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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1809
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Carlos Pérez Tobar 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:	Pérez Tobar v. Chile, Comm. 1809, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] 1809, presented through a communication dated March 18, 1974, denounces the trial of ex-Lieutenant Carlos Pérez Tobar by military authorities in Santiago, against whom the death penalty was requested, as being in violation of the right of due process (Article XXVI of the American Declaration).

[2] In a cable dated April 3, 1974, the Commission requested the Government of Chile to provide the appropriate information, in accordance with Articles 42 and 44 of the Regulations.

[3] In a note of July 15, 1974, the Government of Chile reported to the Commission that Mr. Pérez Tobar had been held since May 25, 1974, in the public jail in Santiago, at the order of the Office of the Second Military Prosecutor of that city, under order No.146-73, charging the accused with the crime of sedition in wartime. The note also stated that the proceedings were conducted in accordance with the provisions of the Code of Military Justice, enacted in 1925.

[4] The CIDH examined this case during the course of its thirty-fourth session (October 1974), together with the information provided by the Government of Chile. It decided to postpone its decision in view of the fact that proceedings before national authorities were under way. The claimants were informed of this decision through a note dated November 20, 1974.

[5] In a communication of November 29, 1974, the claimants formulated their observations on the information provided by the Government.

[6] Using this information, the Commission continued its examination of the case during its thirty-fifth session (May 1975) and decided to transmit to the Government of Chile the observations made by the claimants so that it might formulate its comments or answers to the charges. It also decided to request from the Government of Chile information on the status of proceedings against ex-Lieutenant Pérez Tobar and a copy of the ruling handed down.

[7] Pursuant to that decision, a note was sent to the Government of Chile on August 6, 1975. The claimants were informed of this decision through a letter of that same date.

[8] During the thirty-sixth session (October 1975) the Commission considered the status of case 1809 and decided to postpone its examination of the case in view of the fact that the request made to the claimants to formulate their observations on the observations made by the Government, should they deem it appropriate, was still in effect.