

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 22/78, Case No. 2266
Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Jorge San Vicente 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:	San Vicente v. Arg., Case 2266, Inter-Am. C.H.R., Report No. 22/78, OEA/Ser.L/V/II.50, doc. 13 rev. 1 (1979-1980)
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. The following denunciation was received by the Commission on April 1, 1977:

"Jorge San Vicente, 22 years old, resident at Hudson Street 849, Villa Maipu, Province of Buenos Aires, was arrested on April 29, 1976. On that day, San Vicente was going to work at Maipu 42, Buenos Aires, where he remained for the full day of work. That night he did not return home. On May 1, a search and seizure operation was effected by persons who stated that they belonged to the federal Police; at that time the alleged police officers told the members of his family that Jorge San Vicente was detained in the 'Narcotics Section' of the police station. However, during the next six months, successive writs of habeas corpus, letters addressed to the government, military authorities, and other endeavors to locate him, all ended unsuccessfully."

2. In a note dated July 14, 1977, the Commission transmitted the pertinent parts of the denunciation to the Government of Argentina, requesting that it supply the information in question.

3. The Government of Argentina, in a note dated September 29, 1977, replied as follows to the Commission's request for information:

"D. Persons for whom there are no previous records of detention and who are the subject of a police search by the Ministry of The Interior:

142.San Vicente, Jorge."

4. The pertinent parts of the Government's reply were transmitted to the claimant in a letter dated October 20, 1977, and he was invited to give his observations on the reply.

5. In a letter of November 10, 1977, one of the claimants replied to the Commission, forwarding copies of various notes sent to the government authorities and of the replies received.

6. The Commission is in possession of a photocopy of the Decree of September 11, 1976, issued by the First Army Corps Command and supplied by the claimant, which states as follows:

"To the Federal Judge of Lower Court No. 16, Dr. Gustavo Mitchel, Secretary Jose U. Martinez Sobrino.

'In answer to your telegram of September 6, 1976, with regard to the filing of a writ of habeas corpus, case No. 4649, allow me to inform you that Jorge San Vicente has been detained at the disposition of the Special Military Tribunal No. 1/2.'

7. The Commission has in its possession a photocopy of the note dated September 15, 1976 from the Command of the First Army Corps, addressed to the interested party, that note states: "We have no information with regard to the alleged detention of Jorge San Vicente within this Command."

8. In a communication dated December 5, 1977, the Government of Argentina was asked "to report on the authenticity of the decree of September 11, 1976, attached hereto, which informed Federal Judge of Lower Court No. 16, Dr. Gustavo Mitchel, that in relation to case No. 4649 (a writ of habeas corpus), Mr. Jorge San Vicente was detained at the disposition of the Special Military Tribunal."

WHEREAS:

1. To date, the Government of Argentina has not supplied the corresponding information on the specific facts set forth in the letter from the Commission dated December 5, 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 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. In application of Article 51.1 of the Regulations, to presume the events reported in the above mentioned denunciation to be true.

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

3. To recommend to the Government of Argentina:

a. that it immediately take all measures necessary to release Mr. Jorge San Vicente or, if pertinent and applicable, to allow him due process of the law and ensure that the conditions of his detention do not violate his right to human treatment upheld in Article XXV above;

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

c. that it inform the Commission, within a maximum of 30 days, of 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 claimants.

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