

EXTERNAL

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## £ C H I L E

In the first week of January 1992 the Chilean Senate's *Comisión de Constitución, Legislación y Justicia*, Commission on Constitution, Legislation and Justice approved the text of a proposal for legislative reform to the Code of Military Justice extending the scope of the death penalty to include the murder of off-duty *Carabineros* (uniformed police officers). The approved text will now be sent to both Chambers of Congress for debate.

The amendment was proposed by opposition senators in November 1991, following a widespread campaign by the media calling for stiffer legal measures to deal with an increase in violent crime in Chile. If adopted, this reform would extend the application of the death penalty to include the murder of off-duty *Carabineros*. The death penalty is presently retained for a number of offenses contained in the Penal Code, the Code of Military Justice, the Anti-terrorist Law and the State Security Law.

The death penalty currently exists in the Code of Military Justice for the murder of on-duty *Carabineros*.

The death penalty is provided for a number of offences contained in the Penal Code, the Code of Military justice, and Anti-terrorist Law, the Arms Control Law and the State Security Law. In most cases the death penalty is optional, and if a death sentence is imposed the appeal court's verdict must be unanimous for it to be confirmed. The death penalty is mandatory only under Article 5c of the State Security Law, which states that in wartime the penalties applicable to certain crimes "will be upgraded by one step, and if the penalty is death it must be applied." Execution is by firing squad.

Proposals for legislative reforms, including the abolition of the death penalty, were presented by the Partido Demócrata Cristiano, the governing party, in 1990. After lengthy discussions, the Senate upheld the death penalty for 37 crimes. Since the government of President Patricio Aylwin took office in March 1990, no death sentence has been carried out and all but one of the political prisoners under sentence of death have had their sentences commuted to life imprisonment. President Patricio Aylwin has repeatedly made public his opposition to the death penalty, and has promised to use his discretionary power to grant clemency in death penalty cases which come before him. Hugo Gómez Peña, a political prisoner, still faces a recommended death sentence for his alleged participation in the killing of a police officer during an attack on a shop in 1986.

## C H I L E

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