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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1924
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Fernando Ostornol 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:	Ostornol v. Chile, Comm. 1924, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1924, of April 17, 1975, denounces the arbitrary arrest of Dr. Fernando Ostornol, a Chilean lawyer, in Santiago. Dr. Ostornol served as defense attorney for political prisoner, specifically Mr. Luis Corvalán. Additional information was provided through a letter of April 16, 1975, and through another of April 21, in which it states that the lawyer was arrested on April 11, 1975, by DINA agents, and that his whereabouts at that time was not known.

[2] Despite this new information the Secretariat, in accordance with the provisions contained in Article 41(2) of the Regulations, requested that the claimants provide additional information.

[3] Despite this initial processing, the Commission, in a cable dated April 21, 1975, requested the Government of Chile to provide the appropriate information.

[4] A copy of that request was transmitted to the Chilean Delegation to the OAS on April 22. In a cable dated April 30, received on that same day, the Government of Chile replied by reporting, in summary, the following:

"1. That Mr. Ostornol is being held by virtue of the power which the Law on the State of Siege grants to the Executive, which appears in the 1925 Political Constitution currently in force.

"His arrest was ordered by D.R. No. 994 of the Ministry, of April 17, 1975.

"2. This accusation of outrageous abuse of Luis Corvalán, is totally false who is allegedly being denied a defense.

"The Government of Chile categorically rejects the denunciation which merely adds to the slander and intimidation campaign being waged against our country."

[5] Receipt of this information was acknowledged on April 30, 1975, and a copy of this letter of acknowledgment was sent to the Chilean Mission to the OAS on that same date.

[6] In a communication dated April 30, the claimant was informed of the reply filed by the Government of Chile.

[7] In a communication of April 28, the claimant replied to the request from the Secretariat by providing additional information which allegedly establishes that Dr. Ostornol had been taken to the offices of the DINA on April 11 and then taken to "Tres Alamos" camp in Santiago; a writ of habeas corpus had been invoked, but the results were not known.

[8] The Commission examined this communication during its thirty-fifth session (May 1975), and decided the following: To address the Bar Association of Santiago, to request such information as it deemed appropriate on the individual cases denounces to the CIDH, without prejudicing its right to later decide to send to the Bar Association a general note on defense privileges in that country.

[9] Pursuant to this decision, a note was sent to the Bar Association of Santiago on July 31, 1975. The claimants were informed of this decision through communications dated August 25 and August 28.

[10] During the thirty-sixth session (October 1975), the Commission looked into the status of this case noting that the Bar Association of Chile had not yet provided the information requested on July 31, 1975. It therefore decided to postpone examination of the case until its next session. The Commission also took cognizance of the additional information provided by the claimant on September 30, at which time it also formulated observations on the information provided by the Government of Chile on April 30, 1975.

Bearing in mind those observations and the additional information, the Commission also decided to again address the Government of Chile to request further information, transmitting to it the pertinent part of the additional information and observations provided by the claimant.

[11] A note in that regard was sent to the Government of Chile on December 1, 1975. In a letter dated January 21, 1976, the claimant was informed of this decision.