

To: National Sections, Chile Coordination and Specialist Groups,
Groups with ex-Dawson Island Prisoners

From: Pat Stocker - Latin American Research

Date: 27th June 1974

Re: Up to date information on the senior officers of the Allende
Government (ex-Dawson Island).
Suggestions for action in view of pending trials.

The senior officials of the Allende Government who were imprisoned on Dawson Island in the extreme South of Chile were all transferred to an unknown location near Santiago on May 8, 1974. Some senior officials were already in Santiago. Two are dead now: Ex-Minister of Defense, José Tohá, and General Bachelet. It is highly likely that these men will stand trial in the near future and it is essential that Amnesty International Sections and all groups who are working for these prisoners should be considering immediately how best they can act both now and during the trials, given the fact that there is likely to be extensive world-wide protest from many Governments and International Organisations alike.

Some background information about the rule of law in Chile

Chile has been declared in a state of Internal War (Estado de Sitio en Tiempo de Guerra) by the Military Junta. Although the Junta consider themselves the legal government of Chile and by definition in full control of the country, they still have not felt inclined to lift the state of seige which permits them in practice to deal with those people whom they consider to be 'the enemy'. (ie, those who supported the government of Salvador Allende or who have expressed any kind of opposition, passive or otherwise, to the military coup of September 11th, 1973 to to the policies of the Junta since then).

The declaration of the prolonged State of Internal War drastically reduces the rights of the prisoners of conscience, the political prisoners, and their defence lawyers in Chile today. It has virtually ensured that the military can rule by decree, imposing its own legal standards for an indefinite period of time.

In reply to a petition made by the Colegio de Abogados at the end of October, 1973, the Minister of Justice declared that 'all offences committed before the declaration of Internal War will be tried and studied by Ordinary Justice Tribunals in accordance with the customary procedure....'. All offences committed after the declaration of Internal War were subject to the jurisdiction of the Military Tribunals in time of war. Indeed, the United Nations was assured by Foreign Minister Admiral Huerta Diaz that the Chilean Tribunals would continue to work normally.

This assurance has been blatantly broken. In November the attorney of the Colegio de Abogados declared that the Supreme Court lacks jurisdiction and competence over the Military Tribunals in time of War, thus abdicating their legal responsibilities. (Santiago newspaper La Tercera, Nov. 14th, 1973).

Trials

Although some trials have been held in public and international observers allowed into the court proceedings a great number of trials have been conducted in camera. Prisoners have very often had no access to a lawyer, and on occasions when access was permitted, the lawyers have only been able to interview their client for a very short time just before the court proceedings. There has been hardly any time for the lawyer to study the dossier. On other occasions a defence lawyer has been present at a trial without

having had any consultations with the defendant and without having received any briefing on the case. Sentences have been out of all proportion with the alleged offence and have been passed in an alarmingly arbitrary manner. Most defendants are being charged with offences under the Law of National Security or the Law of Control of Arms.

There have been very few lawyers who have been prepared to defend Chile's political prisoners in Military Tribunals which appear to be convinced of the defendant's guilt before he is even brought to trial. The trials are clearly political and a defence lawyer who wishes to do his job correctly is very likely to feel himself obliged to refer to the legitimacy of the court in which his client is being tried. Cases have come to our attention of lawyers who have been imprisoned and tortured and of judges who have been dismissed for their part in the defence of people who opposed the factions of the Armed Forces who favoured a coup or who had given their support to the constitutionally elected government of President Salvador Allende. In some cases, but by no means all, a protest from the Colegio de Abogados resulted in some lawyers being released. Meanwhile, as a result of constant pressure on the ruling Junta, it was agreed in principle that foreign lawyers should be allowed into Chile to act as defence lawyers. However sentences continue to be imposed in an irregular and arbitrary fashion as a result of trials which have a very dubious basis.

The situation of the ex-Dawson Island prisoners,
Senior Officials in Allende's government

Unconfirmed reports have been received that some of these trials have already commenced in the coastal town of Quillota (Province of Aconcagua). However, given the international interest that has been generated in this group of cases, it is most likely that the dates of the major trials will be announced in advance and that there will be some coverage of them in your national press. These men were all held incommunicado on Dawson Island, with the exception of visits from a few foreign delegations. They have been held incommunicado in the Santiago area since they have been there and they have not yet had access to their lawyers. Conscious, however, that their trials are going to be closely followed by the whole world and that Chilean Justice will itself be on trial, under which so many of their supporters have been sentenced, they are demanding that their trials be held in Civil Courts and that they be open. So far, the precise charges against these people are unknown although it has been stated that the charges involve "social, political, moral and economic crimes."

