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Institution:	Inter-American Commission on Human Rights
File Number(s):	Cases Nos. 1758, 1759, 1762 and 1763
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Julio Rojas, Ignacio Chamorro, Idolina Anastasia Gaona, Aníbal Florentín Peña and others v. Paraguay
Doc. Type:	Resolution
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Robert Woodward (United States); Dr. Genaro R. Carrió (Argentina); Dr. Andrés Aguilar (Venezuela) For health reasons, Dr. Gabino Fraga was unable to attend the Thirty-First Session.
Dated:	23 October 1973
Citation:	Rojas v. Para., Cases 1758, 1759, 1762 and 1763, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[I] These cases have been the subject of examination since the Thirtieth Session (April 1973). As with the other cases processed in accordance with the Regulations, the Commission addressed the Government of Paraguay with a request for information on each case. Moreover, at that session the Commission decided to approach the government again, stating that in view of the seriousness of those cases it was considering the need for conducting an observations in loco and that, prior to requesting consent to carry out such an observation, it was, because of the promptness called for by the circumstances, taking the liberty of urging the government to supply the information so urgently requested within a period not to exceed 60 days. In taking that decision, the Commission went on record as stating that the request for consent from the Paraguayan Government would be neither subject to nor conditioned by that government's supplying information related to these cases.

[II] Pursuant to that decision, the Commission addressed the Government of Paraguay by a note dated June 15, 1973.

[III] By a note dated July 6, 1973, the Government of Paraguay informed the Commission that it had "taken the pertinent action" regarding the June 15 note and its appendices, "forwarding them to the competent national agency."

[IV] The Commission proceeded with its examination of the above-mentioned cases at its Thirty-first Session (October 1973), having taken cognizance of the aforesaid note of July 6, 1973, and, pursuant to Article 51 of its Regulations, it decided to presume the events that had been denounced as confirmed and to bring the denunciations to the attention of the General Assembly of the Organization through its annual report. To that end, it appointed Dr. Genaro R. Carrió as rapporteur, in order to prepare the pertinent draft resolution, with such recommendations and observations as he deemed appropriate.

On the basis of that draft, the Commission unanimously approved the following resolution (OEA/Ser.L/V/II.31, doc.42 rev.1, October 23, 1973) at its Thirty-first Session:

WHEREAS:

[1] The arbitrary arrest of Professor Julio Rojas was denounced by a communication dated July 8, 1972, supplemented by one dated February 27, 1973, and by a communication dated December 19, 1972, supplemented by one dated February 7, 1973; according to the denunciations, Professor Rojas has, for political reasons, been held prisoner in Paraguay since 1958 under deplorable conditions, without having been tried or serving a sentence;

[2] In a communication dated December 27, 1972, the following denunciations were made:

- a) that Mr. Ignacio Chamorro has been under arrest in Paraguay since December 1959, supposedly for subversive activities, and has not been tried; and
- b) that Miss Idolina Anastasia Gaona has been under arrest in that country since July 1965, without having been tried or knowing the reasons for her arrest;

[3] By communication dated January 16, 1973, a denunciation was made to the effect that 87 persons (whose names are listed and include those of Professor Rojas, Mr. Chamorro, and Miss Gaona) have been imprisoned without trial in Paraguay, for political reasons. According to the denunciation, five of these persons have been imprisoned since 1958, three since 1959, one since 1960, one since 1961, one since 1962, one since 1963, six since 1964, eleven since 1965, five since 1966, two since 1967, six since 1968, three since 1969, and thirteen since 1970. The denunciation indicates the places of imprisonment;

[4] In a cable dated February 1, 1973, the denunciation was made that Mr. Aníbal Florentín Peña, after suffering barbaric torture and serving two years in prison, was in danger of death because of a prolonged hunger strike;

[5] In a cable dated February 1, 1973, concerning the situation of Mr. Peña, and by a note dated February 16, 1973, regarding the other case mentioned in the foregoing paragraphs of this preamble, the Commission requested the Paraguayan Government to provide the appropriate information (Art. 42 of the Regulations);

[6] At its thirtieth session (April 1973), in view of the seriousness of the acts denounced and the prompt actions required by the circumstances, the Commission decided to request the Paraguayan Government once again that it provide the information previously requested with a period not to exceed 60 days. This decision was transmitted to the Government of Paraguay by note dated June 15, 1973;

[7] The Paraguayan Government's only reply to the Commission, dated July 6, 1973, was that it had "taken the pertinent action" on the note of June 15 and its appendices and had "referred them to the competent national agency;"

[8] Article 51.1 of the Regulations of the Commission provides as follows:

1. The occurrence of the events on which information has been requested will be presumed to be confirmed if the government referrer has not supplied such information within 180 days of the request, provided always, that the invalidity of the events denounced is not shown by other elements of proof; and

In view of the time that has elapsed, during which the Paraguayan Government has not furnished the

Commission with the information it requested,

**THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLVES:**

1. To apply article 51.1 of the Regulations and presume the occurrence of the events indicated in the preamble of this resolution to be confirmed.
2. To recommend to the Government of Paraguay that the persons mentioned be immediately freed.
3. To call attention of the Government of Paraguay to the fact that these acts constitute very serious violations of the right to liberty and personal security, the right to protection from arbitrary arrest, the right to a fair trial, and the right to due process of law, set forth in articles I, XXV, XVIII, and XXVI of the American Declaration of the Rights and Duties of Man.
4. To include this resolution in its annual report to the General Assembly of the Organization (Art. 9 (bis) c.iii of the Statute).