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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1809
Session:	Thirty-Fourth Session (15 – 25 October 1974)
Title/Style of Cause:	Carlos Pérez Tobar v. Chile
Doc. Type:	Decision
Decided by:	President: Dr. Andrés Aguilar, President (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	15 - 25 October 1974
Citation:	Pérez Tobar v. Chile, Case 1809, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case 1809, March 18, 1974, reporting the following facts:

- a. That the former lieutenant of the Chilean army, Mr. Carlos Pérez Tobar, had been charged with high treason because of the fact that, "for moral and humanitarian reasons," he requested his discharge from the Army at the end of December, 1973, "when he became aware of the arrest, torture and prosecution of his brother, Eduardo, a student of agronomy at the Catholic University of Valparaiso who, although only 24 years of age, was sentenced to 23 years' imprisonment."
- b. That the complainant, in exile in Mexico, had been persecuted, arrested and "brutally interrogated" and her university career had been abruptly cut short, and
- c. That information coming from Chile stated that the Military Prosecutor in the trial of Lieutenant Pérez Tobar was asking for the death penalty but that the family of the accused, resident in Santiago, had no information about the trial.

[2] In a cablegram dated April 3, 1974, the Commission requested the Government of Chile to provide the pertinent information, in accordance with Articles 42 and 44 of its Rules of Procedure.

[3] In a note dated July 15, 1974, the Government of Chile informed the Commission that Mr. Pérez Tobar had been detained since May 25, 1974 in the public prison in Santiago by orders of the Second Military Prosecutor's Office in that city, under Case No. 146-73, and that the person detained was charged with the crime of sedition in time of war. It was also explained in that note that the above-mentioned was in accordance with the provisions of the Code of Military Justice promulgated in 1925.

[4] The Commission examined the referenced case during its thirty-fourth session (October 1974), together with the information provided by the Government of Chile and decided:

To postpone its examination of the case in view of the fact that a trial was pending before the national authorities and to inform the complainant of the information supplied by the Government of Chile.

[5] In implementation of that decision, the Commission sent a letter to the complainant on November 20- 1974.