



## *Acknowledgments*

The author wishes to especially thank those who collaborated in reading and revising the hypothetical case problem: Dr. Claudio Grossman, Dean of the Washington College of Law, American University; Dr. Robert Goldman, Dean of the Masters of Laws Program, Washington College of Law; Dr. Diego Rodríguez, Representative for Latin America for the International Human Rights Law Group and Research Director, Inter-American Human Rights Digest, Center for Human Rights and Humanitarian Law, Washington College of Law; Elizabeth Abi-Mershed, Esq., Inter-American Commission on Human Rights.



were created to hear cases against individuals under investigation for committing crimes against national security. Procedural rules were established for processing those cases.

10. A significant number of extrajudicial executions of leaders and members of “Unidos Actuemos” [United Action] were reported toward the end of June, 1994, a result of the paramilitary violence in Traveler. Unidos Actuemos is a legally recognized, legitimate political party in Marelle which is thought by some to be the political arm of the Patria Gris military group. Several massacres were also perpetrated in the zone. Members of union associations and student organizations were the primary victims.

11. The Congress of Marelle repealed Law 12.466 and adopted Law 14.122 in an attempt to stop the uncontrollable violence of the paramilitary groups. Law 14.122 declared as illegal the existing self-defense groups and made the organizing of new self-defense groups criminal. Known members of paramilitary groups operating in Traveler were detained and subjected to judicial proceedings under Law 14.122.

12. On July 2, 1994, the Government of Marelle notified the Secretary General of the OAS of the state of emergency in Marelle. The diplomatic note stated that acts of violence by terrorist bands operating in Traveler with the goal of destabilizing democratic institutions had endangered personal security and the lives of the civilian population. The Government of Marelle had adopted the reported measures out of necessity. The Government reported that the state of emergency would prevail for four months. Additionally, the Government indicated that constitutional guarantees had been suspended as provided for in Article 50 of the Constitution of Marelle. Textually, Article 50 states: “In case of an internal emergency or an external war, which endangers the security of Marelle, legitimately constituted authorities may declare a state of emergency and suspend constitutional guarantees.”

13. In July, 1994, at least fifteen judicial functionaries, including judges, prosecutors and other auxiliary officials who handled security crimes cases, were assassinated.

14. On August 1st of that same year a presidential decree amended the emergency legislation and established judicial, prosecutorial and auxiliary personnel anonymity<sup>4</sup> for national security crime cases.

15. Horacio Olivera and his wife Sybille were sociology professors at Marelle National University. They had lived in La Talita since the beginning of 1990 and taught at the National University Traveler campus. Both were active and recognized Unidos Actuemos members. Horacio Olivera was a Congressional candidate on the Unidos Actuemos ticket in the 1991 national elections in Marelle.

16. On August 10, 1994, the leadership of Unidos Actuemos, La Talita section, met at their party offices to discuss the public position they would adopt regarding the offensive by Patria Gris in the previous several months and to evaluate the Marelle Government actions related to the paramilitary violence. Horacio Olivera attended the meeting.

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Anonymity (“Faceless Judges”): The identity of the judiciary and others associated with the processing of the cases are suppressed. Usually the prosecutors and judges are behind one way mirrors during the proceedings.

17. At 9:00 that night, while the leadership of the Unidos Actuemos were meeting, a group of ten heavily armed individuals broke into the party offices. Seven selected members of the leadership were blindfolded and removed to a blue van. The van did not have license plates. Horacio Olivera was one of the members taken. The whereabouts of those individuals are unknown.

25. At noon on October 7th, Mrs. Olivera was taken before Special Tribunal 10 with jurisdiction in La Talita. She was informed at the hearing that she was being investigated for apology of terrorism, a crime under the penal code as modified by the state of emergency legislation. The legislation stated:  
“One who publicly, through written or oral means, commits apology of terrorism will be sentenced to three to five years. This sentence can be increased by one year when the person who committed the apology is a university professor.”
26. Mrs. Olivera was charged and held in custody pending trial after being interrogated by the Tribunal in the presence of appointed counsel. Mrs. Olivera contacted her attorney and family that afternoon.
27. On October 12, 1994, the Government of Marelle lifted the state of emergency. The same day the Government notified the Secretary General of the OAS that the state of emergency had been terminated and that constitutional guarantees were restored.
28. The following day, the Congress of Marelle adopted Law 15.134 permanently enacting the state of emergency legislation, in particular those sections pertaining to special jurisdiction, the criminal classification of terrorism and related crimes, and applicable procedural rules.
29. Law 15.134 confirmed the portion of Decree 30 which provided for an oral proceeding before a special tribunal composed of three justices. The procedural rules allowed a limited motion of appeal of the tribunal’s decision. The Supreme Court of Justice of Marelle heard the appeals. The appeal was limited in scope; the Supreme Court review was restricted to due process questions.
30. On November 5th , 1994, Military Tribunal 5 held that the participation of the two members of the Sixth Battalion in the events culminating in the disappearance of the leaders of Unidos Actuemos constituted grounds for disciplinary procedure under the Regulations of the Armed Forces. The two servicemen were dishonorably discharged, the maximum penalty under the Regulations. The decision was confirmed by the Supreme Council of the Armed Forces.
31. The hearing for Sybille Olivera began on January 5, 1995. The identities of the members of the Special Tribunal were suppressed due to the fact that

of Marelle. The sixty day period given to the Government of Marelle to adopt the Commission recommendations lapsed without action. The Commission decided to refer the case to the Inter-American Court on Human Rights.

36. On February 5, 1996, the attorneys for Mrs. Olivera were named as legal advisors to the Inter-American Commission on Human Rights to assist the Commission in the presentation of her case to the Inter-American Court.