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COMMISSION ON HUMAN RIGHTS
Thirty-first session
Item 7 of the Provisional Agenda

Study of reported violations of human rights in Chile, with particular reference to torture and other cruel, inhuman or degrading treatment or punishment (resolution 8 (XXVII) of the Sub-Commission on the Prevention of Discrimination and Protection of minorities and General Assembly resolution 3219 (XXIX))

- I INFORMATION SUPPLIED BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS BY LETTERS (A) OF 29 NOVEMBER 1974 AND (B) OF 30 JANUARY 1975.
- II "SUPPLEMENT TO FINAL REPORT OF MISSION TO CHILE" SUBMITTED BY THE INTERNATIONAL COMMISSION OF JURISTS 1/

1/ The "Final Report of Mission to Chile in 1974" submitted by the International Commission of Jurists may be found in document E/CN.4/1166/Add.4.

I

- (a) EXTRACT FROM LETTER DATED 29 NOVEMBER 1974 FROM THE
INTERNATIONAL COMMITTEE OF THE RED CROSS
(ORIGINAL IN FRENCH)

"We are unable to supply you with any information whatsoever on torture and other cruel treatment in Chile as you have asked. Any communication of that kind is incompatible with the strictly humanitarian character of our activities and the absolute neutrality invariably observed by our institution.

We take the opportunity of sending you herewith various publications on the activities of the International Committee of the Red Cross."

- (b) EXTRACT FROM LETTER DATED 30 JANUARY 1975 FROM THE
INTERNATIONAL COMMITTEE OF THE RED CROSS
(ORIGINAL IN FRENCH)

"Supplementing the documentation sent to you by the ICRC on 29 November 1974 in reply to your letter of 22 November 1974, I have the honour to send you herewith the documents listed on the attached sheet.

We should remind you of our institution's invariable practice with respect to any observations that ICRC delegates may be led to make when visiting places of detention in any country whatsoever. It is to communicate such observations to the detaining authorities and, in cases of international armed conflicts, also to the country of origin [of the detainees].

These reports are not, however, made public by the ICRC, since the value of its humanitarian activities derives from the fact that its delegates can periodically visit places of detention in countries in which they are permitted to do so, in order to converse, without witnesses, with any detained persons they choose."

- (c) EXCERPTS FROM "THE INTERNATIONAL RED CROSS IN ACTION"
DATED FROM SEPTEMBER 1973 TO DECEMBER 1974
(ORIGINAL IN ENGLISH)

1. ICRC mission

The mission of the International Committee of the Red Cross to Chile, composed of six delegates including one doctor, is pursuing its visits to places of detention in that country (see "The ICRC in Action" No. 203b of 28 September 1973). The ICRC delegates have made several visits to the National Stadium in Santiago and also to Valparaiso. A first round of visits was made to the north and south of Chile, and a further round of visits is under way. Altogether, the ICRC delegates have been to eighteen places of detention and seen more than ten thousand detainees. Everywhere they have been able to talk with detainees of their choice, without witnesses.

In all the places of detention visited, the ICRC delegates have distributed relief supplies (mainly blankets, powdered milk, food, toilet articles and medicaments) jointly with the Chilean Red Cross. In the National Stadium, Santiago, they have handed out clothing and blankets out of reserve stocks of the League of Red Cross Societies kept by the Chilean Red Cross.

In view of the large requirements, the ICRC has appealed to several National Red Cross Societies to contribute among other things, blankets, medicaments, vaccines and disinfectants. It will be recalled that the ICRC has sent the Chilean Red Cross more than 5 tons of emergency medical supplies.

Tracing bureaux have been set up at Chilean Red Cross headquarters and in the National Stadium, where a great many enquiries for missing persons have been registered. A delegate of the Central Tracing Agency has left Geneva for Santiago, to co-ordinate action with the National Society.

Lastly, the ICRC is associated with various United Nations and Church organizations in an endeavour to find a solution to the problem of political refugees. The ICRC will provide those allowed to leave Chile with travel documents.

2. Visits to places of detention

Continuing the action started in September 1973, ICRC delegates in Chile carried out twenty visits to places of detention in that country, and saw more than 1,700 persons detained owing to the events. As usual, they were able to talk with detainees of their choice without any witnesses.

Concomitantly, the programme of material assistance was pursued with the active co-operation of the Chilean Red Cross relief service. Articles distributed to the prisoners included blankets, mattresses and medicaments. At Christmas time, the ICRC delegates in Santiago, Temuco and Antofagasta handed out parcels to approximately 1,000 detainees who were particularly in need.

Delegates of the Central Tracing Agency who had come from Geneva carried out vital work during the same period. In December, some sixty ICRC travel documents were issued to persons who had permission to leave Chile. Every day the Agency delegates received, both from Chile and from abroad, dozens of enquiries about detainees.

Owing to the volume of humanitarian work to be done, the ICRC delegation in Chile was increased. It is now staffed by twelve persons, including three doctors and two Agency experts. As mentioned in the previous issue of "The ICRC in Action" (No. 206b of 20.12.73), two sub-delegations were opened, one at Antofagasta in the north, and the other at Temuco in the south, each having a delegate and a doctor.

3. Visits to places of detention

During the month of November 1973, the ICRC delegates in Chile made 55 visits to 46 places of detention in different parts of the country. They saw more than 7,500 detainees there and, as usual, were able to talk to them without witnesses. During the visits, the delegates distributed medicaments, medical supplies, mattresses, blankets and other relief supplies to a value of more than 90,000 Swiss francs.

Further visits to places of detention have started in southern and central Chile.

To rationalize the work, two sub-delegations were opened on 17 December, one at Temuco in the south and the other at Antofagasta in the north, each manned by two delegates.

Mission of an ICRC member

From 29 November to 5 December, Mr. M.A. Naville, a member and former President of the ICRC, and Mr. S. Nessi, ICRC Delegate-General for Latin America, were in Chile.

At Santiago, Mr. Naville met prominent Government officials and Chilean Red Cross leaders. The talks centered mainly on ICRC activities and prospects of development, and on co-operation with the National Societies, particularly in providing relief for detainees and their families.

