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CHILE: IMPUNITY IN THE MAKING - JUSTICE DEFEATED BY AMNESTY LAW

Last week's application of the 1978 Amnesty Law by a Supreme Court judge in the case of the killing of Carmelo Soria Espinoza represents yet another setback in the struggle against impunity in Chile, Amnesty International said today.

On 4 June 1996, nearly 20 years after the killing of Carmelo Soria Espinoza, the judge in charge, while classifying the crime as "homicide", applied the Amnesty Law and pronounced the case as definitively closed.

"It is outrageous that this trial should be closed in this way -- how many more cases must be closed before perpetrators of past human rights violations are brought to justice?" Amnesty International said.

Carmelo Soria Espinoza, a dual Chilean-Spanish national and United Nations (UN) official, was found dead in a canal in Santiago in July 1976. As he was a UN official, lawyers acting for the Soria family argued that the state is obliged to punish those found responsible for his murder under the Vienna Convention on Crimes Committed Against International Civil Servants and other Diplomatic Officials. However, the judicial ruling denied the diplomatic immunity of the victim and stated that the constitutional modifications made to embrace international law on crimes against humanity cannot be retroactively applied. A further appeal has been filed.

"This clearly shows the lack of commitment of the Chilean judiciary in applying legal and international standards when confronting impunity regarding past human rights violations," Amnesty International said.

Carmelo Soria Espinoza's case has been closed and reopened on several occasions, and several previous attempts were made to apply the Amnesty Law to it. The Decree Law 2.191, introduced by the military government in 1978, provides an amnesty law preventing prosecution of individuals implicated in certain criminal acts committed between September 1973 and March 1978.

The Amnesty Law has been applied systematically close legal procedures in hundreds of cases involving human rights violations. Amnesty International has consistently argued that Chile's 1978 Amnesty Law and the way it has been applied contravene international human rights standards. The organization has repeatedly called on the Amnesty Law to be repealed and for those found responsible for human rights violations to be brought to justice.

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