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Institution: Inter-American Commission on Human Rights  
File Number(s): Report No.54/81; Case No. 4665  
Session: Fifty-Fourth Session (8 – 17 October 1981)  
Title/Style of Cause: Raúl López Peralta 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 Sepúlveda.  
Dated: 16 October 1981  
Citation: Lopez Peralta v. Chile, Case 4665, Inter-Am. C.H.R., Report No. 54/81, OEA/Ser.L/V/II.57, doc.6 rev.1 (1981-1982)

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## BACKGROUND:

1. The Commission received a denunciation in a communication dated November 7, 1979 reporting the arbitrary detention on August 14, 1979, of Raúl López Peralta, and his subsequent torture, as follows:

At 6.00 p.m. on August 15, some civilians carrying sub-machine guns came to the home of Raúl López Peralta, to inquire about alleged arms. They had no search warrant and did not identify themselves, but indicated that they had detained him the previous day. They drove up in a vehicle whose license plate number was 01-765. When he was taken by carabineros he was kicked, punched and hit with sub-machine guns. He was then taken to a CNI facility on the Avenida Santa María, where he was tortured along with Federico Alvarez Santibañez, who died as a result of the torture. López Peralta was continually inflicted with the electric grill, at high voltage, and in general was subjected to physical and psychological torture, with threats against his family and so forth. After Alvarez died, they took him to row 5 in the penitentiary; he was given medical care for his many wounds in the penitentiary infirmary and also received care from a practitioner at the José Joaquín Aguirre Hospital. He is currently in the penitentiary, having been tried under the arms control law.

2. In a note of November, 12, 1979, the Commission transmitted the pertinent parts of the denunciation to the Government of Chile, and requested that it provide the corresponding information in accordance with the Regulations. In a letter of the same date, it also acknowledged receipt of the claimant's communication, and informed him how it had been handled.

3. Since it received no reply from the Government of Chile, the Commission reiterated its request for information in a note dated February 26, 1981, advising of possible application of Article 39 of its Regulations.

## WHEREAS:

1. Article 39 of the Regulations of the Commission provides as follows:

#### 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.

2. To date, the Government of Chile has not replied to the Commission's request for information in its notes of November 12, 1979 and February 26, 1981.

#### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. In application of Article 39, to presume the events denounced in the communication of November 7, 1979 concerning the arbitrary detention and torture of Ramón López Peralta to be true.
2. To declare that such acts constitute a 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;
  - c) that it immediately release Raúl Ramón López Peralta, and
  - d) that it inform the Commission within 30 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 above mentioned time period.