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9th May, 1974

BACKGROUND INFORMATION AND INSTRUCTIONS FOR CASE SHEETS FOR PRISONERS MISSING IN CHILE

1. General Background

You will find general information about the human rights situation since the military coup of 11th September, 1973, in two attached stencils. The first is NS 68, Background Information to Accompany Chilean Case Sheets; the second is The Report of the Amnesty Mission to Santiago, November 1973.

By May 1974, there have been very few changes in the overall situation. The number of political prisoners is still estimated at between 6,000 and 7,000, very few of whom have been brought to trial. Arrests are still carried out regularly (usually during the period of the nightly curfew), often by people in plain clothes who carry no formal warrant for arrest. Political prisoners are held in detention centres and military camps throughout the country. Sometimes the places of detention are secret, and the arrest of an individual is not officially acknowledged until several weeks later; for this reason, it has always been extremely difficult to estimate the precise number of political prisoners in Chile.

There is good reason to believe that the use of torture is still widespread in Chile. A Swiss journalist arrested in April 1974 recently returned to Switzerland alleging that he had been tortured. A 2,000 word statement made by Cardinal Raul Silva Henriquez (representing 28 Bishops of the Chilean Episcopal Conference) in April 1974 severely criticised the 'arbitrary arrests, physical and psychological pressures used during interrogation, and lack of juridical protection for detainees'. In the recent trial of 57 Air Force officers and 10 civilians by Military Tribunal at the Air Force Academy of War in Santiago, a defence lawyer reported to foreign journalists that five of his clients had been severely tortured during interrogation. By no means all political prisoners in Chile have been tortured; many prisoners, who have subsequently been released and have been able to leave Chile, have strongly asserted that they were not maltreated during interrogation. Nevertheless, the number of torture allegations that have reached Amnesty International over the last few months leads us to believe that prisoners detained in military barracks run a severe risk of being subjected to torture.

The treatment of political prisoners apparently improves after they have been tried and sentenced. Many articles in the Chilean press (and some articles in the foreign press) have claimed that treatment is comparatively mild in the larger detention centres (such as Chacabuco, the Public prison of Santiago, Quindina Island). Other reports have asserted that torture and harassment has been used in some of the larger detention centres, such as Pisagua in Northern Chile, or Colliguay detention centre on the outskirts of Valparaiso. Even after trial, however, prisoners cannot be assured of safe conditions or moderate treatment. There have been many reports of prisoners being "killed while trying to escape" after they have been sentenced to short terms of imprisonment by Military Tribunal. One commonly cited example is that of the journalist Carlos Berger, who was shot dead soon after being sentenced to only 61 days' imprisonment. Many prisoners have died under dubious circumstances before they were brought to trial. The most notorious case is that of the ex-Minister of Interior, Jose Toha, who was alleged by the Junta to have committed suicide by hanging himself in the Military Hospital of Santiago; there have been other and similar examples.

The lack of legal and judicial guarantees for political prisoners has been given widespread coverage in the international press. Almost daily now, there are reports of political prisoners being given sentences of up to death or life imprisonment in the Chilean provinces (in such places as Talca, Osorno, Antofagasta, Valdivia, San Fernando, Temuco and elsewhere). At the end of April, five political prisoners were sentenced to death in the town of San Fernando, for the alleged offence of training Allende supporters in the use of arms before the military coup; it is not yet known whether the death sentence has been carried out. Almost all of these trials in the provinces, by Military Tribunals, have taken place behind closed doors. Many prisoners have not been able to choose their own defence lawyer. In most cases it has been claimed that sentences have been applied retroactively (i.e. prisoners have been sentenced for actions that were not offences at the time that they were alleged to have been committed - before the military coup). When defence lawyers chosen by the prisoners or their families have been able to intervene, their activity has usually been restricted to that of a written defence - they have been unable to attend the actual Court Martial proceedings. Defence lawyers have also been given a very inadequate time - usually about 48 hours - in which to prepare the defence. Moreover, some defence lawyers have been subjected to threats when they have agreed to take up the cases of certain political prisoners.

