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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1790
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Enrique Paris Roa v. Chile
Doc. Type:	Resolution
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:	Paris Roa v. Chile, Case 1790, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Case No. 1790, presented through a communication dated November 9, 1973, denounces the alleged arrest, torture and presumed death of Dr. Enrique Paris Roa, physician and advisor, to the President of Chile, Salvador Allende, events that allegedly began on September 17, 1973.

[2] In a note dated January 9, 1974, the CIDH requested the Government of Chile to provide the appropriate information.

[3] The Government of Chile, through its Delegation to the OAS, reported in a note dated April 12, 1974 (No. 345) that it had no official information about the person of Dr. Paris Roa who seems to have disappeared and that investigations were continuing to establish his situation. The Government of Chile offered to report on the results of that investigation.

[4] The Commission considered this report at its thirty-second session (April 1974) and, bearing in mind the reply of the Government of Chile, decided to postpone examination of the case until it received the information offered and to transmit to the complainant the pertinent parts of the above-mentioned reply.

[5] Subsequently, the Government of Chile, in a note dated July 6, 1974, supplemented its reply of April 12 in Letter No. 652 stating the following:

"Since the investigations to establish fact concerning Mr. Paris are still continuing, and in accordance with provisions of Article 51, paragraph 2 of the Rules of Procedure of the CIDH, I request your Excellency to be good enough to transmit to the Commission of which you are the Chairman a request from your Government for an extension of the time limit of an additional 90 days for providing information on Case No. 1790 relating to Mr. Enrique Paris Roa."

[6] During an investigation in loco of the CIDH in Chile, the complainant and other individuals

appeared in person at the offices of the Commission to supplement the complaint.

[7] At its thirty-fourth session (October 1974) the CIDH decided to postpone its decision on the merit of the case, thereby providing the Government of Chile time to add to the information it had provided. This decision was brought to the attention of the claimant on November 14, 1974.

[8] At the thirty-fifth session (May 1975), the Commission continued to study the case, bearing in mind that the 180-day period provided for under Article 51 of the Regulations and the 90-day extension granted so that the Government of Chile could provide the necessary information had elapsed.

It therefore decided to appoint Dr. Robert F. Woodward as rapporteur to prepare, based on the above background information, a draft resolution in application of Article 51, presuming confirmation of the events denounced in the communication of November 9, 1973.

The rapporteur prepared the draft (doc.33-35), which the Commission approved at the 439 meeting.

The text of the resolution approved is as follows (OEA/Ser.1/V/II.35, doc.33, rev.1):

WHEREAS:

[i] In a communication dated November 9, 1973, the following was denounced:

The undersigned, Maria Eugenia Horwitz Vasquez, a Chilean national residing at Marchant Pereira 2095, Santiago de Chile, wishes--to report the following to the Inter-American Commission on Human Rights, for the purposes set forth in its Statute and Regulations:

"On September 11, Dr. Enrique Paris Roa, of Merchant Pereira 2095, Santiago de Chile, was at La Moneda Palace in his capacity as physician and member of the Executive Committee of the University of Chile and advisor on Higher Education, Science and Technology to President Salvador Allende. At 10:30 a.m. he telephoned his mother, wife and children from La Moneda Palace in order to inform them of his decision to remain with the President of the Republic during the difficult moments facing him at that time. After the death of President Allende, he was arrested and sent to the headquarters of the Tacna Regiment in Santiago, where a number of witnesses have reported to members of his family, he was publicly tortured; these individuals are not mentioned because we justifiably fear for their freedom or even their lives. It was officially acknowledged to the former Rector of the University of Chile, Edgardo Boeninger, that Dr. Enrique Paris Roa was being held at the headquarters of that regiment. Other individuals attached to the University and representatives of the Church received the same reply.

Since September 17, neither the authorities officially consulted nor members of his family have been able to secure any trustworthy information as to where he is being held or his state of health.

A number of foreign publications and radio broadcasts have reported his alleged death as a result of the torture inflicted upon him, and this has neither been acknowledged nor denied by government officials.

These events took place on September 11, 1973, at La Moneda Palace Santiago Chile, and at the headquarters of the Tacna Regiment in Santiago.

The local authority that had jurisdiction of the case was the Court of Appeals of Santiago, under number 529-73, of September 29, 1973.

Having seen the background information on the case, the First Chamber of the First Court of Appeals officially notified the Investigation Service, which, on October 1, 1973, replied as follows:

"Staff from this office made the necessary inquiries at police headquarters and branch units and found that the arrest of Enrique Paris Roa is not on record."

That same Court of Appeals also wrote to the Post Commander, who, in a reply dated October 14, 1973, stated verbatim, the following:

"Reporting on writ of amparo No. 529-73 in the name of Enrique Paris Roa, the U.S.I. is hereby informed

that this individual is not being held by order of the military courts in this jurisdiction and having made a number of inquiries, it has not been established that this individual has been detained by any order from administrative authorities.

