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HUMAN RIGHTS IN CHILE: THE ROLE OF THE MEDICAL PROFESSION

Thirteen years after the military coup which brought the present Chilean government to power, human rights abuses remain widespread and occur with the apparent approval of the authorities. Torture, detention without trial, banishment, deaths of government opponents in detention and in alleged armed confrontations, and harassment of church and human rights workers all remain issues of concern both within Chile and at an international level. Campaigning against these abuses are a number of human rights groups, legal and medical support groups and professional associations, notably the Colegio Médico de Chile (CMC: Chilean Medical Association).

Reports of torture in Chile have been a continual cause of concern to AI since the 11 September 1973 military coup. Testimonies from former detainees give a consistent picture of the practice of torture in Chile. Individuals are detained usually in a violent manner without legal warrant, are blind-folded and taken to a detention centre, frequently a secret centre of the Central Nacional de Informaciones (CNI: Chilean secret police), where they are medically examined, subjected to prolonged interrogation, and usually tortured by a number of different methods, the most usual being beating, electricity, submarino <1> , and severe psychological stress. The involvement of a doctor or other health professional in the process of torture is in contravention of internationally agreed ethical norms and has prompted the Colegio Médico de Chile to carry out detailed investigations of allegations made in respect of the behaviour of a number of doctors.

INVOLVEMENT OF DOCTORS IN TORTURE

Evidence available to Amnesty International suggests that, in Chile, it is common for a doctor to play a key role in torture sessions <2> by

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- <1> The immersion of the victim's head in liquid (usually polluted) to the point of suffocation. A variation is the use of a plastic bag to induce a feeling of suffocation - so-called "dry" submarino
- <2> While it is common for a doctor to be involved in torture, the number of doctors so involved is probably a very small fraction of the profession as a whole. The current CMC investigations focus on about 20 doctors

assessing the detainee's capacity to withstand torture through medical examination prior to the torture sessions

advising a halt to torture when it could lead to the possible death of the victim

attempting to minimise the external signs of trauma to the body

and by issuing false medical statements asserting that the detainee left the detention centre in good health.

In 1983, AI published a report of a three-member delegation to Chile, Chile: Evidence of Torture, in which 14 of the 19 individuals whose cases were documented therein alleged that while in detention they had contact with a person they thought was a doctor. In 1984, AI published a number of accounts of torture given by individuals who had been detained in 1983; again, similar allegations were made. For example, one of four detainees examined in Arica, northern Chile, in August 1983 by a doctor working with the Chilean Human Rights Commission, alleged that he had been taken to a room in the detention centre and stripped naked:

"Here the doctor examined me all over, measured my blood pressure and said: 'He is suffering from arterial hypertension', and other things I didn't understand. . .

"I would like to point out that after the thorough medical examination carried out by the physician who authorized the torture and as a result of his diagnosis that I was suffering from arterial hypertension, the brutal beatings stopped and the interrogation continued on the basis of threats to my family and particularly to my daughters."

Another of the Arica detainees alleged:

"I was again taken to the first room, undressed and examined by the doctor, who even measured my blood pressure. At this point, I could hear little as the slaps I had received on the ears and the noise of the music had left me somewhat deaf. Then another interrogation expert, I think, came in and asked, 'Have you examined this one yet? Is he good for a going over?' The answer was affirmative."

In other cities and other detention centres the pattern remains the same: a woman arrested in Valparaíso in October 1983 testified that when she was found to be bleeding from the vagina after torture "they took me down to the torture room again, made me lie down on a bed and tied my arms; the doctor examined me internally and gave me a pill, and so they left me till the next day when they took me to the Prosecutor's Office". A male detainee arrested at the same time alleged that he had been asked by "someone who appeared to be a doctor" about previous illnesses, about the symptoms and about the medication he was taking. After examining him with a stethoscope and asking if he suffered from asthma, he "called out that [the detainee] 'could take it'".

Three detainees arrested by the CNI in February 1985 in Valparaíso also make reference in detailed torture testimony to examinations and the presence of a doctor who, in the case of a female detainee, examined her naked in the presence of seven male interrogators. <1>

In October 1984, the CMC announced that it had suspended for one year a doctor who had signed a false medical certificate stating that a woman detained by the CNI in Rancagua in April 1982 was in good health. At that time it was investigating several other cases. A second doctor was later suspended from CMC membership also for falsely certifying a detainee's state of good health. Two doctors connected with the case of the death in detention in 1979 of a teacher, Federico Alvarez Santibañez, were expelled from the CMC. Sr Alvarez had sustained massive trauma, including a fracture to the skull while held incommunicado by the CNI in Santiago for six days and died less than seven hours after admission to the intensive care unit of the Posta Central hospital on 21 August 1979. The expelled doctors were found by the CMC inquiry to have falsely certified that Sr Alvarez was in good health on leaving the CNI centre just hours before his death.

Investigations into the conduct of some 20 other doctors denounced to the Colegio are being undertaken by the CMC Ethics Committee.

As one response to these continuing allegations of medical involvement, and at the same time as resolving to investigate the matter, the Colegio Médico de Chile took the unusual step of publishing, as a paid advertisement in the Chilean daily newspaper El Mercurio (27 November 1983), the complete text of the World Medical Association's Declaration of Tokyo (see Appendix 1). <2> It was preceded by an explanatory note saying that the decision to print the text was taken to "make the position of the physician concerning torture known publicly so that everyone would henceforth know how to confront their responsibility should they be faced or have been faced with the practice". <3>

In addition to the work being done within the CMC to promote observance of medical ethics and human rights, doctors and other health workers are active in numerous human rights bodies including the Catholic Church's Vicaría de la Solidaridad (Vicariate of Solidarity), The Comisión Chilena de Derechos Humanos (Chilean Human Rights Commission), the Fundación de Ayuda Social de las Iglesias Cristianas (FASIC: Foundation for social aid of the Christian churches), the Comisión de Defensa de Derechos del Pueblo (CODEPU: Commission for the defence of the rights of the people), Fundación para la Protección de la infancia dañada por los estados de emergencia (PIDEE: Foundation for the Protection of children harmed by the states of emergency) and the Comisión Nacional Contra la Tortura (National Commission Against Torture).

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- <1> See AI document AMR 22.18.86, May 1986
- <2> The WMA's Declaration of Tokyo sets out the doctor's obligations towards detainees as well as the Association's position on torture.
- <3> "Nuestra intencion es dejar publica constancia de cual es la posicion del Médico ante la tortura, con el fin de que mañana cada cual sepa enfrentar la responsabilidad que pueda haberle cabido ante tan indamante practica."

