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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1783
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Hugo Leonardo de los Santos Mendoza 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. Carrio (Argentina)
Dated:	15 – 25 October 1974
Citation:	Santos Mendoza v. Uru., Case 1783, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1783, October 2, 1973, reporting the arrest, torture and death of an Uruguayan student, Mr. Hugo Leonardo de los Santos Mendoza, which had allegedly occurred in a military barracks in Uruguay.

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

[3] At the thirty-second session (April 1974) the following decisions were taken: to send a note to the Government of Uruguay repeating the request for information of December 12, 1973 and requesting the complainant agency to supplement the report by sending a copy of the petition filed by the relatives of the victim with the Judge of the Department of de Rocha, who has jurisdiction over the case.

[4] In implementation of these decisions, the Commission sent a note to the Government of Uruguay on June 3, 1974, and a letter to the complainants on April 24, 1974.

[5] The Government of Uruguay, in a note dated September 9, 1973 (No. 339/74) replied to the request. The pertinent parts of this reply are transcribed below:

"1. The above-mentioned person had been a member of the subversive organization calling itself the "Tupamaro Movement of National Liberation" since 1971, using the alias of "Lucia", and taking part in the distribution of leaflets, painting signs, tracking members of the Armed Forces, surveys, and offenses of various kinds. Because of his ability for direct action, he became a member of the armed action groups, receiving various weapons stolen from the Naval Training Center.

Subsequently, he was given command of a "Military Group" involved in considerable military activity, a part of which was a detachment under the command of a member of the Argentine subversive organization known as the Revolutionary Army of the People (ERP).

Although he was a member of the middle-level leadership of the Students' Army, together with Sarandí Píriz Behenan (Cholo), Silva Motta (Nora) Milton Ramírez (Pedro)(Ismael) and a person called Edison

who has not been identified, he was going to be promoted, because of his activities to the leadership of the Army.

2. On September 1, 1973, he was arrested on the street by members of the Joint Forces and taken to a military unit in order to bring him before the corresponding investigating judge because of his participation in the subversive activities mentioned in item 1 above.

3. On the morning of September 3, during a routine inspection, he was found to be suffering from a pulmonary disorder and, although treated by the medical service of the unit, he died.

4. The Military Investigating Judge of the Fourth Ward, Captain de Navío Oscar Pio Llorens, took over the case and ordered the appropriate forensic examinations, which were carried out as ordered.

5. As a result of the autopsy, which was made by Dr. Mautone, the cause of death was found to be "acute pulmonary edema". When the body of Hugo Leonardo de los Santos Mendoza was delivered to his relatives living in the Department of Rocha, the Departmental Judge of that district, because of reports from the relatives of the deceased to the effect that the body bore visible signs of mistreatment, took Jurisdiction of the case and ordered a new autopsy to be made by a group of physicians appointed for that purpose whose conclusions differed with the findings of the above-mentioned medico-legal examination.

6. In view of the steps ordered by the Judge of the Department of Rocha, the Military Investigating Judge of the Fourth Ward, which had taken Jurisdiction in the first instance, claimed Jurisdiction before the Supreme Court of Justice.

7. These jurisdictional claims were settled by the Supreme Court of Justice on August 14, 1974, by decision No. 2074, giving Jurisdiction to the Investigating Judge of the First Ward of Montevideo.

8. Consequently, it is the responsibility of the above-mentioned court, in the last analysis, in accordance with the pertinent legal provisions, to take such steps as it deems appropriate with respect to the causes of the death of Hugo Leonardo de los Santos."

[6] In accordance with its Rules of Procedure, the Commission transmitted to the complainants the pertinent parts of the information provided by the Government of Uruguay in its letter dated September 24, 1974.

[7] The Commission examined Case 1783 at its thirty-fourth session (October 1974) and decided to postpone a decision on the merits of the case and to wait for the complainants, if they so desired, to make such comments as they deemed appropriate on the information provided by the Government of Uruguay.