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Institution:	Inter-American Commission on Human Rights
File Number(s):	Communication No. 1884
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Unknown 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:	Unknown v. Chile, Comm. 1884, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)

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[1] 1884. This file includes 55 cases of individuals condemned to various military penalties that deprive them of their liberty in Chile, in trials in which, according to the denunciations received by the CIDH during its stay in Chile, the requirements of due process were neither satisfied nor respected. (Art. XXVI of the American Declaration).

[2] In a note dated October 14, 1974, the Commission requested the appropriate information. A copy of that note and appendices was transmitted to the Delegation of Chile to the OAS on November 5.

[3] In a note dated April 28, 1975 (No 7896), the Government of Chile replied to some of the cases present (9 in all), denying the fact that prisoners had in any way been mistreated or tortured in any of the cases in question. Moreover, it offered to provide background information on the 46 cases pending information.

[4] The Commission examined 1884 during its thirty-fifth session (May 1975) together with the information provided by the Government of Chile. It decided to appoint Dr. Justino Jiménez Aréchago as rapporteur.

At that same session the rapporteur presented a report (Doc. 34-35), based upon which the Commission decided the following:

a. To address a note to the Government of Chile requesting that it kindly provide the information on the pending cases as soon as possible;
b. To address a note to the claimants on whose cases the Government of Chile has provided any information, transmitting to them the pertinent parts of the information so that they may --if they deem it appropriate--formulate observations, and
c. To request the other individuals involved in the denunciations (with regard to whom information is pending, as pointed out in paragraph a) to provide more information on concrete points suggested by

the rapporteur, in particular, a copy of the sentence handed down in the case of Mr.Ramón Segundo Carray.

[5] Pursuant to this decision, a note was sent to the Government of Chile on August 5, 1975. As for the decision contained in point b, a note was sent to the parties concerned on September 12, 1975.

[6] At its thirty-sixth session (October 1975) the Commission looked into the status of this case, noting that measures had not been taken to carry out the decision adopted on this case at the thirty-fifth session to secure from each one of the claimants (62) more information on the various extremisms reported in their denunciations and, in particular, on the situation of the court martials that therefore decided to ratify that decision, instructing its secretariat to carry through with the appropriate processing, and to postpone examination of the case until its next session.

It should be pointed out that at that session the Commission took cognizance of the note sent by the Government of Chile on October 2, 1975 (No 18376), in which the Government replies to the request filed on August 5 by providing information on the legal status of 52 individuals who were brought to trial in that country. The Commission decided to take the information provided by the Government of Chile into account when examining the case once it has available the other information to be gathered from the claimants.