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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 20/81, Case No. 2931
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Title/Style of Cause:	Daniel Palma Robledo v. Chile
Doc. Type:	Resolution
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:	Palma Robledo v. Chile, Case 2931, Inter-Am. C.H.R., Report No. 20/81, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)

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BACKGROUND:

1. A communication was sent to the Inter-American Commission on Human Rights on March 22, 1978 denouncing the arbitrary detention of Robledo, in the following terms:

Daniel Palma Robledo, of Chilean nationality, identity card No. 2.309.992-6 of Santiago, residing at Obispo del Solar No. 5792.
Daniel Palma Robledo was arbitrarily detained by elements of what was formerly the National Intelligence Bureau (DINA) at about mid-day on August 4, 1976 on Avenida Matta between Arturo Prat and San Diego, according to the background information which I shall give here.
On the day and at the time indicated, Daniel Palma was driving his light blue Renault car, model 4s, motor No. 5115950. A parking attendant saw him come out the post office on the Avenida Matta between the streets indicated, get Into his car and go off.
The investigations in the First and Eighth Criminal Courts produced no result. The various authorities were ordered to investigate but no clarification was forthcoming.
At the same time as the denunciations were brought before the First and Eighth criminal Courts, the vehicle that he was driving at the moment of his detention was reported missing to the Fourth Criminal Court, which had jurisdiction over the case since the vehicle disappeared on the Avenida Matta between Arturo Prat and San Diego.
After the Fourth Criminal Court had heard this case, Case No. 109866, orders were given for an investigation to which the Vehicle Search Section of the Carabineros Bureau, among others, was assigned. In one of their investigations in March 1977, searching for another Renault, which had also disappeared, Carabinero officials from that Section discovered not only the vehicle they were looking for, but another one as well, also painted red. This latter turned out to be the vehicle that he was driving at the time ha was detained. The place, garage or unit where the two vehicles were found was under the responsibility of sergeant Heriberto Acevedo Acevedo of the Carabineros and First Corporal Manuel Jesús Leyton Robles of the Army, both under the authority of DINA.

All this background Information was added to Case No. 109866, In which orders were given to substantiate the crime and to determine the responsibility of the individuals in charge of the unit where the vehicle had been found.
Those responsible for custody of the automobile, i.e., Sgt. Heriberto Acevedo Acevedo of the Carabineros and First Corporal Manuel Jesús Robles of the Army, together with an Army Second Corporal, brother of the above (who at that time was only visiting the place), were placed at the disposal of the Military Prosecutor. Mr. Joaquin Eribaum Thomas was named ad hoc prosecuting attorney and Case No. 242-77 was started. The Army Second Corporal died two days after he was detained.
The only remaining witness to what happened is Sgt. Heriberto Acevedo Acevedo of the Carabineros. The only information on him is that he is said to be in detention, but there is no knowledge as to where. All efforts to find him in order to talk to him and discover what happened to the individual driving the car found in his possession have failed.
In order to continue his investigations, the Judge of the Fourth Criminal Court officially requested that the Carabinero Sergeant be placed at his disposal. The replies were evasive, and when an attempt was made to take this matter to the Honorable Court of Appeals, the Military Prosecutor's office forwarded a request asking that the files on Case No. 101-866 on the rolls of the Fourth Criminal Court be forwarded to it in order to join them to Case No. 242-77 before the Military Prosecutor.
This is the point we have reached in our search for the truth, and they are now stonewalling on giving out any information. This topic is tabu for the military authorities and the military judicial system.

2. In a note dated June 9, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Chile and asked It to supply such information as it considered pertinent and any other information that would enable the Commission to judge whether or not domestic remedies have been exhausted in the case that is the subject of the present request.

3. In a note dated June 9, 1978, the Commission wrote to the claimant acknowledging receipt, and informing him of how his communication had been dealt with.

4. Having received no reply from the Government, the Commission repeated its request for information in a note dated November 10, 1981. It informed the Government of the possible application of Article 39 of the Regulations unless such information were received within a reasonable time.

WHEREAS:

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

2. The communication sent to the Inter-American Commission on Human Rights denounced the arbitrary detention by elements of the National Investigations Center (CNI), (formerly the National Intelligence Bureau, DINA), of Daniel Palma Robledo, and his subsequent disappearance, together with the theft of a light blue 1972 Renault automobile, license plate VI 552, that he was driving at the time of his detention;

3. The vehicle in question was found by the police in the possession of DINA officials Carabinero Sergeant Heriberto Acevedeo Acevedo and Army First Corporal Manuel Jesús Leyton, and legally identified as belonging to Mr. Daniel Palma Robledo;

4. The two DINA officials were arrested and were place at the disposal of the Military Prosecutor's Office, under the responsibility of the ad hoc Military Prosecutor Joaquín Erlbaum Thomas, without further judicial procedure;

5. The Government of Chile has not yet responded to the Commission's request for information;

6. Article 39 of the Regulations of the Inter-American Commission on Human Rights provides:

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 as other evidence does not lead to a different conclusion.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. In application of Article 39 of its Regulations, to presume the events denounced to the Commission, in the communication of March 22, 1978, concerning the arbitrary detention and disappearance of Daniel Palma Robledo, to be true.

2. To declare that the Government of Chile violated the right to life, liberty and personal security (Article I), and the right of protection from arbitrary arrest (Article XXV) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Chile:

a) that it order a full and impartial investigation to determine responsibility for the events denounced,
b) that it punish those responsible for such acts according to Chilean Law, and
c) that it inform the Commission within 60 days as to the measures taken to put these recommendations into practice.

4. To communicate this resolution to the Government of Chile in light of Article 50.2 of the Regulations of the Commission, for all pertinent purposes.

5. 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.