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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1932
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Enrique Kirberg Baltiansky 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:	Kirberg Baltiansky v. Chile, Comm. 1932, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1932, of May 7, 1975, denounces circumstances in violation of human rights under which Professor Enrique Kirberg Baltiansky, former rector of the Polytechnical University of Santiago, was allegedly arrested on September 11, 1973, and who at the time of the denunciation, was being held in the penitentiary after being transferred a number of times to various houses of detention in the country. Professor Kirberg is allegedly being held among the common prisoners and is said to be in poor health.

[2] This communication was supplemented by three cables sent on May 11 and May 12, 1975, addressed to the Secretary General of the OAS, to the Chairman of the CIDH and to Dr. Justino Jiménez de Aréchaga, signed by 57 individuals, among them the President of Harvard University, a number of Nobel prize winners and the President of Brandeis University.

[3] In a letter dated May 14, 1975, the Commission requested the Government of Chile to provide the appropriate information. A copy of that request was transmitted to the Delegation of Chile to the OAS on that same day.

[4] The Commission examined this communication during its thirty-fifth session (May 1975), and decided to again address the Government of Chile, repeating the request for information it filed on May 14, 1975.

[5] This decision did not materialize in view of the fact that after the closing of the thirty-fifth session (May 30, 1975), the Government of Chile transmitted information on this and other cases, through a note dated July 14, 1975 (No. 13433).

According to that information, Mr. Kirberg was tried for tax evasion in a case before the Minister of the Court of Appeals of Santiago, and was condemned in the first court to a sentence of 400 days imprisonment. The defense resorted to an appeal which was process on the date of that note Mr. Kirberg remained in the annex of the Santiago Jail.

[6] In a letter dated August 26, the Commission transmitted the pertinent parts of the information provided by the Government of Chile to the claimants.

[7] During the thirty-sixth session (October 1975), the Commission examined the case 1932 together with the information provided by the Government of Chile and the additional information provided by the claimants, transmitted on September 10. It decided the following: To request additional information from the Government on the current status of Mr. Enrique Kirberg and copies of the decision handed down from the first court and from the second court if an appeal had already been heard.

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