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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No.55/81; Case No. 4288
Session:	Fifty-Fourth Session (8 – 17 October 1981)
Title/Style of Cause:	Eugenio Velasco L. 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:	Velasco v. Chile, Case 4288, Inter-Am. C.H.R., Report No. 55/81, OEA/Ser.L/V/II.57, doc.6 rev.1 (1981-1982)
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BACKGROUND:

1. On May 7, 1979, Professor Eugenio Velasco L. attorney, a Chilean citizen, forwarded the following communication to the Inter-American Commission on Human Rights:

“I feel it my duty to inform you of another serious violation of my human right to live in the country where I was born, recently committed by the military dictatorship that is subjugating Chile. On August 6, 1976, I was kidnapped by the régime's political police and abruptly thrown out of the country to Buenos Aires, along with Professor Jaime Castillo. The Government's pretext for the expulsion was alleged activities damaging to national security. However, when asked to specify them, it stated that it was unable to make them public because to do so would also endanger national security.

After two and a half years in exile, I asked the Ministry of the Interior last February 17 to authorize my return to Chile. I was notified on April 26 by the Chilean Consul in this city of a decision issued by the Minister on April 3 rejecting my request "for reasons of national security". The decision was a confidential one, which was not made public in Chile, and I was notified orally and received no copy of it.”

2. In a note of May 17, 1979, the Commission transmitted to the Government of Chile the pertinent parts of the denunciation in accordance with Articles 42 of the Regulations, and asked it to provide the corresponding information and any other background information that would enable the Commission to determine whether domestic legal remedies had been exhausted in the case addressed by the present request.

3. On the same date the Commission wrote to the claimant and informed him how his communication had been handled.

4. Since it received no reply from the Government to its note of May 17, 1979, the Commission

reiterated its request for information on February 24, 1981, and set a deadline of 30 days for receiving such information.

WHEREAS:

1. The pertinent requirements established in Article 20 of the Statute of the Commission and other corresponding rules of the Statute and of the Regulations have been complied 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. On April 26, 1979, Mr. Eugenio Velasco L. was notified by the Chilean Consul in Los Angeles, California, USA, "of a decision issued by the Ministry on April 3 rejecting his request to return to his country";
4. To date, the Commission has received no reply from the Government of Chile
5. Article 39 of the Regulations provides as follows:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31, paragraph 5, the government has not provided the pertinent information, as long other evidence does not lead to a different conclusion.

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 ordering the expulsion of Mr. Eugenio Velasco L. from the country.
2. To recommend to the Government of Chile:
 - a) that it grant Mr. Eugenio Velasco the permits necessary to return to his country and
 - b) that it inform the Commission within 60 days as to the measures taken to put these recommendations into practice.
3. To communicate 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 adopt the stated recommendations within the deadline indicated above.