At the beginning of April 1974 the first public trial by Military tribunal commenced; this was the trial of 57 Air Force officers and 10 civilians, who had been charged with betraying military secrets to the Allende government. Many of these officers have been charged with high treason, and six of them face the death penalty if they are convicted. Defence lawyers have made several claims: - that the charges are invalid because they have been made retroactively, that prisoners' confessions have been extracted by torture, and that government of the Junta is itself illegal because of the way in which it came to power (the Junta has asserted that the Allende government was illegal, because it has violated the Constitution). If the defendants in this trial are convicted, it will augur very badly for the many thousands of political prisoners who are still awaiting trial. The Military Prosecutor has proclaimed that these officers have committed crimes by supporting the constitutional government of President Allende; if they are found guilty, there are few signs that any others are likely to be found innocent.

Since the publication of the report of its delegation that visited Santiago last November, Amnesty International has been bitterly criticised by the Military Junta of Chile. Our organisation has been denounced by the Junta, by leading Chilean newspapers, by the Chilean Supreme Court, and by the Chilean Ambassador to the United Nations. For this reason it is vitally important that Amnesty groups, in correspondence with Chilean officials and other Chilean individuals and organisations, should continually emphasise the non-political and strictly humanitarian nature and aims of our organisation. Groups should continually stress that they do not necessarily agree with the policies of the Allende government, nor with the political views of those who are currently detained, but only with their right to express such views and to act in accordance with those views. Where possible, Amnesty groups should encourage other individuals and organisations to participate in letter writing and other campaigns on behalf of adopted prisoners.

2. Background Information to Missing Persons in Chile

An unknown, but very large, number of political prisoners have disappeared since their arrest. The deaths of these persons have never been acknowledged by the Junta or other Chilean officials, and there is reason to believe that some (or even many) of them may still be alive. Many people disappeared immediately after the coup. One well known case is that of the economist Jaime Barrios, an adviser to President Allende, who was last seen at the time of his arrest outside the Moneda Palace where he had been working. There is the case of the Brazilian Tulio Roberto Cardoso Quintiliano, who was arrested in Santiago on 12th September, 1973, and last seen alive

in the Tacna Regiment of Santiago. His mother spent 50 fruitless days in Chile trying to find news of him, or even to confirm that he had been killed. His mother was unable to elicit any satisfactory response from the Chilean authorities.

More recent cases, published in the New York Times on 31st March, 1973, include:-
Sergio Eduardo Cavieres Cienfuegos, a Chilean citizen and employee of the University of Chile arrested in an office on the University campus on 7th January, 1974 by three military intelligence officials. His girlfriend has since looked for him in detention centres. The enquiries eventually reached General Sergio Arellano Stark, (head of the Santiago Military Garrison, and head of the Zone of Santiago in State of Siege), who announced that Eduardo Cavieres had been interrogated and subsequently freed on 11th January. Nevertheless, he has not appeared since, and his family have no idea of his whereabouts.

Jorge German Fredes Garcia, a 30 year old farmer who was arrested by soldiers on 16th October, 1973. His wife has sought for him in various detention centres, and made several enquiries to police and military officials. Nevertheless, she has been unable to obtain any news of him.

Amapola Lizette Ruiz Lidid, a 29 year old mother of two young children. She was arrested on 17th March, 1974 by five soldiers who were searching her home. Two days later her sister was informed by military officials that she had been "transferred for interrogation". Since then, her sister has apparently tried in vain to locate her.

These are just five of over a hundred cases where the names of disappeared persons are known to Amnesty International. The majority of the remainder are peasants, other farmworkers, and poor urban workers. Even prominent persons, however, have disappeared for long periods of time. Towards the beginning of 1974 the former Foreign Minister of Chile, Clodomiro Almeyda, was transferred from Dawson Island to Santiago. He later disappeared for over a month, until his wife launched a desperate public appeal on his behalf. He eventually reappeared, after being detained incommunicado for several weeks in the Tacna Regiment and the Academy of War in Santiago. Other former ministers, such as Orlando Letelier, have also disappeared after being transferred from Dawson Island.

In other instances, Chilean officials have refused to acknowledge the arrest of certain persons until long afterwards. Such was the case of the MIR (Movement of the Revolutionary Left) leader Bautista Von Schouwen, who was arrested in a church in Santiago in December 1973. The Junta did not acknowledge that he had been arrested until February 1974, when he had been seen in a Military Hospital in Valparaiso, after suffering brutal tortures. It is now widely feared that Bautista Von Schouwen has died.

