

EXTERNAL (for general distribution)

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"Disappearance"/legal concern

21 October 1992

CHILE:

Alfonso Chanfreau Oyarce

On 22 October 1992, the Chilean Supreme Court will determine the fate of the investigations into the 1974 "disappearance" of Alfonso Chanfreau Oyarce by deciding whether the case remains in the hands of a civilian court or whether it should be passed to military jurisdiction. If transferred to the military courts, the case, as many before it, is likely to be closed on the basis of the 1978 Amnesty Law. This law was originally intended to apply to individuals charged with particular crimes following judicial investigation. Instead, it 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.

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 leader 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".

The investigations have become a test case for human rights campaigners in Chile and have given hope to hundreds of families waiting for justice. Since the reopening of the case in 1990, civilian Judge Gloria Olivares, whose wide-reaching investigations have been widely praised, has interviewed several former agents of the DINA, the agency responsible for most of the "disappearances" in the 1970s. She has interviewed a number former detainees arrested and tortured by the DINA, who have given evidence about prisoners who subsequently "disappeared" from the secret detention centres run by the security agency. A few weeks ago, an arrest warrant was issued against a senior ex-DINA agent, Osvaldo Romo who has been living in Brazil for many years and who witnesses have alleged was directly involved in the abduction, torture and "disappearance" of detainees. Extradition orders are currently pending against him.

There is little doubt that the evidence these former DINA agents could bring to the investigations could clarify the fate and whereabouts of many of the "disappeared". Amnesty International fears that if the military courts request for jurisdiction is granted by the Supreme Court, this vital evidence will remain concealed and will signal the end of numerous other investigations, thus depriving the relatives of their fundamental rights to truth, justice and to recovering the remains of their loved ones.

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. The impunity which this law affords to those responsible for the most serious of human rights violations can encourage the recurrence of such violations.

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RECOMMENDED ACTION: Please send telegrams/telexes/faxes preferably in Spanish or in your own language:

- expressing serious concern about the possible transferral to military jurisdiction of investigations into the torture and "disappearance" of Alfonso Chanfreau Oyarce in the context of the repeated failure of the military courts to investigate cases of human rights violations and to bring those responsible to justice;

- expressing Amnesty International's concern about the impunity of those responsible for human rights violations during the former military government and urging the government to ensure that those responsible are brought to justice so that the full truth in cases like that of Alfonso Chanfreau Oyarce can be revealed. Ask the government to repeal the 1978 Amnesty Law (Decree Law 2191) which has prevented and continues to obstruct full judicial investigations into abuses committed before 1978.

APPEALS TO

1. President of the Republic of Chile:

Sr. Patricio Aylwin Azócar
Presidente de la República de Chile
Palacio de la Moneda
Santiago, Chile

Telex: 240152 segrg cl

Faxes: + 56 2 697 3262

**Salutation: Excelencia /
Your Excellency**

2. Minister of Justice:

Sr. Francisco Cumplido
Cereceda
Ministerio de Justicia
Ministerio de Justicia
Morandé 107, Santiago, Chile

Telex: 242316 minju cl

Faxes: + 56 2 69 66 952

**Salutation: Sr. Ministro /
Dear Minister**

3. Human Rights Commission Chamber of Deputies:

Sr Jaime Naranjo Ortiz
Presidente
Comisión de Derechos Humanos
de la Cámara de Diputados
Edificio del Congreso, Valparaíso, Chile

Fax: + 56 32 230509

**Salutation: Estimado Sr. /
Dear Sir**

COPIES OF YOUR APPEALS TO:

1. Supreme Court:

Sr. Presidente

Corte Suprema de Justicia
Plaza Montt Varas, Santiago, Chile

2. Association of Relatives of the "Disappeared":

Sres.

Agrupación de Familiares de Detenidos Desaparecidos

Plaza de Armas 444, Santiago, Chile

Fax: + 56 2 6981212

3. Daily newspaper:

Sr. Editor

El Mercurio

Av. Santa María 5542

Las Condes, Santiago, Chile

Fax: + 56 2 2289568

and to diplomatic representatives of Chile accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 November 1992.