4. ICRC Mission

The ICRC delegation in Chile, composed of eight delegates, one of them a doctor, is continuing to visit places of detention. Divided into three teams, they have again visited southern and northern Chile and the capital. At Santiago the delegates witnessed the evacuation of the National Stadium, from which detainees were transferred to Chacabuco (near Antofagasta), the Chile Stadium and the Santiago Penitentiary. The ICRC visited the detainees in their new places of detention.

During the month of November 1973, the ICRC made several approaches to the Chilean authorities regarding conditions of detention and sentences passed by the courts.

In response to its appeal for relief, the ICRC has received donations in kind and in cash from more than twenty National Societies.

The cash contributions made by fifteen Red Cross Societies amount to a total of around 280,000 Swiss francs.

About ten National Societies have informed the ICRC of relief supplies sent to Chile direct (blankets, medicaments, vaccines, dressings, food, baby foods, and powdered milk).

In addition, the ICRC has sent 25 tons of powdered milk to Santiago (value 175,000 Swiss francs) plus 4 tons of medicaments, vaccines, medical and surgical supplies, totalling more than 150,000 Swiss francs (including transport).

Thirty Chilean refugees at the ICRC

A group of about thirty Chilean political refugees was received at ICRC headquarters on 22 November. One of them thanked the ICRC on behalf of the others for the aid it had rendered and was still rendering in Chilean places of detention. He presented a collection of about a hundred Swiss francs as their contribution to those activities.

The group saw a film and then visited the ICRC Central Tracing Agency.

5. ICRC delegation activities

In January 1974, the ICRC delegates in Chile visited more than 4,000 detainees in 49 places of detention, namely 23 in the central area, 14 in the north and 12 in the south. During the same month, the following relief supplies were distributed to detainees: 25 batches of medicaments in 25 places of detention; 1,500 blankets and 6 tons of powdered milk in six places of detention; toilet items for 600 detainees in five different prisons; and, lastly, medical supplies and various articles in four places of detention. From September to December 1973, ICRC material assistance to Chile, thanks to the contributions made by various Red Cross Societies and Governments, reached a total of more than half a million Swiss francs, representing 5 tons of medicaments, 30 tons of powdered milk, 21 tons of medical supplies and equipment, 5,000 blankets and several hundred mattresses.

In January, the Central Tracing Agency delegates issued 95 "travel documents" for refugees who would leave the country but had no papers. This brings the total number of documents issued by the ICRC since the beginning of its action in Chile to around 600.

6. ICRC activities

In February and March 1974, the ICRC delegation in Chile, which was composed of twelve delegates, including three doctors and two Agency experts, continued its visits to places of detention and its assistance to detainees and their families. During that period, more than 3,500 detainees were visited in about forty places of detention. Certain barracks (regimientos) and interrogation centres are, however, still closed to the ICRC delegates.

In the sphere of relief, the delegates have continued to provide in the places of detention visited, considerable material aid mainly in the form of blankets, mattresses, food and medicaments.

Lastly, at the end of January, the ICRC delegation in Chile initiated a programme of assistance to needy families of detainees. By the end of February, about a hundred families had received clothing, powdered milk, baby foods and other food items. In view of the great need, the ICRC assigned 100,000 Swiss francs for the continuance and development of the action conducted jointly with the Chilean Red Cross.

7. ICRC activities

During April 1974, the ICRC delegation in Chile continued its activities on behalf of detainees and their families.

ICRC delegates and doctors visited some twenty places of detention and saw more than 2,800 detainees. As in previous months, the ICRC provided the detainees with material relief consisting mainly of medicaments, blankets, mattresses and working implements.

For the needy families of detainees, the ICRC is developing the plan of assistance which was launched in January and to which a sum of 100,000 Swiss francs has been assigned. About 2,000 families (or more than 8,000 persons) are thus supplied with food, clothing, blankets and various other relief items.

8. ICRC mission

The ICRC delegate-general for Latin America went to Chile in mid-June 1974 in order to review jointly with the authorities the activities of the ICRC delegation in Santiago, and to smooth out certain difficulties which had occurred in the previous few weeks. He had discussions with the Head of the State, General Augusto Pinochet Ugarte, and with the Ministers of the Interior, Defence and Foreign Affairs and with the Government Secretary-General.

Subsequently, visits to places of detention, which had been discontinued on 1 May, were again authorized. The programme of visits enables ICRC delegates to go again into all detention camps administered by the armed forces and into the civilian prisons.

Whilst in the Chilean capital, the delegate-general also met members of the Chilean Red Cross Executive Committee. He also reorganized the ICRC delegation the better to enable it to carry out its mission. Five new delegates arrived in Santiago at the end of June and in the next few weeks ten more will go there.

Several visits to places of detention took place in Santiago between 20 and 29 June ("Casa correctional de mujeres", "Tres Alamos", the military hospital and the FACH hospital) and to detainees who had been transferred in May from Dawson Island to places of detention outside Santiago.

Assistance to detainees and to their needy families continued. In May and June, mattresses, blankets, foodstuffs and medicaments, to a value of 72,000 Swiss francs, were distributed by the ICRC delegates.

Summary of activities in the first half of 1974

9. During the first six months of 1974 three teams of ICRC delegates visited 113 places of detention and saw 11,500 detainees. No visit took place from 1 May to 20 June, due to the fact that the authorities did not renew the authorizations which expired on 30 April.

The material assistance which the ICRC provided for detainees, to a value of 823,000 Swiss francs, consisted mainly of medicaments, powdered milk, blankets, mattresses, toilet necessities, tools, games and books.

In addition, some 3,000 families of detainees, more than 15,000 people, received the benefit of ICRC assistance from February onwards. The value of that assistance amounted in cash terms to almost 500,000 Swiss francs.

Visits to places of detention

After renewal of authorization to visit detainees, ICRC delegates went to more than a score of places of detention where, between 2 and 25 July, they saw about 2,500 detainees.

10. ICRC activities

During the last two months, the ICRC delegation in Chile pursued its activities by visiting places of detention and assisting detainees and their needy families.

In August 1974, the ICRC delegates and doctors began a series of visits to places of detention. They saw in all nearly 3,000 detainees in thirty-five prisons and camps (eleven in the north, eleven in the centre and thirteen in the south). Relief supplies were distributed at each visit. Further, more than three thousand families received ICRC aid.

Total relief expenditure amounted to more than 100,000 Swiss francs during those two months.

11. The ICRC delegates in Chile have continued their visits to places of detention. In October they went to twelve places of detention, holding more than 1,000 detainees, and in November to sixteen where there were 1,200 detainees.

