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BACKGROUND TO THE CASE OF NAVAL CADETS AND CIVILIANS ON TRIAL
BY COURT MARTIAL IN VALPARAISO, CHILE.

1. INTRODUCTION:

At the present moment, the trial of at least 50 naval cadets or dock workers, and two civilians of the Chilean MAPU party, is reaching its final stages at the Fiscalia Naval (naval prosecution) in Valparaiso. After prolonged investigations lasting for over one year, involving the application of severe torture to at least the majority of the prisoners, the prosecution has apparently finished its investigations and announced the sentences demanded for the accused. Although Amnesty International does not know the sentence demanded for each prisoner, we have been informed that a sentence of 16 years was demanded for one of the two civilians involved. There are unconfirmed reports that the death sentence has been demanded for some of the naval cadets on trial (these reports may be exaggerated). The sumario (indictment) has been conducted with a great deal of secrecy, and up to now has received almost no publicity abroad. Recent reports from Chile have indicated that many of the cadets on trial do not have a defence lawyer.

The cadets were arrested over one month before the coup, between August 4th and August 6th 1973, accused of mutiny and rebellion against their superior officers who were plotting the military coup. The lawyers from Valparaiso and Concepcion who undertook their defence were themselves arrested and tortured immediately after the coup, apparently because they had defended these people (see below). There are strong reasons to fear that these cadets will be sentenced to long terms of imprisonment, with no opportunity of an adequate legal defence.

2. ARRESTS OF NAVAL CADETS:

On June 29th 1973, there was an abortive military coup against the Allende government, when a tank regiment launched an assault on the Moneda Palace (seat of government) in Santiago. Although the attempted coup was thwarted by General Prats (the Commander-in-Chief of the Chilean army who remained loyal to Allende) there was constant expectation of a further military coup among all sectors of the Armed Forces. It has been reported that 5 junior naval officers were arrested at the end of June in Valparaiso, when they announced that they would not support a military coup, but would remain loyal to the Allende government. All 5 of them were said to be accused of "insubordination".

There is little information available to Amnesty International concerning the circumstances of the arrest of the naval cadets. It is known that **there was** severe discontent among some junior officers and cadets, who knew that a further coup was being planned, but were determined to remain loyal to Allende. Apparently, a group within the navy held meetings to decide what action to take in the event of a coup, and also gave information to leaders of some of the political parties that formed the Unidad Popular (Popular Unity) government, concerning the attitude of some senior naval officers. It was known by these cadets that several naval vessels were being specifically equipped to support a coup, and to control the coastline at the time that the coup took place. One group of cadets was then instructed to stop two vessels, the cruiser 'Almirante Latorre' and the destroyer 'Blanco Encalada' from putting out to sea. On August 4th and 5th 1973, over 100 naval cadets, junior officers, crewmen and shipyard workers were suddenly arrested. In the first wave of arrests on August 4th, the prisoners came from the Submarine School in Valparaiso, the Naval Engineering School in Valparaiso, and the crews of the two boats, Latorre and Blanco Encalada anchored off the coast of Valparaiso. On the following day, there were a number of political arrests among the dock workers at ASMAR

(Astilleros Maestranzas de Armada) at the naval base of Talcahuano near Concepcion in Southern Chile. The first official statement about the arrests from Naval High Command came on August 7th, when the Naval Department of Public Relations announced that it had:-

"...detected the beginnings of a subversive movement in the units of the squadron, aided by subversive elements foreign to the institution".

Several days later, the navy alleged that the 'rebellion' had been inspired by left-wing politicians, and named the Socialist leader Carlos Altamirano, the MAPU leader Oscar Garreton, and the MIR leader Miguel Henriquez as the ring-leaders. Naval prosecution presented a writ to the Court of Appeals in Valparaiso, demanding that the parliamentary immunity of Senators Altamirano and Garreton be withdrawn because of their implication in the naval 'rebellion'.

On September 9th 1973, (two days before the coup) Socialist leader Carlos Altamirano read out in a public meeting a letter signed by 29 of the cadets, written from the Cuartel Silva Palma where they were then detained. In this letter the cadets denied that they had planned any violence, and denied that they were acting at the instigation of political leaders, but asserted that they had given information to some political leaders, and had taken precautions to act in the event of another attempted military coup.

