

Justification for Certification That the Conditions  
Set Forth in Section 726(b) of the  
International Security and Development Cooperation  
Act of 1981 Have Been Met

Human Rights Progress

Requirements for certification as set forth in Section 726(b) of the International Security and Development Cooperation Act of 1981 have been met. The Government of Chile has made significant progress in complying with internationally recognized principles of human rights. The former government, with its poor human rights record, was replaced in March of this year with a freely elected government committed to the full observance of human rights. Some of the more important actions taken to date that attest to this commitment are the following:

- President Aylwin appointed a Commission on Truth and Reconciliation to investigate cases of serious human rights abuses committed during the previous military regime. Its mandate is to determine compensation for the victims and their families and to recommend legal and administrative measures to prevent the recurrence of such abuses.
- The National Congress passed a law establishing the National Office of Returnees to facilitate the reincorporation of returning exiles into Chilean society.
- The National Congress established a permanent Commission on Human Rights, Nationality and Citizenship to monitor respect for basic rights.
- The Government of Chile ratified the OAS American Convention on Human Rights.

Security Assistance Relationship

The provision of assistance, articles and services is in the national interest of the United States, since lifting the prohibition on security assistance and the sale of defense articles and services will enable the United States Government and the Government of Chile to reestablish a normal relationship. This will help to develop the Chilean armed forces as an institution subordinate to and supportive of democratically elected, civilian government.

International Terrorism

The Government of Chile is not aiding or abetting international terrorism. Since President Patricio Aylwin assumed office in March, we have no evidence that the Government of Chile is aiding or abetting such activity. On the contrary, there is ample evidence that the Aylwin government is committed to full respect for human rights.

With respect to the Letelier case, the Government of Chile has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murder of Orlando Letelier and Ronni Moffitt. Since taking office, the Aylwin Government has committed itself to a strategy to pursue criminal proceedings against those Chileans alleged to have participated in the 1976 car bomb assassination. Under this plan, the Government of Chile introduced a package of judicial reform laws that would, inter alia, transfer jurisdiction of the Letelier/Moffitt case from military to civilian courts. That portion of the law was approved by the Chamber of Deputies on September 28 and by the Senate on November 15. A high level GOC official has assured us that provisions transferring jurisdiction cannot now be modified or deleted, this law will be enacted as final legislation soon and that President Aylwin will sign it immediately thereafter.

The Government of Chile has also committed itself to request the Supreme Court's appointment of a special investigating judge ("ministro en visita") to try the case as soon as President Aylwin signs the bill allowing transfer of jurisdiction over the case. Under Chile's civil law system, the judge will have broad powers to gather evidence and question those with relevant information.

In addition, the Ministry of Foreign Affairs has taken other action related to the Letelier case by conducting an administrative investigation into the matter of issuance of falsified passports during the previous government. The results have already been turned over to a civilian court for further investigation.

Although Section 726(b) solely addresses the criminal aspect of the Letelier/Moffitt case, the Government of Chile has also agreed to consider the question of civil compensation for the families of the victims. In June 1990, the United States Government and the Government of Chile signed an agreement to create an international commission that would

determine the amount of compensation the Government of Chile would award the families on an ex gratia basis. The request for ratification was submitted to the Chamber of Deputies on August 1. The relevant committee is scheduled to complete its review by the end of November. President has designated this as a "urgent" matter; upon which the Chilean Congress is to act within 30 days. Now that significant movement on passage of the law transferring jurisdiction from military to civilian courts has occurred, we anticipate that the Government of Chile has the support it requires to take prompt action on ratification of the compensation agreement.