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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1835
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Wellington Rocha Cantal and others 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:	Rocha Cantal v. Braz., Comm. 1835, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Communication 1835, of April 13, 1974, supplemented on July 1, 1974, denounces the arrest of 53 individuals by the Government police, among them students, professionals, economists, Catholic labor leaders and social workers and, especially, the case of Wellington Rocha Cantal, a Brazilian lawyer and officer in the army, arrested in Sao Paulo on April 3 and tortured during the 27 days he was held under arrest.

[2] The Commission, in a note dated June 24, 1974, requested that the Government of Brazil provide the appropriate information in accordance with Articles 42 and 44 of the Regulations, also transmitting to it the pertinent parts of the communication. In a letter of June 26, 1974, the Secretariat informed the claimant of the measures taken in connection with the case.

[3] At the thirty-fifth session (May 1975) the Commission continued its examination of case 1835, noting that the Government of Brazil had not replied to the request for information it filed on June 24. It decided the following:

- a. To presume confirmation of the events denounced in the communication of April 13, 1974, in application of the provisions contained under Article 51 of the Regulations of the Commission.
- b. To address a communication to the Federal Bar Association of Brazil to secure from that association such information as it deems appropriate with regard to the case of lawyer Rocha Cantal and exhaustion of internal legal remedies, and ,
- c. To address a note to the claimant requesting that he provide information as to whether in this instance the internal legal remedies have been exhausted and, especially, the results of the appeal made by the affected party before the Government of Brazil.

[4] Pursuant to points B and C of this decision, the Commission sent a note to the Federal Bar Association on September 22, 1975, and to the claimant on August 12, 1975. In a note of October 8, 1975 (No. 802-GP) the Brazilian Bar Association replied to the Commission stating, in summary, the

following:

- a. On May 28, 1974, the Federal Board of the Brazilian Bar Association received the text of a statement signed by the lawyers Ibé Bandeira de Melo and Julio Fernando Toledo Teixeira, at its Sao Paulo office
- b. Such steps as the competence of the Association allows were immediately adopted, and a committee was appointed to examine a case and propose the appropriate measures for defense of attorney Rocha Cantal.
- c. On June 1974; the Board addressed the President of Brazil and the Minister of Justice, bringing to their attention the event involving attorney Cantal.
- d. At a plenary session of the Federal Board held on June 12, 1974, the report submitted by the committee charged with examining this case was placed under consideration. Having been present at that meeting, attorney Rocha Cantal decided to present a new document, in light of new events that had taken place subsequent to the first request and the measures adopted.
- e. The Federal Board has been a constant source of assistance and support to this lawyer just as it has to other lawyers.

[5] The Commission continued examination of this case at its thirty-sixth session (October 1975), during which it noted the information provided by The Federal Bar Association of Brazil. However, since the claimant had not yet provided the additional information necessary to proceed with the examination, it decided to postpone its consideration of the case until the next session."

[6] In a letter dated November 10, 1975, sent to the Chairman of the Federal Bar Association of Brazil, the Commission acknowledged receipt of the above information and requested a copy of the report submitted by the committee appointed by the Bar Association to examine the case of lawyer Wellington Rocha Cantal. According to the text of the note of October 9, the report was to have been enclosed.