3. TREATMENT OF NAVAL PRISONERS:

After their arrest, all the naval cadets were allegedly subjected to savage torture. The pro-Allende newspaper Ultima Hora published a long article on August 31st 1973, (eleven days before the military coup) containing statements of some of the prisoners, and an interview with one of the defence lawyers. Naval Sergeant Juan Cardenas (who had been accused of being one of the leaders of the rebellion) stated that he had been taken to the Escuela de Infanteria de la Marina de las Salinas (naval infantry school) in Vina del Mar, and subjected to prolonged torture including:- prolonged beating on the testicles and elsewhere, electric shocks, blindfolding and deprivation of sleep. His interrogators had been told to torture him until he made the confessions required of him. He had frequently been transferred from one place of detention to another, from the Infantry Regiment to the Cuartel Silva Palma in Valparaiso, to Fort Borgono and Quiriquina Island near Concepcion. Another prisoner, Pedro Lagos Carrasco (radio-telegraphist on the boat Blanco Encalada) gave similar testimony. He asserted that he had been flown from Valparaiso down to Concepcion, where he was taken to Borgono Fortress and subjected to tortures including:- forced immersion in cold water, prolonged beating and near asphyxiation. He asserted that he was forced through torture to declare that he had planned to assault the Naval School of Valparaiso, and the Infantry Regiment of Marina Muller. Pedro Lagos reported to the newspaper that any declaration made to Naval Prosecution had been made "under pressure and through torture".

4. DEFENCE LAWYERS:

Several lawyers undertook the defence of the cadets, including Emilio Contardo (from Valparaiso) and Pedro Henriquez Barra, Hernan Meege Navarrete and Marcel Burgos (from Concepcion). Emilio Contardo reported to Ultima Hora that:-

"The prisoners remained incommunicado for 15 days. It was impossible to communicate with them, although there was no order for their arrest from a competent tribunal.....it was only after 15 days that an official period of incommunicado was established in accordance with the law, i.e. 5 days, Before that time it was impossible for us to contact the prisoners".

In Talcahuano, Ultima Hora reported, the lawyers faced similar difficulties. They were denied access to the Fiscalia Naval in Talcahuano, where the ASMAR prisoners were detained, and also some cadets who had been transferred from Valparaiso. The lawyers could not even gain access to the quarters of Justicia Naval (Naval Justice) because it was in a military precinct. On August 16 they succeeded for the first time in talking to the naval prosecutor, who claimed that the prisoners were not his responsibility but the responsibility of the Commander of the Base. When they finally received permission to meet with one of the prisoners, Sergeant Cardenas, they were informed that he had been transferred back to Valparaiso on the previous night. Immediately after the military coup (September 11th, 1973), these lawyers were detained and themselves tortured by the navy. Pedro Henriquez Barra was detained incommunicado in police stations in Concepcion, then in Fort Borgono (where he is reported to have been severely tortured) before his transfer to Chacabuco. Hernan Meege Navarrete was also severely maltreated, and in March 1974 was detained incommunicado in the Public Prison of Concepcion.

For obvious reasons, other lawyers have been reluctant to undertake the defence of these cadets since the military coup.

5. ARRESTS OF CIVILIANS:

Two prominent members of MAPU (Movement for United Popular Action - a splinter group from the Christian democrat Party) are now being judged in the same trial as the naval cadets, both of them accused of instigation of the naval rebellion. Both of them were severely tortured after arrest.

