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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1689
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	Political and Common Prisoners v. Chile
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Prisoners v. Chile, Case 1689, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Communication No 1689, of August 17, 1970, denounced torture and other abuses of political and common prisoners in Chile, which allegedly occurred during the period 1967-1970. In addition, it was stated that these acts led 101 attorneys, members of the Bar Association of Santiago, to present a protest to the Supreme Court of Chile. Finally, the petitioner requested consideration of his particular case, as he had been unjustly condemned to prison and was serving his sentence.

[2] In view of background information on the particular case of the petitioner, who had presented a complaint on May 3, 1967 which was substantially the same as that to which part of case No 1689 pertained, the Commission decided at its Twenty-Fourth Session (October 1970) to declare this case inadmissible in relation to the particular situation of the petitioner, in conformity with paragraphs b and c of Article 39 of the Regulations, and to postpone consideration of this matter in regard to the situation of political and common prisoners, until such time as it could compile the necessary information.

[3] At the Twenty-Fifth Session (March 1971), on the basis of the report presented by the rapporteur of this case, Dr. Justino Jimenez de Aréchaga, the Commission addressed the Government of Chile on May 10, 1971, requesting a copy of the aforementioned presentation made by 101 attorneys of the Bar Association of Santiago before the Supreme Court of Chile regarding the situation of political and common prisoners in the prisons of that country. This request was reiterated on November 17 of that year, in conformity with the decision adopted by the Commission at its Twenty-Sixth Session.

[4] Likewise, at the Twenty-Seventh Session (February-March 1972) the Commission, noting that the Government of Chile had not yet answered the previous communications, decided to again reiterate to that government its request that it supply the corresponding information within a period of ninety days, inasmuch as the 180-day period established in Article 51 of the Regulations had already expired. In accordance with this decision it addressed the Government of Chile in a note dated March 30, 1972.

[5] At the Twenty-Ninth Session (October 1972), the Commission continued consideration of this case, and noted that the Government of Chile had not yet supplied the information requested, and that the period stipulated in Article 51 of the Regulations, plus the extensions, had already elapsed.

At that session the Commission decided to take this factor into consideration in preparing its Annual report to the General Assembly of the OAS, and to include it in the aforesaid report in the event that no reply was received from the Government of Chile by that time in relation to the acts denounced in the case.

[6] In a note dated December 27, 1972 (No 1261), the Government of Chile answered the requests for information, stating that the various denunciations which comprise Case No 1689 "are still being processed before the Supreme Court of Chile, and that that high tribunal has ordered different judicial proceedings in various jurisdictional areas of Chile; furthermore, the Ministry of Foreign Affairs of Chile will soon transmit the most important background information and the principal parts of the dossier on this matter."

[7] In fact with a note dated January 12, 1973 (No 35), the Government of Chile enclosed documents pertaining to the case, together with a copy of the presentation of the attorneys before the Supreme Court of the country, in which they requested of the latter that it order various judicial proceedings in order to verify the facts of the case. Furthermore, in its note the Chilean Government reiterated that the documents presented to the Commission for its consideration showed that the competent authorities of Chile had ordered judicial proceedings and issued instructions and recommendations that are being implemented, or have been executed partially, and the proceedings are fully under way.