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File Number(s):	Report No. 19/78, Case No. 2088 B
Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Mario Abel Amaya v. Argentina
Doc. Type:	Resolution
Decided by:	Chairman: Dr. Carlos A. Dunshee de Abranches; Vice Chairman: Professor Tom J. Farer; Members: Dr. Andrés Aguilar, Dr. Gabino Fraga, Dr. Carlos García Bauer, Dr. Marco Gerardo Monroy Cabra; Dr. Fernando Volio Jiménez
Dated:	18 November 1978
Citation:	Amaya v. Arg., Case 2088 B, Inter-Am. C.H.R., Report No. 19/78, OEA/Ser.L/V/II.50, doc. 13 rev. 1 (1979-1980)
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BACKGROUND:

1. A note dated August 4, 1976 and cablegrams of the same date charged that former deputy Mario Abel Amaya was kidnapped in Buenos Aires.

2. In a cablegram of August 26, 1976, the Commission transmitted the pertinent parts of this charge to the Government of Argentina and requested it to provide all related information.

3. In a cablegram dated August 31, 1976, the Government of Argentina replied to the request of the Commission and provided the following information:

"Following an investigation, on the 30th of this month the competent agencies freed former Senator Solari Irigoyen and former Deputy Amaya, kidnapped by a still unidentified group."

4. The Commission transmitted to the claimants a note dated September 2, 1976, with the pertinent parts of the information provided by the Government of Argentina and invited claimants to make any observations.

5. In a note dated September 14, 1976 the claimant reported that while former deputy Amaya was still alive, he was detained and placed at the disposition of the Executive (PEN) under the terms of the state of siege, and was being held at facilities of the Fifth Army Corps located in the city of Bahña Blanca, south of the Province of Buenos Aires.

6. In a cablegram dated October 22, 1976, the Government of Argentina reported the following:

"The National Office of the Federal Penitentiary Service reported, through its press office that Mario Abel AMAYA, the person detained and placed at the disposition of the Executive had died on October 19, at 10 p.m. in the Central Penitentiary Hospital. The patient had been admitted to the hospital to be treated

for chronic asthma and a coronary condition which had been identified five years earlier. Despite the professional clinical care, in view of his condition, and the time of day, he suffered a heart attack which did not respond to first aid and his death was caused by acute cardiac insufficiency brought on by an acute myocardial infarct."

7. In a note dated October 28, 1976, the Commission transmitted the pertinent parts of this information to the claimants and requested them to present their observations.

8. During its 39th session, the Commission decided to request the Government of Argentina to provide information concerning the reasons for Mr. Amaya's detention and why he was not transferred to a general hospital, in lieu of the penitentiary hospital, to receive the medical care that his condition required. This information was requested in a note dated December 6, 1976.

9. In a note dated January 11, 1977, the Government of Argentina replied as follows:

"With respect to this matter, I wish to report that Mr. Mario Abel Amaya was detained for presumed ties with subversive activities. Likewise, I inform you that the penitentiary hospital to which he was admitted has adequate facilities and personnel to provide treatment for conditions such as suffered by Mr. Amaya. Unfortunately the seriousness of his condition could not be corrected by the efforts of the medical personnel to save his life."

10. On January 14, 1977, the Commission transmitted the pertinent parts of the foregoing information to the claimants, requesting their observations.

11. In a note dated October 16, 1977, the Commission received a statement made by Mr. Hipylito Solari Irigoyen, who had been detained along with Mr. Mario Abel Amaya. The pertinent part of his statement reads as follows:

"Deputy Mario Abel Amaya was also detained on August 17, 1976, in his home at Trelew, the Province of Chubut, and was detained on the same terms as I was until we were transferred on September 11, 1976 in a naval aircraft from Bahna Blanca to the 'Almirante Zar' Naval Air Base at Trelew and from there to the Rawson jail. As a result of the brutal treatment at the Base and in the jail, and the lack of medical care during the first few days, Deputy Amaya was transferred in critical condition to the hospital of the Villa Devoto Prison, in Buenos Aires, where he died on October 19, 1976."

WHEREAS:

1. In light of the background information given above, it is found that Mr. MARIO ABEL AMAYA was detained and tortured by the authorities and was in prison when he died on October 19, 1976;

2. The authorities knew of Mr. Mario Abel Amaya's chronic asthmatic condition and of his coronary disease, but despite this, they kept him in inadequate and inhuman conditions, given his state of health, and did not supply him with the care the case required,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To observe to the Government of Argentina that such acts constitute very serious violations of the right to life, liberty and personal security (Art. I); of the right to a fair trial (Art. XVIII) and of the right to protection against arbitrary arrest (Art. XXV) of the American Declaration of the Rights and Duties of Man.

2. To recommend to the Government of Argentina:
 - a. that it order a complete, impartial investigation to determine who was responsible for the acts denounced;
 - b. that it punish those responsible for those acts, in accordance with Argentine law, and
 - c. that it report to the Commission, within a maximum of 30 days, on the measures taken to put into practice the recommendations made in the present Resolution.
3. To communicate this Resolution to the Government of Argentina and to the claimants.
4. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c. iii of the Statute of the Commission.