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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1766
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Liber Seregni and Rodney Arismendi Carrasco Mattos 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:	Seregni v. Uru., Case 1766, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1766, July 14 and 15, 1973, reporting the arbitrary arrest of General Liber Seregni, the establishment of stringent press censorship, and suppression of constitutional rights and public liberties in that country.

[2] In a cablegram dated July 19, 1973, the Commission requested the Government of Uruguay to provide pertinent information, in accordance with Articles 42 and 44 of its Rules of Procedure, with respect to the arrest of General Liber Seregni. This request for information was repeated on December 12, 1973, and on June 3, 1974, in implementation of the decisions taken at the thirty-first and thirty-second sessions (October 1973 and April 1974, respectively).

[3] The Government of Uruguay, through its Mission to the OAS, in a note dated September 9, 1974, supplied full information on the case, the pertinent parts of which are transcribed below:

- I. Arrest and state of health of Mr. Liber Seregni.
- II. Withholding of medical care - by Decree of the President of the Republic - to persons arrested who are designated by the above-mentioned communications as "political prisoners."
- III. Arrest of Mr. Rodney Arismendi.

I. Status and state of health of Mr. Liber Seregni  
(Former General, retired)

a. Judicial Proceedings

1. Mr. Liber Seregni was arrested by an order of the Executive Branch pursuant to the emergency security measures (Constitution of the Republic, Article 168, paragraph 17) in July 1973.

2. In December 1973, he was brought before the Military Judge of the Third Ward, Colonel Dr. Federico Silva Ledesma, who, on February 11, 1974, after a hearing of the prosecutor, ordered that he be charged with the following offenses: "Concealment of an offense against the Constitution - conspiracy followed by preparatory acts" (Articles 132.6; 137 and 197 of the Ordinary Penal Code). "Public

Instigation to Commit a Crime" (Article 147 of the Ordinary Penal Code).

3. At present the case is being dealt with by the above-mentioned court and Mr. Liber Seregni is assisted by his attorneys, Dr. Carlos Martínez Moreno, José Arlas and José Korseniak.

4. In view of his status as a former general, Mr. Seregni has been detained in a military establishment instead of in a prison and enjoys preferential treatment, occupying the accommodation of a senior officer, where he receives visits from his relatives and his defending attorneys.

5. Mr. Seregni is in perfect state of health and the statement contained in the letter dated May 22, 1974, that his health had allegedly been "seriously affected" is completely wrong.

It should be pointed out in this regard that both the relatives and the defending attorneys of Mr. Seregni are in constant contact with the judge involved, Dr. Federico Silva Ledesma, to whom they have never made complaints about the health of the defendant.

Furthermore, Mr. Seregni receives medical care which is provided at all times by the medical and health services of the military unit in which he is detained.

b. Disciplinary proceedings

1. As a retired general, Mr. Liter Seregni was brought before a Special Court of Honor of the Army, which unanimously decided that this General "was covered by paragraph D of Article 108 of the Rules of Procedure of Courts of Honor of the Armed Forces approved by Decree No. 24891 of May 20, 1969, and its amendments and additions thereto "Demotion by reason of an extremely serious offense:.

2. On April 23, 1974, the Executive Branch, by Resolution No. 47,906, approved the decision of the Special Court of Honor of the Army and, on the basis of the pertinent provisions of the Organic Military Law, cashiered him and deprived him of the use of the title and of the uniform.

II. Withholding of medical care from persons arrested, described in communications being replied to as Political prisoners

There is no provision depriving any class of prisoners of medical care. On the contrary, this type of care is completely guaranteed by the competent services of the State, both in the various instances of the judicial proceedings and of imprisonment, and in the orbit of the Executive Branch, through the application of emergency security measures, including of course and obviously, the specific case mentioned, which must be referring to persons arrested for offenses against the fatherland (Criminal Code. Book II, Title I, Chapter I).

Any affirmation to the contrary is therefore inexact and completely false.

It should also be pointed out that, in the instant case, because of the gross character of the lie, there is obviously a deliberate attempt to mislead world opinion as part of the tendentious campaign mounted against my country in international agencies, using, as a supporting element, a malicious and equivocal interpretation of the Decree of the Executive Branch No. D.375/974 of May 14, 1974, which deprived "military and civil personnel whether serving or retired, and/or their relatives, who have been tried for antinational activities of the title of 'associate' of the military health services."

The above-mentioned personnel cease to be entitled to receive medical care from the military health services for which they contribute a monthly quota, in the above-mentioned case and as government officials. As prisoners, as am accused persons, as person convicted, their medical care is provided by the competent medical services of the State, according to the circumstances of the case. Once they are released, they may attend any medical service except the military health service from which they are excluded.

III. Arrest of Mr. Rodney Arismendi

1. Mr. Ribaldo Rodney Arismendi Carrasco Mattos was arrested by police agents while conducting proceedings connected with subversive activity on May 8, 1974, in Apartment 102 of the property located at Miguel Barreiro No. 3318, in Montevideo.

Mr. Arismendi was carrying an Identity Card No. 182,078, bearing the name of Octavio Olivera Burgos, Photographic Record No. 2,380,602, dated 19/2/968, Fingerprints V-2443-I-4442, initials of the OAA official, the lower part of which reads: born in Rivera 21/3/914 and signed by authorization "Alberto C.

Wrigman" and dated 18/2/68-19/2/78. The photograph is that of a person with abundant hair, which proved to be a wig, and was found in a suitcase belonging to him, and a bushy mustache which he had at the time of his arrest.

Interrogated by the police authorities involved, Mr. Arismendi admitted that he was using and was a party to the manufacture of false identity card, which was taken from him, and he is detained under the Emergency Security Measures (Constitution of the Republic, Article 168, Paragraph 17) at the disposal of the Executive Branch.

2. On May 17, 1974, he was brought before the Military Investigating Judge of the Second Ward, Colonel Ormesindo Rodríguez Soto, who initiated the pre-summary proceedings, charging him with "complicity in the falsification of a public document" (Criminal Code Article 237).

3. At the present, he is in the custody of the Military Investigating Judge of the Third Ward, Colonel Dr. Federico Silva Ledesma, who claimed jurisdiction because of the alleged connection of Mr. Arismendi with subversive activity.

The above-mentioned magistrate is in charge of the pre-summary proceedings and is accusing Mr. Arismendi, in addition to complicity in the falsification of a public document, with the offense of "aiding a subversive association" (Military Criminal Code - Article 60 (VI))."

[4] For their part, the complainants, in a letter dated July 18, 1974, received by the CIDH on 7 August, supplemented the report with information that the CIDH decided to transmit to the Uruguay Government so that, if that Government considered it appropriate, it would transmit to the Commission any other information additional to that supplied on September 9, 1974. Accordingly, in a note dated September 25, 1974, it transmitted to the above-mentioned Government the pertinent parts of the additional information provided by the complainants. A copy of this note was sent to the Mission of Uruguay to the OAS on September 27.

[5] With this information to hand, the Commission continued its examination of case 1766 at its thirty-fourth session (October 1974) and appointed Dr. Gabino Fraga a rapporteur of the case.

[6] In accordance with the recommendation of the rapporteur, the Commission decided to send a note to the Government of Uruguay, recommending that, if the information submitted to the CIDH were correct, it should endeavor to correct the conditions in which the former General, Liber Seregni, was allegedly detained, without prejudice to the security measures required by the normal conduct of the trial of that person, so that the right embodied in Article 25 of the American Declaration of the Rights and Duties of Man could be respected.

[7] In implementation of that decision, the Commission sent a note to the Government of Uruguay on December 18, 1974.