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CHILE: DANGER OF LEGISLATION IN FAVOUR OF IMPUNITY AND OR AN EARLY CLOSURE OF HUMAN RIGHTS VIOLATIONS INVESTIGATIONS

A new report into the legacy of human rights violations under General Pinochet's dictatorship and the treatment of these since the transition to democracy was released by Amnesty International today at a press conference in Santiago, Chile.

A delegation from the organisation's International Secretariat, comprising Javier Zúñiga, Director of the Americas Regional Program for the past 15 years and Deputy Director of the joint UN-OAS civilian mission in Haiti; Francisco Ottonelli, Executive Director of the Uruguayan Legal and Social Studies Institute, and Virginia Shoppee, Amnesty International researcher on Chile is in Santiago to present the report to the Chilean Government and general public.

This report is a warning to the executive, legislative and judiciary branches about the dangers which drawing a veil over the past could pose for co-existence in Chile and for future respect for the rule of law, and is being released just as far-reaching legal measures are being studied.

"The legislation under review imposes even greater restrictions on investigations into human rights violations than that adopted in 1978 by decree by the military government," Amnesty International said.

Amnesty International reviews the legislative proposals submitted in 1995, and concludes that the most recent, the so-called "Figueroa Otero Proposal" would contribute to restricting investigations into hundreds of "disappearances" and extra-judicial killings, and could place Chile in a similar situation to other countries which have denied families the right to truth and justice.

Despite the Amnesty Act of 1978, many cases are still under investigation and many others have been left open by the courts. The Figueroa-Otero proposal would make any legal action impossible against the perpetrators of human rights violations in the 1973-1978 period, limit judicial enquiries to locating the remains of "disappeared" persons, ensure the investigations were shrouded in secrecy and allow the courts to close cases without clarifying the relevant circumstances or finding the mortal remains.

Whether or not the proposal succeeds, there are grounds for fearing that the courts will continue to close cases. Since July 1995, Amnesty International has noted with concern a shift in Supreme Court rulings, as seen by the closure of a growing number of cases and the transfer of others to military tribunals, which also results in the systematic closure of cases.

According to Amnesty International, "it appears that both the recent legal proposal and the shift in Supreme Court policy are the result of pressure by the military who are seeking total legal impunity for the perpetrators of human rights violations".

The human rights organisation believes that all the details of individual cases of human rights violations committed during the military period must still be established and, therefore, firmly opposes any imposition of greater restrictions on investigations into these violations or the prosecution of those responsible.

“Partial solutions which do not fulfil the right to justice and moral redress for family members or which sanction impunity do not contribute to healing the wounds left by human rights violations in society,” Amnesty International said.
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Ref: *CHILE Transition at the Crossroads Violations of Human Rights under Pinochet Remain the Crux*, Amnesty International, March 1996. AI Index: AMR 22/01/96.