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Chile: Impartial investigation for student protester death

Chilean authorities must name a civilian judge to investigate allegations of police involvement in the death of a teenager shot last week during protests in Santiago, Amnesty International said today.

Manuel Gutiérrez, a 16-year-old student, died on the night of 25 August from a bullet wound to his chest while participating in a protest calling for government reforms.

Ballistics experts have determined that the lethal bullet was shot by a police sergeant who initially claimed he fired his weapon in the air to restore order.

“Chilean authorities must get to the bottom of the events that led to this teenager’s death,” said Guadalupe Marengo, Deputy Americas Programme Director at Amnesty International.

“But to do that, the case should be handed over to a civilian special judge to ensure a thorough, impartial investigation and a fair trial; military courts are not appropriate for investigating and prosecuting human rights violations.”

Because a police officer has been accused in the shooting, under Chilean law the case should be investigated and tried in the Pinochet-era military justice system.

However, a special judge (Ministro en visita) from the civilian courts can be assigned to the case to ensure impartiality.

Military trials have in the past been found to be partisan in their treatment of human rights violations by military and the police. Amnesty International and international human rights bodies have recommended that such offences be tried in ordinary courts.

“Chile should reform its military justice system so that all allegations of human rights violations by members of the security forces are investigated, prosecuted and tried by civilian courts,” said Guadalupe Marengo.

Disturbances have broken out several times in Chile in recent months amid mainly peaceful demonstrations demanding far-reaching reforms on various issues, including the educational system.

Protesters have made numerous allegations of human rights violations by police, including excessive use of force, improper use of teargas, arbitrary detentions and possible ill-treatment at the time of arrest.

”Chile’s security forces have a duty to maintain public order but they should always do so in compliance with international human rights standards on the use of force. Any allegations of abuse should be thoroughly and impartially investigated,” said Guadalupe Marengo.