Some of the disappeared persons are still minors, under the age of 18. Among others can be listed:-

<u>Jorge P. Benitez Bulicic</u>	(16 years old, detained 9th November, 1973)
<u>Jose Miguel Caru Vasquez</u>	(16 years old)
<u>Raul A. Fuentealba Carrasco</u>	(16 years old, detained 15th September, 1973)
<u>Ricardo Octavio Lopez Elgueda</u>	(14 years old, detained 20th September, 1973)
<u>Luis Adalberto Munoz Meza</u>	(14 years old, detained 14th September, 1973)
<u>Mario Salinas Vera</u>	(16 years old, detained 20th September, 1973)
<u>Miguel Angel Torres Bahamondes</u>	(15 years old)
<u>Mario Ivan Zamorano Yanez</u>	(14 years old, detained 8th December, 1973)

Can these people still be alive? Many believe that they are dead. It is certain that the death toll after the military coup is far higher than the Junta has ever been willing to admit, and for this reason it may wish never to disclose the names and numbers of those who died after the coup, or in the following months. However, when prisoners are regularly transferred from one prison to another, to military barracks or interrogation centres, some prisoners have reappeared long after they were presumed dead. The Junta has also been reluctant to reveal the true number of political prisoners in Chile. It was claiming in March 1974 that there were

only 3,500 political prisoners, while church sources alleged that the true number was as high as 7,000, or even more. For this reason it is possible that many political prisoners may have been secretly transferred, without notification of their relatives. While the Estado do Guerra (State of War) lasts, lawyers and families are often denied access to prisoners. Even the International Committee of the Red Cross has now been denied access to military places of detention.

In an attempt to ascertain the fate of these persons, and to dispel the anguish of their families, the Chilean Church issued a writ of Habeas Corpus for 131 disappeared people on 29th March. This act was described by Johathan Kandell, a journalist for the New York Times, as follows:-

"Churchmen Act to Free Chile Detainees

Santiago, Chile, March 30 - In their first public act of concern for political prisoners, Chile's major religious leaders have filed a habeas corpus motion in a court of appeals here for 131 people who were arrested and disappeared in the months following the military coup last September.

The motion, filed late yesterday afternoon, requests that the court ask the military authorities about the fate of the detained individuals, where they are being held; and for what reasons. If the individuals are being detained without legal reasons, the motion asks their immediate release.

The appeal to the court - signed by Msgr. Fernando Ariztia Ruiz, Auxiliary Bishop of the Roman Catholic Archdiocese of Santiago, the Rev. Helmut Frenz, Lutheran Bishop of Chile and leader of the country's Protestant church groups, and Angel Dreiman, High Rabbi of Chile, characterizes the detainees as people of little or no political importance and mainly of humble economic means.

The Quests that Failed

The appeal details the circumstances of the arrests and the futility of the efforts of relatives to find out where the detainees were taken or even whether they were alive. All 131 pre people in the Santiago area. More than a third of the cases involve individuals detained after January 1, almost four months after the legally elected Marxist coalition Government was overthrown.

More than 2,500 people died in that period, most of them by summary execution. According to church sources seeking legal aid for the detainees, the number of political prisoners reached more than 10,000 but has fallen in recent weeks to about 6,000. Most of these detainees are being held in jails, military garrisons and prison camps throughout the country and no formal charges have been made against them.

The Catholic Church has until now remained silent about the ruling military junta's treatment of followers of the late President Salvador Allende Gossens. But Cardinal Raul Silva Henriquez and several other prominent clergymen have at the same time been criticized by some anti-Marxists for not openly supporting the junta and denouncing leftists.

'Anguish of So Many'

Those who signed the court motion are members of the Committee of Cooperation for Peace in Chile, a group that legally assists detainees and workers dismissed for political or economic reasons. The committee, representing the main churches of Chile, gave material assistance to destitute families in the months after the coup.

"The religious leaders who signed the appeals said that they had been "moved as pastors by the pain and anguish of so many people, who in their vast majority are innocent, poor, and humble, lacking any social status, without well-known names and without important influence".

Normally, the court would be required to rule on a habeas corpus motion within 24 hours, but under the state of siege that has existed since the coup, the courts have tended to move more slowly."

We do not yet know the results of this writ of Habeas Corpus, We are certain, however, that concerted action by Amnesty groups can do much to bring pressure on the Chilean Junta to reveal the facts about the fate of these persons, and to relieve the tragic anxiety of hundreds of Chileans who have no idea whether their relatives are alive or dead.

