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Chile: The long quest for justice reaches a crucial stage

“With the decision of Judge Juan Guzmán Tapia yesterday, the Chilean courts took an important step forward in the struggle against the impunity which for so many years has shrouded the serious human rights violations that were carried out under the military government of Augusto Pinochet,” Amnesty International said upon learning of the contents of the judicial decision to prosecute Augusto Pinochet for the disappearance and/or murder of the 75 victims of the “Caravan of Death”.

“ Justice has demonstrated its independence in this case. By doing so, the courts have given the Chilean people back the confidence that everyone is equal before the law and have set an important precedent for the future,” the organization said.

“The perseverance of the work done over many long years by the Agrupación de Familiares de Detenidos Desaparecidos, Association of Relatives of the Disappeared Detainees, non-governmental organizations who supported their work, Chilean human rights lawyers, and all those inside and outside of Chile who have fought for justice to triumph over impunity is bearing fruit,” the organization added.

Amnesty International supports the call for justice and truth which has been the motto of the relatives in their tireless journey to get answers from the Chilean authorities. The decision of the court, after

27 years of tireless work by the relatives of the victims to get the courts to support their just demands, means that their goal has been realized.

The organization calls on the Chilean courts to continue to demonstrate their independence and to carry on resisting the strong pressures to which they have been repeatedly subjected by the armed forces or any other sector seeking to influence its decisions.

Background

On 29 January 2001, Judge Guzmán Tapia ordered Augusto Pinochet to be taken into preventive detention for a second time so that he can be brought to trial as perpetrator of the offences of kidnapping and/or aggravated homicide committed against 75 victims of the military operation known as the "Caravan of Death" in October 1973.

On 1 December 2000 Judge Guzmán Tapia had ordered Augusto Pinochet to be held under house arrest in connection with the same case.

On 11 December, the Fifth Chamber of the Santiago Appeals Court overturned the arrest order after admitting an appeal for legal protection (*recurso de amparo*) filed by Augusto Pinochet's lawyers on the grounds that the legal procedures required to authorize the arrest were incomplete. On 20 December the Supreme Court confirmed the decision of the Appeals Court.

The proceedings relating to the case of the "Caravan of Death" then returned to the stage they were at before 1 December: the carrying out of medical tests on Augusto Pinochet to determine his state of health.

On 18 January 2001 medical tests were carried out at the Military Hospital. The official results have not been made public but, in the arrest order dated 29 January, Judge Guzmán Tapia stated that, "This

Court, [...] has reached the view that, in the case of the citizen whose mental faculties were examined, his imputability is at present diminished but not nullified. [...] his present state does not prevent him for exercising his rights and defending himself [...].”

On 23 January Judge Guzmán Tapia then went on to question Augusto Pinochet in connection with the “Caravan of Death” case. The defence lawyers acting for Augusto Pinochet have five days to file an appeal against the judge’s decision. Judge Guzmán Tapia is responsible for ruling on 215 lawsuits which have been brought in connection with cases of human rights violations committed by the Chilean security forces during the years of military rule, and in all of which Augusto Pinochet is named.

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