In October 1974, relief supplies amounting to more than 5,000 dollars were distributed in eighteen places of detention. Family assistance rendered to some 2,500 families amounted to about 20,000 dollars.

ICRC activity

12. During December 1974, ICRC delegates in Chile carried out forty-five visits to places of detention and altogether saw more than 7,000 detainees, some 2,600 of whom were held for reasons or offences of a political nature. Visits are continuing to be made throughout the country.

The ICRC also continued to aid detainees and their needy families by distributing relief supplies. The food, medicines and clothing distributed in prisons and to about 2,800 families totalled 27,000 US dollars.

ICRC activity

13. Pursuing their activities (see "ICRC in Action" No. 215b of 2 December 1974), ICRC delegates in Chile visited eleven places of detention between 19 and 28 November, and saw some 500 detainees. This brings the number of prisons and persons visited during the month of November 1974 up to twenty-nine and 1,700 respectively.

The ICRC has extended its assistance programme to detainees and their families. In November, various relief supplies valued at 21,000 US dollars were distributed to detainees' 2,900 needy families and also in the places of detention visited.

(d) EXCERPTS FROM THE "INTERNATIONAL REVIEW OF THE RED CROSS"
DATED FROM SEPTEMBER 1973 TO DECEMBER 1974

(ORIGINAL IN ENGLISH)

Chile

1. On 24 September 1973 the ICRC announced that it was despatching to Santiago one of its regional delegates, accompanied by a delegate and a doctor from Geneva.

The ICRC doctor and the Minister of Health surveyed the medical situation. The medical infrastructure being adequate, there is no need for the time being to send out medical teams. On the other hand, certain medical supplies are required, particularly infusions and vaccines. The ICRC has made a preliminary despatch of first-aid material to Chile, and a second despatch is being prepared. These relief supplies supplement the local purchases made in August which were delivered to the Chilean Red Cross during an assignment carried out by the ICRC Delegate-General for Latin America.

In Santiago, the delegates also conferred with the Vice-Ministers of Foreign Affairs, Defence, Justice and the Interior, and with the Assistant Director of Prisons. They were given a general written authorization to visit places of detention and to interview detainees without witnesses. They twice visited the Santiago national stadium, where some 5,000 people are being detained following the events.

On 27 September an ICRC team went to the south of the country to start a round of visits to places of detention with the authorization of the Chilean authorities.

Two offices for the tracing of missing persons and for the transmission of family messages have been opened, one at the National Red Cross Society's headquarters and one within the Santiago stadium.

The first ton of emergency medical supplies from the ICRC was delivered to the Chilean Red Cross in Santiago on 22 September. Two more tons of medical supplies were dispatched subsequently. The League's stock of clothing and blankets stored with the National Society has been distributed to the detainees in the stadium.

2. The mission of the International Committee of the Red Cross to Chile, composed of six delegates including one doctor, pursued its visits in October 1974 to places of detention in that country. The ICRC delegates made several visits to the National Stadium in Santiago and also to Valparaiso. A first round of visits was made to the north and south of Chile, followed later by a further round of visits. Altogether, the ICRC delegates went to eighteen places of detention and saw more than ten thousand detainees. Everywhere they were able to talk with detainees of their choice, without witnesses.

In all the places of detention visited, the ICRC delegates distributed relief supplies (mainly blankets, powdered milk, food, toilet articles and medicaments) jointly with the Chilean Red Cross. In the National Stadium, Santiago, they handed out clothing and blankets out of reserve stocks of the League of Red Cross Societies kept by the Chilean Red Cross. In view of the large requirements, the ICRC has appealed to several National Red Cross Societies to contribute, among other things, blankets, medicaments, vaccines and disinfectants. It will be recalled that it has sent the Chilean Red Cross more than 3 tons of emergency medical supplies.

Tracing bureaux have been set up at Chilean Red Cross headquarters and in the National Stadium, where a great many enquiries for missing persons have been registered. A delegate of the Central Tracing Agency has left Geneva for Santiago, to co-ordinate action with the National Society.

Lastly, the ICRC is associated with various United Nations and Church organizations in an endeavour to find a solution to the problem of political refugees. The ICRC will provide those allowed to leave Chile with travel documents.

3. Continuing the programme which began in September 1973, ICRC delegates, in February and March 1974 visited more than 5,300 political detainees in 45 places of detention throughout the country. Some barracks (regimientos) and interrogation centres, however, are closed to the ICRC delegates.

In the same two months, the ICRC, continuing its material assistance, distributed 2,800 blankets, 500 mattresses, medicaments, foodstuffs and other comforts in the places of detention visited.

Towards the end of January, the ICRC delegates initiated a programme of assistance to the families of political detainees. This programme reached a hundred families in February; at present 1,900 families (about 9,000 people) are receiving benefit from it, in the form of foodstuffs, clothing, blankets and direct financial aid. In view of the extent of the needs, the ICRC has allocated 100,000 Swiss francs for the development of this programme in co-operation with the Chilean Red Cross.

The ICRC delegation in Chile at present comprises twelve delegates from Geneva (including three doctors and two Central Tracing Agency experts) and about an equal number of local employees (secretariat and technical staff).

4. During April 1974, the ICRC delegation in Chile continued its activities on behalf of detainees and their families.

ICRC delegates and doctors visited some twenty places of detention and saw more than 2,800 detainees. As in previous months, the ICRC provided the detainees with material relief consisting mainly of medicaments, blankets, mattresses and working implements.

For the needy families of detainees, the ICRC is developing the plan of assistance which was launched in January and to which a sum of 100,000 Swiss francs has been assigned. About 2,000 families (or more than 8,000 persons) are thus supplied with food, clothing, blankets and various other relief items.

5. The ICRC delegate-general for Latin America went to Chile in mid-June in order to review jointly with the authorities the activities of the ICRC delegation in Santiago, and to smooth out certain difficulties which had occurred in the previous few weeks. He had discussions with the Head of State, General Augusto Pinochet Ugarte, and with the Ministers of the Interior, Defence and Foreign Affairs and with the Government Secretary-General.

Subsequently, visits to places of detention, which had been discontinued on 1 May, were again authorized. The programme of visits enables ICRC delegates to go again into all detention camps administered by the armed forces and into the civilian prisons.

