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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1858
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Franklin Antonio Valdez Valdez v. Chile
Doc. Type:	Report
Decided by:	President: Dr. Andrés Aguilar (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:	24 October 1975
Citation:	Valdez v. Chile, Case 1858, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Case No. 1858, presented in a communication dated July 5, 1974, denounces the arbitrary arrest of Mr. Franklin A. Valdez in Santiago, on September 23, 1973. He died on October 4. His corpse was taken to the Institute of Forensic Medicine, alleging that he had died on a public street.

[2] The Commission, in a note dated July 29, 1974, requested the Government of Chile to provide appropriate information.

[3] The Government of Chile, in notes of October 3, 1974, (No. 18113) and January 14, 1975 (No. 0867) reported that it was making the inquiries necessary to enable it to report to the Commission as requested.

[4] The Commission examined case 1858 at the thirty-fifth session (May 1975) and, in view of the fact that the Government of Chile had not provided the promised reports and that the period of time provided for under Article 51 of the Regulations for transmittal of that information had elapsed, it agreed at the same session to presume confirmation of the facts denounced in this claim in application of the provisions contained in Article 51, if by September 30, 1975, the Government of Chile had not replied to the request made on July 29, 1974. It should be pointed out that the decision was a majority decision, with an abstention with reservation on the part of Dr. Justino Jimenez de Arechaga.

[5] This decision was reported to the claimant in a letter of August 12, 1975.

[6] At the thirty-sixth session (October 1975) the Commission considered the status of the case based on the decision taken at its previous sessions and the fact that the Government of Chile had not provided any further information on the matter. It therefore approved the following resolution (OEA/Ser.L//II.36 doc.36 rev.2, October 24, 1975):

WHEREAS:

[1] In a communication of July 25, 1974, it was alleged that Mr. Franklin Antonio Valdez Valdez, of San Florencio No. 1669, San Bernardo, Santiago, an accountant and administrator at the El Pino Hospital was arrested on September 28, 1973, by a military patrol from the San Bernardo Infantry School while he was at his work; on October 4, 1973, at 9:30 a.m., Mr. Valdez Valdez was summoned to an interrogation room together with other arrested individuals; on that same day, at 12 o'clock, a military patrol left the corpse of Franklin Valdez Valdez at the Institute of Forensic Medicine, reporting that he had been found dead in the street, he was robbed of his clothing, a Tressa watch, 9,000.00 Escudos and his documents as well, as the corpse was turned over to the Institute as unidentified.

[2] In accordance with the power conferred upon it by virtue of Article 9 (bis) of its Statute, this Commission requested, through a note of July 29, 1974, that the Government of Chile provide the appropriate information, transmitting to the Government the complete text of the denunciation cited in the above paragraph, in the manner provided for under Article 42 (1) and 44 of its Regulations.

[3] In a note of October 29, 1974, addressed to the Chairman of the Commission, the Government reported that:

"On this matter (the death of Franklin Antonio Valdez Valdez) I am able to state that a number of services have been asked to report on the circumstances of his death. As soon as the information or results of the measures ordered are available to this Ministry, I shall convey them to that Institution."

[4] Subsequently, in a note dated January 14, 1975, the Government reported that:

"I wish to inform your Excellency that the appropriate inquiries are being made in order to be able to report to that commission as requested.

[5] The Government of Chile has not provided any further information on the case.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

[1] To regard the documents it has in its hands as adequate proof that Mr. Valdez Valdez was arrested on September 28, 1973, by a military patrol from the San Bernardo Infantry School and that his corpse was left at the Institute of Forensic Medicine by a military patrol.

[2] To include this resolution in the Annual Report that the Commission must submit to the General Assembly of the Organization (Article 9 (bis) c of its statute, making known that the allegations of case 1858 constitute a serious case of violation of the right to life and personal security, upheld in Article I of the American Declaration of the Rights and Duties of Man.

[3] To recommend to the Government of Chile that it continues its investigation into the death of Mr. Valdez Valdez, in order to determine the circumstances under which he died and to establish blame and to inform this omission of its investigations.

[4] To transmit the text of this Resolution to the Government of Chile and to the claimant.

This Resolution was reported to the Government of Chile through a note of December 1, 1975, and to the claimant, through a note of December 3, 1975.