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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1907
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Luis Alberto Guendelman Wismiak 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:	Guendelman Wismiak v. Chile, Comm. 1907, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1907; of February 7, 1975, denounces the arbitrary arrest of Mr. Luis Alberto Guendelman Wismiak, in Santiago on September 2, 1974, by military police; this individual is alleged to have disappeared since that time. According to the denunciation Mr. Guendelman is allegedly being held in "Tres Alamos", in Santiago.

[2] In a note of March 3, 1975, the Commission requested the Government of Chile to provide the corresponding information. A copy of that note was transmitted to the Chilean Delegation to the OAS on March 4, 1975. On April 1, 1975, the complainant provided the following additional information:

- a. Two Chileans in exile claim to have spent 5 to 7 days in November in the same cell as Mr Guendelman, in the Tres Alamos Camp and that they are ready to testify to that effect.
- b. Other sources have confirmed that the prisoner had allegedly been hospitalized in November 1974, in the Santiago Military Hospital as a result of critical wounds inflicted through torture, and then taken to a provincial prison, the name of which is not known. The physicians who saw the prisoner in the hospital are willing to testify in confidence.
- c. The Chilean Government denies the arrest.

[3] In a letter of April 4, 1975, the Secretariat acknowledged receipt to the claimant and reported to the claimant the measures it had taken in connection with the denunciation.

[4] Again, in a letter dated May 20, 1975, the claimant addressed the Commission with regard to the case of Mr. Guendelman, providing information confirming points a and b to the effect that Mr. Guendelman is allegedly being held prisoner in that place.

[5] During its thirty-sixth session (May 1975), the Commission examined this case together with all the above date, observing on the one hand that the Government of Chile had not replied to its request for information filed on March 3, 1975. It decided: to reiterate to that Government its request that it send the

appropriate information, advising it of the deadline date on the 180-day period provided for under Article 51 of the Regulations for the Government to provide that data, and transmitting the pertinent parts of the additional information presented by the claimant.

[6] Pursuant to this decision, a note was sent to the Government of Chile on August 5, 1975. In a letter dated August 18, the claimant was informed of the measures taken in connection with the case.

[7] In a note on July 14, 1975 (NO. 13433), the Government of Chile replied to the original request for information filed on March 3, 1975, and stated that in connection with case 1907, there was no information on record of the arrest of the individual named in the denunciation and that inquiries would continue to locate the individual as promptly as possible.

[8] For his part, the claimant, in a communication dated September 12, 1975, provided additional information on the case.

[9] With this information the CIDH continued examination of case 1907 during its thirty-sixth session (October 1975) and decided to transmit to the Government of Chile the pertinent parts of the additional information provided by the claimant and to request information, establishing December 31, 1975, as the deadline for reply.

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

[11] Moreover, subsequent to the thirty-sixth session, the claimant provided additional information which because of its importance, the Commission felt wise to transmit to the Government of Chile, thereby supplementing the letter of October 24.

[12] A note to this effect was sent to the Government of Chile on December 1, 1975. The claimant was informed of these measures through a communication of December 11, 1975.