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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1863
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Hernán Muñoz Oteiza 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:	Muñoz Oteiza v. Chile, Case 1863, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1863, presented through a communication dated July 25, 1974, denounces the arbitrary arrest of Mr. Hernán Muñoz Oteiza, on July 25 and his removal to the Pisagua jail.

[2] Through a note dated July 31, 1974, the Commission requested the appropriate information.

[3] In a note dated August 16, 1974 (No 13956), the Government of Chile replied as follows:

It is my duty to inform you that on August 3, 1974, I received the note--case 1863-- in which the Inter-American Commission on Human Rights requests that information be provided on the status of Mr. Hernán Muñoz Oteiza, who has been held for eleven months in Pisagua, allegedly without charges being brought against him.

In this regard I can report that my country is under a state of siege a situation that, according to the Political Constitution of the State, makes it possible to arrest any individual, confine him in places that are not the common places established by the laws and to remove him from one place to another in the Republic.

I must remind you that the note replying to the suggestions made by the Commission to the Government, sent on last August 2, states: 'The Government will take measures to see to it that the state of siege is not prolonged beyond what is prudent, imperative and minimal to the security of the people.'

[4] The Commission examined this case together with the information provided by the Government of Chile during its thirty-fifth session (May 1975). As in similar cases, it decided to again address the Government of Chile to request that it kindly report whether that Government intends to release the individual in the near future should there be no charges against him or, should there be charges, to bring him to trial:

[5] Pursuant to this decision a note was sent to the Government of Chile on August 6, 1975. The claimant was informed of this decision on that same day.

[6] In the interim, the Government of Chile, through a note of July 14, 1975 (No 13433), received on August 6, reported that Mr. Hernán Muñoz Oteíza was free, after having served his sentence for violation of the Law on Internal Security of the State; he had been held for 282 days in the Pisagua jail.

[7] In a note dated August 8, the Commission addressed the Government of Chile acknowledging receipt of its note of July 14 and requested that it kindly disregard the note sent on August 6, 1975.

[8] At the thirty-sixth session (October 1975) the Commission continued its examination of the case and in light of the information provided by the Government of Chile, it decided to file this case without further processing.

[9] The Government of Chile was informed of this decision through a note dated December 29, 1975.