CHILE: AMNESTY INTERNATIONAL OPPOSES PREMATURE CLOSING OF HUMAN RIGHTS PROCEEDINGS

Amnesty International today urged the Chilean Congress and Courts not to prematurely close human rights investigations currently before the courts.

Amnesty International, which has consistently called for the repeal of Chile's 1978 Amnesty Law, said that "legislating for impunity or ratifying it in the courts could encourage or facilitate future abuses."

The organization reminded the Chilean executive, legislature and judiciary of their international obligations to investigate human rights violations and bring those responsible to justice.

There are two issues of concern to Amnesty International: the legislative proposals which would effectively seal cases from further prosecution or investigation, and the apparent undue haste with which the Chilean courts have been closing cases before the full truth has been established in cases of "disappearances" and extrajudicial executions during the first period of Pinochet rule 1973-78.

"It would seem clear that both these moves have arisen from military pressure to confirm total immunity from prosecution for perpetrators of human rights violations," Amnesty International said.

There are three essential elements in the internationally recognised right of effective remedy for human rights violations: truth, justice and compensation. Whilst Chile has made significant steps towards addressing relatives' right to compensation, should cases be closed, the country will rank alongside other states that have denied the right of families to truth and justice.

The moves to close cases come after military protest following the imprisonment of General Manuel Contreras and Brigadier Pedro Espinoza former Director and Chief of Operations for the *Dirección de Inteligencia Nacional* (DINA), Directorate of National Intelligence for the 1976 car-bomb assassination in Washington D.C. of Orlando Letelier, former Foreign Minister under the government of Salvador Allende, and US citizen Ronnie Moffit. This was the only case among thousands of human rights violations to be excluded from Chile's 1978 Amnesty Law.

Although previously it was accepted in Chile that the Amnesty Law would be applied to close cases only when the truth concerning the circumstances of the violation, and criminal responsibility, had been established, over 25 cases have been closed in the six months since the

Supreme Court ruled on the Letelier case, with the pace of closures speeding up as the issue is debated in Congress.

Three legislative proposals on this matter stand before the Senate, the latest of which, the Figueroa-Otero proposal, is the result of negotiations between the government and the right wing *Renovación Nacional,* National Renovation, Party. The Figueroa-Otero Bill would close all legal proceedings against perpetrators of human rights violations in the 1973-1978 period, prohibit judges from investigating anything other than the location of the remains of the "disappeared", ensure total secrecy of any information relating to these investigations, and allow courts to close cases without having located these remains or clarified the circumstances of these violations.

The civilian government has officially recognised that 1,102 people "disappeared" and 2,095 were extrajudicially executed or died under torture during the government of General Augusto Pinochet 1973-1990. Approximately 1,000 cases remain open -- either actively before the courts or temporarily suspended. Under the Figuero-Otero proposal all such cases could be closed in a matter of months.

During the military period the state acted systematically to hide information about the fate of those it detained and made "disappear". For the civilian government to prohibit prosecutions and legislate for secrecy in relation to the fate of hundreds of individuals strikes at the heart of the principles of truth and justice. "The courts should be the first to uphold these principles," Amnesty International said.

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