ATTACKS ON DOCTORS WORKING FOR HUMAN RIGHTS ORGANIZATIONS

Members of the medical profession have been among the thousands of victims of violations of human rights, many as a direct result of their work with human rights organisations. Following the mass detentions which followed the military coup of 11 September 1973, and in the first few years of the military government, many doctors, medical students and other health workers disappeared, were detained and tortured and/or forced into exile <1> .

In recent years, doctors working in association with human rights bodies have been subjected to harrassment, attack and detention, sometimes with serious charges either being laid or held as a threat against them.

Dr Juan Restelli Portugues, elected president of the Arica branch of the Chilean Human Rights Commission (CCDH) in January 1984, was the subject of an intimidatory attack in February 1984 when an incendiary device destroyed his car. The attack appeared linked to his human rights work and in particular to the cases of four political prisoners who had alleged that they had been tortured while being held by the CNI in Arica. Dr Restelli had examined them and given them medical assistance in August 1983 and had documented trauma consistent with their stories. After the bombing of his car, which occurred in the month following his election as president of the Arica CCDH, an account of the attack was published by the Arica Regional Council of the CMC; the local newspaper had refused to publish the account in full (see appendix 2). On 23 December 1984, he and 16 others from Arica, including the secretary of the Arica Regional Council of the CMC, Dr Ricardo Godoy, were banished to remote regions of the country. In April 1985, shortly after his return to Arica, Dr Restelli (and a number of others who had been banished with him) received a threatening letter from a group calling itself the Comando Anti-Comunista (Anti-communist Command). After a formal application to the courts, Dr Restelli and others were placed under the protection of the Carabineros (uniformed police).

 <1> In a paper delivered during a human rights colloquium organized by the Colegio Médico de Chile in November 1985, Dr Haydee Lopez of the CMC Santiago Regional Council, listed the following doctors as disappeared or killed in the aftermath of the coup - Salvador Allende, Jorge Avila, Gabriel Castillo, Vicente Cepeda, Jorge Ceda, Miguel Henriquez, Hector Garcia, Carlos Godoy, Arturo Hillerns, Ivan Insunza, Jorge Jordan, Jorge Klein, Carlos Lorca, Eduardo Paredes, Enrique Paris, Claudio Tognola, Bautista von Schouwen and Absalon Wegner. (See also the AI paper AMR 22.100.83, 12 December 1983.) Large numbers of doctors were also forced into exile. One, Dr Edgardo Condeza, who recently returned to Chile clandestinely after more than 12 years in exile, voluntarily presented himself to Concepcion Appeals Court on 9 June 1986. Two days later, a warrant was issued for his arrest on charges of illegal entry into the country and he was forced to go into hiding. The CMC protested at the charge laid against Dr Condeza.

THE CHILOE CLINIC AND VICARIA ARRESTS

In May 1986, security forces arrested several doctors with human rights connections after a man with bullet wounds was treated at the Chiloé Clinic in Santiago. On 28 April 1986, a man suffering bullet wounds sought medical and legal help from the Vicaría. He said that he had been injured while a bystander during an armed clash involving carabineros (the uniformed police). Dr Ramiro Olivares, a physician working at the Vicaría, examined the man and referred him to the Chiloé Clinic, a private Santiago clinic, for treatment of his injuries. He was asked by Gustavo Villalobos, a prominent human rights lawyer attached to the Vicaría, to return to their offices from the clinic to make a statement about his injuries. After receiving treatment at the Chiloé Clinic he left and did not return to the Vicaría.

Two days later, on 30 April 1986 four staff from the Chiloé Clinic were arrested - Drs Alvaro Reyes and Ramón Rojas, Claudio Muñoz, a medical auxiliary, and María Angelica Ravanal, a secretary at the clinic. They were held incommunicado for five days. On 6 May Sra Ravanal, who was pregnant, was released, but the three others were charged under the Arms Control Law. The same day, 6 May, Dr Ramiro Olivares and Gustavo Villalobos from the Vicaría were taken into custody, held incommunicado and on 10 May also charged under the Arms Control Law.

On hearing of the initial arrests, the Colegio Médico de Chile published a statement defending the action of the staff at the clinic in providing medical care. The CMC said that it was:

"... emphatic in pointing out that doctors have throughout history been obliged by their ethical principles to defend the life and well-being of man and thus we may never refuse efforts to lend our aid and care to any human being who requires it, independent of any religious, ideological or political consideration."

On 13 May, the injured man at the centre of the affair was reported to have been brought in a serious condition to the house of another doctor, Dr Juan Macaya, by two unknown men who left him there. Dr Macaya rang the Vicaría (for whom he occasionally worked) for advice and they themselves contacted the Interior Ministry. After assurances had been sought and given that he would receive treatment necessary to save his life, he was taken to a clinic before being transferred to prison.

Further arrests followed: on 29 May, Dr Julia Bascuñan was detained and on 3 June Dr Macaya arrested. Both were initially held incommunicado and, like the others in detention, they were charged under Article 8 of the Arms Control Law. Dr Bascuñan was later released on bail in mid-June and Drs Rojas and Reyes were released on 28 July. At the time of writing the others remain in prison.

This wave of arrests prompted concerted protest from human rights groups, the church and professional associations in Chile. On 9 May a silent march was conducted by about 150 doctors from the medical association's offices to the Vicaría de la Solidaridad where they presented Vicaría workers with a letter of support. Lawyers also demonstrated their support for Gustavo Villalobos. On 7 May the General Council of the Lawyers Association published a public statement on the case and organized a silent

march to the Military Prosecutor's Office; the march was broken up by security forces using water cannon.

The arrests were seen in human rights circles in Chile as an attack on the Vicaría de la Solidaridad because of its work in documenting human rights abuses in the country. The charges laid against those detained carry prison sentences of up to five years.

Note: The most notable recent arrests of health professionals are those of Drs Juan Luis González and Francisco Rivas Larrain, President and Secretary General of the Chilean Medical Association (please refer to page 13).

OTHER CASES INVOLVING DOCTORS

In May 1981 several health personnel were arrested by agents of the Central Nacional de Informaciones (CNI: Chilean secret police) under provisions of the Constitution which allow the detention of a person for up to 20 days incommunicado with no charge and no right of appeal. Dr Manuel Almeyda Medina, who was arrested at midnight on 19 May 1981, had been working with the Vicaría de la Solidaridad in Santiago, examining victims of torture and arranging the submission of complaints of torture to the courts. (His arrest followed the detention in the previous two weeks of other workers at the Vicaría who had been kept incommunicado for a few days before being released without charge.)

