

CHILE

@Judicial investigations into "disappearances": the case of Alfonso Chanfreau Oyarce

The Chilean Supreme Court is expected to decide in the near future whether the investigation into the "disappearance" of Alfonso Chanfreau Oyarce in 1974 should remain in the civilian courts or be transferred to military jurisdiction, where it is likely to be closed on the basis of the 1978 Amnesty Law. This law, although originally intended to apply to individuals charged with particular crimes following judicial investigation, has been repeatedly used by the military courts to block investigations into human rights violations before the facts about the case have been established and criminal responsibility determined.

On 11 August 1992 Military Judge (*Juez Militar*) General Hernán Ramírez Rurange requested that judicial investigations into the "disappearance" of Alfonso Chanfreau Oyarce be passed to a military court on the grounds that the civilian Special Investigating Judge (*Ministro en Visita*) Gloria Olivares had interviewed a number of military officials. Judge Olivares, who has been widely praised by relatives of the "disappeared" and others for her handling of the case, has contested this challenge to her court's jurisdiction and the case has now been passed to the Supreme Court for a decision. Amnesty International is seriously concerned that if the Supreme Court decides in favour of the military courts - as it has in scores of other cases - investigations to clarify the fate of Alfonso Chanfreau Oyarce and attempts to establish criminal responsibility for his "disappearance", will come to an end.

Alfonso Chanfreau is one of at least 957 people who are known to have "disappeared" after their abduction by members of the security forces. The 24-year-old philosophy student and member of the *Movimiento de Izquierda Revolucionario, MIR* (Movement of the Revolutionary Left) was taken from his home on 30 July 1974 by members of the former security police, the *Dirección de Inteligencia Nacional, DINA* (Directorate of National Intelligence). His wife, Erika Hennings, was arrested the following day and taken to a secret detention centre, *Londres 38*. According to her testimony, she was taken into a room, where blindfolded, she was obliged to listen to her husband being tortured. The couple saw each other a few times in the following days. On 13 August 1974, Alfonso Chanfreau was among a group of people taken out of the detention centre, and he remains "disappeared". Erika Hennings was transferred to another detention centre, *Tres Alamos*, and was expelled to France in October 1974. She returned to the country in the 1980s.

Since 1990 when the case was reopened, Judge Olivares has called numerous witnesses to testify, including several former members of the security forces. One of the people

against whom an arrest warrant has now been issued is former DINA agent, Osvaldo Romo Mena. He was recently detained in Brazil, where he has reportedly been living for several years, on charges of using false documentation. Numerous people held in the DINA secret detention centres during the mid-1970's have alleged that Osvaldo Romo was directly involved in the abduction, torture and "disappearance" of detainees. The Chilean authorities have reportedly asked their Brazilian counterparts for his return to Chile where there are arrest warrants pending against him for his failure to testify in at least another 20 investigations into "disappearances".

Amnesty International urges the Chilean authorities to ensure that investigations to clarify the fate of Alfonso Chanfreau Oyarce continue and that those responsible be brought to justice. The organization remains seriously concerned about the impunity of those responsible for human rights violations during the former military government and continues to campaign for the full truth to be clarified and for all those responsible to be brought to justice. Amnesty International believes that the 1978 amnesty law (Decree Law 2191), which has been used to block full judicial investigations into abuses committed before 1978, should be repealed.