

Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1931
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	David Silberman v. Chile
Doc. Type:	Decision
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:	Silberman v. Chile, Comm. 1931, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Communication 1931, of May 8, 1975, denounces the disappearance of Mr. David Silberman on October 4, 1974, while being held in the Santiago penitentiary.

[2] In a note of May 13, 1975, the Commission requested the Government of Chile to provide the appropriate information. A copy of that note was transmitted to the Delegation of Chile to the OAS on that same day.

[3] Receipt of the denunciation was not acknowledged, as the address of the claimant was not known.

[4] In a note dated March 19, 1975 (NO. 5188), the Government of Chile replied to that request for information by stating the following:

"The appropriate inquiries are being made to establish his present status. As soon as information is available, it will be transmitted to the Commission."

[5] The Commission examined this case during its thirty-fifth session (May 1975), along with the reply received from the Government of Chile. At the suggestion of Dr. Gabino Fraga, who served as rapporteur for the case, it decided to again address a communication to the Government of Chile in order to secure further information on this case, and, especially on the removal of Mr. Silberman from the penitentiary where he was (according to the denunciation) serving a sentence handed down by military judicial authorities.

[6] Pursuant to that decision, the Commission addressed a note to the Government of Chile on August 6, 1975.

[7] In a note of July 14, 1975 (No. 13433), received on August 6, the Government of Chile provided information on the case to the effect that "the appropriate measures will continue to be taken in order to

appropriately reply to the information requested.

"In accordance with this reply, the Commission, in a note of August 8, 1975, requested the Government of Chile to disregard its note of August 6, 1975, in view of the fact that the information contained in note 13433 would be considered by the full membership of the CIDH, at its thirty-sixth session, to be held in October 1975.

[8] During its thirty-sixth session, held from October 6 to 24, the Commission considered the status of case 1931 and appointed Dr. Justino Jiménez de Aréchaga as rapporteur for the case. The rapporteur prepared a report (OEA/SER. L/V/II. 36, doc. 35, reserved) based on which the Commission decided the following:

- a. To address a note to the Government of Chile to include the pertinent parts of the information sent to the United Nations by one of the claimants, explaining that the CIDH does not necessarily contend that this information corresponds to the facts, but that it does give cause for a rigorous investigation.
- b. To recommend to the Government of Chile, that it order proceedings with the urgency and severity called for as a result of the obvious seriousness of the situation and the responsibility that could eventually fall to the Government which is responsible for the life of individuals arrest-ed and condemned; the Government is to inform the CIDH of the results obtained as soon as possible.
- c. Given the circumstances of the case, to extend until December 31, 1975, the period of time provided for under Article 51 of the Regulations so that the Government of Chile may file a final reply to the Commission in regards the matters denounced.

[9] This decision was not implemented since the Government of Chile, through a note dated November 18, 1975 (N1.21509), in response to the request filed by the Commission on August 6, reported on implementation of measures similar to those agreed upon by the CIDH during its thirty-sixth session. Therefore the case was left until the next session, to be considered there by the full membership of the Commission.