The following day, Dr Patricio Arroyo Pinochet, was arrested at his surgery in Santiago. Dr Arroyo was a medical adviser at the Ministry of Public Health during the period of the Popular Unity government of Dr Salvador Allende, 1970-1973, and had been a member of the Academia de Humanismo Cristiano, a Christian academic organization, since 1978. He was placed in incommunicado detention. On 27 May, a third doctor, Dr Pedro Castillo Yañez was arrested at his home and held incommunicado; in the previous week his wife had received threatening phone calls and their home had been under surveillance. A nurse, Isobel Escobar and a worker for the Vicaría were also arrested at this time.

Dramatic allegations were made about the activities of the detainees in the press. The newspaper La Segunda, for example, headed an article "Dr Manuel Almeyda linked with robbery at the State Bank of Sao Paulo" and there was much press speculation about the involvement of the detainees in a major crime. The 10 June edition of Las Ultimas Noticias included an article announcing that the doctors had been charged and had six "mugshots" of the detainees. However, the case against those held could not be sustained and on 15 July 1981, Drs Almeyda and Castillo were released without charge; the others were also later released <1> .

<1> In 1982, Dr Arroyo met members of an AI delegation to Chile which included two physicians. He told them that immediately after his arrest he had been taken to a CNI centre about 20 minutes by car from his office. There, he was medically examined. He was convinced his examiner was a doctor by the examination technique used and the questions asked. He was interrogated the following day for 4 to 5 hours and was threatened with various tortures but not physically tortured. After more than a fortnight of isolation at the CNI centre, he was medically examined again and transferred to Valparaíso prison from where he was subsequently released without charge. See Chile: Evidence of Torture, AI Publications, 1983.

Dr Almeyda was arrested again on 20 August 1982 and further attempts to arrest him again occurred in June 1983 and in early February 1984 following a rally of the Movimiento Democrático Popular (MDP, Popular Democratic Movement) of which he is a leader. On 1 May 1983 during a May Day demonstration, Dr Almeyda was beaten unconscious by a group of civilians believed to be members of the security forces. He was giving medical treatment to someone who had been attacked by the same group. In April 1984, he was sentenced to two suspended sentences of two years and 200 days' imprisonment respectively on political charges. On 14 April 1984, Dr Almeyda was conditionally released from prison.

Dr Pedro Castillo, who is president of the National Commission Against Torture, was arrested at his home on 4 August 1985 by agents of Investigaciones, the civil police investigations branch, and was subsequently banished without charge, trial or right of appeal to an island more than 800 miles [1300 km] from his home. After strong international protest, Dr Castillo was released on 22 August 1985. His detention appeared to be due solely to his human rights work.

Dr Mario Insunza Becker, a physician working with the Vicaría de la Solidaridad, was subjected to threats and harrassment in connection with a forum on recent CNI involvement in crime which was organised by the CCDH, Chile Human Rights Commission, in Santiago in July 1981. Dr Insunza wrote an article on the subject of the forum which was published in the 3 August 1981 edition of Análisis, an opposition magazine. On that day he received threatening phone calls and on 11 August a man called at his surgery claiming to be from the Colegio Médico de Chile and left a parcel addressed to Dr Insunza. The CMC denied having sent the parcel which, when opened, was found to contain a rotting pig's head.

On the morning of 16 December 1983, Dr Insunza was the target of another attack; several shots were fired, and an incendiary bomb thrown, at his car outside his house. Four days prior to the attack, Dr Insunza had given a press conference, as a member of a committee called the Comité Fin a la CNI (Committee for an end to the CNI) at which he had urged the head of the CNI to come face-to-face with former detainees of the agency. Speaking to the press the day after the attack, Dr Insunza said, "I link the attack directly to the CNI; it is because of the press conference we gave on Monday [12 December] ... and because I am a member of the Committee" <1> . The CNI denied responsibility for the attack. Dr Insunza's cousin, Dr Ivan Insunza, disappeared in 1976 after being presumably detained by the security forces (see note, p.2 above)

Dr Elizabeth Rendic, a young surgeon, was arrested by police in November 1982 in Santiago and was held incommunicado by the CNI for 18 days. She alleged that she was tortured by both police and CNI agents including telefono <2> blows to the face, insertion of a pen-knife blade under the finger nails, electric shocks and death threats. A recurso de amparo (writ of habeas corpus) was filed on her behalf by the Colegio

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- <1> "Yo vinculo el atentado directamente a la CNI, porque esta relacionado con la conferencia de prensa que dimos el lunes ... y porque yo soy miembro del Comité"
- <2> Simultaneous blows to the ears with open hands

Médico de Chile but was rejected by the courts. Dr Rendic was subsequently charged and convicted of acting as an accomplice in a political killing in 1981. She was sentenced to four years' imprisonment.

Dr Fanny Pollarolo, a psychiatrist working for the human rights organization FASIC, has also been subjected to continuing harrassment. On 4 October 1983 she was charged with "offences against the armed forces" resulting from comments she made in an interview with the weekly Chilean magazine Hoy. In the interview she was critical of the behaviour of the military in Santiago on 11 August 1983, a "day of protest". The charges were later dropped following an appeal. Dr Pollarolo, who is also a leader of the MDP, was arrested again on 21 November 1984 with two others as they left the offices of the CCDH, Chilean Human Rights Commission. She was reportedly beaten. All three were subsequently banished to remote parts of Chile for three months without trial; Dr Pollarolo was later moved from her first place of banishment apparently because she was receiving too many visitors and was also carrying on medical practice within the local community. She has since been detained again on several occasions, including a number of times this year.

Carmen Andrea Hales, a 29 year old psychologist was abducted twice during 1985 and a third time in 1986. She was working for a Catholic institute of social workers giving help to drug addicts when she was abducted in April 1985 by unidentified men who held her blindfold for one day and then released her. In August 1985, she was kidnapped again by seven unidentified men. She was blindfolded and beaten and later released. Although she had not been active politically, two of her brothers are prominent human rights lawyers and her father, Alejandro Hales, is a former minister in the Frei and Ibañez governments of the 1960s; they believe that her abductions were intended to intimidate other family members. In May 1986 Carmen Hales was again abducted and knocked unconscious; when she regained consciousness she was on the floor of a car and was held for a further three hours before being released.

THE ROLE OF THE MEDICAL PROFESSION IN COMBATING HUMAN RIGHTS ABUSES

Medical personnel have been actively engaged in trying to bring about an end to human rights abuses in Chile through active involvement in human rights bodies, through the doctors' professional body, the Colegio Médico, and are working to counter the damaging effects of torture and other human rights violations within the population.

During civil disturbances it is not uncommon for individuals to be injured, or to require the aid of human rights groups. Recently the Chilean security forces have been consistently using tear gas and water cannon to disperse peaceful protests. The Chilean Medical Association has protested to government about the indiscriminate use of such methods believing that although this does not represent the worst of abuses, the now common use of tear gas in crowds is a dangerous and irresponsible act. There have been numerous incidents of bystanders receiving bullet wounds when police fired at demonstrators and crowds of local residents.

