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Institution: Inter-American Commission on Human Rights
File Number(s): Case No. 2076
Session: Forty-First Session (11 – 27 May 1977)
Title/Style of Cause: Aida Angelica Ortiz and Aida Alejandra Ortiz v. Paraguay
Doc. Type: Resolution
Decided by: President: Dr. Andrés Aguilar
Vice-President: Dr. Carlos a. Dunshee de Abranches
Members: Prof. Tom J. Farer; Dr. Gabino Fraga; Dr. Carlos García Bauer;
Dr. José Joaquín Gori; Mr. Fernando Volio Jiménez
Dated: 13 May 1977
Citation: Ortiz v. Para., Case 2076, Inter-Am. C.H.R., OEA/Ser.L/V/II.43, doc. 21,
corr. 1 (1977)

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WHEREAS:

[1] A communication dated June 7, 1976, denounced the detention of Mrs. Aida Angelica Ortiz in Asuncion, together with her eleven-month old baby girl, Aida Alejandra, around mid-March of 1976;

According to the denunciation, Mrs. Ortiz is being held incommunicado under subhuman conditions and the whereabouts and fate of her child are unknown;

According to the claimant, at the time of her detention, Mrs. Ortiz was under strict medical care for chronic asthma, a cardiac condition, a change in the nervous system and liver problems, and thus, her life was in jeopardy;

[2] By a cable dated August 12, 1976, the Commission transmitted to the Government of Paraguay the pertinent parts of the denunciation and requested that it provide the appropriate information (Article 42 of the Regulations);

[3] By a cable dated November 5, 1976, the IACHR repeated its request for information to the Government of Paraguay;

[4] Despite the length of time that has elapsed, the Government of Paraguay has not provided any information, and

[5] Article 51.1 of the Regulations of the Commission provides the following:

1. The occurrence of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 180 days of the request, provided always that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. In application of Article 51.1 of the Regulations, to presume the events denounced to be confirmed.
2. To point out to the Government of Paraguay that such events constitute very serious violations of the right to liberty and personal security (Article I of the American Declaration of the Rights and Duties of Man); of the right to protection for the family (Article VI); of the right to protection for children (Article VIII); of the right to a fair trial (Article XVIII); of the right of protection from arbitrary arrest (Article XXV), and of the right to due process of law (Article XXVI).
3. To recommend to the Government that it immediately releases Mrs. Ortiz and her daughter Aida.
4. To recommend to the Government that it punish, in accordance with its laws, those responsible for the events denounced and that within sixty days it inform the Commission of the measures taken.
5. To forward this resolution to the Government of Paraguay and to the claimant.
6. To include this resolution in its Annual Report to the General Assembly of the Organization (Article 9 (bis), c, iii. of the Statute).

Adopted at the 522nd meeting, May 13, 1977 (41st Session) and forwarded to the Government of Paraguay on May 27, 1977.