

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 27/83; Case No. 6808
Session:	Sixty-First Session (26 September – 7 October 1983)
Title/Style of Cause:	Jorge Ernesto Turk 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.
Dated:	04 October 1983
Citation:	Turk v. Arg., Case 6808, Inter-Am. C.H.R., Report No. 27/83, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)
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BACKGROUND:

1. In a communication of September 14, 1979, the Inter-American Commission on Human Rights received the following complaint:

After receipt of a summons, Dr. JORGE ERNESTO TURK reported to the police in the Province of Jujuy, from which time on he was held incommunicado. On July 22, 1976, the family was informed of the result of the writ of habeas corpus, which was that Jorge Ernesto had been transferred to Salta, at the same time that here relatives were informed that he had never been in that province. On July 30, the relatives were informed that Jorge Ernesto had died on July 7, 1976. This information was conveyed orally, without delivery of the corresponding death certificate.

2. An appeal was presented to the Federal Court of the Province of Jujuy on July 15, 1975, as a result of which it was reported that the victim had been transferred to the city of Salta.

3. Through a note of April 29, 1980, the IACHR transmitted the pertinent parts to the Government of Argentina and requested it to furnish the Commission with the information that it considered pertinent and also with any other element of judgment that would enable the Commission to determine whether or not the domestic jurisdiction had been exhausted in the case.

4. In a communication of August 1, 1981, the claimant lodging this complaint informed the Commission that there was nothing new to report on this case to date.

WHEREAS:

1. To date the Government of Argentina has not replied to the request for information contained in the Commission's note of April 29, 1980;

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.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To presume the facts reported in the communication of September 1979 to be true, concerning the irregular circumstances of the death of Mr. Jorge Ernesto Turk.
2. To observe to the Government of Argentina that these acts represent extremely serious violations of the right to life, liberty, and personal security (Article I); and the right of 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 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 transmit this resolution to the Government of Argentina and to the complainants.
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.