

Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1897
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Wilson Silva and Ana Rosa Kucinsky Silva v. Brazil
Doc. Type:	Report
Decided by:	President: Dr. Andrés Aguilar (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	6 - 24 October 1975
Citation:	Silva v. Braz., Comm. 1897, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1897, of November 25, 1974, denounces the arbitrary arrest of Mr. Wilson Silva and his wife Ana Rosa Kucinsky Silva, in Sao Paulo on April 22, 1974, by agents of the Army Secret Service. The remedy of Habeas Corpus is alleged to have been used in both instances, without knowledge as to the charges being brought against them.

[2] In a letter of December 10, 1974, the Secretariat acknowledge receipt of the note of the claimant. In a note of December 17, 1974, the Commission requested the Government of Brazil to provide the appropriate information. A copy of that note was sent to the Brazilian Mission to the OAS on January 2, 1975.

[3] Through a note dated February 6, 1975, (No. 28), the Brazilian Mission to the OAS acknowledge receipt of the above mentioned note. In a letter of March 31, 1975 the claimant informed the Commission that based on unofficial reports, the claimant suspected that Mr. Silva and his wife had been killed while being held.

[4] The Secretariat acknowledged receipt of the claimant's note through a letter dated April 9, 1975.

[5] The Commission considered this communication at its thirty-fifth session (May 1975) and since the 180 day period provided under Article 51 of the Regulations for the Brazilian Government to provide the requested data had not yet elapsed, it decided to postpone examination of the case until its next session.

[6] At its thirty-sixth session (October 1975), the CIDH continued its examination of case 1897, together with the information transmitted to it by the Government of Brazil through a note of October 17, 1975 (No. 275), cited under case 1846; the Government's information as to the effect that Mr. Wilson Silva and his wife Ana Kucinsky were not being held prisoners and their whereabouts were not known; the Commission agreed to transmit the pertinent facts of the information provided by the Government of

Brazil to the claimant, postponing consideration of the case until its next session once the claimants have had time, if they deem appropriate, to formulate their observations on the information provided by the government.

[7] Pursuant to this decision, a note was sent to the claimant on November 4, 1975. This decision was reported to the Brazilian Government through a note dated November 28, 1975.