Whilst in the Chilean capital, the delegate-general also met members of the Chilean Red Cross Executive Committee. He also reorganized the ICRC delegation the better to enable it to carry out its mission. Five new delegates arrived in Santiago at the end of June, and in the next few weeks ten more will go there.

Visits to places of detention in Santiago were resumed from 20 June (Casa correccional de mujeres, Tres Alamos camp, Cárcel Pública, Penitenciaria, the Military Hospital and the Fach Hospital). Some of the detainees, who were transferred in May from Dawson Island, were visited in places near Santiago and Valparaiso. A new round of visits has been launched in the north, and ICRC delegates, after having been received by the Commander of the Martial Law Zone and the Chief of the Province, visited places of detention in Iquique.

Assistance to detainees and to their needy families continued. In May, 1,500 tons of powdered milk, a gift from the EEC and ICRC, were received in Valparaiso. In May and June, 1,600 blankets, 6 tons of tinned meat, medicaments and other relief items, to a value of 72,000 Swiss francs, were distributed by the ICRC delegates.

6. The ICRC delegate-general for Latin America was in Santiago from 28 July to 6 August. He met the new Ministers of Justice and of the Interior and conversed with them about the continuation of ICRC operations in Chile. He had talks also with members of the Chilean Red Cross Executive Committee regarding co-operation between the National Society and the ICRC. The latter recently sent to Santiago one hundred red cross first-aid kits for the Junior Red Cross.

Mr. Nessi had a number of working sessions with the fourteen members of the ICRC delegation in Chile. Since 20 June, when visits to places of detention were resumed, ICRC activities have been proceeding normally. The following figures give an idea of what is being done:

Visits carried out from 20 June to 20 August 1974	39
Places of detention visited	35
Political detainees visited	3,029
Value of relief supplies distributed in July to detainees (medicaments, mattresses, blankets, tools, etc.)	US\$ 10,000
Value of relief supplies distributed in July to 3,000 families of detainees	US\$ 18,000

In August, relief distributions continued at about the same rate.

7. In September and October 1974, the ICRC delegation at Santiago pursued its visits to places of detention and continued its work in assisting detainees and those of their families in need of aid.

With the aim of expanding its assistance, the ICRC has enlarged its Chile delegation, whose staff has been increased from 14 to 18 delegates. The total amount spent on relief during those same two months exceeded 100,000 Swiss francs.

8. The ICRC delegation in Chile, composed of eight delegates, one of them a doctor, is continuing to visit places of detention. Divided into three teams, they have again visited southern and northern Chile and the capital. At Santiago the delegates witnessed the evacuation of the National Stadium, from which detainees were transferred to Chacabuco (near Antofagasta), the Chile Stadium and the Santiago Penitentiary. The ICRC visited the detainees in their new places of detention.

During the month of November, the ICRC made several approaches to the Chilean authorities regarding conditions of detention and sentences passed by the courts.

In response to its appeal for relief, the ICRC has received donations in kind and in cash from more than twenty National Societies.

The cash contributions made by fifteen Red Cross Societies amount to a total of around 280,000 Swiss francs.

About ten National Societies have informed the ICRC of relief supplies sent to Chile direct (blankets, medicaments, vaccines, dressings, food, baby foods, and powdered milk).

In addition, the ICRC has sent 25 tons of powdered milk to Santiago (value 175,000 Swiss francs) plus 4 tons of medicaments, vaccines, medical and surgical supplies, totalling more than 150,000 Swiss francs (including transport).

9. Pursuing their activities, ICRC delegates in Chile visited eleven places of detention between 19 and 28 November, and saw some 500 detainees. This brings the number of prisons and persons visited during the month of November 1974 up to twenty-nine and 1,700 respectively.

The ICRC has extended its assistance programme to detainees and their families. In November, various relief supplies valued at 60,000 Swiss francs were distributed to 2,900 needy families and also in the places of detention visited.

II
SUPPLEMENT TO FINAL REPORT
of
INTERNATIONAL COMMISSION OF JURISTS MISSION TO CHILE
by
Niall MacDermot, Secretary-General
29 January, 1975

(ORIGINAL IN ENGLISH)

Since the publication in September 1974 of the Report of the International Commission of Jurists' Mission to Chile, there have been a number of significant developments concerning human rights.

1. "Termination" of the State of War

On 11 September 1974, the anniversary of the coup, General Pinochet announced the termination of the "state of war". However, under Decree No. 64C, issued the previous day, four new grades of "state of siege" were created. One of those, to apply in cases of internal commotion, is a "state of siege to the degree of internal defence". In this situation the system of military justice in time of war applies in the same way as under a state of war. On 11 September 1974 the Junta declared that the whole country continued in a state of siege to the degree of internal defence. The announcement of the termination of the state of war has, therefore, no effect on the legal system. The system of military justice in time of war remains in force, subject to all the defects described in the International Commission of Jurists' Report, and since corroborated by the important report of the Human Rights Commission of the Organization of American States.

2. Arrests and Releases of Detainees

During the last nine months it appears that there may have been some net reduction in the number of political prisoners and that some prison camps have been closed. It is not possible to state the numbers of prisoners remaining, partly because no comprehensive statistics are published, and partly because new arrests are continually being made.

The new arrests are of two categories:

- (i) Arrests of individual suspects. It is known, for example, that over 700 such arrests were made during the four months May to August 1974. Of these about half were released after an average of 30 days. Over half of those released declared that they had been tortured. Three-quarters of these arrests were carried out by unidentified armed persons in plain clothes, without the arrest warrant required under the Junta's own decrees.

A further wave of some 600 individual arrests occurred after the MIR leader Miguel Enríquez was killed on 6 October 1974, when resisting arrest for a bank robbery.

The responsible authorities do not challenge that it is a regular procedure for persons to be arrested without warrant, stating that if after interrogation it is thought that they should be further detained, a warrant for their arrest is then issued. Although this procedure is illegal, no legal remedy is available to prevent it, as was shown in the Report of the International Commission of Jurists' mission.

