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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 3419
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Carlos Vassallo Rojas v. Chile
Doc. Type:	Resolution
Decided by:	Chairman: Carlos A. Dunshee de Abranches Vice-Chairman: Tom J. Farer Members: Carlos García Bauer; Marco Gerardo Monroy Cabra. Andrés Aguilar, Gabino Fraga and Fernando Volio Jiménez were unable to attend for either personal or health reasons.
Dated:	6 March 1979
Citation:	Vassallo Rojas v. Chile, Case 3419, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
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BACKGROUND:

1. In a communication of October 1978, a denunciation was filed that the Chilean authorities had denied the request of Carlos Vassallo Rojas to return to his homeland.

2. In a note of October 27, 1978, the Commission transmitted to the Government of Chile the pertinent parts of the denunciation, and asked it to provide information on the denunciation.

3. In a note of January 24, 1979, the Government of Chile informed the Commission that the request of Carlos Vassallo Rojas to return to Chile had been denied, "because it was not appropriate to the national security needs."

WHEREAS:

1. The pertinent requirements set forth in Articles 9, 9 (bis) and 10 of the Statute of the Commission and other corresponding regulations of the Statute and of the Regulations have been fulfilled;

2. Article VIII of the American Declaration of the Rights and Duties of Man states: "Every person has the right to fix his residence within the territory of which he is a national, to move about freely within such territory, and not to leave it except by his own will";

3. The Government of Chile admits in its note of January 24, 1979, that this right has clearly been denied,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the Government of Chile violated (Article VIII) right to residence and movement

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of the American Declaration of the Rights and Duties of Man.

2. To recommend to the Government:

a) that Mr. Carlos Vassallo Rojas be granted the necessary permits to return to his country, and
b) that it inform the Commission within 60 days as to the measures taken to put this recommendation into practice.

3. To communicate this Resolution to the Government of Chile and to the complainant.

4. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c. iii of the Statute of the Commission, without prejudice to the fact that the Commission may, at its next session, reconsider the case in the light of such measures as the Government may have adopted.

(Approved at the 608th meeting of March 6, 1979 (46th Session) and transmitted to the Government of Chile on May 1st, 1979)

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