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CHILE

EUROPEAN STATES PROTECT HUMAN RIGHTS ?

THE VISIT OF GENERAL AUGUSTO PINOCHET TO EUROPE

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Any State party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is obliged under Article 6 of the Convention to take into custody or take other legal measures to ensure the presence of any person within its territory who has been alleged to have committed torture or an act which constitutes complicity or participation in torture.

According to press reports, General Augusto Pinochet, now a Senator for life by virtue of the Constitution passed during his rule, would be visiting European countries including the United Kingdom.

Amnesty International is asking European States if the issue of human rights violations committed in Chile during the military government of General Augusto Pinochet merits their attention. Amnesty International calls for the international community to effectively support the efforts of relatives to determine the fate of the victims of human rights violations under the Pinochet government and bring to justice those responsible. In this way the international community can ensure that the efforts of relatives will not be in vain.

Following the coup d'état which overthrew the constitutional Government of President Salvador Allende on 11 September 1973, *constitutional guarantees were suspended through more than 3,500 decree laws and four "constitutional laws" passed over several years. Congress was dissolved and a country-wide state of siege declared, under which thousands of people were detained and countless more extrajudicially executed, torture was used systematically and the practice of "disappearance" began.*

Many of the most serious human rights violations were committed by the intelligence services -- *Dirección de Inteligencia Nacional*, Directorate of National Intelligence and *Central Nacional de Informaciones* (CNI), the National Information Centre -- which reported to President Augusto Pinochet through the Minister of the Interior.

In the course of a long search by their relatives, the remains of some of the "disappeared" have been discovered in clandestine graves and hundreds of former detainees have made statements confirming that the "disappeared" were held in detention centres. These detention centres and the police and military units to which they belonged have been identified.

In 1996 the Reparation and Reconciliation Corporation, which had been set up under the administration of President Patricio Aylwin in 1992, presented its final report. The Corporation officially recognized a further 123 "disappearances" and 776 extrajudicial executions or death under torture during the military period. Combined with the findings of the Truth and Reconciliation Commission this brought the number of "disappearances" to 1,102 and extrajudicial executions and death under torture to 2,095, making a total of 3,197 cases that were officially recognized by the Chilean state.

The vast majority of those who abused their position in the State apparatus to order and carry out human rights violations under the government of General Augusto Pinochet (1973-1990) remain unpunished.

Background

The fate of most of those who "disappeared" in Chile remains unknown. Chilean courts -both civilian and military - have systematically closed judicial proceedings in hundreds of cases involving human rights violations by applying the 1978 Amnesty Law.

The 1978 Amnesty law (Decree Law 2.191), in reality a self-amnesty-- was enacted by the military government . This law has been used to prevent prosecution of individuals implicated in certain criminal acts committed between 11 September 1973 and 10 March 1978. This was the period of the state of siege when thousands of Chileans suffered grave human rights violations including torture, execution and "disappearance". Several hundred political prisoners also benefitted from the 1978 Amnesty Law and were released.

Since the beginning of 1998 several legal suits have been filed by relatives of "disappeared" detainees and political parties against General Augusto Pinochet on cases of human rights violations

committed during the military government. At least six of them are at present being investigated by Chilean courts. In Spain the National Court (Audiencia Nacional) has initiated investigations on human rights violations against Spaniards in Chile during the government of General Augusto Pinochet.

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