In one very disturbing recent incident of alleged abuse by the military, a young man of 19 died and an 18-year-old girl who was with him is currently in a critical condition in hospital. Rodrigo Rojas Denegri and his companion Carmen Quintana Arancibia were amongst a group of young people walking in the street in the morning of 2 July 1986. These were the early hours of a 2-day national stoppage called as part of a program of peaceful protests against the military government. According to witnesses, the group dispersed when a military patrol appeared, but Rodrigo Rojas and Carmen Quintana were seized. Rodrigo Rojas was beaten severely and he and the girl were dragged into a side street. There they are alleged to have been doused with petrol by the soldiers and set on fire before being wrapped in blankets and taken to a van. They were later abandoned in the outskirts of the city where they were not found until some hours later.

Rodrigo Rojas died in hospital three days later, after his mother, who is resident in the USA had flown into Chile. At the time of writing, Carmen Quintana remains in a burns unit at a Santiago hospital where she was admitted with 60 per cent burns.

ASSISTANCE TO VICTIMS OF HUMAN RIGHTS ABUSES

From the early post-coup period, groups of church workers, lawyers, doctors, social workers and others have organized support services for those who have been the victims of human rights abuses. There are several such bodies providing aid in Chile and they continue to work openly despite threats and attacks which have been made against their workers. Many of these groups have active medical aid programs. Among them are the following:

The Vicaría de la Solidaridad, the human rights organization of the Catholic Church, was established in 1976 by the then Cardinal Archbishop of Santiago. It is the largest legal aid group, dealing with most cases of political arrests and imprisonment in Santiago, and some from other areas. It also provides material aid to victims of repression and to those in need. Despite being an organ of the official church, the Vicaría has been the target for persecution on numerous occasions. Several death threats have been made against its members or their families and in March 1985 one of its workers was abducted and murdered. The Vicaría has a team of health and social workers who provide assistance both to prisoners and others.

The Fundación de Ayuda Social de las Iglesias Cristianas (FASIC: the Foundation for Social Aid of the Christian Churches). Established in April 1975, FASIC is an ecumenical organisation having membership from the Methodist, Evangelical Lutheran and Catholic churches. It was established to provide basic support for current and former detainees and their families and for victims of torture and other human rights abuses. In 1977 the scope of the organization expanded to include the development of a program offering psychiatric and medical help to people who had suffered as a result of repression whether detention, torture, imprisonment, banishment or exile. In 1978 a program to give help to people who were returning to Chile from exile was commenced. FASIC was awarded the annual prize of the Colegio de Sicologos in 1983 for its work in providing mental health support services for victims of political repression.

The Comisión para la Defensa de los Derechos del Pueblo (CODEPU: The Commission for the Defence of the Rights of the People), which was formed in 1980, has branches in a number of towns in Chile including the capital Santiago. It has a Medical Commission providing a health program which includes assistance to victims of repression and torture and to political prisoners. CODEPU also provides basic education in health and health rights for the broad population.

The Fundación para la Protección de la Infancia Dañada por los Estados de Emergencia (PIDEE: The foundation for the protection of children harmed by the states of emergency). PIDEE was formed in 1979 to provide help to children who had been affected by the situation in Chile. It provides help both to children and young people who have themselves suffered direct abuse and to those who have suffered by seeing their parents or close family members become the victims of repression. This includes young people and their families who have been detained, tortured, killed, banished or who have "disappeared". PIDEE also gives aid to those who have returned to Chile from exile. It has physical and mental health programs for children and young people and also runs a program of scholastic assistance; these now extend outside Santiago to the provinces. In 1984 PIDEE's members undertook 1,407 medical consultations and 1,128 mental health consultations.

La Comisión Chilena de los Derechos Humanos (CCDH: Chilean Human Rights Commission), while fundamentally an organization defending and promoting basic human rights in Chile, provides some health services for victims of human rights abuses. It was created in 1978 and is affiliated to the International League for Human Rights.

The Colegio Médico de Chile - in addition to its work focussed on doctors' professional concerns (working conditions, ethical standards) and on the state of public health care in Chile - has committed itself to help obtain medical aid for individuals injured during peaceful civil protest and to arrange for the provision of adequate medical care to those in prison.

Many victims of human rights violations are imprisoned following their arrest and, frequently, torture. Among the problems experienced by prisoners are the inadequacies in the provision of medical and dental care. Following petitions from prisoners, the Supreme Court ruled in January 1986 that courts should be instructed to take the "necessary measures" with respect to requests for medical and dental treatment, especially when the treatment is not available in the respective prison. One of the major problems in the past has been the delay in obtaining permission for referrals to outside clinics. To date, there has not been any significant sign that the situation is improving in this respect. Another problem for prisoners, particularly those requiring psychiatric help, is the inevitable lack of confidence held by the prisoner for the doctor who is not of their own choice.

The CMC is one of a number of organizations which has been attempting to secure improved medical treatment for political prisoners and it has offered to arrange treatment free of charge. This has not been agreed by the government. The authorities have also reportedly rejected similar offers of treatment by the Colegio de Dentistas de Chile (Chilean Dental Association) despite many prisoners reportedly being in urgent need of dental treatment.

MEDICAL ETHICS AND THE CHILEAN MEDICAL ASSOCIATION

In the last three or four years the Colegio Médico de Chile has been particularly vocal in pressing for the observance by doctors of medical ethical standards, particularly in connection with the doctor's relationship with detainees. The CMC, which was established in 1948, was stripped of a number of its powers by the present government when it came to power in 1973. One of the rights removed from the CMC was the right to elect its officers. However, in 1981 this right was restored. This immediately led to changes in the leadership and an active program to strengthen the profession's ethical codes and to investigate allegations of medical involvement in torture.

On 23 November 1983, the CMC made public its concern over torture in Chile when the General Council of the CMC issued a statement in which it:

"categorically call[ed] on the Government authorities to bring an end to the practices of unlawful pressure, torture and detention in places other than those provided for by law and under the direct control of the judiciary."

The accompanying six point resolution reiterated the CMC's commitment to "demand an end to torture and all practices which could harm any individual" and stated its intention to "establish a special medical commission to examine, collect together and expose those cases where a medical examination has demonstrated injuries sustained during detention" (See Appendix 3).

On the day following this declaration, a delegation from the CMC met the President of the Supreme Court to express the CMC's anxiety at the continuing practice of torture and to present him with a dossier of evidence of torture including reports of medical findings and photographs of sequelae.

