

TECHNICAL INFORMATION SHEET
CASE 12.281 GILDA ROSARIO PIZARRO JIMENEZ AND OTHERS
FRIENDLY SETTLEMENT REPORT N° 162/10
FULL COMPLIANCE
(CHILE)

I. SUMMARY OF THE CASE

Victim (s): Gilda Rosario Pizarro Jiménez, Elena del Carmen Ponce Jorquera, Gloria Lewelyn Ponce Jorquera, Myrna Janette Ponce Jorquera, Isabel del Luján Fuentes Ruiz and Angélica Soledad Pérez Fernández.

Petitioner (s): Center for Justice and International Law (CEJIL) and the *Clínica de Interés Público* of the Universidad Diego Portales.

State: Chile

Admissibility Report No.: 32/03, published on March 7, 2003.

Report on Friendly Settlement Agreement: 162/10, published on November 1, 2010.

Related Rapporteurship: Rights of Women

Topics: Humane Treatment/ fair trial/ Right to privacy/ Freedom of thought and expression/ right of assembly/ rights of the family/ right to equal protection.

Facts: According to the petitioners' allegations the alleged victims protested against an executive order issued by the Government of Chile whereby their families' interests were adversely affected. They added that, once the decree was issued, the alleged victims staged a peaceful protest, but they were violently attacked by members of the Carabineros' special forces. The alleged victims then filed a criminal complaint against the Carabineros, but the trial judge found that he did not have jurisdiction in the matter since the charges were against members of the Carabineros and therefore the case needed to be tried by the military courts. The proceedings were then transferred to the Sixth Military Police Prosecutor's Office, where the case remains at the stage of a preliminary criminal investigation.

Rights declared admissible: The Commission concluded that it was competent to hear the present case and that the petition was admissible in accordance with Articles 2 (domestic legal effects), 5 (right to humane treatment), 8 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 15 (right to assembly), 17 (right of protection to the family), 24 (right to equal protection) and 25 (right to judicial protection), in relation to Article 1.1 of the American Convention.

II. PROCEDURAL ACTIVITY

1. On January 20, 2010, the parties signed a friendly settlement agreement.
2. On November 1, 2010, the Commission approved the friendly settlement agreement in Report No.162/10.

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

Agreement Clauses	Status of Compliance
III. PUBLIC ACKNOWLEDGEMENT OF RESPONSIBILITY	
Through this friendly settlement agreement the Chilean State acknowledges that according to international standards, there was a violation of the petitioners' rights.	Declarative Clause
IV. NON-REPETITION MEASURES.	
The Chilean State undertakes to conduct a review of the legal and regulatory provisions applicable to performance evaluations of the Carabineros. The purpose is to verify whether rules governing evaluations of staff performance respect the principle of objectivity, adversarial procedures and the rebuttal right for both parties, and generally afford proper protections of the rights of the Carabinero employees, in accordance with international human rights standards.	Total¹
The Chilean State also undertakes to inform the IACHR, within one year's time, of the results of that analysis, and to report on progress in implementing measures that may be recommended as a result of said review.	Total²
V. SPECIFIC REPARATION MEASURES.	
Within three months of signing this agreement, the Chilean State is obliged to remove or clear the administrative files of the victims in this case, eliminating all records of the events, which gave rise to these complaints.	Total³
The Chilean State undertakes to publish a summary of this friendly settlement agreement, one time only, in the Official Gazette of the Republic of Chile, and to post it for six months on the websites of the Foreign Ministry, the Ministry of Defense, and the Carabineros of Chile.	Total⁴
Through a letter sent by the Assistant Secretary of the Carabineros: Ms. Javiera Blanco Suárez, addressed to each of the victims in both cases, the Chilean State will give a formal apology for the reported violations and the repercussions these had on their personal and family private life. The letter will indicate the measures proposed to remediate the consequences and inconveniences the victims suffered.	Total⁵
The petitioners may have direct access to the health services offered by both the Carabineros' Hospital "DEL GENERAL HUMBERTO ARRIAGADA VALDIVIESO," and the Hospital of the Carabineros Social Security Department "HOSPITAL TENIENTE HERNÁN MERINO CORREA", indistinctly, according to the rates set by each hospital and the rates in effect for the health system in the aforementioned beneficiaries' institutions when health services are rendered, and according to whether the beneficiaries are enrolled in the FONASA or SAPRE health insurance systems. To this end, they are understood to be authorized by the authorities of the aforementioned hospitals to receive services without the sponsorship of an active or passive contributor into the Carabineros Social Security system, which is taking financial responsibility for the medical benefits received.	Total⁶
In order to accomplish this, the corresponding offices within the aforementioned hospitals will incorporate the petitioners into their databases, allowing them to use the hospitals by simply showing a current citizen's identification card. This will be	

