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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1738
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Juan Ossa Bulnes 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:	Ossa Bulnes v Chile, Case 1738, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1738, March 13, 1972, denouncing the arbitrary arrest and torture of Dr. Juan Ossa Bulnes, a Chilean lawyer, allegedly by the Investigation Service of that country. A copy of the resolution adopted by the Chilean Bar Association with regard to this case was enclosed.

[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 considered this case in the following context:

- (a) The Government of Chile had not replied to the March 29, 1972, request for information and the 130-day period stipulated in Article 51 of the Regulations had expired;
- (b) The denouncing organization had also approached the United Nations Commission on Human Rights; and
- (c) The legal recourse for protection of civil rights (recurso de amparo) instituted by the person concerned was pending.

With regard to the first point the Commission decided to again request the Government of Chile to provide the information, granting a 60-day extension to the period established in Article 51 of the Regulations.

As for the fact that the matter had been brought before the United Nations as well, it was believed that this did not exclude the competence of the Commission.

With regard to the exhaustion of internal legal remedies, the Commission decided to request the claimants

to furnish information on the results of the pending proceeding for protection of civil rights.

[4] In a note dated January 23, 1973, the Delegation of Chile to the OAS informed the Commission that the periods provided for in Article 51 of the Regulations, as applicable to cases 1735 and 1738, could be calculated only from the date on which the background information had been received by the Delegation, that is, January 8, 1973.

[5] The Commission again considered this case, together with case 1735, at its Thirtieth Session (April 1973). It decided to postpone its examination until the next session and to send a note to the Government of Chile, through the Delegation to the OAS, advising it of this decision (aforementioned note of April 24, 1973).

[6] In a note dated August 13, 1973, the Government of Chile, through its Delegation to the OAS, provided the following information:

"With regard to case 1738, that is, the denunciation submitted to the Commission by the Chilean Bar Association, the proceeding arising from the claim presented by Mr. Juan Luis Ossa Bulnes has resulted in a temporary stay. This case was entered as No. 39074 before the First Criminal Court of Rancagua, later being assigned No. 38974. The proceeding was initiated on February 2, 1972, and following the preliminary hearing a temporary stay of judgment was issued in accordance with articles 407 and 409 No. 1 of the Code at Criminal Procedure, i e., because of lack of conclusive evidence of the compensation of the alleged crime, and the record of the proceeding was filed without further action."

[7] The Commission took cognizance of the foregoing information at its Thirty-first Session (October 1973). It decided to send the claimant the text of the note of August 13, 1973, from the Government of Chile, with a view to determining the status of the case before Chilean judicial authority, and to postpone its decision on the case until its next session.

[8] Accordingly, the Commission addressed the Chilean Bar Association in a note dated December 3, 1973.