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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
England

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C H I L E

POLITICAL KILLINGS: MAY/JUNE/JULY 1984

On a number of occasions in the past few years, Amnesty International has been concerned at reports that individuals have been killed by Chilean security forces or police in suspicious circumstances. In many cases, the official version of the deaths has stated that the person died in an alleged confrontation with police or security forces. In others, the bodies have been found abandoned showing signs of torture. An Amnesty International document issued in 1981, Political Killings Involving Members of the Security Forces (AMR 22/52/82) gave details of ten such cases.

In these and other subsequent killings, strong doubts have emerged about the official version of the deaths. In the case of Héctor Correa, for example, according to the initial police statements which were widely reported in the media, he was an "extremist" shot in an exchange of gunfire in Santiago on 28 December 1981. It was later shown that he was not armed at the time of his death and a plainclothes policeman was charged with his murder.

The majority of cases, however, remain unclarified. In some, although the doubts may be well-founded, the lack of conclusive evidence has made investigations virtually impossible. Where investigations have been initiated by the courts, they have been slow and usually inconclusive because of the courts' lack of willingness to pursue evidence suggesting involvement of security forces, and also because of the failure of the security forces to cooperate with the courts. On a number of occasions police or members of the Central Nacional de Informaciones (CNI - Chilean secret police) have been charged by the investigating judge, only for the charges to be revoked by the full court.

In the past three months, eight people have died, seven reportedly shot dead in confrontations with police or security forces and one allegedly blown up while planting a bomb. Relatives and friends of each have challenged the official versions of the deaths and denied that the victims were involved in "terrorist" or "extremist" activities as alleged by the authorities. A ninth person narrowly escaped being killed and lived to tell how he and his wife, subsequently blown up in a bomb explosion, had first been arrested and beaten up by individuals thought to be members of the security forces.

María Loreto CASTILLO MUÑOZ; Jorge MUÑOZ NAVARRO

On 17 May, the CNI announced that Jorge Muñoz Navarro had been shot dead in an exchange of gunfire with the CNI when he was discovered planting a bomb under an electricity pylon at about 1.00a.m the same day. The following day, the CNI issued a statement that a "women terrorist" had been blown up in the early hours of the morning of 18 May while planting a bomb under an electricity pylon. The body, which was very badly mutilated by the explosion, was identified more than a week later as that of María Loreto Castillo Muñoz, whose husband, Héctor Muñoz Morales, was an acquaintance of Jorge Muñoz Navarro. The two deaths coincided with the entry into force of new anti-terrorist legislation.

At a press conference on 4 June with lawyers and other representatives from the Vicaría de la Solidaridad (a church human rights organization), Hector Muñoz Morales challenged the CNI's version of the two deaths and told how he and his wife had been arrested in the street on 16 May by a group of armed civilians and first taken to what appears to be a secret detention centre for interrogation. He said they were then taken to a hill somewhere in Santiago where they were both very badly beaten. He described how he fell unconscious several times and at one point when he woke up he found an explosive device lit beside his body, his wife and captors no longer there. According to his testimony, he managed to throw the device away from him and was eventually taken to hospital, from which he was discharged on 21 May. Two days later he went to the Vicaría for protection. A lawyer from the organization said that when he arrived there his face was covered in bruises, he had stitches in his head, his eyes were still very swollen and his right ear badly mutilated as a result of the beatings he received.

On 25 May, María Loreto's twelve-year-old son, together with his grandmother, identified clothing found after the 18 May explosion as that of María Loreto.

During the press conference, Héctor Muñoz said that the fact that his captors were wearing yellow arm bands and were armed had led him to believe that they were members of the CNI. They had told him that they were "police". He denied that he or his wife were involved in political organizations and emphasised that his wife was "terrified" of the protests which had been taking place. The CNI later denied allegations that they had been involved in the arrests or the killings and accused Héctor Muñoz of trying to bring the CNI into disrepute.

On 16 June Héctor Muñoz left the country because of fears for his safety. Although the government denies that there are any grounds for such fears, his lawyers have said that on the few occasions when he went out into the street, accompanied by lawyers, he was under surveillance, followed and on one occasion deliberately jostled by a group of civilians. At the beginning of June, stories appeared in the press quoting "reliable sources" that there was evidence that he was a member of the Movimiento de la Izquierda Revolucionaria (MIR - Movement of the Revolutionary Left) and that he had taken part in "subversive" actions. However, on 14 June, the Interior Ministry informed the Appeals Court that no warrant had been issued for his arrest and that there were no charges pending against him. As soon as he left the country the same ministry is said to have handed over to the courts information about Muñoz's "highly subversive activities" as a member of the MIR.

Although there is no evidence to suggest that Jorge Muñoz Navarro was arrested before his death, both Héctor Muñoz and relatives of Jorge have questioned the reports that he was shot dead during an alleged confrontation and pointed out certain irregularities. Héctor Muñoz alleged that he had been with Jorge a few hours before his death and that at the time, it appeared that they were under surveillance. Jorge's relatives allege that in spite of the fact that he was carrying his identity card at the time of his death and that the media widely reported his name in the press, when the family later went to identify the body at the Instituto Médico Legal (Forensic Institute) it had been registered "NN" (name not known.) They allege also that when they saw the body, the face looked flattened, some of his teeth were missing and it appeared as if he had received a heavy blow to his forehead.

