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WHEREAS:

[1] In a communication dated August 22, 1974, the following was denounced:

A young woman, a 20-year-old student and professor, NIBIA ZABALZAGARAY, (was) killed as a result of tortures inflicted at the Police Station at Secaleros, located in the El Pecarol neighborhood of Montevideo.

[2] The Inter-American Commission on Human Rights, in a note dated October 8, 1974, transmitted the pertinent parts of the denunciation to the Government of Uruguay and requested that it provide the appropriate information;

[3] The Government, in a note date May 23, 1975, requested a ninety-day extension in order to provide the information requested;

[4] The Commission, in a note dated June 12, 1975, granted a thirty-day extension to the Government, which elapsed on July 12, 1975;

[5] The Government of Uruguay, in a note dated July 12, 1975, reported the following to the Commission:

I - The death of Miss Nibia Zabalzaray

The individual in question was detained on July 29, 1974 and within 24 hours of her detention she committed suicide in her cell.

The competent judicial organ intervened, ordering an opinion from the forensic physician. His reports states: 'asphyxiation by suspension' (hanging) as the cause of death.

The intervening Judge, in the absence of proof of any illegality, closed the proceedings on August 2, 1974.

[6] The claimant, in a communication dated July 8, 1975, provided additional information to the Commission, the pertinent parts of which appear below:

NIBIA ZABALZAGARAY - professor of literature, single, 24 years of age.

The individual was detained, tortured and killed, all within a period of 10 hours, on Saturday, June 29, 1974.

At 1:30 a.m., three men dressed in military uniforms and two civilians appeared at her room at the Campomar Home for Workers' Children in Montevideo (she was a native of the Department of Colonia). They interrogated her as to her political convictions and left with her at 3:00 a.m. and refused to reveal their identity and the place to which they were taking her.

Ten hours later, those in charge of the residence received a phone call informing them that Nibia Zabalzaray had died and that they should inform some member of the family so that the latter might claim her body at the Military Hospital. Her uncles appeared there and were informed that Nibia was dead on arrival at the Hospital, and that her personal effects and her clothing (she was nude) should be claimed at the barracks of the Engineers Battalion No 5 and Transmissions Service (Camino Casavalle, Montevideo).

The death certificate, issued by Dr Jose Alejandro Mautone, attributed the death to suicide by hanging.

The relatives were denied the necessary authorization to conduct another autopsy. The corpse, however, underwent an external examination by experts, the results of which contradicted the official ruling.

The true cause of her death is asphyxiation through application of the torture known as the "dry submarine" (application of a plastic bag on the head, thereby preventing breathing) or cardiac arrest under torture.

No judicial action was taken as a result of the death of Nibia Zabalzaray. No official received any military disciplinary punishment.

[7] The Commission, in a note date October 24, 1975, forwarded to the Government of Uruguay the pertinent parts of the additional information provided by the claimant, and requested that the Government provide the following information:

b) A copy of the legal record and actions taken during the proceedings that were closed by the intervening judge on August 2, 1974, 'in the absence of proof of any illegality,' as stated in the corresponding part of the note from Your Excellency's Government of July 12 of this year.

c) A copy of the autopsy on the corpse of Miss Nibia Zabalzaray.

[8] The Government of Uruguay, in a note dated May 18, 1976, refused to provide the information specified in the foregoing paragraph;

[9] To date, the Government of Uruguay has still not provided the Commission either a copy of the actions taken during the proceedings or a copy of the autopsy on the corpse of Miss Nibia Zabalzaray; and

[10] From the information provided by the Government itself, it is concluded that no other proceeding or internal remedy is pending decision,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that all available information leads to the presumption that the cause of death of Miss Nibia Zabalzaray, who was arrested by authorities and died ten hours after her arrest while in the custody of authorities, was a consequence of acts of violence she experienced during her detention.

2. To point out to the Government of Uruguay that the events denounced constitute a serious violation of the right to life (Article I of the American Declaration of the Rights and Duties of Man).

3. To recommend to the Government:

a) that it order a thorough and impartial investigation to determine the true cause of the death denounced and, in accordance with Uruguayan laws, punish the individual or individuals responsible, should it be proven that a murder has been committed;

b) that it advise the Commission of the measures taken to implement the recommendations contained in the above section within a period of no more than thirty days.

4. To forward this resolution to the Government of Uruguay and to claimants.

5. To include this resolution in its Annual Report to the General Assembly of the Organization (Article 9 (bis), c, iii of the Statute) if the Government has not advised the Commission of the measures it has taken to conduct the investigation recommended under operative paragraph 3 within a thirty-day period.

Adopted at meeting No. 559th, January 30, 1978 (45th Session) and forwarded to the Government of Uruguay on February 21, 1978.