**Panel Presentation by**

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Side event at part of Human Rights Council

**« 50 years after the Military Coup:**

**Chile and the United Nations mechanisms to support victims of torture, enforced disappearance and extrajudicial executions »**

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Honourable Minister, Madame Chair, Excellencies, Colleagues and Friends,

I thank the Government of Chile for the kind invitation to present at this important anniversary event.

As I was researching for this presentation, I started by reading a range of testimonies of victims and survivors, and their families, of Chile’s military dictatorship. I wanted to share a small fraction of the story of Mia:

“At the time of my father’s disappearance, my mother was seven months’ pregnant with me. It was difficult for my mother to be on her own without him. When he did not return home one day, she searched tirelessly for him. I’m told that his case is now closed as there is insufficient information as to what happened to him. What I know is that he was arrested with two other people. These is no news about them either.

For me as a daughter, it has been difficult to grow up without a father. I only have four photographs and the memories of those who talk about him, so I have had to construct my own image of what kind of man he was.”

This is the sobering testimony of Mia, daughter of one of the thousands of disappeared persons in Chile. Her story is taken from an anthology of testimonies, and I’ve changed her name to protect her privacy.

The personal toll on those left behind to carry on must be remembered. The suffering of family members from this period has been recognized itself as a form of inhuman or degrading treatment.

That’s why we’ve gathered here today: to reflect on the legacy – and the learnings – of the darkest period in Chile’s history.

Chile’s story, and Mia’s story, are regrettably not unique to Chile. Latin America was the world’s torture hotspot in the 1970s and 1980s, but torture was also being perpetrated in many other places, in different guises, both before and after Chile. Torture has been perpetrated as genocide, as slavery, as apartheid, as war crimes and crimes against humanity, and in peacetime, in war time and during other emergencies.

What is noteworthy about Chile is the legacy. We heard from the Honourable Minister of Foreign Affairs, Her Excellency Antonia Urrejola, about the national efforts being undertaken to establish a torture-free future. The experience of Chile is also an important case study because it led to our international commitment to put in place a robust system of rules and mechanisms to curtail the risks of torture and respond to such egregious acts for future generations. The global response to that period is a reminder of what can be done when we are committed enough.

One of the most concrete legacies is the adoption of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was negotiated from 1977 until 1984. It entered into force in 1987 with 20 States parties. The Convention now has 173 States parties!

The Convention gives us the framework of the five “Ps” as I refer to them, which underpin and guide all our actions on torture:

* PREVENTION
* PROHIBITION
* PROSECUTION
* PUNISHMENT
* PROTECTION (AND PARTICIPATION) of victims and witnesses.

UN Member States at the time knew that the Convention would take some time to enter into force and gain worldwide universality, and so the position of UN Special Rapporteur on Torture was born in March 1985, with an initial one-year term, later extended to 3 years, and which has been renewed without interruption. The mandate of the Special Rapporteur on Torture is up for renewal at this Council session; and will enter its 40th year in 2025.

After the Convention, the Optional Protocol to the Convention against Torture followed in 2002.

As the current Special Rapporteur on Torture, and the first woman to occupy the position, let me highlight two of my functions and explore their origins.

First is the communications procedure, in which my mandate is able to intervene on behalf of victims and survivors with their governments. This was an innovation of the first Special Rapporteur, Mr. Peter Kooijmans of The Netherlands, who communicated with States on allegations he became aware of, and appealed for their urgent action. This function was in embryonic form already under the Special Rapporteur on Chile, Justice Abdoulaye Dieye of Senegal, but he had faced strong opposition from States saying it was outside his role.

My mandate continues to experience opposition to these letters of allegations, either through direct rejection of the content or through silence. For me, these communications should be seen as a way to be in touch with governments, to raise specific cases or ring the alarm, and to operationalize the five “Ps”. Additionally, they a way that I can be a witness and establish a record for later actions, notwithstanding that I do not take a view as to the accuracy or culpability of the allegations.

The second function of my office that I wanted to mention today is the country fact-finding visits. Regrettably funding only allows two visits per year. I am pleased to confirm that I will undertake a country visit to Chile this year, and I wish to thank the Minister and her Government for their readiness to receive me. I look forward to meeting with officials, national institutions, civil society as well as victims and survivors of old and new incidents of torture and ill-treatment. The main goal of these visits is to provide useful recommendations.

Before concluding, let me mention one final legacy arising out of Chile’s experience, and that is the birth of “universal jurisdiction” arising out of the Pinochet trials, including the pursuit by Spanish courts for his extradition to face trial, and the now famous United Kingdom case. Of great significance for international law, the latter case rejected head of State immunity for certain crimes and established that the principle of universal jurisdiction allows for the extradition and prosecution of individuals for crimes committed in other countries.

Universal jurisdiction has grown exponentially as an effective, albeit complex, mechanism to prosecute alleged offenders for torture and other international crimes. Ultimately however, universal jurisdiction is no substitute for national prosecutions and the primary responsibility of States, which is the subject of my forthcoming report to this Human Rights Council (A/HRC/52/30). Regrettably, Pinochet died prior to his prosecution by Chilean courts.

To conclude, Madame Chair, I speak for all of us with deep regret for the era of darkness lived through by so many Chileans, and with admiration for the efforts taken to restore Chile as a rights-respecting and decent society. We cannot take the present for granted, so we must keep working at it and not let complacency creep in. I end with the words of Mia,

“We will not allow our loved ones to be forgotten by history.”

Indeed, we cannot afford to.

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