

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1909
Session:	Forty-Fourth Session (9 - 23 June 1978)
Title/Style of Cause:	Jorge Mazzarovich v. Uruguay
Doc. Type:	Resolution
Decided by:	Chairman: Andrés Aguilar; Vice Chairman: Carlos A. Dunshee de Abranches Members: Gabino Fraga, Tom J. Farer, Carlos García Bauer, Fernando Volio Jiménez; Marco Gerardo Monroy Cabra. Marco Gerardo Monroy Cabra was elected to complete the term of Dr. José Joaquín Gori, who resigned after having been appointed Ambassador, Permanent Representative of the Mission of Colombia to the OAS.
Dated:	21 June 1978
Citation:	Mazzarovich v. Uru., Case 1909, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. In a communication dated May 20, 1975, the following was denounced:

“Mr. Jorge Mazzarovich was detained in October 1974. His case was submitted to the Military Trial Court 3rd Session. This Court decreed his freedom, without any restriction and not ‘under deferment,’ He was set free, but the Police, although the judicial sentence did not authorize it to do so, obliged him to appear weekly. On one such occasion, in the middle of April 1975, he was again detained. He was transferred to Flores, where he remained incommunicado, was set free on May 10, and again detained on the 16th (May 16, 1975).”

2. In compliance with a decision taken at its 25th session, the Commission, in a note dated August 7, 1975, transmitted the pertinent parts of the denunciation to the Uruguayan Government inquiring whether this latest detention was the result of a measure revoking his conditional freedom or whether some new act was imputed to him. If judicial proceedings had been initiated, that it kindly supply any information it might deem opportune on the nature of the charges of which he was accused, on the judicial proceedings carried out in the aforesaid process, and its present status.

3. The Government of Uruguay, in a note dated May 18, 1976, replied to the Commission’s request for information in the following terms:

“As regards the new detention... of Jorge Mazzarovich, it should be noted that:

- a. He was again detained on May 16, 1975, under the Prompt Security Measures (Constitution of the Republic, Art. 168.17) in the capacity as one of the top leaders of an illicit association;
- b. He was set free on June 1, 1977.”

4. This reply from the Uruguayan Government was transmitted to the claimant on June 14, 1976, requesting his timely observations.

5. The claimant, in his communication dated September 11, 1976, made the following observations:

“Although Mr. Jorge Mazzarovich was set free in June 1975, he was arrested again in January 1976, and is still in detention, incommunicado, his place of detention not having been revealed to his family. I hereby formally denounce these facts.”

6. The Commission, in compliance with a decision adopted at its 39th session, again addressed the Uruguayan Government on March 3, 1977, requesting that it indicate the reasons for the arrest of Mr. Jorge Mazzarovich for the third time.

7. The Government of Uruguay, in a note dated March 10, 1977, replied in the following terms:

a. The reasons for detaining Mr. Jorge Mazzarovich for the third time are contained explicitly in the aforementioned note of that Mission 313/76-16.B.18 dated May 18, 1976, which, in paragraph 2 states that Mr. Mazzarovich was again detained on May 16, 1975, under the Prompt Security Measures, as a top leader of an illegal organization, and that he was released on June 1, 1975;”

8. The pertinent parts of the reply from the Uruguayan Government were transmitted to the complainant in a letter dated July 20, 1977. In an earlier letter dated April 25, 1977, he had supplied the following additional information:

“He was held incommunicado for months after his arrest, . . . he was brutally tortured, despite his state of permanent poor health. Then he was again brought before the Military Courts, which ordered him put to trial.”

9. In its note dated September 19, 1977, the Commission transmitted this additional information to the Government of Uruguay, and requested it to take such steps as it felt were required to supply the Commission, as soon as possible, with all the information on this case,

WHEREAS:

1. To date, the Government of Uruguay has not responded to the Commission’s request dated September 19, 1977;

2. Article 51.1 of the Regulations of the Commission provides as follows:

Article 51:

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. Pursuant to Article 51.1 of the Regulations, to presume the facts denounced in the communication dated April 25, 1977 regarding the arbitrary detention and torture of Mr. Jorge Mazzarovich to be true.

2. To observe to the Government of Uruguay that these events constitute a violation of (Article I)

right to life of the American Declaration of the Rights and Duties of Man, (Article XVIII) right to a fair trial, (Article XXV) right to protection against arbitrary detention, and (Article XXVI) right to due process.

3. To recommend to the Government that it immediately release Mr. Mazzarovich, or bring him to a fair trial, if there are grounds for so doing, and to remind the Government that invoking the Prompt Security Measures does not in itself justify his indefinite detention.

4. To recommend to the Government that it investigate the facts denounced and that it punish those responsible and that, within 60 days it inform the Commission of the measures taken.

5. To communicate this Resolution to the Government of Uruguay and to the claimant.

6. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States (Article 9 (bis), paragraph c. iii of the Statute).

(Approved at the 579th meeting of June 21, 1978 (44th Session) and transmitted to the Government of Uruguay on July 18, 1978).