



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva



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Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and refers to the communication sent by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions on 8 August 2025, Ref. AL DEU 3/2025.

The Permanent Mission of the Federal Republic of Germany is pleased to transmit herewith the response of the Government of the Federal Republic of Germany.

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) the assurances of its highest consideration.

Geneva, 17. Oktober 2025

To the
Office of the High Commissioner for Human Rights
Palais Wilson
Geneva

Response of the Federal Republic of Germany

to the

Joint Communication from Special Procedures – Office of the High Commissioner for Human Rights

Ref.: AL DEU 3/2025

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

The Government of the Federal Republic of Germany thanks the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions for the questions and observations brought forward in the joint communication AL DEU 3/2025 sent on 8 August 2025 and has the honour to respond as follows:

The crimes committed in the former “Colonia Dignidad”¹ brought profound suffering to many individuals. German nationals played a decisive role in establishing and maintaining a system that enabled the gravest human rights violations, ranging from systematic violence, deprivation of liberty, exploitation and sexual abuse to collaboration with the Chilean military dictatorship in torture, enforced disappearances and murder.

Civil society organisations, academia, private initiatives, victim associations/organisations and others have done invaluable work in helping to address the crimes committed in connection with the former “Colonia Dignidad”. The Federal Government values this work and is grateful for it.

The Federal Government acknowledges that German institutions at the time did not act with the necessary determination to help uncover and possibly prevent crimes and offences connected with the former “Colonia Dignidad”. Several well-known alleged perpetrators were ultimately not convicted in Germany due to various juridical impediments. In light of this, the Federal Government declares its understanding of – and its continuing solidarity with – the dissatisfaction and frustration felt by victims and individuals concerned.

In 2016, former Federal Foreign Minister ██████████ publicly acknowledged the Federal Government’s moral responsibility for the crimes committed in the former “Colonia Dignidad” and initiated an intensive process of reappraisal. Since then, the Federal Government has intensified its measures to support the victims, to assist research and criminal investigations into the crimes, and to preserve the memory of the victims.

The former “Colonia Dignidad” remains an important issue for the Federal Republic of Germany and an integral element of bilateral German-Chilean relations. The Federal Government continues to be committed to the regular meetings both with the German Parliament (Bundestag) and with the Chilean Government within the framework of the Joint Commission (“COMIXTA”). High-level political visits by then Chancellor ██████████ in January 2023 and Federal President ██████████ in March 2025 have prominently addressed the joint work on the former “Colonia Dignidad”. In a meeting unprecedented in this format, President ██████████ spoke with various representatives of victim

¹ The term “former `Colonia Dignidad”” refers to the “Sociedad Benefactora y Educacional Dignidad”, which renamed itself “Villa Baviera” in 1988.

groups and experts about current issues regarding the former “Colonia Dignidad”. He gave an assurance that the Federal Government would continue to work closely with the Chilean partners to ensure that the victims are remembered with dignity.

The substantial financial contributions made by the Federal Government amounting to EUR 8.35 million from 2007 to 2024 are also a sign of its strong commitment to its work regarding the former “Colonia Dignidad”. One particularly important concern is to provide psychological and financial support to victims. Between 2006 and 2013, the Federal Government put forward various measures to facilitate the reintegration of victims of the former “Colonia Dignidad” into Chilean society. In the following years, the Federal Government intensified its financial commitment. Since 2019, an aid fund has granted needs-based, relevant assistance payments of up to EUR 10,000 per person to 190 victims. According to beneficiaries, this support has made a palpable difference in their lives, e.g. by enabling them to make important investments in housing. The “Fund for Care and Old Age” , under which victims can also receive financial support for care and psychiatric or psychological support, has been in place since 2024. The first recipients are already receiving tailored support services from this fund.

Germany reaffirms its commitment to advancing the process of addressing the crimes committed within the former “Colonia Dignidad” and to supporting the victims. In this endeavour, we will cooperate closely with the Chilean Government and remain receptive to voices from civil society, academia, private initiatives, victim organisations and others, who have done invaluable work in helping to address the crimes committed in connection with the former “Colonia Dignidad”. The Federal Government thanks all those who have contributed to addressing the crimes committed at the former “Colonia Dignidad” for their important efforts.

2. Please provide information on the status of implementation of the four points set out in the Memorandum of Understanding and conferred as tasks on the commission, i.e.

In 2017, the “Chilean-German Joint Commission to address the historical memory of ‘Colonia Dignidad’ and the integration of victims into society” (COMIXTA) was established to assist in investigating the former “Colonia Dignidad” and help integrate the victims into society. To date, 15 biannual meetings have been held. As will be described below, a number of concrete steps have been taken with regard to historical investigation and forensic clarification. The main task of COMIXTA is to establish a documentation centre and memory site remembering the crimes committed in the former “Colonia Dignidad”.

