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[1] Communication No. 1684, dated June 25, 1970 denouncing several acts in violation of human rights alleged to have taken place in Brazil in 1969 and 1970, and chargeable to various branches of the armed forces and of the security and police forces of that country. The denunciations refer in particular to the right to life, liberty, and personal security and integrity; the right to protection against arbitrary arrest; and the right to due process of law, as set forth in Articles I, XXV and XXVI of the American Declaration of the Rights and Duties of Man.

[2] In a note dated September 19, 1970, the Commission requested the corresponding information from the Government of Brazil, transmitting to it the pertinent parts of the complaint in accordance with Articles 42 and 44 of its Regulations.

[3] This case had been studied earlier by the Commission at its Twenty-fourth Session (October 1970), at which time the following decisions were taken: to repeat to the Government of Brazil the request for information on the acts denounced; to appoint Dr. Durward V. Sandifer as rapporteur of the case (together with other cases pertaining to the situation of human rights in the same country); and to request the Government of Brazil, as provided in Article 11.c) of the Statute and Article 50 of the Regulations of the Commission, to give its consent so that the rapporteur might visit Brazil to obtain the information necessary for the performance of his functions. Communications to this effect were sent to the Government on October 26 and December 10, 1970.

[4] The Government of Brazil, in a note dated January 11, 1971, replied to the Commission and supplied information and a number of documents related to the charges made in this and other denunciations that had been transmitted to the Government with requests for information. With respect to case No. 1684, the Government, in summary, stated that the charges were false inasmuch as the competent Brazilian authorities had repeatedly declared their rejection and condemnation of any violation of human rights in Brazil. As for the consent requested in the communications of October 26 and December 10, 1970, so that the rapporteur might obtain, in loco, information for the performance of his functions, the Government of Brazil expressed "its great surprise at this request," inasmuch as no indication had been given of the reason for this decision, nor had it been made clear why, before the close of the period within which information was to be supplied, the Commission suddenly, without waiting for expiration of the statutory periods, wished to send a representative to Brazilian territory. Furthermore, the sending of an observer to Brazil had to be considered as an exceptional measure "that only should be

applied when the Commission has no other means to verify the acts."

[5] The Chairman of the Commission in a note dated January 26, 1971, thanked the Government of Brazil for sending the information and documentation on the acts denounced, stating further that he regretted that the Government of Brazil had refused its consent for the rapporteur of the case to visit that country. He also stated the following:

- a. That the Commission, in accordance with its Statute and Regulations and with established practice, requests consent to visit an American state solely on the basis of the gravity and urgency of the acts, as these have been stated in the denunciation, and
- b. that this meant to prejudice whatever on the part of the Commission.

[6] The Commission continued its study of the case at its Twenty-fifth Session (March 1971), during which the rapporteur, Dr. Durward V. Sandifer, presented a report with conclusions and recommendations that were studied together with the information from the Government of Brazil and the observations of Dr. Carlos A. Dunshee de Abranches. On the basis of the rapporteur's recommendations, the Commission agreed to request that the Government of Brazil supply it with all information available regarding the allegations of torture of the persons mentioned in the case, and to transmit to the complainants the pertinent parts of the reply from the Government of Brazil.

[7] The Commission so informed the Government of Brazil on March 12, 1971, and the complainants on April 8, 1971.

[8] The note of March 12, 1971 was repeated on the following June 14.

[9] The Government of Brazil, in a note dated August 27, 1971 (No. 7), replied to the Commission requesting under Article 51, chapter 2 of the Regulations, a six-month extension of the 180-day period prescribed in chapter 1 of that Article to supply the information requested by the Commission, stating that the complexity of the case made this request necessary.

[10] At the Twenty-sixth Session (October-November 1971), the rapporteur presented a "Second Report on Case 1684," recommending that, as provided in Article 51, chapter 2 of the Regulations, the Government of Brazil be granted the extension requested.

Dr. Carlos A. Dunshee de Abranches made certain observations regarding the manner in which the Commission had been conducting its study of case No. 1684. These observations were a reiteration of previous views expressed at the Twenty-fifth Session:

- i) separation within file No. 1684 of the various cases that make up this dossier, inasmuch as they refer to different persons and took place in different places and on different dates;
- ii) verification in each case of the exhaustion of internal remedies as prescribed in Article 54 of the Regulations of the Commission; and
- iii) granting of the extension requested by the Government of Brazil but only for a three-month period, since the Government already had been given sufficient time from the date on which the request for further information had been made (March 12, 1971).

Dr. Dunshee de Abranches presented a separate opinion in this connection.

The Commission approved the recommendations of the rapporteur, with the modification proposed by Dr. Dunshee de Abranches and decided to grant the Government of Brazil the extension requested only to December 28, 1971, so that the rapporteur of case No. 1684 might have the time necessary to prepare his

report and submit it to the Commission for consideration at its Twenty-seventh Session.

[11] In accordance with this decision, the Commission sent a note to the Government of Brazil on November 17, 1971.