

International Commission of
Enquiry into the crimes
of the Military Junta in Chile

Fifth Session. Algiers

January 27 - 29, 1978

CONCLUDING STATEMENT

The International Commission for Enquiry into the crimes of the Military Junta in Chile held its Fifth Plenary Session in Algiers on January 27 - 29, 1978, to examine the situation regarding the continuing violation of human rights in Chile.

The International Commission heard a great number of Chilean witnesses and observers who have recently visited Chile, examined reports presented by experts from different countries, films taken by hidden cameras at the end of 1977, tape records and other documentary evidence presented to the Commission.

On the basis of the evidence placed before it, the Commission makes the following Statement :

TERROR AND VIOLENCE AS AN INSTITUTIONALIZED SYSTEM

More than four years have elapsed since the constitutional government of Chile was forcefully overthrown on September 11, 1973. A military Junta seized power and established a regime of arbitrary rule and terror.

The initial period of the Junta regime, known as the "period of stadiums", was marked by direct and overt terror. Sport stadiums were converted into centres of imprisonment, torture and murder.

This was followed by a period when repression mainly took the form of trials by extraordinary military tribunals applying war-time legislation. During this period the Junta also established a network of concentration camps where people who had not violated any law were held without trial.

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The practice of secret arrest, followed by the disappearance of the detainees, has been used since 1973 but is now the most serious problem in Chile.

Today the people of Chile live under a system of terror and violence. Chile is still under a state of siege. Arbitrary arrests and detentions still continue. By a decree of August 13, 1977 (N° 1877) the leader of the Junta, General Pinochet, has secured the power to order arbitrary detentions during a state of emergency even if the state of siege were lifted.

Since December 1975 the Junta has attempted to deceive public opinion by the enactment of "Constitutional Acts". Both the adoption and application of these acts and of the various decrees passed since the coup have revealed a complete disregard for the Chilean constitutional and legal system.

The true nature of the "new democracy" proclaimed in constitutional act N° 2 of September 11, 1976, was displayed by a decree of March 11, 1977 (N° 1697). This decree ordered the dissolution of the Christian Democratic and National parties and in general, all political parties, bodies, group, factions and movements of a political nature not already covered by decree N° 77, which had dissolved and banned the Unidad Popular Parties. In January 1978, twelve Christian Democratic politicians were arrested and internally expelled to the north of Chile.

DISAPPEARANCE OF PERSONS AFTER HAVING BEEN DETAINING

A tragic situation still persists in which people who were arrested by the security forces continue to disappear and government authorities refuse to acknowledge their detention. Having disappeared into special or secret places of arrest, many of them according to numerous witnesses have been subjected to torture and inhuman treatment. There are strong grounds for believing that number of them have been murdered by agents of the secret police or the armed forces.

In Chile persistent and unsuccessful proceedings have been initiated by the relatives of disappeared persons, lawyers, and

trade unionists and religious bodies. The relatives of 36 disappeared persons staged a hunger strike between June 14 and 23, 1977, at the premises of the Economic Commission for Latin America in Santiago. This hunger strike ended after Pinochet promised the U.N. Secretary-General Kurt Waldheim to provide information in the fate of those disappeared detainees. The answer delivered 90 days later did not contain any relevant information.

The situation of the disappeared persons and their relatives has been the subject of growing concern for many international organizations and bodies, especially the United Nations, its Commission on Human Rights, and the Inter-American Commission on Human rights of the Organization of American States. In numerous resolutions and reports emanating from these and other bodies overwhelming evidence has been put forward concerning the detention of persons who have later disappeared. Firm demands have been made to the authorities to put an end to this system and to clarify the fate of every missing person.

In the resolution adopted by the U.N. General Assembly at its 32nd Sessions in 1977, it was especially recognized that the disappearance of arrested persons has not ceased. The Commission regards it as one of the most serious features of the present situation that people continue to disappear after they are arrested.

The members of the Commission have taken note of disappeared prisoners, - among them two lists established by the International Committee of the Red Cross, three lists presented by the Vicaria de Solidaridad to the Supreme Court of Chile in 1976 and 1977, the list of 1015 disappeared persons published by the UN Ad Hoc Working Group in 1977, and the list of the International Trade Union Committee for Solidarity with the workers and people of Chile. The Commission heard testimony

and examined photographic materials (inter alia 576 identified photos), copies of judicial writs and sworn affidavits and estimates presented by religious organizations involved in defence activities.

The International Commission estimates that at least 2.000 Chileans have disappeared after having been taken into custody.

POLITICAL PRISONERS STILL DETAINED

Since the release and expulsion of Senator Jorge Montes in June 1977, the Junta has boasted that there are no more political prisoners in Chile. However, reports by experts and testimony have now been heard, and documents presented, to corroborate that there are hundreds of people serving sentences after having been condemned to imprisonment by extraordinary military tribunals. Trials before these tribunals continue and political prisoners are awaiting trial before the tribunals according to the procedure established by the Code of Military Justice. The Junta authorities' argument claiming that these prisoners are common criminals is refused by the political nature of the accusations.

The Commission took note of lists of persons subjected to such conditions who are in different places of detentions in Curacautin, Temuco, Valdivia, Los Angeles, Victoria, Gorno, Concepcion, Talca, Curico, Linares, Chillan, Santiago.

MAINTENANCE OF DINA'S ROLE IN THE COUNTRY

The most powerful instrument of the Junta and especially its leader General Pinochet for maintaining a rule of terror and violence continues to be the national security and intelligence agency, until August 1977 termed the National Intelligence Bureau - DINA.