An appeal was made to the First Court of Appeals in Santiago through a writ of amparo; the reply is presented below, the veracity of which his family feels is unlikely. If he had not been detained, one of his relatives would know his whereabouts.

The former Rector of the University of Chile, in exercise of his duties, and the University's legal advisory services did not receive a satisfactory reply as to the status of Dr. Paris Roa after September 17.

On October 27, 1973, the Medical College of Chile began to take official steps, which have not had any success to date.

Mentioned only are those witnesses not subject to further danger should they be called upon to provide information on to this case:

Mr. Sergio Badiola, former Military Aide-de-Camp of President Allende, and Alejandro Porlier, former physician of President Allende, asylum in the Embassy of Venezuela in Santiago de Chile; Arturo Giron, former physician to the office of the Presidency of the Republic, being held on Dawson Island, Chile; Osvaldo Puccio, former Private Secretary to the President, being held on Dawson Island; Oscar Soto, former physician to the Presidency, asylum in the Embassy of Mexico in Santiago, have testified that Dr. Enrique Paris Roa left La Moneda Palace alive after the death of President Allende.

The undersigned is the wife of Dr. Enrique Paris Roa; if it will help to clarify the actual facts on the situation, she is willing to have her named used. (S) Maria Eugenia Horwitz Vasquez. Santiago, November 9, 1973.

[ii] In accordance with the power conferred upon it by virtue of Article 9 (bis) of its Statute, this Commission requested the Government of Chile, through a note of January 9, 1974, to provide the appropriate information, transmitting to the Government of Chile the complete text of the denunciation quoted in the above paragraphs, in the manner provided for under articles 42.1 and 44 of its Regulations.

[iii] At its thirty-second session (April 1974), noting that the Government of Chile had not replied to the request for information, the Commission agreed to repeat its request for information by cable, which was done through a comunicuñ sent April 11, 1974.

[iv] In a telegram sent on April 11, 1974, in reply to the message sent by the Commission, the Government of Chile reported to the Commission:

"With regard to the situation of Enrique Paris Roa, I can report that there is no official background information on that individual, who would appear to have disappeared. Investigations to establish his whereabouts continue. I will report to Your Excellency any information that the investigations ordered by the Government yield..." and

[v] In a telegram dated July 6, 1974, addressed to the Chairman of the Commission, the Government of Chile added the following comment:

"...In view of the fact that the investigation establish facts concerning Dr. Paris are still under way, and in accordance with the provisions of article 51, paragraph 2, of the Regulations of the CIDH, I would ask Your Excellency to kindly transmit to the Commission over which you preside our Government's request to extend the deadline for provision of information on case 1790 on Mr. Enrique Paris Roa, for an additional 90 days..."

[vi] In a communication of July 8, 1974, the Commission replied to the Government of Chile by extending the deadline for case 1790 for another 90 days.

[vii] The Government of Chile has failed to provide further information on the case. The Commission feels that the situation denounced is adequately proven by the documents it has in its hands, and that Dr. Paris Roa was in fact moved to the headquarters of the Tacna Regiment under arrest having come under the authority of that Regiment, it is the Government of Chile's responsibility to report on his whereabouts, his life, or any judicial proceedings to which he has been submitted, and that its silence is not justified in this case.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

[i] To presume confirmation of the allegations with regard to which information has been requested, in application of Article 51 of the Regulation.

[ii] To include this resolution in the Annual Report that the Commission presents to the General Assembly of the Organization (Article 9 (bis) c of its Statute), making known that the allegations contained in communication 1790 constitute a very serious case of the violation of the right to life and personal security set forth in Article I of the American Declaration of the Rights and Duties of Man.

[iii] To urge the Government of Chile to continue its investigations as to the fate of Dr. Paris Roa, assigning responsibility to those who have violated his basic rights and informing this Commission of the results of those investigations.

[iv] To transmit the text of this resolution to the Government of Chile and to the claimant.

[v] This resolution was transmitted to the Government of Chile on August 6, 1975, and to the claimant on the same date.

[9] At the thirty-sixth session (October 1975) the Commission considered the status of case 1790 in order to establish whether the Government had implemented the recommendation contained in operative paragraph 3 of the Resolution approved on May 29. At this point in the case, it took cognizance of the cable sent by the Government of Chile on May 30 1975, received at OAS headquarters in Washington on May 31; transmitted to the CIDH, the cable arrived at its office on June 2 (after the thirty-fifth session, which took place from May 20 to 30, 1975, had ended). The cable reported the following with regard to case 1790: "The Government made every possible effort to clarify the situation, but obtained negative results. It would be pointed out that on September 11 and days following, a state of real war existed, where a number of people died, possibly including Dr. Paris. Nevertheless, neither his arrest nor his death is on record in any service.

[10] Based on the information available, the Commission agreed at that same session, to confirm the Resolution approved on May 29 1975, presuming confirmation of the matters denounced in the complaint.