

RESOLUTION Nº 24/82

EXILES

CHILE

March 8, 1982

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.

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 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

| <u>No</u> | <u>NAME</u> | <u>CASE No</u> |
|-----------|---|----------------|
| 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, Salvattori | 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 |

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| 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 |