The CMC has appealed for international support for its initiatives in opposing human rights abuses in Chile. In October 1983 at the World Medical Association in Venice a joint resolution of the Chilean and Argentinian Medical Associations called on the Assembly to reaffirm the commitment of the World Medical Association to the principles of the Declaration of Tokyo. The WMA Secretary-General, Dr Andre Wynen, later issued a statement in which he "[protested] vigorously against the disappearance, torture and violence and forced exile of physicians" and reminded doctors of the terms of the Declaration of Tokyo.

Two members of the CMC - President Dr Juan Luis González and Ethics Committee Chair, Dr Carlos Trejo - gave evidence in May 1984 to a US Congressional hearing into torture. <1> In his testimony, Dr González laid particular emphasis on the part played by doctors in the process of torture, the role of doctors and the medical association in combating torture and the risks faced by doctors active in human rights organizations.

In November 1985, the CMC invited a number of national associations from within Latin America and abroad to participate in a colloquium in Santiago on the role of national medical associations in the defence of human rights. Participants came from medical and other associations in Argentina, Bolivia, Britain, Colombia, France, Uruguay, USA and Venezuela. Selected papers presented at the meeting were published by the CMC in May 1986. <2> During the course of the meeting, agents of the security forces entered the offices of the CMC and took papers away but did not significantly impede the conduct of the colloquium.

The stated commitment of the Colegio Médico to strengthening the code of ethics of medical practice which started after the election of the new CMC leadership in 1981 resulted in a number of norms being added to the existing body of ethical principles. At a press conference in March 1985, leaders of the CMC's Santiago Regional Council, including Dr Ricardo Vacarezza <3> announced a number of principles governing medical examinations and conduct with persons in custody. The most significant of these new norms were those instructing physicians not to attend patients if the doctor is prevented from identifying himself, if the doctor encounters a patient who is blindfolded or otherwise prevented from seeing the examining physician, if the patient is held in a secret detention centre, and if contact between the patient and physician is impeded by the presence of a third party <4>

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- <1> The Phenomenon of Torture. US House of Representatives Committee on Foreign Affairs. 98th Congress, second session on H.J. Res. 605. 15,16 May 1984. US Government Printing Office
- <2> Rol de las Asociaciones Médicas en la defensa de los Derechos Humanos, Santiago: CMC, 1985
- <3> In January 1986 Dr Vacarezza was effectively dismissed from his post at El Salvador Hospital when his contract was not renewed. The Health Department claimed that Dr Vacarezza's post was surplus to requirements though this was disputed by doctors at the hospital (See Appendix 4). The dismissal provoked a strike by doctors and the press reported that up to five hundred doctors gathered on 16 January 1986 at the CMC headquarters. Later, after marching peacefully to the the Ministry of Health, they were sprayed by water cannon and two doctors were arrested - they were released later that day. Dr Vacarezza was President of the Santiago Regional Council of the CMC and in November 1985 was one of the speakers at the CMC human rights colloquium, Rol de las Asociaciones Médicas en la defensa de los Derechos Humanos, presenting a paper on Chilean doctors and the defence of human rights. He has also been a vocal critic of government health policy.
- <4> See Ética Médica: Normas y Documentos. Santiago: CMC, 1986, 158pp, a compilation of the revised CMC code of ethics and internationally agreed codes including those governing the physician's role in relation to torture and the death penalty.
See Appendix 5

For its work in investigating and denouncing torture and promoting the ethical practice of medicine in Chile, the Colegio Médico de Chile was awarded the 1986 human rights prize of the American Association for the Advancement of Science, an award given to scientific or professional bodies for work carried out in defence or promotion of human rights.

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On 10 July 1986 Drs Juan Luis González and Francisco Rivas Larrain, respectively President and Secretary General of the CMC were arrested. Dr González is also President of the Federation of Professional Associations. In April 1986 a new body, the Asamblea Nacional de la Civilidad was created by representatives of professional organizations and other sectors of Chilean society to call for the restoration of human rights and a return to democracy. Dr González was named President of the Asamblea. The National Civic Assembly presented the government with a list of requirements essential to the restoration of respect for human rights and a return to elected government, and when the authorities failed to respond to their petition called for a campaign of civil disobedience and other peaceful protests including a two-day national stoppage. Following the two-day stoppage on 2 and 3 July, arrest warrants were issued against 17 members of the Board of the Asamblea, including Drs González and Rivas.

On 10 July 1986 National Civic Assembly members declared their intention to present themselves before the courts. Three reached the courts where they were questioned by a judge and later imprisoned. Drs González and Rivas were arrested, as were another twelve members of the Asamblea, before their arrival at the courts. Drs González and Rivas were arrested by investigaciones, (plain clothes police) outside the headquarters of the Colegio de Abogados, the Chilean Lawyers' Association, and taken into police custody. They were later transferred to the Carcel Pública in Santiago. A representative from the National Episcopal Conference has visited Dr González in prison and on 13 July the bishops issued a letter in which they declared their support for Dr González and the other members of the National Civic Assembly. Drs González and Rivas presently face charges under the Law of National Security which forbids unauthorised demonstrations.

Inserción.



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A LA OPINION PUBLICA

El Consejo Regional Santiago del Colegio Médico de Chile, acordó publicar este documento adoptado el 10 de octubre de 1975 por la 29.ª Asamblea Médica Mundial en Tokio, Japón, y que hace suyo en todo su contenido.

Nuestra intención es dejar pública constancia de cuál es la posición del médico ante la tortura, con el fin de que mañana cada cual sepa enfrentar la responsabilidad que pueda haberle cabido ante tan infamante práctica.

DECLARACION DE TOKIO

DERECHOS DE DETENIDOS Y PRISIONEROS

PREAMBULO

Es privilegio del médico practicar la Medicina al servicio de la humanidad, preservar y restaurar la salud física y mental sin distinción de personas, conformar y aliviar el sufrimiento de sus pacientes. El máximo respeto por la vida humana debe ser mantenido, aun bajo amenazas, y no usar ningún conocimiento médico contrario a las leyes de la humanidad.

DECLARACION

1.— El médico no deberá apoyar, consentir o participar en la práctica de torturas u otras formas de procedimientos crueles, inhumanos o degradantes, cualquiera sea la ofensa de que sea acusada o culpable la víctima de tales procedimientos y cualesquiera sean las creencias o motivos de la víctima, en cualquier circunstancia, incluyendo los conflictos armados o la lucha civil.

2.— El médico no deberá proveer ninguna pre-misa, instrumentos, sustancias o conocimientos para facilitar la práctica de torturas u otras formas de tratamiento cruel, inhumano o degradante o para disminuir la capacidad de la víctima para resistir tal tratamiento.

3.— El médico no deberá estar presente durante ningún procedimiento durante el cual la tortura u otras formas de tratamiento cruel, inhu-

mano o degradante sean empleados o usados como amenaza.

