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Title/Style of Cause:	Monica Maria Candelaria Mignone 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
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BACKGROUND:

1. The following denunciation was made in a communication dated February 15, 1977:

"On May 14, at 5:00 a.m., a heavily-armed detachment, who said they belonged to the Argentinean Army, entered the home located on the Avenue Santa Fe 2949, 3rd. Floor A, in the city of Buenos Aires. They were interested only in the address books, and after a few questions, the intruders detained Monica Maria Candelaria MIGNONE, I.D. 2466.133, 24 years old, a spinster, who lived at that address with her family, and took her away. They said they were taking her back to the First Infantry Regiment located in Palermo, inside the city limits.

"It is not known whether she is alive or dead, what was the reason for her detention or what she is accused of, if indeed there were any grounds. There is no doubt that she was detained by members of the Armed Forces. The event occurred in public, in a heavily-guarded area, and the behavior of the people involved was correct.

"In fact, replying to the writ of habeas corpus filed with the courts, and to other written and oral request to the Ministers of the Interior, the Office of the President of the Republic, the Military Commandants, the Federal Police, etc., the authorities deny that she was detained, although it is public and common knowledge that it did happen."

2. In a note of July 14, 1977, the Commission transmitted the pertinent parts of the denunciation to the Government of Argentina, asking that it provide the corresponding information.

3. In a note of September 29, 1977, the Government of Argentina responded to the Commission's request for information, in the following terms, but without referring to the events denounced:

...

"E. Persons regarding whom steps are being taken to determine their whereabouts since the national authorities have no record of complaints regarding disappearances prior to the denunciations presented by

the Inter-American Commission on Human Rights:

...

MIGNONE, Monica Maria Candelaria."

4. In a letter of October 20, 1977, the pertinent parts of that reply were transmitted to the claimant, and he was invited to make his observations on it.

5. In a letter of November 28, 1977, the complainant replied to the Commission, challenging the Government of Argentina's reply in the following terms:

"The reply from the Government of Argentina that you forwarded is flagrantly inaccurate.

"By the time that reply was written i.e., September 29, 1977, two denunciations had been filed; indeed, they were filed much earlier. The first, on May 15, 1976 was tiled with Federal Police Section Ne 19, and it gave rise to a pseudo-investigation, before the Magistrate's Court of the First Instance (Juez de Primera Instancia de Instruccion de Turno.) There was a second in June of the same year, i.e. 1976, filed under case Ne 188.248. More than ten visits were made in connection with the latter denunciation, after requests for interviews, to the above-mentioned Ministry, but the same negative response was always given. Finally, over that year and a half, eight writs of habeas corpus were filed with various Federal courts in the Federal Capital. In each case, the presiding judge requested information on MONICA MARIA CANDELARIA MIGNONE from the Ministry of the Interior, the Ministry of Defense, the Commanders-in-Chief of the Army, the Navy and the Air Force, the Federal Police, the Police of the Province of Buenos Aires, the National Gendarmerie and the Navy Prefecture. The response was also negative here.

"By virtue of the foregoing, the statement by the Argentinean Government that it has no record of complaints regarding of disappearances prior to the denunciations presented by the Inter-American Commission on Human Rights' is false.

"Moreover, this case is very well known. It has been unofficially acknowledged that given the place and the way in which it was carried out, it could only have been an operation by the Armed Forces, with support from the Police. What we do not know is the fate of MONICA MARIA CANDELARIA MIGNONE, since neither the Argentine Government nor the Armed Forces make a report when they kill prisoners, nor do they hand over their bodies; nor do they specify the place of detention whenever they put them in jail."

6. The events set forth in the observations were felt to be substantially the same as those transmitted to the Government of Argentina in the note of July 14, 1977.

WHEREAS:

1. To date, the Government of Argentina has not supplied sufficient information on the specific events listed in the communication by the IACHR of July 14, 1977;

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

"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 one hundred and eighty 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 listed in the denunciation related to the detention and disappearance of MONICA MARIA CANDELARIA MIGNONE to be true.

2. To observe to the Government of Argentina that such events constitute very serious violations of the right to liberty and personal security (Article I) of the right to a fair trial; (Article XVIII), and of the right to protection from arbitrary arrest (Article XXV), and of the right to due process (Article XXVI) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Argentina:

a. that it immediately release Miss MONICA MARIA CANDELARIA MIGNONE, or if appropriate, to bring her to proper trial, guaranteeing her that the conditions of her imprisonment do not violate her right to humane treatment as set forth in Article XXV cited above;

b. that it punish those responsible for the events denounced, in accordance with Argentine law, and

c. that it inform the Commission, within a maximum of 30 days, as to the measures taken to put into practice the recommendations contained in the present Resolution.

4. To communicate this Resolution to the Government of Argentina and to the claimant.

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