

EXTERNAL

AI Index: AMR 22/06/97

EXTRA 129/97

Fear of total impunity / Legal concern

2 October 1997

CHILE New petition by armed forces to end legal proceedings on human rights violations

For the second time in just over a year, perpetrators of past human rights violations in Chile could be about to be granted complete impunity for their crimes.

On 17 September 1997, the Military Prosecutor General (*Fiscal General Militar*) presented a new petition to 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 cases of human rights violations from the initial period of military government. The petition covers all cases of "disappearances" and extrajudicial executions between September 1973 and March 1978.

Amnesty International understands that the Plenary of the Supreme Court might consider this request on 3 October, although it is not known how long such consideration would take.

If the petition is approved, it will lead to complete impunity for perpetrators of past human rights violations. It would mean 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.

Amnesty International, which has just learned of the petition, is deeply concerned by this new attempt to use the Amnesty Law before the full truth about the fate of the victims has been established and to halt the prosecution of those found responsible.

The renewed petition comes nearly a year after the Supreme Court of Justice rejected a similar petition and, re-establishing the independence of the judiciary, ruled that "judges are independent to decide... on cases within their jurisdiction" and that "external influences...are inadmissible" (*los jueces son independientes para resolver ...las causas sometidas a su conocimiento sin que a este respecto sean admisibles ingerencias externas ...*). (See EXTRA 160/96, AMR 22/11/96, 23 October 1996 and follow-up, AMR 22/13/96, 6 November).

Chilean non-governmental human rights organizations have expressed their complete opposition to the new petition and the level of impunity which will result from it.

BACKGROUND INFORMATION

In a new move to leave unpunished thousands of cases of human rights violations under the military government, on 4 October 1996 the Military General Prosecutor filed a petition to close the court investigations into human rights violations. The petition was rejected on 31 October 1996 by the Supreme Court members.

Very many cases of human rights violations from the past 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 to close cases of past human rights violations. The debate over this bill has been frozen in Congress. Amnesty International opposes any further restrictions on the investigation of these violations or on the prosecution of those found responsible.

RECOMMENDED ACTION: Where possible, please send telegrams or faxes, but also express letters, in SPANISH or your own language:

- acknowledging the positive decision by the Supreme Court last year to reject the Military Prosecutor General's petition;
- expressing concern that this a new attempt to interfere with the independence of the judiciary;
- expressing concern that this petition is contrary to the government's international commitment on human rights, as it would grant impunity to violators of those rights;
- expressing 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*, the government agency in charge of pursuing the cases of complaints of past human rights violations.

APPEALS TO:

President of the Republic
 Señor Presidente de la República de Chile
 Señor Eduardo Frei Ruiz-Tagle
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Faxes: + 562 694 5080
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Salutation Sr. Presidente

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Telegrams: Ministra Justicia, Santiago, Chile
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 Señor José Miguel Inzulza
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 Santiago, Chile
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Telegrams: Ministro Relaciones Exteriores, Santiago, Chile
Salutation: Sr. Ministro

COPIES TO:

President of the Supreme Court

Sr. Servando Jordán López
Presidente de la Corte Suprema de Justicia
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Faxes: +562 695 2144

Human Rights Organization
FASIC, Manuel Rodríguez 33, Santiago, Chile

Daily Newspaper
La Nación, Agustinas 1269, Santiago, Chile
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and to diplomatic representatives of CHILE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 18 October 1997.