

**EXTERNAL (for general distribution)**

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**2 November 1990**

**Further information on UA 351/90 (AMR 22/07/90, 7 September 1990) - Legal Concern**

**CHILE: "Disappearance" Cases Closed**

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On 28 September 1990, the Supreme Court rejected a submission asking the court to reconsider its decision to uphold the closure of 35 "disappearance" cases on the basis of the 1978 Amnesty Law. The court also rejected another appeal asking for clarification of the ruling.

The Supreme Court's decision seriously undermined hopes that the court might, under the civilian government of Patricio Aylwin, reinterpret earlier decisions that had endorsed the view that the 1978 Amnesty Law could be used to close investigations into serious human rights abuses before the facts were clarified and criminal responsibility established. Although the Supreme Court's verdict relates to a specific case, its decision maintains a legal precedent which makes it increasingly more unlikely that those responsible for human rights violations prior to 1978 will be brought to justice.

Thousands of appeals were sent to Chile in response to the urgent action issued on 7 September 1990. On 27 September an article appeared in the daily newspaper, El Mercurio, together with a photograph of copies of some of the appeals the newspaper had received. (Photograph included in printed version)

The following is an extract of the article:

"Amnesty International: Expresses its disagreement with Amnesty [Law]"  
Members of the organization Amnesty International have sent letters to the Presidents of the Chamber of Deputies and Senate, as well as the Minister of Justice, in which they express their disagreement over the application of the Amnesty Law in the case of "disappeared" prisoners between 1973 and 1978. .... These letters, which have also been sent to El Mercurio ... were sent by voluntary members of the worldwide human rights organization from France, Germany, Canada and the United States. They also ask that the resolution carried on 20 December 1978 at the 90th Plenary Meeting of the United Nations General Assembly be respected."

The article quotes part of the resolution.

**FURTHER RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:**

- expressing serious concern at the recent Supreme Court decision to close a number of "disappearance" cases before the facts surrounding their fate have been clarified;
- urging the government to take every possible measure to ensure that those responsible for human rights violations are brought to justice, in order to give a clear message to society that such abuses will not be tolerated and with a view to preventing future violations.

**APPEALS TO:**

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

Telegrams: Presidente Aylwin, Santiago, Chile  
Telexes: 240630 MINRE CL, 340271 CHILE CK; 441062 CHILE CZ  
Faxes: + 56 2 697 3262

Sr. Enrique Krauss Rusque  
Ministro del Interior  
Palacio de La Moneda  
Santiago, Chile

Telegrams: Ministro Interior, Santiago, Chile  
Telexes: 240000 ONEMI CL; 240946 EMER CL

Sr. Francisco Cumplido  
Ministro de Justicia  
Ministerio de Justicia  
Compañía 1111  
Santiago, Chile

Telegrams: Ministro Justicia, Santiago Chile  
Telexes: 242316  
Faxes: + 56 2 696 6952

**COPIES TO:**

Sr. Luis Maldonado Boggiano  
Presidente de la Corte Suprema  
Plaza Montt Varas  
Santiago, Chile

Sres.  
Agrupación de Familiares de Detenidos Desaparecidos  
Casilla 30-D  
Santiago, Chile

Sr. Director  
Análisis  
Manuel Montt 425  
Santiago, Chile

and to diplomatic representatives of Chile in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 14 December 1990.