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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 26/83; Case No. 5671
Session:	Sixty-First Session (26 September – 7 October 1983)
Title/Style of Cause:	Patricio Blas Tierno v. Argentina
Doc. Type:	Resolution
Decided by:	Chairman: Mr. César Sepúlveda First Vice Chairman: Dr. Luis Demetrio Tinoco Castro; Members: Andrés Aguilar, Tom J. Farer, Marco Gerardo Monroy Cabra; Mrs. Gilda Maciel Russomano. Mrs. Russomano joined the Commission after having been elected by the Permanent Council of the Organization to complete the term of the former member of the IACHR, Professor Carlos Alberto Dunshee de Abranches, now deceased.
Dated:	04 October 1983
Citation:	Blas Tierno v. Arg., Case 5671, Inter-Am. C.H.R., Report No. 26/83, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)

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BACKGROUND:

1. During the on-the-spot observation made by the Inter-American Commission on Human Rights in September l979 in Argentina, it received the following complaint:

PATRICIO BLAS TIERNO, law student at the National University of La Plata, was arrested by the army on May 15, l976 and imprisoned in Resistencia prison, with no charges having been made against him.
While imprisoned, he was murdered in Margarita Belín, Resistencia Chaco, at dawn on December 13, l976. The act was disguised as a confrontation and was so reported in the newspapers. The act would have occurred when the prisoner was transferred for reasons of security from the Resistencia prison to the Formosa prison, which is a real absurdity, because Resistencia is one of the most secure prisons in the country, whereas the Formosa prison has no security whatever. None of the names of the dead were published, but it was later known that they included only all the prisoners.
After Mr. Tierno's arrest, action in his behalf was taken before the Ministry of the Interior. Eight days after the army had murdered him, the Ministry replied on December 21, l976, to the effect that by Decree No. 2137 of September 22, l976 he was now in the hands of the PEN. The family was informed of the death and in response to its vigorous demands, the body was delivered to it.

2. Through a note of February 25, l980, the IACHR transmitted the pertinent parts of the complaint to the Government of Argentina and requested it to furnish the Commission with the appropriate information.

3. The IACHR has received Note DGAPI "D.E.P.S. 6226" of December 21, l976, signed by Captain Carlos Rodolfo Doglioli, in which he states that Mr. PATRICIO BLAS TIERNO was in the hands of

government authorities.

4. The IACHR has received information concerning the circumstances of Mr. Tierno's death, including especially the fact that he was killed at dawn on December 13, l976. Furthermore, as was obvious when the body was exhumed, Mr. Tierno was buried completely nude, and his body was covered with mud.

5. Through a note of January 18, l983, the Commission repeated its request for information to the Argentine Government and said that if this was not forthcoming within a reasonable time, the Commission would consider application of Article 39 of the Regulations of the Commission. To date, the Argentine Government has not replied to the Commission's request.

WHEREAS:

1. To date the Government of Argentina has not replied to the request for information made by the Commission with regard to this case;

2. Article 39 of the Regulations of the Commission provides as follows:

Article 39 (Presumption)
The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

3. At the time of his death, Mr. Patricio Blas Tierno was in the hands of Argentine authorities in a maximum security facility,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To presume the facts reported in the communication of September l979 to be true, concerning the irregular circumstances of Mr. Patricio Blas Tierno's death.

2. To declare that the Government of Argentina violated the right to life, liberty, and personal security (Article I) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Argentina:

a. that it investigate the acts reported;
b. that if appropriate it punish those responsible; and
c. that the government inform the Commission of the decision that it adopts on the matter within a period of no more than sixty days, and especially on the steps taken to put into practice the recommendations contained in this resolution.

4. To transmit this resolution to the Government of Argentina and to the complainants.

5. To include this resolution in the final report to the General Assembly of the Organization of American States in accordance with Article 59 (g) of the Regulations of the Commission, without precluding the fact that the Commission may reconsider the case at its next session, in the light of the measures adopted by the government.