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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1921
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Guillermo Núñez 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:	Núñez v. Chile, Comm. 1921, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1921, of April 11, 1975, denounces the arrest of Mr. Guillermo Núñez, a Chilean painter, in April 1974. According to this denunciation, he had allegedly been tortured. He was taken to the Santiago jail where he remained until November of that year, at which time he was put under house arrest. The denunciation also alleges that an exhibition of works by that painter, which allegedly took place in March 1974, had been closed.

[2] In a cable dated April 14, 1975, the CIDH requested the Government of Chile to provide the appropriate information, and transmitted a copy of that cable to the Chilean Delegation to the OAS on April 15, 1975. In communications dated April 15, and April 23, the Secretariat acknowledged receipt to the claimants.

[3] In a cable of April 22, received at the Secretariat on April 23, the Government of Chile replied by stating the following:

- "a) That Nuñez had never been tortured;
- b) that the exhibition of works by the painter was not closed by any authority but rather by the Embassy of France, and
- c) that Nuñez is being held by virtue of the powers on state of siege and through Decree No. 976 of April 15, and that he is in good health."

[4] The Commission acknowledged receipt of the cable sent by the Government of Chile through a communication dated April 23. On that same date a copy was sent to the Delegation of Chile to the OAS.

[5] On April 23, the claimant was informed of the reply filed by the Government of Chile.

[6] The Commission examined this communication during the course of its thirty-fifth session (May 1975) together with the information provided by the Government of Chile. It decided to again address the

Government of Chile, requesting the following additional information:

- a) The place where Mr. Nuñez is being held;
- b) whether Mr. Nuñez will be released in the near future or, if there are charges against him whether he will be brought to trial, and in that case the nature of the charges, place and date of the trial.

[7] Pursuant to this decision, a note was sent to the Government of Chile on August 5, 1975. On August 19 the claimants were informed of the above-cited decision.

[8] In a note of September 30, 1975 (18187), the Government of Chile replied by stating that Mr. Nuñez had left for France in fulfillment of the decree on Forced Abandonment of the country No. 791 of the Ministry of the Interior, issued on June 19, 1975, in accordance with Law No. 81 of 1973 which "empowers the Government to exile certain individuals when the high interest of national security so require."

[9] Receipt was acknowledged on October 20, 1975.

[10] The Commission examined this case during its thirty-sixth session (October 1975) together with the information provided by the Government of Chile. It decided to again address that Government requesting more information such as:

- a) whether decree 791 of June 18 was issued as an alternative between abandonment of the country or continued imprisonment and,
- b) whether subsequent to that decree the interested party had had access to legal remedies to defend the human right to remain in this country (right of residence and transit, held up in Article VIII of the American Declaration of the Rights and Duties of Man).

[11] Pursuant to the foregoing, a note was sent to the Government of Chile on October 24, 1975.