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Title/Style of Cause:	Exiles v. Chile
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Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda.
Dated:	08 March 1982
Citation:	Exiles v. Chile, Inter-Am. C.H.R., Report No. 24/82, 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 has received a considerable number of denunciations, confirming the expulsion of many Chilean citizens from national territory, and the Government's refusal to allow them to re-enter the country, under the terms of the special provisions ordered under the state of emergency, which confers the Constitution on the President of the Republic of Chile.
2. The Commission has begun to process the individual cases corresponding to denunciations presented, transmitting the pertinent parts to the Government of Chile and requesting it to supply the appropriate information.
3. Each of the cases mentioned in the Appendix, which forms an integral part of this resolution, has the characteristics indicated in the foregoing paragraphs, and all processing required under the Regulations has been completed.
4. In some of its replies to the requests for information by the Inter-American Commission on Human Rights, the Government of Chile has acknowledged the expulsion and prohibition of entry into national territory of exiles, on the grounds both of special laws enacted during the state of emergency and of the country's new political constitution. The Government has provided no information with respect to other requests.
5. The IACHR has reiterated its principles on this topic and indicated that the expulsion of nationals, not as matter of choice, as provided for in some legislations, but imposed on the subject by force, as an act against which there is no recourse whatever, is a violation of the right to residence and movement established in Article VIII of the American Declaration.

6. These expulsions, which have been decreed administratively, with no type of trial, have generally been for an indefinite period of time. That means that this is a harsher penalty than what is usual for the commission of a crime, in which the sentence is always set for a definite time period.

7. The expulsion of a citizen by his government and the prohibition on re-entry into his homeland violates the right of residence and movement.

8. Moreover, the Commission has enough evidence to conclude that the citizens mentioned in the individual cases presented here are now in exile and are unable to re-enter their country.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. To declare that the Government of Chile has violated Article VIII (right to residence and movement) of the American Declaration of the Rights and Duties of Man by preventing the exiles from returning to their homeland.

2. To recommend to the Government of Chile:

a) that the persons included in this resolution be given the necessary authorization to return to their country, and

b) that the Commission be informed within 90 days of the measures taken to implement this recommendation.

3. To transmit this resolution to the Government of Chile and to the petitioners in the light of Article 50.2 of the Commission's Regulations, for the appropriate purposes.

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 Commission's Regulations, if the Chilean Government does not implement the recommendations made within the aforementioned period.

Note: Dr. Bertrand Galindo withdrew from hearing and ruling on this case.

APPENDIX TO THE RESOLUTION OF CHILEAN EXILES

The Commission has the names of many persons who have been forced into exile regarding whom the IACHR has adopted a resolution at the appropriate time.

Therefore the following list does not include that large number of persons

No NAME CASE No

- 01 ALEITE, Fernando 3421
- 02 ALEGRIA, Alvaro Julio 7495
- 03 ALMONACID PRADO, Ovidio 3417
- 04 ALVAREZ ROJAS, Graciela 7495
- 05 BARAHONA MUÑOZ, Luis Hernán 3420
- 06 BENITEZ CASTILLO, Julio 7520
- 07 BENAVENTE PAULUS, Mario 7495
- 08 BITAR CH, Sergio 7495
- 09 BRIONES, Carlos 7879

10 BRODSKY BERNSTEIN, Moisés 7495
11 CANTUARIAS, Orlando 7880
12 CASTILLO VELASCO, Jaime 7878
13 CHORNIK ABERLUCH, Boris 7495
14 COPPOLA OYARZUN, Salvatori 3433
15 CUETO ROMAN, Patricio Cristobal Lautaro 7456
16 DELANO DE LA CRUZ, Arturo 7495
17 DUVAUCHELLA, Héctor 7495
18 ESPEJO BRAIN, Patricia 7495
19 FUENTEALBA MOENA, Renán 7495
20 GARCIA VIEJO, Cecilia 7495
21 GREGORIO DE LAS HERAS, Sara 7495
22 GUILLEN GRAF, Nora 7495
23 HENRIQUEZ ACEVEDO, Luis 7495
24 HERRERA H., Fidelia 3374
25 HUEPE, Claudio 7495
26 JAQUE PEÑA de BENAVENTE, Nimia 3925
27 JARA ZAMBRANO, José R. 4122
28 JEREZ, Alberto 7881
29 JORQUERA TOLOSA, Carlos 7495
30 LAGOS REYES, Carlos Edgardo 3914
31 LAGOS AGUIRRE, Edgardo Javier 3914
32 LAZO CARRERA, Carmen 7495
33 MARTINEZ QUEZADA, Jorge Domingo 7774
34 MEDRANO ZABALA, Gustavo 7495
35 MORIS, Maria Concepción 4122
36 MOYA, Oscar 4090
37 NOVOA MONREAL, Eduardo 7480
38 OTTONE FERNANDEZ, Ernesto 5712
39 PIZARRO ROMERO, Ana 7495
40 POLLIER BUSTOS, Alejandro 7495
41 RIVERA BRAVO, Osvaldo 7495
42 RODRIGUEZ ARENAS, Aniceto 7495
43 RODRIGUEZ CORTES, Nelson 3888
44 SEPULVEDA, Sergio Antonio 7697
45 SOTO RESPALDIZA, Luis 7495
46 TAUFIC KALAFATOVIC, Camilo 7495
47 VALDERRAMA RIOS, Julio 3977
48 VERA PAULO, Guillermo y familia 7091
49 VICIANI ESCKER, Orel 7495
50 ZALDIVAR, Andrés 7516