Acting on requests submitted to it by both the Interior Ministry and by relatives of the two victims, the Santiago Appeals Court has appointed a special judge (ministro en visita) to investigate the deaths. The families have also submitted a request for legal proceedings (querrela) for their kidnap, torture and murder. Héctor Muñoz has also submitted a querrela against those responsible for or his kidnapping, torture and attempted murder.

Extracts from Héctor Muñoz Morales' testimony are appended to this circular.

Héctor Patricio SOBARZO NUÑEZ; Enzo MUÑOZ AREVALO; Patricio Sobarzo was a founder member of AGECH, a teachers' association, an active member of CODEPU (Comité de Defensa de los Derechos del Pueblo - People's Rights Committee), and president of the Agrupación de Profesionales Democráticos (Group of Democratic Professionals).

The official version of these two deaths states that around midnight of 2nd July, the CNI intercepted a vehicle with four occupants which failed to stop when ordered to do so. There was an exchange of gunfire and Enzo Muñoz and Patricio Sobarzo were killed. The two other occupants are said to have fled.

At least eight witnesses have since come forward and given the following account which contradicts the CNI's version of the incident. They say that two men, presumed to be Sobarzo and Muñoz, drove up and parked their car at around midnight in avenida José Alessandri. The person who wasn't driving got out and went to make a phone call at a nearby phone box. The other man waited in the car. Witnesses said there were only two people in the car when it drove up and not four as alleged by the CNI. Suddenly several men in civilian clothes wearing red armbands and carrying submachine guns got out of a taxi and surrounded the parked car. One of the agents machinegunned the driver (believed to be Muñoz) and more shots were then fired from another type of gun. The driver fell out of the door and remained lying on the pavement perpendicular to the car. At the same time the person making the phone call was thrown to the ground by one of the agents. He fell face down and was then brutally beaten. He was made to stand up with his hands in the air and searched, and then forced violently into a taxi. He was dragged out again while being beaten and then forced to get into a white van and driven to another street where he was shot dead.

The witnesses allege that more than fifty civilian agents and fifteen vehicles took part in the operation, and that at about 1.30a.m. uniformed and plainclothes police arrived at the scene of the incidents. The civilian agents are said to have stripped the body of the driver, taken finger prints and then changed his position so that he was parallel to the car.

Lawyers acting on behalf of relatives of the two men have submitted a querrela to the 14th Criminal Court (14^o Juzgado del Crimen) alleging that they were murdered.

Ana DELGADO TAPIA; Juan Manuel VARAS SILVA

Ana Delgado and Juan Manuel Varas were, according to the CNI, shot dead during an alleged confrontation with CNI agents a few hours after the deaths of Patricio Sobarzo and Enzo Muñoz. The two victims were said to be among a group of four people, three of whom are said to have shot at the CNI while the fourth threw a grenade. The two who were not killed reportedly escaped. Unconfirmed reports say that Ana Delgado and Juan Manuel Varas may have been shot dead while gagged and with their hands tied together. Amnesty International is not aware of any action being taken so far before the courts related to their deaths.

Oscar Eugenio TAPIA LEYTON; Arnaldo FLORES ECHEVERRIA

According to police, the two men, described as "extremists", were shot dead during an exchange of gunfire with plainclothes police when they were disturbed lighting the fuse of a bomb on 10 June. Arnaldo Flores died instantly but Oscar Tapia lay bleeding for forty-five minutes before an ambulance arrived. He reportedly died on the way to hospital. The homes of the two men were raided by armed civilians in the early hours of the morning and a brother of each arrested and detained for a few hours. Oscar Tapia's wife alleged that her husband had left the house to buy some medicine for her as she was suffering from pregnancy complications. He had said he would return immediately but never came home.

It is not known whether any legal action has been taken before the courts concerning these two deaths.

Although few details are available about the deaths of Ana Delgado Tapia, Juan Manuel Varas Silva, Oscar Eugenio Tapia Leyton and Arnaldo Flores Echeverria, Amnesty International believes that the killings should be fully investigated by an independent body in order to establish the circumstances surrounding each one.

Appendix

Extracts from the Testimony of Héctor Muñoz Morales

While Amnesty International is not in a position to vouch for the veracity of Hector Muñoz's testimony, many of the details of his description of events are consistent with many other testimonies received by the organization in which people have given an account of their detention and torture by members of the Chilean security forces, often believed to be members of the CNI.

"On Wednesday 16 May, I was walking along Domingo Santa María Street where I met, in a square, Jorge Muñoz. He was with a friend. We greeted each other, walked for a while and then went into a restaurant for something to eat. Three men entered the restaurant. Jorge said to me that they were very strange. I said to him jokingly, "Are they following you?" After a while I left. Jorge stayed in the restaurant with his friend.

When I left, I went to the centre to see a heater I wanted to buy on credit. I was there quite a while and then went home. I talked to my wife, we fed the children and put them to bed.

