

amnesty international

CHILE

ORIGINAL

SECOND ANNIVERSARY OF THE BURNING OF TWO YOUTHS BY A MILITARY PATROL

JULY 1988

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Two years after the events of 2 July 1986, when Carmen Quintana and Rodrigo Rojas were set on fire by a military patrol, only one member of the patrol, Captain Fernández Dittus has been charged with unintentional killing and injury ("quasi-delict of homicide and serious injuries") and he is free on bail. This, despite the fact that Carmen has positively identified several of her attackers, and despite considerable evidence that the military version of an "accident" is false.

A recent decision however by the Supreme Court (Corte Suprema) to accept a complaint (recurso de queja) presented by the victim's lawyers several months ago against the fiscal militar ad-hoc (special investigating prosecutor), Erwin Blanco, could have important implications. The military prosecutor had announced that he was going to close the preliminary investigation (called sumario), although he had refused to carry out some tests requested by Carmen Quintana's lawyers. The lawyers complained, and now the Supreme Court is expected to order the tests to be carried out. They should help to prove that Carmen and Rodrigo were dumped by the military patrol in a solitary dirt road where no help was at hand. The military have said that they left the two youths on the main road, at their own request. The tests consist in comparing strands of burnt hair found in the dirt road with Carmen's hair.

There is already considerable evidence that Carmen and Rodrigo were left in the dirt road : Rodrigo's burnt T-shirt was found there, and the workers who first discovered them have given testimony that they were wandering on the dirt road, and not on the main road. If the tests on Carmen's hair prove positive, this will show that Carmen is telling the truth about where they were abandoned, and the members of the patrol are not. It will also indicate that the military are probably lying also on other points of their testimonies.

The Supreme Court also ruled that fiscal Blanco had committed a fault in not carrying out the tests. However it refused a separate complaint by the lawyers against the refusal by the court to let them see the contents of the pre-trial investigation dossier. The lawyers have only seen the dossier once, for three days only, over a year ago.

Carmen is living in Canada and has undergone extensive surgery as a result of the serious burns to her body. She has presented her case before

the Human Rights Commission of the United Nations in Geneva and has travelled widely to publicise what happened to her. She was invited to Australia for a speaking tour earlier this year and in a speech to the Parliamentary Group of Amnesty International, she said, "I don't know what will happen in the future. You have to imagine what it means for a woman of 18 years to have burns to 65 per cent of her body. I'm thinking of continuing my studies in sociology and I will continue working for the respect of human rights."

This document updates information contained in, "The Burning of Rodrigo Rojas and Carmen Quintana: Ten Months On" - AMR 22/09/87, and "The Burning of Rodrigo Rojas and Carmen Quintana - One Year On" - AMR 22/39/87.

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CHAN 04/87/UPDATE 3 CHILE ACTION NETWORK

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OF TWO YOUTHS BY A MILITARY PATROL

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.

1. This circular has already been faxed to CHAN coordinators in Australia, Canada (Anglo), FRG, Sweden, France, USA, and Netherlands in order to ensure that some action was taken on 2 July. CHAN coordinators in other sections should distribute this document to all their CHAN groups for information. Groups who would like to undertake some letter-writing and distribute copies to journalists and other local contacts who have been previously interested in this case, can do so.

2. please send courteously worded appeals to individual members of the Supreme Court;

- expressing the hope that the investigations into the burning of Rodrigo Rojas and Carmen Quintana on 2 July 1986 will progress rapidly, so that those responsible may be brought to justice;

The appeals should be carefully worded. Please note that AI normally refrains from writing direct to the courts, except with regard to certain matters of procedure or information.

Appeals:-

Sr. Luis Maldonado Boggiano (President of the Supreme Court), Sr. Octavio Ramirez Miranda, Victor Manuel Rivas del Canto, Osvaldo Erbetta Vaccaro, Estanislao Zuniga Collao, Servando Jordan Lopez, Enrique Correa Labra, Emilio Ulloa Munoz, Marco Aburto Ochoa, Enrique Zurita Camps, Jose Maria Eyzaguirre, Israel Borquez Montero, Abraham Meersohn Schijman, Hernan Cereceda Bravo, Carlos Letelier Bobadilla, Rafael Retamal Lopez,

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and to diplomatic representatives of Chile in your country.

