

Personal data

Date of birth: 21 December 1946; Montevideo, Uruguay

Marital status: Married

Languages

English, French, Portuguese and Italian

Judicial career

April 1975: Obtained a Doctorate in Law and Social Sciences from the Faculty of Law.

May 1975: Joined the judiciary as Justice of the Peace in the 12th. Judicial Section of Colonia.

April 1977: Promoted to Judge of the Court of First Instance of the department of Rivera (one of the most important of the nineteen jurisdictions in which is divided Uruguay), whose competence is primarily concerned with criminal cases of greater importance, occurred in that department.

April 1980: Promoted to Investigating Judge of Montevideo (capital of Uruguay), with an exclusively criminal jurisdiction.

April 1988: Promoted to Investigating Judge of Montevideo, Second Turn.

First Instance, Civil Court 10 of Montevideo, 14th. Turn.

August 1986: Promoted to Justice of the Court of Appeals, Civil Court 10, 5th. Turn.

February 2002: Appointed Justice of the Supreme Court.

2004–2005 and 2011–2012: Chief Justice of the Supreme Court.

In his capacity of Justice of the Supreme Court, he exercised criminal jurisdiction (cassation and review of the constitutionality of laws) over a period of ten years.

In this context, mention is made of his relevant participation in the declaration of unconstitutionality of the Law on the Expiry of the Punitive Claims of the State, which had enshrined the legal impediment for bringing to trial those members of the armed forces who had been indicted for the violation of human rights during the dictatorship; the conviction of José Gavazzo *et al.* (judgment 1501 of 6.5.2011), repressive members of the dictatorship, on 28 counts of especially aggravated manslaughter; and the conviction of the former *de facto* President, General Gregorio Álvarez, *et al.* (judgment 3033 of 22.8.2011), on 37 counts of especially aggravated manslaughter.

- It should be noted that in both cases he issued a dissenting opinion (minority report) wherein he specified that the actions being tried contained the element of enforced disappearance of persons.

- Drafted judgments 973 of 15.8.2003 and 1026 of 26.8.2003, which laid the ground for the criminal prosecution of former *de facto* President Dr. Juan M. Bordaberry.

Activities abroad

November 1987: Was granted a scholarship by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) to participate in a course on “Agrarian Law: Administration and institutionalization of agrarian justice in Latin America”, in Caracas (Venezuela).

December 1988: Participated in the seminar “Perspectives of Agrarian Justice in Latin America”, organized by ILANUD in San Jose (Costa Rica).

August 1989: Was invited by the Inter-American Bar Foundation to participate, together with delegates from all the Latin American countries, in a congress held in Rio de Janeiro. The theme of the congress was “Strengthening Justice in Latin America”; he is a founding member of the Inter-American Association for the Administration of Justice, which was established on that occasion.

September 1993: Gave a presentation outlining the civil procedure reform, and specifically the case of Uruguay, during the First Seminar on the Basic Aspects of Judicial Reform, held in Sucre (Bolivia) under the auspices of the Supreme Court, the World Bank, the United States Agency for International Development (USAID) and the United Nations Development Programme (UNDP).

July 23 – 27, 1995: Participated in the coordination and conduct of the “Seminar on the Modernization of Justice – Ensuring the Rule of Law”.

Oralization of Non-Criminal Justice in Guatemala, organized by the Judicial Body, the United Nations Mission in Guatemala (MINUGUA) and UNDP.

27 July 1995: Participated in an academic forum held in the School of Legal and Social Sciences of the University of San Carlos, Guatemala, on the Orality of Non-Criminal Justice.

2 - 3 November 1995: Delivered a presentation at the Seminar on the Oralization of Non-Criminal Justice in Guatemala, organized by the University of San Carlos, the Rafael Landivar University and the MINUGUA-UNDP Joint Unit.

8 - 21 September 1996: Evaluation and coordination consultant for the United Nations in the modernization project for the evaluation and coordination of the Code of Civil Procedure of Guatemala. Gave several conferences, both at the capital and in other cities of Guatemala, on the experience and principles of the General Procedural Code of Uruguay, and the basis of the Latin American Model Procedural Code and its application in the Guatemalan reform.

13 January - 1 February 1998: Adviser to the Commission for Strengthening Justice, Guatemala, United Nations in Guatemala.

May 2002: Participated in the Advisory Group on the Simplification of Processes, held in Asuncion (Paraguay).

27 - 29 November 2002: Represented the Supreme Court of Justice at the VII Latin American Summit of the Presidents of Supreme Courts and Tribunals of Justice, held in Cancun (Mexico).

March 2003: Participated as representative of the Supreme Court of Justice in the First Preparatory Meeting for the VIII Latin American Summit of the Presidents of Supreme Courts and Tribunals of Justice and the IV Meeting of Latin American Judicial Councils, held in Santa Cruz de la Sierra (Bolivia).

