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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 57/81; Case No. 4662
Session: Fifty-Fourth Session (8 – 17 October 1981)
Title/Style of Cause: Evelyn Krotoschiner Kleman v. Chile
Doc. Type: Resolution
Decided by: Chairman: Tom J. Farer
First Vice Chairman: Marco Gerardo Monroy Cabra;
Second Vice Chairman: Francisco Bertrand Galindo;
Members: Carlos A. Dunshee de Abranches; Andrés Aguilar; César Sepúlveda.
Dated: 16 October 1981
Citation: Krotoschiner Kleman v. Chile, Case 4662, Inter-Am. C.H.R., Report No. 57/81, OEA/Ser.L/V/II.57, doc.6 rev.1 (1981-1982)

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BACKGROUND:

1. A communication of August 7, 1979 denounced the fact that the Chilean authorities had denied a request by Evelyn Krotoschiner Kleman to return to her country.
2. In a note dated November 6, 1979, the Commission transmitted the pertinent parts of the denunciation to the Government of Chile, and requested that it provide such information as it considered pertinent, as well as any other background information that would enable the Commission to judge whether or not domestic legal remedies had been exhausted in the case that is the subject of the present request. It also wrote to the claimant on the same date and informed him of how his communication had been handled.
3. Since it had received no reply from the Government, the Commission reiterated its request for information in a note dated February 24, 1981, and set a deadline of 30 days for receipt of that information.

WHEREAS:

1. The pertinent requirements established in Article 20 of the Commission's Statute and other corresponding rules of the Statute and of the Regulations have been compiled with;
2. Article VIII of the American Declaration of the Rights and Duties of Man establishes that: "Every person has a right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory and not to leave it except by his own will";
3. In a communication of May 23, 1978, published in the newspaper "El Mercurio" of May 24, 1978, the Ministry of the Interior reported that the request by Evelyn Krotoschiner Kleman for re-entry

into the country was rejected; and

4. The Commission has received no reply of any kind from the Government of Chile to its request for information of November 6, 1979, which was repeated on February 24, 1981,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. To declare that the Government of Chile is in violation of Article VIII (right to residence and movement) of the American Declaration of the Rights and Duties of Man by preventing Evelyn Krotoschiner Kleman from re-entering her country.

2. To recommend to the Government:

a) that it give Miss Evelyn Krotoschiner Kleman the necessary permission to re-enter her country and

b) that it report to the Commission within 60 days on the measures it has adopted to put this recommendation into effect.

3. To convey this resolution to the Government of Chile and to the claimant.

4. To include this resolution in the Annual Report to the General Assembly of the Organization of American States in accordance with Article 50.4 of the Regulations of the Commission, if the Government of Chile does not adopt the stated recommendations within the period indicated.