

# WorldCourts™

---

Institution: Inter-American Commission on Human Rights  
File Number(s): Communication No. 1701  
Session: Twenty-Sixth Session (October-November 1971)  
Title/Style of Cause: Nestor Martins and Nildo Zenteno v. Argentina  
Doc. Type: Decision  
Dated: October – November 1971  
Citation: Martins v. Arg., Comm. 1701, Inter-Am. C.H.R., OAS/Ser.L/V/II/27, doc. 11 rev. (1971)

Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at [www.worldcourts.com/index/eng/terms.htm](http://www.worldcourts.com/index/eng/terms.htm)

---

[1] Communication No. 1701, dated January 6, 1971, denouncing the abduction of the Argentine lawyer Dr. Nestor Martins, legal advisor of the General Confederation of Workers of that country, and of Mr. Nildo Zenteno, which took place on December 16, 1970 in the city of Buenos Aires.

[2] In a note dated January 25, 1971, the Commission requested that the Argentine Government supply the corresponding information in accordance with Articles 42 and 44 of its Regulations, transmitting to it the pertinent parts of the complaint.

[3] At its Twenty-fifth Session (March 1971), the Commission, in view of the urgent nature of the case, decided to repeat to the Argentine Government its request for information of January 25. A note to this effect was sent to the Government of Argentina on May 10, 1971.

[4] That Government responded to the request of the Commission in a note dated July 30, 1971 (No. DOI-2523), stating, in summary, the following:

a. That on December 17, 1970, Mrs. Nora Benito de Martins, wife of Dr. Nestor Martins, and her attorney Dr. Atilio Juan Lirandi, partner of Dr. Martins, had appeared at Section 5 of the Argentine Federal Police in Buenos Aires, denouncing the disappearance of Dr. Martins on December 16 at 7:20 p.m., as he left his office located at Calle Paraná No. 26;

b. That the disappearance of Dr. Nestor Martins had occurred when he was accompanied by Mr. Nildo Zenteno, his client, which was confirmed later by Mrs. Elva de Zenteno, wife of Mr. Zenteno;

c. That the police department had drawn up an order for "investigation under Articles 141 and 149 (bis) of the Penal Code, "by act of the competent trial judge, Dr. Víctor J. Izurzan, requesting the immediate collaboration of the Buenos Aires police and other security agencies of the government in locating the missing persons;

d. That bulletins were ordered to be published in the Order of the Day of the Police announcing the disappearance of those concerned, and that these bulletins, with photographs of the missing persons, were posted not only in the police stations but on the streets, and notification was made to the Border Police and the Department of Interpol and its offices in South America;

e. That in addition, the press, radio and television were used to request the assistance of all citizens in finding out the location and status of the missing persons;

f. That in addition, the judicial and police authorities had made efforts to locate the missing persons,

conducting many interrogations and investigations in Buenos Aires as well as in surrounding areas to a distance of two kilometers, including inspections of ships in a wide area of the Rio de la Plata delta, to determine the possible existence of the bodies of the missing persons; but that it had been impossible to obtain any information on the location and situation of Dr. Martins and Mr. Zenteno Delgadillo.

[5] In accordance with its regulations, the Commission, in a communication dated September 3, 1971, transmitted to the complainants a copy of the pertinent parts of the response of the Government of Argentina.

[6] The complainants, in a communication dated October 13, 1971, supplied the Commission with additional information on the case, and particularly with respect to the information provided by the Argentine Government.

[7] At its Twenty-sixth Session (October-November 1971), the Commission examined the information supplied by the Government of Argentina and the additional information from the complainants. Pursuant to the recommendations made by the rapporteur of the case, Dr. Gabino Fraga, it decided:

- a. To transmit to the Government of Argentina the pertinent parts of the additional information submitted by the complainants, requesting that the Government present to the Commission any observations that it might deem appropriate, and
- b) to request the complainants to inform the Commission on the course of the judicial proceedings followed in this case, particularly with respect to exhaustion of the internal remedies that had been sought before the competent authorities of Argentina, and whether there had been an unjustified delay in the administration of justice.

Dr. Carlos A. Dunshee de Abranches presented a separate opinion.

[8] In accordance with this decision, notes were sent to the Government of Argentina on November 17, 1971 and to the complainants on December 1, 1971, with decision postponed until this information is obtained.