

EXTERNAL

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EXTRA 160/96

Fear of total impunity / legal concern

23 October 1996

CHILE

**ARMED FORCES PETITION TO END LEGAL PROCEEDINGS ON HUMAN RIGHTS VIOLATIONS**

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Amnesty International has recently learned that on 4 October, the Military Prosecutor General (*Fiscal General Militar*) petitioned the Supreme Court of Justice to instruct all appeal courts and judges to proceed with the definite closure of the legal proceedings into hundreds of case of human rights violations from the initial period of military government.

The petition covers all cases of "disappearances" and extrajudicial executions which occurred between September 1973 and March 1978. Amnesty International understands that the Plenary of the Supreme Court will consider this request on 25 October which, if approved, will lead to complete impunity for perpetrators of past human rights violations.

This request means an extension of the Amnesty Law of April 1978 which has already been systematically used to close hundreds of cases of past human rights violations before the full truth on the fate of the victims has been established and to halt the prosecution of those found responsible.

Amnesty International considers this request to be gross interference by the army in the work of the judiciary and an attempt to infringe Article 73 of the Chilean Constitution which establishes the exclusive jurisdiction of the courts to rule on civil and criminal cases.

Chilean non-governmental human rights organizations and politicians from a political parties have publicly expressed their rejection of the Military Prosecutor General's petition and the absolute impunity which human rights violators will enjoy as a result.

**BACKGROUND INFORMATION**

The recent petition by the Military Prosecutor General to close the court investigations into human rights violation is one more move to leave unresolved and unpunished thousands of cases of human rights violations under the Pinochet government. This will add to the very many cases of human rights violations from the past which have been closed by the courts through the application of the Amnesty Law introduced by the military government in 1978. Amnesty International has consistently called for the repeal of the Amnesty Law. In November 1995 a legislative proposal known as the "Figueroa-Otero Bill" was presented for the approval of the Chilean Congress to prevent prosecutions, restrict judicial investigations and close cases of past human rights violation.

The debate over this bill has been frozen in Congress. Amnesty International unreservedly opposes any further restrictions on the investigation of these violations or on the prosecution of those found responsible.

In August 1996, 899 new case were presented to President Frei-Tagle by the *Corporación de Reparación y Reconciliación*, the government agency in charge of pursuing the cases of complaints of past human rights violations.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Spanish or your own language:**

- expressing concern that the request of the Military Prosecutor General represents another setback in the struggle against impunity in Chile;

- expressing concern that this request seems to interfere with the independence of the power of the judiciary;
- pointing out that this request is contrary to the government's international commitment on human rights, by granting impunity to violators of those rights;
- expressing your hope that judicial investigations into human rights violations from the past will continue, including the 899 new cases presented in August 1996 to President Frei-Tagle by the *Corporación de Reparación y Reconciliación*.

**APPEALS TO:**

President of the Republic

Señor Presidente de la República de Chile  
Señor Eduardo Frei Ruiz-Tagle  
Palacio de la Moneda  
Santiago, Chile

**Fax: + 562 694 5080**

**Telegrams: Sr. Presidente, Santiago, Chile**

**Salutation: Sr. Presidente / Dear President**

Minister of Justice

Sra. Maria Soledad Alvear  
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**Salutation: Sra. Ministra / Dear Minister**

Minister of Foreign Affairs

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Santiago, Chile

**Fax: +562 696 8796**

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

**COPIES TO:**

President of the Supreme Court

Sr. Servando Jordan Lopez  
Presidente de la Corte Suprema de Justicia  
Plaza Montt Varas  
Santiago, Chile

**Fax: +562 695 2144**

Human Rights Organization

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Daily Newspaper

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and to diplomatic representatives of Chile accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**