- (ii) Mass arrests. Apart from these individual arrests there have been mass arrests in the "poblaciones" (shanty towns) apparently designed to intimidate the population. The official explanation is that they were to round up known "common law criminals". The usual procedure was for a "población" to be surrounded, house to house searches to be carried out, and some hundreds of people arrested. 10,000 to 15,000 persons were arrested in this way between May and August 1974. Most were released after 7-10 days. The remainder, between 500-1,000, were detained in a camp in the north. Officials of the Ministry of the Interior have claimed that 75 per cent of the "common criminals" so arrested proved to be members of the Communist Party, a ridiculous claim on any basis, but one which indicates the political character of these round-ups.

During his speech on 11 September 1974, General Pinochet suggested that all political prisoners except those convicted of the most serious offences against the security of the State could be released to go abroad if other countries were willing to accept them. At one point it seemed that this offer was conditional upon a similar number of political prisoners being released by the USSR and Cuba, but according to a letter of 10 October 1974, from the Minister of Justice to the International Commission of Jurists, this programme is to go ahead whether or not there is any response by these governments.

A few days after General Pinochet's speech, the Minister of the Interior, General Benavides, made clear that there would be no mass liberation of prisoners, and that each case would be considered individually to see which prisoner could, in the view of the authorities, safely be released. This would include reviewing the sentences of condemned prisoners, as well as the cases of those awaiting trial or merely held under administrative detention.

It should be clearly understood that when this offer is made to prisoners, they are being given the choice between banishment and continued imprisonment. It is not liberation. Banishment is, of course, a severe punishment causing in most cases great hardship. If any of these prisoners should subsequently attempt to return clandestinely to Chile, there will under a decree of the Junta be a legal presumption that they do so for subversive purposes and, unless they can prove the contrary, they will then be held guilty of an offence punishable by death.

This banishment programme is proceeding very slowly. An initial list of 100 prisoners was published, to be followed by another list when the first 100 had been "resettled". It is understood that 43 of these prisoners have still not been offered asylum in any other country. Countries willing in principle to receive these refugees naturally want to receive full information about their background and antecedents, to make sure that they are political prisoners and not common law criminals. It is understood that in many cases they have had difficulty in obtaining this information from the authorities. Once visas are issued by a receiving country, transport is arranged by ICEM.

When Mexico recently broke off diplomatic relations with Chile, the Chilean Government responded by publishing a list of another 200 prisoners whom they were willing to release to Mexico. As far as is known, none of these have yet been released.

A substantial number of Chileans have been given asylum in certain foreign embassies in Santiago during recent months. The Chilean Government have recently agreed to allow all of them to leave the country.

It is understood that there are some 340 prisoners in Chile to whom foreign governments have agreed to give visas, and who do not yet figure on any Chilean Government release lists. Efforts are being made to persuade the Chilean Government to release them.

This somewhat confusing picture indicates that whilst the Chilean authorities are allowing some political prisoners the option of banishment from the country, very few people have yet been released since this programme was announced in September 1974.

3. Dr. Eugenio Velasco and the Council of the College of Advocates

On 31 August 1974, a remarkable open letter was written by Dr. Eugenio Velasco to the President of the College of Advocates, Dr. Silva Bascuñan. A copy of this letter is at Appendix "A".

Dr. Eugenio Velasco is one of Chile's most prestigious lawyers, formerly Dean of the Law Faculty of the University of Chile, Santiago, and a leading opponent of President Allende's government. In his letter he challenges the Council of the College of Advocates to show the same spirit and energy in defence of human rights today as it did under President Allende. He has asked it to convene an Assembly of their members to enable them to speak their minds freely about the present situation.

He describes how every lawyer who comes into contact with the system of military justice as it is operating in Chile today knows that the most brutal violations of human rights are continuing to occur; arrests and disappearance of the victims, without their families or lawyers being able to learn for weeks or months why they have been arrested, where they are being held, or what charges they will have to meet or when; physical and psychological pressures, including the most horrible tortures; assassinations and executions without trial; the existence of a "state of war" imposed by decree law so as to be able to use the most summary "time of war" procedures, when everyone knows Chile is at peace and the so-called war is a fiction; and the increasing division of the country by the systematic and infamous treatment of so-called "prisoners of war", "enemies of Chile" and "traitors to the country"; this absurd situation of a "state of war" permits and provokes excesses of every kind which have stirred up the whole world; and there no longer exists in Chile the most elementary remedy to defend the freedom and dignity of man, the writ of habeas corpus (recurso de amparo).

The reactions to this letter were no less remarkable than the letter itself. Proceedings were commenced against Dr. Eugenio Velasco. The case was first referred to one of the Military Judges, who decided he had no jurisdiction to try the case. The matter was then referred to a civilian Judge of the Court of Appeals. After investigating the case, he decided there was no case to answer. The prosecution are appealing this decision to the Supreme Court. The result is not yet known. Meanwhile Dr. Eugenio Velasco has been deprived of his passport and has not been allowed to visit his daughter in California.

Meanwhile, the Council of the College of Advocates appears to have been sharply divided as a result of Dr. Eugenio Velasco's call for the meeting of the Assembly, which was supported by over 100 advocates. The outcome was that the Council proceeded to dismiss the President and Secretary of the College, and to appoint new officers in their place. The new Secretary, Major Julio Tapia, is a serving Air Force Officer.

Dr. Silva Bascuñan has protested publicly against his removal from office, which is in breach of the Statute of the Order under the terms of which only the Assembly of the College can appoint or remove the President.

What emerges, therefore, from this episode is that a serious protest against the violations of human rights in Chile has been made by lawyers who are in no way identified with the previous régime, that the authorities have sought, so far unsuccessfully, to repress this protest by means of judicial proceedings, and that the Council of the College of Advocates has not only failed to support the protest, but has identified itself completely with the régime which is responsible for the violations complained of.

4. Military Control of Education

On 24 October 1974, the International Commission of Jurists announced publicly that it had received information that "the control by the military over education has now been extended from the universities to the schools. Every school, including private schools, has a military officer supervising discipline and the running of the school. He sees that no teacher says anything remotely relating to politics. In one school a parent was warned by the military officer that if he did not attend a parents' meeting he would be arrested and detained."

This allegation was met by heated denials. The Chilean Embassy in Washington described it in a half-page advertisement in the Washington Post on 8 November 1974, as a "brand new lie". The General Council of the College of Advocates, under the signature of its new officers, in another half-page advertisement in the New York Times on 17 November, denounced the allegations as a "grotesque invention" and accused the Commission of becoming "the bearer of the sly and false campaign orchestrated against Chile."

