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Chile: Supreme Court chooses justice

The Chilean Supreme Court of Justice today clearly indicated the will to go forward in the quest for justice and truth, Amnesty International said, as the Court announced its decision to uphold the ruling by the Santiago Appeals Court lifting Augusto Pinochet's parliamentary immunity.

Uruguayan jurist Dr. Alejandro Artucio, Amnesty International's observer at the Supreme Court hearings, said: "This is a triumph for justice in a case where repeated testimonies gave similar and convergent information providing valid and sufficient elements to initiate a criminal investigation."

"This decision -- placing Augusto Pinochet on the same level as any other Chilean citizen before the law -- is an important step in restoring the confidence in the Chilean judiciary after it has for so many years failed to deal with the issue of impunity for human rights violations committed during the military government," the organization added.

"The ruling also vindicates the unswerving efforts of the relatives of the victims to achieve justice and to have their legitimate right to know the fate of their loved ones endorsed by the Chilean justice," the organization said. "It gives them renewed hope that their struggle has not been in vain."

Background

Upon Augusto Pinochet's return to Chile on 3 March 2000, seven human rights lawyers submitted a request for his parliamentary immunity to be lifted, based on the case of 19 victims of "disappearance" during a military operation in Chile known as the "Caravan of Death" ("*Caravana de la Muerte*") in October 1973. The hearing before the Santiago Appeals Court took place on 26-28 April 2000.

On 5 June 2000 the Santiago Appeals Court ruled by a majority of 13 to 9 to lift Augusto Pinochet's parliamentary immunity to allow him to be investigated in the "Caravan of Death" case. This decision placed him in the same category as any other Chilean citizen before the law. An appeal to the Supreme Court was submitted on 9 June 2000. The Supreme Court hearings took place between 19 and 21 July and were attended by Amnesty International's observer, Dr. Alejandro Artucio.

Augusto Pinochet's parliamentary immunity derives from his status of Senator for Life (*Senador Vitalicio*), which he acquired on 11 March 1998, following his retirement as Commander-in-Chief of the Army (*Comandante en Jefe del Ejército*). He was entitled to this status as former President of the Republic, according to the Chilean constitution passed during his military government.

Currently Augusto Pinochet's name is included in over 150 lawsuits pending before Chilean courts with reference to human rights violations committed during his military government.

**** Dr Artucio's original quote in Spanish: "Triunfó la justicia en un caso donde testimonios repetidamente suministraron indicios reiterados y concurrentes que forman presunciones válidas y suficientes para iniciar un proceso penal".**

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