4.— Un médico debe tener completa independencia clínica para decidir sobre el cuidado de una persona de la cual es médicamente responsable. El papel fundamental del médico es aliviar el sufrimiento de sus semejantes y ningún otro motivo, sea personal, colectivo o político, debe prevalecer contra este propósito superior.

5.— Cuando un prisionero rehusa alimentarse y es considerado por el médico como capaz de formarse un juicio incólume y racional concerniente a las consecuencias de tal rechazo voluntario de alimentación, él o ella no deberá ser alimentado artificialmente. La decisión relativa a la capacidad del prisionero de formarse tal juicio debe ser confirmada, a lo menos por otro médico independiente. Las consecuencias del rechazo de alimentación deberán ser explicadas por el médico del prisionero.

6.— La Asociación Médica Mundial apoyará y deberá estimular a la comunidad internacional, a las asociaciones médicas nacionales y a los colegios médicos a apoyar al médico y a su familia enfrentados a amenazas o represalias resultantes de un rechazo a consentir el uso de la tortura o de otros tratamientos crueles, inhumanos o degradantes**.

- * Adoptada el 10 de octubre de 1975 por la 29.ª Asamblea Médica Mundial, realizada en Tokio, Japón.
- ** World Medical Association. *Declarations of Tokyo*. Bull. Am. College of Physicians 17 (6): 15, 1976.

El Mercurio, Santiago, 27 November 1983

The Santiago Regional Council of the Chilean Medical Association has resolved to publish this document adopted on 10 October 1975 by the 29th Assembly of the World Medical Association in Tokyo, Japan and which it adopts as its own, in its entirety.

Our intention in so doing is to make the position of the physician in the face of torture known publicly so that all shall henceforth know how to confront their responsibility should they have encountered or should they encounter such an infamous practice

Declaration of Tokyo

Rights of detainees and prisoners

It is the privilege of the medical doctor to practise medicine in the service of humanity, to preserve and restore bodily and mental health without distinction as to persons, to comfort and to ease the suffering of his or her patients. The utmost respect for human life is to be maintained even under threat, and no use made of any medical knowledge contrary to the laws of humanity.

For the purpose of this Declaration, torture is defined as the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, of any other reason.

1. The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim's beliefs or motives, and in all situations, including armed conflict and civil strife.
2. The doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman or degrading treatment or to diminish the ability of the victim to resist such treatment.
3. The doctor shall not be present during any procedure during which torture or other forms of cruel, inhuman or degrading treatment is used or threatened.
4. A doctor must have complete clinical independence in deciding upon the care of a person for whom he or she is medically responsible. The doctor's fundamental role is to alleviate the distress of his or her fellow men, and no motive whether personal, collective or political shall prevail against this higher purpose.
5. Where a prisoner refuses nourishment and is considered by the doctor as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially. The decision as to the capacity of the prisoner to form such a judgment should be confirmed by at least one other independent doctor. The consequences of the refusal of nourishment shall be explained by the doctor to the prisoner.
6. The World Medical Association will support, and should encourage the international community, the national medical associations and fellow doctors, to support the doctor and his or her family in the face of threats or reprisals resulting from refusal to condone the use of torture or other forms of cruel, inhuman or degrading treatment

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A LA OPINION PUBLICA

El Consejo Regional Arica del Colegio Médico de Chile (A.G.), tuvo conocimiento que hoy 15 de Febrero en la madrugada se lanzó una bomba incendiaria al automóvil de nuestro colegiado Dr. JUAN RESTELLI PORTUGUEZ, que se encontraba estacionado frente a su domicilio en el edificio Chungará causándole graves daños y poniendo en peligro la vida y bienes de los habitantes del sector por la proximidad de los estanques de Gas Licuado de los edificios.

Expresamos nuestro más enérgico repudio a este atentado terrorista que afecta a un miembro de nuestra Orden, el Dr. Restelli, quien se ha destacado en la defensa de los Derechos Humanos en esta ciudad, siendo actualmente el Presidente de la Comisión de Defensa de los Derechos Humanos en Arica. Además fue médico examinador de los detenidos que actualmente siguen un juicio por torturas contra la CNI en la Corte local.

Los Médicos de Arica manifestamos nuestra total solidaridad a nuestro colega y demandamos de las autoridades competentes la máxima diligencia en la investigación y esclarecimiento de este deleznable atentado.

COLEGIO MEDICO DE CHILE (A. G.)

Regional Arica

NOTA: Dado que el diario "La Estrella" de Arica se negó a publicar sin mutilaciones como inserción esta declaración y que algunas radios también silenciaron nuestra protesta solidaria, la asamblea de Médicos de Arica acordó imprimirla como un volante y darla a conocer en las consultas médicas y directamente a la opinión pública.

PUBLIC STATEMENT

The Arica Regional Council of the Chilean Medical Association has learned that in the early hours of this morning, 15 February, an incendiary device was thrown at the car of our colleague Dr Juan Restelli Portuguez, which was placed in front of his house in the Chungara buildings, causing grave damage and placing in danger the lives and property of those living in the neighbourhood given the proximity of the buildings' supply of liquid gas.

We express our strongest condemnation of this terrorist attack against a member of our profession, Dr Restelli, who is renowned for his work in the defence of human rights in this city and who is currently President of the Arica Human Rights Commission. He is also the doctor who examined the detainees who are currently bringing legal action against the CNI for torture in the regional court.

We, the physicians of Arica, demonstrate our total solidarity with our colleague and require that the competent authorities demonstrate the uttermost diligence in the investigation and clarification of this cowardly attack.

Chilean Medical College
Arica Region

Footnote: As the Arica newspaper "La Estrella" has refused to publish this statement unedited, and as some radio stations have also silenced our protest, the Arica Regional Council of the Medical Association has resolved to print it in leaflet form, to distribute it in surgeries and directly to the public.

COLEGIO MEDICO DE CHILE (A. G.)

DECRETO LEY Nº 3621 DE 1981

CONSEJO GENERAL

ESMERALDA 678
TELEFONO 30884
CASILLA 639
SANTIAGO

DECLARACION DEL COLEGIO MEDICO DE CHILE A. G.

El Colegio Médico de Chile hace un categórico llamado a las Autoridades de Gobierno para que se termine con los apremios ilegítimos, las torturas y las detenciones en lugares que no sean los dispuestos en las leyes y bajo la tuición directa de la justicia. Funda esta petición "en el grave daño psíquico y físico que se producen en las víctimas" y en los múltiples testimonios y trabajos de médicos nacionales e internacionales, que han estudiado su repercusión en el medio familiar de los detenidos.

Especial relevancia adquiere la publicación del New England Journal, Volumen 307 N° 21 Noviembre 18, 1982, que demuestra la atrofia cerebral producida por la tortura y documentada en estudios de Scanner.

