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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1840
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Female Prisoners 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:	6 - 24 October 1975
Citation:	Female Prisoners v. Chile, Comm. 1840, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1840, of June 4, 1974, denouncing events in violation of the right to life, liberty, and personal security, the right to protection against arbitrary arrest, and the right to due process, alleged to have taken place in women's prisons and jails in Chile, especially in "El Buen Pastor" in Santiago and in the "Tejas Verdes", located approximately 120 kilometers from Santiago. The complaint mentions those female prisoners who have allegedly been submitted to physical torture. The denunciation was endorsed by 47 individuals and entities, requesting that immediate action be taken by the Commission on behalf of women prisoners being held in Chile.

[2] In a note of June 24, the Commission requested the Government of Chile to provide the appropriate information, in accordance with Articles 42 and 44 of its Regulations. A copy of that note was sent to the Delegation of Chile to the OAS on June 25.

[3] The Government of Chile, in a note dated July 16, 1974 (OEA No. 11840), received at the Secretariat of the Commission on July 22, 1974, in Santiago, replied to that request for information by denying, in general, the charges brought against the denunciation and providing information on the legal status of some of the individuals cited in the complaint. Finally, the Government stated the following:

"I wish to bring to Mr. Chairman's attention two situations that cannot pass without comment in this reply. First, as a number of individuals who have visited Chile can verify, the Judicial Power functions on the bases of absolute, complete and total independence. As I already said in an earlier note, the Penal Code labels the treatment and torture of individuals as oppression, and one need only file a denunciation or complaint for the judicial mechanism to go into operation. To date appropriate judicial authorities have received no just denunciations. Secondly and finally, Mr. Chairman, in my position as a member of the Armed Forces, I categorically reject and express my indignation at such occurrences and events as have been attributed to our institutions, which, for more than 150 years have demonstrated their integrity and honor."

[4] The Commission examined communication 1840 during the course of its thirty-third session (July-August 1974) together with the information provided by the Government of Chile. It agreed as follows:

a. To check the files of the courts before whom the cases on the individuals named in the denunciation were presented, and who, according to the reply received from the Chilean Government, had been brought to trial and condemned to penalties depriving them of their freedom.

b. To check, during visits to the prisons mentioned in the complaint and/or detention facilities for women, the conditions and matters alleged to be in violation of human rights, denounced in the claim, especially the status of the individuals mentioned in this denunciation.

[5] During the course of the thirty-fifth session (May 1975) the Commission continued its examination of case 1840, together with the information provided by the Government of Chile. At the thirty-fifth meeting, it agreed to request the Government of Chile to provide additional information on the 22 women who had been tried or against whom a final sentence had been handed down and who were serving their sentences.

[6] This decision was reported to the Government of Chile through a note of August 6, 1975.

[7] In a note of October 2, 1975 (18379), the Government of Chile replied to this request by providing data with regard to the legal status of the individuals named in the note sent by the CIDH on August 6, 1975.

[8] Using this information, the Commission continued to examine the matter at its thirty-sixth session (October 1975), and decided to again address itself to the Government of Chile, requesting data as to whether the individuals who, according to the note from the Government of Chile, are being held prisoners, are being brought to trial and, if that is the case, what would be the charges and before what courts would the respective cases be tried.

[9] Pursuant to this decision, a note was sent to the Government of Chile on October 24, 1975.