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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1793
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Montevideo Victims v. Uruguay
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar, President (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrió (Argentina)
Dated:	15 – 25 October 1974
Citation:	Montevideo Victims v. Uru., Case 1793, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1793, April 11, 1973, reporting tortures and harassment of various persons detained by military authorities in Uruguay. The complain includes a list of the persons arrested and imprisoned in the military hospital in Montevideo that had allegedly been victims of such tortures and mistreatment.

[2] In a note dated December 12, 1973, the Commission asked the Government of Uruguay to provide the pertinent information, in accordance with Articles 42 and 44 of the Rules of Procedure.

[3] At its thirty-second session (April 1974) the Commission examined this complaint, noting that the Uruguayan Government had not replied to its request for information. In view of the foregoing and on the bases of new information about the case, the Commission decided to appoint Dr. Genaro R. Carrió rapporteur and instructed him to prepare a report including such recommendations as he deemed appropriate.

[4] In accordance with the report of the rapporteur, the Commission decided to repeat to the Government of Uruguay the request that it send the pertinent information and to transmit to that Government the pertinent parts of the new information mentioned above, including precise information about the cause or causes that led to the imprisonment in the military hospital of Montevideo of the persons mentioned in that additions information, whether with respect to those persons physical compulsion had been proved and whether, in such cases, the appropriate investigations had been opened; and extended the time limit established in Article 51 of the Rules of Procedure for 60 days to enable that Government to provide this information.

[5] In implementation of this decision, the CIDH wrote to the Government of Uruguay on June 3, 1974. In a letter dated 5 June, the complainant was informed of the processing of the case.

[6] The Government of Uruguay, in a note dated September 9, 1974, replied, providing the following information (the pertinent parts are transcribed):

1. On April 15, 1972, in accordance with Article 85, paragraph 7 of the Constitution of the Republic, and in view of the critical increase in subversive activity in the country, the General Assembly decreed a state of internal war, which was made effective, in accordance with Article 168, paragraph 16 of the Constitution of the Republic, by the Decree of the Executive Branch No. 277/972 of the same date "for the sole purpose of authorizing the necessary measures for suppressing the action of individuals or groups that by any means conspire against the fatherland, as provided for in Article 253 of the Constitution".

2. On June 30, 1972, the General Assembly extended the state of internal war, which extension was made effective by Decree of the Executive Branch No. 463/972 of the same date.

The State of internal war ceased on July 14, 1972, at which date the State Security Law entered into force.

3. The list of persons detained in the Central Hospital of the Armed Forces, which is attached to the communication I am replying to and which was sent to the Senate of the Republic by the Ministry of National Defense, covers the above-mentioned period of state of internal war and constitutes a sad but logical aftermath of the war, since it demonstrates the actual medical and health care the State provides persons arrested.

It should be pointed out that this list does not contain the names of the casualties or of wounded or hospitalized members of the Armed Forces that were, however, numerous.

4. With such background and within the above-mentioned context, an examination must be made of the list of the above-mentioned prisoners which, in any case, does not make it possible to state that the cause of these hospital admissions was wounds caused by "mistreatment and torture"

The actual causes for such hospital admissions are the activities and confrontations the subversive and seditious elements had with the Armed Forces of the Republic during the state of internal war, during the course of which the sedition not only clearly demonstrated its complete disregard for the most elementary notions of the rights of the human person but also its lack of the most elementary vestiges of humanitarian feelings."

[7] The Commission continued its examination of the case at its thirty-fourth session (October 1974) and decided:

To again request the Government of Uruguay to provide more specific data on the matter mentioned in point 4 of its note of September 9, since, in the light of the reports and background data on the matter, the information supplied was not satisfactory.

[8] In implementation of this decision, the Commission wrote to the above mentioned Government on December 18, 1974, and informed the complainant of this decision on November 19, 1974.