We had run out of bread, so we decided to go and buy sopaipillas (similar to pancakes) at the corner of Callejón Lo Ovalle and Valparaíso streets...We were walking back along Abarquill|Callejón Lo Ovalle. Half a block away from Callejón Lo Ovalle there was a car parked with the doors closed. I didn't pay any attention to it. We carried on walking and just as we passed by the car - a small white car - the door opened and a group of men wearing yellow armbands and carrying firearms got out. One of them, a thin man with a moustache, bony features and black curly hair, was carrying a submachine gun. He pointed it at my neck and pushed me against a wall. Another put his hand on my face. I saw four more men running towards us carrying arms. A Subaru car sped across, went up onto the pavement a little. They got hold of my hair and dragged me into the Subaru. I felt my wife falling in beside me. I was going to turn round to protest but one of the men got on top of me, put his knee in my back and threatened me with a pistol.

Then they put adhesive tape over my eyes and the car set off. They handcuffed my hands behind me.

After about half an hour driving around we arrived somewhere, I have no idea where, but there was a big gate which they opened. We went in. One of them put

a sort of scarf over the adhesive tape and took me in [to a building]. We went up about five steps and then down several more. We arrived at a big room, like this one...Radio Cooperativa was on...I could hear a lot of people walking around.

I didn't know where my wife was. Then I recognized her steps. They took my watch, identity card, money, everything. They handcuffed me again and took me to the beginning of a staircase where the steps were very high but the staircase itself was small. They took me up eight or ten steps. We arrived at a small room where there was a kind of wooden campbed, with a mattress on top. They sat down and began to ask me about someone I didn't know. They accused me of having put bombs in the Metro, on the lines, all of which I denied. I had no idea what they were talking to me about. They slapped me a few times round the head.

This went on for about ten minutes when another, shorter man came in. I think he was carrying some papers in his hand. He spoke slowly. One of them took me downstairs again. They put my watch back on, gave me back my identity card, money, keys and everything, and took me outside.

I had no idea where my wife was. I was put into the Subaru again, this time sitting down but with my head lowered, still blindfold. I heard them sitting someone else beside me. I felt behind me to the side and touched my wife's jacket. We didn't say a word. The car set off. I don't know how long we had been moving when one of them grabbed hold of my hair and said "we are going to see a house, fatso, and you are going to tell us who is the owner."

I didn't say anything, and we carried on. We stopped by the side of the road and I was made to get out. I heard vehicles; my captors threw me to the floor. We began to climb a hill, there was a lot of undergrowth. We went through some kind of railings and carried on going uphill.

I realized they were going to kill me. I began to struggle and to shout not to kill me or my wife. I felt a piece of metal against my head and I heard a kind of shot. I fell unconscious for a while, then I came round slightly.

I was no longer blindfold or handcuffed, and could see my wife a little way off with her back to me. One of them had his knee on her stomach and was beating her on the head and face with a type of long iron bar. I lost consciousness again and then I felt myself being dragged uphill. We arrived at the foot of an electricity pylon. I opened my eyes again, gained consciousness a little and saw them dragging my wife down hill. I felt some heavy blows to the head and ear and neck. I think it must have been the same iron bar they used to hit my wife. Then I lost consciousness again.

I don't know how much time went by. When I came round again, there was a strong smell of burning. I looked to see if they were still there and to see if my wife was still on the ground. She wasn't.

About five centimeters away from my body I saw a big packet with smoke coming from it. I looked and saw a big fuse and some large candle-like objects. I realised they were explosives, grabbed the fuse and threw it down the hill. I tried to drag myself uphill. But I didn't get very far because I felt dizzy and sick. Everything looked hazy.

I walked sideways and sat down and tried to roll down. I arrived at the side of the path, crossed it and looked around. There was no-one around. On the other side of the path there was a kind of river, like a canal. There were some stones. I went down, crossed the canal and arrived at some uncultivated land which I proceeded to walk through. I saw a sort of house with a light on. I ran towards it thinking there would be people there. I fell several times. There was no-one there. It was a gatekeeper's house. Yes, the light was on and there was a big gate, and a high wire fence which I couldn't get over. I saw to one side a stream running through a

hollow. I threw myself down, passed by there and arrived at a sector where there were several houses, big upper class houses.

I rang a bell but no-one answered. I rang the bells of four houses. Someone put their head out of the window of one of them and started swearing at me. I couldn't speak very well and everything looked misty.

I carried on running, arrived at a square, fell over and dropped all my documents [probably identity papers]. I didn't bother to pick them up..I arrived at a crossroads and tried to stop a taxi; he wouldn't take me...

After a while I heard a police van. The police asked me what had happened to me. I was afraid so I told them I had been attacked....I fainted again and when I woke up, vomitting, I was in hospital. I couldn't see as my eyes were very swollen and wouldn't open

On 21 May I left hospital and was taken to the house of a relative, where I stayed for two or three days. When I was more or less recovered and could open my eyes, I came here [to the Vicaría] to ask for protection.

The last time I saw my wife was when she was being beaten by our captors on the hill. Later I learned that she had been found dead and that the same day Jorge Muñoz had died in an alleged confrontation..."