

# amnesty international

## CHILE

ORIGINAL

### THE BURNING OF RODRIGO ROJAS AND CARMEN QUINTANA: ARMY CAPTAIN GIVEN SUSPENDED SENTENCE OF 300 DAYS

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On 24 August a military judge gave Captain Pedro Fernández Dittus a suspended prison sentence of 300 days for unintentional homicide because he failed to transfer Rodrigo Rojas and Carmen Quintana to hospital for treatment after they had been burnt in July 1986. The ruling was made in spite of considerable evidence that the military patrol he headed had deliberately set fire to them. The mother of Rodrigo Rojas, who died as a result of the burns, described the judge's decision as "shameful and scandalous."

The case of Rodrigo Rojas and Carmen Quintana received worldwide condemnation at the time and pressure has continued for the case to be resolved through full and independent investigations. The two were arrested by a military patrol early on the morning of 2 July, 1986, a day of nationwide protests against the policies of the military government. Substantial evidence including eye-witness testimonies and forensic tests showed that they were doused in petrol by the patrol and set alight. After being wrapped in blankets and taken away by the military they were abandoned severely injured on a dirt road where they were found by workers. Rodrigo Rojas died in hospital and Carmen Quintana is still suffering the effects of the severe burns.

In sentencing Captain Fernández Dittus to 300 days, the military judge, Brigadier General Carlos Parera Silva, ignored substantial evidence presented by the lawyers of Rodrigo Rojas and Carmen Quintana and accepted the version of the army patrol that the fire started by "accident" when Carmen Quintana kicked over an incendiary device. Captain Fernández Dittus's sentence was also based on the attenuating circumstance of previous "irreproachable conduct", a fact which has been challenged by the lawyers of Rodrigo Rojas and Carmen Quintana as they believe that he was previously sentenced to 300 days for drunken driving resulting in the death of a woman in 1979.

In the course of the proceedings, the court rejected numerous complaints from the lawyers, refusing to let independent handwriting experts analyze the signatures of members of the military patrol on their declarations to the court and accepting the testimony of soldiers under the command of Captain Fernández Dittus as the only support for his version of the incident. In addition, both lawyers and witnesses for Rojas and Quintana were subject to harassment at times during the investigation.

The lawyers for Rojas and Quintana have appealed the sentence handed down by Judge Parera to the Military Appeals Court (Corte Marcial) in Santiago.

This circular updates information contained in: "The Burning of Rodrigo Rojas and Carmen Quintana: Ten Months On" - AMR 22/09/87, "The Burning of Rodrigo Rojas and Carmen Quintana: One Year On" - AMR 22/39/87, and "Second Anniversary of the Burning of Two Youths by a Military Patrol" - AMR 22/32/88.

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CHILE ACTION NETWORK

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RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. In addition, please undertake as many of the following recommended actions as possible.

CHAN GROUPS:

1. Please send a courteously worded letter to the Chilean ambassador to your country expressing your group's deep and serious concern regarding the failure of the judge to take substantial evidence, including forensic evidence, of the victims' account of the incident into consideration. Note also the unheeded legal complaints filed by lawyers for Rojas and Quintana. Express the hope that these apparent irregularities will be rectified when the Corte Marcial comes to review the case. Send copies of your letter to:

Corte Marcial  
Palacio de los Tribunales  
Plaza Montt Varas  
Santiago, Chile

2. Publicity -- ask your local news media to report on the recent developments in the case and Amnesty International's concerns.

CHAN COORDINATORS:

1. Inform the foreign ministry of your country of the decision, and ask that your government communicate its disappointment and concern to Chilean authorities.

DISTRIBUTION BY THE IS

This circular has been sent direct by the IS to: Sections and Chile/CHAN coordinators/coordination groups.