To this end, as described in the Joint Communication, the Chilean side initiated the process of expropriating part of the site. In 2025 an expropriation decree was issued. The Federal Government remains open to discussing the complex issue of the design of the memorial, the legal form of a possible sponsoring organisation, financial questions and the involvement of the “colonos” (former members of “Colonia Dignidad”) currently living on-site.

A crucial aspect is the involvement of the various victim groups. The heterogeneity of the interests of these groups, and in some cases within these groups, is a challenge for both the design and the implementation of a future memorial site. Here, steady steps towards a solution that is acceptable and sustainable for as many stakeholders as possible are of crucial importance, even if this comes at the expense of speed. Several initiatives from civil society have laid ground for important dialogue formats

to facilitate communication between groups and individuals concerned (see “*Colonia Dignidad. Auseinandersetzung um eine Gedenkstätte*”, Gryglewski, Hevia Jordán, Stehle, Wagner 2024).

(i) to establish a documentation centre;

The Federal Government is committed to the establishment of a memorial (documentation centre and memory site) on the territory of the former “Colonia Dignidad”, which will serve to record the past of the “Colonia Dignidad” and enable a worthy culture of remembrance. Efforts to establish a documentation centre and a memory site necessarily go hand in hand. Please refer to 2. (ii) for further information on German and Chilean efforts to establish a memorial and documentation centre.

In addition, Germany is contributing to laying the groundwork for possible future exhibits in a documentation centre through scientific cooperation. For this purpose, the German Federal Foreign Office funded the project “Colonia Dignidad – A Chilean-German Oral History Archive” of the Freie Universität Berlin (FU). Together with partners in Chile, a team interviewed 64 contemporary witnesses of the former “Colonia Dignidad”, including former members, torture victims, forcibly adopted children and family members of disappeared persons, as well as experts. The video interviews have been scientifically prepared and were made available to researchers and the interested public via an online portal in March 2022. The interviews show the history of the former “Colonia Dignidad” from different perspectives.

There is a follow-up project entitled “Interactive Memories of Colonia Dignidad: A Chilean-German collaboration on historical and cultural reappraisal”, also funded by the German Federal Foreign Office. The Freie Universität Berlin and the *Museo de la Memoria y los Derechos Humanos* are working together to supplement the existing online oral history archive with life stories related to the former “Colonia Dignidad” and to promote public, scientific and cultural exchange between Chile and Germany (e.g. through joint workshops).

Key elements of the follow-up project include an interactive media station as part of a temporary exhibition planned to be inaugurated in October 2026, to be followed by a permanent exhibition and an online version in 2027. This also includes bilingual, inclusive and low-threshold workshops, publications, and bilateral encounters. During his visit to Chile in March 2025, German Federal President ██████████ was given a preview of the project before his meeting with the victim groups.

The long-term idea is to integrate this interactive exhibition into a future documentation centre on the premises of the former “Colonia Dignidad” (cf. below).

(ii) to create a memory site;

The establishment of a memorial (documentation centre and memory site) in Chile, preferably on the territory of the former “Colonia Dignidad”, is at the centre of COMIXTA meetings. During their visits to Chile, both former Chancellor ██████████ and Federal President ██████████ emphasised the need and their support for a memorial. The numerous legal and practical considerations and questions connected to the creation of a memorial site are being dealt with jointly by the Chilean and German Governments in the framework of COMIXTA.

In 2018, COMIXTA commissioned a group of two German and two Chilean experts to develop a corresponding concept, which was presented in 2021. It envisages a documentation and education centre as well as spatially separate memorial sites for the various victim groups at the site of what is

today called “Villa Baviera”. The work of the expert group was completed in November 2022, as Chilean and international guidelines deemed a fundamental redesign based on the expertise in international law to be necessary. Germany stands ready to further coordinate the concept within the framework of COMIXTA.

(iii) to cooperate to verify, preserve and evaluate traces and documents of the crimes perpetrated;

To support the investigation of the crimes committed in the former “Colonia Dignidad”, Germany has made the official documents on the former “Colonia Dignidad” up to 1996 accessible to the media and academia earlier than legally required. Instead of applying the statutory thirty-year protection period, this restriction was shortened by ten years, in recognition of the particular importance of addressing these crimes. Since then, the records have been made available while at the same time safeguarding the personal rights of the victims. The opportunity to consult the records has been taken up not only by victims and individual scholars but also by representatives of media outlets.

Germany has also supported the Chilean Government in investigating human rights violations on the grounds of the former “Colonia Dignidad”. In 2021, the Federal Foreign Office funded the analysis of soil samples from the now “Villa Baviera” site to search for traces of human DNA to find proof of the allegations that victims of the Chilean secret service were buried or cremated there. The results are classified as confidential and are only available to the Chilean criminal justice authorities.

