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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1741
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Antonio Maidana 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. 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:	Maidana v. Para., Case 1741, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1741 (Paraguay), of April 10, 1972, regarding the situation surrounding the Paraguayan professor Antonio Maidana and other events. Professor Maidana was being detained in the third police station in Asunción, despite the fact that his release had been ordered by competent judicial authority on April 10, 1961.

[2] By a note dated April 19, 1972, the Commission requested the Government of Paraguay to furnish the pertinent information, as provided in articles 42 and 44 of its Regulations.

[3] At its Twenty-ninth Session (October 1972), the Commission considered the status of this case, nothing that the Government of Paraguay had not replied to its April 19 request for information and that the 130-day period established in Article 51 of the Regulations for the government's supplying such information had expired. Accordingly, the Commission decided to repeat its request for information, extending the aforesaid period by 60 days. To that effect, it addressed the Government of Paraguay by a note dated November 1, 1972.

[4] At its Thirtieth Session (April 1975), taking into account the fact that the Government of Paraguay had still not supplied the information requested and that both the period established in Article 51 of the Regulations and the extension period had expired, the Commission, in application of Article 51, decided to presume the events that had been denounced as confirmed and to communicate to the government concerned such recommendations as it deemed appropriate by virtue of the power conferred upon it by Article 9 (bis) b. of its Statute and Article 52 of its Regulations.

[5] The text of the resolution adopted to that effect was transmitted to the Government of Paraguay with a note dated June 15, 1975, and to the claimants on June 13, 1973.

[6] By a note dated July 6, 1973 (DOTAI No. 862), the Government of Paraguay acknowledged receipt of the note of June 15, 1973, regarding this and other cases of denunciations against Paraguay, stating that "the Ministry has taken the pertinent action on those documents, referring them to the competent national agency."

[7] The Commission proceeded with its examination of case 1741 at its Thirty-first Session (October 1973), having taken into account the above-mentioned note and, pursuant to Article 9 (bis) c. of its Statute and Article 51 of its Regulations, decided to include the resolution adopted on this case in its annual report to the General Assembly of the Organization.

The text of the resolution follows:

WHEREAS:

[i] A communication of April 10, 1972, denounced that:

By judicial decision of October 10, 1961, Luis F. Garbarino, judge of the city of Asunción, ordered the release of Paraguayan Professor Antonio Maidana; and  
Notwithstanding that decision, the above-mentioned professor continues to be detained in the third police station of the city of Asunción;  
The same communication claims that Mr. Silvano Morinigo Gaona, a Paraguayan citizen, who is accused of plotting to kill the President of the Republic, General Alfredo Stroessner, has been detained for six years without trial;

[ii] The Commission, in a note of April 19, 1972, requested information from the Government of Paraguay, pursuant to articles 42 and 44 of the Regulations, and by letter of April 20 of the same year informed the claimant of the steps taken with respect to the complaint;

[iii] Article 51.1 of the Regulations reads as follows:

1. The occurrence of the events on which information has been requested will be presumed to be confirmed if the government referred to 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.

[iv] In view of the time that has transpired without the Government of Paraguay having furnished the information requested to the Commission.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,  
RESOLVES:

1. To consider the occurrence of the events denounced in the communication of April 10, 1972, to be confirmed, through the application of Article 51 of the Regulations.

2. To request the Government of Paraguay to order the release of Antonio Maidana, inasmuch as he was ordered to be released from detention by Judge Luis F. Garbarino on October 10, 1961.

3. To request the Government of Paraguay to inform the Commission of the measures it has taken, or in the event that it released Professor Maidana prior to this resolution, that it notify the Commission of the circumstances thereof, and to request that this information be sent so that these reports may be considered at its next session.