

Chile: Victims of torture have the right to justice

The right of Chilean torture survivors to justice is at risk if their action is not supported by the authorities, Amnesty International said today.

The organization expressed dismay at recent statements by the Minister of the Interior, Mr José Miguel Insulza, that a proliferation of human rights complaints would be detrimental to the country's social peace. He declared that investigations should therefore be confined to the cases of the "disappeared" and the victims of extrajudicial executions.

"The argument of national unity cannot be used to justify a position which encourages impunity and is in conflict both with Chilean legislation and with Chile's international obligations," Amnesty International said.

"All victims of torture have the right to expect justice and the Chilean authorities have the obligation to investigate, bring to trial and sanction the perpetrators."

In addition, Amnesty International is concerned that the statements by the Minister of Interior could be seen as threatening the independence of the courts.

Background

Human rights lawyers have indicated that a number of lawsuits (*querellas*) for torture will be filed against Augusto Pinochet and Acting Commander-in-Chief of the Air Force, General Hernán Gabrielli, for their role in the military operation known as Caravan of Death in October 1973.

Chilean human rights lawyers and non-governmental organizations, including the Association of Relatives of the Detained-Disappeared, (*Agrupación de Familiares de Detenidos Desaparecidos*) have also rejected the Minister's statements.

During the military government (1973 - 1990) thousands of people suffered torture. The combined findings of two commissions created following the return to civilian rule recorded over 3.000 cases of "disappearance", extrajudicial execution and death resulting from torture. This figure did not include the victims of torture who survived their ordeal.

According to international law, torture, when committed as part of a systematic and widespread practice of other crimes against humanity such as murder and enforced disappearances, is a crime against humanity. Indeed, Chile strongly supported this definition in Article 7 of the Rome Statute of the International Criminal Court, which it has signed.

It has been expressly recognised since 1975, when the U.N. General Assembly adopted the Declaration for the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, that all states must conduct prompt and impartial investigations of all complaints of torture. In addition, Chile, as a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights, is legally bound to conduct prompt and impartial investigations.

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