In spite of these categorical denials, conclusive documentary proof of the truth of these allegations has now been received from Chile. A copy will be found at Appendix "B" of a confidential circular issued on 12 August 1974, by Brigadier General Nilo Floody Buxton, Commander of Military Institutes, Santiago, to the directors of all schools and other educational establishments in Greater Santiago.

It is clear from this circular that military officers have been assigned to each school, that their task is (inter alia) to supervise the curriculum and see that no instruction is given bearing on politics, that a confidential system of denunciations to these officers has been instituted, and that the denunciations cover not only the teachers, auxiliary and administrative staff but also the students and their parents.

The pressures which are being brought to bear on parents are illustrated by a letter from the head of a school threatening parents with immediate arrest if they fail to attend a parents' meeting (see Appendix "C").

Letter from Dr. Eugenio Velasco to Dr. Alejandro Silva Bascuñan,
President of the College of Advocates, 30 August 1974

Dear Colleague and Friend,

I would like to thank you and congratulate you on your success in intervening, as I asked you, to put an end to the unjust, arbitrary and distressing detention of the lawyers of the Institute of Agricultural Development. Their only crime was to present a written request to the Executive Vice President of the Institution for payment of the professional allowance which was owed to them and which was made law by a Decree Law of the present government. Previously you had also secured the release of our distinguished colleague Osvaldo Vargas. As is now sadly a usual routine, he was illegally detained together with his wife and daughter. His daughter has still not been released and has been subjected to torture by electricity according to bonafide evidence that I have in my possession.

These actions demonstrate, President, how much the Colegio could have achieved in defence of Human Rights which have been constantly and systematically violated in our stricken country, if you had acted with such decisiveness from the beginning. They are also an obvious proof that the Council of which you are President could have played an all-important role in this sad period in which we are living. If it had only kept to the line which it took during the government which has been deposed, it would have continued to be in the vanguard of the struggle to restore respect for the humanitarian ideals and principles which civilized peoples have not only declared must be the right of all mankind, but have confirmed in international treaties which Chile hastened to recognise and sign. It is in these principles that the essence of our vocation as jurists and professionals lies.

In view of the success of the intervention you made with the sole aim of putting an end to the offences committed in the particular cases already quoted, no-one can doubt that the Order has a duty to act in defence of humanitarian ideas in keeping with its fundamental principles, its legal and moral motivation and its long-upheld tradition. It has a duty to speak out against excesses and irrational actions and to reestablish for ever in Chile the ideas and customs which had become a national characteristic of which we were so proud.

Every lawyer who experiences the so-called military justice in time of war, knows that the most brutal violations of human rights are continuing in full force. Victims are seized and subsequently disappear without their family and their lawyer knowing why they were detained, what charges are being brought against them and where they are for weeks or months on end. Physical and psychological pressures are inflicted and prisoners are reduced to total degradation through the most horrifying torture. Assassinations and executions are carried out without trial, even within a few hours of an arrest, as in the appalling case of the distinguished doctor of Buin, Dr. Hector Garcia, which occurred in the middle of this month. A law is in force, imposed by decree law, to enable the use of the most summary procedures which should be applicable only when the armed forces are really and truly engaged in battle, fighting against enemy armies. These procedures cannot therefore be used even according to the logic of their own demands when Chile is at peace and there is only a fictitious war. They have been brought into use only in order that the dangerous division of the Chilean people can be continued by habitually treating them slanderously as "prisoners of war", "enemies of Chile" and "traitors to the country". There is no doubt that this absurd "state of war" is encouraging excesses and abuses, making victims of thousands and moving the whole world to indignation.

And you, President, cannot be unaware of another fact which attacks a principle the violation of which signifies an immediate return to the dark periods of the history of the world: in Chile today, the most fundamental tool for the defence of the liberty and dignity of man does not exist - "habeas corpus" or "recurso de amparo". There are various indications of this, such as the refusal of the Minister of the Interior and other administrative or military authorities to give information which they are obliged to give by law. Unlikely though this may seem, this may be due to their real ignorance of who ordered a detention, for what reason and of the whereabouts of the victim. The attitude of the majority of the members of the Supreme Court, which is contradictory to the Court's own code of practice and to the most basic principles, has caused consternation and has made inferior tribunals afraid to act, in their turn, with independence and courage. "Habeas corpus" ceased to be effective in Chile on 11 September 1973, under military justice.

This is the harsh reality of the situation of Human Rights which the country goes on living. It is this which spurred on all the Catholic bishops in Chile to express their concern in public. They declared that "the lack of effective legal safeguards is resulting in arbitrary or excessively prolonged detentions. The charges made are not known either by those detained or their families. This lack of safeguards is resulting too in physical and moral pressure being brought to bear during interrogations, in the limitation of possibilities of legal defence, in unequal sentences being passed for the same cause in different places and in restrictions in the normal use of the right of appeal.

This same situation led representatives sent to Chile by the International Commission of Jurists, an organization of a recognized anti-marxist line, to make the following and other equally serious statements. "Detentions are being carried out anonymously by people dressed as civilians who arrive in cars with no registration number. Thus no-one can find out who has detained them or where they have been taken. Many remain "incomunicado" for a long period of time. Some are transferred later to camps or prisons to be held or tried, others are released perhaps to be detained again later. We think that most of the ill-treatment occurs during the period of interrogation". They affirm that "different forms of ill-treatment, sometimes intensive torture, are carried out by those in charge of the interrogation, and not, as many people tried to persuade us, in isolated cases at the moment of arrest", and that "habeas corpus and similar types of appeal have not been effective in dealing with these problems". "Present procedures and legal guarantees do not fulfil Chile's obligations according to article 3 of the conventions of Geneva".

It is this situation too which evoked that impressive letter from the Commission of Human Rights of the Organization of American States, which visited us recently. The letter was officially addressed to the military government in order to make some friendly "suggestions" while the final report was being prepared. They suggest that measures be taken to ensure that families of prisoners are notified of the reason for their detention and of the place where they are being held, that the legal procedures applicable to minors be respected, that physical and psychological pressure on prisoners be ended, that the right of lawyers to exercise their profession normally be respected and other similar suggestions.

Because of the standing and ideological position of the people who have formulated these opinions, there can be no question of levelling malicious and stupid accusations at them that they are part of an anti-Chilean conspiracy. In this dark hour, there can be nothing more Chilean or more patriotic than to fight for the defence of the Human Rights which our nation always valued so highly and which are inherent to the civilisation, culture and morality of any country.

