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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No.56/81; Case No. 5713
Session:	Fifty-Fourth Session (8 – 17 October 1981)
Title/Style of Cause:	Alberto Texier and Marta Luz Lemus Aranguiz de Texier 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:	Texier v. Chile, Case 5713, Inter-Am. C.H.R., Report No. 56/81, OEA/Ser.L/V/II.57, doc.6 rev.1 (1981-1982)
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BACKGROUND:

1. The Inter-American Commission on Human Rights received the following denunciation on December 20, 1979:

“Alberto Texier, a Chilean citizen, a metallurgist and professor, is currently in Berlin in the German Democratic Republic, after having been granted asylum in the French Embassy in Santiago and having traveled to France, under diplomatic protection, in November, 1974. His last job, which he held until September 11, 1973, was that of General Manager of the Technical Cooperation Service, an office of the Production Development Corporation.

2. The Commission transmitted the pertinent parts of the denunciation, to the Government of Chile in a note dated February 21, 1980, and asked it to provide the corresponding information.

3. In a communication dated June 10, 1980, the Government of Chile replied to the Commission's request in the following terms:

“May I recall that Mr. Alberto Texier and Mrs. Marta Aranguiz de Texier were forbidden to enter the country by Interior Ministry Decree No. 86, of 6.3.80 and No 93 of 7.3.80, because their presence in the country was inadvisable for national security needs. This measure was the result of the active campaign that the claimants have conducted abroad against our country, about which my Government has been duly informed. In any event, the parties may make use of the procedure for reversal of the decision in the Ministry of the Interior and may apply to the courts of justice for a writ of amparo.

4. The pertinent parts of the government's reply were transmitted to claimant in a letter of June 16, 1980, and he was invited to make observations on the reply.

5. In a letter of March 3, 1981, the Commission repeated its request to the claimant that he make observations, and at the same time asked him for information as to the use of the procedure for reversal of the decision available in the Ministry of the Interior and the writ of amparo before the courts of justice.

6. In a letter dated March 24, 1981, the claimant made his observations on the government's reply and informed the Commission that he had presented the petition "for the purposes indicated to the Government through the Chilean Consulate accredited in Berlin two years ago, but had never received any reply to it".

WHEREAS:

1. The pertinent requirements established in Article 20 of the Statute of the Commission and other corresponding rules of the Statute and the Regulations have been complied with;

2. Mr. Alberto Texier and his wife, Mrs. Marta Luz Lemus Aranguiz de Texier have unsuccessfully reiterated their request to enter the country, prior to the Government's note of June 10, 1980;

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

4. The Government of Chile admits in its note of June 10, 1980 to a clear denial of this right;

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To declare that the Government of Chile violated Article VIII (right to residence and movement) of the American Declaration of the Rights and Duties of Man by preventing Mr. Alberto Texier and his wife, Marta Luz Lemus Aranguiz de Texier from returning to their homeland.

2. To recommend to the Government

a) that it grant Mr. Alberto Texier and his wife, Mrs. María Luz Lemus Aranguiz de Texier the permits needed to return to their 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 claimant in light of Article 50.2 of the Regulations of the Commission, for all pertinent purposes.

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 above mentioned time period.