

Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1899
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Ayaó Castro Méndez and Juan Agustín Aramburu Soto v. Chile
Doc. Type:	Decision
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:	6 - 24 October 1975
Citation:	Castro Méndez v. Chile, Comm. 1899, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1899, of December 3, 1974, denounces the arbitrary arrest of Mrs. Ayaó Castro Méndez in "Tres Alamos" Camp, Santiago, and of Mr. Juan Agustín Aramburu Soto, in that city's jail.

[2] In a note of February, the Commission requested the Government of Chile to provide the appropriate information. A copy of that cable was submitted to the Delegation of Chile to the OAS on that same date.

[3] In a letter dated February 5, 1975, the claimant was informed of the measures taken in connection with the denunciation.

[4] Through a note dated March 19, 1975 (N1. 5188), the Government of Chile replied to the request for information filed by the Commission. The pertinent parts of that reply appear below:

"1. Aydé Castro Méndez. This individual is being held in a special facility in accordance with the powers granted to the Executive Power by virtue of the State of Siege, provided for under the Political Constitution of Chile of 1925 currently in force and of which the Commission is aware, as appears in Exempt Decree N1. 480 of October 7, 1974.

"2. Nelson Juan Agustín Aramburu Soto is being held in a special facility in accordance with the powers granted to the Executive Power by virtue of the State of Siege provided for under the Chilean Political Constitution of 1925, currently in force and of which the Commission is aware, as appears in Decree No. 647."

[5] In a communication dated April 7, 1975, the Secretariat acknowledged receipt to the Chilean Government. A copy of that note was sent to the Delegation of Chile to the OAS on that same day.

[6] In a communication dated April 7, 1975, the claimant received the pertinent parts of the reply received from the Government of Chile.

[7] The Commission examined this case during its thirty-fifth session (May 1975), along with the information provided by the Government of Chile. It decided the following

- a. To address the Government of Chile in the manner agreed upon for case 1886, that is, requesting that the Government kindly report whether it intends to release the parties involved in the near future or whether should there be charges against them, to bring them to trial, and in that case, the charges, place and date of the trial.
- b. To request the Government of Chile to provide information as to the meaning and scope of the so-called "Exempt Decrees" enacted by that Government in connection with measures involving individuals arrested by virtue of the "state of siege", expelled from national territory, and so forth, and information on the so-called "special facilities" where the individuals mentioned in this denunciation are being held and on the date on which they will be released.

[8] In fulfillment of this decision, a note was sent to the Government of Chile on August 6, 1975. The claimants were informed of the decision through a letter dated August 18, 1975. Through a note dated September 23, 1975 (N1. 17707), the Government of Chile replied to the request of August 5, reporting, in summary, the following:

- a. As to one of the individuals referred to in the denunciation "this individual is being held in Tres Alamos, as stated in Exempt Decree 1429 of the Ministry of Interior and by virtue of the special powers granted to the Executive under the Law on State of Siege provided for in the 1925 Political Constitution, currently in force in the country.
- b. As for the other individual, this individual was released by virtue of Exempt Decree 1265 of the Ministry of Interior.

[9] Receipt of this information was acknowledged on October 20, 1975. With this background information, the Commission continued its examination of case 1899 during its thirty-sixth session (October 1975) and decided:

- a. To transmit to the claimant the pertinent parts of the information provided by the government of Chile;
- b. To reiterate its request for information filed on August 6, 1975, to the effect that the Government of Chile kindly provide information as to whether it intends to release the individual in question or, if there are charges, to bring him to trial; in the latter case, when would the corresponding proceedings begin.

[10] Pursuant to letter b of this decision, a note was sent to the Government of Chile on October 23, 1975.

[11] Pursuant to letter a, the pertinent parts of the information provided by the Government of Chile were conveyed to the claimant through a letter dated December , 1975.