

**TECHNICAL INFORMATION SHEET**  
**CASE 11.715 JUAN MANUEL CONTRERAS SAN MARTÍN AND OTHERS**  
**FRIENDLY SETTLEMENT REPORT N° 32/02**  
**FULL COMPLIANCE**  
**(CHILE)**

**I. SUMMARY OF THE CASE**

**Victims (s):** Juan Manuel Contreras San Martín, Víctor Eduardo Osses Conejeros and José Alfredo Soto Ruz

**Petitioner (s):** Center for Justice and International Law (“CEJIL”)

**State:** Chile

**Report on Friendly Settlement Agreement No.:** [32/02](#) published on March 12, 2002

**Related Rapporteurship:** N/A

**Topics:** Humane Treatment/right to personal liberty/right to judicial guarantees/right to compensation

**Facts:** On December 30, 1996, the IACHR received a petition wherein the petitioner alleged the international responsibility of the State for events occurring on June 25, 1989, when officers of the *Carabineros de Chile* [the Chilean police] discovered the corpse of María Soledad Opazo Sepúlveda near La Calchona bridge, not far from the city of Talca. On July 6, 1989, the Police Investigations Services detained Víctor Eduardo Osses Conejeros, and, on July 8, 1989, Juan Manuel Contreras San Martín and José Alfredo Soto Ruz, in the course of the criminal proceeding instituted by the police as a result of the homicide of Mrs. Opazo Sepúlveda. According to the petition, during their detention they were subjected to physical mistreatment and psychological pressure until they confessed to the crime. However, the police did not bring them before a court and released them on July 10, 1989. The petitioners alleged that they did not report the incidents out of fear of the police threats against them. On January 19, 1990, the Investigations Police again detained Messrs. Contreras San Martín, Osses Conejeros, and Soto Ruz, even though the investigation had yielded no further information. As had happened six months earlier, they were forced to admit their guilt in the police station without a defense attorney present. This time, however, they were taken before the court where, under similar pressure, they ratified their confession. On January 25, 1990, they appeared in court again, this time without any police officers present, and retracted their confession. In spite of the foregoing, the three were charged with aggravated homicide and were remanded in custody pending trial. On March 28, 1994, the court delivered a judgment sentencing José Alfredo Soto Ruz and Juan Manuel Contreras San Martín to 10 years imprisonment for aggravated homicide, and Víctor Eduardo Osses Conejeros to five years imprisonment for the same crime. On March 30, 1994, the defense appealed to the Court of Appeals of Talca, which, in a judgment of January 19, 1995, acquitted and ordered the immediate release of the three convicted men. On June 18, 1995, the defense filed a petition with the Supreme Court of Chile, in which it requested the court to find the conviction in first instance unreasonable and arbitrary, in order to obtain compensation for miscarriage of justice, in accordance with Article 19 of the Constitution of that country. Despite a favorable brief from the government attorney, on June 27, 1996 the Supreme Court rejected the petition because the error was justified and such compensation was only admissible when the innocence of the convicted persons is proven, not when no conviction is handed down for lack of evidence.

**Rights Alleged:** The petitioners alleged the State’s responsibility for violation of the rights enshrined in Articles 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial); and 10 (right to compensation) due to judicial error of the American Convention on Human Rights.

**II. PROCEDURAL ACTIVITY**

1. On October 6, 1998, the parties signed the document “IAHCR Proposal for a friendly settlement.”

2. On March 12, 2002, the Commission approved the friendly settlement agreement in Report No.32/02.

**III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT**

Agreement Clause	Status of Compliance
1. To award to Messrs. Juan Manuel Contreras San Martín, José Alfredo Soto Ruz and Víctor Eduardo Osses Conejeros, a discretionary annuity of three minimum wages each;	<b>Total<sup>1</sup></b>
2. To provide to them free of charge adequate training in skills and trades in accordance with their expectations, aptitudes and possibilities, through the office of the National Training and Employment Service (SENCE in its Spanish initials) in the region where they live, in order to enable them to increase their financial incomes and enhance their quality of life;	<b>Total<sup>2</sup></b>
3. To publicly provide reparation to the victims before their community by means of an act from the Regional Government, duly disseminated by the mass media, designed to restore their reputation and honor that had been certainly damaged by the relevant judicial decisions.	<b>Total<sup>3</sup></b>

**IV. LEVEL OF COMPLIANCE OF THE CASE**

3. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in Annual Report 2007.

**V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

<sup>1</sup> See IACHR, Settlement Report No.32-02, Case 11.715, Friendly Settlement. Juan Manuel Contreras San Martín, Víctor Eduardo Osses Conejeros and José Alfredo Soto Ruz. March 12, 2002. See also, IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 187-190.

<sup>2</sup> See IACHR, Settlement Report No.32-02, Case 11.715, Friendly Settlement. Juan Manuel Contreras San Martín, Víctor Eduardo Osses Conejeros and José Alfredo Soto Ruz. March 12, 2002. See also, IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 187-190.

<sup>3</sup> See IACHR, Settlement Report No.32-02, Case 11.715, Friendly Settlement. Juan Manuel Contreras San Martín, Víctor Eduardo Osses Conejeros and José Alfredo Soto Ruz. March 12, 2002. See also, IACHR, Annual Report 2007, Chapter III, Section D: Status of Compliance with Recommendations of IACHR, paras. 187-190.

**A. Individual outcomes of the case:**

- The State awarded the petitioners a discretionary annuity pension.
- The State provided free of charge adequate training in skills and trade in accordance with the petitioners' expectations, aptitudes and possibilities. The three individuals attended the electricity course held by the *Instituto de Estudios Contables y Tributarios* between October 27 and November 7, 2000.
- By means of an act of the Regional Government duly disseminated by the mass media, the State restored their reputation and honor that had been damaged by the relevant previous judicial decisions.

**B. Structural outcomes of the case:**

The State promoted relevant studies and initiatives in connection with the rules for indemnification due to judicial error.