

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1735
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Prisoner from Antofagasta v Chile
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Robert Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela) For health reasons, Dr. Gabino Fraga was unable to attend the Thirty-First Session.
Dated:	15 - 25 October 1973
Citation:	Antofagasta Prisoner v Chile, Case 1735, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

[1] Case 1735, February 28, 1972, in which a prisoner claimed that, on being taken from Santiago to a prison in the city of Antofagasta, he had been subjected to cruel and inhuman treatment, such as being placed in shackles and deprived of medical care (his leg was broken) and of food.

[2] In a note dated March 29, 1972, the Commission requested the Government of Chile to provide the pertinent information, in accordance with articles 42 and 44 of its Regulations.

[3] At its Twenty-ninth Session (October 1972), the Commission determined the status of the matter and decided to reiterate its March 29 request for information from the Government of Chile, noting that the period established by Article 51 of the Regulations had expired and granting a 60-day extension to that term. The Government of Chile was informed of this decision in a note dated November 1972.

[4] In a note dated December 27, 1972, the Chilean Delegation to the OAS acknowledged receipt, stating that the Ministry of Foreign Affairs of Chile had not received the March 29 request for information, only the note of November 1, 1972. The Delegation therefore requested that the Commission send it the necessary background on this case, so that the Chilean authorities might initiate the appropriate procedure.

[5] Acting on that request, the Secretariat, in a note dated January 5, 1973, transmitted background information on Case 1735 to that delegation.

[6] In a note dated January 23, 1973, the Chilean Delegation to the OAS advised the Commission that it had been instructed by the Ministry of Foreign Affairs to inform the CIDH that the Government of Chile "considered that, with regard to the aforementioned cases, the periods referred to in Article 51 of the Regulations of the Inter-American Commission on Human Rights could be calculated only from the

date on which the Delegation received the pertinent background information, that date being January 8, 1973."

[7] The Commission considered this case at its Thirtieth Session (April 1973) and, taking into account the request from the Government of Chile, decided

- (i) to postpone its examination of the case until its next regular session; and
 - (ii) to send a note to that government, through its Delegation to the OAS, advising it of this decision.
- Accordingly, a note dated April 24, 1973, was sent to the Chilean Ambassador to the OAS.

[8] Through its delegation to the OAS and by a note dated August 13, 1973, already summarized in connection with case 1689, the Government of Chile provided the following information:

"With regard to case 1735, submitted to the Commission by Mr. Jorge Parade Vera, the Ministry of Justice has informed the Ministry of Foreign Affairs of my country that Mr. Parada has brought no claim before the courts or the appropriate administrative authorities; therefore, by virtue of Article 54 of the CIDH Regulations and Article 9 (bis) of its Statute, as well as Article 46 of the American Convention on Human Rights approved in Costa Rica, it is improper to process the denunciations without verifying, as a condition precedent, whether the internal legal procedures and remedies of each member state have been duly applied and exhausted. In the case under consideration no remedy or procedure whatsoever has been applied."

[9] At its Thirty-first Session (October 1973), the Commission continued its examination of the case and decided to advise the claimant of the aforementioned information. It decided also to add this case to the other one dealing with prison conditions in the Republic of Chile (Case 1689), in order to pass judgment on them together, once it received the information that the government of that country had, by the aforementioned note of August 13, 1973, offered in connection with Case 1689.

[10] Pursuant to this decision, the claimant was sent a communication dated December 3, 1973.