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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1803
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Nelsa Zulema Gadea Galán 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:	Gadea Galán v. Chile, Comm. 1803, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1803, presented through a communication of March 2, 1974, denounces the arrest of Mrs. Nelsa Zulema Gadea Galán, an Uruguayan citizen residing in Chile. The event took place on December 19, 1973, in Santiago (Calle Condell No. 264). After ten days the Chilean authorities reported that the individual detained was in the women's prison in Santiago, although visitors were not allowed. Subsequently the "Chilean authorities systematically denied that she was being held and that she was there."

[2] In a cable dated March 11, 1974, the Commission requested the Chilean Government to provide the appropriate information, in accordance with Articles 42 and 44 of the Regulations.

[3] The Government of Chile, through a note dated March 27, 1974 (OIA No. 4597) replied to the request for information by stating, in summary, the following:

"In this regard, I am pleased to inform Your Excellency that Chilean authorities were requested to provide the pertinent information and that the result of these investigations indicated that the above-mentioned individual, a member of the Tupamaro movement, escaped on December 19, 1973, from the troops that want to arrest her, and since that time she has not been found either in her residence or elsewhere."

[4] The Commission considered this communication at its thirty-second session (April 1974) together with the information provided by the Chilean Government, and decided, in accordance with its Regulations, to inform the claimant of the pertinent parts of this information. Pursuant to this decision, the CIDH addressed the claimants on April 26, 1974.

[5] During the on-site investigation the CIDH conducted in Chile, the claimant and other individuals provided additional information on the denunciation while at the same time formulating their observations on the information provided by the Government of Chile. In particular, it was reported to the CIDH that according to data provided by official sources (communicated to the parties involved), Mrs. Gadea Galán

was allegedly still being held in an establishment in northern Chile.

[6] At the thirty-fourth session (October 1974) the Commission continued its examination of the case, based on the information presented above, and decided to request the Government of Chile to provide more information on the status of Mrs. Gadea Galán who, according to the information received, was being held under arrest in the city of Pisagua.

[7] The claimants were informed of the decision on November 14, 1974. The Commission addressed the Government of Chile through a note of December 17, 1974.

[8] At its thirty-fifth session (May 1975) the Commission examined the status of case 1803 and noted that the Government of Chile had not replied to its note of December 17, 1974. It decided to address the Government of Chile to repeat its request that it send the appropriate information.

[9] Pursuant to this decision, a note was sent to the Government of Chile on August 6, 1975. The claimant was informed of this decision in a letter dated August 12.

[10] At the thirty-sixth session (October 1975) the Commission continued its examination of the case, noting that the Government of Chile had not yet provided the information re-requested. It also appointed Dr. Robert F. Woodward as rapporteur, to study the case and formulate such observations as he deems pertinent.

The rapporteur presented a report (OEA/Ser.L/V/II.36, doc.22, reserved). Based on this report, the Commission decided to address the Government of Uruguay (the country where the individual allegedly missing is a citizen) requesting the cooperation of that Government by providing the information that it deemed appropriate on Mrs. Nelsa Zulema Galán DeDubra, making it clear that no denunciation has been made against that Government and that this request for information is for purposes of clarification. It also agreed to address the Office of the United Nations High Commission for Refugees in Latin America requesting its cooperation as well, by providing the CIDH such information as it deems appropriate.

[11] Pursuant to these decisions, a note was sent to the Government of Uruguay on October 24, 1975, and on October 28, 1975, a copy of this note was transmitted to the Uruguayan Mission to the OAS. A note was also sent to the Office of the United Nations High Commission for Refugees in Latin America on November 6, 1975. The claimant was informed of the measures taken with regard to the case in a note of that same date.

[12] The Government of Chile, through a note of November 18, 1975 (No. 21512) replied to the note sent by the CIDH on August 6, stating that the inquiries made to establish the whereabouts of Mrs. Galán de Dubra have been unsuccessful and have yielded no information to the effect that this individual was ever detained by security agencies.

[13] In letters dated December 8, 1975, the claimants were informed of this reply. In a note of December 22, 1975, the Government of Chile was informed of receipt of its note.