Hernan Alfonso Pacheco Quiroz (29-year-old Sociology teacher and member of the Central Committee of the MAPU party) was arrested on September 12th 1973, by Naval Intelligence. He was taken first to the Cuartel Silva Palma naval garrison in Valparaiso, where he remained incommunicado until September 20th, being subjected to frequent interrogation. On September 20th, he was taken to the Fiscalia Naval where he was accused of Sedicion y Motin Frustrado (attempted rebellion and mutiny). He was then taken to the Public Prison of Valparaiso, until on October 23rd he was suddenly transferred to the Naval Academy of War (the quarters of Naval Intelligence). He remained there for a full month until November 26th, incommunicado the entire time, while he was subjected to numerous further interrogations involving physical torture. As a result of these interrogations he was forced to admit further offences including illegal possession of arms, and other subversive acts. He was then taken to other camps, including "Melinka" and "Puchuncavi" until he was taken to the Public Prison of Valparaiso in April, 1974, where he is now awaiting trial. Leopoldo Alfredo Luna Soto had been Professor at the Centro de Estudios y Capacitacion Laboral - CESCLA - (Centre of Labour Studies and Training) at the Catholic University of Valparaiso, between 1970-73. He had also been a prominent member of the MAPU party since 1969. In 1973 he had been appointed Regional Secretary of the MAPU party for Valparaiso, and member of the Central Committee of the MAPU party. Leopoldo Luna Soto was arrested on September 12th 1973, by Naval Intelligence, and at first was detained incommunicado in the Naval Academy of War in Valparaiso. Over the next months, he was detained in several prisons including the boats 'Maipu' and 'Lebu', the detention centre of Pisagua, and again the Naval Academy of War (for a second period of approximately one week), subjected to frequent torture and interrogation. After these interrogations, he was allegedly forced to sign a declaration, as a result of which he has also been accused of being one of the ringleaders of the naval uprising in Valparaiso, (Sedicion y Motin Frustrado). Leopoldo Luna Soto has also been accused of breach of the law of Arms Control, and of militant political activities before the military coup.

PRESENT SITUATION OF THE TRIAL:

Since the military coup, almost all trials have been conducted in accordance with the provisions of the Codigo de Justicia Militar en Tiempo de Guerra (Code of Military Justice in Time of War). According to the Junta, wartime trial procedures have been justified because the political prisoners were arrested after the military coup, when there was a de facto state of war. In wartime procedures, lawyers have only 48 hours in which to prepare the defence, and there is no right of appeal. The sentence is passed by a military tribunal, and then ratified by the military commander of the zone. Sentences demanded are very high, usually out of all proportion to the alleged offence. As the naval cadets were arrested before the military coup, they are being tried under the Codigo de Justicia Militar en Tiempo de Paz (Code of Military Justice in Time of Peace). In peacetime, the procedures are slightly different. First of all, the prosecutor issues the Dictamen Fiscal (accusation). Defence lawyers then reply to this accusation with a written defence. The Naval Judge then passes the sentence de la primera instancia (of the first instance). The next stage is the Corte Marcial en Segunda Instancia (Court Martial of the Second Instance), at which there is the right to appeal. During the appeal lawyers are able to produce oral arguments on behalf of the prisoners.

According to information received from Chile, the prosecutor has emitted the Dictamen (accusation) and the trial is now at the stage of the written defence. However, we have been informed by apparently reliable sources in Chile that the final stages of the trial are being postponed as long as possible by military judges. Sources in Santiago have indicated that the sentence passed by the Naval Judge may be postponed for as long as six months, or even more.

Article 130, Section 2 of the Code of Military Justice states that:-

"...el sumario no podra prolongarse más de veinte días contados desde la fecha del Decreto que lo ordeno formar; pero el Juez podra ampliar o restringir este termino segun las circunstancias. Si mediante esta ampliacion el sumario se prolongara más de 40 días, podra hacerse publico en cuanto no fuere perjudicial al exito de la investigacion, y todo aquel que tenga interes directo por su terminacion podra intervenir para instar en este sentido..."

This (approximately translated) states that "the trial proceedings should not last for more than 20 days from the date of the Decree forming the Tribunal: the Judge can increase or diminish this period according to the circumstances. If the sumario (trial proceedings) should not last for more than 40 days, then the trial can be PUBLIC as long as this does not prejudice the results of the investigation".

As the naval Tribunal to judge these cadets was established even before the military coup by Admiral Jose Toribio Merino, Commander-in-Chief of the Navy, groups should refer to this article in their petitions that the trial be made public immediately.