Nuestras reiteradas denuncias han sido premonitorias, ya que recientemente hemos asistido al doloroso sacrificio de la vida de un hombre como consecuencia directa de los hechos denunciados. A mayor abundamiento, siguen llegando a nuestro poder testimonios de la violencia física y psíquica ejercida sobre las personas, con riesgo incluso de seres aún por nacer.

Es nuestra obligación como médicos, expresar que las lesiones físicas y psíquicas a que se ha sometido a las personas detenidas es inaceptable a la luz de nuestros principios éticos y exigimos en su nombre, el término de éstas torturas. De no ser así, el daño que se producirá sobre la salud mental de la población chilena será irreparable y sus conductas serán cada vez más alienadas por el terror y el odio como reacciones primarias de supervivencia.

COLEGIO MEDICO DE CHILE (A. G.)

DECRETO LEY Nº 3621 DE 1981

CONSEJO GENERAL

ESMERALDA 878
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Es necesario que las autoridades que tienen en sus manos la res-
ponsabilidad de poner fin a esta escalada de demencia, comprendan que los hechos
que denunciarnos sobrepasan todo problema político o de orden público. Es un proble
ma que atañe a la vida humana y en esa perspectiva, imploramos con humildad, que
se dé crédito a nuestra angustia profesional. Si así no se hace, cada cual deberá car-
gar con su propia responsabilidad en lo que indefectiblemente sucederá en Chile.

También es conveniente que se comprenda que en una materia en
la que está en juego la estabilidad de toda la sociedad, nadie puede excusarse de -
asumir su cuota de responsabilidad en la tarea de extirpar la enfermedad social que
puede destruirnos.

Consecuente con lo anterior, el Colegio Médico de Chile acuer-
da:

- 1.- Proclamar que su máximo deber ético es cautelar la vida de los miembros de la
comunidad que le ha correspondido servir por juramento y que en virtud de esa
obligación exige el término de las torturas y toda forma de conducta que dañe a
las personas.
- 2.- Señalar, claramente, que la facultad entregada a organismos como la C.N.I. pa-
ra retener y torturar en lugares secretos- es una mutilación inaceptable de la jus-
ticia chilena y pone la vida de los ciudadanos en manos de funcionarios legal -
mente irresponsables, cuyas acciones los transforman en un peligro público para
la sociedad.

Reiteramos que debe restituirse a los tribunales la potestad sobre los detenidos co-
mo forma de asegurar su integridad física, privando de toda atribución a dichos
organismos en ese sentido.

COLEGIO MEDICO DE CHILE (A. G.)

DECRETO LEY Nº 3521 DE 1981

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- 3.- Solicitar a todos los Colegios Profesionales una firme decisión para asumir en con junto la defensa de la vida e integridad de las personas. Obligados ellos por sus actividades a tratar como nadie con el HOMBRE, no pueden eludir la especial responsabilidad que les asiste.
 - 4.- Manifestar que se ha conseguido una entrevista al señor Presidente de la Corte - Suprema para señalarle los puntos de vista anteriores y hacer entrega de los ante cedentes que obran en nuestro poder y que justifican nuestra preocupación.
 - 5.- Realizar -en un plano del más alto nivel y competencia un foro sobre la tortura en sus múltiples aspectos.
 - 6.- Constituir una comisión especial de médicos para que examine, recoja y denuncie aquellos casos en que el exámen médico haya demostrado daño durante el proce so de detención. Su competencia será estrictamente técnica pero rigurosa para - concretar la posición del Colegio Médico.
- Estamos ciertos que al asumir esta actitud interpretamos a los colegas, cumplimos con nuestro deber y asumimos la única conducta a que nos obliga la tradición - de nuestro Colegio.

El Consejo General del Colegio Médico de Chile ha aprobado por unanimidad este acuerdo en consideración a la valiente, explícita y reciente declara ción pública del Consejo Regional Concepción al cual apoya, felicita, y a la proposi ción -con iguales propósitos- del Consejo Regional Santiago.

COLEGIO MEDICO DE CHILE
CONSEJO GENERAL

SANTIAGO, 23 de Noviembre de 1983.

STATEMENT BY THE CHILEAN MEDICAL ASSOCIATION
(COLEGIO MEDICO DE CHILE A.G.)

The Chilean Medical Association categorically calls on the Government authorities to bring an end to the practices of unlawful pressure, torture and detention in places other than those provided for by law and under the direct control of the judiciary. This appeal is based "on the serious mental and physical damage caused to the victims", on numerous testimonies, and on the work of doctors both nationally and internationally who have studied the effects on the lives of the detainees.

Of particular note in this context is an issue of the New England Journal, Volume 307, No 21, dated 18 November 1982, which shows that cerebral atrophy has been caused by torture, as demonstrated by scanner studies.

Our repeated protests about the practice of torture have been given premonitory significance by the distressing loss of a man's life as a direct result of the issues we were denouncing.* We continue to receive, in even greater number, reports of the use of physical and psychological violence, including reports of cases where the lives of unborn children were endangered.

-It is our duty as doctors to state that the physical and psychological harm that has been caused to people during detention is intolerable to our ethical principles and on the basis of these principles we demand that torture end. Unless this is done, irreparable damage will be caused to the mental health of the Chilean people who will become increasingly alienated by the primary survival instincts of fear and hatred.

It is essential that the authorities, who have the responsibility of ending this escalating madness, understand that the acts we are denouncing far outweigh any political problems or problems of public order. This is a problem affecting human life and for this reason we humbly request that heed be paid to our professional anxiety. Failure to do so will mean that the authorities will have to bear the responsibility for what will inevitably happen in Chile.

It has to be understood that in a matter which threatens the stability of our entire society, no-one can escape their share of responsibility in working for the eradication of the social sickness which is capable of destroying our people.

Considering the above, the Chilean Medical Association resolves:

1. To declare that its highest ethical duty is to care for the lives of the community it has sworn by oath to serve, and by virtue of this duty to demand an end to torture and all practices which could harm any individual

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*Note: this refers to the death of Sebastian Acevedo

(ii)

2. To state clearly that the power invested in agencies such as the CNI to detain and torture people in secret establishments is an unacceptable mutilation of Chilean justice, and places the lives of Chilean citizens in the hands of officials who are not answerable to the law and who have become, through their actions, a public danger.

We reaffirm here that any authority over detainees should be withdrawn from such agencies and restored to the judiciary so as to ensure the safety of all detainees.

3. To urge all professional medical associations to take a firm decision to jointly defend the lives and integrity of all individuals. Required as they are professionally to deal above others with human life, physicians cannot evade the particular responsibility incumbent upon them
4. To announce that an interview has been obtained with the President of the Supreme Court to present the above views and to hand over material which has been received by the Association and which proves our anxieties justified
5. To establish a high-level forum of expertise on the many facets of torture
6. To establish a special medical commission to study, document and expose details of cases where medical examination has revealed that injuries have been sustained during a period of detention. Its terms of reference will be strictly medical, but the work will be thorough and will further consolidate the position of the Medical Association.