Meanwhile, President, what has our professional association done and what has it expressed? Where is that constancy and courage of which the Council was able to boast when it staked its all in defence of certain principles during the government of the Popular Unity? You emphasized these qualities in a long communication distributed to our sister organizations abroad as grounds for the authority of the Order to make their judgement on the events of 11 September as a necessary intervention "to guarantee Human Rights and in general the State of Law".

The truth is that the attitude of the Council has been disconcerting. It has carried on a long and ineffectual correspondance with one of the ministers; it has shown little interest and even lethargy at the detention, torture and killing of its own colleagues; it has made vague declarations indirectly justifying what has happened in Chile, such as its letter to Amnesty International; it made every effort to ensure that the letter I presented with Jaime Castillo was neither read nor voted on in the Assembly of 10 May and it has made no declarations and no protests.

How different from its attitude of a few months ago when the Council was, curiously enough, made up of the same people as today! Can those burning phrases be forgotten which were addressed to President Allende calling his attention to the fact that "everything which leads to legal norms being violated, bypassed or neglected constitutes the most direct attack on democratic legality and at the same time invalidates the legal profession and the administration of justice"? Why, dear President, did the General Council denounce the break in the State of Law under the past régime and in order to "safeguard the higher interests of the nation, and exercising the right of defence of the institution of the profession of lawyers" did it even order its colleagues to suspend their professional activities, and yet now, faced with facts of far greater gravity does it keep inexplicably silent?

It is obvious that the circumstances have changed and that today it is impossible to publish any declarations of this sort or distribute them without serious risk, let alone to organize a strike. But, President, if we, who have dedicated our lives to the defence of justice and law, lack courage and honour and remain silent through fear or cowardice, are we not being untrue to ourselves, trampling on all our ideals, betraying all that is sacred in our profession and even being disloyal to the very military government who think they can interpret this silence as approval?

I have serious reasons for being able to assure you that lawyers wish to take up this fight but they are frustrated and paralysed by the passivity of their authorities. The signatures in favour of the vote that I presented with Jaime Castillo to the Assembly are very numerous, I have them in my possession. And, dear President, I know that you yourself have been watchful and anxious.

The time has come to accept the responsibilities that we cannot avoid unless we are to deserve the condemnation of future generations. The least that the General Council could do is to give an opportunity to its members to give information and their opinions on the most difficult situation that the Order has ever had to face as long as it existed. It could call the Assembly to discuss my report or any other which appeals against so many values being crushed and the fact that thousands of Chileans are excluded from justice. It could make known its ideas publicly and, above all, it could propose concrete measures to the government to put an end to so many outrages.

On various occasions, members of the régime have expressed their disapproval of these events and they have done the same to me in private interviews. But it seems quite clear that such violations of human rights are the inevitable consequence of

the "state of war", of the authority given to the military intelligence services to detain people anonymously with no conditional requirements, and of the existence of concentration camps and places in which torture is habitually carried out, to which the Commission of Human Rights was denied entry. In short, they are the result of the present system. While the situation lasts, all our regrets, criticisms and sanctions will be expressed in vain.

If the Catholic bishops and various international organizations have boldly made their thoughts known, it is unacceptable that the lawyers of Chile should keep a shameful silence.

Greetings from your very affectionate friend and colleague^f.

ARMY OF CHILE
MILITARY INSTITUTES COMMAND
GENERAL HEADQUARTERS

SANTIAGO, 12 August 1974

CIRCULAR TO REGULATE THE FUNCTIONING OF THE
EDUCATIONAL ESTABLISHMENTS OF GREATER SANTIAGO

I. BACKGROUND

A. Object of the Circular:

To confirm concepts and decisions already made known at appropriate times to the educational authorities, both orally and in writing, in a series of meetings with teaching staff, with respect to the following matters:

1. To redefine the powers of the Military Institutes Command of the Army in controlling the functioning of the field of education in Greater Santiago, which should be carried out in accordance with strictly professional norms of procedure.
2. To specify the form that should be adopted in the relations between services at the different educational levels, both with the education authorities, and with those authorities that the Military Institutes Command has designated in order to give effect to that which is indicated in point 1.
3. To define the obligations and powers of the education officials and staff included in the action carried out by the Military Institutes Command, and also those that pertain to the military authorities who exercise the control already mentioned.

II. TASK OF THE MILITARY INSTITUTES COMMAND

1. In general, to control all activities, teaching and auxiliary services carried out at all levels of education, in the following manner:

- in strict compliance with the principles proclaimed by the Honorable Governing Junta,
- faithfully obeying the directives emanating from the Ministry of Education,
- with dedication exclusively and totally to strictly professional work, avoiding all political indoctrination or obscure manoeuvres of sectarian ideological groups.

III. MATTERS THAT MUST BE COMPLIED WITH

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C. Regular Procedure of Work and Coordination

1. All personnel belonging to an educational establishment, must follow regular channels and present their administrative or security problems to the Director of the school, who, depending on whether the matter in question relates to teaching or to security, will submit them as follows:

- (a) to the appropriate Higher Educational Authority in the case of purely administrative matters,
- (b) to the Local Military Chief, with respect to matters of security of the school, or teaching or administrative aspects which constitute problems,
- (c) to the Commander of the Area in administrative matters or matters of conflict relating to teaching, or security matters that should be authorized or resolved at a higher level.

2. The Office of Secondary Education and Coordinators:

Will have as direct advisers to deal with all the necessary problems of their jurisdiction, the different Officers who are Chiefs of Local Sectors, and for authorizations and resolutions at higher level, they will be advised by the respective Commanders of Educational Areas (West - East), who are the Directors of the School of Subofficers and the Military School, respectively.

In exceptional cases and based on the direct request of the Commander of Military Institutes, they can go directly to the said Commander, either through normal channels or through the Commanders of Educational Areas previously indicated.

