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Chile: After 30 years no more excuses for impunity

"This year's anniversary of the military coup should mark the full commitment of the Chilean authorities to achieve truth, justice and reconciliation in Chile by taking all the necessary steps to recognize and respect the rights of the victims of human rights violations and their families," Amnesty International said on the day that marks the thirtieth anniversary of the military coup led by Augusto Pinochet which established a military regime that governed Chile until 1990.

Thirteen years after the return of civilian government many issues of concern -- such as the impunity for perpetrators of gross human rights violations committed under the military government and the demand of full reparation for the victims and their families -- remain unresolved in the struggle to deal with the heavy legacy of gross human rights abuses.

"The military coup of 11 September 1973 divided Chilean society and set in motion a chain of brutal events whose repercussions are still being felt 30 years later," Amnesty International said. "There have been current calls for national unity, but true reconciliation will not be achieved until truth and justice have been fully established."

The widespread and systematic 'disappearances', extrajudicial killings and acts of torture that took place under military rule constitute crimes against humanity. The fate of most of the 'disappeared' remains unknown and the vast majority of those who committed human rights violations remain unpunished.

The human rights proposal issued recently by the Chilean government represents a positive step, but Amnesty International is concerned that many obstacles remain in the way of the search for truth, justice and reparation for which victims and their families have been campaigning for the last 30 years. Chief amongst these obstacles is Decree Law 2191 of 1978, known as the Amnesty Law, which provides immunity from prosecution for military personnel implicated in human rights abuses following the coup until March 1978.

"This law, which has obstructed truth and justice for 25 years, is incompatible with the obligations of the Chilean State under international law." Amnesty International added "The law should be ruled null and void."

"The wide jurisdiction of military courts represents another hindrance to the pursuit of truth and justice." Amnesty International stressed.

This jurisdiction must be reduced to exclude human rights violations and the necessary steps must be taken by the authorities as soon as possible to fulfil recent proposals that all cases of human rights violations committed during the military government be investigated in civil courts.

The impunity of human rights violators must not be preserved through any policy which could result in de facto amnesties or pardons for human rights perpetrators or which grant immunity from prosecution to members of the military who argue that they were acting under orders.

Amnesty International reminds the authorities that the defence of superior orders to crimes against humanity is absolutely forbidden in international law.

After 30 years of campaign, Amnesty International renews its call on behalf of the thousands of victims of torture for prompt action by the authorities to carry through its recent commitment to deal with this most serious human rights violations through a programme of full reparation and investigation.

Background information

One month before the 30th anniversary of the coup, President Ricardo Lagos of Chile announced his government's plan for dealing with the legacy of human rights abuses committed under Augusto Pinochet's military government. These proposals finally addressed the issue of the thousands of victims of torture, who have been calling for official recognition of their suffering and reparations for this most serious human rights abuse.

The combined findings of two government commissions established in the early 1990s officially documented 3,197 cases of victims of 'disappearances', extrajudicial execution and death resulting from torture under military rule. However, this figure does not include the thousand of victims of torture who survived their ordeal.

For more information on human rights violations in Chile, please see:
<http://web.amnesty.org/library/eng-chl/index>

Public Document

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