

Human Rights in Chile

Summary of court cases for past human rights crimes, to end Oct 2009

Introduction

The Human Rights Observatory of the Universidad Diego Portales is a joint initiative between the University's Human Rights Centre and Social Science Research Institute, supported by a grant from the Ford Foundation. It was set up to map current judicial activity in Chile for human rights violations carried out during the 1973 to 1990 military dictatorship, and create a database of cases presently ongoing in national courts. This bulletin provides a summary of case activity, based on information supplied by the Human Rights Programme of the Chilean Interior Ministry as well as on open sources and additional research.

FORMER SECURITY SERVICE AGENTS CURRENTLY SERVING SENTENCES

Between 2000 and the present, 177 former agents had received confirmed sentences for past human rights related crimes. Of this number, **56 former agents** are currently serving confirmed custodial sentences. 7 more have already served their sentences, 2 have since died and 1 (former general Sergio Arellano Stark) was given permission not to serve his sentence on medical grounds. The remaining 111 have been awarded judicial benefits such as house arrest or suspended sentences.

The total of 56 represents the highest single total of former repressors sentenced for these crimes anywhere in Latin America. In Argentina, where a higher number of former agents are currently in prison, most of these are on remand and only two former repressors are currently serving confirmed custodial sentences (Source *CELS Argentina*, see www.cels.org.ar)

CASES AND VICTIMS

304 cases are presently ongoing in Chile for crimes related to deaths or disappearances during the dictatorship period. There are a further 33 cases open for torture, illegal burial or conspiracy (the "Colonia Dignidad" episode). This gives an overall total of **337 active investigations** for past human rights crimes.

The 304 cases for deaths and disappearance cover 1,042 victims. This means that only a third of known victims* of these crimes are currently the subject of open investigations. Cases involving a further 6% of victims have already been concluded, leaving **61% of victims with no case either concluded or in progress.**

** Official numbers for deaths and disappearances remain at 3,195. This total should however be revised downwards, as here, to reflect errors discovered in 2008 and 2009 in official registers*

AGENTES (REPRESORES)

Investigations into dictatorship-era human rights crimes in Chile have since 2000 subjected a total of 771 former regime agents to indictment, formal charging and/or sentencing. The 2009 figure represents a 51% rise with respect to the 2004 baseline. The average increase in agents affected year on year is a fairly stable 14%.

The vast majority are former security force personnel, at all levels from general to rank and file. (The figures nonetheless include 53 civilian regime agents)

Condenas

277 former security force agents have been sentenced for dictatorship-era HRV crimes in Chile since 2000. (Many agents are subject to more than one sentence.) Only 4 of these sentences have been full acquittals. (8 more sentences were dissolved on appeal by application of prescription, although the original convictions were not overturned).

Of 277 agents sentenced, 35 have been handed first instance sentences, 110 are subject to second instance (appeals court) sentences, and a further 175 have fully exhausted the appeals process (had sentences re-confirmed by the Supreme Court). *(NOTE: the sum of these totals exceeds 277 because some agents have multiple sentences, which are at different stage.)*

Procesamientos e investigaciones en curso

There are an additional 3091 formal investigations and indictments (*procesamientos and acusaciones*) currently pending against a total of 559 former agents. A further 45 old case suspensions are presently under challenge, potentially affecting 41 agents (who are also subject to additional charges and so already appear in the total of 771 shown above).

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