Furthermore, the Federal Government is also willing to assist in the processing of Chilean files on the crimes committed in the former “Colonia Dignidad”. The National Archives of Chile hold approximately 40,000 documents seized in the former “Colonia Dignidad”. These are to be analysed, digitised and partly translated from German to Spanish as part of Chile’s “*Plan Nacional de Búsqueda*”. Depending on the results of the analysis, they could provide clues about people who disappeared during the military dictatorship. Germany has repeatedly stated that it will consider providing financial support for a project as soon as a project application that is ready for a decision is submitted.

(iv) to support the processes of preservation of historical memory and diagnosis of assets, companies and enterprises arising from “Colonia Dignidad”.

Regarding the German support for the processes of preservation of historical memory, please refer to the answers under (i) to (iii).

Regarding the diagnosis of assets, companies and enterprises, the German and Chilean Governments commissioned the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)* to conduct a feasibility study in 2017/2018 regarding the possibility to investigate the ownership structure of various companies today still connected to “Villa Baviera”, and to ensure that the assets could benefit the victims. However, the management of “Villa Baviera” eventually only agreed to allow the project implementer GIZ to inspect its accounts on condition that confidentiality would be assured. Against this backdrop, no further investigative study was conducted.

Due to the location and legal character of the assets, companies and enterprises arising from the former “Colonia Dignidad”, further diagnosis can only be conducted by the Chilean authorities.

3. Please provide information on the measures taken to ensure the participation of victims, and the effective consideration of their contributions and points of view, in the work carried out by the Joint Commission, as well as on the possibility of access by victims' associations and other human rights organisations to the working documents produced by the Joint Commission.

Upon the establishment of COMIXTA through an agreement between the Republic of Chile and the Federal Republic of Germany on 12 July 2017, direct participation of victims and civil society was not envisaged.

COMIXTA is not conceived as a truth commission according to the "Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity"; therefore, the principles relating to victim participation set out therein do not apply directly. The Commission is not intended as a temporary investigative body operating in disconnection with national prosecutorial authorities. Rather, its mandate is to operate within the sphere of remembrance of the crimes committed, including the establishment of a documentation centre and memory site, the provision of a forum for cooperation between the two States in preserving evidence of crimes committed on the premises of the former "Colonia Dignidad", and the support of procedures for safeguarding historical memory.

It must also be noted that the victims of the former "Colonia Dignidad" form a heterogeneous group with highly diverse perspectives regarding the concrete modalities of investigation and remembrance. These include, firstly, former residents of "Colonia Dignidad" residing (or no longer residing) in what is today called "Villa Baviera", who themselves constitute a heterogeneous group with differing interests and constellations; secondly, victims of the military dictatorship who were tortured and/or forcibly disappeared within the former "Colonia Dignidad", as well as their relatives; thirdly, Chilean children who were forcibly adopted into the former "Colonia Dignidad" and became victims of sexual violence there; and, finally, the local population in the surrounding area, including Chilean children who became victims of abuse and sexual violence. Direct participation of only selected members of the various victim groups would limit representation, whereas the broad inclusion of all relevant parts of victim groups and civil society would exceed the scope of the biannual meetings of COMIXTA and its purpose, bilaterally agreed by the Chilean and German Governments.

The parties to COMIXTA acknowledge the importance of inputs from the victim community and therefore maintain a close dialogue with them. From 2014 to 2023, the Federal Government funded a series of dialogue projects. Under the guidance of experts, these projects brought various victim groups closer together and enabled a better understanding of the needs and expectations of the different groups. The insights gained in these dialogues will be incorporated into the above-mentioned future memorial and documentation centre.

In order to improve transparency to victims and civil society, the minutes of all COMIXTA meetings since 17 November 2022, and a report on the progress made up until then, have been made publicly available in both German and Spanish. They can be found on the websites of both the German Federal Foreign Office and the Chilean Ministry of Foreign Affairs. No comprehensive working documents have been produced during the meetings.

4. Please provide information on the measures taken to ensure the accountability of the alleged perpetrators or accomplices of serious human rights violations and other crimes at “Colonia Dignidad”, to cooperate judicially with the Chilean authorities in this matter, and to implement the judgements handed down by the Chilean courts.

Due to the federal structure of the Federal Republic of Germany, the competence for criminal prosecution falls within the jurisdiction of the Federal States. Therefore, and due to the long period of time that has passed, an exact statement on the number and scope of preliminary investigations, in particular on the total number of persons suspected and the number of requests for legal assistance made cannot be given. However, it can be stated that at least three public prosecutors' offices have conducted investigations against at least thirteen German suspects in connection with the former “Colonia Dignidad”. In these proceedings, at least 17 requests for legal assistance were made to the Republic of Chile between 1988 and 2017 for the purpose of conducting investigations and obtaining information.