ACTION by AI Groups

There are two major points to bear in mind when acting on behalf of these prisoners: firstly - always proffer accurate information in any statement made (ie, do not make allegations of torture in these cases - they are unfounded) and secondly, bear in mind that your protest will be one of many thousands of protests from individuals, governments, and other organisations. Try to liaise your action with that of other groups.

1. Petition - NOT IN THE NAME OF AI.

A carefully worded petition should be sent to the Junta with copies to the Minister of Defence, the Minister of Justice, and the Colegio de Abogados. *Collect signatures from as many individuals as possible and also from professional associations (legal, medical, teaching etc.), trade unions, student groups, etc.
The petition should request:-

1. That these prisoners be tried in a Civil Court, and not in Court Martial.
2. That the trials be open to the public and that foreign observers be invited.
3. That the prisoners be permitted without further delay to consult with their lawyers who should be acquainted with the charges to be brought against the defendant by the prosecution.

Groups should try to initiate this petition on behalf of their individual prisoner as soon as possible. Try to involve your local church, school and university, trades councils etc.

**Also send copies to the Chilean Embassy in your country.

Coordination groups should encourage groups to petition and make suggestions as to the timing of the sending of the petition. They should also use their contacts to initiate a petition on a higher level to involve institutions, professional associations etc.

National Sections to work in close touch with the coordination groups and vice versa. This is especially necessary for the press officer to do.

2. Press coverage

- i. Take advantage of any incident in your country's relations with Chile to gain the interest of the press - either locally or nationally.
- ii. National Sections should attempt to gain coverage for the trials in general and Amnesty's concern about them.
- iii. Individual groups should focus their work on their prisoner; coordination groups.
- iv. Try to arrange for a prestigious national weekly or professional journal to take a feature article with photographs about these prisoners and about the role that AI is playing by its concern for human rights in Chile. Try to arrange for special mention to be made of the prisoners adopted by groups in your country.
- v. As far as local news coverage is concerned, individual groups should take advantage of these well known cases to draw attention to their other cases which might not be known at all.
- vi. Use your local radio station for publicity.
- vii. Try to obtain a photograph of your prisoner to use in publicity. We are able to supply photographs of some prisoners, but unfortunately, not all. Coordination groups may be able to help us in this respect. All offers welcome! etc....!

3. Personal approaches

For all groups.

- i. Inform your local Member of Parliament or Deputy of the work you are doing and try to enlist his support.
- ii. Let the leaders of other political groups in your locality know what you are doing too and ask for their help.
- iii. Catholic and other churches remembering the strong position of the Catholic Church in Chile in defence of Human Rights.
- iv. (for coordination groups). Contact Chilean Diplomatic and Commercial representations in your country to make them aware of the kind of concern being expressed by individuals and Amnesty International in your country.

There are a lot of suggestions here. If each group can do a petition and take up just one or two of these suggestions on behalf of their prisoner successfully, this will be a valuable contribution to the campaign.

We are enclosing a list of the prisoners in question with a note of those adopted by AI.

Addresses for petitions: (all to be sent to Santiago de Chile)

General Augusto Pinochet Ugarte
Presidente de la Republica de Chile
Edificio Diego Portales
Santiago de Chile

General de Division Oscar Bonilla
Ministro del Interior
Ministerio del Interior
c/o Division de Logistica

Ab. Gonzalo Prieto Gandara
Ministro de Justicia
Ministerio de Justicia
c/o Ministerio de Defensa

Contraalmirante Ismael Huerta Dias
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Ministerio de Defensa

Vicealmirante Patricio Carvajal Bravo
Ministro de Defensa Nacional
Ministerio de Defensa

General de Carabineros César Mendoza
Ministerio de Defensa

Sr. Presidente del Colegio de Abogados de Chile
Sr. Alejandro Silva Bascunan, Ahumada 341, P2^o, Santiago de Chile

EX-DAWSON ISLAND PRISONERS - SENIOR OFFICIALS IN THE ALLENDE GOVERNMENT

Those who have been held in Santiago for some months already

Clodomiro Almeyda (Germ. 218)
Edgardo Enriquez (Germ. 258)
Carlós Lazo
Julio Palestro (Germ. 491)
Osvaldo Puccio
Julio Stuardo
Erich Schnake (Switz. 30)

