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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1689
Session:	Thirty-First Session (15 - 25 October 1973)
Title/Style of Cause:	Political and Common Prisoners v Chile
Alt. Title/Style of Cause:	N/A
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:	Prisoners v Chile, Case 1689, Inter-Am. C.H.R., OEA/Ser.L/V/II.32, doc. 3 rev. 2 (1973)
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[1] Case 1689, August 17, 1970, denouncing acts of torture and other abuse of political and common prisoners in Chile allegedly committed between 1967 and 1970. It was further reported that those events led 101 lawyers in Santiago, members of the national Bar Association, to enter a protest before the Supreme Court of Chile. Finally, the claimant requested an examination of his individual case, since he had been unjustly condemned to prison and was serving that sentence.

[2] The Commission began considering this communication at its Twenty-fourth Session (October 1970), at which it decided to declare inadmissible the part of the claim that refers to the legal status of the claimant, in accordance with Article 39.b and c of its Regulations, and to postpone the examination of the part referring to the status of political and common prisoners in Chile until it received a copy of the statement submitted to the Supreme Court by members of the Bar Association in Santiago.

[3] At its Twenty-fifth Session (March 1971), the Commission decided to make a direct request of the Government of Chile for a copy of the statement by the members of the Bar Association, following the procedure set forth in articles 42 and 44 of the Regulations. To that end, it addressed the government in a note dated May 10, 1971.

[4] At its Twenty-seventh Session (February-March 1972), the Commission decided to repeat its request to the Government of Chile for the information, granting a 90-day extension to the term established in Article 51 of the Regulations. Accordingly, it addressed the government in a note dated March 30, 1972. That extension period having expired and no reply having been received from the Government of Chile, the Commission decided at its Twenty-ninth Session (October 1972) in compliance

with Article 51 of the Regulations, to presume the events denounced in the communication to be confirmed and to bear the case in mind when it prepared the annual report to the General Assembly of the Organization.

[5] In a note dated December 27, 1972, the Government of Chile replied by stating, in short, that the various events constituting this case were under consideration by the Supreme Court, which had ordered several proceedings in a number of jurisdictions, the results of which would in due course be communicated to the Commission.

[6] In a note dated January 12, 1973, that government did in fact transmit the main background information related to the case, together with a copy of the decisions handed down by the Chilean Supreme Court in response to the petition of the 101 Santiago lawyers members of the Bar Association) in order to reinforce the guarantee of the respect for human rights in the country.

[7] The Commission examined Case 1689, together with the information provided by the Government of Chile, during its Thirtieth Session (April 1973) and appointed Dr. Robert Woodward as rapporteur, to study the extensive documentation furnished by the Chilean Government and to present such observations and recommendations as he deemed appropriate.

The rapporteur prepared a report (doc.23-30 res.) in which, after dealing with the background and processing, he recommended that the CIDH again address the Government of Chile to express its interest in the results of the measures adopted by the Supreme Court in response to the request of the members of the Bar Association on behalf of the observance of human rights in that country.

In accordance with that recommendation, the Commission decided at that session to send a note to the Government of Chile, through the Delegation to the Permanent Council of the OAS, expressing its interest in receiving from that government information on the progress made in improving and regularizing current practices in detention institutions, and also judicial and police practices, as indicated in a preliminary way in the aforementioned memorandum of the Chilean Supreme Court.

[8] To that effect a communication dated April 24, 1973, was sent to the Chilean Ambassador to the OAS.

[9] In a note dated August 13, 1973 (No. 573), the Government of Chile replied to the Commission's note through the Ambassador to the Permanent Council, stating that "the Ministry of Foreign Affairs is awaiting a reply from the Ministry of Justice in order to continue to provide fuller information on this matter."

[10] At its Thirty first Session the Commission continued its examination of Case 1689 and, in view of the aforementioned note from the government concerned, decided to postpone its decision on the case until it received the information that had been offered.