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Institution:	Inter-American Commission on Human Rights
Title/Style of Cause:	Maria Adelina Sarruggi, Concepcion Flecha Gonzalez and Arsiliare Sarruggi v. Argentina
Doc. Type:	Decision on Precautionary Measures
Dated:	10 April 2002
Citation:	Sarruggi v. Argentina, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 11 (2002)
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11. On April 10, 2002 the Commission granted precautionary measures on behalf of María Adelina Sarruggi (daughter), Concepción Flecha González, and Arsiliare Sarruggi (parents). The request indicates that since November 18, 2000 the child, María Adelina, who was three months old at the time, has been separated from her biological parents, to the detriment of all three persons. The petitioners alleged that mother and daughter were traveling from Argentina to Paraguay, with their papers in order and with the appropriate travel authorization from the father, when immigration officers at a border post in the Province of Misiones detained them "for not producing documentation establishing the link between mother and daughter." The mother was detained and the daughter initially went into a hospital and was then placed in the custody of a married couple on the list of adoption candidates. They alleged that the authorities did not notify the father, who holds parental rights; he found out about these events in March 2001. According to the information provided, when the father traveled to Misiones to get his daughter and partner back, the family court judge told him that he could go to the mayor's office to get his partner and to begin legal proceedings to get his daughter back. The petitioners indicated that the family has very limited resources and their daughter had not yet been returned to them. They requested precautionary measures both to prevent the presiding judge from issuing an adoption ruling in favor of the couple on the list of adoption candidates and to have the girl immediately returned to her biological parents. The Commission asked the State to take the necessary steps to preserve the mental and moral integrity of the girl and her biological parents; their right to protection of the family, enshrined in Article 17 of the American Convention; and, in the case of the girl, the right to a name and the rights of the child, enshrined in Articles 18 and 19 of the Convention. The Commission requested, in particular, that the State take all necessary steps to ensure that the girl was not taken out of Argentina and that it investigate and provide a report, to clarify the situation and protect the rights of these three persons. In response, the State first reported on the measures taken to prevent the girl from being removed from national territory and then on returning the girl to her biological family.