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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Report No. 29/83; Case No. 7970 |
| Session: | Sixty-First Session (26 September – 7 October 1983) |
| Title/Style of Cause: | Ana Maráa 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: | Maráa v. Arg., Case 7970 Inter-Am. C.H.R., Report No. 29/83, OEA/Ser.L/V/II.63, doc. 10 (1983-1984) |
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BACKGROUND:

1. In a communication of March 8, 1982, the Inter-American Commission on Human Rights received the following complaint:

Ana Maráa was kidnapped last February 4 at 8:30 p.m. A Ford Falcon car drove up to her house, Villa de Mayo, intersecting with General Sarmiento, and an armed man got out and forced her into the car. The victim tried to resist and shouted the name of a neighbor. Several neighbors witnessed the act and arrived on the scene to write down the license plate number. The same automobile had been seen the previous day near Ana Maráa's home.

On Friday, February 12, after reading in that afternoon's issue of the *La Crónica* that the corpse of a woman killed by gunshot had been found in the northern zone of greater Buenos Aires, we went to the police station in search of information. The police entered into the case, in the company of the kidnapped woman's relatives. We were struck by the similarity of data regarding the murdered woman and Ana Maráa, sex, age--about thirty years--and pregnant.

In the first place, we were informed that the body when discovered was unrecognizable; also, it had been ordered that the woman's hands be cut off to identify her through a papiloscopic analysis. Our attention was drawn to the fact that, invoking health reasons, the burial of the victim had been ordered and carried out that very day. But at the same time, we were given several pieces of information on the corpse that seemed to do away with the possibility that it was that of Ana Maráa: height 1.75 meters and clothing: slacks or culottes and polo shirt, both in such a condition that it was impossible to describe their characteristics.

On Wednesday the 17th, the parents of Ana Maráa's boyfriend were called upon in their home by persons bearing long weapons, and they remained in two police stations giving statements for ten hours. We were

able to talk to them at nightfall. We then knew that they had been shown a wedding ring and two other rings that the corpse was wearing and they were also told that it was wearing a yellow tank top and a blue denim skirt.

It is obvious that had we been given that information on the 12th, the relatives who accompanied us on our visit to the police station would not have hesitated in recognizing those rings and that clothing as belonging to Ana Mara. The serious question here would thus have been clarified immediately.

The data thus described poses a serious question as to the possibility that the authorities knew, at least several days beforehand, of the circumstances that were publicized only yesterday. It is a question, of course, that embraces the statements made by the Under Secretary of the Ministry of the Interior, Colonel Menndez, on the night of the 14th, when he told us that he had no information on the case of Ana Mara. Moreover, we cannot help but regret our failure in convincing the judicial officers who took part in petitioning for habeas corpus, that this was a clear case of homicide and of illegal deprivation of freedom, so that they might try immediately to establish a possible connection between the discovery of the body and the situation of Ana Mara. The Judicial Branch has a heavy obligation with regard to violations of human rights, and it is time that it tried to fulfill it.

The Federal Police and the police of the Province of Buenos Aires answered the petition for habeas corpus lodged before the Federal Court No. 2 of San Martn by saying that she was not under arrest.

There is no doubt that the security forces had a part in these deplorable events.

2. The IACHR, through a note of March 11, 1982, transmitted the pertinent parts to the Government of Argentina, requesting that it furnish it with the necessary information and with any other element of judgment that would enable it to determine whether or not domestic jurisdiction was exhausted in the case.

3. Since it received no reply from the Argentine Government, the Commission, through a note of March 23, 1983 repeated its request for information to the Argentine Government, indicating that if this was not forthcoming within a reasonable time, the Commission would consider the possible application of Article 39 of the Regulations of the Commission on the presumption of truth of the facts reported.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, CONSIDERING:

1. That to date the Government of Argentina has not replied to the request for information contained in the Commission's notes of March 11, 1982 and March 23, 1983; and

2. That Article 39 of the Regulations of the Commission establishes 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.

RESOLVES:

1. To presume the facts reported in the communication of March 8, 1982 to be true, concerning the irregular circumstances in which Miss Ana Mara Martnez died.

2. To observe to the Government of Argentina that these acts constitute extremely serious violations of the right to life, liberty, and personal security (Article I); and the right of protection against 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 and impartial investigation to determine who perpetrated the acts reported;
 - b. that it punish those responsible for these acts, in accordance with the laws of Argentina; and
 - c. that it inform the Commission within a period of no more than sixty days on the steps taken to put into practice the recommendations set forth in this resolution.
4. To inform the Government of Argentina and the complainants of this resolution.
5. To include this resolution in the Annual 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 taken by the government.