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HUMAN RIGHTS COMMITTEE
Fifty-first session

DECISIONS

Communication No. 487/1992

Submitted by: Walter Rodríguez Veiga

Alleged victim: The author

State party: Uruguay

Date of communication: 14 September 1991 (initial submission)

Documentation references: Prior decisions
- Special Rapporteur's rule 91 decision, transmitted
on 6 May 1992 (not issued in document form)

Date of present decision: 18 July 1994

[Annex]

*/ Made public by decision of the Human Rights Committee.
DEC487.51e cb

ANNEX

Decision of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights - Fifty-first session -

concerning

Communication No. 487/1992

Submitted by: Walter Rodríguez Veiga
Alleged victim: The author
State party: Uruguay
Date of communication: 14 September 1991 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 18 July 1994,

Adopts the following:

Decision on admissibility

1. The author of the communication is Walter Rodríguez Veiga, an Uruguayan citizen currently residing in Montevideo. He claims to be a victim of violations of his human rights by Uruguay, but he does not invoke any of the provisions of the International Covenant on Civil and Political Rights.

The facts as submitted by the author:

2.1 The author is a civil servant. He was formerly employed by the Ministry of Education. During the period of military rule in Uruguay (that is, from 1973 to 1985), he was dismissed from his post and stripped of all his functions, allegedly on purely arbitrary grounds. Together with some colleagues who found themselves in a similar position, he instituted judicial proceedings requesting his re-instatement as early as the year 1977.

2.2 After the country's transition to democratic rule, on 7 November 1985, he obtained a favourable judgment (Sentencia No. 17) from a local tribunal in Montevideo, which ordered the defendants - i.e. the Ministry of Education and the State University - to compensate the author for all the material and moral prejudice that he had suffered. Subsequently, he was reintegrated into the civil service. By an interlocutory judgment of 31 July 1987 (handed down by an administrative tribunal - Juzgado de Primera Instancia en lo Contencioso Administrativo), accrued interests on the compensation due to the author were computed at

an annual rate of 12.3%.

2.3 The author complains that in spite of the above judicial decisions, the authorities have failed to fully execute their terms. Although the Executive Branch did, in principle, acknowledge its obligations vis-à-vis the author as early as 1989, it has, according to Mr. Veiga, adopted deliberately dilatory tactics, designed to prevent the payment of full and inflation-adjusted compensation.

2.4 After the election of President Dr. Luis Lacalle in 1990, the author submitted his file to the President's office; his case was then registered as file No.87/91 before the Uruguayan General Accounting Office (Contaduría de la Nación), where it apparently remains pending. The author suspects that no follow-up will be given by this office, either. Nor have the author's numerous other, administrative, demarches, recorded in another file (No. MEF/89/01/8501), been successful.

2.5 The author requests the intercession of the Human Rights Committee, with a view to obliging the Uruguayan authorities to execute the judgment of 1985 in his favour.

The complaint:

3.1 Although the author does not invoke the provisions of the International Covenant on Civil and Political Rights, it transpires that he claims that he is being denied an effective remedy, and that he is unlawfully denied full compensation awarded to him by decision of a court of law. It therefore appears that he claims a violation by Uruguay of article 2, paragraph 3, of the Covenant.

The State party's information and observations and the author's comments:

4.1 In its submission under rule 91 of the rules of procedure, the State party indicates that by decision of the Ministry of Economics and Finance dated 5 February 1992, a specified sum was transferred to the State University, with a view to pay to the author the amount of compensation due to him, together with inflation adjustments and interests, so as to comply with the terms of the decision of the administrative tribunal of 31 July 1987.

4.2 Under the terms of the decision of 5 February 1992, a sum of N\$ (Nuevos Pesos) 111,934,098.00 should have been paid to the author, but the payment only covered the period until 7 December 1989. This date, it appears, was not chosen arbitrarily but in accordance with article 686 of Law 16,170 of 28 December 1990.

5.1 In his comments, the author takes issue with the State party's observations. He notes that the sum mentioned in the resolution of 5 February 1992, which was supposed to cover the period until December 1989, was only paid in April 1992 - and in the months between December 1989 and April 1992, inflation had been in the order of 230%, which meant that the monetary value of the compensatory payment had been severely diminished in real terms. The author complains that the State party's authorities deliberately delayed the payment of his compensation, and that they deliberately disregarded the terms of the interlocutory judgment of 31 July 1987.

Issues and proceedings before the Committee:

6.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

6.2 Although the author has not alleged that the State party has violated any particular provisions of the Covenant, the Committee has ex officio examined whether the facts as submitted might raise potential issues under any provision of the Covenant, in particular under article 25 in conjunction with article 2, paragraph 3. It concludes that they do not, given that the author was reintegrated into the civil service, and that he was granted compensation for the prejudice he had suffered. The violation of article 25 has therefore been remedied. The Committee accordingly concludes that the author has no claim under article 2 of the Optional Protocol, and that the communication is inadmissible.

7. The Human Rights Committee therefore decides:

- (a) the communication is inadmissible;
- (b) that this decision shall be communicated to the State party and to the author of the communication.

[Adopted in English, French and Spanish, the English text being the original version. Subsequently to be issued also in Arabic, Chinese and Russian as part of the Committee's annual report to the General Assembly.]