WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1799
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Siloist Religion Members 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:	Siloist Religion Members v. Chile, Case 1799, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)

Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

[1] 1799, presented through a communication dated February 21, 1974, denounces the arbitrary arrest of 38 members of the so-called Siloist religion in Chile. The events allegedly took place on December 23, 1973, and on January 16, 1974. According to the denunciation, the arrested individuals, (men and women) would be brought before a military tribunal in March 1974.

[2] In a cable of February 25, 1974, the Commission requested that the Government of Chile provide the corresponding information, in accordance with Articles 42 and 44 of the Regulations.

[3] In a note of March 14, 1974, the Government of Chile replied to the request made by the Commission providing information to the effect that the Siloista movement constituted a threat to public morals and order and that, exercising legal powers, the arrest of certain leaders of that group had been ordered, because of their contacts with Communist radicals.[FN1]

[FN1] Report of the Thirty-fourth session (OEA/Ser.L/V/II. 34, doc. 30, rev. 1, cited).

---

[4] The text of the pertinent parts of the reply made by the Government of Chile was sent to the claimants on March 25, 1975. For their part, through a note of March 15, 1975, the claimants also provided the CIDH additional information on the case.

[5] With all this information, the Commission began study of the denunciation at its thirty-second session (April 1974) and decided to again address the Government of Chile, requesting that it be so kind as to provide additional information as to whether some of the individuals mentioned in the denunciation had been or were being brought to trial before common courts of justice; whether such individuals were being detained by virtue of provisions applicable during a state of siege or because they were accused of common crimes.

[6] Pursuant to this decision, the Commission addressed a note to the Government of Chile on June 3, 1974. In a letter of April 29, 1974, the claimant was informed of this decision.

[7] In a note of July 22, 1974 (No. 12, 239) the Government of Chile transmitted to the CIDH additional information accounting for the legal status of some of the individuals named in the complaint. Moreover, during its on-site investigation conducted in Chile from July 22 to August 2, 1974 (33rd session) the Commission took cognizance of new matters with regard to Mr. Luis Fernando Lira Haquín who was still being held prisoner despite the report from the Government filed on July 22 to the effect that he was free.

[8] In a note of July 29, 1974, the requested the Government of Chile to provide the appropriate information. In a note of August 16, 1974 (No. 13, 957) the Government of Chile provided the following information:

"I wish to inform you that I have received a note--case 1799 dated June 29, 1974-- by which the Inter-American Commission on Human Rights requests information concerning the status of Luis Fernando Lira Haquín.
"In this regard, I can inform you that Luis Fernando Lira is at present being held in Pisagua in accordance with the powers which, under the Law of the State of Siege, the Political Constitution confers upon the Executive.
"Furthermore, I am in a position to inform you that in a decision handed down yesterday the Supreme Court of Justice denied an appeal of amparo filed in favor of Lira, stating that bearing in mind the grounds of the decision appealed and the fact that the removal and confinement of the person involved had been ordered by the administrative authority in the exercise of special powers and under the State of Siege in which the country finds itself at present, the appealed decision is confirmed. The appeal of amparo had been denied earlier by the Appeals Court."

[9] The Commission examined case 1799 in light of this information during its thirty-fourth session (October 1974) and approved a resolution [FN2] in which it recommended to the Government of Chile that it either release Lira Haquín or, if there were concrete charges against him, bring him to trial with all the guarantees of due process. This resolution was transmitted to the Government of Chile on November 17, 1974, and to the claimants on November 14, 1974.

[FN2] OEA/Ser. L/V/II, 34, doc. 25, October 25, 1974.

---

[10] In a note of January 14, 1975 (No. 0866), the Government of Chile replied to the note, stating that Mr. Lira Haquín had been released on August 29, 1974, by D.E. No. 354 of the Ministry of the Interior.

[11] The Commission continued its examination of case 1799 during its thirty-fifth session (May 1975) together with the information provided by the Government of Chile on January 14, 1975. It decided to file the case insofar as Mr. Lira Haquín was concerned without prejudicing its right to reopen the case if, within a reasonable period of time, the claimant formulates observations or provides new data that makes a reexamination of the case imperative.

[12] This decision was communicated to the Government of Chile on August 6, 1975. The claimants were informed of the decision on September 12, 1975.

[13] At its thirty-sixth session (October 1975) the Commission noted the status of this case, observing

that the Government of Chile had not yet provided the information requested on August 6. It therefore agreed to postpone examination of the case until it had available the data collected, to be provided within a reasonable period of time.

[14] Subsequent to the conclusion of that session (October 24) the Government of Chile, through a note of November 18, 1975 (No. 21513) replied to the Commission by providing data on the legal status of each one of the individuals mentioned in the denunciation.

[15] Through a note of December 22, 1975, the Commission acknowledged receipt of the note from the Government of Chile.