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Title/Style of Cause:	Pedro Cribari v. Uruguay
Doc. Type:	Resolution
Decided by:	Chairman: Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Carlos A. Dunshee de Abranches; Andrés Aguilar; Luis Demetrio Tinoco Castro; César Sepúlveda
Dated:	06 March 1981
Citation:	Cribari v. Urug., Case 1954, Inter-Am. C.H.R., Report No. 17/81, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)
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## BACKGROUND:

1. The Commission received the following denunciation in a communication dated June 19, 1975:

“Pedro Cribari was detained by police officials at his place of work (a real estate office) last May. He was taken to Department number 6 of the National Bureau of Information and Intelligence and was tortured for several days in a row. After one of this torture sessions, he was thrown into a place where he could see that another detainee, accused of a common crime, a man they called "the Argentinian" or "the man from Rosario", was being tortured. When tortured, he had a hysterical reaction that made him laugh all the time. Exasperated, his torturers called In a torturer known by the nickname of "the mummy", who subjected him to the "submarine" in such a brutal way that the man collapsed and died. As a result of this, the officials present reacted with alarm, and considered the advisability of "eliminating witnesses."

However, in this strange atmosphere, Cribari was able to run away to the staircase and reached the roof. He was followed and cornered, but was able to throw himself into one of the trees on Maldonado Street, where he hung in the air. From there, right in the middle of the street, he was able the attention of the neighborhood by shouting out about how he and other detainees had been treated to attract describing the killing he had just seen.

He was ordered to come down out of the tree, and the people who had appeared at their windows and on their balconies (it is in the very center of Montevideo) were told to go away. As Cribari insisted and demanded to be picked up by a diplomatic car in order to get down from the tree, he was shot at three times. The third shot penetrated his thorax. He was taken to the military hospital and operated on, although the bullet was not extracted. Ten days before the release date authorized by the surgeon, he was taken out of the hospital and taken to the fourth floor of the central police station, where he is still being held. He was kept incommunicado for a number of days, until he was allowed a visit by his wife. He remains in detention."

2. In a note of August 7, 1975, the Commission transmitted the pertinent parts of the denunciation to

the Government of Uruguay, and asked it to provide such information as it considered appropriate, particularly regarding exhaustion of domestic remedies.

3. Not having received any reply from the Government of Uruguay, the Commission repeated its request for information in a note dated October 14, 1975.

4. In a note dated February 27, 1976, the Government of Uruguay asked for the deadline established in the Regulations for the receipt of information to be extended for 90 days. This extension was granted in the Commission's note of March 15, 1976.

5. In a note dated May 20, 1976, the Government of Uruguay replied to the Commission's request for information in the following terms:

“Having been detained in the patio of D-6, in the early morning of the 21st of the same month, he attempted to flee across the roof, suffering from an attack of nerves caused, he said later, by his extreme concern at having had no news of his wife, who was about to give birth. Cribari's unexpected actions, throwing himself from the parapet of the roof to a tree down in the street, combined with his cries and the shouting of the guard pursuing him, caused momentary confusion among the building's security guards, one of whom fired upward and hit the detainee in the thorax while he was still in the tree. He was immediately given first aid and rushed to the military hospital, where he underwent surgery. He recovered quickly and a few days later, was taken back to a police facility. At that point, Cribari repeatedly expressed his thanks for the aid he had received during the emergency and recognized the serious error he had committed attempting to flee.

We point out that Cribari was tried by a military court on 7.7.75 for having "assisted in subversive association", "association for the purposes of committing a crime" and "false testimony".

6. The Government of Uruguay's response was sent to the claimant on June 14, 1976, with a request for his observations.

7. In a note dated September 28, 1976, which was received by the Commission on October 12, 1976, the claimant submitted his observations and fundamentally reaffirmed what he had said in his denunciation.

#### WHEREAS:

1. In his attempt to flee and take refuge in a tree on Maldonado Street, Mr. Pedro Cribari was defenseless and unarmed:

2. The police could have caught him without resorting to force, whereas the opposite happened and members of the Guard fired on him three times;

3. Such action by police authorities against a person who was unarmed and who was suffering from nervous depression constitutes a direct attack on his personal safety and security;

4. The Government of Uruguay has presented no information that would allow the Commission to determine whether any domestic remedy remains to be exhausted,

#### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To declare that the Government of Uruguay violated Article I (right to life, liberty and personal

security) of the American Declaration of the Rights and Duties of Man.

2. To recommend to the Government of Uruguay:

- a) that it order an investigation to determine responsibility for the events denounced;
- b) that it punish those responsible for those events in accordance with Uruguayan law; and
- c) that it inform the Commission within 90 days as to the measures taken to put the recommendations set forth in the present resolution into practice.

3. To communicate this resolution to the Government of Uruguay and to the claimant.

4. To include this resolution in the Commission's Annual Report to the General Assembly of the Organization of American States, pursuant to Article 50.5 of the Regulations of the Commission, without prejudice to the Commission's being able to reconsider the case during its next session in light of such measures as the Government may have adopted