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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 20/78, Case No. 2155
Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Enrique Rodriguez Lareta Piera 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:	Rodriguez Lareta Piera v. Arg., Case 2155, Inter-Am. C.H.R., Report No. 20/78, OEA/Ser.L/V/II.50, doc. 13 rev. 1 (1979-1980)
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BACKGROUND:

1. A letter of April 14, 1977, denounced the detention, imprisonment and torture of Mr. ENRIQUE RODRIGUEZ LARRETA PIERA, by a band of armed men, at 1588 Victor Martinez Street in Buenos Aires. This occurred on the night of July 13-14, 1976.

2. The claimant attached to his letter a statement by the victim (Rodriguez Larreta Piera) on the events denounced, and on the status of his son, ENRIQUE RODRIGUEZ LARRETA MARTINEZ, detained in Uruguay since 1976.

3. The same letter also denounced Mr. Rodriguez Larreta Piera's transfer from Buenos Aires to Montevideo, his detention and subsequent release.

4. In a letter dated September 22, 1977, the Commission transmitted the pertinent parts of this denunciation to the Government of Argentina, attaching the above-mentioned statement, and asking it provide the information requested.

5. In a note of January 9, 1978, the Government of Argentina replied to the Commission's request for information, in the following terms, but failed to refer to the events denounced:

"...

c. Persons on whom there is no record of detention and who are the subject of a police search by the Ministry of the Interior:

...

88. Rodriguez Larreta Piera, Enrique (Case 2155)"

6. The pertinent parts of the Government's reply were transmitted to the claimant in a letter of May 24, 1978, and he was invited to make observations on that reply.

7. In a letter dated May 24, 1978, the claimant challenged the reply from the Government of Argentina in the following terms:

"Allow me to tell you that I am still amazed at the reply from the Argentine Government on the case of Enrique Rodriguez Larreta (Case 2155).

"The Commission has in its possession the dossier prepared by this office on the statements made to the international press by Mr. Rodriguez Larreta. Articles were published in Le Monde, The Manchester Guardian, Time Magazine, The London Times, The New York Times, The Washington Post, etc. Mr. Rodriguez Larreta talks to the Commission of which you are Chairman, to Willy Brandt, to the Aga Khan, but the Argentinean Government is unaware of this and is looking for him in Argentina.

"Moreover, the denunciation filed by this office was not based on Mr. Rodriguez Larreta's disappearance but rather on his imprisonment, torture, transfer to Montevideo and subsequent release. Sixty-four Uruguayan citizens, detained under the same circumstances, are still in Uruguay jails."

8. In a communication dated August 4, 1978, the Commission transmitted the claimant's observations to the Government of Argentina, reiterating that it should supply the pertinent reports; these have not been received as of the present date.

9. In a letter dated August 23, 1978, the claimant was informed of the receipt of his observations on the Argentine Government's reply.

WHEREAS:

1. In light of the background information given above, it is found that Mr. Enrique Rodriguez Larreta Piera was detained and tortured by agents of the Government of Argentina;

2. The Government of Argentina failed to refer to the facts specifically denounced, transmitted by the Commission in a note of September 22, 1977.

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

"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 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 referred to in the denunciation regarding the detention, imprisonment and torture of Mr. ENRIQUE RODRIGUEZ LARRETA PIERA in Argentina, and his transfer from that country to Uruguay to be true.

2. To observe to the Government of Argentina that such acts constitute very serious violations of the right to liberty and personal security (Article I), and of the right to protection from arbitrary arrest (Article XXV) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Argentina:

a. that it order a complete, impartial investigation to determine responsibility for the events denounced;

- b. that it punish those responsible for such acts in accordance with Argentine law, and
 - c. that it inform the Commission, within a maximum of thirty days, as to the measures taken to put into practice the recommendations set forth 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.