlotte, born on June 8, 1933 in Berlin, Germany, a naturalized citizen of Brazil, Professor of General and Experimental Physics in the School of Philosophy, Science and Letters of the University of São Paulo, had been arrested on December 5, 1970 for an attempted crime against the national security;

d. That the arrested person had been turned over to the Second Court of the Second Military Judicial District, with headquarters in São Paulo, which is hearing the proceedings against the terrorist organization known as the People's Revolutionary Vanguard (VPR);

e. That according to statements made by the defendant himself and by his wife, Amelia Imperio Hamburger, at the request of the terrorist Rodrigo Brotero Lefevre of the National Liberation Alliance (ALN), he had given refuge in his house to the terrorist José Raimundo da Costa and his wife, accomplices in the kidnappings of the Ambassadors of Germany and Switzerland and of the Consul of Japan in São Paulo;

f. That the defendant, denying that he knew of the political status of Mr. Rodrigo Brotero Lefevre,

had permitted him to use a truck owned by the defendant, Willys make, which was used in the theft of explosives from the "Fortaleza Pedreira" in São Paulo;

g. That Rodrigo had used Mrs. Amelia Imperio Hamburger as "liaison between the ALN and VPR terrorist organizations; and

h. That both Professor Hamburger and his wife had been released conditionally subject to prosecution for crimes against the security of the State, and that both had stated that they had suffered no violence or coercion. Mrs. Hamburger is now undergoing treatment for her mental condition.

[4] The Commission studied case No. 1700 at its Twenty-sixth Session (October-November 1971), together with the information supplied by the Government of Brazil. In accordance with Article 54 of its Regulations, the Commission decided to file the dossier, without prejudice to reopening its examination if the complainants inform it that they have exhausted all internal remedies of the state concerned.