¹ See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 343-345.

² See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 337-345.

³ See IACHR, Report N° 162/10, Case No. 12.281. Friendly Settlement. Gilda Rosario Pizarro and others. Chile. November 1, 2010.

⁴ See IACHR, Report N° 162/10, Case No. 12.281. Friendly Settlement. Gilda Rosario Pizarro and others. Chile. November 1, 2010.

⁵ See IACHR, Report N° 162/10, Case No. 12.281. Friendly Settlement. Gilda Rosario Pizarro and others. Chile. November 1, 2010.

⁶ See IACHR, Report N° 162/10, Case No. 12.281. Friendly Settlement. Gilda Rosario Pizarro and others. Chile. November 1, 2010.

implemented within one month of the date of this agreement.	
VI. REPARATIONS	
<p>The following sums of money shall be paid to compensate for material and non-pecuniary damages: US\$17,000 each (Case 1 N° 12.195 - Mario Jara Oñate, et al) to the former employees of the Carabineros individually mentioned in this document, and US\$3,000 for each of the petitioners individually mentioned herein who were not employees of the Carabineros (Case N° 12.281 Gilda Pizarro Jiménez, et al). The aforementioned payments will be made in the equivalent of Chilean pesos at the time payment is made.</p> <p>Payment will be made through a non-transferable check payable to the order of each of the victims, within three months of the date of this agreement. These checks shall be picked up by the petitioners at the Human Rights Directorate of the Foreign Ministry of Chile, upon presentation of the party's national identification card.</p>	Total⁷
VII. FOLLOW-UP COMMITTEE	
<p>In order to monitor compliance with the commitments made in this agreement, the parties agree to form a Follow-Up Committee coordinated by the Human Rights Directorate of the Ministry of Foreign Affairs of Chile. This Committee will be comprised of one representative of the Human Rights Department of the Foreign Ministry of Chile, one representative of the Ministry of Defense, and one representative of the petitioners. The methodology and frequency of said Committee's meetings will be decided by its members. The Committee will periodically report to the Executive Secretariat of the IACHR on the progress being made, fulfilling the commitments undertaken in this agreement.</p>	Total⁸

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and ceased monitoring of the friendly settlement agreement in Annual Report 2011.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State sent a letter of public apology to each of the petitioners, and since April 2010, the system was already operating so that the petitioners could access health benefits.
- The State granted health benefits through the Carabineros Hospital "DEL GENERAL HUMBERTO ARRIAGADA VALDIVIESO" and the Hospital of the Carabineros Social Security Department "HOSPITAL TENIENTE HERNÁN MERINO CORREA".
- The State delivered the corresponding compensation for moral and non-pecuniary damage to each of the victims.
- The State cleared the petitioners' records.
- The State published the text of the friendly settlement agreement in the Official Gazette dated March 17, 2010, and was published for 6 months on the websites of the Ministry of Foreign Affairs and Police of Chile, as well as on the page of the Human Rights Directorate.

B. Structural outcomes of the case:

⁷ See IACHR, Report N° 162/10, Case No. 12.281. Friendly Settlement. Gilda Rosario Pizarro and others. Chile. November 1, 2010.

⁸ See IACHR, Annual Report 2011, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 337-345.

- The parties established a FSA Implementation Monitoring Commission coordinated by the Human Rights Directorate of the Ministry of Foreign Affairs of Chile.