D. Problems that must be dealt with by the Directors of Schools through Channels of the Ministry of Education:

- Every time that a Director or Directress of a school or high school has a problem relating to the matters detailed below, he will make contact orally or in writing, with his respective higher educational authority, rigorously observing the "Regular Channel". It is, therefore, forbidden to take problems to higher levels, except for the express case that the said Director or Directress is cited to appear before the said Authority to deal with a certain topic. In such a case, the cited Director must after the meeting, inform his respective direct superior of the matter within a period not greater than 48 hours.
- Matters that will be dealt with through the Ministry of Education will be in general the following:
 - matters relating to:
 - . Inventories of the schools.
 - . Necessities for teaching material or material of other types (educational).
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 - . Reports requested by the Higher Educational Authorities concerning purely teaching matters, other than those included in the topics indicated below.
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E. Problems that must be dealt with by the Director of Schools through the Channel Military Institutes Command:

- The problems that are detailed below, should be brought to the attention of the Military Authorities coming under the Military Institutes Command, following the respective Regular Channel. This means that every Director or Directress of an educational establishment must be acquainted with the Officer or Subofficer who is in charge of attending his high school or school, and also the Military Institute to which he belongs, his address and telephone number, with the object that when a given problem presents itself, he or she may make contact as rapidly as possible with the said Officer, and make known to him the pertinent details. Only in the case that the Officer is not available, shall one make contact with the Captain Chief of the locality where the school is located. The domicile or telephone of this latter Officer should also be known by the Rector or Director.
- The matters coming to light in establishments in Greater Santiago which should be brought to the attention of the Military Authorities (Military Institutes Command) are in general those indicated immediately below. They have the character of Secret Information (only to be known by the informing Director and the Military Authority), it being prohibited to comment on it or divulge it at other levels.
- Well-founded denunciations of teachers, maintenance or administrative staff under his direct command, who in their classes or other activities engage in any of the following:
 - make comments on current political events
 - spread ill-intentioned rumours about the activities of the government or extremist groups,
 - tell jokes or stories about the actions of the Junta or its members
 - distort patriotic concepts and values
 - distort the ideas contained in textbooks, giving them partial interpretations, or interpretations based on personal opinion
 - failing to comply with time-tables or with the programmes of study specified by the curriculum
 - allowing or holding meetings in the school premises without the ~~authorization~~ of the Military Authority
 - failing to carry out the instructions of the Ministry of Education or the Military Authority in a rapid and effective manner, especially those relating to the exaltation of patriotic values
 - spreading ideas tending to weaken the authority of the Director over all personnel (teachers and students)
 - spreading ideas aimed at forcing the Director to authorize the creation of unauthorized organizations, such as students' centres or teaching centres through a system of direct voting

- doing any other act which shows a clear tendency to interrupt, make difficult, impede, distort, dislocate, undermine discipline, or alter the normal development of educational activities in the students at every level.
- Well-founded denunciations of pupils or parents, who in their activities within the school or in parents' associations encourage or carry out any of the above-mentioned activities.

In investigating or confirming the facts referred to in the preceding paragraph the greatest secrecy, tact, and good judgment must be observed in order to avoid creating an atmosphere of agitation, nervousness, or fear among the students. In difficult cases advice may be sought from the Officer assigned to the school. Every omission or lack of enthusiasm (tibieza) with respect to the matters set out above and failure to give due information about them to the military authority will result in the Director of the establishment being considered exclusively responsible for the same.

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G. Powers of the Military Authority in the Schools:

- In general, Army personnel coming under the Military Institutes Command, who are responsible for the control of the field of education in Greater Santiago, have, with respect to the educational establishments, the following powers:
 - To visit the school at any hour.
 - To request the schedules of classes and control compliance.
 - To require the Director to appear at the Military Unit to which he belongs.
 - To command the appearance of one or all the teachers of the school at the time and place that he deems best.
 - To propose to the Military Institutes Command the suspension of a teacher, maintenance worker, or administrator while an investigation is being carried out.
 - To propose to the Military Institutes Command the suspension of a Director of a school if it is shown that he has acted with a lack of enthusiasm or has neglected his obligations.
 - To ask the Higher Authorities of the Ministry of Education to dismiss or cancel the contract of any and all persons who are found to be guilty of the faults described in Section E of the present Circular.
 - To verify the carrying out of appointments, dismissals, transfers and all other administrative, disciplinary or teaching measures which give rise to injustice, causing the responsible persons to be brought to account ("haciendo pesar la responsabilidad").
 - To attend, without previous notice, meetings of the parents' association or teachers' meetings, with the power to suspend such meetings if he does not observe in them compliance with the form and substance of the regulations established for these types of meetings.

- To verify, without prior notice and unexpectedly, compliance with the instructions emanating from the Military High Command relating to the raising of the National Flag every Monday, and at the same time to bring to account those who are responsible for any failure to carry them out.
- The Officer is a collaborator and controller of the healthy giving of instruction, according to the canons in force, but the Directors of the educational establishments are the persons directly responsible for the detailed compliance with these norms. For the solution of problems, they should make effective the powers that they have at their disposal, acting firmly and with decision, seeking always to strengthen the principle of authority and respect for the teacher. Furthermore, one should take into account the sense of responsibility that pertains to each Director of educational establishment, and to the very important role that the future assigns to him, in the formation of the new Chilean youth, free of concientizacion and free of foreign pressures.

IV. DISTRIBUTION OF THE PRESENT DOCUMENT

- A. The educational authorities to whom this Circular is delivered must make it known before the 22 of August of 1974 to all of the educational establishments that are subordinate to them.
- B. In Directors meetings it should be read and discussed until the 29 of August of 1974.
- C. The Directors will take the appropriate steps not later than 31 of August 1974.

(signed) NILO FLOODY BUXTON
Brigadier General
Commander of Military Institutes

Letter from the head of a school inviting parents and
guardians to a Meeting

Colegio "Santa Rita"

La Reina, 29 August 1974

Dear Parent or Guardian,

By order of the Commander of Military Institutes, Brigadier General Nilo Floody Buxton the rector of the College of Santa Rita invites all the parents and guardians to a meeting which will take place on Tuesday, September 3rd at 8 o'clock sharp, in the college hall, Av. Larrain No. 7437.

Failure to attend will be more than sufficient reason to proceed with your immediate arrest.

(signed) Ulises Vergard Leclerc
Rector of the College of Santa Rita

P.S. Excuses given verbally or by telephone will not be accepted. Any parent or guardian who is really unable to attend must send his explanation in writing before the meeting of Tuesday September 3rd, so that it can be given to the Commando of Military Institutes.

Please sign this circular and return it on Monday 2nd.