Furthermore, it has to be stated that, despite investigations and the presence of suspected perpetrators in Germany, there have been no criminal convictions or enforcement of Chilean judgments in Germany. In the course of the investigations German and Chilean law enforcement authorities have cooperated intensively with each other on several occasions, without findings obtained on the German side being sufficient for the German authorities responsible for criminal prosecution to bring charges or declare Chilean judgments enforceable.

Over the years, German public prosecutors have made numerous requests to Chilean judicial authorities for information and investigations. During a visit by a German delegation to Chile in 2018 which also served to promote cooperation in criminal matters, a senior public prosecutor was able to participate in interrogations on site. However, the information obtained was juridically not sufficient for the competent German authorities to prove with the degree of probability required for an indictment that the suspects had committed specific acts or participated in them.

Furthermore, from a legal perspective — with the exception of the charge of murder, which is not subject to a statute of limitations under German criminal law — there were numerous procedural obstacles, as other charges were time-barred.

With regard to the enforcement of Chilean judgments in Germany, the proceedings and the outcome in relation to the German citizen Hartmut Hopp have already been accurately reported in the Joint Communication itself. The proceedings were preceded by a request from the Republic of Chile for his extradition, which could not be granted because the German Basic Law prohibits the extradition of its own citizens. In its decision on the inadmissibility of the transfer of enforcement, the court of second instance examined the findings available on the individual charges and considered them insufficient to prove the four counts of aiding and abetting the rape of minors under the age of twelve and the 16 counts of aiding and abetting the sexual abuse of minors, for which he had been convicted in Chile. It also examined whether his position within the organization and his membership of its leadership alone were sufficient to constitute a sufficient contribution to the offense. It answered this question in the negative, since his position as press spokesman, head of the hospital, and personal physician to the main perpetrator was not directly related to the latter's actions. There was no appeal against this decision.

The German Government is not aware of any further Chilean requests for the enforcement of sentences.

5. Please provide information on any other measures not contained in this letter taken by the Government of Germany to advance the search for truth, justice, reparation, memorialisation and guarantee of non-recurrence of the violations committed at “Colonia Dignidad”, and on the consultation and participation of the victims in these processes.

With regard to the aforementioned assistance for victims of the former “Colonia Dignidad”, the Federal Government would like to provide the following additional information:

The aid fund, adopted by the Joint Commission of the German Bundestag and the Federal Government, provides needs-based assistance payments for victims of up to EUR 10,000 per person (EUR 7000 without proof of use – pillar 1, supplemented by up to EUR 3000 with proof of use – pillar 2). Implementation and payments were carried out from January 2020 to November 2024 by the International Organization for Migration (IOM). IOM advised those affected about the programme and conducted interviews, which formed the basis for the decision. Finally, the members of parliament made a decision within the framework of regular meetings with the Federal Government. The applications received have been processed in full. To date, approximately EUR 1.897 million has been paid out to those affected, 190 people under pillar 1 and 189 people under pillar 2. Further applications can be submitted via the German Embassy in Santiago.

As part of the aid concept, IOM also had the task of advising and supporting those affected in asserting existing but previously unenforced claims under German and Chilean social law and in integrating into Chilean society. This support was designed to last for five years and expired at the end of November 2024.

Until 2024, financial support was also provided for psychological care and nursing staff for the nursing station at the site today called “Villa Baviera”. This support was replaced on 1 January 2024 with individualised support for victims through the “Fund for Care and Old Age”. From this fund, victims can receive financial support for care (up to EUR 1200 per month) and psychiatric or psychological support (for up to 200 therapy sessions). The first applications have been approved and payments are being made. The benefits from this fund – as well as psychiatric and psychological support – are available to all victims of the former “Colonia Dignidad” as long as they meet the requirements of the fund.

Finally, the Federal Government promotes research into the former “Colonia Dignidad”. In 2023/2024, the Federal Foreign Office financed the translation of three dissertations on the former “Colonia Dignidad” into German and Spanish. The translation of the works “*Colonia Dignidad: entre el recuerdo y el olvido*” [REDACTED], “*Del Hospital «El Lavadero» al Hospital «Villa Baviera»*” by [REDACTED], and “*El caso Colonia Dignidad*” by [REDACTED] is intended to make these findings accessible to a wider audience and thus support the process of coming to terms with the past in both countries.

The German Federal Government remains committed to supporting efforts to address the crimes committed at the former “Colonia Dignidad”, particularly with regard to the victims’ demand for a dignified memorial site.