

Basso v. Uruguay

Follow Up (as of January 2012)

CCPR/C/100/D/1887/2009
Communication No. 1887/2009
19 Oct. 2010 (adoption of views)
19 April 2011 (180 days)

Recommendation and Implementation *Legend below

Recommendation	Implementation Grade
Remedy (Release of the prisoner) (Speed up trial)	B2 C
Prevention of Similar Violation	C
Publication	B1

Implementation

- After the adoption of views, the victim filed three consecutive requests for release to the First Instance Judge, the Appeals Tribunal and the Supreme Court of Uruguay. None of them were successful.
- 180 days passed without significant implementation. Three months later, in July 2011, the State made initial contact with the UN and the victim replied to the government statement.
- At the end of May 2011, the Supreme Court of Uruguay proceeded to its annual visit to prisons, among which the prison where the victim was kept.
- On 31/08/2011 the victim was released *ex gratia* by the Supreme Court of Uruguay, in the framework of this annual visit to prisons. The decision is based on two reasons: (i) the extensive period he spent on detention on remand without trial (5 years and a half); (ii) bearing the stage the case is at (no resolution of the case is expected in the near future).

Assessment of Implementation

- Although the provisional release *ex gratia* is a welcomed event, the victim's attorney emphasizes that no measure has been taken so far to speed up the trial or to prevent similar cases in the future. In fact, the State has acknowledged, with regard to the parallel proceedings against the victim's brothers that the trial is going to last for an "undetermined period".
- There is not yet a formal accusation by the public prosecutor against the victim. Based on this, his counsel has requested to close the case, since it has been so far delayed *sine die*. The victim's lawyer considers that such long detention on remand prejudices the case and affects the detainee's presumption of innocence.
- Although the Committee's views were published in the website of the Ministry of Foreign Affairs, the victim's attorney complains that the decision was not published in the media.

Victim

Juan Peirano Basso has been released *ex gratia* while waiting for the result of the trial. However, this long period of detention has affected greatly his physical integrity (he was attacked in prison) and family life.

Violations

- Article 14 (3) (c)

Concerns

- There is no indication that the trial will take place in the near future

Sources

- Carlos Varela Alvarez, victim's attorney.

Legend

A: State party response / action largely satisfactory
B1: Substantive action taken, but additional information required
B2: Initial action taken, but additional information/action required
C: No action taken to implement the recommendation
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