In an attempt to create a false impression of liberalisation the Junta passed a decree on August 13, 1977 (N° 1876) dissolving

DINA - a body which had achieved world wide notoriety as the Chilean Gestapo. Subsequently, decree N° 1878 created the so-called National Center of Information (CNI). The juridical status of the former secret police and the body acting under the new name is essentially the same. DINA - CNI continues to be Pinochet's personal agency, being used to maintain power and control over the country.

The system of torture and ill-treatment of political opponents of the Junta is continuously applied in Chile.

CNI has also developed a specific form of repression. Evidence was received of a system of intimidation by which the authorities seek to control what they call the "political" activities of citizens through short-term detention and torture, followed by continuous harassment of the victim and his family.

The Commission heard testimony on the case of Arturo Villabella, a victim of the secret police, who was thrown from a helicopter only survived by chance as he fell into a river.

Evidence was presented by the widow of Orlando Letelier, Isabel Margarita Letelier, proving activities by the Junta's intelligence Agency to hamper further judicial enquiry after sufficient proof of the direct participation of DINA in the murder of Orlando Letelier was produced.

The immunity of DINA has been reinforced by the decree which created CNI. This exempts the CNI Director from being obliged to make declarations before the courts, even if these consider his presence to be necessary.

VIOLATION OF ECONOMIC SOCIAL AND CULTURAL RIGHTS

After four years of military dictatorship in Chile, the economy is being completely denationalized, daily becoming more dependent and more interlinked to the multinational enterprises and international FINANCE.

Only last week the multinational Exxon Corporation bought the Disputada copper mine.

A process of concentration of economic power ^{with} enormous profits for a small group of businesses is developing. National production has been reduced. Medium-sized and small industry are in great difficulty. Many industries have gone into bankruptcy. This together with the reduction of state expenditures and the resulting dismissal of many public employees, has created mass unemployment of at least 20% of the labour force of the country, The rate of unemployment in some branches (e.g. construction) exceeded 30 per cent in 1977.

According to official Chilean figures 78 per cent of the country's ten million people now live in conditions of extreme poverty. Only 22 per cent of the active population have enough money to buy bread, water and 2/5 of the standard "Family basket", Currently at least 50 per cent of Chileans live below the official "poverty line".

Social guarantees, which in Chile had reached significant levels by 1973 have been practically eliminated. Medical attention is no longer the right of the citizens, who now must pay all costs. There has been an enormous increase in the morbidity of certain diseases.

Among the Junta's first measures was the suppression of trade union rights, the banning of CUT (Central Unica de Trabajadores) and other trade union functions by limiting their right to hold meeting elect their officials and conclude wage agreements.

In spite of this, the voice of the trade union organizations has not been silenced. During recent months they have made numerous protests. A strike in the coppermining centre of El Teniente stopped the activities of one of the main mining industries for two days. Letters of protest were sent to the authorities by hundreds of trade leaders representing all strata of Chilean workers.

The reply to the increasing trade union activity was the arrest of trade union officials and the use of various forms of intimidations.

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Recently seven trade union leaders were exiled to a desert region in Chile. However, workers international and national solidarity forced Pinochet to rescind this particular sanction.

Secret arrests of trade unionists continue while harassment of officials and discrimination of political reasons are standing elements of the Junta's policies.

Chile a country with a long and illustrious cultural and intellectual tradition has, as it is said today, been subjected to a cultural black-out. Many of the most out-standing representatives of Chilean cultural life have been murdered, persecuted or are in asylum. The number of books published in Chile has decreased by 50% since 1970.

Many young people and children are among the victims of Junta policies. The proportion of young people among the disappeared persons in extremely high-up to 60 per cent are under the age of 30.

The consequences of the Junta's social policies are extremely grave for the young. Drastic changes in the system of education have provoked its total degradation. Direct discrimination is combined with high fees for attending universities. Military control over education at all levels is linked to the reduction of staff and changes in the curriculum.

Some 45 per cent of the teaching and research staff in the field of technical and natural sciences have been forced to leave the country.

Emotional and physical harm is caused to tens of thousand of children as a result of malnutrition and the lack of medical care. The situation of children is also aggravated by the disruption of thousands of families where the father, the mother, or both parents have been arrested so are the subject of other forms of persecution.

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The Junta has introduced policies which have led to the massive reduction of the economic, social and cultural rights of the Chilean people, as expressed in the International Covenant on Economic, Social and Cultural Right of 1976.

THE JUNTA AND THE INTERNATIONAL COMMUNITY

The terror and violence inflicted upon the Chilean people have aroused growing international concern and indignation.

In 1975 the Un Commission of Human Rights established an Ad Hoc Working Group to enquire into the present situation of human rights in Chile. Despite the refusal of the Military Junta to permit the Group to enter Chile and to conduct on-the-spot investigation it has been able to collect an enormous quantity of evidence and has presented detailed reports on its activities to the relevant Un organ.

Since 1974 the UN General Assembly has adopted resolutions condemning the violations of human rights and fundamental freedoms in Chile, in its latest resolution of December 1977, which was sponsored by a number of countries representing all the major political and regional groupings in the world, the General Assembly reiterated its "profound indignation that a people continue to be subjected to constant and flagrant violation of human rights and fundamental freedom".

The International Commission express its indignation over the provocatively negative attitude of the military Junta to fact-finding missions and activities concerning the situation of human rights in Chile.

The Commission condemn in this context the refusal of the authorities to accord an entry permit to the Secretary-General of the Commission Hans - ["]Göran Franck, who arrived at Santiago on January 16, 1978 and was not allowed to visit Chile.

THE FRAUDULENT REFERENDUM

For four years the military Junta has deliberately and flagrantly