

Lopez Burgos v. Uruguay (Human Rights Committee, 1981)

The wife of Sergio Euben Lopez Burgos (plaintiff) submitted a communication to the United Nations Human Rights Committee (the committee) on her husband's behalf, alleging that Uruguay had violated the International Covenant on Civil and Political Rights (the covenant). Lopez Burgos's wife stated that her husband had been subjected to harassment in Uruguay (defendant) because of his trade-union activities. For this reason, Lopez Burgos moved to Argentina, where he lived as a political refugee. However, Lopez Burgos's wife indicated that Lopez Burgos was kidnapped by Uruguayan military personnel with the help of Argentine paramilitary personnel while in Argentina, where Lopez Burgos was arrested and detained for two weeks before being secretly transported back to Uruguay. Once in Uruguay, Lopez Burgos was held in a secret prison for three months. While detained, both in Argentina and in Uruguay, Lopez Burgos was tortured through beatings and electric shocks and subjected to inhumane treatment. Article 7 of the covenant prohibited torture. Lopez Burgos's wife substantiated her allegations with the testimony of former detainees. Lopez Burgos's wife gave specific details, including the date of arrest and imprisonment in Argentina and the specific names of Uruguayan officers involved. Uruguay did not refute the allegation or offer evidence that the allegations had been investigated. Before rendering its judgment and considering the fact that Lopez Burgos's arrest and first detention occurred in Argentina, the committee made observations about Article 2 (1) of the covenant, which provided that a state party was to respect the rights of everyone within its territory.