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Title/Style of Cause: Federico Renato Alvarez Santibañez v. Chile  
Doc. Type: Resolution  
Decided by: Chairman: Tom J. Farer  
First Vice Chairman: Marco Gerardo Monroy Cabra;  
Second Vice Chairman: Francisco Bertrand Galindo;  
Members: Carlos A. Dunshee de Abranches; Andrés Aguilar; César Sep  
Dated: 16 October 1981  
Citation: Alvarez Santibañez v. Chile, Case 4573, Inter-Am. C.H.R., Report No. 53/81, OEA/Ser.L/V/II.57, doc.6 rev.1 (1981-1982)

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## BACKGROUND:

1. On Wednesday, August 15, 1979, Mr. Federico Renato Alvarez Santibañez, aged 32, a Chilean national, and professor of Chemistry was arbitrarily detained by agents of the National Investigations Center (CNI) in Santiago, Chile. After six days in detention, where he was kept incommunicado, Mr. Alvarez died in the Posta Central hospital. The denunciation of this case was submitted to the Inter-American Commission on Human Rights in a letter dated September 24, 1979, as follows:

Mr. Santibañez was detained on August 15, 1979 by security forces of the National Investigations Center (CNI), which replaced DINA, the Chilean Secret Service Agency. When he was brought before the military judge on August 20, Mr. Alvarez Santibañez showed evidence of having been ill-treated: there were bruises on his face and he was unable to stand up. The judge ordered him hospitalized.

On August 21, he was taken by security personnel to the Posta central, a hospital in Santiago. The hospital's medical report indicated that Mr. Alvarez Santibañez had received blows and multiple bruises about his head and on various parts of his body more or less six days ago. Mr. Santibañez died on the same day as a result of the torture inflicted on him.

The Chilean authorities refuse to say where Mr. Santibañez was detained when he received the blows that killed him, but it is clear that this ill-treatment is a serious violation of the legal rights of persons detained in Chile and a violation of international standards.

A civilian investigator, Alberto Chaigneau, was named to look into what had happened. But according to Reuters, Chaigneau said he lacked competence "... because there are persons involved in the investigation who are under military law. The military government's complicity in this death appears undeniable.

2. In a note dated October 16, 1979, the Commission transmitted to the Government of Chile the pertinent parts of the denunciation, and requested it to supply the relevant information in accordance with Articles 42 and 44 of the Regulations. In a letter of the same date, it wrote to the claimant acknowledging receipt of his communication and informing him of how it had been handled.

3. In November 1979, the Commission received the following additional information, which was transmitted to the Government of Chile in a note dated November 12, 1979. The note again asked that it provide such information as it felt advisable as soon as possible, so that the Commission could consider this case during its next session.

At five o'clock on August 15, 1979, he was detained by carabineros of the 9th Precinct. On that same day, fifteen civilians riding in about five automobiles came and broke into his house. He was initially in the custody of the carabineros, but was later transferred to the offices of the National Investigations Center (CNI).

He was seen on Monday, August 20 at about 3.30 p.m. at the time he was being taken to the public prosecutor's office, and he was in very bad shape; he was barely able to stand up, he was tottering and almost fell to the ground. He seemed like a robot and his eyes were completely vacant. They kept him standing up all the time, and they had to help him walk since he was unable to do so by himself. Seeing this, the attorney for the defense drew the prosecutor's attention to what was happening. The latter maintained that he was fainting for lack of food. From there, they took him incommunicado to the penitentiary, where they put him in the infirmary. At about 11 o'clock, they took him to the Posta Central, where he died at about 7:00 a.m. as a result of the torture inflicted on him during his six days of detention. Witnesses to his presence in the CNI were professors Sonia Orrego, Lutsa Gatica and Josefina Rodriguez, as well as Ramón López Peralta, who is currently in the penitentiary.

4. The Inter-American Commission on Human Rights subsequently received copies of the application for a writ of amparo presented on behalf of Mr. Federico Renato Alvarez Santibañez, of the certification in the file on that writ in relation to his detention by the National investigations Center, and of his death certificate.

5. Since the Commission had received no reply from the Government, it reiterated its request for information in a note dated August 10, 1980, and notified the Government of the possible application of Article 39 of the Regulations.

#### WHEREAS:

1. The communication presented to the Inter-American Commission on Human Rights denounced the arbitrary detention, torture and death as a result of these tortures of Mr. Federico Renato Alvarez Santibañez;

2. On August 16, 1979, an application for a writ of amparo was filed on behalf of Mr. Federico Renato Alvarez Santibañez, and according to that petition, the military prosecutor on duty, Mr. Hernán Montero, was informed on the telephone by the National Investigations Center (CNI) that "the person on behalf of whom the write of amparo has been filed is in detention on the orders of the Director of that institution, in a barracks which cannot be identified for security reasons";

3. While Mr. Federico Renato Alvarez Santibañez was in the custody of the police authorities, he was seen by a number of detainees and by attorneys Jaime Hales Dib and Roberto Morales Puelma to be in a deplorable physical condition;

4. The medical certificate from the Public Assistance of Santiago establishes that Mr. Alvarez Santibañez was admitted to hospital on August 20 in serious condition, showing indications of "multiple bruises, pulmonary contusion, hemoptysis, and pulmonary insufficiency", and that he died the following day, August 21, 1979;

5. If the aim of "promoting respect for human rights" (Article 1, Statute), and "making

recommendations, when it considers it advisable" (Article 18, paragraph b) is to be achieved, it is essential that the state provides information and general background material on the denunciation via any of its government agencies;

6. Resolution 510 adopted by the OAS General Assembly at the sixth plenary session on November 27, 1980 provided (operative paragraph 14): "to urge all the governments to continue to provide the Commission with the necessary cooperation to enable it to accomplish its tasks";

7. To date, the Government of Chile has not provided the information requested by the Commission. In its notes of October 16 and November 12, 1979 and reiterated on August 10, 1980. In connection with Mr. Alvarez Santibañez's death;

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

9. This failure to provide a response gives rise to the presumption described in Article 39 above, and this by itself would be enough to confirm as true the acts imputed to the Chilean Government. In the present case, this presumption is amply reinforced by the statements by the Military Prosecutor on duty, the statements of the military and medical authorities, and the other background information available to the IACHR,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLVES:

1. To take to be true the event denounced in the communication of September 24, 1979 concerning the arbitrary detention, torture and death of Federico Renato Alvarez Santibañez.

2. To declare that that action is a most serious violation of the right to life, liberty and personal security (Article I) and of 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 the 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 indicated time period.