



Legacy of dictatorship - Impunity in Chile

On October 25, 2020, the Chileans made a historic decision through a referendum. They voted for the replacement of the 1980 Constitution adopted during Augusto Pinochet's dictatorship with the Constitution based on democratic values. The 1980 Constitution has become a reason for numerous injustices committed during the authoritarian regime. Even overthrowing the dictatorship could not deal with the harmful norms envisaged in it, as the 1980 Constitution remained in force. Therefore, the democratic government of Chile was facing a paradoxical situation: they had to restore democratic order and the rule of law despite the existence of the 1980

Constitution and institutions created during the dictatorship. The path to restoring justice was not easy. That is why the referendum of October 2020 reminded the world once again of Chile's experience in its search for democracy.

Everything began in 1973 with the military coup when Chile – a country with a democratic history – became the victim of the most brutal dictatorship in the world. During 17 year rule of the military junta, the government of Augusto Pinochet committed systemic violations of human rights, including the forced disappearance of persons, torture and murders. However, despite the attempts of the military junta to avoid the responsibility, through its democratic reforms, Chile managed to implement transitional justice mechanisms. Nevertheless, the outcome - reflecting in the criminal prosecutions of the perpetrators - was reached only in a decade after the democratic government came to power.

“Pinochet effect” as usually called the effect of his arrest in 1998, changed the view of the international law regarding the immunity and privileges of a head of state in the context of grave violations of human rights. However, this historic event is often partially mistakenly connected to changes implemented in Chile after October 1998 in relation to human rights. In fact, significant legal or political movements were triggered by a combination of various factors and events.

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