

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF CHILE

1. The Governments of the United States of America and the Republic of Chile agree that a dispute exists between their States concerning responsibility for the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976.

2. On January 12, 1989 the United States invoked the Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered into force on January 19, 1916, to investigate and report upon the facts surrounding the deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976.

3. The United States has sought compensation from Chile on behalf of the families of Letelier and Moffitt, on the ground that the United States considers the State of Chile is legally responsible under international law for the deaths of Orlando Letelier and Ronni Moffitt and the personal injuries to Michael Moffitt. Without admitting liability, the Government of Chile, in order to facilitate the normalization of relations, is willing to make an ex gratia payment, subject to the provisions of Paragraph 5, to the Government of the United States of America, to be received on behalf of the families of the victims.

4. The Governments of the United States and Chile agree that the amount of the ex gratia payment should be equal to that which would be due if liability were established, and should be determined by the Commission established by the 1914 Treaty, in accordance with the Compromis which constitutes the annex to this Agreement. The Governments agree that, notwithstanding the invocation of the 1914 Treaty by the United States on January 12, 1989, in light of the understandings set forth herein, the amount of the compensation to be paid shall be the sole question to be determined by the Commission.

5. The Government of Chile agrees to pay to the Government of the United States, as its ex gratia payment in this matter, the amount of compensation as determined by the Commission. The Government of Chile undertakes to make the aforesaid payment as soon as possible and after the necessary legal requirements have been fulfilled following the determination by the Commission.

6. Upon receipt of the ex gratia payment referred to in Paragraph 5 above, the Government of the United States will regard as satisfied the claim espoused in its Diplomatic Note to the Government of Chile of April 18, 1988, and any other possible civil claim of the United States Government in regard to this matter.

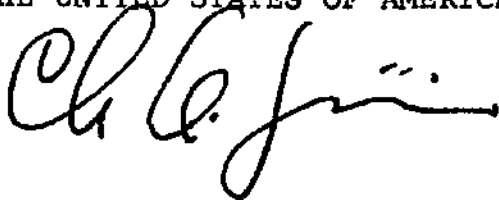
7. This Agreement shall enter into force upon notification to the Government of the United States by the Government of Chile that it has completed the proceedings necessary under Chilean law to bring this Agreement into force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Santiago, this eleventh day of June, 1990, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF
THE REPUBLIC OF CHILE:



COMPROMIS

1. The United States and Chile agree to convene the Commission established by the 1914 Treaty for the Settlement of Disputes that May Occur Between the United States and Chile, which entered force January 19, 1916.

2. The Commission shall be composed as follows:

Hon. William Mulligan
Sir John Freeland
Sr. Francisco Orrego Vicuña
Sr. Julio María Sanguinetti Coirolo
Sr. Andrés Aguilar Mawdsley, as President

Any vacancies on the Commission shall be filled in accordance with Article II of the Treaty.

3. The Commission is requested to determine the amount of compensation to be paid, ex gratia, by the Government of Chile to the Government of the United States, on behalf of the members of the families who were victims of the assassination and deaths of Orlando Letelier and Ronni Moffitt in Washington, D.C. on September 21, 1976, and for personal injuries sustained by Michael Moffitt.

4. The Commission shall determine the amount of the payment to be made by the Government of Chile in accordance with applicable principles of international law, as though liability were established.

5. The Commission shall determine its own procedures, except to the extent determined by the Parties in this Compromis.

6. Presentations by the Parties to the Commission, including all claims and supporting evidence, shall be in writing only, and shall remain confidential. Personal appearances are deemed unnecessary.

7. Following the Commission's organization, the Parties shall proceed as follows:

a. Within thirty days of the entry into force of the Agreement in accordance with Paragraph 7 thereof, the United States shall file its presentation with the Commission.

b. Within thirty days thereafter, the Government of Chile shall file with the Commission its observations on the presentation made by the United States, if any.



- c. Within ten days thereafter, the United States shall have the opportunity to comment on the observations offered by the Government of Chile.
- d. Within ten days thereafter, the Government of Chile shall have the opportunity to respond to the comments of the United States, if any.
- e. Within thirty days of the last filing of either Party with the Commission, the Commission shall convey to the Parties its determination on the amounts due from Chile in the ex gratia payment it has agreed to make.

8. The Commission shall present its decision to the Parties at a meeting to be convened by the Commission in Washington, D.C. or Santiago.

9. The Parties shall seek the good offices of the Inter-American Commission on Human Rights to provide the facilities for the work of the Commission.



SECRET