

CHILE

JUSTICE FOR VICTIM OF TORTURE AT RISK IN CHILE

In October 2019, Moisés Órdenes was attacked by Chilean police officers, Carabineros, while peacefully demonstrating. Over three years since then, on December 5, 2022, the public prosecutor at Santiago's Eastern Metropolitan Office in charge of investigating the case decided to close its investigation into seven out of the 13 officers charged with the attack. Moises' family and lawyers claim there are inquiries left to be performed and that the investigation is far from exhaustive.

The decision by the Eastern Metropolitan Regional Prosecutor's Office in charge of his case to close the investigation into seven Carabineros officers initially charged with torture, obstruction of justice and concealment in a case of grave human rights violations is premature, considering important investigative actions still remain to be carried out as requested by Moisés' lawyers. The decision is also contrary to Chile's international obligation to fully investigate and punish acts of torture.

Additionally, the delays from Carabineros in closing their internal investigations create a hostile environment to the judicial process and goes against guarantees of non-repetition.

Write to the Regional Prosecutor at Santiago's Eastern Metropolitan Office urging her to:

- reopen investigation into the human rights violations suffered by Moisés Órdenes and guarantee his right to justice
- ensure that the investigation is carried out in an exhaustive, independent, and timely manner

Write to:

Lorena Parra, Fiscal Regional Metropolitana Oriente
Los Militares N°5550,
Comuna de Las Condes
Santiago, Chile

Email: lparra@minpublico.cl

Salutation: *Dear Prosecutor Lorena Parra,*

And copy:

His Excellency Raul Eduardo FERNANDEZ DAZA (M)
Ambassador

Embassy of the Republic of Chile
50 O'Connor Street, Suite 1413
Ottawa, ON K1P 6L2

Tel: (613) 235-4402

Email: lcaceres@minrel.gob.cl

ADDITIONAL INFORMATION

In mid-October 2019 millions took to the streets throughout Chile to demand equality and social and economic rights, including decent pensions, housing, quality public education, and healthcare. President Sebastian Piñera responded with a state of emergency decree and deployed the Army and Police ('Carabineros') to suppress the protests. Amnesty International sent a crisis team to the country and documented human rights violations and even crimes under international law perpetrated by the security forces.

In its year-long investigation, [Eyes on Chile: Police violence and command responsibility during the period of social unrest](#), Amnesty International exposed 12 emblematic cases of death, torture and injuries caused by agents of Carabineros between October 18 and November 30, including the acts of torture allegedly suffered by Moisés Órdenes. The report concluded the suspected responsibility of Carabineros commanders for the human rights violations that took place on their watch.

On Monday, October 21 2019, at approximately 20:40, 55-year-old Moisés Órdenes, was demonstrating peacefully in the Plaza Ñuñoa area, Ñuñoa commune, Metropolitan Region. Moisés was beating a frying pan and wooden spoon ("caceroleaba") and recording on his phone as the demonstrations that had gone on throughout the afternoon were dispersing.

Suddenly, and without any provocation, a group of officials from the Special Forces (Fuerzas Especiales, FFEE) began to attack him violently, first shoving him and then beating him with riot-control batons. Moisés was kicked in the back violently, which knocked him over and he fell, slamming his face on the ground.

The officials continued to beat him with their fists, feet and batons on his face, head and the rest of his body while he was on the ground; this was broadcast live by the Chilevisión channel's news cameras. When he managed to stand up, his face bleeding profusely, the officers detained him and put him in a police vehicle.

At approximately 21:40, Moisés was transferred to the emergency room of El Salvador Hospital, where the following injuries were recorded: multiple trauma, with "a. closed left eye severe trauma; b. closed trauma to the left thorax contusions; c. dental fracture left central incisor; d. reduced anterior left shoulder dislocation; e. non-displaced comminuted left nasal fracture; i. multiple rib fractures (9-10-11) and mild left pneumothorax". On that occasion, Moisés spent nine days in El Salvador Hospital. On 20 November, he had to be readmitted due to a perforated lung. He was finally discharged on 10 December. The beating resulted in the loss of his left eye and retinal detachment in his right eye, as well as injuries to the body.

Based on its initial investigation, the prosecutor's office identified the 13 officials who participated in the incident, who were formally charged with the crimes of torture causing very serious injury; five were charged with having actively tortured Moisés and eight with having allowed torture to occur and doing nothing to stop it. The officer in charge of the operation was a lieutenant who was head of Section 2 of the 28th Special Forces Police Station (FF33 43-02) and is one of those who beat Moisés. Of the 13

officials charged with torture, 11 were also charged with falsifying a public document, because of the false information they gave in relation to the complaint and in their statements during the administrative process, and for obstruction of the investigation, because of their lack of cooperation during the investigation and their contradictory statements.

On December 1, 2022, the public prosecutor announced its decision to continue its investigation into seven of these officials. On 5 December, the deputy prosecutor for highly complex and organized crime at Santiago's Eastern Metropolitan Regional Office announced its decision to desist in its investigation into these seven officials, despite family and lawyer's claims that investigative actions they had formally requested remain to be carried out.

*****PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: February 24, 2023**