Those transferred 8th. May, 1974 from Dawson Island to the Santiago region

Vladimoro Exequiel Arellano Colina
Sergio Bitar (Swed. 238)
Jose Cademartori (Germ. 249)
Orlando Cantuarias
Jaime Concha Lois
Luis Corvalan Lepe (Finl. 4)
Fernando Flores (USA 44)
Arturo Giron
Alfredo Joignant (USA 47)
Carlos Jorquera (Germ. 29)
Enrique Kirberg (USA 13)
Miguel Lawner Stelman
Orlando Letelier (Germ. 394)
Maximiliano Marholz (Swed. 145)
Luis Matte Valdes (Germ. 339)
Carlos Matus (Swed. 67)
Hugo Miranda (Neth. 50)
Carlos Morales Abarzua (Germ. 297)
Miguel Munoz Schultz
Tito Palestro (USA 45)
Anibal Palma (Austria 5)
Omar Walter Pinto (Swed. 104)
Osvaldo Puccio
Pedro Felipe Ramirez
Camilo Salvo
Andres Sepulveda (W. Bristol)
Adolfo Silva
Hernan Soto
Anselmo Sule (Swed. 124)
Jorge Tapia (Neth. 147)
Ariel Tacchi (Neth. 97)
Benjamin Teplinski (France 21)
Jaime Toha (USA 49)
Luis Vega Contreras (Neth. 126)
Abraham Sergio Vuskovic
Leopoldo Felipe Zuljevic

To: National Sections, Chile Coordination Groups and
Adoption Groups.

From: Pat Stocker and Roger Plant - Latin American Research.

Date: 3rd July 1974

Re: This information supplements the list which appeared with
the paper prepared 27th June regarding ex-Dawson Island
prisoners - N.S. 32

The name of Daniel VERGARA was accidentally omitted from the above-mentioned list. He is adopted by the Jordans group, England.

The following people are also expected to stand trial in the near future:

Waldo Suarez Alejandro Jiliberto

Julio PALESTRO; We have recently learnt that he is seriously ill and is at his home in Santiago. The group will be receiving further details.

Further to the information that was sent out to the National Sections about the impending trials of the former ministers of the Allende government, we ^{have} the following additional information.

A foreign lawyer who was in Santiago at the end of June, talked to the wives of many of the former ministers. He was informed that the charges against these prisoners had not yet been formally made and that it was not yet known when the actual trial would begin. The relatives of these prisoners had been able to visit them on occasions since they were brought from Dawson Island to Santiago. For this reason we can be certain that their trial ~~has~~ not started in secret. Nevertheless, as the majority of these prisoners have been interrogated frequently since their arrest last September, and since their own lawyers have not been present during interrogation, it is certain that the case for the prosecution will be based on very dubious legal procedures. In any publicity that you may give to these cases, you should emphasize the fact that these prisoners have been held incommunicado for so many months, and that their lawyers have been powerless to do anything on their behalf during this time.

We cannot be certain where these prisoners are currently being detained. A list was recently handed to a foreign lawyer which gave the following information:-

1. Airforce Academy, Santiago.

Jaime Concha	Arturo Giron
Miguel Munoz Schultz	Miguel Lawner Stelman
Luis Matte Valdes	Pedro Felipe Ramirez
Orlando Letelier	Jorge Tapia

2. TACNA Regiment, Santiago.

Adolfa Silva
Hernan Soto
Benjamin Teplinski
(Possibly - but not confirmed - Clodomiro Almeyda)

3. San Bernardo Regiment - Santiago

Luis Corvalan Lepe
Jose Cademartori
Fernando Flores
Vladimiro E. Arellano

4. Telecommunications Regiment - Santiago

Carlos Jorquera
Carlos Matus

5. Police Station, Las Melosas - Santiago

Alejandro Jiliberto	Oswaldo Puccio (father)
Hugo Miranda	Camilo Salvo
Anibal Palma	Anselmo Sule
	Daniel Vergara

6. La Marina - (possibly in Valparaiso)

Sergio Bitar
Oswaldo Puccio (son)
Enrique Kirberg
And seven other people from Valparaiso - names unconfirmed.

Several European political parties have announced their intention of sending observers to the trials of these ministers when they do eventually occur. At the present moment, despite official statements by the Chilean government, it is by no means certain that the trials will take place in the near future. Groups are encouraged to put pressure on their own governments to continue to make enquiries about the impending trials and to ensure that **observers** are sent from their own countries. The International Secretariat will inform all Adoption and Coordination groups as soon as any further information is received.