18 - 11 September 2003: Represented the Supreme Court of Justice in the VIII Latin American Summit of Presidents of the Supreme Courts and Tribunals of Justice and the IV Meeting of Latin American Judicial Councils, held in Cartagena de Indias (Colombia).

1 - 21 April 2004: Participated in the I Meeting of Presidents of Supreme Courts and Prosecutors General of Latin America and the Caribbean, held in San Jose, Costa Rica.

November 2004: Represented the Supreme Court of Justice in the II Meeting of Supreme Courts of Mercosur Member States and Associate Members, held in Brasilia.

March 2006: Participated as a representative in the XIII Latin American Judicial Summit, held in Santo Domingo de Heredia (Costa Rica).

May 2006: Designated by the Supreme Court of Justice to participate in the V Latin American Conference on Constitutional Justice, in Santa Cruz de la Sierra (Bolivia).

November 2007: Designated by the Supreme Court of Justice to participate in the European Union-Mercosur Conference on International Cooperation against Fraud and Corruption, organized by the European Anti-Fraud Office, from 12 to 14 November 2007.

November 2007: Participated in the VI Latin American Conference on Constitutional Justice, which took place in Cartagena de Indias (Colombia).

June 2008; Designated by the Supreme Court of Justice to participate in a Seminar on Constitutional guarantees of vulnerable groups, persons deprived of their liberty, in Buenos Aires (Argentina).

October 2008: Participated in the III Summit of Presidents of the Judiciary of the Union of South American Nations (UNASUR), held in Venezuela.

April 2009: Participated in the VII Edition of the Conference held by the Pro-Tempore Secretariat of the Latin American Conference on Justice, held in Merida, Yucatan (Mexico).

May 2009: Participated in the I Latin American Seminar on Transparency, Accountability and Integrity of the Judiciary (Chile).

May 2009: Participated in the academic event "Science and Technology in Judicial Proceedings", Buenos Aires (Argentina).

July 2009: Designated by the Supreme Court of Justice to participate in the IV Summit of Presidents of the Judiciary of UNASUR, held in Cartagena de Indias (Colombia).

November 2009: Participated in a Bilateral Visit to the Supreme Court and General Council of the Judiciary of Spain, Madrid (Spain).

August 2010: Participated in the First Meeting of the Coordination and Monitoring Commission, in the context of the XVI Summit held in the Argentine Republic in 2012.

3-8 October 2010: Participated in the XVII Meeting of Presidents and Judges of the Courts and Constitutional Chambers of Latin America, held in Panama City.

Participation in academic events in the field of Law

September 1982: participated in a postgraduate specialization course on Jurisdictional Challenges, held in Uruguay.

December 1987: participated as a speaker in the First Symposium on Civil Liability in Overland Transport, held in Uruguay.

October 1989: participated as a speaker in the Workshop on the General Procedural Code, in the city of Treinta y Tres (Uruguay).

Over the years 1989 and 1990, and in the context of the entry into force of the new General Procedural Code, gave conferences and participated as a panel member in events organized by the Bar Associations of the Interior and of Montevideo, and the Association of Judges of Uruguay.

June 1991: Participated in the Congress of Tort Law, organized by the Bar Association of the city of Buenos Aires.

September 1992: Participated in the First Meeting between Uruguayan and Brazilian Judges.

November 1992: Participated as full member in the VI River Plate Legal Workshop, held in Punta del Este.

September 1993: Was invited to participate in the Third River Plate Congress of Maritime Law, held in the city of Montevideo.

September 1999: Participated as a speaker, representing the Supreme Court of Justice, in a Seminar on Public Law, Rule of Law and Responsibility of the State, held in Uruguay.

August 2002: Participated in the Final Round Table of the III International Seminar on Public Law, with a presentation on the subject of Terrorism as a gross violation of Human Rights and the desirability of international jurisdiction over the matter, together with Dr. Héctor Gros Espiell, Dr. Mariano Brito and Dr. Gonzalo Aguirre (Uruguay).

August 2008: Participated in the 35th. Special Session of the Inter-American Court of Human Rights, held in the MERCOSUR Building (Uruguay).

September 2009: Participated as a speaker in the II Mercosur Congress on the Assessment of Bodily Injuries and the III River Plate Meeting on Legal Medicine (Uruguay).

17-18 June 2011: Participated as a speaker in the III Regional Meeting of the Mercosur Association of Children's Court and Juvenile Court Judges, "Building a Justice that is Adapted to Boys, Girls and Adolescents" (Uruguay).

