

TECHNICAL INFORMATION SHEET
PETITION 1275-04 A JUAN LUIS RIVERA MATUS
FRIENDLY SETTLEMENT REPORT No. 23/20
TOTAL COMPLIANCE
(CHILE)

I. SUMMARY OF THE CASE

Victim(s): Juan Luis Rivera Matus

Petitioner(s): Boris Paredes, Karina Fernández

State: Chile

Start date of the negotiations: July 25, 2016

Date FSA Signed: January 31, 2020

Friendly Settlement Agreement Report No. [23/20](#), published April 13, 2020

Estimated time of the negotiation phase: 3 years and 9 months

Rapporteurship involved: Persons Deprived of Liberty

Topics: Right to life/Conditions of detention/ Arbitrary or illegal detention / Forced disappearance /Judicial Guarantees / Investigation and Due Diligence / Judicial Protection/ Terrorism and Human Rights

The facts: The petitioners alleged the responsibility of the State for the events of November 6, 1975, when Mr. Rivera Matus was illegally deprived of liberty by agents of the Chilean State, as he was leaving the building of the General Management of Chilectra, the company where he worked. Mr. Rivera Matus was taken to a secret prison called “Remo Cera,” which would correspond to the Artillery Regiment of Colina. He was said to have been held there for more than 60 days; subsequently he died as a result of the torture to which he was subjected by his captors. After more than 25 years of uncertainty for the next-of-kin of Mr. Rivera Matus, the Armed Forces themselves, in the context of a political initiative called “Dialogue Roundtable,” recognized that in effect security agents, specifically from a unit called the “Joint Command” (“Comando Conjunto”), had detained and executed the alleged victim, and then cast his body into the sea. On April 25, 2001, in the context of a judicial investigation by the Minister of the Court of Appeals of Santiago, a mass grave was situated within Fort Arteaga, property of the Army of Chile, with human remains which, according to the expert studies performed, correspond to Mr. Juan Luis Rivera Matus.

Rights alleged: The petitioners alleged that the Republic of Chile violated Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), and 25 (judicial protection) of the American Convention on Human Rights.

II. PROCEDURAL ACTIVITY

1. The IACHR published the Homologation Report on April 13, 2020, and subsequently, on July 27, 2020, the petitioner reported full implementation of the agreement and asked that the cease of the supervision stage and the closure of the case.

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

Agreement Clauses	Status of Compliance
CLAUSE 3. COMMITMENTS ASSUMED BY THE STATE AND THE PETITIONERS	
<p>a) The State undertakes to pay Gaby Lucía Rivera Sánchez, María Angélica Rivera Sánchez, Juan Patricio Rivera Sánchez, Jovina del Carmen Rivera Sánchez, Olga Matilde Rivera Sánchez, Cecilia de las Mercedes Rivera Sánchez, and Juan Carlos Rivera Sánchez the net sum of \$70,000,000 (seventy million Chilean pesos) each.</p> <p>b) The State, through the Ministry of Justice and Human Rights, shall make the payment within six months of signing this agreement.</p>	Total¹
<p>c) The petitioners irrevocably waive any complaint, claim, petition, and/or judicial or administrative action that they have filed or might file before any national, regional, or international court or body, against the State of Chile, its organs, officials, or agents, for the facts referred to in petition P-1275-04 before the Commission, or for the direct or indirect consequences that could emanate from those facts. In this context, the petitioners may not challenge the sufficiency of the amount indicated in this agreement.</p>	Declarative Clause
CLAUSE 4. DOMESTIC MECHANISMS FOR FOLLOW-UP	
<p>To follow up on the commitments set forth in this Agreement the parties agree to establish a “Follow-up Commission,” which will be coordinated by the Human Rights Directorate of the Ministry of Foreign Affairs, with the technical advice and collaboration of the Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights FOR drawing up progress reports and/or reports on implementation that may be presented to the Inter-American Commission.</p>	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

2. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in the 2020 Annual Report.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State paid economic compensation to the beneficiaries of the agreement for the net sum of \$70,000,000 (seventy million Chilean pesos) for each of the seven beneficiaries of the agreement. In other words, a total of \$490,000,000 (four hundred ninety million Chilean pesos), or, according to a search in Google, the equivalent of about US\$632,911.39 at the rate for U.S. dollars available as of the writing of this analysis.

¹ See IACHR, 2020 Annual Report, Chapter II, Section F. Negotiation and Implementation of Friendly Settlement Agreements.