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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1788
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Ivan Axelrud de Seixas v. Brazil
Doc. Type:	Report
Decided by:	President: Dr. Andrés Aguilar (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:	6 - 24 October 1975
Citation:	Axelrud de Seixas v. Braz., Comm. 1788, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1788, presented through a communication dated October 30, 1973, reports that the minor, Ivan Axelrud de Seixas, 19 years of age, was arrested three years ago, and transferred to the jurisdiction of the Juvenile Court of Sao Paulo; it alleges that he has not been set free because of the fear on the Part of Brazilian authorities that this minor, once set free, will avenge the death of his father, Mr. Joaquín Alencar Seixas, "which allegedly had been arrested and tortured by Brazil fan authorities and died as a result of such tortures.

In addition, the following facts were denounced:

i) several individuals (the names are given) have been kept for months and even years in prisons in Brazil until they were "acquitted" of the charges brought against them in view of the fact that in that country the legal principle whereby an individual "is presumed to be innocent until proven guilty" has been reversed in the sense that accused are presumed guilty until they are able to prove their innocence. It also reports that a number of individuals (the names are given) have been murdered by the authorities. The list is comprised of a total of 104 individuals and provides the date on which each one died.

[2] In a note of January 9, 1974, the Commission asked the Government of Brazil to provide the corresponding information.

[3] At its thirty-fourth session (October 1974) the CIDH continued its examination of the case, noting that the Government of Brazil had not replied to its request of January 9, 1974, and that the 180-day period provided for under Article 51 of the regulations for provision of the corresponding data had elapsed. Furthermore, the claimant too had failed to provide the supplementary information requested of him in a note dated April 23, 1974. Under the circumstances, the Commission decided to reiterate its request to the claimant to send this information and postponed its examination of the claim. Pursuant to this decision, a note was sent to the claimant on November 11, 1974. At the thirty-fifth session (May 1975), the Commission noted the supplementary information provided by the claimant stating that despite

the release order issued by the competent minors judge, ratified by the principle judge, police officials refused to carry out the order, offering no explanation; this prompted the lawyer representing the minor being held to appear before the Higher Court of Sao Paulo under habeas corpus, a recourse that was denied alleging that the minor in question is a terrorist, is subversive and highly dangerous, so that the minor remains in prison or detained for an indefinite period of time inasmuch as there is no legal basis for his imprisonment.

[4] Examining the status of the case during the thirty-fifth session, the Commission decided to again address itself to the Government of Brazil, transmitting to it the pertinent parts of the additional information provided by the claimant, and requesting information on the status of the minor, Ivan de Seixas. Pursuant to this decision a note was sent to the Government of Brazil on August 8, 1975. In a letter dated August 8, 1975, the claimant was informed of the decision in question.

[5] At the thirty-sixth session (October 1975) the Commission considered the status of processing of this case, noting that the Government of Brazil had not responded to the note of August 8, 1975. Therefore it agreed to postpone examination of the case until its next session, by which time the Government of Brazil will have had time to formulate, if it deems it appropriate, its observations on the additional information on those cases presented by the claimants which were transmitted to it through the note of August 8.