Sample publications

- "La Policía Judicial" ("The Judiciary Police"), with Dr. Hugo Bermúdez, *Judicatura*, No. 16. "La Policía Judicial" ("The Judiciary Police"), with Dr. Hugo Bermúdez, *Rivera Workshop on Procedural Law*, FCU, 1985.
- "El rechazo liminar de las excepciones inadmisibles en el juicio ejecutivo cambiario" ("Rejection *in limine* of unacceptable exceptions in executive debt collection proceedings"), *Judicatura*, No. 23.
- "Alcance del deber de Averiguación de la verdad de los hechos alegados por las partes en el C.G.P. (Art. 25.2)" ("Scope of duty in ascertaining the truth of the facts pleaded by the parties in the G.P.C. (Art. 25.2)"), *Judicatura*, No. 29.
- "Un nuevo enfoque sobre la guarda en la responsabilidad por el hecho de las cosas el dependiente es guardián del comportamiento" ("A new approach to custody in liability for the fact of things: the dependant as the guardian of behavior"), *Judicatura*, No. 32,

- “La teoría de las cargas procesales dinámicas en el Derecho uruguayo” (“The theory of dynamic procedural obligations in Uruguayan Law”), *La Justicia Uruguaya*, No. 111.
- “El Derecho y la Justicia” (“Law and Justice”), *Revista de la Universidad de Montevideo* No. 8, 2005.
- On the occasion of the III International Seminar on Public Law, his presentation delivered during the Round Table, Terrorism as a gross violation of Human Rights and the desirability of international jurisdiction over the matter, was published in *Revista de Derecho III*, U.C.U.D.A.L.
- Contributed to the book “La ciencia del derecho procesal constitucional” (“Constitutional procedural law as a science”). Studies in honor of Héctor Fix-Zamudio on the occasion of his 50 years of research in the Law. Volume III: “La justicia constitucional en el Uruguay. Coordinación de los principios de separación de poderes y sometimiento de toda la normativa a la Constitución” (“Constitutional justice in Uruguay. Coordination of the principle of separation of powers and submission of all legislation to the Constitution”).

Hyperlink <http://www.bibliojuridica.org/libros/6/2557/32.pdf>

Academic activities

Since 1988, has lectured in Civil Law, Civil and Commercial Procedural Law, in the context of training and capacity building of judges provided in the Center of Judicial Studies of Uruguay.

Among others, he taught the following courses:

- Civil Procedural Law for Candidates to the Judicature, 23 to 3 May 1989.
- Workshop on the Precautionary Process, 15 to 17 October 1990.
- Workshop on the Voluntary Process, 1 to 22 October 1990.
- Workshop on the Application of the General Procedural Code, 11 to 15 March 1991.
- Second Module on the G.P.C., 1 March 1991.
- Civil Law Module, 3 November to 1 December 1991.
- Civil Procedural Law Workshop, to 18 March 1992.
- Civil Procedural Law Workshop, 23 April to 12 May 1992.
- Civil Procedural Law Workshop, 5, 7, 12, 14, and 1 May 1992.
- Civil Procedural Workshop. Refresher training, Level II, 22, 24, 26 and 2 June 1992.
- Civil Law Workshop in Tacuarembó, 14 and 15 November 1992.
- Civil Law Workshop on Breach of Contract, with Dr. Carlos de Cores, at the Catholic University of Uruguay, September 1993.

During 1993, participated in workshops organized by the Center of Judicial Studies of Uruguay (Part II) as well as in the workshop on Securities and means for combatting fraudulent insolvency of debtors.

In 1994 and 1995, taught in several workshops for judges on extra-contractual liability, burden and standard of proof, simulation of contract and fraudulent conveyance.

In September 1995, gave a conference on the theory of Disregard of legal entity at the Uruguayan Institute of Business Studies.

In July 1996: Workshop on the assessment of moral damages, updating and legal interests at the Center of Judicial Studies of Uruguay.

In November 1997, co-directed with Dr. Elena Martinez the Workshop on Civil Liability of the Media at the Center of Judicial Studies of Uruguay.

From April 2002 to date, co-directs the module on Judicial Office Techniques, judicial motivation and reasoning, in the context of the Center of Judicial Studies course taught to candidates to the Judicature.

Other activities

Member of the Commission in charge of advising the Supreme Court of Justice on the implementation of the entry into force of the General Procedural Code.

Together with Drs. Torello, Galagorri, Lombardi and Martins, Member of the Commission appointed by the then President of the Republic to draft the project guidelines for the constitutional reform of the Judiciary

Member of the Supreme Court of Justice's Advisory Commission entrusted with evaluating judges prior to their transfer and promotion (1996-1997).

Head of the Advisory and Monitoring Committee designated by the Supreme Court of Justice for the implementation and execution of the loan arranged with the Inter-American Development Bank (IDB) for the improvement of justice services.

Member of the Coordination and Monitoring Commission, Latin American Judicial Summit Group.
