

URGENT ACTION

UN EXPERTS ALARMED OVER IMPUNITY IN CHILE

On 27 November 2023, UN special rapporteurs on peaceful assembly and association and on extrajudicial, summary or arbitrary executions publicly called on Chilean authorities to “advance the prosecution and sanction of state agents responsible for crimes committed during the 2019-2020 protests”. In a sharp statement, they raised their alarm at the lack of criminal prosecution of any police commander and reiterated that “it is the responsibility of the state to hold commanders accountable.” We urge the Prosecutor of the Centre-North Metropolitan Region to, should sufficient evidence exist, formally charge the commanders of Carabineros who could be responsible for these violations.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Xavier Armendáriz
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Dear Mr Xavier Armendáriz,

I am writing to you, over four years on from the so-called ‘estallido social’, gravely concerned over the prevailing impunity that surrounds the widespread human rights violations committed by the Chilean police during the repression of mass protests, especially with respect to the high command of Carabineros of Chile.

Since 2020, Amnesty International has time and again called on the Chilean Attorney General’s Office, of which you are part of, to determine the responsibility of operational and strategic commanders for the crimes and violations committed by the police. We have also called on Chilean judicial authorities to “initiate proceedings regarding all those who may bear responsibility and, where appropriate, to prosecute them in order to ensure access to justice for victims and their families”. These commanders may include the Director General and the Director of National Directorate of Order and Security (Dirección Nacional de Orden y Seguridad, DIOSCAR) in office at the time of the events.

On 27 November 2023, [UN experts on peaceful assembly and extrajudicial executions](#) added their voices to the call for command responsibility. They clearly stated that “the scale of the violations and gravity of the harm inflicted on protesters, as well as the continuity of the violations, suggest that these are not isolated incidents and point to command responsibility.” They too reiterated “the importance of holding accountable those at the highest levels of the chain of command” and that “it is essential to advance the prosecution and sanction of state agents responsible”.

There is a growing global cry against impunity in Chile. We call on you to formally present charges and start of criminal proceedings against Carabineros’ commanders, if there is sufficient admissible evidence to do so, within the framework of a fair trial and all due process guarantees.

Yours sincerely,

ADDITIONAL INFORMATION

On 18 October 2019, massive protests erupted throughout Chile following an announcement of a rise in the price of public transport in Santiago, the capital. Many Chileans saw this as the final straw after decades of deteriorating access to economic, social and cultural rights.

The largely peaceful protests were heavily repressed. Government measures, never seen since the Pinochet government, did not put a stop to the protests. Carabineros, Chile's police force, made constant and inappropriate use of less lethal weapons, firing on several occasions potentially lethal ammunition in an unjustified, widespread and indiscriminate manner and in many cases aiming at people's heads. On multiple events, Carabineros used tear gas excessively and unnecessarily, launching this chemical at hospitals, universities, homes and even schools, seriously affecting children and people with disabilities. Thousands of people were injured, including hundreds of people with serious eye injuries from rubber-coated buckshot and tear gas used indiscriminately and inappropriately. Other human rights violations included dozens of cases of torture, including sexual torture. Most of the human rights violations documented occurred at the hands of Carabineros.

Carabineros commanders, whose responsibility it is to exercise control over their units and ensure that force is used in line with national and international law and standards, failed to prevent these human rights violations from occurring. An emblematic case of such responsibility is that of Gustavo Gatica.

Although Chilean police opened an internal investigation into the events, they concluded that no-one in the institution could be held responsible in the case. In June 2020, Amnesty exposed what could have been an attempt by Carabineros to [cover up the involvement](#) of one of its officers, identified as "G-3". As of 29 September 2023, this officer is now under criminal investigation for his role in the shooting of Gustavo. The public prosecutor has filed charges against him, although a trial is still pending, and the chain of command responsibility has yet to be subject of its own trial.

In October 2020, Amnesty International launched the landmark report [Eyes on Chile: Police violence and chain of command responsibility during the period of social unrest](#), concluding the possible criminal responsibility of at least three commanders of Carabineros for their tacit orders or deliberate omissions in the widespread violation of the right to physical integrity of demonstrators, and launched a global campaign demanding that the Attorney General's Office investigates Carabineros commanders. In its report, Amnesty International also recommended a structural reform of the Carabineros, because of the limitations resulting from its military nature and organic structure, and the need for greater control of the national police by civil authorities, as well as for urgent changes to ensure unreserved adherence to international human rights law.

As of September 2023, impunity for these events have been the norm. According to the National Human Rights Institute (INDH), by the end of 2022, the National Prosecutor's Office has brought charges in only 127 of the 10,568 complaints of human rights violations during the period of social unrest, resulting in a mere 27 convictions and eight acquittals. To date, no charges have been brought against any of the commanders of Carabineros in charge of the police during the period of social unrest.

In the current investigation being carried out against the Carabineros high command, the Prosecutor's Office has summoned the Director General of Carabineros to testify six times, however, the highest police authority in charge of the country's security has yet to provide testimony, causing an obstacle in the investigation.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 January 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Xavier Armendáriz (He/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr22/7259/2023/en/>

ADDITIONAL TARGET

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