We are certain that in taking this position we represent the wishes of our colleagues, are fulfilling our duty and following the only course of conduct consistent with the traditions of our Association.

The General Council of the Chilean Medical Association has unanimously endorsed these resolutions in consideration both of the recent courageous and outspoken public statement made by the Concepción Regional Council which it supports and applauds; and of the proposal, made with the same intent, of the Santiago Regional Council.*

Chilean Medical Association
General Council

Santiago, November 23, 1983.

* The issuing of this statement was preceded by an earlier statement by the Concepción Regional Council expressing the above points and by the outspoken initiatives of both Regional Councils



Dr Juan Luis Gonzalez, President of the
Colegio Médico de Chile



Dr Ricardo Vacarezza addressing assembled doctors



NORMAS ETICAS RELATIVAS A LA ATENCION MEDICA DE DETENIDOS

Incorporados al Código de Etica del Colegio Medico de Chile A.G. por acuerdo N° 154 de la Sesión del H. Consejo General, del 07.05.85. Complementado e ilustrando el artículo 25 de dicho Código.

Teniendo presente:

- a) La declaración Universal de Derechos Humanos de la organización de las Naciones Unidas;
- b) Las normas establecidas en la Declaración de Tokio, de la Asociación Médica Mundial, sobre la participación de médicos en tortura u otros procedimientos crueles o degradantes;
- c) Los principios de Etica Médica aprobados por la O.N.U. para la protección de las personas detenidas;
- d) Las disposiciones generales en el Código de Etica del Colegio Médico de Chile;
- e) Lo dispuesto en los artículos 3º, letras g) y j) y 12º, números 2 y 16 de los Estatutos del Colegio Médico de Chile A.G.; y

Considerando además:

- a) Que el Código de Procedimiento Penal en su artículo 84, N° 5 establece que "están obligados a denunciar" (a los Tribunales de Justicia) "los facultativos que noten en una persona o en cadáveres señales de envenenamiento o de otro crimen o simple delito" (por ejemplo apremios ilegítimos).
- b) Que el cumplimiento de una orden superior no excluye a una persona de sus responsabilidades legales y éticas por participar como autores, cómplices o encubridores de hechos delictuales;
- c) Que es deber ineludible de los médicos responsabilizarse plenamente por los exámenes, prescripciones, certificados o documentos que emitan en el ejercicio de su profesión; y
- d) La necesidad de dictar normas que complementen las disposiciones del artículo 25 del Código de Etica;

El Consejo General del Colegio Médico de Chile, acuerda:

Normas relativas a la atención médica de detenidos u otras personas en las cuales pueda sospecharse actos de torturas u otros tratos crueles, inhumanos o degradantes, cuyo cumplimiento será obligatorio para los asociados:

- 1.- El médico no deberá atender a una persona en las siguientes condiciones:
 - 1.1. Si el médico está impedido de identificarse;
 - 1.2. Si el médico se encuentra encubierto, encapuchado o bajo otra forma que impida su reconocimiento físico;
 - 1.3. Si el paciente está con la vista vendada —salvo que sea por causa médica justificada— o bajo otra condición o artefacto destinado a impedir que el paciente pueda ver al médico;
 - 1.4. En un sitio de detención que no sea en su casa o en lugares públicos destinados a este objeto.
 - 1.5. En presencia de terceros que dificulten el contacto franco o alteren la relación natural entre médico y paciente.
 - 2.- El médico deberá identificarse si se lo solicita su paciente. Bajo ninguna consideración podrá negarse a dicha solicitud.
 - 3.- Ningún médico podrá participar siquiera como observador en sesiones de interrogatorios, menos aún informar a los interrogadores u otras personas relacionadas, respecto a la capacidad física o síquica del interrogado para soportar apremios ilegítimos. Además no podrá establecer con los detenidos relación profesional alguna que no tenga, como único fin, el beneficio del paciente.
 - 4.- Los médicos que deban realizar exámenes u otras acciones profesionales en personas detenidas, además de ceñirse a las disposiciones anteriores, deberán identificarse plenamente con el nombre completo, N° de inscripción del Colegio Médico y N° de Carnet de Identidad, con los certificados o documentos que emitan, con letra clara y legible.
 - 5.- El médico deberá practicar el examen médico solamente cuando goce de la libertad necesaria para efectuarlo, emitir su diagnóstico y anotar sus observaciones.
 - 6.- Si por razones de estricta urgencia médica o bajo amenaza, apremio o compulsión un médico se ve impedido de cumplir cabalmente las disposiciones anteriores deberá, en un plazo no mayor de 5 días hábiles, informar de esta situación al Consejo Regional, el cual entregará un comprobante de su denuncia. El Colegio Médico tratará su información con absoluta reserva, si así lo solicita el denunciante.
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From:

ETHICAL PRINCIPLES RELATIVE TO THE MEDICAL CARE OF DETAINEES

Incorporated into the Ethical Code of the Chilean Medical Association on 7 May 1985. Complements Article 25 of the said Code.

1. The doctor may never attend any person under the following conditions:
 - 1.1 If the doctor is prevented from identifying himself.
 - 1.2 If the doctor is covered or hooded, or his identity is in any other way concealed.
 - 1.3 If the patient is blindfold (for non-medical reasons) or in any other way prevented from seeing the doctor
 - 1.4 In any place of detention other than his home or a publicly recognized place of detention
 - 1.5 In the presence of third parties who impede free contact or alter the normal relationship between doctor and patient.
2. The doctor must identify himself if the patient asks it. Under no circumstances may he refuse such a request.
3. No doctor may participate, even as an observer, in sessions of interrogation, nor may he ever inform the interrogators or other related people of the physical or mental capacity of the person under interrogation to withstand illegal pressure. Furthermore, he may not establish any professional relationship with the detainee which does not have, as its sole purpose, the benefit of the patient.
4. Doctors who are required to examine or otherwise attend detainees must in addition to adhering to the above rules, identify themselves fully with their complete name, Association number, and identity card number in all certificates and documents they issue and in clear and legible writing.
5. The doctor must carry out medical examinations only when he has the freedom necessary to perform the examination, make a diagnosis and note his findings
6. If, for reasons of strict medical emergency, or under threat, pressure or compulsion, a doctor is prevented from wholly fulfilling the above obligations, he should, within a maximum of 5 working days, inform the Regional Council of this who will investigate his complaint. The Medical Association will treat this information in the strictest confidence if the complainant so requires.

