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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1744
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Luis Batalla v. Uruguay
Doc. Type:	Decision
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. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela) For health reasons, Dr. Gabino Fraga was unable to attend the Thirty-First Session.
Dated:	15 - 25 October 1973
Citation:	Batalla v. Uru., Case 1744, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1744, June 29, 1972, denouncing that:

- a. On May 25, 1972, Mr. Luis Batalla, 32, a trade union leader and member of the Christian Democratic Party and the "Frente Amplio," died at the Army Headquarters in the Department of Treinta y Tres, Uruguay.
- b. Mr. Batalla had been arrested early Sunday morning, May 21, from which time nothing was known of his whereabouts or status. On Thursday, May 25, two soldiers appeared at Batalla's home, requesting medicine for Batalla, who, they said, had heart trouble.
- c. Shortly afterward, at 10 a.m. on the 25th, military authorities advised Batalla's relatives that he had suffered a fatal heart attack and that his body was at the morgue of the General Cemetery in the city of Treinta y Tres.
- d. The autopsy revealed a damaged liver, cuts on the head and heels, and numerous hematomas on his body "as the result of beatings to which he had been subjected."

[2] By a note of August 22, 1972, the Commission requested pertinent information from the Government of Uruguay, in accordance with articles 42 and 44 of its Regulations.

[3] This case was considered at the Twenty-ninth Session (October 1972). Taking into account that the 180-day term specified in Article 51 of the Regulations for the government to provide the appropriate information had not expired, the Commission decided to postpone study of the case until its next session.

[4] In a note of February 15, 1973, the Government of Uruguay replied to the Commission's request. In summary, it stated the following:

- a. Mr. Batalla was arrested on May 22, 1972, "owing to information to the effect that he was a

member of a seditious organization that called itself the Tupamaros National Liberation Movement."

b. Mr. Batalla's death occurred at 9 p.m. on May 24, 1972, at a military installation in the Department of Treinta y Tres (the installation was not specified).

c. About twenty minutes before his death, the prisoner was taken from the place where he had been interrogated and he suffered a fainting spell, striking himself "against a hard surface" as he fell. The military doctor on duty was immediately called; he certified the death, diagnosing it as "death from a possible cardiovascular or cerebral attack," since there were no external signs to indicate any other cause.

d. On being notified, the competent military authority immediately ordered the intervention of the military trial judge on duty, and the military chief himself arrived at the scene to take the pertinent measures.

e. The measures taken by the judge were:

- (1) immediate initiation of a preliminary investigation;
- (2) issuance of an order for an autopsy; and
- (3) delivery of the body to the family.

The autopsy revealed "death from acute anemia caused by rupture of the liver."

f. On May 25 the chief of Military Region No.4 met with the Minister of Defense. That interview led to the following decisions: (1) that the chief of Military Region No.4 would personally carry out an exhaustive investigation of the matter; and (2) that the officers allegedly involved would be immediately suspended and transferred to another garrison, if the chief of the Military Region deemed such action necessary. In summary, the note from the Uruguayan Government states that "the action of the competent authorities was within the legal and regulatory standards in effect, the case being processed with the greatest diligence, in application of the pertinent juridical machinery."

g. The Minister of Defense ordered the administrative investigation broadened "in order to exhaust every lead, with all those who might be involved in the matter being suspended as a preventive measure, without such action in any way constituting a judgment on their definitive responsibility."

[5] With the information provided by the Government of Uruguay at hand, the Commission continued its examination of Case 1744 at its Thirtieth Session (April 1973). It appointed Dr. Genaro R. Carrió as rapporteur for the case.

The rapporteur presented a report (doc.36-30 res.). After a full debate on the propriety of the recommendations of the rapporteur --in view of the fact that judicial proceedings by competent national authorities were pending and that the internal legal remedies of the state of Uruguay had not been exhausted -- the Commission decided, in accordance with Article 9 (bis).d of its Statute and Article 54 of its Regulations, to declare Case 1744 inadmissible. The rapporteur voted against the decision.

[6] The Government of Uruguay was notified of this decision in a note of June 11, 1973, and the claimants on June 19, 1973. It should be pointed out that in its note to the Uruguayan Government the Commission requested "that it be informed in due course regarding the result of the legal proceeding under way in the case."

[7] At its Thirty-first Session (October 1973), inasmuch as the Uruguayan Government had not reported on the status of the investigation into the circumstances surrounding the death of Mr. Batalla and, moreover, additional data on those events had been submitted to the Commission by a person who supplemented the denunciation by a communication of April 11, 1973, the Commission decided to repeat its request for information from that government and to reopen the examination of the matter.

[8] Accordingly, the Commission sent the Government of Uruguay a note dated December 12, 1973.