5. NAMES OF THOSE ON TRIAL:

LIST A: PRISONERS DETAINED IN THE PUBLIC PRISON OF VALPARAISO

| <u>NAME</u> | <u>PROFESSION</u> | <u>AGE</u> |
|----------------------------------|------------------------|------------|
| 1. Sergio Fuentes Paredes | Artillery-man (gunner) | 25 |
| 2. Jaime Salazar Jeldres | Artillery-man (gunner) | 22 |
| 3. Ernesto Zuñiga Vergara | Artillery Mechanic | 22 |
| 4. Pedro Blasset Castro | Electrician | 24 |
| 5. Alberto Salazar Briceño | Artillery-man (gunner) | 29 |
| 6. Juan Roldan Bernal | Artillery-man (gunner) | 26 |
| 7. Gaston Gomez Obrequé | Engineer | 22 |
| 8. Alejandro Benavente Fonseca | Engineer | 25 |
| 9. Oscar Carvajal Sepulveda | Electrician | 24 |
| 10. Rodolfo Claros Cordova | Artillery-man (gunner) | 21 |
| 11. Juan Dotte Bravo | Artillery-man (gunner) | 23 |
| 12. Carlos Ortega Ojeda | Artillery-man (gunner) | 23 |
| 13. Sebastian Ibarra Vallejos | Artillery Mechanic | 23 |
| 14. David Valderrama Opazo | Artillery-man (gunner) | 22 |
| 15. Luis Ayala Herrera | Artillery-man (gunner) | 21 |
| 16. Jose Velazques Muñoz | Electronic Engineer | 23 |
| 17. Roberto Fuentes Fuentes | Electrician | 25 |
| 18. Luis Rojo Gaete | Electronic Engineer | 22 |
| 19. Bernardo Flores Valdebenito | Artillery-man (gunner) | 21 |
| 20. Guillermo Castillo Esquivel | Electrician | 22 |
| 21. Jose Lagos Améstica | Electrician | 26 |
| 22. Santiago Rojas Campos | Electronic Engineer | 25 |
| 23. Juan Cardenas Villablanca | Engineer | 38 |
| 24. Teodosio Cifuentes Rebolledo | Engineer | 28 |
| 25. Mario Mendoza Jara | Artillery-man (gunner) | 22 |
| 26. Mario Cordero Cedrachi | Electrician | 21 |
| 27. Antonio Ruiz Uribe | Electronic Engineer | 27 |
| 28. Jose Maldonado Alvear | Electrician | 24 |
| 29. Victor López Zambrano | Electronic Engineer | 21 |
| 30. Juan Segovia Arrue | Artillery-man (gunner) | 28 |
| 31. Hugo Maldonado Alvear | Technical Draughtsman | 28 |
| 32. Guillermo Vergara Diaz | Accountant | 28 |
| 33. Hernan Pacheco Quiroz | Sociologist (civilian) | 28 |
| 34. Leopoldo Luna Soto | Teacher (civilian) | 24 |

LIST B: PRISONERS DETAINED IN THE PUBLIC PRISON OF TALCAHUANO

| <u>NAME</u> | <u>PROFESSION</u> | <u>AGE</u> |
|-------------------------------|------------------------|------------|
| 1. Silverio Lagos Muñoz | Electronic Engineer | 28 |
| 2. Carlos García Herrera | Electronic Engineer | 22 |
| 3. Erasmo Araveña Gonzalez | Artillery-man (gunner) | 27 |
| 4. Wiribaldo Areste Rodriguez | Artillery-man (gunner) | 28 |
| 5. Jaime Balladares Contreras | Artillery-man (gunner) | 25 |
| 6. Oscar Estay Diaz | Electrician | 22 |
| 7. Victor Reiman Campos | Electronic Engineer | 24 |
| 8. Sergio Villar Velozo | Electrician | 27 |
| 9. Carlos Gonzales Mejias | Torpedo Mechanic | 23 |
| 10. Ramon Gonzales Larenas | Electrician | 26 |
| 11. Tomas Matus Poblete | Engineer | 23 |
| 12. Maximiliano Dominguez | Artillery Mechanic | 30 |
| 13. Henry Gomez | Electrician | 23 |
| 14. Juan Montecinos Urzúa | Provisions Department | 22 |
| 15. Luis Jaramillo | Privately employed | 26 |
| 16. Luis Marimao | ASMAR worker | 31 |
| 17. Manuel Ramos | ASMAR worker | 30 |
| 18. Juan Vasques Macaya | Sailor | 19 |
