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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1888
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Bety Bijousky de Turiansk v. Uruguay
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. Carrió (Argentina)
Dated:	6 - 24 October 1975
Citation:	Bijousky de Turiansk v. Uru, Comm. 1888, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1888, of October 31, 1974, denounces the expulsion from Uruguay of Mrs. Bety Bijousky de Turiansky on June 5, 1974, by virtue of the provisions contained in Law N1 9, 604 on "undesirables."

[2] In a letter dated November 15, 1974, the Secretariat acknowledged receipt to the claimant. In a note of December 17, 1974, the Commission requested the Government of Uruguay to provide the appropriate information. A copy of that note was transmitted to the Uruguayan Mission to the OAS on December 18, 1974.

[3] The Commission examined this case during the course of its thirty-fifth session (May 1975) noting that the Government of Uruguay had not yet provided the information: requested and that through a note of May 23, 1975 (174/75-16/B.18) it had requested a 90-day extension on the period of time provided for under Article 51 of the Regulations for transmittal of that information.

It therefore decided:

- a) to grant the extension requested by the Government of Uruguay and,
- b) to postpone examination of this case until the period of time provided for under Article 51 of the Regulation and the extension requested had elapsed, appointing Dr. Genaro R. Carrió as rapporteur for the case, with instruction to conduct a study of Law N1 9604 referred to in the denunciation.

[4] Pursuant to this decision, a note was sent to the Government of Uruguay on June 12, 1975. On June 17, the claimant was informed of this decision.

[5] In a note dated September 10, 1975 (N1 318/85), the Government of Uruguay provided the following information, within the required period of time:

"1)The individual in question was expelled from the territory of the Republic by virtue of a resolution

from the Executive Branch, on May 28, 1974, which reads as follows:

'The Ministry of the Interior. Montevideo, May 28, 1974.

HAVING SEEN: the request for permanent residence filed by Sara Betty Bijovsky de Turiansky, an Argentine citizen;

WHEREAS:

1) the above cited individual entered Uruguayan territory on May 19, 1948, as temporary resident (Fs. 7 vts.);

2) On January 9, 1963, she requested authorization from this Bureau of Migration for permanent residency, but lost interest in the procedure and never satisfied most of the requirements referred to in Arts. 79 and subsequent articles of the Decree of February 28, 1947;

3) Page 9 shows the background information that she recorded.

CONSIDERING:

That the information in question reveals that the activities of the individual named in this case demonstrate antinational behaviour. Under such circumstances residency in the national territory is highly inadvisable;

IN VIEW OF: The reasons given by the Juridical Technical Department of the Bureau of Migration, which this office shares, and in accordance with Article 5 of Law N1 9604 of October 13, 1936,

THE PRESIDENT OF THE REPUBLIC, RESOLVES:

1) The request filed by Argentine citizen Sara Betty Bijovsky de Turiansky for permanent residency is not to be granted;

2) To expel the individual named in the above paragraph 1 from the national territory;

3) To advise the Chief of Police of Montevideo, and the Bureau of Migration for the appropriate purposes. Signed. Bordaberry, Hugo Linares Brum.'

"2. On June 5, 1974, the Chief of Police of Montevideo carried out the above Resolution by placing Mrs. de Turiansky on the steamship 'Ciudad de Buenos Aires' headed for Buenos Aires."

[6] The Secretariat acknowledged receipt to the Government of Uruguay on September 16, 1975, and through a letter dated September 17, 1975, the pertinent parts of that information were transmitted to the claimant.

[7] In a communication dated October 1, 1975, the claimant formulated observations on the information provided by the Government of Uruguay, which are summarized below:

1. The note sent by the Government of Uruguay does not provide any information as to the alleged facts upon which it allegedly based its decision to expel her from the country. It merely transcribes the text of the resolution, and this in turn is presumably being provided for purposes of the record.

2. The resolution in itself does not refer to any concrete facts, but rather to the legal provision upon which the decision was based, the date on which legal residency was requested, and the existence of certain information on record, the context of which is not specified.

3. The file makes no reference to any concrete events; it refers, in generic terms, to >behavior= inadvisable for public safety" or "antisocial behavior". Police headquarters, on the other hand, reported that she "has been classified as a Communist activist and the wife of Communist activist Wladimir Turiansky" on July 15, 1963, when--should those statements be correct--no Uruguayan law proscribed Communism.

4. Evidence as to the events is not provided anywhere.

5. The reply received from the Government of Uruguay proves, on the other hand, that at no time was she allowed to exercise her right to defense, to see the statements as to fact and as to evidence or--had there been charges made by the prosecution--the defense charges.

6. Negative proof is obviously impossible; she stated that inaccuracy of the labels in the decree ordering her expulsion, and she categorically stated that she had never had a criminal record (neither judicial nor police record) , and she never committed a crime.

[8] During its thirty-sixth session (October 1975) the Commission considered this communication together with the information provided by the Government of Uruguay. It decided to transmit to that Government of Uruguay to kindly send its observation within a period of 60 days.

[9] Pursuant to that decision, the Commission addressed the Government of Uruguay through a note dated October 24, 1975. A copy of that note was transmitted to the Uruguayan Mission to the OAS on October 28, 1975. The claimant was informed of the decision through a letter dated January 12, 1976.